

SENATE BILL 492

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO PUBLIC HEALTH; AMENDING A SECTION OF THE PUBLIC  
SCHOOL CODE AND ENACTING A NEW SECTION OF THE NMSA 1978 TO  
PROVIDE ENHANCED SAFETY PROTOCOLS TO PROTECT STUDENT ATHLETES  
AND YOUTH WHO PARTICIPATE IN NONSCHOLASTIC YOUTH ATHLETIC  
ACTIVITIES FROM BRAIN INJURY.

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  
GUARDIANS.--

A. A coach shall not allow a student athlete to

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

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

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

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

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

17 (2) receives a written medical release from a  
18 licensed health care professional.

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

23 D. The New Mexico activities association shall  
24 consult with the brain injury advisory council and school  
25 districts to promulgate rules to establish:

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

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

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

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

12 (d) understand the need to follow  
13 medical direction for proper medical protocols; and

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

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

1 shall receive signatures on the brain injury information form  
2 from the student athlete and the student athlete's parent or  
3 guardian before permitting the student athlete to begin or  
4 continue participating in school athletic activities for that  
5 academic year.

6 F. As used in this section:

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

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

14 (3) "school athletic activity" means a  
15 sanctioned middle school, junior high school or senior high  
16 school function that the New Mexico activities association  
17 regulates;

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

22 (5) "licensed health care professional"  
23 means any of the following individuals, working within the  
24 individual's scope of practice, who is trained and has  
25 experience in evaluating and managing pediatric concussions

1 and head injuries:

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

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

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

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

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

15 (f) a practicing athletic trainer  
16 licensed pursuant to the provisions of the Athletic Trainer  
17 Practice Act."

18 SECTION 2. [NEW MATERIAL] BRAIN INJURY--PROTOCOLS TO BE  
19 USED BY COACHES FOR BRAIN INJURIES RECEIVED BY YOUTH ATHLETES  
20 IN YOUTH ATHLETIC ACTIVITIES--TRAINING OF COACHES--  
21 INFORMATION TO BE PROVIDED TO COACHES, YOUTH ATHLETES AND  
22 YOUTH ATHLETES' PARENTS OR GUARDIANS.--

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  
3 official or a youth athlete reports, observes or suspects  
4 that a youth athlete exhibiting these signs, symptoms or  
5 behaviors has 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 one week after the  
11 youth athlete has received a brain injury and only after the  
12 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  
16 a licensed health care professional.

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

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

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

1 participating in youth athletic activities to:

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

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

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

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

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

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

1 information form from the youth athlete and the youth  
2 athlete's parent or guardian before permitting the youth  
3 athlete to begin or continue participating in youth athletic  
4 activities for the athletic season or term of participation.

5 F. As used in this section:

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

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

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

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

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

22 (d) a practicing osteopathic  
23 physician's assistant licensed pursuant to the Osteopathic  
24 Physicians' Assistants Act;

25 (e) a practicing psychologist licensed



1 pursuant to the provisions of the Professional Psychologist  
2 Act; or

3 (f) a practicing athletic trainer  
4 licensed pursuant to the provisions of the Athletic Trainer  
5 Practice Act;

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

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