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BILL



ANALYSIS

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Senate Bill 1122 (as enacted)  
House Bill 5697 (as enacted)  
Sponsor: Senator John Proos (S.B. 1122)  
Representative Thomas B. Hooker (H.B. 5697)  
Senate Committee: Health Policy  
House Committee: Health Policy

**PUBLIC ACT 342 of 2012**  
**PUBLIC ACT 343 of 2012**

Date Completed: 11-15-12

### **CONTENT**

**Senate Bill 1122 adds Section 9155 to the Public Health Code to require the Department of Community Health (DCH) to develop, adopt, or approve educational materials and a training program related to concussion awareness; and make them available on the Department's website and to all individuals required to participate under Section 9156.**

**House Bill 5697 adds Section 9156 to the Code to do the following:**

- **Require an organizing entity that sponsors or operates an athletic activity to comply with the training program requirements and provide the educational materials to each participating youth athlete (i.e., an athlete younger than 18 years old) and his or her parent or guardian.**
- **Require a youth athlete to be removed immediately from an athletic activity if he or she is suspected of having a concussion, and require written clearance from an appropriate health professional for the athlete's return.**
- **Require an organizing entity to maintain a signed statement acknowledging a youth athlete's receipt of the educational materials, and any required written clearance, and make them available to the DCH upon request.**

The bills were tie-barred. They will take effect on the 91<sup>st</sup> day after final adjournment of the Legislature's 2012 session.

### **Senate Bill 1122**

Within 90 days after the bill's effective date, the DCH will have to develop educational materials on the nature and risk of concussions, as well as a concussion awareness training program that includes all of the following:

- The nature and risk of concussions.
- 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 activity.
- The risks to an athlete of not reporting a suspected concussion and continuing to physically participate in the athletic activity.

The training program must be in an electronic format.

As soon as the educational materials and training program are available, the DCH will have to make them available to the public on the Department's internet website. In addition, the DCH must make the training program available to all individuals required to participate in it under Section 9156 and to any interested individuals, including school personnel, coaches, parents, students, and athletes.

The bill defines "concussion" as a type of traumatic brain injury as recognized by the Centers for Disease Control and Prevention that may cause a change in a person's mental status at the time of the injury, including feeling dazed, disoriented, or confused, whether or not a loss of consciousness is involved. A concussion may be caused by any type of accident or injury, including a fall; a blow, bump, or jolt to the head or body; the shaking or spinning of the head or body; or the acceleration and deceleration of the head.

"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. The term includes participation in physical education classes that are part of a school curriculum.

"Youth athlete" means an individual who engages in an athletic activity and who is younger than 18 years old.

The bill also defines "organizing entity" as any of the following:

- A school (i.e., a public or nonpublic school or a public school academy).
- A State or local parks and recreation department or commission or other entity.
- A nonprofit or for-profit entity.
- A public or private entity.

### **House Bill 5697**

An organizing entity that is subject to Section 9156 will have to ensure that it is in compliance before it sponsors or operates an athletic activity in which youth athletes will participate, if the activity is subject to the section.

Before a youth athlete may participate in an athletic activity sponsored by or operated under the auspices of an organizing entity, the organizing entity will have to do all of the following:

- Comply with all of the requirements of Section 9156 with regard to its coaches, employees, volunteers, and other adults who are involved with the participation of youth athletes in athletic activity and

who are required to participate in the training program.

- Provide the educational materials to each participating youth athlete and his or her parent or guardian.
- Obtain a statement signed by each youth athlete and his or her parent or guardian acknowledging receipt of the educational material.

The organizing entity will have to maintain the statement in a permanent file for the duration of that youth athlete's participation in athletic activity sponsored by or operated under the auspices of that entity or until the athlete is 18 years old; and make the statements available to the DCH upon request.

A coach or other adult employed by, volunteering for, or otherwise acting on behalf of an organizing entity during an athletic event sponsored by the entity or operated under its auspices immediately will have to remove from physical participation in an athletic activity a youth athlete who is suspected of sustaining a concussion during the activity. The youth athlete may not return to physical activity until he or she has been evaluated by an appropriate health professional and receives written clearance authorizing his or her return. The organizing entity will have to maintain the clearance in a permanent file for the duration of the youth athlete's participation in athletic activity sponsored by or operated under the auspices of the entity or until the athlete reaches the age of 18. Upon request, the organizing entity will have to make the clearance available to the DCH.

Section 9156 will not apply to an athletic activity if both of the following conditions are met:

- The organizing is a member of a private nonprofit multisport statewide interscholastic athletic association.
- The activity is governed by an association rule that establishes concussion protocols that are substantially similar to or more stringent than those established in the training program, as well as the requirements described above regarding an athlete's removal from and return to physical activity, and that includes an enforcement mechanism on its members.

Section 9156 also will not apply to an entity that would otherwise be considered an organizing entity if the participation in an organized athletic game or competition is only incidental to the primary focus of the entity's program or event.

MCL 333.9155 (S.B. 1122)  
333.9156 (H.B. 5697)

Legislative Analyst: Julie Cassidy

clearance for an athlete to return to athletic activity after being removed for suspicion of a concussion. The magnitude of the compliance costs will depend upon how the new requirements differ from what is currently being offered by the organizing entities in terms of concussion awareness, training, and education.

Fiscal Analyst: Steve Angelotti  
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## **FISCAL IMPACT**

### **Senate Bill 1122**

The bill will lead to relatively minor indeterminate costs for the Department of Community Health. The Department will have to develop educational materials and an awareness training program and promulgate rules to implement and administer the legislation.

Local school districts that operate or sponsor athletic activities, that do not already have concussion awareness training, will incur increased costs because of the bill's requirement to comply with the training program requirements developed by the DCH. The extent of the additional costs will depend upon the training program developed, and the extent to which local districts already offer concussion awareness training.

### **House Bill 5697**

The Department of Community Health will face minor indeterminate costs from producing and distributing materials required under Senate Bill 1122.

Organizing entities (including schools, and State or local parks) that are not part of the Michigan High School Athletic Association (MHSAA), or that are part of the MHSAA but are sponsoring or operating an activity that is not one of the 28 activities organized and conducted by the MHSAA, will see increased compliance costs associated with the bill. Specifically, compliance will entail ensuring that coaches and other involved adults participate in concussion awareness training, providing the educational materials to each youth athlete and parent, obtaining a signed statement signifying receipt of the educational materials, and obtaining written

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.