

As Passed by the House

131st General Assembly

Regular Session

2015-2016

Am. Sub. S. B. No. 252

Senators Hite, Patton

Cosponsors: Senators Manning, Yuko, Eklund, Coley, Bacon, Balderson, Beagle, Brown, Burke, Cafaro, Faber, Gardner, Gentile, Hackett, Hottinger, Hughes, Jones, Jordan, LaRose, Lehner, Obhof, Oelslager, Peterson, Sawyer, Schiavoni, Seitz, Skindell, Tavares, Thomas, Uecker Representatives Bishoff, Brown, Ramos, Sprague, Anielski, Antonio, Ashford, Baker, Barnes, Boyd, Howse, Kuhns, Leland, Manning, O'Brien, M., Rogers, Scherer, Sheehy, Slaby, Sweeney

A BILL

To amend sections 3314.03 and 3326.11 and to enact 1
sections 3313.5310, 3314.145, 3326.29, 3707.58, 2
and 3707.59 of the Revised Code to enact 3
"Lindsay's Law" regarding sudden cardiac arrest 4
in youth athletic activities. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3314.03 and 3326.11 be amended 6
and sections 3313.5310, 3314.145, 3326.29, 3707.58, and 3707.59 7
of the Revised Code be enacted to read as follows: 8

Sec. 3313.5310. (A)(1) This section applies to both of the 9
following: 10

(a) Any school operated by a school district board of 11
education; 12

(b) Any chartered or nonchartered nonpublic school that is 13
subject to the rules of an interscholastic conference or an 14

organization that regulates interscholastic conferences or 15
events. 16

(2) As used in this section, "athletic activity" means all 17
of the following: 18

(a) Interscholastic athletics; 19

(b) An athletic contest or competition that is sponsored 20
by or associated with a school that is subject to this section, 21
including cheerleading, club-sponsored sports activities, and 22
sports activities sponsored by school-affiliated organizations; 23

(c) Noncompetitive cheerleading that is sponsored by 24
school-affiliated organizations; 25

(d) Practices, interschool practices, and scrimmages for 26
all of the activities described in divisions (A) (2) (a), (b), and 27
(c) of this section. 28

(B) Prior to the start of each athletic season, a school 29
that is subject to this section may hold an informational 30
meeting for students, parents, guardians, other persons having 31
care or charge of a student, physicians, pediatric 32
cardiologists, athletic trainers, and any other persons 33
regarding the symptoms and warning signs of sudden cardiac 34
arrest for all ages of students. 35

(C) No student shall participate in an athletic activity 36
until the student has submitted to a designated school official 37
a form signed by the student and the parent, guardian, or other 38
person having care or charge of the student stating that the 39
student and the parent, guardian, or other person having care or 40
charge of the student have received and reviewed a copy of the 41
information developed by the departments of health and education 42
and posted on their respective internet web sites as required by 43

section 3707.59 of the Revised Code. A completed form shall be 44
submitted each school year, as defined in section 3313.62 of the 45
Revised Code, for each athletic activity in which the student 46
participates. 47

(D) No individual shall coach an athletic activity unless 48
the individual has completed, on an annual basis, the sudden 49
cardiac arrest training course approved by the department of 50
health under division (C) of section 3707.59 of the Revised 51
Code. 52

(E) (1) A student shall not be allowed to participate in an 53
athletic activity if either of the following is the case: 54

(a) The student's biological parent, biological sibling, 55
or biological child has previously experienced sudden cardiac 56
arrest, and the student has not been evaluated and cleared for 57
participation in an athletic activity by a physician authorized 58
under Chapter 4731. of the Revised Code to practice medicine and 59
surgery or osteopathic medicine and surgery. 60

(b) The student is known to have exhibited syncope or 61
fainting at any time prior to or following an athletic activity 62
and has not been evaluated and cleared for return under division 63
(E) (3) of this section after exhibiting syncope or fainting. 64

(2) A student shall be removed by the student's coach from 65
participation in an athletic activity if the student exhibits 66
syncope or fainting. 67

