



The Legislature  
of the  
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER 96

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR

SENATE BILL 1, as amended

Introduced by



# CHAPTER 96

## AN ACT

RELATING TO SCHOOL ATHLETICS SAFETY; ESTABLISHING SAFETY  
PROTOCOLS AND EDUCATION REGARDING BRAIN INJURY RESULTING FROM  
SCHOOL ATHLETIC ACTIVITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is  
enacted to read:

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

(2) has been diagnosed with a brain injury.

B. A coach may allow a student athlete who has  
been prohibited from participating in a school athletic  
activity pursuant to Subsection A of this section to

1 participate in a school athletic activity no sooner than one  
2 week after the student athlete has received a brain injury  
3 and only after the student athlete:

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

6 (2) receives a medical release from a  
7 licensed health care professional.

8 C. Each school district shall ensure that each  
9 coach participating in school athletic activities in the  
10 school district receives training provided pursuant to  
11 Paragraph (1) of Subsection D of this section.

12 D. The New Mexico activities association shall  
13 consult with the brain injury advisory council and school  
14 districts to promulgate rules to establish:

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

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

20 (b) recognize signs, symptoms or  
21 behaviors consistent with a brain injury when a coach  
22 suspects or observes that a student athlete has received a  
23 brain injury;

24 (c) understand the need to alert  
25 appropriate medical professionals for urgent diagnosis or

1 treatment; and

2 (d) understand the need to follow  
3 medical direction for proper medical protocols; and

4 (2) the nature and content of brain injury  
5 information forms and educational materials for, and the  
6 means of providing these forms and materials to, coaches,  
7 student athletes and student athletes' parents or guardians  
8 regarding the nature and risk of brain injury resulting from  
9 athletic activity, including the risk of continuing or  
10 returning to athletic activity after a brain injury.

11 E. At the beginning of each academic year or  
12 participation in school athletic activities, a school  
13 district shall provide a brain injury information form  
14 created pursuant to Subsection D of this section to a student  
15 athlete and the student athlete's parent or guardian. The  
16 school district shall receive signatures on the brain injury  
17 information form from the student athlete and the student  
18 athlete's parent or guardian before permitting the student  
19 athlete to begin or continue participating in school athletic  
20 activities for that academic year.

21 F. As used in this section:

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

25 (2) "brain injury" means a body-altering

1 physical trauma to the brain, skull or neck caused by, but not  
2 limited to, blunt or penetrating force, concussion, diffuse  
3 axonal injury, hypoxia-anoxia or electrical charge;

4 (3) "school athletic activity" means a  
5 sanctioned middle school, junior high school or senior high  
6 school function that the New Mexico activities association  
7 regulates;

8 (4) "student athlete" means a middle school,  
9 junior high school or senior high school student who engages  
10 in, is eligible to engage in or seeks to engage in a school  
11 athletic activity; and

12 (5) "licensed health care professional"  
13 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;

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

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

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

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(f) a practicing athletic trainer  
licensed pursuant to the provisions of the Athletic Trainer  
Practice Act." \_\_\_\_\_

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Diane D. Denish

Diane D. Denish, President  
Senate

Lenore M. Naranjo  
Lenore M. Naranjo, Chief Clerk  
Senate

Ben Lujan  
Ben Lujan, Speaker  
House of Representatives

Stephen R. Arias  
Stephen R. Arias, Chief Clerk  
House of Representatives

Approved by me this 9<sup>th</sup> day of March, 2010

Bill Richardson  
Governor Bill Richardson  
State of New Mexico

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GOVERNOR'S OFFICE