



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." _____

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 9th day of March, 2010

Bill Richardson
Governor Bill Richardson
State of New Mexico

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GOVERNOR'S OFFICE