



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5314 (Substitute H-1 as passed by the House)
Sponsor: Representative Thomas B. Hooker
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 9-2-16

CONTENT**The bill would amend the Public Health Code to the following:**

- **Require the Department of Health and Human Services (DHHS) periodically to review its concussion awareness training program and make recommendations regarding the frequency of training.**
- **Require organizing entities (schools, parks and recreation departments, and others), before a youth athlete participated in an athletic activity, to ensure that each person required to participate in the training program completed it at least once every three years.**

Sections 9155 and 9156 of the Code, enacted in 2012, prescribe requirements regarding concussion awareness training, including requirements that organizing entities must meet before sponsoring or operating an athletic activity in which youth athletes will participate. An "organizing entity" is a school (a nonpublic school, a public school, or a public school academy); a State or local parks and recreation department or commission or other State or local entity; a nonprofit or for-profit entity; or a public or private entity. "Athletic activity" means a program or event in which youth athletes participate or practice in an organized athletic game or competition against another team, club, entity, or individual, including participation in physical education classes that are part of a school curriculum. "Youth athlete" means an individual who participates in an athletic activity and is under 18 years old.

Section 9155 required the DHHS, before June 27, 2013, to develop, adopt, or approve educational materials on the nature and risks of concussions, and to develop, adopt, or approve a concussion awareness training program, which must include certain topics.

The section also requires the Department to make the training program available to all individuals required participate in it under Section 9156 and to any interested individual, including school personnel, coaches, parents, students, and athletes.

The bill would require the DHHS to review the training program periodically and, for purposes of Section 9156, to make recommendations regarding the frequency of the program based on changes to it that the Department developed, adopted, or approved.

Section 9156 requires an organizing entity to take certain actions before a youth athlete may participate in an athletic activity sponsored or operated under the auspices of the organizing entity. Among other things, the entity must comply with the requirements of the section regarding the entity's coaches, employees, volunteers, and other adults who are involved with

youth athletes' participation and who are required to participate in the concussion awareness training program.

The bill also would require an organizing entity, before a youth athlete could participate in an athletic activity sponsored or operated by the entity, to ensure that each coach, employee, volunteer, and other adult who was required to participate in the concussion awareness training program completed the program at least every three years, unless the DHHS recommended more frequent training.

In addition, the bill would amend the definition of "youth athlete" to exclude a 17-year-old who is enrolled solely in an institution of higher education. The bill would define "institution of higher education" as a degree- or certificate-granting public or private college or university, junior college, or community college.

The bill would take effect 90 days after enactment.

MCL 333.9155 & 333.9166

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have a minimal negative fiscal impact on the Department of Health and Human Services, and no fiscal impact on local units of government. Under the bill, the Department would face a minimal increase in costs resulting from the requirement that it periodically review the training program. The requirement that training programs be completed every three years by adults involved in applicable youth sports activities would not result in increased costs to the Department. The Centers for Disease Control and Prevention and the National Federation of State High School Associations both offer a free online training course that would fulfill the requirements of this bill regarding frequency of training, negating the need for the Department to develop new training courses in order to comply with the bill.

Fiscal Analyst: Ellyn Ackerman

S1516\5314sa

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.