

SUBSTITUTE FOR
HOUSE BILL NO. 5314

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 9155 and 9156 (MCL 333.9155 and 333.9156),
section 9155 as added by 2012 PA 342 and section 9156 as added by
2012 PA 343.

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, JUNE 27, 2013,~~ the department shall
3 develop, adopt, or approve educational materials on the nature and
4 risk of concussions.

5 (2) Before ~~the expiration of 90 days after the effective date~~
6 ~~of this section, JUNE 27, 2013,~~ the department shall develop,
7 adopt, or approve a concussion awareness training program in an

1 electronic format that includes all of the following:

2 (a) The nature and risk of concussions.

3 (b) The criteria for the removal of an athlete from physical
4 participation in an athletic activity due to a suspected concussion
5 and his or her return to that athletic activity.

6 (c) The risks to an athlete of not reporting a suspected
7 concussion and continuing to physically participate in the athletic
8 activity.

9 (3) As soon as they are available, the department shall make
10 the educational materials and training program required under this
11 section available to the public on the department's internet
12 website. The department shall make the training program available
13 to all individuals required to participate in the program under
14 section 9156 and to any interested individual including school
15 personnel, coaches, parents, students, and athletes. **THE DEPARTMENT**
16 **SHALL PERIODICALLY REVIEW THE TRAINING PROGRAM REQUIRED UNDER THIS**
17 **SECTION AND, FOR PURPOSES OF SECTION 9156, MAKE RECOMMENDATIONS**
18 **REGARDING THE FREQUENCY OF THE TRAINING PROGRAM BASED ON CHANGES TO**
19 **THE TRAINING PROGRAM THAT ARE DEVELOPED, ADOPTED, OR APPROVED BY**
20 **THE DEPARTMENT.**

21 (4) As used in this section and section 9156:

22 (a) "Appropriate health professional" means a health
23 professional who is licensed or otherwise authorized to engage in a
24 health profession under article 15 and whose scope of practice
25 within that health profession includes the recognition, treatment,
26 and management of concussions.

27 (b) "Athletic activity" means a program or event, including

1 practice and competition, during which youth athletes participate
2 or practice to participate in an organized athletic game or
3 competition against another team, club, entity, or individual.
4 Athletic activity includes participation in physical education
5 classes that are part of a school curriculum.

6 (c) "Concussion" means a type of traumatic brain injury as
7 recognized by the ~~centers for disease control and prevention.~~
8 **CENTERS FOR DISEASE CONTROL AND PREVENTION.** A concussion may cause
9 a change in ~~a person's~~ **AN INDIVIDUAL'S** mental status at the time of
10 the injury, including, but not limited to, feeling dazed,
11 disoriented, or confused, and may or may not involve a loss of
12 consciousness. A concussion may be caused by any type of accident
13 or injury including, but not limited to, the following:

14 (i) A fall.

15 (ii) A blow, bump, or jolt to the head or body.

16 (iii) The shaking or spinning of the head or body.

17 (iv) The acceleration and deceleration of the head.

18 (D) **"INSTITUTION OF HIGHER EDUCATION" MEANS A DEGREE OR**
19 **CERTIFICATE GRANTING PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY,**
20 **JUNIOR COLLEGE, OR COMMUNITY COLLEGE.**

21 (E) ~~(d)~~—"Organizing entity" means any of the following:

22 (i) A school.

23 (ii) A state or local parks and recreation department or
24 commission or other state or local entity.

25 (iii) A nonprofit or for-profit entity.

26 (iv) A public or private entity.

27 (F) ~~(e)~~—"School" means a nonpublic school, public school, or

1 public school academy as those terms are defined in section 5 of
2 the revised school code, 1976 PA 451, MCL 380.5.

