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**LEGISLATIVE EDUCATION STUDY COMMITTEE**  
**BILL ANALYSIS**  
**53rd Legislature, 1st Session, 2017**

<b>Bill Number</b>	<u>SB38</u>	<b>Sponsor</b>	<u>Soules</u>
<b>Tracking Number</b>	<u>.205283.1</u>	<b>Committee Referrals</b>	<u>SPAC/SEC;HEC/HHHC</u>
<b>Short Title</b>	<u>Brain Injury Training for Student Athletes</u>		
<b>Analyst</b>	<u>Terrazas</u>	<b>Original Date</b>	<u>1/24/17</u>
		<b>Last Updated</b>	<u>3/3/17</u>

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**BILL SUMMARY**

Synopsis of Bill

Senate Bill 38 (SB38) requires school districts and youth athletic leagues to provide training on brain injury to student and youth athletes. Athletes and their guardians must sign a form indicating they received and understand the brain injury training before participating in school or league athletics.

**FISCAL IMPACT**

SB38 does not contain an appropriation. There may be additional administrative costs to school districts and the New Mexico Activities Association (NMAA) to establish rules and implement the mandatory training.

**SUBSTANTIVE ISSUES**

There has been national attention on the risks of traumatic brain injuries (TBI) on student athletes. A study published by FAIR Health, a national, independent, nonprofit organization, concluded concussion diagnoses for people under the age of 22 rose 50 percent from 2010 to 2014. The study, based on healthcare insurance claims between 2007 and 2015 for individuals 0 to 22 years of age, found 46 percent of concussions diagnosed in people younger than 23 occur in the age group 15 to 18; youth 11 to 14 years of age made up 27 percent of concussions diagnosed while youth 5 to 10 years of age made up 8 percent. Further, September and October show the highest incidences of concussions diagnosed, which correlate with the start of the football season.

The University of New Mexico Brain and Behavior Health Institute conducted a study that found over 60 percent of schools in New Mexico do not have athletic trainers to assist in sports concussion identification and management; over 50 percent indicated they do not feel there are adequate resources to diagnose and manage sports concussions; and over 70 percent indicated interest or strong interest in more education and training on the diagnosis and treatment of concussions.

A study released in 2015 by the University of Pittsburgh Medical Center, suggests concussions are largely misunderstood by most Americans. Survey results showed 25 percent of parents do not let their kids play some contact sports because of fear of concussion, while 87 percent of those surveyed do not know how to define a concussion and 37 percent admitted confusion about what a concussion truly is. Further, 58 percent of those surveyed could not correctly identify immediate symptoms of concussions; fatigue and changes in mood were unknown symptoms of concussions by 34 percent and 13 percent respectively.

### **ADMINISTRATIVE IMPLICATIONS**

If SB38 is enacted, PED reports they would need to communicate changes to all local education agencies to ensure they are aware of the act's new requirements for student and youth athletes and their parents or guardians.

Mandatory inclusion of student athletes in training previously reserved only for coaches may create additional administrative burdens for the school districts, although these costs may be offset by potentially fewer injuries being inflicted upon students, as well as avoidance of related, additional medical and administrative costs.

The bill would require an amendment to NMAA's rules to ensure youth athletes are trained on brain injury protocols.

### **OTHER SIGNIFICANT ISSUES**

A Rio Rancho high school football player and his family fought the state's concussion law in December 2015 to allow the student athlete to play in his school's championship game. Less than a week before the championship game the student athlete suffered from a concussion, which was identified by the team's athletic trainer. At the time, New Mexico law required student athletes to sit out of a game for a week after a student athlete received a brain injury and, before engaging in athletic activities, no longer exhibit any sign, symptom, or behavior consistent with a brain injury. In court the student athlete's family disputed the school trainer's assessment and stated that a private doctor could not find any signs or symptoms of a brain injury. An Albuquerque District Court judge signed off on an injunction to allow the student to play in the state championship game.

### **RELATED BILLS**

Relates to SB221/SPACS, Athletic Trainer Scope of Practice, which amends the scope of practice of athletic trainers to add clinical diagnosis and therapeutic intervention of athletes.

### **SOURCES OF INFORMATION**

- LESC Files
- PED

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