

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 640

SENATORS STOLLINGS AND MARONEY, *original sponsors*

[Originating in the Committee on Health and Human

Resources; Reported on February 22, 2019]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §16-56-1, §16-56-2, §16-56-3, and §16-56-4, all relating to the regulation of
3 sudden cardiac arrest prevention; training and education; rulemaking; and removal from
4 athletic activity.

Be it enacted by the Legislature of West Virginia:

ARTICLE 56. SUDDEN CARDIAC ARREST PREVENTION ACT.

§16-56-1. Purpose.

1 This article shall be known and may be cited as the Sudden Cardiac Arrest Prevention
2 Act. In the United States there are more than 356,000 out-of-hospital cardiac arrests annually and
3 nearly 90 percent of them are fatal. The purpose of this article is to promote education regarding
4 sudden cardiac arrest and thereby prevent sudden cardiac arrest from occurring.

§16-56-2. Definitions.

1 The following words and phrases when used in this article have the meanings given to
2 them in this section unless the context clearly indicates otherwise.

3 “Athletic activity” means all the following:

4 (a) Interscholastic athletics;

5 (b) An athletic contest or competition that is sponsored by or associated with a school
6 entity, including cheerleading, club-sponsored sports activities, and sports activities sponsored
7 by school-affiliated organizations;

8 (c) Noncompetitive cheerleading that is sponsored by school-affiliated organizations; and

9 (d) Practices, interschool practices, and scrimmages for all of the activities described in
10 this section.

11 “School” means any school under the jurisdiction of a county board of education.

§16-56-3. Applicability, educational materials, removal from play, and training.

1 (a) The Department of Education, working in conjunction with the State Health Officer of
2 the Department of Health and Human Resources, shall develop educational materials and

3 guidelines, including a warning sign information sheet, regarding sudden cardiac arrest, including,
4 but not limited to, symptoms and warning signs for students of all ages and risks associated with
5 continuing to play or practice after experiencing the following symptoms: Fainting or seizures
6 during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart, or extreme
7 fatigue. Training materials shall be developed for the use of parents, students, coaches, and
8 administrators.

9 (b) The educational materials and other relevant materials shall be posted on the website
10 of the Department of Education, Department of Health and Human Resources, and public schools
11 to inform and educate parents, students, and coaches participating, or desiring to participate in,
12 an athletic activity about the nature and warning signs of sudden cardiac arrest.

13 (c) Prior to the start of each athletic season, a school subject to this section shall hold an
14 informational meeting for students, parents, guardians, or other persons having care or charge of
15 a student regarding the warning signs of sudden cardiac arrest for children of all ages.

16 (d) No student may participate in an athletic activity until the student has submitted to a
17 designated school official, a form signed by the student and the parent, guardian, or other person
18 having care or charge of the student stating that the student and the parent, guardian, or other
19 person having care or charge of the student have received and reviewed a copy of the information
20 developed by the departments of health and education and posted on their respective webpages.
21 A completed form shall be submitted each school year in which the student participates in an
22 athletic activity.

23 (e) No individual may coach an athletic activity unless the individual has completed, on an
24 annual basis, the sudden cardiac arrest training course approved by the Department of Education
25 and Department of Health and Human Resources.

26 (f) A student shall not be allowed to participate in an athletic activity if either of the following
27 is the case:

28 (1) The student is known to have exhibited syncope or fainting at any time prior to or
29 following an athletic activity and has not been evaluated and cleared for return after exhibiting
30 syncope or fainting; or

31 (2) The student experiences syncope or fainting while participating in, or immediately
32 following, an athletic activity.

33 (g) If a student is not allowed to participate in or is removed from participation in an athletic
34 activity under subsection (f) of this section, the student shall not be allowed to return to
35 participation until the student is evaluated and cleared for return in writing by any of the following:

36 (1) A physician authorized under §30-3-1 et seq. and §30-14-1 et seq. of this code;

37 (2) A certified nurse practitioner, clinical nurse specialist, or certified nurse midwife; or

38 (3) A physician assistant licensed under §30-3E-1 et seq. and §30-14A-1 et seq. of this
39 code.

40 (h) The licensed health care professional may consult with any other licensed or certified
41 health care professionals in order to determine whether a student is ready to participate in the
42 athletic activity.

43 (i) The governing body of a school shall establish penalties for a coach found in violation
44 of the requirements of subsection (f) of this section.

45 (j) A school district, member of a school district, board of education, school district
46 employee or volunteer, including a coach, is not liable for damages in a civil action for injury,
47 death, or loss to person or property allegedly arising from providing services or performing duties
48 under this section, unless the act or omission constitutes willful or wanton misconduct. This
49 section does not eliminate, limit, or reduce any other immunity or defense that a school district,
50 member of a board of education, or school district employee or volunteer, including a coach, may
51 be entitled to under the law of this state.

§16-56-4. Rulemaking.

1 The Department of Education, acting in conjunction with the Department of Health and
2 Human Resources, may propose rules for legislative approval in accordance with §29A-3-1 et
3 seq. of this code that are necessary to effectuate the provisions of this article.