

SUBSTITUTE FOR
SENATE BILL NO. 1122

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 9155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9155. (1) BEFORE THE EXPIRATION OF 90 DAYS AFTER THE
2 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP,
3 ADOPT, OR APPROVE EDUCATIONAL MATERIALS IN AN ELECTRONIC FORMAT ON
4 THE NATURE AND RISK OF CONCUSSIONS.

5 (2) BEFORE THE EXPIRATION OF 90 DAYS AFTER THE EFFECTIVE DATE
6 OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP, ADOPT, OR APPROVE A
7 CONCUSSION AWARENESS TRAINING PROGRAM IN AN ELECTRONIC FORMAT THAT
8 INCLUDES ALL OF THE FOLLOWING:

9 (A) THE NATURE AND RISK OF CONCUSSIONS.

1 (B) THE CRITERIA FOR THE REMOVAL OF AN ATHLETE FROM PHYSICAL
2 PARTICIPATION IN AN ATHLETIC ACTIVITY DUE TO A SUSPECTED CONCUSSION
3 AND HIS OR HER RETURN TO THAT ATHLETIC ACTIVITY.

4 (C) THE RISKS TO AN ATHLETE OF NOT REPORTING A SUSPECTED
5 CONCUSSION AND CONTINUING TO PHYSICALLY PARTICIPATE IN THE ATHLETIC
6 ACTIVITY.

7 (3) AS SOON AS THEY ARE AVAILABLE, THE DEPARTMENT SHALL MAKE
8 THE EDUCATIONAL MATERIALS AND TRAINING PROGRAM REQUIRED UNDER THIS
9 SECTION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S INTERNET
10 WEBSITE.

11 (4) BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE DATE
12 OF THIS SECTION, THE DEPARTMENT SHALL PROMULGATE RULES UNDER THE
13 ADMINISTRATIVE PROCEDURES ACT OF 1969 THAT IT DETERMINES NECESSARY
14 TO IMPLEMENT AND ADMINISTER THIS SECTION. THE DEPARTMENT SHALL
15 IDENTIFY IN THE RULES IT PROMULGATES UNDER THIS SECTION THE
16 INDIVIDUALS WHO ARE REQUIRED TO PARTICIPATE IN THE TRAINING PROGRAM
17 DEVELOPED UNDER SUBSECTION (2). THE DEPARTMENT SHALL IDENTIFY IN
18 THE RULES PROMULGATED UNDER THIS SECTION THE ORGANIZING ENTITIES
19 AND ATHLETIC ACTIVITIES THAT ARE EXEMPT FROM THE APPLICATION OF
20 THIS SECTION PURSUANT TO SUBSECTION (7).

21 (5) BEFORE A YOUTH ATHLETE MAY PARTICIPATE IN AN ATHLETIC
22 ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF AN
23 ORGANIZING ENTITY, THE ORGANIZING ENTITY SHALL DO ALL OF THE
24 FOLLOWING:

25 (A) COMPLY WITH ALL THE REQUIREMENTS OF THIS SECTION AND RULES
26 PROMULGATED UNDER THIS SECTION WITH REGARD TO ITS COACHES,
27 EMPLOYEES, VOLUNTEERS, AND OTHER ADULTS WHO ARE INVOLVED WITH THE

1 PARTICIPATION OF YOUTH ATHLETES IN ATHLETIC ACTIVITY SPONSORED BY
2 OR OPERATED UNDER THE AUSPICES OF THAT ORGANIZING ENTITY AND WHO
3 ARE REQUIRED TO PARTICIPATE IN THE CONCUSSION AWARENESS TRAINING
4 PROGRAM DEVELOPED UNDER SUBSECTION (2).

5 (B) PROVIDE THE EDUCATIONAL MATERIALS DEVELOPED UNDER
6 SUBSECTION (1) TO EACH YOUTH ATHLETE WHO PARTICIPATES IN AN
7 ATHLETIC ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF
8 THE ORGANIZING ENTITY AND A PARENT OR GUARDIAN OF THE YOUTH
9 ATHLETE.

10 (C) OBTAIN AND MAINTAIN IN A PERMANENT FILE FOR THE DURATION
11 OF THAT YOUTH ATHLETE'S PARTICIPATION IN ATHLETIC ACTIVITY
12 SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THAT ORGANIZING
13 ENTITY A STATEMENT SIGNED BY EACH YOUTH ATHLETE AND A PARENT OR
14 GUARDIAN OF THE YOUTH ATHLETE ACKNOWLEDGING RECEIPT OF THE
15 EDUCATIONAL MATERIAL DEVELOPED UNDER SUBSECTION (1). UPON REQUEST,
16 THE ORGANIZING ENTITY SHALL MAKE THE STATEMENTS OBTAINED UNDER THIS
17 SUBDIVISION AVAILABLE TO THE DEPARTMENT.

