



# HOUSE BILL No. 6056

September 11, 1996, Introduced by Rep. Gagliardi and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 40115 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 57 of the Public Acts of 1995, being section 324.40115 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 40115 of Act No. 451 of the Public Acts  
2 of 1994, as added by Act No. 57 of the Public Acts of 1995, being  
3 section 324.40115 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5 Sec. 40115. (1) As used in this section:

6 (a) "Crossbow" means a weapon consisting of a bow mounted  
7 transversely on a stock or frame and designed to fire an arrow,  
8 bolt, or quarrel by the release of a bow string which is

1 controlled by a mechanical or electric trigger and has a working  
2 safety and a draw weight of 100 pounds or greater.

3 ~~(b) "Physical therapist" means a person licensed to engage~~  
4 ~~in the practice of physical therapy under article 15 of the~~  
5 ~~public health code, Act No. 368 of the Public Acts of 1978, being~~  
6 ~~sections 333.16101 to 333.18838 of the Michigan Compiled Laws.~~

7 (B) ~~(c)~~ "Physician" means a person licensed by the state  
8 to engage in the practice of medicine or the practice of osteo-  
9 pathic medicine and surgery under article 15 of the public health  
10 code, Act No. 368 of the Public Acts of 1978, BEING SECTIONS  
11 333.1601 TO 333.18838 OF THE MICHIGAN COMPILED LAWS.

12 (2) The department may issue a permit to a person who is  
13 certified as being permanently disabled by a physician as pro-  
14 vided in this section. That permit shall be issued without cost  
15 to the applicant and shall authorize that person to take game  
16 with a crossbow during the open season for that game if that  
17 person holds a license to take that game issued pursuant to  
18 part 435 (HUNTING AND FISHING LICENSING) and complies with all  
19 other laws and rules for the taking of game.

20 (3) An applicant for a permit under this section shall  
21 submit to the department a signed certification from a physician  
22 indicating that the physician ~~received from a physical therapist~~  
23 ~~and reviewed and confirmed objective test findings indicating the~~  
24 ~~percentage~~ PERFORMED OBJECTIVE TESTS TO DETERMINE THE DEGREE of  
25 disability ~~determined to be~~ present in the permit applicant.  
26 ~~by the physical therapist.~~ Based on the test findings, the  
27 physician may certify that the applicant is permanently disabled

1 as required by this section if the physician finds ~~that~~ EITHER  
2 OF THE FOLLOWING:

3 (A) THAT THE PERMIT APPLICANT HAS MUSCLE WEAKNESS IN 1 ARM  
4 EQUIVALENT TO GRADE 4 OUT OF 5, OR WEAKER, IN THE MUSCLE WEAKNESS  
5 GRADING SCHEME IN DANIELS AND WORTHINGHAM, MUSCLE TESTING:  
6 TECHNIQUES OF MANUAL EXAMINATION (PHILADELPHIA: SAUNDERS, 5TH  
7 ED, 1986) AND THAT THE WEAKNESS IS ATTRIBUTABLE TO  
8 NEUROMUSCULAR-SKELETAL PROBLEMS.

9 (B) THAT the permit applicant has at least 80% ~~, in combi-~~  
10 ~~nation or individual impairment, of a~~ hand, elbow, or shoulder  
11 IMPAIRMENT, IN COMBINATION OR INDIVIDUALLY. In support of such a  
12 determination, the physician and the physical therapist shall  
13 utilize the following standards and criteria:

14 (i) ~~(a)~~ If applicable, muscle weaknesses with a grade of  
15 fair or below for involved upper extremity muscle groups will be  
16 used UNDER THIS SUBDIVISION to determine if a person is eligible  
17 for a permit under this section. Testing by the ~~physical~~  
18 ~~therapist~~ PHYSICIAN will use as a guideline ~~"Techniques of~~  
19 ~~Manual Muscle Testing", by~~ Daniels and Worthingham, MUSCLE  
20 TESTING: TECHNIQUES OF MANUAL EXAMINATION (PHILADELPHIA:  
21 SAUNDERS, 5TH ED, 1986) or other guidelines accepted by the  
22 American medical association.

