

underscored material = new
[bracketed material] = delete

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

SENATE BILL 137

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO HEALTH; AMENDING A SECTION OF THE PUBLIC SCHOOL
CODE TO EXTEND THE TIME OUT OF COMMISSION FOR STUDENT ATHLETES
WHO HAVE SUFFERED A POSSIBLE BRAIN INJURY AND ESTABLISH
CERTIFICATION FOR NONSCHOLASTIC YOUTH ATHLETIC ACTIVITY;
ENACTING A NEW SECTION OF LAW TO ESTABLISH PROTOCOLS FOR
ADDRESSING THE RISK OF BRAIN INJURY IN NON-SCHOOL YOUTH
ATHLETIC ACTIVITIES.

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) 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--INFORMATION TO BE PROVIDED TO
COACHES, STUDENT ATHLETES AND STUDENT ATHLETES' PARENTS OR

underscored material = new
[bracketed material] = delete

1 GUARDIANS--NONSCHOLASTIC YOUTH ATHLETIC ACTIVITY ON SCHOOL
2 DISTRICT PROPERTY--BRAIN INJURY PROTOCOL COMPLIANCE--
3 CERTIFICATION.--

4 A. A coach shall not allow a student athlete to
5 participate in a school athletic activity on the same day that
6 the student athlete:

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

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

13 B. A coach may allow a student athlete who has been
14 prohibited from participating in a school athletic activity
15 pursuant to Subsection A of this section to participate in a
16 school athletic activity no sooner than ~~[one week after]~~ two
17 hundred forty hours from the hour in which the student athlete
18 ~~[has]~~ received a brain injury and only after the student
19 athlete:

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

22 (2) receives a medical release from a licensed
23 health care professional.

24 C. Each school district shall ensure that each
25 coach participating in school athletic activities in the school

underscoring material = new
~~[bracketed material] = delete~~

1 district receives training provided pursuant to Paragraph (1)
2 of Subsection D of this section.

3 D. The New Mexico activities association shall
4 consult with the brain injury advisory council and school
5 districts to promulgate rules to establish:

6 (1) protocols and content consistent with
7 current medical knowledge for training each coach participating
8 in school athletic activities to:

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

11 (b) recognize signs, symptoms or
12 behaviors consistent with a brain injury when a coach suspects
13 or observes that a student athlete has received a brain injury;

14 (c) understand the need to alert
15 appropriate medical professionals for urgent diagnosis or
16 treatment; and

17 (d) understand the need to follow
18 medical direction for proper medical protocols; and

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

.202910.3

underscored material = new
[bracketed material] = delete

1 E. At the beginning of each academic year or
2 participation in school athletic activities, a school district
3 shall provide a brain injury information form created pursuant
4 to Subsection D of this section to a student athlete and the
5 student athlete's parent or guardian. The school district
6 shall receive signatures on the brain injury information form
7 from the student athlete and the student athlete's parent or
8 guardian before permitting the student athlete to begin or
9 continue participating in school athletic activities for that
10 academic year.

11 F. As a condition of permitting nonscholastic youth
12 athletic activity to take place on school district property,
13 the superintendent of a school district shall require the
14 person offering the nonscholastic youth athletic activity to
15 sign a certification that the nonscholastic youth athletic
16 activity will follow the brain injury protocols established
17 pursuant to Section 2 of this 2016 act.

18 ~~[F.]~~ G. As used in this section:

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

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

.202910.3

underscored material = new
[bracketed material] = delete

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

2 (a) a practicing physician or physician
3 assistant licensed pursuant to the Medical Practice Act;

4 (b) a practicing osteopathic physician
5 licensed pursuant to Chapter 61, Article 10 NMSA 1978;

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

8 (d) a practicing osteopathic physician's
9 assistant licensed pursuant to the Osteopathic Physicians'
10 Assistants Act;

11 (e) a practicing psychologist licensed
12 pursuant to the provisions of the Professional Psychologist
13 Act; or

14 (f) a practicing athletic trainer
15 licensed pursuant to the provisions of the Athletic Trainer
16 Practice Act;

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

underscored material = new
[bracketed material] = delete

1 incidental to a nonathletic program;

2 [~~(3)~~] (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 [~~(4)~~] (6) "student athlete" means a middle
7 school, junior high school or senior high school student who
8 engages in, is eligible to engage in or seeks to engage in a
9 school athletic activity [~~and~~

10 ~~(5) "licensed health care professional" 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 Chapter 61, Article 10 NMSA 1978;~~

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

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

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

23 ~~(f) a practicing athletic trainer~~
24 ~~licensed pursuant to the provisions of the Athletic Trainer~~
25 ~~Practice Act]."~~

.202910.3

underscoring material = new
~~[bracketed material] = delete~~

1 SECTION 2. ~~[NEW MATERIAL]~~ BRAIN INJURY--PROTOCOLS--
2 TRAINING OF COACHES--BRAIN INJURY EDUCATION.--

3 A. A coach shall not allow a youth athlete to
4 participate in a youth athletic activity on the same day that
5 the youth athlete:

6 (1) exhibits signs, symptoms or behaviors
7 consistent with a brain injury after a coach, a league official
8 or a youth athlete reports, observes or suspects that a youth
9 athlete exhibiting these signs, symptoms or behaviors has
10 sustained a brain injury; or

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

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

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

20 (2) receives a written medical release from a
21 licensed health care professional.

22 C. Each youth athletic league shall ensure that
23 each coach participating in youth athletic activities receives
24 training provided pursuant to Paragraph (1) of Subsection D of
25 this section.

underscoring material = new
~~[bracketed material] = delete~~

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

3 (1) protocols and content consistent with
4 current medical knowledge for training each coach participating
5 in youth athletic activities to:

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

8 (b) recognize signs, symptoms or
9 behaviors consistent with a brain injury when a coach suspects
10 or observes that a youth athlete has 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 information forms and educational materials for, and the means
18 of providing these forms and materials to, coaches, youth
19 athletes and youth athletes' parents or guardians regarding the
20 nature and risk of brain injury resulting from youth athletic
21 activity, including the risk of continuing or returning to
22 youth athletic activity after a brain injury.

23 E. At the beginning of each athletic season or
24 participation in youth athletic activities, a youth athletic
25 league shall provide a brain injury information form created

.202910.3

underscoring material = new
~~[bracketed material] = delete~~

1 pursuant to Subsection D of this section to a youth athlete and
2 the youth athlete's parent or guardian. The youth athletic
3 league shall receive signatures on the brain injury information
4 form from the youth athlete and the youth athlete's parent or
5 guardian before permitting the youth athlete to begin or
6 continue participating in youth athletic activities for the
7 athletic 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,
12 hypoxia-anoxia or electrical charge;

13 (2) "licensed health care professional" means
14 any of the following individuals, working within the
15 individual's scope of practice, who is trained and has
16 experience in evaluating and managing pediatric concussions and
17 head injuries:

18 (a) a practicing physician or physician
19 assistant licensed pursuant to the Medical Practice Act;

20 (b) a practicing osteopathic physician
21 licensed pursuant to Chapter 61, Article 10 NMSA 1978;

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

24 (d) a practicing osteopathic physician's
25 assistant licensed pursuant to the Osteopathic Physicians'

.202910.3

1 Assistants Act;

2 (e) a practicing psychologist licensed
3 pursuant to the provisions of the Professional Psychologist
4 Act; or

5 (f) a practicing athletic trainer
6 licensed pursuant to the provisions of the Athletic Trainer
7 Practice 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 athletic activity; and

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