

1 HOUSE BILL 272

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Natalie Figueroa

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9  
10 AN ACT

11 RELATING TO HEALTH; UPDATING THE PROTOCOLS THAT ARE USED WHEN  
12 YOUTH ATHLETES HAVE SUFFERED A POSSIBLE BRAIN INJURY TO INCLUDE  
13 CHIROPRACTIC PHYSICIANS WITHIN THE DEFINITION OF "LICENSED  
14 HEALTH CARE PROFESSIONAL".

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "22-13-31. BRAIN INJURY--PROTOCOLS TO BE USED BY COACHES  
20 FOR BRAIN INJURIES RECEIVED BY STUDENTS IN SCHOOL ATHLETIC  
21 ACTIVITIES--TRAINING OF COACHES AND STUDENT ATHLETES--  
22 INFORMATION TO BE PROVIDED TO COACHES, STUDENT ATHLETES AND  
23 STUDENT ATHLETES' PARENTS OR GUARDIANS--REQUIRING  
24 ACKNOWLEDGMENT OF TRAINING AND INFORMATION--NONSCHOLASTIC YOUTH  
25 ATHLETIC ACTIVITY ON SCHOOL DISTRICT PROPERTY--BRAIN INJURY

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1       PROTOCOL COMPLIANCE--CERTIFICATION.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24           G. As used in this section:

25                 (1) "academic year" means any consecutive

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1 period of two semesters, three quarters or other comparable  
2 units commencing with the fall term each year;

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

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

8 (a) a practicing physician or physician  
9 assistant licensed pursuant to the Medical Practice Act;

10 (b) a practicing osteopathic physician  
11 licensed pursuant to the Medical Practice Act;

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

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

24 (h) a practicing chiropractic physician  
25 licensed pursuant to the Chiropractic Physician Practice Act;

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

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

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

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

21 "22-13-31.1. BRAIN INJURY--PROTOCOLS--TRAINING OF  
22 COACHES--BRAIN INJURY EDUCATION.--

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

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

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

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

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

15 (2) receives a written medical release from a  
16 licensed health care professional.

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

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

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

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

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

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

10 (d) understand the need to follow  
11 medical direction for proper medical protocols; and

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

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



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

10 F. As used in this section:

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

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

16 (a) a practicing physician or physician  
17 assistant licensed pursuant to the Medical Practice Act;

18 (b) a practicing osteopathic physician  
19 licensed pursuant to the Medical Practice Act;

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

22 (d) a practicing osteopathic physician  
23 assistant licensed pursuant to the Medical Practice 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; or

8 (h) a practicing chiropractic physician  
9 licensed pursuant to the Chiropractic Physician Practice Act;

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

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

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