ASSEMBLY, No. 4738

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2020

Sponsored by:
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District 11 (Monmouth)
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SYNOPSIS

"Braeden's Law"; requires public colleges to adopt policy for prevention and treatment of exertional heat illness; requires pamphlet on heat stroke be provided to student-athletes, parents, and coaches at public colleges and K-12 schools.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 9/24/2020)

AN ACT concerning the prevention of heat illness in student-athletes, designated as Braeden's Law, amending P.L.2019, c.293, and supplementing chapters 40 and 62 of Title 18A of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.2019, c.293 (C.18A:11-3.10) is amended to read as follows:

1. A school district which is a member of any voluntary association, pursuant to section 1 of P.L.1979, c.172 (C.18A:11-3), which oversees activities associated with Statewide interscholastic sports programs shall:

a. Adopt the "Heat Participation Policy" required by the New Jersey State Interscholastic Athletic Association for conducting practice or games in all sports during times of high heat or humidity. The association's policy shall **[**address**]** include:

[(1) the scheduling of practice or games during times of various heat and humidity levels;

(2) the ratio of time devoted to workouts to time allotted for rest and hydration during various heat and humidity levels; and

(3) the heat and humidity levels at which practice or games will be canceled.**]**

(1) at least a five-step progression of heat-acclimatization modifications, with specific modification of equipment, if applicable to the sport, specific modification of work to rest ratios, specific modification of total practice time, specific modification of water breaks, and the use of shaded area for rest breaks;

(2) WetBulb Global Temperature guidelines. The policy shall follow modified guidelines of the American College of Sports Medicine in regard to: the scheduling of practice, games, and contests during times of various WetBulb Global Temperature levels, including levels at which practice, games, and contests will be modified or terminated; and the ratio of workout time to time allotted for rest and hydration during times of various WetBulb Global Temperature levels. The WetBulb Global Temperature guidelines shall take into consideration acclimatized student-athletes and non-acclimatized student-athletes; and

(3) a requirement that student-athletes have uninhibited access to hydration and a cooling space which can be a shaded area or an indoor air-conditioned area. At a WetBulb Global Temperature level of 80, ice shall be available to coaches and student-athletes.

The guidelines included in the association's policy shall provide a default policy to those responsible or sharing duties for making

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

decisions concerning the implementation of modifications or cancellation of practices or games based on the presence of heat and humidity.

b. Purchase a WetBulb Globe Temperature (WBGT) tool to measure the heat stress in direct sunlight at the practice or game site. Heat stress consists of temperature, humidity, wind speed, the angle of the sun, and cloud coverage.

A school district shall adopt the association's policy concerning the frequency and recording of WetBulb Globe Temperature (WBGT) measurements.

c. In the case of the death a student-athlete which is related to his performance in public school athletics, the Commissioner of Education shall commission an independent third party to conduct an investigation. The results of the investigation shall be provided to the parent or guardian of the student-athlete and shall be made public, to the extent permissible under federal and State law.

(cf: P.L.2019, c.293, s.1)

2. (New section) a. The Commissioner of Education shall develop a pamphlet that provides information about exertional heat stroke to student-athletes and the parents or guardians of student-athletes and shall post the information on the Department of Education's website. The pamphlet shall include: an explanation of exertional heat stroke; how to prevent exertional heat stroke; factors which may increase a student’s risk for exertional heat stroke; a description of early warning signs of exertional heat stroke; how to recognize symptoms of exertional heat stroke; appropriate ways to treat exertional heat stroke; and a form to be signed by the student-athlete and his parent or guardian, coaches, assistant coaches, and athletic trainers acknowledging receipt and review of the pamphlet.

b. The commissioner shall distribute the pamphlet, at no charge, to all school districts and nonpublic schools in the State and shall update the pamphlet as necessary.

c. Each school district and nonpublic school shall distribute the pamphlet to the parents or guardians of students participating in athletic activities and to all coaches, assistant coaches, and athletic trainers.

d. (1) A student participating in, or desiring to participate in, an athletic activity and the student's parent or guardian shall, each year and prior to participation by the student in an athletic activity, sign and return to the student's school the form developed by the commissioner pursuant to subsection a. of this section acknowledging the receipt and review of the pamphlet.

(2) All coaches, assistant coaches, and athletic trainers shall sign the form developed by the commissioner pursuant to subsection a. of this section acknowledging the receipt and review of the informational pamphlet. The form shall be returned to the

superintendent of schools or the chief school administrator in the case of a nonpublic school.

e. As used in this section, "athletic activity" means: interscholastic athletics; an athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school district or nonpublic school, including cheerleading and club-sponsored sports activities; and any practice or interschool practice or scrimmage for those activities.