23 (ii) ~~(b)~~ Impaired range of motion. Goniometric measure-  
24 ments using the "American medical association guide to evaluation  
25 and permanent impairment rating", or other guidelines accepted by  
26 the American medical association.

1       (iii) ~~(c)~~ Peripheral nerve involvement, using the  
2 "American medical association guide to evaluation and permanent  
3 impairment rating", or other guidelines accepted by the American  
4 medical association.

5       (iv) ~~(d)~~ Amputations involving 4 fingers at the proximal  
6 interphalangeal joint, wrist, elbow, and shoulder do not require  
7 objective test findings. However, the applicant is required to  
8 present a physician's diagnosis to be qualified for a permit.

9       (v) ~~(e)~~ Unilateral hand weakness disabilities. In addi-  
10 tion to manual muscle testing, a grip dynamometer, pinch grip,  
11 and lateral grip measurements will be used to compare dominant to  
12 nondominant hand. A 5% deficit is standard acceptance for the  
13 nondominant hand. Bilateral hand weaknesses or bilateral upper  
14 extremity weaknesses, or both, are subject to manual muscle test-  
15 ing only.

16       (vi) ~~(f)~~ Any spinal cord injury above the level of C-8,  
17 resulting in permanent disability to the lower extremities, leav-  
18 ing the applicant permanently nonambulatory, as diagnosed by a  
19 physician, do not require objective test findings. However, the  
20 applicant is required to present a physician's diagnosis to be  
21 qualified for a permit.

22       (vii) ~~(g)~~ Coordination assessment. Coordination is the  
23 ability to execute smooth, accurate, controlled movement.  
24 Incoordination or coordination deficit describes abnormal motor  
25 function characterized by awkward, extraneous, uneven, or inaccu-  
26 rate movements, caused by central nervous disorders, including,  
27 but not limited to, Parkinson's disease, cerebral palsy,

1 hemiplegia, hemiparesis, and closed head trauma; or by  
2 progressive neuromuscular diseases, such as muscular dystrophy,  
3 multiple sclerosis, and amyotrophic lateral sclerosis. Purpose:  
4 to assess the ability of muscles or groups of muscles to work  
5 together to perform a task. For safety considerations, this test  
6 will eliminate severely impaired applicants from qualifying for a  
7 permit.

8 (4) A person shall not seek diagnosis from ~~a physical ther-~~  
9 ~~apist or~~ a physician for purposes of meeting the requirements of  
10 this section on more than 2 occasions within a 6-month period.

11 If a person seeks a diagnosis from a ~~physical therapist~~  
12 PHYSICIAN and the results of the testing do not meet the require-  
13 ments of this section for eligibility for a permit, the person  
14 may do either of the following:

15 (a) Within 30 days of obtaining the test results, seek  
16 another opinion from the same or a different ~~physical therapist~~  
17 PHYSICIAN.

18 (b) After 180 days or more, seek another opinion from the  
19 same or a different ~~physical therapist~~ PHYSICIAN.

20 (5) A permit issued under this section to a person who is  
21 eligible for that permit because he or she has a progressive neu-  
22 romuscular disease or a central nervous disorder shall be issued  
23 for 2 years and then is renewable only upon reapplication pursu-  
24 ant to this section. All other crossbow permits issued pursuant  
25 to this section are valid unless revoked pursuant to the adminis-  
26 trative procedures act of 1969, Act No. 306 of the Public Acts of

1 1969, being sections 24.201 to 24.328 of the Michigan Compiled  
2 Laws.

3 (6) Arrows, bolts, and quarrels used for taking deer, bear,  
4 elk, and turkey with a crossbow under a permit issued under this  
5 section ~~are required to~~ SHALL have a broadhead hunting type of  
6 point not less than 7/8 of an inch wide and ~~must~~ SHALL be a  
7 minimum of 14 inches in length.

8 (7) A person who falsely obtains or uses a permit authorized  
9 in this section is guilty of a misdemeanor, punishable by impris-  
10 onment for not more than 90 days, or a fine of not less than  
11 \$200.00 or more than \$1,000.00, or both, and the cost of  
12 prosecution.