

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 40

SENATORS STOLLINGS, OJEDA AND JEFFRIES,

original sponsors

[Passed April 8, 2017; to take effect August 1, 2017]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-2-25b, relating to emergency action plans for athletics; providing that the
3 West Virginia Secondary Athletics Commission promulgate rules to establish guidelines
4 for emergency action plans by August 1, 2017; establishing parameters for said rules;
5 requiring all member schools to submit emergency action plans to the commission and
6 their county boards of education by December 31, 2017; providing that a copy of the plan
7 be provided to local response agencies identified in the plan; setting forth a limit of liability;
8 and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §18-2-25b, to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

§18-2-25b. Emergency action plans for athletics.

1 (a) No later than August 1, 2017, the West Virginia Secondary Schools Athletics
2 Commission shall promulgate rules to establish guidelines for emergency action plans for athletics
3 designed to respond to athletic injuries that occur on school property during school-sponsored
4 athletic events. The rules shall address, at a minimum:

- 5 (1) Protocols for practices and for games;
- 6 (2) Directives for personnel or equipment which should be available on sports fields or in
7 school buildings for both girls' and boys' teams; and
- 8 (3) Training needed for school or volunteer personnel on an as-needed basis.

9 (b) All member schools shall submit an emergency action plan for athletics to the West
10 Virginia Secondary Schools Athletics Commission and their county boards of education by
11 December 31, 2017: *Provided*, That the county boards shall keep the emergency plan of each
12 school in the county on file and, unless otherwise provided for, provide a copy of each school's

13 emergency action plan for athletics to each local emergency response agency that has a role in
14 the plan.

15 (c) Any person licensed by, or certified or registered in, this state to provide health care or
16 professional health care services who renders services of a medical nature to students under this
17 section, who has an agreement with a county board of education that defines the scope of his or
18 her duties as such, and for which no remuneration is demanded or received, is not liable for any
19 civil damages as a result of rendering such services, or as a result of any act or failure to act in
20 providing or arranging further medical treatment.

21 (1) The limitation of liability only applies if the services are provided in accordance with
22 acceptable standards of care and the licensed health care provider is not grossly negligent or
23 does not demonstrate willful misconduct.

24 (2) Any liability is limited to the applicable limits of the professional liability insurance
25 provided by the State Board of Risk and Insurance Management in effect at the time.

26 (3) Nothing in this subsection nullifies the immunity from civil liability as granted pursuant
27 to section fifteen, article seven, chapter fifty-five of this code or federal law except to the extent to
28 which the actions are covered within the applicable limits of the professional liability insurance
29 provided by the State Board of Risk and Insurance Management pursuant to this section and in
30 effect at the time.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

To take effect August 1, 2017.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2017.

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Governor