

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 640**

BY SENATORS STOLLINGS AND MARONEY

[Introduced February 18, 2019; Referred  
to the Committee on Health and Human Resources]

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 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 (1) Interscholastic athletics;

5 (2) 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 (3) Noncompetitive cheerleading that is sponsored by school-affiliated organizations;

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

**§16-56-3. Applicability, Educational Materials, Removal from Play and Training.**

1 (a) This section applies to the Department of Education, public schools, and the  
 2 Department of Health and Human Resources.

3 (b) The Department of Education, working in conjunction with the State Health Officer of

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

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

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

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

25 (f) No individual may coach an athletic training event unless the individual has completed,  
26 on an annual basis, the sudden cardiac arrest training course approved by the Department of  
27 Health and Human Resources.

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

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

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

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

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

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

40 (3) A physician assistant licensed under §30-3E-1 et seq. of this code.

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

44 (j) The governing body of a school shall establish penalties for a coach found in violation  
45 of the requirements of subsection (g) of this section.

46 (k) A school district, member of a school district, board of education, school district  
47 employee or volunteer, including a coach, is not liable in damages in a civil action for injury, death  
48 or loss to person or property allegedly arising from providing services or performing duties under  
49 this section, unless the act or omission constitutes willful or wanton misconduct. This section does  
50 not eliminate, limit, or reduce any other immunity or defense that a school district, member of a  
51 board of education, or school district employee or volunteer, including a coach, may be entitled  
52 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.

NOTE: The purpose of this bill is to create the Cardiac Prevention Act, to set forth the guidelines for the program, to make the Department of Education and Department of Health and Human Resources responsible for administering the program.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.