118TH CONGRESS
1ST SESSION

S. 2081

To amend section 485 of the Higher Education Act of 1965 to require venue-specific heat illness emergency action plans for any institution of higher education that is a member of an athletic association or athletic conference, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Mr. CARDIN (for himself and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend section 485 of the Higher Education Act of 1965 to require venue-specific heat illness emergency action plans for any institution of higher education that is a member of an athletic association or athletic conference, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Jordan McNair Student Athlete Heat Fatality Prevention Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Heat-related illnesses are a serious medical condition that result from the body's inability to cool itself down in extremely hot environments. Heat-related illnesses include exertional heatstroke, heat exhaustion, heat cramps, heat syncope, heat rash, and muscle breakdown. When experiencing heat illness, patients may exhibit an array of symptoms, including, but not limited to, confusion, slurred speech, unconsciousness, vomiting, seizures, fatigue, elevated body temperature, fainting, dizziness, or muscle pain.

(2) The Centers for Disease Control and Prevention reported more than 700 heat-related deaths in the United States from 2004 to 2018. Heat is the leading climate-related cause of deaths, and rising temperatures pose a serious risk to student athletes participating in outdoor sports.

(3) Jordan McNair, a highly accomplished high school football player from Maryland, received scholarship offers from many competitive university football programs. He chose to continue his athletic and academic career at the University of Maryland.

(4) On May 29, 2018, Jordan McNair collapsed during a workout on the University of Maryland's football field in the 81 degrees Fahrenheit heat.

McNair was suffering from exertional heatstroke and was unable to remain in an upright position without assistance from his teammates, medical staff, or coaching staff.

(5) Despite being a student athlete at a well-funded division I university, Jordan McNair received inadequate heat-related illness treatment once he was escorted off the field and into the athletic training room. Because medical staff were unable to reverse McNair's core body temperature, the illness escalated to a seizure and respiratory distress.

(6) Most medical professionals advise patients to receive treatment within 30 minutes of initial heat illness symptoms. More than 90 minutes passed from the time McNair displayed initial symptoms of exertional heatstroke to the time he finally received adequate care from the nearest hospital.

(7) By the time Jordan McNair arrived at the hospital, his core body temperature had reached a life-threatening temperature of 106 degrees Fahrenheit.

(8) On June 13, 2018, two weeks after collapsing on the football field at practice, Jordan McNair died from symptoms of exertional heatstroke.

(9) Two extensive external investigations of the University of Maryland's football program concluded that the program's medical staff failed to promptly intervene, diagnose, and treat Jordan McNair's exertional heatstroke symptoms.

(10) According to an independent medical report, University staff failed to assess Jordan McNair's vitals, recognize and monitor heat-related illness symptoms, provide adequate cooling devices and respiratory aids, and generate an emergency plan to coordinate with emergency responders.

(11) The University of Maryland has taken significant steps to prevent and treat heat-related injuries among their student athletes, making cold water immersion tubs available at every practice and game, installing and maintaining readily accessible automatic defibrillators in every venue, increasing the number of doctors and trainers at practices and games, providing more recovery breaks, and increasing the training and reporting structure of athletic trainers, among other reforms in line with the priorities of this legislation.

(12) The McNair family is devoted to honoring Jordan's legacy and founded the Jordan McNair Foundation, which provides an educational tool to

help coaches, student athletes, and parents identify symptoms of exertional heatstroke and heat-related illnesses.

(13) Heat-related illnesses and fatalities are preventable if caught early. Medical staff, coaches, and athletes must be knowledgeable of the warning signs for heat-related illness in order to protect student athletes from injury, and even death.

SEC. 3. VENUE-SPECIFIC HEAT ILLNESS EMERGENCY ACTION PLAN REQUIREMENTS.

Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by inserting at the end the following new subsection:

''(n) VENUE-SPECIFIC HEAT ILLNESS EMERGENCY ACTION PLAN REQUIREMENT.—

''(1) IN GENERAL.—Each institution of higher education that is participating in any program under this title and that is a member of an athletic association or athletic conference, shall—

''(A) not later than 1 year after the date of the enactment of this subsection and in consultation with local emergency responders, develop and implement a venue-specific heat illness emergency action plan, which shall include a plan for the operation and use of automatic

external defibrillators and cold water immersion equipment; and

''(B) not later than 1 year after the date that such a plan is first implemented, and on an annual basis thereafter, submit to the Secretary and authorizing committees a report that demonstrates compliance with the requirements of this subsection with respect to the preceding year.

''(2) REQUIREMENTS.—A venue-specific heat illness emergency action plan developed and implemented under paragraph (1), with respect to an institution of higher education, shall—

''(A) include a symptom identification structure and a coordination of care plan for student athletes exhibiting signs of heat illness, and be visibly posted in each—

''(i) locker room;

''(ii) athletic training facility;

''(iii) weight room; and

''(iv) outdoor sports complex and stadium;

''(B) be made available on the athletic program website or public website of the institution

of higher education at the beginning of each academic year;

"(C) before the start of in-person training for each academic year, be distributed to, and rehearsed in person by all student athletes, certified athletic trainers, team physicians, athletic training students, athletic administrators, coaches, institutional safety personnel, and legal counsel at the institution; and

"(D) be distributed to local emergency responders.

"(3) RECOMMENDATIONS.—In developing a venue-specific heat illness emergency action plan under paragraph (1), an institution of higher education shall consider—

"(A) including guidelines formulated by the Wet-Bulb Globe Temperature index to assess environmental conditions and heat stress prevention for student athletes;

"(B) locating a readily accessible and properly maintained automatic external defibrillator within three minutes of each sporting venue; and

''(C) including the location of each automatic external defibrillator in the heat illness emergency action plan.

''(4) AUTHORIZED ADJUSTMENTS.—In the case of a facility described in paragraph (2)(A) that is undergoing a major physical alteration that would affect the implementation of a requirement of paragraph (2), such requirement may be adjusted with respect to the facility.''.

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