(3) If a student is not allowed to participate in or is 68
removed from participation in an athletic activity under 69
division (E) (1) or (2) of this section, the student shall not be 70
allowed to return to participation until the student is 71
evaluated and cleared for return in writing by any of the 72

<u>following:</u>	73
<u>(a) A physician authorized under Chapter 4731. of the</u>	74
<u>Revised Code to practice medicine and surgery or osteopathic</u>	75
<u>medicine and surgery, including a physician who specializes in</u>	76
<u>cardiology;</u>	77
<u>(b) A certified nurse practitioner, clinical nurse</u>	78
<u>specialist, or certified nurse-midwife who holds a certificate</u>	79
<u>of authority issued under Chapter 4723. of the Revised Code;</u>	80
<u>(c) A physician assistant licensed under Chapter 4730. of</u>	81
<u>the Revised Code;</u>	82
<u>(d) An athletic trainer licensed under Chapter 4755. of</u>	83
<u>the Revised Code.</u>	84
<u>The licensed health care providers specified in divisions</u>	85
<u>(E) (3) (a) to (d) of this section may consult with any other</u>	86
<u>licensed or certified health care providers in order to</u>	87
<u>determine whether a student is ready to return to participation.</u>	88
<u>(F) A school that is subject to this section shall</u>	89
<u>establish penalties for a coach who violates the provisions of</u>	90
<u>division (E) of this section.</u>	91
<u>(G) Nothing in this section shall be construed to abridge</u>	92
<u>or limit any rights provided under a collective bargaining</u>	93
<u>agreement entered into under Chapter 4117. of the Revised Code</u>	94
<u>prior to the effective date of this section.</u>	95
<u>(H) (1) A school district, member of a school district</u>	96
<u>board of education, or school district employee or volunteer,</u>	97
<u>including a coach, is not liable in damages in a civil action</u>	98
<u>for injury, death, or loss to person or property allegedly</u>	99
<u>arising from providing services or performing duties under this</u>	100

section, unless the act or omission constitutes willful or 101
wanton misconduct. 102

This section does not eliminate, limit, or reduce any 103
other immunity or defense that a school district, member of a 104
school district board of education, or school district employee 105
or volunteer, including a coach, may be entitled to under 106
Chapter 2744. or any other provision of the Revised Code or 107
under the common law of this state. 108

(2) A chartered or nonchartered nonpublic school or any 109
officer, director, employee, or volunteer of the school, 110
including a coach, is not liable in damages in a civil action 111
for injury, death, or loss to person or property allegedly 112
arising from providing services or performing duties under this 113
section, unless the act or omission constitutes willful or 114
wanton misconduct. 115

Sec. 3314.03. A copy of every contract entered into under 116
this section shall be filed with the superintendent of public 117
instruction. The department of education shall make available on 118
its web site a copy of every approved, executed contract filed 119
with the superintendent under this section. 120

(A) Each contract entered into between a sponsor and the 121
governing authority of a community school shall specify the 122
following: 123

(1) That the school shall be established as either of the 124
following: 125

(a) A nonprofit corporation established under Chapter 126
1702. of the Revised Code, if established prior to April 8, 127
2003; 128

(b) A public benefit corporation established under Chapter 129

1702. of the Revised Code, if established after April 8, 2003.	130
(2) The education program of the school, including the	131
school's mission, the characteristics of the students the school	132
is expected to attract, the ages and grades of students, and the	133
focus of the curriculum;	134
(3) The academic goals to be achieved and the method of	135
measurement that will be used to determine progress toward those	136
goals, which shall include the statewide achievement	137
assessments;	138
(4) Performance standards, including but not limited to	139
all applicable report card measures set forth in section 3302.03	140
or 3314.017 of the Revised Code, by which the success of the	141
school will be evaluated by the sponsor;	142
(5) The admission standards of section 3314.06 of the	143
Revised Code and, if applicable, section 3314.061 of the Revised	144
Code;	145
(6) (a) Dismissal procedures;	146
(b) A requirement that the governing authority adopt an	147
attendance policy that includes a procedure for automatically	148
withdrawing a student from the school if the student without a	149
legitimate excuse fails to participate in one hundred five	150
consecutive hours of the learning opportunities offered to the	151
student.	152
(7) The ways by which the school will achieve racial and	153
ethnic balance reflective of the community it serves;	154
(8) Requirements for financial audits by the auditor of	155
state. The contract shall require financial records of the	156
school to be maintained in the same manner as are financial	157

