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SENATE BILL 431

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

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO SCHOOL ATHLETICS SAFETY; REQUIRING BRAIN INJURY
TRAINING FOR STUDENT ATHLETES.

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 AND STUDENT ATHLETES--
INFORMATION TO BE PROVIDED TO COACHES, STUDENT ATHLETES AND
STUDENT ATHLETES' PARENTS OR GUARDIANS--REQUIRING
ACKNOWLEDGMENT OF TRAINING AND INFORMATION--

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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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 and each
19 student athlete in the school district receives training
20 provided pursuant to Paragraph (1) of Subsection D of this
21 section.

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

25 (1) protocols and content consistent with

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1 current medical knowledge for training each coach participating
2 in school athletic activities and each student athlete to:

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

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

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

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

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

22 E. At the beginning of each academic year or the
23 first participation in school athletic activities by a student
24 athlete during an academic year, a school district shall
25 provide a brain injury training and information form created

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1 pursuant to Subsection D of this section to a student athlete
2 and the student athlete's parent or guardian. The school
3 district shall receive signatures on the brain injury training
4 and information form from the student athlete and the student
5 athlete's parent or guardian confirming that the student
6 athlete has received the brain injury training required by this
7 section and that the student athlete and parent or guardian
8 understand the brain injury information before permitting the
9 student athlete to begin or continue participating in school
10 athletic activities for that academic year.

11 F. As used in this section:

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

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

19 (3) "school athletic activity" means a
20 sanctioned middle school, junior high school or senior high
21 school function that the New Mexico activities association
22 regulates;

23 (4) "student athlete" means a middle school,
24 junior high school or senior high school student who engages
25 in, is eligible to engage in or seeks to engage in a school

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1 athletic activity; and

2 (5) "licensed health care professional"

3 means:

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

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

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

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

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

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

20 SECTION 2. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2015.