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SENATE BILL 38

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO YOUTH ATHLETICS SAFETY; REQUIRING BRAIN INJURY
TRAINING FOR STUDENT AND OTHER YOUTH ATHLETES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-13-31 NMSA 1978 (being Laws 2010,
Chapter 96, Section 1, as amended) is amended to read:

"22-13-31. BRAIN INJURY--PROTOCOLS TO BE USED BY COACHES
FOR BRAIN INJURIES RECEIVED BY STUDENTS IN SCHOOL ATHLETIC
ACTIVITIES--TRAINING OF COACHES AND STUDENT ATHLETES--
INFORMATION TO BE PROVIDED TO COACHES, STUDENT ATHLETES AND
STUDENT ATHLETES' PARENTS OR GUARDIANS--REQUIRING
ACKNOWLEDGMENT OF TRAINING AND INFORMATION--NONSCHOLASTIC YOUTH
ATHLETIC ACTIVITY ON SCHOOL DISTRICT PROPERTY--BRAIN INJURY
PROTOCOL COMPLIANCE--CERTIFICATION.--

A. A coach shall not allow a student athlete to

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1 participate in a school athletic activity on the same day that
2 the student athlete:

3 (1) exhibits signs, symptoms or behaviors
4 consistent with a brain injury after a coach, a school official
5 or a student athlete reports, observes or suspects that a
6 student athlete exhibiting these signs, symptoms or behaviors
7 has sustained a brain injury; or

8 (2) has been diagnosed with a brain injury.

9 B. A coach may allow a student athlete who has been
10 prohibited from participating in a school athletic activity
11 pursuant to Subsection A of this section to participate in a
12 school athletic activity no sooner than two hundred forty hours
13 from the hour in which the student athlete received a brain
14 injury and only after the student athlete:

15 (1) no longer exhibits any sign, symptom or
16 behavior consistent with a brain injury; and

17 (2) receives a written medical release from a
18 licensed health care professional.

19 C. Each school district shall ensure that each
20 coach participating in school athletic activities and each
21 student athlete in the school district receives training
22 provided pursuant to Paragraph (1) of Subsection D of this
23 section.

24 D. The New Mexico activities association shall
25 consult with the brain injury advisory council and school

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1 districts to promulgate rules to establish:

2 (1) protocols and content consistent with
3 current medical knowledge for training each coach participating
4 in school athletic activities and each student athlete to:

5 (a) understand the nature and risk of
6 brain injury associated with athletic activity;

7 (b) recognize signs, symptoms or
8 behaviors consistent with a brain injury when a coach or
9 student athlete suspects or observes that a student athlete has
10 received a brain injury;

11 (c) understand the need to alert
12 appropriate medical professionals for urgent diagnosis or
13 treatment; and

14 (d) understand the need to follow
15 medical direction for proper medical protocols; and

16 (2) the nature and content of brain injury
17 training and information forms and educational materials for,
18 and the means of providing these forms and materials to,
19 coaches, student athletes and student athletes' parents or
20 guardians regarding the nature and risk of brain injury
21 resulting from athletic activity, including the risk of
22 continuing or returning to athletic activity after a brain
23 injury.

24 E. At the beginning of each academic year or the
25 first participation in school athletic activities by a student

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1 athlete during an academic year, a school district shall
2 provide a brain injury training and information form created
3 pursuant to Subsection D of this section to a student athlete
4 and the student athlete's parent or guardian. The school
5 district shall receive signatures on the brain injury training
6 and information form from the student athlete and the student
7 athlete's parent or guardian confirming that the student
8 athlete has received the brain injury training required by this
9 section and that the student athlete and parent or guardian
10 understand the brain injury information before permitting the
11 student athlete to begin or continue participating in school
12 athletic activities for that academic year. The form required
13 by this subsection may be contained on the student athlete
14 sport physical form.

15 F. As a condition of permitting nonscholastic youth
16 athletic activity to take place on school district property,
17 the superintendent of a school district shall require the
18 person offering the nonscholastic youth athletic activity to
19 sign a certification that the nonscholastic youth athletic
20 activity will follow the brain injury protocols established
21 pursuant to Section [~~2 of this 2016 act~~] 22-13-31.1 NMSA 1978.

22 G. As used in this section:

23 (1) "academic year" means any consecutive
24 period of two semesters, three quarters or other comparable
25 units commencing with the fall term each year;

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1 (2) "brain injury" means a body-altering
2 physical trauma to the brain, skull or neck caused by, but not
3 limited to, blunt or penetrating force, concussion, diffuse
4 axonal injury, hypoxia-anoxia or electrical charge;

5 (3) "licensed health care professional" means:

6 (a) a practicing physician or physician
7 assistant licensed pursuant to the Medical Practice Act;

8 (b) a practicing osteopathic physician
9 licensed pursuant to [~~Chapter 61, Article 10 NMSA 1978~~] the
10 Osteopathic Medicine Act;

11 (c) a practicing certified nurse
12 practitioner licensed pursuant to the Nursing Practice Act;

13 (d) a practicing osteopathic physician's
14 assistant licensed pursuant to the Osteopathic [~~Physicians'~~
15 ~~Assistants~~] Medicine Act;

16 (e) a practicing psychologist licensed
17 pursuant to the provisions of the Professional Psychologist
18 Act;

19 (f) a practicing athletic trainer
20 licensed pursuant to the provisions of the Athletic Trainer
21 Practice Act; or

22 (g) a practicing physical therapist
23 licensed pursuant to the Physical Therapy Act;

24 (4) "nonscholastic youth athletic activity"
25 means an organized athletic activity in which the participants,

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1 a majority of whom are under nineteen years of age, are engaged
2 in an athletic game or competition against another team, club
3 or entity, or in practice or preparation for an organized
4 athletic game or competition against another team, club or
5 entity. "Nonscholastic youth athletic activity" does not
6 include an elementary school, middle school, high school,
7 college or university activity or an activity that is
8 incidental to a nonathletic program;

9 (5) "school athletic activity" means a
10 sanctioned middle school, junior high school or senior high
11 school function that the New Mexico activities association
12 regulates; and

13 (6) "student athlete" means a middle school,
14 junior high school or senior high school student who engages
15 in, is eligible to engage in or seeks to engage in a school
16 athletic activity."

