

1 SENATE BILL 386

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Natalie Figueroa

5
6
7
8
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

.230677.1

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

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.

.230677.1

underscored material = new
~~[bracketed material] = delete~~

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.

.230677.1

underscoring material = new
~~[bracketed material] = delete~~

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

.230677.1

underscored material = new
[bracketed material] = delete

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;

.230677.1

underscoring material = new
~~[bracketed material] = delete~~

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:

.230677.1

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:

underscored material = new
~~[bracketed material] = delete~~

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

.230677.1

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

underscored material = new
[bracketed material] = delete

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."

23 - 10 -

24

25