
Michigan Concussion Laws Take Effect

By Kurt M. Graham / Apr 04, 2013

While Michigan school districts were celebrating Spring Break vacation, the concussion laws that were enacted by the Michigan Legislature on October 23, 2012, took effect on March 28, 2013. Public Acts 342 and 343 of 2012, apply to school athletic activities, which include organized practices or competitions, and also physical education classes that are part of a school curriculum. Before a student athlete may participate in an athletic activity operated by a school district, a school district must:

1. Ensure coaches, employees, volunteers, and other adults, who are involved with the participation of athletes in the district's athletic activities, participate in a concussion awareness training program;
2. Provide educational materials on the nature and risks of concussions to each student athlete participating in the district's athletic activities and his/her parent or guardian; and
3. Obtain an acknowledgment receipt from the student athlete and his/her parent/guardian and maintain the receipt in a permanent file for duration of the student's participation in athletic activities or until the student is 18.

Additionally, a coach or other adult employed by, or volunteering for, or otherwise acting on behalf of the school district during an athletic activity, must immediately remove from an athletic event any student athlete who is suspected of sustaining a concussion during the activity. The student athlete cannot return to physical activity until an evaluation is conducted by a health professional who authorizes, in writing, the student athlete's return to physical participation in athletic activity. The health professional must be licensed or authorized to engage in a health profession whose scope of practice includes the recognition, treatment, or management of concussions. As a result, school districts will have to closely scrutinize any written medical slips submitted by student athletes who are attempting to return from a concussion to make sure an appropriate health professional has authorized their release.

The concussion laws do not require school districts to prepare their own concussion training program, or educational materials. In an effort to assist school districts with complying with the concussion laws, the Michigan Department of Community Health (MDCH) has been given until June 26, 2013, to develop a concussion awareness training program and educational materials discussing the nature and risks of concussions. The MDCH will post the educational and training materials on its website so they are available for use. School districts should remain alert for publication of the MDCH materials. Once they are published, a school district can use them to comply with the concussion laws. In the meantime, school districts need to be aware that the concussion laws are in effect and be prepared to implement the MDCH materials once they are published before they allow any student athletes to participate in athletic activities.

If you have any questions about the new concussion laws, please contact Kurt Graham at (616) 608-1144 or kgraham@clarkhill.com ; or your Clark Hill education law attorney.