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SENATE BILL 38

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO YOUTH ATHLETICS SAFETY; REQUIRING BRAIN INJURY  
TRAINING FOR STUDENT AND OTHER YOUTH 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, as amended) 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--NONSCHOLASTIC YOUTH  
ATHLETIC ACTIVITY ON SCHOOL DISTRICT PROPERTY--BRAIN INJURY  
PROTOCOL COMPLIANCE--CERTIFICATION.--

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 two hundred forty hours  
13 from the hour in which the student athlete received a brain  
14 injury and only after the 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 and each  
21 student athlete in the school district receives training  
22 provided pursuant to Paragraph (1) of Subsection D of this  
23 section.

24 D. The New Mexico activities association shall  
25 consult with the brain injury advisory council and school

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1 districts to promulgate rules to establish:

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

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

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

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

14 (d) understand the need to follow  
15 medical direction for proper medical protocols; and

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

24 E. At the beginning of each academic year or the  
25 first participation in school athletic activities by a student

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1 athlete during an academic year, a school district shall  
2 provide a brain injury training and information form created  
3 pursuant to Subsection D of this section to a student athlete  
4 and the student athlete's parent or guardian. The school  
5 district shall receive signatures on the brain injury training  
6 and information form from the student athlete and the student  
7 athlete's parent or guardian confirming that the student  
8 athlete has received the brain injury training required by this  
9 section and that the student athlete and parent or guardian  
10 understand the brain injury information before permitting the  
11 student athlete to begin or continue participating in school  
12 athletic activities for that academic year. The form required  
13 by this subsection may be contained on the student athlete  
14 sport physical form.

15 F. As a condition of permitting nonscholastic youth  
16 athletic activity to take place on school district property,  
17 the superintendent of a school district shall require the  
18 person offering the nonscholastic youth athletic activity to  
19 sign a certification that the nonscholastic youth athletic  
20 activity will follow the brain injury protocols established  
21 pursuant to Section [~~2 of this 2016 act~~] 22-13-31.1 NMSA 1978.

22 G. As used in this section:

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

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

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

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

8 (b) a practicing osteopathic physician  
9 licensed pursuant to [~~Chapter 61, Article 10 NMSA 1978~~] the  
10 Osteopathic Medicine Act;

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

13 (d) a practicing osteopathic physician's  
14 assistant licensed pursuant to the Osteopathic [~~Physicians'~~  
15 ~~Assistants~~] Medicine 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;

24 (4) "nonscholastic youth athletic activity"  
25 means an organized athletic activity in which the participants,

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1 a majority of whom are under nineteen years of age, are engaged  
2 in an athletic game or competition against another team, club  
3 or entity, or in practice or preparation for an organized  
4 athletic game or competition against another team, club or  
5 entity. "Nonscholastic youth athletic activity" does not  
6 include an elementary school, middle school, high school,  
7 college or university activity or an activity that is  
8 incidental to a nonathletic program;

9 (5) "school athletic activity" means a  
10 sanctioned middle school, junior high school or senior high  
11 school function that the New Mexico activities association  
12 regulates; and

13 (6) "student athlete" means a middle school,  
14 junior high school or senior high school student who engages  
15 in, is eligible to engage in or seeks to engage in a school  
16 athletic activity."

17 SECTION 2. Section 22-13-31.1 NMSA 1978 (being Laws 2016,  
18 Chapter 53, Section 2) is amended to read:

19 "22-13-31.1. BRAIN INJURY--PROTOCOLS--TRAINING OF  
20 COACHES--BRAIN INJURY EDUCATION.--

21 A. A coach shall not allow a youth athlete to  
22 participate in a youth athletic activity on the same day that  
23 the youth athlete:

24 (1) exhibits signs, symptoms or behaviors  
25 consistent with a brain injury after a coach, a league official

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1 or a youth athlete reports, observes or suspects that a youth  
2 athlete exhibiting these signs, symptoms or behaviors has  
3 sustained a brain injury; or

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

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

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

19 D. The department of health shall consult with the  
20 brain injury advisory council to promulgate rules to establish:

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

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

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

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

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

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

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

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1 youth athlete and the youth athlete's parent or guardian  
2 confirming that the youth athlete has received the brain injury  
3 training required by this section and that the youth athlete  
4 and parent or guardian understand the brain injury information  
5 before permitting the youth athlete to begin or continue  
6 participating in youth athletic activities for the athletic  
7 season or term of participation.

8 F. As used in this section:

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

13 (2) "licensed health care professional" means:

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

16 (b) a practicing osteopathic physician  
17 licensed pursuant to [~~Chapter 61, Article 10 NMSA 1978~~] the  
18 Osteopathic Medicine Act;

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

21 (d) a practicing osteopathic physician's  
22 assistant licensed pursuant to the Osteopathic [~~Physicians'~~  
23 ~~Assistants~~] Medicine Act;

24 (e) a practicing psychologist licensed  
25 pursuant to the provisions of the Professional Psychologist

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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;

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

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

22 SECTION 3. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2017.

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