3. (New section) a. A public institution of higher education shall adopt a policy for the prevention and treatment of exertional heat illnesses in athletes for all sports practices, games, and contests conducted outdoors. The policy shall be in conformance with the heat participation policy adopted by the National Collegiate Athletic Association. The institution's policy shall include:

(1) At least a five-step progression of heat-acclimatization modifications, with specific modification of equipment, if applicable to the sport, specific modification of work to rest ratios, specific modification of total practice time, specific modification of water breaks, and the use of shaded area for rest breaks;

(2) WetBulb Global Temperature guidelines. The policy shall follow modified guidelines of the American College of Sports Medicine in regard to: the scheduling of practice, games, and contests during times of various WetBulb Global Temperature levels, including levels at which practice, games, and contests will be modified or terminated; and the ratio of workout time to time allotted for rest and hydration during times of various WetBulb Global Temperature levels. The WetBulb Global Temperature guidelines shall take into consideration acclimatized student-athletes and non-acclimatized student-athletes; and

(3) A requirement that student-athletes have uninhibited access to hydration and a cooling space which can be a shaded area or an indoor air-conditioned area. At a WetBulb Global Temperature level of 80, ice shall be available to coaches and student-athletes.

b. In the case of the death a student-athlete which is related to his performance in collegiate athletics, a public institution of higher education shall commission an independent third party to conduct an investigation. The results of the investigation shall be provided to the parent or guardian of the student-athlete and shall be made public, to the extent permissible under federal and State law.

4. (New section) a. The Secretary of Higher Education shall develop a pamphlet that provides information about exertional heat stroke to student-athletes and shall post the information on the Office of the Secretary of Higher Education's website. The pamphlet shall include: an explanation of exertional heat stroke; how to prevent exertional heat stroke; factors which may increase a student's risk for exertional heat stroke; a description of early

warning signs of exertional heat stroke; how to recognize symptoms of exertional heat stroke; appropriate ways to treat exertional heat stroke; and a form to be signed by the student-athlete, coaches, assistant coaches, and athletic trainers acknowledging receipt and review of the pamphlet.

b. Each public institution of higher education shall distribute the pamphlet to the parents or guardians of students participating in athletic activities and to all coaches, assistant coaches, and athletic trainers.

c. (1) A student participating in, or desiring to participate in, an athletic activity shall, each year and prior to participation by the student in an athletic activity, sign and return the form developed by the secretary pursuant to subsection a. of this section acknowledging the receipt and review of the informational pamphlet. The form shall be returned by the student to a person designated by the institution.

(2) All coaches, assistant coaches, and athletic trainers shall sign the form developed by the secretary pursuant to subsection a. of this section acknowledging the receipt and review of the informational pamphlet. The form shall be returned to the person designated by the institution.

5. This act shall take effect immediately.

STATEMENT

This bill amends section 1 of P.L.2019, c293 (C.18A:11-3.10) to require that the following criteria be included in the "Heat Participation Policy" for student-athletes adopted by the New Jersey State Interscholastic Athletic Association (NJSIAA):

(1) at least a five-step progression of heat-acclimatization modifications, with specific modification of equipment, if applicable to the sport, specific modification of work to rest ratios, specific modification of total practice time, specific modification of water breaks, and the use of shaded area for rest breaks;

(2) WetBulb Global Temperature guidelines; and

(3) a requirement that student-athletes have uninhibited access to hydration and a cooling space which can be a shaded area or an indoor air-conditioned area. At a WetBulb Global Temperature level of 80, ice will be available to coaches and student-athletes.

The bill requires public institutions of higher education to adopt a policy for the prevention and treatment of exertional heat illnesses in athletes. The criteria for the policy at these institutions would be the same as those adopted by the NJSIAA for school districts.

This bill requires the Commissioner of Education and the Secretary of Higher Education to develop a pamphlet that provides information about exertional heat stroke to student-athletes and, in

the case of school districts and nonpublic schools, to the parents or guardians of student-athletes. The pamphlet must include: an explanation of exertional heat stroke; how to prevent exertional heat stroke; factors which may increase a student's risk for exertional heat stroke; a description of early warning signs of exertional heat stroke; how to recognize symptoms of exertional heat stroke; appropriate ways to treat exertional heat stroke; and a form to be signed by the student-athlete and coaches, assistant coaches, and athletic trainers acknowledging receipt and review of the pamphlet. In the case of school districts and nonpublic schools, the parent or guardian of the student-athlete must also acknowledge receipt and review of the pamphlet.

The bill also requires that an investigation conducted by an independent third party be commissioned in the case of the death of a student-athlete which is related to his athletic performance. In the case of school districts, the investigation will be commissioned by the Commissioner of Education and in the case of public institutions of higher education, it will be the institution that commissions the investigation. The results of the investigation will be provided to the parent or guardian of the student-athlete and also will be made public, to the extent permissible under federal and State law.

This bill, named "Braeden's Law," is in response to the tragic death of Braeden Bradforth who left his home in Neptune Township, New Jersey in the summer of 2018 to attend a community college in Kansas. Braeden passed away at school from exertional heat stroke following a grueling conditioning test his football team was made to run in the heat of August. This bill addresses the serious issue of exertional heat stroke among student athletes.