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BILL



ANALYSIS

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House Bill 5697 (Substitute H-2 as passed by the House)
Sponsor: Representative Thomas B. Hooker
House Committee: Health Policy

CONTENT

The bill would amend the Public Health Code to do the following:

- Require an organizing entity that sponsored or operated an athletic activity for athletes younger than 18 years old ("youth athletes") to comply with concussion awareness training program requirements for coaches, employees, volunteers, and other involved adults; and provide concussion awareness educational materials to each participating youth athlete and his or her parent or guardian.
- Require a youth athlete to be removed immediately from an athletic activity if he or she were suspected of having a concussion, and require written clearance from a qualified licensed health professional for the athlete's return.
- Require an organizing entity to maintain a signed statement acknowledging a youth athlete's receipt of the educational materials, and any required written clearance, and make them available to the Department of Community Health (DCH) upon request.

The bill would not apply to an athletic activity if both of the following conditions were met:

- The organizing entity was a member of a private nonprofit multisport statewide interscholastic athletic association or other sports organization.
- The activity was governed by an association or organization rule that established concussion protocols that were substantially similar to or more stringent than those established under Section 9155 (proposed by Senate Bill 1122), and that included an enforcement mechanism on its members.

The bill is tie-barred to Senate Bill 1122. (As passed by the House, Senate Bill 1122 (H-1) would require the DCH to develop, adopt, or approve educational materials on the nature and risk of concussions, and develop, adopt, or approve a concussion awareness training program. The bill would define "organizing entity" as a public or nonpublic school or a public school academy; a State or local parks and recreation department or commission or other entity; a nonprofit or for-profit entity; or a public or private entity.)

Proposed MCL 333.9156

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The Department of Community Health would face minor indeterminate costs from producing and distributing materials required under Senate Bill 1122.

Organizing entities (including schools, and State or local parks) that are not part of the Michigan High School Athletic Association (MHSAA), or that are part of the MHSAA but are

sponsoring or operating an activity that is not one of the 28 activities organized and conducted by the MHSAA, would see increased compliance costs associated with House Bill 5697 (H-2). Specifically, compliance would entail ensuring that coaches and other involved adults participated in concussion awareness training, providing the educational materials to each youth athlete and parent, obtaining a signed statement signifying receipt of the educational materials, and obtaining written clearance for an athlete to return to athletic activity after being removed for suspicion of a concussion. The magnitude of the compliance costs would depend upon how the proposed requirements differed from what is currently being offered by the organizing entities in terms of concussion awareness, training, and education.

Date Completed: 9-21-12

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.