

SUBSTITUTE FOR
HOUSE BILL NO. 5697

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 9156.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9156. (1) AN ORGANIZING ENTITY THAT IS SUBJECT TO THIS
2 SECTION SHALL ENSURE THAT IT IS IN COMPLIANCE WITH THIS SECTION
3 BEFORE IT SPONSORS OR OPERATES AN ATHLETIC ACTIVITY IN WHICH YOUTH
4 ATHLETES WILL PARTICIPATE, IF THAT ATHLETIC ACTIVITY IS SUBJECT TO
5 THIS SECTION.

6 (2) BEFORE A YOUTH ATHLETE MAY PARTICIPATE IN AN ATHLETIC
7 ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF AN
8 ORGANIZING ENTITY, THE ORGANIZING ENTITY SHALL DO ALL OF THE
9 FOLLOWING:

1 (A) COMPLY WITH ALL THE REQUIREMENTS OF THIS SECTION WITH
2 REGARD TO ITS COACHES, EMPLOYEES, VOLUNTEERS, AND OTHER ADULTS WHO
3 ARE INVOLVED WITH THE PARTICIPATION OF YOUTH ATHLETES IN ATHLETIC
4 ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THAT
5 ORGANIZING ENTITY AND WHO ARE REQUIRED TO PARTICIPATE IN THE
6 CONCUSSION AWARENESS TRAINING PROGRAM DEVELOPED UNDER SECTION 9155.

7 (B) PROVIDE THE EDUCATIONAL MATERIALS DEVELOPED UNDER SECTION
8 9155 TO EACH YOUTH ATHLETE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY
9 SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THE ORGANIZING
10 ENTITY AND A PARENT OR GUARDIAN OF THE YOUTH ATHLETE.

11 (C) OBTAIN A STATEMENT SIGNED BY EACH YOUTH ATHLETE AND A
12 PARENT OR GUARDIAN OF THE YOUTH ATHLETE ACKNOWLEDGING RECEIPT OF
13 THE EDUCATIONAL MATERIAL DEVELOPED UNDER SECTION 9155. THE
14 ORGANIZING ENTITY SHALL MAINTAIN THE STATEMENT OBTAINED UNDER THIS
15 SUBDIVISION IN A PERMANENT FILE FOR THE DURATION OF THAT YOUTH
16 ATHLETE'S PARTICIPATION IN ATHLETIC ACTIVITY SPONSORED BY OR
17 OPERATED UNDER THE AUSPICES OF THAT ORGANIZING ENTITY OR UNTIL THE
18 YOUTH ATHLETE IS 18 YEARS OF AGE. UPON REQUEST, THE ORGANIZING
19 ENTITY SHALL MAKE THE STATEMENTS OBTAINED UNDER THIS SUBDIVISION
20 AVAILABLE TO THE DEPARTMENT.

21 (3) A COACH OR OTHER ADULT EMPLOYED BY, VOLUNTEERING FOR, OR
22 OTHERWISE ACTING ON BEHALF OF AN ORGANIZING ENTITY DURING AN
23 ATHLETIC EVENT SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THE
24 ORGANIZING ENTITY SHALL IMMEDIATELY REMOVE FROM PHYSICAL
25 PARTICIPATION IN AN ATHLETIC ACTIVITY A YOUTH ATHLETE WHO IS
26 SUSPECTED OF SUSTAINING A CONCUSSION DURING THE ATHLETIC ACTIVITY.
27 A YOUTH ATHLETE WHO HAS BEEN REMOVED FROM PHYSICAL PARTICIPATION IN

1 AN ATHLETIC ACTIVITY UNDER THIS SUBSECTION SHALL NOT RETURN TO
2 PHYSICAL ACTIVITY UNTIL HE OR SHE HAS BEEN EVALUATED BY AN
3 APPROPRIATE HEALTH PROFESSIONAL AND RECEIVES WRITTEN CLEARANCE FROM
4 THAT HEALTH PROFESSIONAL AUTHORIZING THE YOUTH ATHLETE'S RETURN TO
5 PHYSICAL PARTICIPATION IN THE ATHLETIC ACTIVITY. THE ORGANIZING
6 ENTITY SHALL MAINTAIN A WRITTEN CLEARANCE OBTAINED UNDER THIS
7 SUBSECTION IN A PERMANENT FILE FOR THE DURATION OF THAT YOUTH
8 ATHLETE'S PARTICIPATION IN ATHLETIC ACTIVITY SPONSORED BY OR
9 OPERATED UNDER THE AUSPICES OF THAT ORGANIZING ENTITY OR UNTIL THE
10 YOUTH ATHLETE IS 18 YEARS OF AGE. UPON REQUEST, THE ORGANIZING
11 ENTITY SHALL MAKE THE WRITTEN CLEARANCE OBTAINED UNDER THIS
12 SUBSECTION AVAILABLE TO THE DEPARTMENT.

13 (4) THIS SECTION DOES NOT APPLY TO AN ATHLETIC ACTIVITY
14 SPONSORED BY OR OPERATED UNDER THE AUSPICES OF AN ORGANIZING ENTITY
15 IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

16 (A) THE ENTITY IS A MEMBER OF A PRIVATE NONPROFIT MULTISPORT
17 STATEWIDE INTERSCHOLASTIC ATHLETIC ASSOCIATION OR OTHER SPORTS
18 ORGANIZATION.

19 (B) THE ATHLETIC ACTIVITY IS GOVERNED BY A RULE ESTABLISHED BY
20 THE INTERSCHOLASTIC ATHLETIC ASSOCIATION OR SPORTS ORGANIZATION
21 DESCRIBED IN SUBDIVISION (A), WHICH RULE ESTABLISHES CONCUSSION
22 PROTOCOLS THAT ARE SUBSTANTIALLY SIMILAR TO OR MORE STRINGENT THAN
23 THE CONCUSSION PROTOCOLS DEVELOPED, ADOPTED, OR APPROVED UNDER
24 SECTION 9155 AND INCLUDES AN ENFORCEMENT MECHANISM ON ITS MEMBERS.

25 (5) THIS SECTION DOES NOT APPLY TO AN ENTITY THAT WOULD
26 OTHERWISE BE CONSIDERED AN ORGANIZING ENTITY UNDER THIS SECTION IF
27 THE PRIMARY FOCUS OF THE PROGRAM OR EVENT SPONSORED BY OR OPERATED

1 UNDER THE AUSPICES OF THAT ENTITY IS NOT THE PARTICIPATION IN AN
2 ORGANIZED ATHLETIC GAME OR COMPETITION BUT THAT PARTICIPATION IS
3 ONLY INCIDENTAL TO THE PRIMARY FOCUS OF THE PROGRAM OR EVENT.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No. 1122 of the 96th Legislature is enacted into
6 law.