Enrolled
Committee Substitute
for
Senate Bill 640

SENATORS STOLLINGS AND MARONEY, original sponsors

[Passed March 8, 2019; in effect 90 days from passage]
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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-56-1, §16-56-2, §16-56-3, and §16-56-4, all relating to the regulation of sudden cardiac arrest prevention; training and education; rulemaking; and removal from athletic activity.

Be it enacted by the Legislature of West Virginia:

ARTICLE 56. SUDDEN CARDIAC ARREST PREVENTION ACT.

§16-56-1. Purpose.

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

§16-56-2. Definitions.

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

“Athletic activity” means all the following:

(a) Interscholastic athletics;

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

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

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

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

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

(a) The Department of Education, working in conjunction with the State Health Officer of the Department of Health and Human Resources, shall develop educational materials and
guidelines, including a warning sign information sheet, regarding sudden cardiac arrest, including, but not limited to, symptoms and warning signs for students of all ages and risks associated with continuing to play or practice after experiencing the following symptoms: Fainting or seizures during exercise, unexplained shortness of breath, chest pains, dizziness, racing heart, or extreme fatigue. Training materials shall be developed for the use of parents, students, coaches, and administrators.

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

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

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

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

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

(1) The student is known to have exhibited syncope or fainting at any time prior to or
following an athletic activity and has not been evaluated and cleared for return after exhibiting
syncope or fainting; or
(2) The student experiences syncope or fainting while participating in, or immediately
following, an athletic activity.

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

(1) A physician authorized under §30-3-1 et seq. and §30-14-1 et seq. of this code;
(2) A certified nurse practitioner, clinical nurse specialist, or certified nurse midwife; or
(3) A physician assistant licensed under §30-3E-1 et seq. and §30-14A-1 et seq. of this
code.

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

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

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

§16-56-4. Rulemaking.
The Department of Education, acting in conjunction with the Department of Health and Human Resources, may propose rules for legislative approval in accordance with §29A-3-1 et seq. of this code that are necessary to effectuate the provisions of this article.
Enr CS for SB 640

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, Senate Committee

Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 25th Day of March, 2019.

Governor
PRESENTED TO THE GOVERNOR

MAR 2 2013

Time 11:16am