

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5021

By Delegates Summers and Tully

[Originating in the Committee on Education;

Reported on February 15, 2024]

1 A BILL to repeal §16-57-1, §16-57-2, §16-57-3, and §16-57-4 of the Code of West Virginia, 1931,
2 as amended; and to amend said code by adding thereto a new section, designated §18-5-
3 22e; all relating to cardiac response plans; repealing sudden cardiac arrest prevention act;
4 creating cardiac response plans section for county boards of education; providing
5 definitions; requiring schools to develop an emergency response plan and parameters
6 therefore; requiring informational meetings regarding cardiac arrest; requiring a form be
7 completed by students prior to participation in an athletic activity; requiring annual sudden
8 cardiac arrest training for coaches; setting forth circumstances in which students are not
9 allowed to participate in athletic activities; requiring evaluation by authorized physician,
10 certified nurse practitioner or certified nurse specialist, or a physician assistant before
11 returning to athletic activity; requiring school officials to work directly with local emergency
12 service providers to integrate the plan into the community's EMS responder protocols and
13 setting forth parameters therefore; allowing state board rulemaking; and allowing county
14 boards to accept gifts, grants and donations.

Be it enacted by the Legislature of West Virginia:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 57. SUDDEN CARDIAC ARREST PREVENTION ACT.

§16-57-1. Purpose.

1 [Repealed]

§16-57-2. Definitions.

1 [Repealed]

§16-57-3. Applicability, educational materials, removal from play, and training.

1 [Repealed]

§16-57-4. Rulemaking.

1 [Repealed]

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-22e. Cardiac response plans.

1 (a) For the purposes of this section, the following terms are defined:

2 "Cardiac Emergency Response Plan" or "the plan" means a written document that
3 establishes the specific steps to reduce death from cardiac arrest.

4 "Automated External Defibrillator" means a lightweight, portable device that delivers an
5 electric shock through the chest to the heart.

6 "School" means any school with an athletic department or organized athletic program
7 under the jurisdiction of a county board of education.

8 "Sudden Cardiac Arrest" means when the heart malfunctions and stops beating
9 unexpectedly.

10 (b) A school shall develop a cardiac emergency response plan that provides for the
11 following:

12 (1) A school with an athletic department or organized athletic program shall develop a
13 cardiac emergency response plan that addresses the appropriate use of school personnel to
14 respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-
15 threatening emergency while attending or participating in an athletic practice or event while on
16 school grounds; and

17 (2) School staff trained in first-aid, CPR, and automated external defibrillator use that follow
18 evidence-based guidelines including but not limited to licensed coaches, school nurses, and
19 athletic trainers.

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

23 (d) No student may participate in an athletic activity until the student has submitted to a
24 designated school official, a form signed by the student and the parent, guardian, or other person
25 having care or charge of the student, stating that the student and the parent, guardian, or other
26 person having care or charge of the student have received and reviewed a copy of the cardiac
27 emergency response plan developed by the school and posted on its webpage. A completed form
28 shall be submitted each school year in which the student participates in an athletic activity.

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

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

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

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

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

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

42 (2) A certified nurse practitioner, or certified nurse specialist; or

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

45 (h) School officials shall work directly with local emergency service providers to integrate
46 the plan into the community's EMS responder protocols, which shall include, at a minimum, the
47 following:

48 (1) Establishing a cardiac emergency response team;

- 49 (2) Activating the team in response to a sudden cardiac arrest;
50 (3) Implementing automated external defibrillator placement and routine maintenance
51 within the school;
52 (4) Disseminating the plan throughout the school campus;
53 (5) Maintaining ongoing staff training in CPR/AED use;
54 (6) Plan for practicing skills learned;
55 (7) Integrating local EMS with the plan;
56 (8) Ongoing and annual review and evaluation of the plan; and
57 (9) Appropriate automated external defibrillator placement.
58 (i) The State Board of Education may promulgate a legislative rule pursuant §29A-3B-1 et
59 seq. of this code to ensure compliance with this section by county school boards.
60 (j) A county board of education may accept gifts, grants, and donations, including in-kind
61 donations designated for the purchase of an automatic external defibrillator that meets the
62 standards established by the United States Food and Drug Administration and for the costs
63 incurred to inspect and maintain such device and train staff in the use of such device.