records of school districts, pursuant to rules of the auditor of 158
state. Audits shall be conducted in accordance with section 159
117.10 of the Revised Code. 160

(9) An addendum to the contract outlining the facilities 161
to be used that contains at least the following information: 162

(a) A detailed description of each facility used for 163
instructional purposes; 164

(b) The annual costs associated with leasing each facility 165
that are paid by or on behalf of the school; 166

(c) The annual mortgage principal and interest payments 167
that are paid by the school; 168

(d) The name of the lender or landlord, identified as 169
such, and the lender's or landlord's relationship to the 170
operator, if any. 171

(10) Qualifications of teachers, including a requirement 172
that the school's classroom teachers be licensed in accordance 173
with sections 3319.22 to 3319.31 of the Revised Code, except 174
that a community school may engage noncertificated persons to 175
teach up to twelve hours per week pursuant to section 3319.301 176
of the Revised Code. 177

(11) That the school will comply with the following 178
requirements: 179

(a) The school will provide learning opportunities to a 180
minimum of twenty-five students for a minimum of nine hundred 181
twenty hours per school year. 182

(b) The governing authority will purchase liability 183
insurance, or otherwise provide for the potential liability of 184
the school. 185

(c) The school will be nonsectarian in its programs, 186
admission policies, employment practices, and all other 187
operations, and will not be operated by a sectarian school or 188
religious institution. 189

(d) The school will comply with sections 9.90, 9.91, 190
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 191
3301.0711, 3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 192
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 193
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 194
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 195
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 196
3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 197
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 198
3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 199
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 200
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 201
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 202
of the Revised Code as if it were a school district and will 203
comply with section 3301.0714 of the Revised Code in the manner 204
specified in section 3314.17 of the Revised Code. 205

(e) The school shall comply with Chapter 102. and section 206
2921.42 of the Revised Code. 207

(f) The school will comply with sections 3313.61, 208
3313.611, and 3313.614 of the Revised Code, except that for 209
students who enter ninth grade for the first time before July 1, 210
2010, the requirement in sections 3313.61 and 3313.611 of the 211
Revised Code that a person must successfully complete the 212
curriculum in any high school prior to receiving a high school 213
diploma may be met by completing the curriculum adopted by the 214
governing authority of the community school rather than the 215

curriculum specified in Title XXXVIII of the Revised Code or any 216
rules of the state board of education. Beginning with students 217
who enter ninth grade for the first time on or after July 1, 218
2010, the requirement in sections 3313.61 and 3313.611 of the 219
Revised Code that a person must successfully complete the 220
curriculum of a high school prior to receiving a high school 221
diploma shall be met by completing the requirements prescribed 222
in division (C) of section 3313.603 of the Revised Code, unless 223
the person qualifies under division (D) or (F) of that section. 224
Each school shall comply with the plan for awarding high school 225
credit based on demonstration of subject area competency, and 226
beginning with the 2016-2017 school year, with the updated plan 227
that permits students enrolled in seventh and eighth grade to 228
meet curriculum requirements based on subject area competency 229
adopted by the state board of education under divisions (J) (1) 230
and (2) of section 3313.603 of the Revised Code. 231

(g) The school governing authority will submit within four 232
months after the end of each school year a report of its 233
activities and progress in meeting the goals and standards of 234
divisions (A) (3) and (4) of this section and its financial 235
status to the sponsor and the parents of all students enrolled 236
in the school. 237

(h) The school, unless it is an internet- or computer- 238
based community school, will comply with section 3313.801 of the 239
Revised Code as if it were a school district. 240

