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BILL ANALYSIS



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Senate Bill 1122 (as introduced 5-9-12)
Sponsor: Senator John Proos
Committee: Health Policy

Date Completed: 5-17-12

CONTENT

The bill would amend the Public Health Code to do the following:

- **Require the Department of Community Health (DCH) to develop educational materials and a training program related to concussion awareness, and make them available on the Department's website.**
- **Require the DCH to make the training program available to all individuals required to participate in the program and to any interested individual.**
- **Require the DCH to promulgate rules identifying individuals required to participate in the training program.**
- **Require an organizing entity that sponsored or operated an athletic activity to comply with the training program requirements and provide the educational materials to each participating youth athlete and his or her parent or guardian.**
- **Require a youth athlete to be removed immediately from an athletic activity if he or she were suspected of having a concussion, and require written clearance from a 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.**

Within 90 days after the bill took effect, the DCH would have to develop educational materials on the nature and risk of concussions, as well as a concussion awareness training program that included 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.

("Concussion" would mean a traumatic injury to the brain causing a change in a person's mental status at the time of the injury, such as feeling dazed, disoriented, or confused, whether or not a loss of consciousness is involved, resulting from a fall, a blow 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" would mean 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 would include participation in physical education classes that were part of a school curriculum.

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

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

Within one year after the bill took effect, the DCH would have to promulgate rules that it determined necessary to implement and administer the section the bill would add. The Department would have to identify in the rules the individuals who were required to participate in the training program.

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

- Comply with all of the bill's requirements and the DCH's rules with regard to its coaches, employees, volunteers, and other adults who were involved with the participation of youth athletes in athletic activity and who were required to participate in the training program.
- Provide the educational materials to each participating youth athlete and his or her parent or guardian.
- Obtain and maintain in a permanent file for the duration of that youth athlete's participation in the athletic activity a statement signed by each youth athlete and his or her parent or guardian acknowledging receipt of the educational material.

The organizing entity would have to make the statements available to the DCH upon request.

("Organizing entity" would mean 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.)

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 would have to remove from physical participation in an athletic activity a youth athlete who was suspected of sustaining a concussion during the activity. The youth athlete could not return to physical participation in the activity until he or she was evaluated by an appropriate health professional and received written clearance authorizing his or her return. The organizing entity would 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. Upon request, the organizing entity would have to make the clearance available to the DCH.

Proposed MCL 333.9155

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would lead to relatively minor indeterminate costs for the Department of Community Health. The Department would 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, would 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 would depend upon the training program developed, and the extent to which local districts already offer concussion awareness training.

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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.