

# Legislative Analysis



## JOSHUA CONANT ACT

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### House Bills 5060 and 5061 as introduced

Sponsor: Rep. Joseph Pavlov

Committee: Regulatory Reform

Complete to 11-12-25

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

**House Bill 5060** would create a new act called the Joshua Conant Act.

The act would require a business licensed to sell alcohol in Michigan to only employ ***bouncers***, or any individuals whose job description includes the possible restraint of another individual, who have completed ***positional asphyxiation*** training.

***Bouncer*** would mean an individual who is hired to provide unlicensed security services at a business licensed to sell alcohol in Michigan.

***Positional asphyxiation*** would mean a form of mechanical asphyxia that occurs when an individual is immobilized in a position that impairs adequate pulmonary ventilation and results in a respiratory failure.

The Michigan Commission on Law Enforcement Standards (MCOLES) would have to develop and issue rules on the training described above.

An owner of a licensed business that violates the above provision would be subject to the sanctions and penalties provided under Chapter 9 of the code.<sup>1</sup>

**House Bill 5061** would amend the Michigan Liquor Control Code to provide that a bouncer employed by a person licensed to sell alcohol on the premises must complete positional asphyxiation training.

MCL 436.1906

The bills are tie-barred, which means neither can take effect unless both are enacted.

## FISCAL IMPACT:

House Bill 5060 would have an indeterminate fiscal impact on MCOLES. Under the bill, MCOLES would be required to promulgate new rules governing positional asphyxiation training, which could result in nominal costs for the commission. As part of the basic law enforcement training curriculum published pursuant to Rule 28.14311, MCOLES already produces training materials for law enforcement officers related to the use of force to control a subject. While these materials currently include information on “using restraints and/or procedures that will not place the subject in a position where breathing will be dangerously

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<sup>1</sup> <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-58-1998-9>

impaired,” the extent to which existing materials would need to be modified (or new materials would need to be created) for the purposes of training bouncers is not known. As a result, a precise estimate of the costs that MCOLES could incur in the course of modifying or creating training materials cannot be made.

The bill would have no fiscal impact on local units of government.

House Bill 5061 would have an indeterminate fiscal impact on the Michigan Liquor Control Commission, housed within the Department of Licensing and Regulatory Affairs. The bill would prohibit on-premises licensees from employing a bouncer that has not completed positional asphyxiation training, which would provide for a new type of violation. To the extent that violations of the new provision occur, additional fine revenue may be realized and enforcement costs incurred.

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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.