

ONGOING UPDATES AND TRAINING FOR YOUTH ATHLETE CONCUSSION AWARENESS

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House Bill 5314 (H-1) as reported from committee
Sponsor: Rep. Thomas B. Hooker
Committee: Health Policy
Complete to 3-24-16

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: This bill would add ongoing trainings and review of the training protocol for youth athlete concussion awareness. The trainings and protocol were initially added to the Public Health Code by Public Acts 342 and 343 of 2012.

FISCAL IMPACT: House Bill 5314 would have minimal cost implications for the Department of Health and Human Services to periodically review and revise the concussion awareness training program and the recommended frequency of completion of the program, and no fiscal impact on local school districts or local units of government. Currently, concussion awareness training program certification is required for coaches, employees, volunteers, and other adults involved in applicable youth sports activities, and this bill would revise to add that the concussion awareness training program be completed once every three years, unless the department recommends more frequent training. Since there are multiple free online training programs, there is no fiscal impact.

THE APPARENT PROBLEM:

In response to the efforts of organizations such as the Centers for Disease Control and Prevention, the National Football League, and the Michigan High School Athletic Association, among others, the issue of concussions among youth athletes has generated increased attention and awareness in recent years. According to the National Federation of State High School Associations, over 140,000 high school athletes alone are estimated to suffer a concussion each year. Researchers now know that damage to developing brains from multiple concussions, or even a badly managed single concussion, can have long-term effects and, in some cases, lifetime implications.

THE CONTENT OF THE BILL:

House Bill 5314 would amend the Public Health Code to make several updates to two 2012 acts requiring concussion awareness training programs and a concussion protocol for youth athletes.

Specifically, Public Acts 342 and 343 of 2012 were intended to do all of the following:

- Create awareness about concussions among youth athletes and their parents and coaches and the entities that organize or offer youth sports.

- Apply the bills' requirements to nonprofit and public-sponsored sports programs as well as public and nonpublic elementary and secondary schools (including participation in gym class).
- Create a concussion awareness training program for coaches and adult employees and volunteers of sports programs.
- Require immediate withdrawal of a player exhibiting signs of a concussion; require a medical clearance before the player can participate again.
- Provide exemptions from the bills' requirements.
- Define terms.

House Bill 5314 would retain all of those provisions, and add requirements for ongoing updates to and participation in the training program.

Section 9155 of the Public Health Code requires the Department of Health and Human Services (DHHS) to develop, approve, and make available educational materials and a training program on concussions. The bill would add a provision that DHHS *periodically review the training program and, for purposes of Section 9156, make recommendations regarding the frequency of the program based on changes to the training program that are developed, adopted, or approved by DHHS.*

Section 9156 of the Public Health Code requires that before an applicable organization begins a program subject to this section, it must ensure that its coaches, employees, volunteers, and other adults involved in applicable youth sports activities, participate in the concussion awareness training program under Section 9155. The bill would add a requirement that those adults *complete that training program once every three years, unless DHHS recommends more frequent trainings.*

Additionally, the bill adds the following to the definition of "youth athlete": *youth athlete does not include an individual who is 17 years of age and enrolled solely in an institution of higher education.* This provision was included to clarify that this bill does not require colleges and universities to secure and file parental waivers for college students participating on intramural sports teams. A representative of Michigan State University testified that approximately half of MSU's 50,000 students participate in intramural sports, and this type of tracking of such unregulated activities would be very difficult. Extramural, or varsity sports, are already regulated by the National Collegiate Athletic Association (NCAA) and other organizations, with regard to concussion protocol.

The bill would take effect 90 days after enactment.

MCL 333.9155 and 333.9156.

BACKGROUND INFORMATION:

Since 2009, forty-nine states and the District of Columbia have enacted strong youth sports concussion safety laws. The fiftieth state, Wyoming, enacted a concussion law in 2011, but it includes no provisions requiring parents to sign off on the risks, or automatic removal

from a game or practice of a child suspected of having suffered a concussion. In 2013, Michigan became the 39th state to pass legislation on concussions in youth sports. This bill would build upon that effort.

POSITIONS:

A representative of the Brain Injury Association of Michigan testified in support of the bill. (3-22-16)

The Michigan Department of Health and Human Services supports this bill. (3-22-16)

The Michigan Chapter American Academy of Pediatrics supports this bill. (3-22-16)

The Michigan Osteopathic Association supports this bill. (3-22-16)

Michigan State University supports this bill. (3-22-16)

The Michigan Brain Injury Provider Council supports this bill. (3-22-16)

The Michigan Athletic Trainers Society supports this bill. (3-22-16)

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