



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 352 (as enacted)
Sponsor: Senator John Proos
Senate Committee: Health Policy
House Committee: Health Policy

PUBLIC ACT 137 of 2017

Date Completed: 12-1-17

RATIONALE

According to the Centers for Disease Control and Prevention, in 2012, over 329,000 children (individuals age 19 or younger) were treated for sports- and recreation-related injuries that included diagnosis of a concussion or a traumatic brain injury. In the same year, Michigan enacted Public Acts 342 and 343 to increase awareness and provide education about concussions in youth sports. Among other things, the legislation required the Department of Health and Human Services (DHHS) to create a concussion awareness training program for coaches and adult employees and volunteers of youth sports programs. It also requires that youth athletic organizations provide educational materials on concussions to youth athletes and their parents and obtain a signed statement from those individuals acknowledging receipt of the materials.

More recently, some people expressed concerns about potential liability of higher education institutions because some students who arrive on college and university campuses fall under the definition of "youth athlete". Therefore, it was suggested that the definition be changed so that higher education institutions will not be subject to the same concussion training and education provisions as youth athletic organizations. It also was suggested that individuals associated with youth sports be required to complete the concussion awareness training program every three years and that the DHHS periodically review the program and educational materials, so individuals involved in youth athletics will have the most recent and reliable information about concussions.

CONTENT

The bill amends the Public Health Code to the following:

- **Require the 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 participates in an athletic activity, to ensure that each person required to participate in the training program completes it at least once every three years.**
- **Amend the definition of "youth athlete", which means an individual who participates in an athletic activity and is under 18 years old, to exclude a 17-year-old who is enrolled solely in an institution of higher education.**

The bill will take effect on January 24, 2018.

Sections 9155 and 9156 of the Code 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 DHHS 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 requires 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 DHHS develops, adopts, or approves.

Before a youth athlete may participate in an athletic activity sponsored or operated under the auspices of the organizing entity, Section 9156 requires an organizing entity to do the following:

- 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.
- Provide the education materials developed under Section 9155 to each youth athlete and a parent or guardian.
- Obtain a signed statement from each youth athlete and a parent or guardian acknowledging receipt of the education material.

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

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

MCL 333.9155 & 333.9156

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

A number of students who arrive on college and university campuses are 17 years old. If they participate in athletic activities, such as intramural sports, they technically fall under the definition of "youth athlete". This means that the statutory provisions regarding concussion training and educational materials still apply even though the students are no longer in youth or high school athletics. Amending the definition of "youth athlete" to exclude these student athletes will ensure that higher education institutions are not required to provide the same level of oversight as youth athletic organizations or obtain signed statements from the students and their parents.

Supporting Argument

The bill will enhance the effectiveness of the law by requiring the DHHS to periodically review the concussion awareness materials and programs and make recommendations regarding the frequency of training, and by requiring those involved with youth sports to complete the concussion training every three years. This will ensure that the most recent and reliable information is being disseminated.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill will have a minimal negative fiscal impact on the Department of Health and Human Services, and no fiscal impact on local units of government. The Department will face a minimal increase in costs resulting from the bill's 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 will 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 will 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

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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.