

HOUSE BILL No. 4273

February 19, 2013, Introduced by Reps. Haines, Crawford, Johnson, Slavens, MacMaster, Jacobsen, Genetski, Hovey-Wright, Kesto, Kurtz, Hobbs, Kowall, Lori, Ananich, Darany, Cavanagh and Zorn and referred to the Committee on Education.

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) BEFORE THE EXPIRATION OF 90 DAYS AFTER THE
2 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP,
3 ADOPT, OR APPROVE EDUCATIONAL MATERIALS ON THE NATURE, RISK, AND
4 SYMPTOMS OF SUDDEN CARDIAC ARREST.

5 (2) BEFORE THE EXPIRATION OF 90 DAYS AFTER THE EFFECTIVE DATE
6 OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP, ADOPT, OR APPROVE A
7 SUDDEN CARDIAC ARREST AWARENESS TRAINING PROGRAM IN AN ELECTRONIC
8 FORMAT THAT INCLUDES ALL OF THE FOLLOWING:

9 (A) THE NATURE, RISK, AND SYMPTOMS OF SUDDEN CARDIAC ARREST.

10 (B) THE CRITERIA FOR THE REMOVAL OF AN ATHLETE FROM PHYSICAL

1 PARTICIPATION IN AN ATHLETIC ACTIVITY DUE TO A SUSPECTED SUDDEN
2 CARDIAC ARREST OR AFTER EXPERIENCING SYMPTOMS OF SUDDEN CARDIAC
3 ARREST AND HIS OR HER RETURN TO THAT ATHLETIC ACTIVITY.

4 (C) THE RISKS TO AN ATHLETE OF NOT REPORTING A SUSPECTED
5 SUDDEN CARDIAC ARREST OR SYMPTOMS OF SUDDEN CARDIAC ARREST AND
6 CONTINUING TO PHYSICALLY PARTICIPATE IN THE ATHLETIC ACTIVITY.

7 (3) AS SOON AS THEY ARE AVAILABLE, THE DEPARTMENT SHALL MAKE
8 THE EDUCATIONAL MATERIALS AND TRAINING PROGRAM REQUIRED UNDER THIS
9 SECTION AVAILABLE TO THE PUBLIC ON THE DEPARTMENT'S INTERNET
10 WEBSITE. THE DEPARTMENT SHALL MAKE THE TRAINING PROGRAM AVAILABLE
11 TO ALL INDIVIDUALS REQUIRED TO PARTICIPATE IN THE PROGRAM UNDER
12 SECTION 9158 AND TO ANY INTERESTED INDIVIDUAL INCLUDING SCHOOL
13 PERSONNEL, COACHES, PARENTS, STUDENTS, AND ATHLETES.

14 (4) AS USED IN THIS SECTION AND SECTION 9158:

15 (A) "APPROPRIATE HEALTH PROFESSIONAL" MEANS A HEALTH
16 PROFESSIONAL WHO IS LICENSED OR OTHERWISE AUTHORIZED TO ENGAGE IN A
17 HEALTH PROFESSION UNDER ARTICLE 15 AND WHOSE SCOPE OF PRACTICE
18 WITHIN THAT HEALTH PROFESSION INCLUDES THE RECOGNITION, TREATMENT,
19 AND MANAGEMENT OF SUDDEN CARDIAC ARREST.

20 (B) "ATHLETIC ACTIVITY" MEANS A PROGRAM OR EVENT, INCLUDING
21 PRACTICE AND COMPETITION, DURING WHICH YOUTH ATHLETES PARTICIPATE
22 OR PRACTICE TO PARTICIPATE IN AN ORGANIZED ATHLETIC GAME OR
23 COMPETITION AGAINST ANOTHER TEAM, CLUB, ENTITY, OR INDIVIDUAL.
24 ATHLETIC ACTIVITY INCLUDES PARTICIPATION IN PHYSICAL EDUCATION
25 CLASSES THAT ARE PART OF A SCHOOL CURRICULUM.

26 (C) "SUDDEN CARDIAC ARREST" MEANS A LIFE-THREATENING CONDITION
27 THAT RESULTS WHEN AN INDIVIDUAL'S HEART STOPS OR FAILS TO PRODUCE A

1 PULSE.

2 (D) "SYMPTOMS OF SUDDEN CARDIAC ARREST" INCLUDES FAINTING,
3 DIFFICULTY BREATHING, CHEST PAINS, DIZZINESS, AND ABNORMAL RACING
4 HEART RATE.

5 (E) "ORGANIZING ENTITY" MEANS ANY OF THE FOLLOWING:

6 (i) A SCHOOL.

7 (ii) A STATE OR LOCAL PARKS AND RECREATION DEPARTMENT OR
8 COMMISSION OR OTHER STATE OR LOCAL ENTITY.

9 (iii) A NONPROFIT OR FOR-PROFIT ENTITY.