(i) If the school is the recipient of moneys from a grant 241
awarded under the federal race to the top program, Division (A), 242
Title XIV, Sections 14005 and 14006 of the "American Recovery 243
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 244
the school will pay teachers based upon performance in 245

accordance with section 3317.141 and will comply with section	246
3319.111 of the Revised Code as if it were a school district.	247
(j) If the school operates a preschool program that is	248
licensed by the department of education under sections 3301.52	249
to 3301.59 of the Revised Code, the school shall comply with	250
sections 3301.50 to 3301.59 of the Revised Code and the minimum	251
standards for preschool programs prescribed in rules adopted by	252
the state board under section 3301.53 of the Revised Code.	253
(12) Arrangements for providing health and other benefits	254
to employees;	255
(13) The length of the contract, which shall begin at the	256
beginning of an academic year. No contract shall exceed five	257
years unless such contract has been renewed pursuant to division	258
(E) of this section.	259
(14) The governing authority of the school, which shall be	260
responsible for carrying out the provisions of the contract;	261
(15) A financial plan detailing an estimated school budget	262
for each year of the period of the contract and specifying the	263
total estimated per pupil expenditure amount for each such year.	264
(16) Requirements and procedures regarding the disposition	265
of employees of the school in the event the contract is	266
terminated or not renewed pursuant to section 3314.07 of the	267
Revised Code;	268
(17) Whether the school is to be created by converting all	269
or part of an existing public school or educational service	270
center building or is to be a new start-up school, and if it is	271
a converted public school or service center building,	272
specification of any duties or responsibilities of an employer	273
that the board of education or service center governing board	274

that operated the school or building before conversion is 275
delegating to the governing authority of the community school 276
with respect to all or any specified group of employees provided 277
the delegation is not prohibited by a collective bargaining 278
agreement applicable to such employees; 279

(18) Provisions establishing procedures for resolving 280
disputes or differences of opinion between the sponsor and the 281
governing authority of the community school; 282

(19) A provision requiring the governing authority to 283
adopt a policy regarding the admission of students who reside 284
outside the district in which the school is located. That policy 285
shall comply with the admissions procedures specified in 286
sections 3314.06 and 3314.061 of the Revised Code and, at the 287
sole discretion of the authority, shall do one of the following: 288

(a) Prohibit the enrollment of students who reside outside 289
the district in which the school is located; 290

(b) Permit the enrollment of students who reside in 291
districts adjacent to the district in which the school is 292
located; 293

(c) Permit the enrollment of students who reside in any 294
other district in the state. 295

(20) A provision recognizing the authority of the 296
department of education to take over the sponsorship of the 297
school in accordance with the provisions of division (C) of 298
section 3314.015 of the Revised Code; 299

(21) A provision recognizing the sponsor's authority to 300
assume the operation of a school under the conditions specified 301
in division (B) of section 3314.073 of the Revised Code; 302

(22) A provision recognizing both of the following:	303
(a) The authority of public health and safety officials to	304
inspect the facilities of the school and to order the facilities	305
closed if those officials find that the facilities are not in	306
compliance with health and safety laws and regulations;	307
(b) The authority of the department of education as the	308
community school oversight body to suspend the operation of the	309
school under section 3314.072 of the Revised Code if the	310
department has evidence of conditions or violations of law at	311
the school that pose an imminent danger to the health and safety	312
of the school's students and employees and the sponsor refuses	313
to take such action.	314
(23) A description of the learning opportunities that will	315
be offered to students including both classroom-based and non-	316
classroom-based learning opportunities that is in compliance	317
with criteria for student participation established by the	318
department under division (H) (2) of section 3314.08 of the	319
Revised Code;	320
(24) The school will comply with sections 3302.04 and	321
3302.041 of the Revised Code, except that any action required to	322
be taken by a school district pursuant to those sections shall	323
be taken by the sponsor of the school. However, the sponsor	324
shall not be required to take any action described in division	325
(F) of section 3302.04 of the Revised Code.	326
(25) Beginning in the 2006-2007 school year, the school	327
will open for operation not later than the thirtieth day of	328
September each school year, unless the mission of the school as	329
specified under division (A) (2) of this section is solely to	330
serve dropouts. In its initial year of operation, if the school	331

fails to open by the thirtieth day of September, or within one 332
year after the adoption of the contract pursuant to division (D) 333
of section 3314.02 of the Revised Code if the mission of the 334
school is solely to serve dropouts, the contract shall be void. 335

