

HOUSE BILL NO. 4291

March 16, 2023, Introduced by Reps. Brabec, Pohutsky, Paiz, Byrnes, Price, Wilson, Hood, Rheingans, Arbit, Churches, Rogers, Tsernoglou, Glanville, Fitzgerald, Breen, Hope, MacDonell, Brenda Carter, O'Neal, Mentzer, Miller, Young, Scott, Hill, Wegela, Steckloff, Skaggs, Morgan, Witwer and Aiyash 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 sections 9157 and 9158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 9157. (1) Not more than 90 days after the effective date**
2 **of the amendatory act that added this section, the department shall**
3 **develop, adopt, or approve educational materials on the nature,**
4 **risk, and symptoms of sudden cardiac arrest.**

1 (2) Not more than 90 days after the effective date of the
2 amendatory act that added this section, the department shall
3 develop, adopt, or approve a sudden cardiac arrest awareness
4 training program in an electronic format that includes all of the
5 following:

6 (a) The nature, risk, and symptoms of sudden cardiac arrest.

7 (b) The criteria for the removal of a youth athlete from
8 physical participation in an athletic activity due to a suspected
9 sudden cardiac arrest or after experiencing symptoms of sudden
10 cardiac arrest and his or her return to that athletic activity.

11 (c) The risks to a youth athlete of not reporting a suspected
12 sudden cardiac arrest or symptoms of sudden cardiac arrest and
13 continuing to physically participate in the athletic activity.

14 (3) As soon as they are available, the department shall make
15 the educational materials and training program required under this
16 section available to the public on the department's website. The
17 department shall make the training program available to all
18 individuals required to participate in the program under section
19 9158 and to any interested individual, including school personnel,
20 coaches, parents, students, and youth athletes.

21 (4) As used in this section and section 9158:

22 (a) "Appropriate health professional" means a health
23 professional who meets either of the following:

24 (i) Is licensed or otherwise authorized to engage in a health
25 profession under article 15 and whose scope of practice within that
26 health profession includes the recognition, treatment, and
27 management of sudden cardiac arrest.

28 (ii) Is licensed as a physician under part 170 or part 175 and
29 specializes in pediatrics.

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

7 (c) "Institution of higher education" means a degree or
8 certificate granting public or private college or university,
9 junior college, or community college.

10 (d) "Organizing entity" means any of the following:

11 (i) A school.

12 (ii) A state or local parks and recreation department or
13 commission or other state or local entity.

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

15 (iv) A public or private entity.

16 (e) "School" means a nonpublic school, public school, or
17 public school academy as those terms are defined in section 5 of
18 the revised school code, 1976 PA 451, MCL 380.5.

19 (f) "Sudden cardiac arrest" means a life-threatening condition
20 that results when an individual's heart stops or fails to produce a
21 pulse.

22 (g) "Symptoms of sudden cardiac arrest" includes fainting,
23 difficulty breathing, chest pains, dizziness, extreme fatigue, and
24 abnormal racing heart rate.

25 (h) "Youth athlete" means an individual who participates in an
26 athletic activity and who is under 18 years of age. Youth athlete
27 does not include an individual who is 17 years of age and enrolled
28 in solely an institution of higher education.

29 Sec. 9158. (1) An organizing entity that is subject to this

1 section shall ensure that it is in compliance with this section
2 before it sponsors or operates an athletic activity in which youth
3 athletes will participate, if that athletic activity is subject to
4 this section.

5 (2) Before a youth athlete may participate in an athletic
6 activity sponsored by or operated under the auspices of an
7 organizing entity, the organizing entity shall do all of the
8 following:

9 (a) Comply with all the requirements of this section with
10 regard to its coaches, employees, volunteers, and other adults who
11 are involved with the participation of youth athletes in athletic
12 activity sponsored by or operated under the auspices of that
13 organizing entity and who are required to participate in the sudden
14 cardiac arrest awareness training program developed under section
15 9157.

16 (b) Provide the educational materials developed under section
17 9157 to each youth athlete who participates in an athletic activity
18 sponsored by or operated under the auspices of the organizing
19 entity and a parent or guardian of the youth athlete.

20 (c) Obtain a statement signed by each youth athlete and a
21 parent or guardian of the youth athlete acknowledging receipt of
22 the educational materials developed under section 9157. The
23 organizing entity shall maintain the statement obtained under this
24 subdivision in a file for that youth for the duration of the school
25 year. On request, the organizing entity shall make the statements
26 obtained under this subdivision available to the department.

27 (3) A coach or other adult employed by, volunteering for, or
28 otherwise acting on behalf of an organizing entity during an
29 athletic event sponsored by or operated under the auspices of the

1 organizing entity shall immediately remove from physical
2 participation in an athletic activity a youth athlete who is
3 suspected of having a sudden cardiac arrest or is exhibiting
4 symptoms of sudden cardiac arrest during the athletic activity. A
5 youth athlete who has been removed from physical participation in
6 an athletic activity under this subsection must not return to
7 physical activity until the youth athlete has been evaluated by an
8 appropriate health professional and receives written clearance from
9 that appropriate health professional authorizing the youth
10 athlete's return to physical participation in the athletic
11 activity. The organizing entity shall maintain a written clearance
12 obtained under this subsection in a permanent file for the duration
13 of that youth athlete's participation in athletic activity
14 sponsored by or operated under the auspices of that organizing
15 entity or until the youth athlete is 18 years of age. On request,
16 the organizing entity shall make the written clearance obtained
17 under this subsection available to the department.

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

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

23 (b) The athletic activity is governed by a rule established by
24 the interscholastic athletic association described in subdivision
25 (a), the rule establishes sudden cardiac arrest protocols that are
26 substantially similar to or more stringent than the sudden cardiac
27 arrest protocols in the training program developed, adopted, or
28 approved under section 9157 and the removal from and return to
29 physical activity requirements of this section, and the rule

1 includes an enforcement mechanism applicable to its members.

2 (5) This section does not apply to an entity that would
3 otherwise be considered an organizing entity subject to this
4 section if the primary focus of the program or event sponsored by
5 or operated under the auspices of that entity is not the
6 participation in an organized athletic game or competition but that
7 participation is only incidental to the primary focus of the
8 program or event.