

# SENATE BILL No. 1122

May 9, 2012, Introduced by Senators PROOS, BRANDENBURG, MARLEAU, HANSEN and JONES and referred to the Committee on Health Policy.

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 EDUCATIONAL MATERIALS ON THE NATURE AND RISK OF CONCUSSIONS.

4 (2) BEFORE THE EXPIRATION OF 90 DAYS AFTER THE EFFECTIVE DATE  
5 OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP A CONCUSSION  
6 AWARENESS TRAINING PROGRAM THAT INCLUDES ALL OF THE FOLLOWING:

7 (A) THE NATURE AND RISK OF CONCUSSIONS.

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

1 (C) THE RISKS TO AN ATHLETE OF NOT REPORTING A SUSPECTED  
2 CONCUSSION AND CONTINUING TO PHYSICALLY PARTICIPATE IN THE ATHLETIC  
3 ACTIVITY.

4 (3) AS SOON AS THEY ARE AVAILABLE, THE DEPARTMENT SHALL MAKE  
5 THE EDUCATIONAL MATERIALS AND TRAINING PROGRAM REQUIRED UNDER THIS  
6 SECTION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S INTERNET  
7 WEBSITE. THE DEPARTMENT SHALL MAKE THE TRAINING PROGRAM AVAILABLE  
8 TO ALL INDIVIDUALS REQUIRED TO PARTICIPATE IN THE PROGRAM AND TO  
9 ANY INTERESTED INDIVIDUAL INCLUDING SCHOOL PERSONNEL, COACHES,  
10 PARENTS, STUDENTS, AND ATHLETES.

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).

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

22 (A) COMPLY WITH ALL THE REQUIREMENTS OF THIS SECTION AND RULES  
23 PROMULGATED UNDER THIS SECTION WITH REGARD TO ITS COACHES,  
24 EMPLOYEES, VOLUNTEERS, AND OTHER ADULTS WHO ARE INVOLVED WITH THE  
25 PARTICIPATION OF YOUTH ATHLETES IN ATHLETIC ACTIVITY SPONSORED BY  
26 OR OPERATED UNDER THE AUSPICES OF THAT ORGANIZING ENTITY AND WHO  
27 ARE REQUIRED TO PARTICIPATE IN THE CONCUSSION AWARENESS TRAINING

1 PROGRAM DEVELOPED UNDER SUBSECTION (2).

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

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

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

1 FOR THE DURATION OF THAT YOUTH ATHLETE'S PARTICIPATION IN ATHLETIC  
2 ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THAT  
3 ORGANIZING ENTITY THE WRITTEN CLEARANCE UNDER THIS SUBSECTION. UPON  
4 REQUEST, THE ORGANIZING ENTITY SHALL MAKE THE WRITTEN CLEARANCE  
5 OBTAINED UNDER THIS SUBSECTION AVAILABLE TO THE DEPARTMENT.

6 (7) AS USED IN THIS SECTION:

7 (A) "ATHLETIC ACTIVITY" MEANS A PROGRAM OR EVENT, INCLUDING  
8 PRACTICE AND COMPETITION, DURING WHICH YOUTH ATHLETES PARTICIPATE  
9 OR PRACTICE TO PARTICIPATE IN AN ORGANIZED ATHLETIC GAME OR  
10 COMPETITION AGAINST ANOTHER TEAM, CLUB, ENTITY, OR INDIVIDUAL.  
11 ATHLETIC ACTIVITY INCLUDES PARTICIPATION IN PHYSICAL EDUCATION  
12 CLASSES THAT ARE PART OF A SCHOOL CURRICULUM.

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

18 (i) A FALL.

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

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

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

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

23 (i) A SCHOOL.

24 (ii) A STATE OR LOCAL PARKS AND RECREATION DEPARTMENT OR  
25 COMMISSION OR OTHER STATE OR LOCAL ENTITY.

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

27 (iv) A PUBLIC OR PRIVATE ENTITY.

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

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