

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5697

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 9156.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9156. (1) AN ORGANIZING ENTITY THAT IS SUBJECT TO THIS
2 SECTION SHALL ENSURE THAT IT IS IN COMPLIANCE WITH THIS SECTION
3 BEFORE IT SPONSORS OR OPERATES AN ATHLETIC ACTIVITY IN WHICH YOUTH
4 ATHLETES WILL PARTICIPATE, IF THAT ATHLETIC ACTIVITY IS SUBJECT TO
5 THIS SECTION.

6 (2) BEFORE A YOUTH ATHLETE MAY PARTICIPATE IN AN ATHLETIC
7 ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF AN
8 ORGANIZING ENTITY, THE ORGANIZING ENTITY SHALL DO ALL OF THE
9 FOLLOWING:

10 (A) COMPLY WITH ALL THE REQUIREMENTS OF THIS SECTION WITH

1 REGARD TO ITS COACHES, EMPLOYEES, VOLUNTEERS, AND OTHER ADULTS WHO
2 ARE INVOLVED WITH THE PARTICIPATION OF YOUTH ATHLETES IN ATHLETIC
3 ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THAT
4 ORGANIZING ENTITY AND WHO ARE REQUIRED TO PARTICIPATE IN THE
5 CONCUSSION AWARENESS TRAINING PROGRAM DEVELOPED UNDER SECTION 9155.

6 (B) PROVIDE THE EDUCATIONAL MATERIALS DEVELOPED UNDER SECTION
7 9155 TO EACH YOUTH ATHLETE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY
8 SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THE ORGANIZING
9 ENTITY AND A PARENT OR GUARDIAN OF THE YOUTH ATHLETE.

10 (C) OBTAIN A STATEMENT SIGNED BY EACH YOUTH ATHLETE AND A
11 PARENT OR GUARDIAN OF THE YOUTH ATHLETE ACKNOWLEDGING RECEIPT OF
12 THE EDUCATIONAL MATERIAL DEVELOPED UNDER SECTION 9155. THE
13 ORGANIZING ENTITY SHALL MAINTAIN THE STATEMENT OBTAINED UNDER THIS
14 SUBDIVISION IN A PERMANENT FILE FOR THE DURATION OF THAT YOUTH
15 ATHLETE'S PARTICIPATION IN ATHLETIC ACTIVITY SPONSORED BY OR
16 OPERATED UNDER THE AUSPICES OF THAT ORGANIZING ENTITY OR UNTIL THE
17 YOUTH ATHLETE IS 18 YEARS OF AGE. UPON REQUEST, THE ORGANIZING
18 ENTITY SHALL MAKE THE STATEMENTS OBTAINED UNDER THIS SUBDIVISION
19 AVAILABLE TO THE DEPARTMENT.

20 (3) A COACH OR OTHER ADULT EMPLOYED BY, VOLUNTEERING FOR, OR
21 OTHERWISE ACTING ON BEHALF OF AN ORGANIZING ENTITY DURING AN
22 ATHLETIC EVENT SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THE
23 ORGANIZING ENTITY SHALL IMMEDIATELY REMOVE FROM PHYSICAL
24 PARTICIPATION IN AN ATHLETIC ACTIVITY A YOUTH ATHLETE WHO IS
25 SUSPECTED OF SUSTAINING A CONCUSSION DURING THE ATHLETIC ACTIVITY.
26 A YOUTH ATHLETE WHO HAS BEEN REMOVED FROM PHYSICAL PARTICIPATION IN
27 AN ATHLETIC ACTIVITY UNDER THIS SUBSECTION SHALL NOT RETURN TO

1 PHYSICAL ACTIVITY UNTIL HE OR SHE HAS BEEN EVALUATED BY AN
2 APPROPRIATE HEALTH PROFESSIONAL AND RECEIVES WRITTEN CLEARANCE FROM
3 THAT HEALTH PROFESSIONAL AUTHORIZING THE YOUTH ATHLETE'S RETURN TO
4 PHYSICAL PARTICIPATION IN THE ATHLETIC ACTIVITY. THE ORGANIZING
5 ENTITY SHALL MAINTAIN A WRITTEN CLEARANCE OBTAINED UNDER THIS
6 SUBSECTION IN A PERMANENT FILE FOR THE DURATION OF THAT YOUTH
7 ATHLETE'S PARTICIPATION IN ATHLETIC ACTIVITY SPONSORED BY OR
8 OPERATED UNDER THE AUSPICES OF THAT ORGANIZING ENTITY OR UNTIL THE
9 YOUTH ATHLETE IS 18 YEARS OF AGE. UPON REQUEST, THE ORGANIZING
10 ENTITY SHALL MAKE THE WRITTEN CLEARANCE OBTAINED UNDER THIS
11 SUBSECTION AVAILABLE TO THE DEPARTMENT.

12 (4) THIS SECTION DOES NOT APPLY TO AN ATHLETIC ACTIVITY
13 SPONSORED BY OR OPERATED UNDER THE AUSPICES OF AN ORGANIZING ENTITY
14 IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

15 (A) THE ENTITY IS A MEMBER OF A PRIVATE NONPROFIT MULTISPORT
16 STATEWIDE INTERSCHOLASTIC ATHLETIC ASSOCIATION.

17 (B) THE ATHLETIC ACTIVITY IS GOVERNED BY A RULE ESTABLISHED BY
18 THE INTERSCHOLASTIC ATHLETIC ASSOCIATION DESCRIBED IN SUBDIVISION
19 (A), WHICH RULE ESTABLISHES CONCUSSION PROTOCOLS THAT ARE
20 SUBSTANTIALLY SIMILAR TO OR MORE STRINGENT THAN THE CONCUSSION
21 PROTOCOLS IN THE TRAINING PROGRAM DEVELOPED, ADOPTED, OR APPROVED
22 UNDER SECTION 9155 AND THE REMOVAL FROM AND RETURN TO PHYSICAL
23 ACTIVITY REQUIREMENTS OF THIS SECTION, AND INCLUDES AN ENFORCEMENT
24 MECHANISM ON ITS MEMBERS.

25 (5) THIS SECTION DOES NOT APPLY TO AN ENTITY THAT WOULD
26 OTHERWISE BE CONSIDERED AN ORGANIZING ENTITY UNDER THIS SECTION IF
27 THE PRIMARY FOCUS OF THE PROGRAM OR EVENT SPONSORED BY OR OPERATED

1 UNDER THE AUSPICES OF THAT ENTITY IS NOT THE PARTICIPATION IN AN
2 ORGANIZED ATHLETIC GAME OR COMPETITION BUT THAT PARTICIPATION IS
3 ONLY INCIDENTAL TO THE PRIMARY FOCUS OF THE PROGRAM OR EVENT.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No. 1122 of the 96th Legislature is enacted into
6 law.