

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 1

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

AN ACT

RELATING TO SCHOOL ATHLETICS SAFETY; ESTABLISHING SAFETY
PROTOCOLS AND EDUCATION REGARDING BRAIN INJURY RESULTING FROM
SCHOOL ATHLETIC ACTIVITIES.

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

Section 1. A new section of the Public School Code is
enacted to read:

"~~[NEW MATERIAL]~~ 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 GUARDIANS.--

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

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underscored material = new
[bracketed material] = delete

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

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

7 B. A coach may allow a student athlete who has been
8 prohibited from participating in a school athletic activity
9 pursuant to Subsection A of this section to participate in a
10 school athletic activity no sooner than one week after the
11 student athlete has received a brain injury and only after the
12 student athlete:

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

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

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

21 D. The department shall consult with the brain
22 injury advisory council and school districts to promulgate
23 rules to establish:

24 (1) protocols and content consistent with
25 current medical knowledge for training each coach participating

1 in school athletic activities to:

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

4 (b) recognize signs, symptoms or
5 behaviors consistent with a brain injury when a coach suspects
6 or observes that a student athlete has received 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 information forms and educational materials for, and the means
14 of providing these forms and materials to, coaches, student
15 athletes and student athletes' parents or guardians regarding
16 the nature and risk of brain injury resulting from athletic
17 activity, including the risk of continuing or returning to
18 athletic activity after a brain injury.

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

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1 guardian before permitting the student athlete to begin or
2 continue participating in school athletic activities for that
3 academic year.

4 F. As used in this section:

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

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

12 (3) "school athletic activity" means a
13 sanctioned middle school, junior high school or senior high
14 school function that the New Mexico activities association
15 regulates or that is overseen by the school district, including
16 but not limited to practices, try-outs, cheerleading,
17 intramural and other physical activities occurring before,
18 during and after the academic year;

19 (4) "student athlete" means a middle school,
20 junior high school or senior high school student who engages
21 in, is eligible to engage in or seeks to engage in a school
22 athletic event; and

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

24 (a) a practicing physician or physician
25 assistant licensed pursuant to the Medical Practice Act;

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

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

5 (d) a practicing osteopathic physician's
6 assistant licensed pursuant to the Osteopathic Physicians'
7 Assistants Act; or

8 (e) a practicing psychologist licensed
9 pursuant to the provisions of the Professional Psychologist
10 Act."