(26) Whether the school's governing authority is planning 336
to seek designation for the school as a STEM school equivalent 337
under section 3326.032 of the Revised Code; 338

(27) That the school's attendance and participation 339
policies will be available for public inspection; 340

(28) That the school's attendance and participation 341
records shall be made available to the department of education, 342
auditor of state, and school's sponsor to the extent permitted 343
under and in accordance with the "Family Educational Rights and 344
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 345
and any regulations promulgated under that act, and section 346
3319.321 of the Revised Code; 347

(29) If a school operates using the blended learning 348
model, as defined in section 3301.079 of the Revised Code, all 349
of the following information: 350

(a) An indication of what blended learning model or models 351
will be used; 352

(b) A description of how student instructional needs will 353
be determined and documented; 354

(c) The method to be used for determining competency, 355
granting credit, and promoting students to a higher grade level; 356

(d) The school's attendance requirements, including how 357
the school will document participation in learning 358
opportunities; 359

(e) A statement describing how student progress will be monitored;	360 361
(f) A statement describing how private student data will be protected;	362 363
(g) A description of the professional development activities that will be offered to teachers.	364 365
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	366 367 368 369
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	370 371 372 373 374
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	375 376 377
(1) The process by which the governing authority of the school will be selected in the future;	378 379
(2) The management and administration of the school;	380
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	381 382 383 384 385
(4) The instructional program and educational philosophy of the school;	386 387

(5) Internal financial controls.	388
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	389 390 391 392
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	393 394 395 396 397 398 399 400 401 402
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	403 404 405 406 407
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	408 409 410
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	411 412 413
(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to the department of education and to the parents of students	414 415 416

enrolled in the community school; 417

(4) Provide technical assistance to the community school 418
in complying with laws applicable to the school and terms of the 419
contract; 420

(5) Take steps to intervene in the school's operation to 421
correct problems in the school's overall performance, declare 422
the school to be on probationary status pursuant to section 423
3314.073 of the Revised Code, suspend the operation of the 424
school pursuant to section 3314.072 of the Revised Code, or 425
terminate the contract of the school pursuant to section 3314.07 426
of the Revised Code as determined necessary by the sponsor; 427

(6) Have in place a plan of action to be undertaken in the 428
event the community school experiences financial difficulties or 429
closes prior to the end of a school year. 430

(E) Upon the expiration of a contract entered into under 431
this section, the sponsor of a community school may, with the 432
approval of the governing authority of the school, renew that 433
contract for a period of time determined by the sponsor, but not 434
ending earlier than the end of any school year, if the sponsor 435
finds that the school's compliance with applicable laws and 436
terms of the contract and the school's progress in meeting the 437
academic goals prescribed in the contract have been 438
satisfactory. Any contract that is renewed under this division 439
remains subject to the provisions of sections 3314.07, 3314.072, 440
and 3314.073 of the Revised Code. 441

(F) If a community school fails to open for operation 442
within one year after the contract entered into under this 443
section is adopted pursuant to division (D) of section 3314.02 444
of the Revised Code or permanently closes prior to the 445

expiration of the contract, the contract shall be void and the 446
school shall not enter into a contract with any other sponsor. A 447
school shall not be considered permanently closed because the 448
operations of the school have been suspended pursuant to section 449
3314.072 of the Revised Code. 450

Sec. 3314.145. (A) A community school, member of a 451
community school governing authority, community school employee 452
or volunteer, community school operator, or employee or 453
volunteer of a community school operator, including a coach, is 454
not liable in damages in a civil action for injury, death, or 455
loss to person or property allegedly arising from providing 456
services or performing duties under section 3313.5310 of the 457
Revised Code, unless the act or omission constitutes willful or 458
wanton misconduct. 459

