



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3189/1
FFK:cjs

2023 ASSEMBLY BILL 346

June 30, 2023 - Introduced by Representatives J. ANDERSON, BALDEH, BILLINGS, CABRERA, JOERS, OHNSTAD, ORTIZ-VELEZ, PALMERI, SINICKI, STUBBS, SUBECK and RIEMER, cosponsored by Senator LARSON. Referred to Committee on Health, Aging and Long-Term Care.

1 **AN ACT to create** 118.07 (6) and 250.04 (15) of the statutes; **relating to:**
2 requiring a cold water immersion tub at a youth athletic activity hosted by a
3 public or private school, providing an exemption from emergency rule
4 procedures, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires a school board, governing body of a private school, or operator of a charter school that hosts a youth athletic activity between May 1 and September 30 to ensure that a cold water immersion tub that complies with standards established by the Department of Health Services is available to individuals participating in the youth athletic activity. Under the bill, a youth athletic activity is an organized athletic activity in which the participants, a majority of whom are under 19 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.

The bill also requires DHS to promulgate rules establishing standards, guidelines, and protocols for the cold water immersion tubs required to be made available under the bill.

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For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 118.07 (6) of the statutes is created to read:

2 118.07 (6) Beginning in the 2023-24 school year, if a school board, governing
3 body of a private school, or operator of a charter school hosts a youth athletic activity,
4 as defined in s. 118.293 (1) (c), during the month of May, June, July, August, or
5 September, the school board, governing body, or operator shall ensure that a cold
6 water immersion tub that complies with the standards established under s. 250.04
7 (15) by the department of health services is accessible to individuals participating
8 in the youth athletic activity at the location of the youth athletic activity. The school
9 board, governing body, or operator shall establish protocols and guidelines for using
10 a cold water immersion tub at a youth athletic activity that are consistent with the
11 protocols and guidelines established under s. 250.04 (15) by the department of health
12 services.

13 **SECTION 2.** 250.04 (15) of the statutes is created to read:

14 250.04 (15) The department shall promulgate rules establishing all of the
15 following:

16 (a) Standards for a cold water immersion tub that is required under s. 118.07
17 (6) to be made accessible to individuals participating in a youth athletic activity.

18 (b) Guidelines and protocols for the use of a cold water immersion tub described
19 in par. (a).

20 **SECTION 3. Nonstatutory provisions.**

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1 (1) EMERGENCY RULES. Using the procedure under s. 227.24, the department of
2 health services shall promulgate rules to establish standards, guidelines, and
3 protocols for cold water immersion tubs under s. 250.04 (15) for the period before the
4 effective date of the permanent rules promulgated under s. 250.04 (15) but not to
5 exceed the period authorized under s. 227.24 (1) (c), subject to extension under s.
6 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department of health
7 services is not required to provide evidence that promulgating a rule under this
8 subsection as an emergency rule is necessary for the preservation of the public peace,
9 health, safety, or welfare and is not required to provide a finding of emergency for a
10 rule promulgated under this subsection.

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(END)