

Act No. 342
Public Acts of 2012
Approved by the Governor
October 23, 2012

Filed with the Secretary of State
October 23, 2012

EFFECTIVE DATE: 91st day after final adjournment of 2012 Regular Session

STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012

Introduced by Senators Proos, Brandenburg, Marleau, Hansen and Jones

ENROLLED SENATE BILL No. 1122

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 9155.

The People of the State of Michigan enact:

Sec. 9155. (1) Before the expiration of 90 days after the effective date of this section, the department shall develop, adopt, or approve educational materials on the nature and risk of concussions.

(2) Before the expiration of 90 days after the effective date of this section, the department shall develop, adopt, or approve a concussion awareness training program in an electronic format that includes all of the following:

(a) The nature and risk of concussions.

(b) The criteria for the removal of an athlete from physical participation in an athletic activity due to a suspected concussion and his or her return to that athletic activity.

(c) The risks to an athlete of not reporting a suspected concussion and continuing to physically participate in the athletic activity.

(3) As soon as they are available, the department shall make the educational materials and training program required under this section available to the public on the department's internet website. The department shall make the training program available to all individuals required to participate in the program under section 9156 and to any interested individual including school personnel, coaches, parents, students, and athletes.

(4) As used in this section and section 9156:

(a) "Appropriate health professional" means a health professional who is licensed or otherwise authorized to engage in a health profession under article 15 and whose scope of practice within that health profession includes the recognition, treatment, and management of concussions.

(b) "Athletic activity" means a program or event, including practice and competition, during which youth athletes participate or practice to participate in an organized athletic game or competition against another team, club, entity, or individual. Athletic activity includes participation in physical education classes that are part of a school curriculum.

(c) "Concussion" means a type of traumatic brain injury as recognized by the centers for disease control and prevention. A concussion may cause a change in a person's mental status at the time of the injury, including, but not limited to, feeling dazed, disoriented, or confused, and may or may not involve a loss of consciousness. A concussion may be caused by any type of accident or injury including, but not limited to, the following:

- (i) A fall.
 - (ii) A blow, bump, or jolt to the head or body.
 - (iii) The shaking or spinning of the head or body.
 - (iv) The acceleration and deceleration of the head.
- (d) "Organizing entity" means any of the following:

- (i) A school.
- (ii) A state or local parks and recreation department or commission or other state or local entity.
- (iii) A nonprofit or for-profit entity.
- (iv) A public or private entity.

(e) "School" means a nonpublic school, public school, or public school academy as those terms are defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(f) "Youth athlete" means an individual who participates in an athletic activity and who is under 18 years of age.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5697 of the 96th Legislature is enacted into law.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: House Bill No. 5697, referred to in enacting section 1, was filed with the Secretary of State October 23, 2012, and became 2012 PA 343, Eff. (sine die).