(B) This section does not eliminate, limit, or reduce any 460
other immunity or defense that a community school, member of a 461
community school governing authority, community school employee 462
or volunteer, community school operator, or employee or 463
volunteer of a community school operator, including a coach, may 464
be entitled to under Chapter 2744. or any other provision of the 465
Revised Code or under the common law of this state. 466

Sec. 3326.11. Each science, technology, engineering, and 467
mathematics school established under this chapter and its 468
governing body shall comply with sections 9.90, 9.91, 109.65, 469
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 470
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 471
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 472
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 473
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.61, 474
3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 475

3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 476
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 477
3313.718, 3313.719, 3313.7112, 3317.721, 3313.80, 3313.801, 478
3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 479
3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 480
3319.391, 3319.41, 3319.45, 3319.46, 3321.01, 3321.041, 3321.13, 481
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 482
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 483
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 484
the Revised Code as if it were a school district. 485

Sec. 3326.29. (A) A STEM school, member of a STEM school 486
governing body, or STEM school employee or volunteer, including 487
a coach, is not liable in damages in a civil action for injury, 488
death, or loss to person or property allegedly arising from 489
providing services or performing duties under section 3313.5310 490
of the Revised Code, unless the act or omission constitutes 491
willful or wanton misconduct. 492

(B) This section does not eliminate, limit, or reduce any 493
other immunity or defense that a STEM school, member of a STEM 494
school governing body, or STEM school employee or volunteer, 495
including a coach, may be entitled to under Chapter 2744. or any 496
other provision of the Revised Code or under the common law of 497
this state. 498

Sec. 3707.58. (A) As used in this section: 499

(1) "Youth athlete" means an individual who wishes to 500
practice for or compete in athletic activities organized by a 501
youth sports organization; 502

(2) "Youth sports organization" has the same meaning as in 503
section 3707.51 of the Revised Code. 504

(B) Prior to the start of each athletic season, a youth sports organization that is subject to this section may hold an informational meeting for youth athletes, parents, guardians, other persons having care or charge of a youth athlete, physicians, pediatric cardiologists, athletic trainers, and any other persons regarding the symptoms and warning signs of sudden cardiac arrest for all ages of youth athletes. 505
506
507
508
509
510
511

(C) No youth athlete shall participate in an athletic activity organized by a youth sports organization until the youth athlete has submitted to a designated official of the youth sports organization a form signed by the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete stating that the youth athlete and the parent, guardian, or other person having care or charge of the youth athlete have received and reviewed a copy of the information developed by the departments of health and education and posted on their respective internet web sites as required by section 3707.59 of the Revised Code. A completed form shall be submitted each year for each athletic activity in which the youth athlete participates. 512
513
514
515
516
517
518
519
520
521
522
523
524

(D) No individual shall coach an athletic activity organized by a youth sports organization unless the individual has completed, on an annual basis, the sudden cardiac arrest training course approved by the department of health under division (C) of section 3707.59 of the Revised Code. 525
526
527
528
529

(E) (1) A youth athlete shall not be allowed to participate in an athletic activity organized by a youth sports organization if either of the following is the case: 530
531
532

(a) The youth athlete's biological parent, biological sibling, or biological child has previously experienced sudden 533
534

cardiac arrest, and the youth athlete has not been evaluated and 535
cleared for participation in an athletic activity organized by a 536
youth sports organization by a physician authorized under 537
Chapter 4731. of the Revised Code to practice medicine and 538
surgery or osteopathic medicine and surgery. 539

(b) The youth athlete is known to have exhibited syncope 540
or fainting at any time prior to or following an athletic 541
activity and has not been evaluated and cleared for return under 542
division (E) (3) of this section after exhibiting syncope or 543
fainting. 544

(2) A youth athlete shall be removed by the youth 545
athlete's coach from participation in an athletic activity 546
organized by a youth sports organization if the youth athlete 547
exhibits syncope or fainting. 548

