

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

(2) has been diagnosed with a brain injury.

B. A coach may allow a student athlete who has

1 been prohibited from participating in a school athletic  
2 activity pursuant to Subsection A of this section to  
3 participate in a school athletic activity no sooner than two  
4 hundred forty hours from the hour in which the student  
5 athlete received a brain injury and only after the student  
6 athlete:

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

9 (2) receives a written medical release from  
10 a licensed health care professional.

11 C. Each school district shall ensure that each  
12 coach participating in school athletic activities and each  
13 student athlete in the school district receives training  
14 provided pursuant to Paragraph (1) of Subsection D of this  
15 section.

16 D. The New Mexico activities association shall  
17 consult with the brain injury advisory council and school  
18 districts to promulgate rules to establish:

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

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

25 (b) recognize signs, symptoms or

1 behaviors consistent with a brain injury when a coach or  
2 student athlete suspects or observes that a student athlete  
3 has received a brain injury;

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

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

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

17 E. At the beginning of each academic year or the  
18 first participation in school athletic activities by a  
19 student athlete during an academic year, a school district  
20 shall provide a brain injury training and information form  
21 created pursuant to Subsection D of this section to a student  
22 athlete and the student athlete's parent or guardian. The  
23 school district shall receive signatures on the brain injury  
24 training and information form from the student athlete and  
25 the student athlete's parent or guardian confirming that the

1 student athlete has received the brain injury training  
2 required by this section and that the student athlete and  
3 parent or guardian understand the brain injury information  
4 before permitting the student athlete to begin or continue  
5 participating in school athletic activities for that academic  
6 year. The form required by this subsection may be contained  
7 on the student athlete sport physical form.

8 F. As a condition of permitting nonscholastic  
9 youth athletic activity to take place on school district  
10 property, the superintendent of a school district shall  
11 require the person offering the nonscholastic youth athletic  
12 activity to sign a certification that the nonscholastic youth  
13 athletic activity will follow the brain injury protocols  
14 established pursuant to Section 22-13-31.1 NMSA 1978.

15 G. As used in this section:

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

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

23 (3) "licensed health care professional"  
24 means:

25 (a) a practicing physician or physician SB 38  
Page 4

1 assistant licensed pursuant to the Medical Practice Act;

2 (b) a practicing osteopathic physician  
3 licensed pursuant to the Osteopathic Medicine Act;

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

6 (d) a practicing osteopathic  
7 physician's assistant licensed pursuant to the Osteopathic  
8 Medicine Act;

9 (e) a practicing psychologist licensed  
10 pursuant to the provisions of the Professional Psychologist  
11 Act;

12 (f) a practicing athletic trainer  
13 licensed pursuant to the provisions of the Athletic Trainer  
14 Practice Act; or

15 (g) a practicing physical therapist  
16 licensed pursuant to the Physical Therapy Act;

17 (4) "nonscholastic youth athletic activity"  
18 means an organized athletic activity in which the  
19 participants, a majority of whom are under nineteen years of  
20 age, are engaged in an athletic game or competition against  
21 another team, club or entity, or in practice or preparation  
22 for an organized athletic game or competition against another  
23 team, club or entity. "Nonscholastic youth athletic  
24 activity" does not include an elementary school, middle  
25 school, high school, college or university activity or an

1 activity that is incidental to a nonathletic program;

2 (5) "school athletic activity" means a  
3 sanctioned middle school, junior high school or senior high  
4 school function that the New Mexico activities association  
5 regulates; and

6 (6) "student athlete" means a middle school,  
7 junior high school or senior high school student who engages  
8 in, is eligible to engage in or seeks to engage in a school  
9 athletic activity."

10 SECTION 2. Section 22-13-31.1 NMSA 1978 (being Laws  
11 2016, Chapter 53, Section 2) is amended to read:

12 "22-13-31.1. BRAIN INJURY--PROTOCOLS--TRAINING OF  
13 COACHES--BRAIN INJURY EDUCATION.--

14 A. A coach shall not allow a youth athlete to  
15 participate in a youth athletic activity on the same day that  
16 the youth athlete:

17 (1) exhibits signs, symptoms or behaviors  
18 consistent with a brain injury after a coach, a league  
19 official or a youth athlete reports, observes or suspects  
20 that a youth athlete exhibiting these signs, symptoms or  
21 behaviors has sustained a brain injury; or

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

23 B. A coach may allow a youth athlete who has been  
24 prohibited from participating in a youth athletic activity  
25 pursuant to Subsection A of this section to participate in a

1 youth athletic activity no sooner than two hundred forty  
2 hours from the hour in which the youth athlete received a  
3 brain injury and only after the youth athlete:

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

6 (2) receives a written medical release from  
7 a licensed health care professional.

8 C. Each youth athletic league shall ensure that  
9 each coach participating in youth athletic activities and  
10 each youth athlete in the league receives training provided  
11 pursuant to Paragraph (1) of Subsection D of this section.

12 D. The department of health shall consult with the  
13 brain injury advisory council to promulgate rules to  
14 establish:

15 (1) protocols and content consistent with  
16 current medical knowledge for training each coach  
17 participating in youth athletic activities and each youth  
18 athlete to:

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

21 (b) recognize signs, symptoms or  
22 behaviors consistent with a brain injury when a coach or  
23 youth athlete suspects or observes that a youth athlete has  
24 received a brain injury;

25 (c) understand the need to alert

1 appropriate medical professionals for urgent diagnosis or  
2 treatment; and

3 (d) understand the need to follow  
4 medical direction for proper medical protocols; and

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

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



1 permitting the youth athlete to begin or continue  
2 participating in youth athletic activities for the athletic  
3 season or term of participation.

4 F. As used in this section:

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

9 (2) "licensed health care professional"  
10 means:

11 (a) a practicing physician or physician  
12 assistant licensed pursuant to the Medical Practice Act;

13 (b) a practicing osteopathic physician  
14 licensed pursuant to the Osteopathic Medicine Act;

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

17 (d) a practicing osteopathic  
18 physician's assistant licensed pursuant to the Osteopathic  
19 Medicine Act;

20 (e) a practicing psychologist licensed  
21 pursuant to the provisions of the Professional Psychologist  
22 Act;

23 (f) a practicing athletic trainer  
24 licensed pursuant to the provisions of the Athletic Trainer  
25 Practice Act; or

1 (g) a practicing physical therapist  
2 licensed pursuant to the provisions of the Physical Therapy  
3 Act;

4 (3) "youth athlete" means an individual  
5 under nineteen years of age who engages in, is eligible to  
6 engage in or seeks to engage in a youth athletic activity;  
7 and

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

18 SECTION 3. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2017. \_\_\_\_\_