18 (6) A COACH OR OTHER ADULT EMPLOYED BY, VOLUNTEERING FOR, OR
19 OTHERWISE ACTING ON BEHALF OF AN ORGANIZING ENTITY DURING AN
20 ATHLETIC EVENT SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THE
21 ORGANIZING ENTITY SHALL IMMEDIATELY REMOVE FROM PHYSICAL
22 PARTICIPATION IN AN ATHLETIC ACTIVITY A YOUTH ATHLETE WHO IS
23 SUSPECTED OF SUSTAINING A CONCUSSION DURING THE ATHLETIC ACTIVITY.
24 A YOUTH ATHLETE WHO HAS BEEN REMOVED FROM PHYSICAL PARTICIPATION IN
25 AN ATHLETIC ACTIVITY UNDER THIS SUBSECTION SHALL NOT RETURN TO
26 PHYSICAL PARTICIPATION IN THE ATHLETIC ACTIVITY UNTIL HE OR SHE HAS
27 BEEN EVALUATED BY A QUALIFIED LICENSED HEALTH PROFESSIONAL AND

1 RECEIVES WRITTEN CLEARANCE FROM THAT HEALTH PROFESSIONAL
2 AUTHORIZING THE YOUTH ATHLETE'S RETURN TO PHYSICAL PARTICIPATION IN
3 THE ATHLETIC ACTIVITY. THE ORGANIZING ENTITY SHALL MAINTAIN IN A
4 PERMANENT FILE FOR THE DURATION OF THAT YOUTH ATHLETE'S
5 PARTICIPATION IN ATHLETIC ACTIVITY SPONSORED BY OR OPERATED UNDER
6 THE AUSPICES OF THAT ORGANIZING ENTITY THE WRITTEN CLEARANCE UNDER
7 THIS SUBSECTION. UPON REQUEST, THE ORGANIZING ENTITY SHALL MAKE THE
8 WRITTEN CLEARANCE OBTAINED UNDER THIS SUBSECTION AVAILABLE TO THE
9 DEPARTMENT.

10 (7) THIS SECTION DOES NOT APPLY TO AN ATHLETIC ACTIVITY
11 SPONSORED BY OR OPERATED UNDER THE AUSPICES OF AN ORGANIZING ENTITY
12 IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

13 (A) THE ENTITY IS A MEMBER OF A PRIVATE NONPROFIT MULTISPORT
14 STATEWIDE INTERSCHOLASTIC ATHLETIC ASSOCIATION OR OTHER SPORTS
15 ORGANIZATION.

16 (B) THE ATHLETIC ACTIVITY IS GOVERNED BY A RULE ESTABLISHED BY
17 THE INTERSCHOLASTIC ATHLETIC ASSOCIATION OR SPORTS ORGANIZATION
18 DESCRIBED IN SUBDIVISION (A), WHICH RULE ESTABLISHES CONCUSSION
19 PROTOCOLS THAT ARE SUBSTANTIALLY SIMILAR TO OR MORE STRINGENT THAN
20 THE CONCUSSION PROTOCOLS PROVIDED IN THIS SECTION AND INCLUDES AN
21 ENFORCEMENT MECHANISM ON ITS MEMBERS.

22 (8) AS USED IN THIS SECTION:

23 (A) "ATHLETIC ACTIVITY" MEANS A PROGRAM OR EVENT, INCLUDING
24 PRACTICE AND COMPETITION, DURING WHICH YOUTH ATHLETES PARTICIPATE
25 OR PRACTICE TO PARTICIPATE IN AN ORGANIZED ATHLETIC GAME OR
26 COMPETITION AGAINST ANOTHER TEAM, CLUB, ENTITY, OR INDIVIDUAL.
27 ATHLETIC ACTIVITY INCLUDES PARTICIPATION IN PHYSICAL EDUCATION

1 CLASSES THAT ARE PART OF A SCHOOL CURRICULUM.

2 (B) "CONCUSSION" MEANS A TRAUMATIC INJURY TO THE BRAIN CAUSING
3 A CHANGE IN A PERSON'S MENTAL STATUS AT THE TIME OF THE INJURY,
4 SUCH AS FEELING DAZED, DISORIENTED, OR CONFUSED, WHICH MAY OR MAY
5 NOT INVOLVE A LOSS OF CONSCIOUSNESS, RESULTING FROM ANY OF THE
6 FOLLOWING:

7 (i) A FALL.

8 (ii) A BLOW OR JOLT TO THE HEAD OR BODY.

9 (iii) THE SHAKING OR SPINNING OF THE HEAD OR BODY.

10 (iv) THE ACCELERATION AND DECELERATION OF THE HEAD.

11 (C) "ORGANIZING ENTITY" MEANS ANY OF THE FOLLOWING:

12 (i) A SCHOOL.

13 (ii) A STATE OR LOCAL PARKS AND RECREATION DEPARTMENT OR
14 COMMISSION OR OTHER STATE OR LOCAL ENTITY.

15 (iii) A NONPROFIT OR FOR-PROFIT ENTITY.

16 (iv) A PUBLIC OR PRIVATE ENTITY.

17 (D) "SCHOOL" MEANS A NONPUBLIC SCHOOL, PUBLIC SCHOOL, OR
18 PUBLIC SCHOOL ACADEMY AS THOSE TERMS ARE DEFINED IN SECTION 5 OF
19 THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.5.

20 (E) "YOUTH ATHLETE" MEANS AN INDIVIDUAL WHO ENGAGES IN AN
21 ATHLETIC ACTIVITY AND WHO IS UNDER 18 YEARS OF AGE.