3 (G) ~~(f)~~—"Youth athlete" means an individual who participates
4 in an athletic activity and who is under 18 years of age. **YOUTH**
5 **ATHLETE DOES NOT INCLUDE AN INDIVIDUAL WHO IS 17 YEARS OF AGE AND**
6 **ENROLLED SOLELY IN AN INSTITUTION OF HIGHER EDUCATION.**

7 Sec. 9156. (1) An organizing entity that is subject to this
8 section shall ensure that it is in compliance with this section
9 before it sponsors or operates an athletic activity in which youth
10 athletes will participate, if that athletic activity is subject to
11 this section.

12 (2) Before a youth athlete may participate in an athletic
13 activity sponsored by or operated under the auspices of an
14 organizing entity, the organizing entity shall do all of the
15 following:

16 (a) Comply with all the requirements of this section with
17 regard to its coaches, employees, volunteers, and other adults who
18 are involved with the participation of youth athletes in athletic
19 activity sponsored by or operated under the auspices of that
20 organizing entity and who are required to participate in the
21 concussion awareness training program developed under section 9155.

22 (B) **ENSURE THAT EACH COACH, EMPLOYEE, VOLUNTEER, AND OTHER**
23 **ADULT WHO IS REQUIRED TO PARTICIPATE IN THE CONCUSSION AWARENESS**
24 **TRAINING PROGRAM DEVELOPED UNDER SECTION 9155 COMPLETES THE**
25 **TRAINING PROGRAM ONCE EVERY 3 YEARS, UNLESS THE DEPARTMENT**
26 **RECOMMENDS MORE FREQUENT TRAINING.**

27 (C) ~~(b)~~—Provide the educational materials developed under

1 section 9155 to each youth athlete who participates in an athletic
2 activity sponsored by or operated under the auspices of the
3 organizing entity and a parent or guardian of the youth athlete.

4 (D) ~~(e)~~—Obtain a statement signed by each youth athlete and a
5 parent or guardian of the youth athlete acknowledging receipt of
6 the educational material developed under section 9155. The
7 organizing entity shall maintain the statement obtained under this
8 subdivision in a permanent file for the duration of that youth
9 athlete's participation in athletic activity sponsored by or
10 operated under the auspices of that organizing entity or until the
11 youth athlete is 18 years of age. Upon request, the organizing
12 entity shall make the statements obtained under this subdivision
13 available to the department.

14 (3) A coach or other adult employed by, volunteering for, or
15 otherwise acting on behalf of an organizing entity during an
16 athletic event sponsored by or operated under the auspices of the
17 organizing entity shall immediately remove from physical
18 participation in an athletic activity a youth athlete who is
19 suspected of sustaining a concussion during the athletic activity.
20 A youth athlete who has been removed from physical participation in
21 an athletic activity under this subsection shall not return to
22 physical activity until he or she has been evaluated by an
23 appropriate health professional and receives written clearance from
24 that health professional authorizing the youth athlete's return to
25 physical participation in the athletic activity. The organizing
26 entity shall maintain a written clearance obtained under this
27 subsection in a permanent file for the duration of that youth

1 athlete's participation in athletic activity sponsored by or
2 operated under the auspices of that organizing entity or until the
3 youth athlete is 18 years of age. Upon request, the organizing
4 entity shall make the written clearance obtained under this
5 subsection available to the department.

6 (4) This section does not apply to an athletic activity
7 sponsored by or operated under the auspices of an organizing entity
8 if all of the following requirements are met:

9 (a) The entity is a member of a private nonprofit multisport
10 statewide interscholastic athletic association.

11 (b) The athletic activity is governed by a rule established by
12 the interscholastic athletic association described in subdivision
13 (a), which rule establishes concussion protocols that are
14 substantially similar to or more stringent than the concussion
15 protocols in the training program developed, adopted, or approved
16 under section 9155 and the removal from and return to physical
17 activity requirements of this section, and includes an enforcement
18 mechanism on its members.

19 (5) This section does not apply to an entity that would
20 otherwise be considered an organizing entity under this section if
21 the primary focus of the program or event sponsored by or operated
22 under the auspices of that entity is not the participation in an
23 organized athletic game or competition but that participation is
24 only incidental to the primary focus of the program or event.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.