

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.9155 Concussions; educational materials on nature and risk; concussion awareness training program; availability of materials and program on website; review; definitions.

Sec. 9155.

(1) Before June 27, 2013, the department shall develop, adopt, or approve educational materials on the nature and risk of concussions.

(2) Before June 27, 2013, the department shall develop, adopt, or approve a concussion awareness training program in an electronic format that includes all of the following:

(a) The nature and risk of concussions.

(b) The criteria for the removal of an athlete from physical participation in an athletic activity due to a suspected concussion and his or her return to that athletic activity.

(c) The risks to an athlete of not reporting a suspected concussion and continuing to physically participate in the athletic activity.

(3) As soon as they are available, the department shall make the educational materials and training program required under this section available to the public on the department's internet website. The department shall make the training program available to all individuals required to participate in the program under section 9156 and to any interested individual including school personnel, coaches, parents, students, and athletes. The department shall periodically review the training program required under this section and, for purposes of section 9156, make recommendations regarding the frequency of the training program based on changes to the training program that are developed, adopted, or approved by the department.

(4) As used in this section and section 9156:

(a) "Appropriate health professional" means a health professional who is licensed or otherwise authorized to engage in a health profession under article 15 and whose scope of practice within that health profession includes the recognition, treatment, and management of concussions.

(b) "Athletic activity" means a program or event, including practice and competition, during which youth athletes participate or practice to participate in an organized athletic game or competition against another team, club, entity, or individual. Athletic activity includes participation in physical education classes that are part of a school curriculum.

(c) "Concussion" means a type of traumatic brain injury as recognized by the Centers for Disease Control and Prevention. A concussion may cause a change in an individual's mental status at the time of the injury, including, but not limited to, feeling dazed, disoriented, or confused, and may or may not involve a loss of consciousness. A concussion may be caused by any type of accident or injury including, but not limited to, the following:

- (i) A fall.
- (ii) A blow, bump, or jolt to the head or body.
- (iii) The shaking or spinning of the head or body.
- (iv) The acceleration and deceleration of the head.

(d) "Institution of higher education" means a degree or certificate granting public or private college or university, junior college, or community college.

(e) "Organizing entity" means any of the following:

- (i) A school.
- (ii) A state or local parks and recreation department or commission or other state or local entity.
- (iii) A nonprofit or for-profit entity.
- (iv) A public or private entity.

(f) "School" means a nonpublic school, public school, or public school academy as those terms are defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

(g) "Youth athlete" means an individual who participates in an athletic activity and who is under 18 years of age. Youth athlete does not include an individual who is 17 years of age and enrolled solely in an institution of higher education.

History: Add. 2012, Act 342, Eff. Mar. 28, 2013;—Am. 2017, Act 137, Eff. Jan. 24, 2018.

Popular name: Act 368

333.9156 Sponsor or operation of athletic activity; compliance with section by organizing entity; duties of coach or other adult; removal of youth athlete; written clearance; exceptions.

Sec. 9156.

(1) An organizing entity that is subject to this section shall ensure that it is in compliance with this section before it sponsors or operates an athletic activity in which youth athletes will participate, if that athletic activity is subject to this section.

(2) Before a youth athlete may participate in an athletic activity sponsored by or operated under the auspices of an organizing entity, the organizing entity shall do all of the following:

(a) Comply with all the requirements of this section with regard to its coaches, employees, volunteers, and other adults who are involved with the participation of youth athletes in athletic activity sponsored by or operated under the auspices of that organizing entity and who are required to participate in the concussion awareness training program developed under section 9155.

(b) Ensure that each coach, employee, volunteer, and other adult who is required to participate in the concussion awareness training program developed under section 9155 completes the training program once every 3 years, unless the department recommends more frequent training.

(c) Provide the educational materials developed under section 9155 to each youth athlete who participates in an athletic activity sponsored by or operated under the auspices of the organizing entity and a parent or guardian of the youth athlete.

(d) Obtain a statement signed by each youth athlete and a parent or guardian of the youth athlete acknowledging receipt of the educational material developed under section 9155. The organizing entity

shall maintain the statement obtained under this subdivision in a permanent file for the duration of that youth athlete's participation in athletic activity sponsored by or operated under the auspices of that organizing entity or until the youth athlete is 18 years of age. Upon request, the organizing entity shall make the statements obtained under this subdivision available to the department.

(3) A coach or other adult employed by, volunteering for, or otherwise acting on behalf of an organizing entity during an athletic event sponsored by or operated under the auspices of the organizing entity shall immediately remove from physical participation in an athletic activity a youth athlete who is suspected of sustaining a concussion during the athletic activity. A youth athlete who has been removed from physical participation in an athletic activity under this subsection shall not return to physical activity until he or she has been evaluated by an appropriate health professional and receives written clearance from that health professional authorizing the youth athlete's return to physical participation in the athletic activity. The organizing entity shall maintain a written clearance obtained under this subsection in a permanent file for the duration of that youth athlete's participation in athletic activity sponsored by or operated under the auspices of that organizing entity or until the youth athlete is 18 years of age. Upon request, the organizing entity shall make the written clearance obtained under this subsection available to the department.

(4) This section does not apply to an athletic activity sponsored by or operated under the auspices of an organizing entity if all of the following requirements are met:

(a) The entity is a member of a private nonprofit multisport statewide interscholastic athletic association.

(b) The athletic activity is governed by a rule established by the interscholastic athletic association described in subdivision (a), which rule establishes concussion protocols that are substantially similar to or more stringent than the concussion protocols in the training program developed, adopted, or approved under section 9155 and the removal from and return to physical activity requirements of this section, and includes an enforcement mechanism on its members.

(5) This section does not apply to an entity that would otherwise be considered an organizing entity under this section if the primary focus of the program or event sponsored by or operated under the auspices of that entity is not the participation in an organized athletic game or competition but that participation is only incidental to the primary focus of the program or event.

History: Add. 2012, Act 343, Eff. Mar. 28, 2013;—Am. 2017, Act 137, Eff. Jan. 24, 2018.

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