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 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
participate in a school athletic activity no sooner than two
hundred forty hours from the hour in which the student
athlete received a brain injury and only after the student
athlete:

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

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

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

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

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

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

(b) recognize signs, symptoms or
behaviors consistent with a brain injury when a coach or
student athlete suspects or observes that a student athlete
has received a brain injury;
(c) understand the need to alert
appropriate medical professionals for urgent diagnosis or
treatment; and
(d) understand the need to follow
medical direction for proper medical protocols; and
(2) the nature and content of brain injury
training and information forms and educational materials for,
and the means of providing these forms and materials to,
coaches, student athletes and student athletes' parents or
guardians regarding the nature and risk of brain injury
resulting from athletic activity, including the risk of
continuing or returning to athletic activity after a brain
injury.

E. At the beginning of each academic year or the
first participation in school athletic activities by a
student athlete during an academic year, a school district
shall provide a brain injury training and information form
created pursuant to Subsection D of this section to a student
athlete and the student athlete's parent or guardian. The
school district shall receive signatures on the brain injury
training and information form from the student athlete and
the student athlete's parent or guardian confirming that the
student athlete has received the brain injury training required by this section and that the student athlete and parent or guardian understand the brain injury information before permitting the student athlete to begin or continue participating in school athletic activities for that academic year. The form required by this subsection may be contained on the student athlete sport physical form.

F. As a condition of permitting nonscholastic youth athletic activity to take place on school district property, the superintendent of a school district shall require the person offering the nonscholastic youth athletic activity to sign a certification that the nonscholastic youth athletic activity will follow the brain injury protocols established pursuant to Section 22-13-31.1 NMSA 1978.

G. As used in this section:

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

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

(3) "licensed health care professional" means:

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

(b) a practicing osteopathic physician licensed pursuant to the Osteopathic Medicine Act;

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

(d) a practicing osteopathic physician's assistant licensed pursuant to the Osteopathic Medicine Act;

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

(f) a practicing athletic trainer licensed pursuant to the provisions of the Athletic Trainer Practice Act; or

(g) a practicing physical therapist licensed pursuant to the Physical Therapy Act;

(4) "nonscholastic youth athletic activity" means an organized athletic activity in which the participants, a majority of whom are under nineteen years of age, are engaged in an athletic game or competition against another team, club or entity, or in practice or preparation for an organized athletic game or competition against another team, club or entity. "Nonscholastic youth athletic activity" does not include an elementary school, middle school, high school, college or university activity or an
activity that is incidental to a nonathletic program;

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

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

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

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

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

(1) exhibits signs, symptoms or behaviors consistent with a brain injury after a coach, a league official or a youth athlete reports, observes or suspects that a youth 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 youth athlete who has been prohibited from participating in a youth athletic activity pursuant to Subsection A of this section to participate in a
youth athletic activity no sooner than two hundred forty
hours from the hour in which the youth athlete received a
brain injury and only after the youth athlete:

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

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

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

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

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

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

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

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

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

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

E. At the beginning of each youth athletic
activity season or the first participation in youth athletic
activities by a youth athlete during a youth athletic
activity season, a youth athletic league shall provide a
brain injury training and information form created pursuant
to Subsection D of this section to a youth athlete and the
youth athlete's parent or guardian. The youth athletic
league shall receive signatures on the brain injury training
and information form from the youth athlete and the youth
athlete's parent or guardian confirming that the youth
athlete has received the brain injury training required by
this section and that the youth athlete and parent or
guardian understand the brain injury information before
permitting the youth athlete to begin or continue participating in youth athletic activities for the athletic season or term of participation.

F. As used in this section:

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

(2) "licensed health care professional" means:

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

(b) a practicing osteopathic physician licensed pursuant to the Osteopathic Medicine Act;

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

(d) a practicing osteopathic physician's assistant licensed pursuant to the Osteopathic Medicine Act;

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

(f) a practicing athletic trainer licensed pursuant to the provisions of the Athletic Trainer Practice Act; or
(g) a practicing physical therapist licensed pursuant to the provisions of the Physical Therapy Act;

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

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

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