10 (iv) A PUBLIC OR PRIVATE ENTITY.

11 (F) "SCHOOL" MEANS A NONPUBLIC SCHOOL, PUBLIC SCHOOL, OR
12 PUBLIC SCHOOL ACADEMY AS THOSE TERMS ARE DEFINED IN SECTION 5 OF
13 THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.5.

14 (G) "YOUTH ATHLETE" MEANS AN INDIVIDUAL WHO PARTICIPATES IN AN
15 ATHLETIC ACTIVITY AND WHO IS UNDER 18 YEARS OF AGE.

16 SEC. 9158. (1) AN ORGANIZING ENTITY THAT IS SUBJECT TO THIS
17 SECTION SHALL ENSURE THAT IT IS IN COMPLIANCE WITH THIS SECTION
18 BEFORE IT SPONSORS OR OPERATES AN ATHLETIC ACTIVITY IN WHICH YOUTH
19 ATHLETES WILL PARTICIPATE, IF THAT ATHLETIC ACTIVITY IS SUBJECT TO
20 THIS SECTION.

21 (2) BEFORE A YOUTH ATHLETE MAY PARTICIPATE IN AN ATHLETIC
22 ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF AN
23 ORGANIZING ENTITY, THE ORGANIZING ENTITY SHALL DO ALL OF THE
24 FOLLOWING:

25 (A) COMPLY WITH ALL THE REQUIREMENTS OF THIS SECTION WITH
26 REGARD TO ITS COACHES, EMPLOYEES, VOLUNTEERS, AND OTHER ADULTS WHO
27 ARE INVOLVED WITH THE PARTICIPATION OF YOUTH ATHLETES IN ATHLETIC

1 ACTIVITY SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THAT
2 ORGANIZING ENTITY AND WHO ARE REQUIRED TO PARTICIPATE IN THE SUDDEN
3 CARDIAC ARREST AWARENESS TRAINING PROGRAM DEVELOPED UNDER SECTION
4 9157.

5 (B) PROVIDE THE EDUCATIONAL MATERIALS DEVELOPED UNDER SECTION
6 9157 TO EACH YOUTH ATHLETE WHO PARTICIPATES IN AN ATHLETIC ACTIVITY
7 SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THE ORGANIZING
8 ENTITY AND A PARENT OR GUARDIAN OF THE YOUTH ATHLETE.

9 (C) OBTAIN A STATEMENT SIGNED BY EACH YOUTH ATHLETE AND A
10 PARENT OR GUARDIAN OF THE YOUTH ATHLETE ACKNOWLEDGING RECEIPT OF
11 THE EDUCATIONAL MATERIAL DEVELOPED UNDER SECTION 9157. THE
12 ORGANIZING ENTITY SHALL MAINTAIN THE STATEMENT OBTAINED UNDER THIS
13 SUBDIVISION IN A PERMANENT FILE FOR THE DURATION OF THAT YOUTH
14 ATHLETE'S PARTICIPATION IN ATHLETIC ACTIVITY SPONSORED BY OR
15 OPERATED UNDER THE AUSPICES OF THAT ORGANIZING ENTITY OR UNTIL THE
16 YOUTH ATHLETE IS 18 YEARS OF AGE. UPON REQUEST, THE ORGANIZING
17 ENTITY SHALL MAKE THE STATEMENTS OBTAINED UNDER THIS SUBDIVISION
18 AVAILABLE TO THE DEPARTMENT.

19 (3) A COACH OR OTHER ADULT EMPLOYED BY, VOLUNTEERING FOR, OR
20 OTHERWISE ACTING ON BEHALF OF AN ORGANIZING ENTITY DURING AN
21 ATHLETIC EVENT SPONSORED BY OR OPERATED UNDER THE AUSPICES OF THE
22 ORGANIZING ENTITY SHALL IMMEDIATELY REMOVE FROM PHYSICAL
23 PARTICIPATION IN AN ATHLETIC ACTIVITY A YOUTH ATHLETE WHO IS
24 SUSPECTED OF HAVING A SUDDEN CARDIAC ARREST OR IS EXHIBITING
25 SYMPTOMS OF SUDDEN CARDIAC ARREST DURING THE ATHLETIC ACTIVITY. A
26 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 SUDDEN CARDIAC ARREST PROTOCOLS THAT
20 ARE SUBSTANTIALLY SIMILAR TO OR MORE STRINGENT THAN THE SUDDEN
21 CARDIAC ARREST PROTOCOLS IN THE TRAINING PROGRAM DEVELOPED,
22 ADOPTED, OR APPROVED UNDER SECTION 9157 AND THE REMOVAL FROM AND
23 RETURN TO PHYSICAL ACTIVITY REQUIREMENTS OF THIS SECTION, AND
24 INCLUDES AN ENFORCEMENT MECHANISM APPLICABLE TO 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.