

**ONGOING UPDATES AND TRAINING FOR YOUTH  
ATHLETE CONCUSSION AWARENESS;  
EXEMPT COLLEGE STUDENTS**

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**Senate Bill 352 as reported from House committee w/o amendment**

**Sponsor: Sen. John Proos**

**House Committee: Health Policy**

**Senate Committee: Health Policy**

**Complete to 9-14-17**

*(Enacted as Public Act 137 of 2017)*

***BRIEF SUMMARY:***

Senate Bill 352 would amend the Public Health Code to make several updates to two 2012 acts requiring concussion awareness training programs and a concussion protocol for youth athletes. It would require periodic review and revision of the protocol, and specifically exempt college students from the definition of "youth athlete." The bill would take effect 90 days after enactment. (MCL 333.9155 and 333.9156)

***FISCAL IMPACT:***

Senate Bill 352 would have minimal cost implications for the Department of Health and Human Services to periodically review and revise the concussion awareness training program and the recommended frequency of completion of the program.

The bill would prevent an increase in administrative costs at public universities and community colleges to comply with obtaining and filing waivers for an indeterminate amount of students.

The bill would have no fiscal impact on local school districts or other local units of government. Currently, concussion awareness training program certification is required for coaches, employees, volunteers, and other adults involved in applicable youth sports activities, and this bill would revise to add that the concussion awareness training program be completed once every three years, unless the department recommends more frequent training. Since there are multiple free online training programs, there is no fiscal impact.

***THE APPARENT PROBLEM:***

In response to the efforts of organizations such as the Centers for Disease Control and Prevention, the National Football League, and the Michigan High School Athletic Association, among others, the issue of concussions among youth athletes has generated increased attention and awareness in recent years. According to the National Federation of State High School Associations, over 140,000 high school athletes alone are estimated to suffer a concussion each year. Researchers now know that damage to developing brains

from multiple concussions, or even a badly managed single concussion, can have long-term effects and, in some cases, lifetime implications.

### ***THE CONTENT OF THE BILL:***

Primarily, the bill would address an unintended consequence of the 2012 acts, by adding the following to the definition of "youth athlete": **youth athlete does not include an individual who is 17 years of age and enrolled solely in an institution of higher education.** This provision clarifies that colleges and universities would not be required to secure and file parental waivers for college students participating on intramural sports teams. A representative of Michigan State University testified at a previous hearing on this topic that approximately half of MSU's 50,000 students participate in intramural sports, and this type of tracking of such unregulated activities would be very difficult. Extramural, or varsity sports, are already regulated by the National Collegiate Athletic Association (NCAA) and other organizations, with regard to concussion protocol.

*Institution of higher learning* is defined in the bill as a degree- or certificate-granting public or private college or university, junior college, or community college.

Public Acts 342 and 343 of 2012 were intended to do all of the following:

- Create awareness about concussions among youth athletes and their parents and coaches and the entities that organize or offer youth sports.
- Apply the bills' requirements to nonprofit and public-sponsored sports programs as well as public and nonpublic elementary and secondary schools (including participation in gym class).
- Create a concussion awareness training program for coaches and adult employees and volunteers of sports programs.
- Require immediate withdrawal of a player exhibiting signs of a concussion; require a medical clearance before the player can participate again.
- Provide exemptions from the bills' requirements.
- Define terms.

Senate Bill 352 would retain all of those provisions, and add requirements for ongoing updates to and participation in the training program.

Section 9155 of the Public Health Code requires the Michigan Department of Health and Human Services (DHHS) to develop, approve, and make available educational materials and a training program on concussions. The bill would add a provision that **DHHS periodically review the training program and, for purposes of Section 9156, make recommendations regarding the frequency of the program based on changes to the training program that are developed, adopted, or approved by DHHS.**

Section 9156 of the Public Health Code requires that before an applicable organization begins a program subject to this section, it must ensure that its coaches, employees,

volunteers, and other adults involved in applicable youth sports activities, participate in the concussion awareness training program under Section 9155. The bill would add a requirement that those adults **complete that training program once every three years, unless DHHS recommends more frequent trainings.**

***HOUSE COMMITTEE ACTION:***

The members of the House Health Policy Committee reported out the Senate-passed version of Senate Bill 352 without amendment.

***BACKGROUND INFORMATION:***

Since 2009, 49 states and the District of Columbia have enacted strong youth sports concussion safety laws. The 50th state, Wyoming, enacted a concussion law in 2011, but it includes no provisions requiring parents to sign off on the risks, or automatic removal from a game or practice of a child suspected of having suffered a concussion. In 2013, Michigan became the 39th state to pass legislation on concussions in youth sports. This bill would build upon that effort.

***POSITIONS:***

The following organizations indicated support for the bill:

- Michigan Department of Health and Human Services (9-13-17)
- Michigan Chapter of the American Academy of Pediatrics (9-13-17)
- Michigan Association of School Boards (9-13-17)
- Detroit Lions (9-13-17)
- Michigan State University (9-13-17)
- Brain Injury Association of Michigan (9-13-17)
- Michigan State Medical Society (9-13-17)
- Michigan Brain Injury Provider Council (9-13-17)

Legislative Analyst: Jenny McInerney  
Fiscal Analyst: Susan Frey  
Perry Zielak  
Bethany Wicksall  
Samuel Christensen

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.