17 SECTION 2. Section 22-13-31.1 NMSA 1978 (being Laws 2016,
18 Chapter 53, Section 2) is amended to read:

19 "22-13-31.1. BRAIN INJURY--PROTOCOLS--TRAINING OF
20 COACHES--BRAIN INJURY EDUCATION.--

21 A. A coach shall not allow a youth athlete to
22 participate in a youth athletic activity on the same day that
23 the youth athlete:

24 (1) exhibits signs, symptoms or behaviors
25 consistent with a brain injury after a coach, a league official

1 or a youth athlete reports, observes or suspects that a youth
2 athlete exhibiting these signs, symptoms or behaviors has
3 sustained a brain injury; or

4 (2) has been diagnosed with a brain injury.

5 B. A coach may allow a youth athlete who has been
6 prohibited from participating in a youth athletic activity
7 pursuant to Subsection A of this section to participate in a
8 youth athletic activity no sooner than two hundred forty hours
9 from the hour in which the youth athlete received a brain
10 injury and only after the youth athlete:

11 (1) no longer exhibits any sign, symptom or
12 behavior consistent with a brain injury; and

13 (2) receives a written medical release from a
14 licensed health care professional.

15 C. Each youth athletic league shall ensure that
16 each coach participating in youth athletic activities and each
17 youth athlete in the league receives training provided pursuant
18 to Paragraph (1) of Subsection D of this section.

19 D. The department of health shall consult with the
20 brain injury advisory council to promulgate rules to establish:

21 (1) protocols and content consistent with
22 current medical knowledge for training each coach participating
23 in youth athletic activities and each youth athlete to:

24 (a) understand the nature and risk of
25 brain injury associated with youth athletic activity;

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1 (b) recognize signs, symptoms or
2 behaviors consistent with a brain injury when a coach or youth
3 athlete suspects or observes that a youth athlete has received
4 a brain injury;

5 (c) understand the need to alert
6 appropriate medical professionals for urgent diagnosis or
7 treatment; and

8 (d) understand the need to follow
9 medical direction for proper medical protocols; and

10 (2) the nature and content of brain injury
11 training and information forms and educational materials for,
12 and the means of providing these forms and materials to,
13 coaches, youth athletes and youth athletes' parents or
14 guardians regarding the nature and risk of brain injury
15 resulting from youth athletic activity, including the risk of
16 continuing or returning to youth athletic activity after a
17 brain injury.

18 E. At the beginning of each youth athletic activity
19 season or the first participation in youth athletic activities
20 by a youth athlete during a youth athletic activity season, a
21 youth athletic league shall provide a brain injury training and
22 information form created pursuant to Subsection D of this
23 section to a youth athlete and the youth athlete's parent or
24 guardian. The youth athletic league shall receive signatures
25 on the brain injury training and information form from the

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1 youth athlete and the youth athlete's parent or guardian
2 confirming that the youth athlete has received the brain injury
3 training required by this section and that the youth athlete
4 and parent or guardian understand the brain injury information
5 before permitting the youth athlete to begin or continue
6 participating in youth athletic activities for the athletic
7 season or term of participation.

8 F. As used in this section:

9 (1) "brain injury" means a body-altering
10 physical trauma to the brain, skull or neck caused by blunt or
11 penetrating force, concussion, diffuse axonal injury, hypoxia-
12 anoxia or electrical charge;

13 (2) "licensed health care professional" means:

14 (a) a practicing physician or physician
15 assistant licensed pursuant to the Medical Practice Act;

16 (b) a practicing osteopathic physician
17 licensed pursuant to [~~Chapter 61, Article 10 NMSA 1978~~] the
18 Osteopathic Medicine Act;

19 (c) a practicing certified nurse
20 practitioner licensed pursuant to the Nursing Practice Act;

21 (d) a practicing osteopathic physician's
22 assistant licensed pursuant to the Osteopathic [~~Physicians'~~
23 ~~Assistants~~] Medicine Act;

24 (e) a practicing psychologist licensed
25 pursuant to the provisions of the Professional Psychologist

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1 Act;

2 (f) a practicing athletic trainer
3 licensed pursuant to the provisions of the Athletic Trainer
4 Practice Act; or

5 (g) a practicing physical therapist
6 licensed pursuant to the provisions of the Physical Therapy
7 Act;

8 (3) "youth athlete" means an individual under
9 nineteen years of age who engages in, is eligible to engage in
10 or seeks to engage in a [~~community~~] youth athletic activity;
11 and

12 (4) "youth athletic activity" means an
13 organized athletic activity in which the participants, a
14 majority of whom are under nineteen years of age, are engaged
15 in an athletic game or competition against another team, club
16 or entity, or in practice or preparation for an organized
17 athletic game or competition against another team, club or
18 entity. "Youth athletic activity" does not include an
19 elementary school, middle school, high school, college or
20 university activity or an activity that is incidental to a
21 nonathletic program."

22 SECTION 3. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2017.

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