(3) If a youth athlete is not allowed to participate in or 549
is removed from participation in an athletic activity organized 550
by a youth sports organization under division (E) (1) or (2) of 551
this section, the youth athlete shall not be allowed to return 552
to participation until the youth athlete is evaluated and 553
cleared for return in writing by any of the following: 554

(a) A physician authorized under Chapter 4731. of the 555
Revised Code to practice medicine and surgery or osteopathic 556
medicine and surgery, including a physician who specializes in 557
cardiology; 558

(b) A certified nurse practitioner, clinical nurse 559
specialist, or certified nurse-midwife who holds a certificate 560
of authority issued under Chapter 4723. of the Revised Code. 561

The licensed health care providers specified in divisions 562
(E) (3) (a) and (b) of this section may consult with any other 563

licensed or certified health care providers in order to 564
determine whether a youth athlete is ready to return to 565
participation. 566

(F) A youth sports organization that is subject to this 567
section shall establish penalties for a coach who violates the 568
provisions of division (E) of this section. 569

(G) (1) A youth sports organization or official, employee, 570
or volunteer of a youth sports organization, including a coach, 571
is not liable in damages in a civil action for injury, death, or 572
loss to person or property allegedly arising from providing 573
services or performing duties under this section, unless the act 574
or omission constitutes willful or wanton misconduct. 575

(2) This section does not eliminate, limit, or reduce any 576
other immunity or defense that a public entity, public official, 577
or public employee may be entitled to under Chapter 2744. or any 578
other provision of the Revised Code or under the common law of 579
this state. 580

Sec. 3707.59. (A) As used in this section: 581

(1) "Athletic activity" means both of the following: 582

(a) An athletic activity, as defined in section 3313.5310 583
of the Revised Code; 584

(b) An athletic activity organized by a youth sports 585
organization. 586

(2) "Youth athlete" and "youth sports organization" have 587
the same meanings as in section 3707.58 of the Revised Code. 588

(B) The department of health and the department of 589
education jointly shall develop and shall post on their 590
respective internet web sites guidelines and other relevant 591

materials to inform and educate students and youth athletes 592
participating in or desiring to participate in an athletic 593
activity, their parents, and their coaches about the nature and 594
warning signs of sudden cardiac arrest. These guidelines and 595
materials shall address the risks associated with continuing to 596
participate in an athletic activity after experiencing one or 597
more symptoms of sudden cardiac arrest, such as fainting, 598
difficulty breathing, chest pains, dizziness, and an abnormal 599
racing heart rate. In developing guidelines and other relevant 600
materials under this division, the department of health and the 601
department of education shall consult with the Ohio chapter of 602
the American college of cardiology and with an interscholastic 603
conference or an organization that regulates interscholastic 604
athletic competition and conducts interscholastic athletic 605
events. 606

In developing guidelines and materials under this 607
division, the departments may utilize existing materials 608
developed by the parent heart watch organization, the sudden 609
arrhythmia death syndromes foundation, and any other 610
organizations deemed appropriate by the departments. 611

(C) For purposes of the training required for a coach of 612
an athletic activity under division (D) of section 3313.5310 or 613
division (D) of section 3707.58 of the Revised Code, the 614
department of health shall approve a sudden cardiac arrest 615
training course offered by an outside entity. 616

Section 2. That existing sections 3314.03 and 3326.11 of 617
the Revised Code are hereby repealed. 618

Section 3. This act shall be known as "Lindsay's Law." 619

Section 4. Section 3314.03 of the Revised Code is 620

presented in this act as a composite of the section as amended 621
by both Am. Sub. H.B. 2 and Am. Sub. H.B. 64 of the 131st 622
General Assembly. The General Assembly, applying the principle 623
stated in division (B) of section 1.52 of the Revised Code that 624
amendments are to be harmonized if reasonably capable of 625
simultaneous operation, finds that the composite is the 626
resulting version of the section in effect prior to the 627
effective date of the section as presented in this act. 628