

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

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

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

(1) exhibits signs, symptoms or behaviors consistent with a brain injury after a coach, a school official or a student athlete reports, observes or suspects

1 that a student athlete exhibiting these signs, symptoms or
2 behaviors has sustained a brain injury; or

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

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

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

13 (2) receives a written medical release from
14 a licensed health care professional.

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

19 D. The New Mexico activities association shall
20 consult with the brain injury advisory council and school
21 districts to promulgate rules to establish:

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

25 (a) understand the nature and risk of

1 brain injury associated with athletic activity;

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

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

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

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

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

1 athlete to begin or continue participating in school athletic
2 activities for that academic year.

3 F. As a condition of permitting nonscholastic
4 youth athletic activity to take place on school district
5 property, the superintendent of a school district shall
6 require the person offering the nonscholastic youth athletic
7 activity to sign a certification that the nonscholastic youth
8 athletic activity will follow the brain injury protocols
9 established pursuant to Section 2 of this 2016 act.

10 G. As used in this section:

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

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

18 (3) "licensed health care professional"
19 means:

20 (a) a practicing physician or physician
21 assistant licensed pursuant to the Medical Practice Act;

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

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

1 (d) a practicing osteopathic
2 physician's assistant licensed pursuant to the Osteopathic
3 Physicians' Assistants Act;

4 (e) a practicing psychologist licensed
5 pursuant to the provisions of the Professional Psychologist
6 Act;

7 (f) a practicing athletic trainer
8 licensed pursuant to the provisions of the Athletic Trainer
9 Practice Act; or

10 (g) a practicing physical therapist
11 licensed pursuant to the Physical Therapy Act;

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

22 (5) "school athletic activity" means a
23 sanctioned middle school, junior high school or senior high
24 school function that the New Mexico activities association
25 regulates; and

1 (6) "student athlete" means a middle school,
2 junior high school or senior high school student who engages
3 in, is eligible to engage in or seeks to engage in a school
4 athletic activity."

5 SECTION 2. BRAIN INJURY--PROTOCOLS--TRAINING OF
6 COACHES--BRAIN INJURY EDUCATION.--

7 A. A coach shall not allow a youth athlete to
8 participate in a youth athletic activity on the same day that
9 the youth athlete:

10 (1) exhibits signs, symptoms or behaviors
11 consistent with a brain injury after a coach, a league
12 official or a youth athlete reports, observes or suspects
13 that a youth athlete exhibiting these signs, symptoms or
14 behaviors has sustained a brain injury; or

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

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

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

24 (2) receives a written medical release from
25 a licensed health care professional.

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

5 D. The department of health shall consult with the
6 brain injury advisory council to promulgate rules to
7 establish:

8 (1) protocols and content consistent with
9 current medical knowledge for training each coach
10 participating in youth athletic activities to:

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

13 (b) recognize signs, symptoms or
14 behaviors consistent with a brain injury when a coach
15 suspects or observes that a youth athlete has received a
16 brain injury;

17 (c) understand the need to alert
18 appropriate medical professionals for urgent diagnosis or
19 treatment; and

20 (d) understand the need to follow
21 medical direction for proper medical protocols; and

22 (2) the nature and content of brain injury
23 information forms and educational materials for, and the
24 means of providing these forms and materials to, coaches,
25 youth athletes and youth athletes' parents or guardians

1 regarding the nature and risk of brain injury resulting from
2 youth athletic activity, including the risk of continuing or
3 returning to youth athletic activity after a brain injury.

4 E. At the beginning of each athletic season or
5 participation in youth athletic activities, a youth athletic
6 league shall provide a brain injury information form created
7 pursuant to Subsection D of this section to a youth athlete
8 and the youth athlete's parent or guardian. The youth
9 athletic league shall receive signatures on the brain injury
10 information form from the youth athlete and the youth
11 athlete's parent or guardian before permitting the youth
12 athlete to begin or continue participating in youth athletic
13 activities for the athletic season or term of participation.

14 F. As used in this section:

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

19 (2) "licensed health care professional"
20 means:

21 (a) a practicing physician or physician
22 assistant licensed pursuant to the Medical Practice Act;

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

25 (c) a practicing certified nurse

1 practitioner licensed pursuant to the Nursing Practice Act;

2 (d) a practicing osteopathic
3 physician's assistant licensed pursuant to the Osteopathic
4 Physicians' Assistants Act;

5 (e) a practicing psychologist licensed
6 pursuant to the provisions of the Professional Psychologist
7 Act;

8 (f) a practicing athletic trainer
9 licensed pursuant to the provisions of the Athletic Trainer
10 Practice Act; or

11 (g) a practicing physical therapist
12 licensed pursuant to the provisions of the Physical Therapy
13 Act;

14 (3) "youth athlete" means an individual
15 under nineteen years of age who engages in, is eligible to
16 engage in or seeks to engage in a community athletic
17 activity; and

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

1 university activity or an activity that is incidental to a
2 nonathletic program. _____

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25