

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 585**

By Senators Stuart, Helton, Jeffries, Morris, Oliverio,  
Phillips, Rose, Rucker, Taylor, Clements, and Takubo  
[Reported March 6, 2025, from the Committee on the  
Judiciary; and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §18-36-1, §18-36-2, §18-36-3, §18-36-4, §18-36-5, and §18-36-6, relating to  
3 school student athlete safety; establishing the Cohen Craddock Student Athlete Safety  
4 Act; providing legislative findings; defining terms; creating the Student Athlete Safety  
5 Advisory Committee; identifying composition of Student Athlete Safety Advisory  
6 Committee; providing duties of Student Athlete Safety Advisory Committee; requiring use  
7 of certain safety equipment during high school and middle school football practices;  
8 providing warranty and certification related to the usage of certain safety equipment;  
9 establishing the Cohen Craddock Memorial Grant Program and providing procedures; and  
10 creating the Cohen Craddock Memorial Grant Fund.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 36. COHEN CRADDOCK STUDENT ATHLETE SAFETY ACT.**

**§18-36-1. Short Title; findings.**

1 (a) This article shall be known, and may be cited as, the "Cohen Craddock Student Athlete  
2 Safety Act."

3 (b) The Legislature hereby finds that:

4 (1) Student athletes face varying risks of injury, including concussions, heat-related  
5 illnesses, and cardiac events, which warrant the continual evaluation of safety protocols and  
6 equipment standards;

7 (2) Repeated head collisions, even with protective helmets, can cause trauma and  
8 concussions that have long-term cognitive and neurological effects, making it essential that  
9 reasonable safety measures are used;

10 (3) The evolution and availability of sport-specific safety equipment is constantly evolving  
11 and should be consistently monitored;

12 (4) Professional sports leagues and collegiate sports teams have increasingly used  
13 modern safety equipment to enhance the safety of their athletes;

(5) The National Football League recorded the fewest number of concussions during the 2024 season, which the National Football League's Chief Medical Officer attributed, in part, to the mandatory use of impact reducing soft-shell helmet covers during training camp and regular-season practices; and

(6) The state should consult with medical experts and athletic leaders to help ensure that student athletes across West Virginia have knowledge of and access to modern and necessary safety equipment for athletic activities.

**§18-36-2. Definitions.**

As used in this article, the following terms have the meanings ascribed unless the context clearly indicates a different meaning:

"Advisory Committee" means the Student Athlete Safety Advisory Committee;

"Department" means the West Virginia Department of Education;

"Fund" means the Cohen Craddock Memorial Grant Fund;

"Grant Program" means the Cohen Craddock Memorial Grant Program; and

"Student Athletes" means all students participating in any interscholastic sport at a high school or middle school in West Virginia.

**§18-36-3. Student Athlete Safety Advisory Committee.**

(a) There is created the Student Athlete Safety Advisory Committee, which shall be administered by the Department of Education.

(b) The Advisory Committee shall be composed of the following nine members:

(1) The Superintendent, or his or her designee who shall chair the Advisory Committee;

(2) The Cabinet Secretary for the Department of Health, or his or her designee;

(3) The Director of the West Virginia University Rockefeller Neuroscience Institute, or his or her designee;

(4) The Dean of the West Virginia University School of Medicine, or his or her designee;

(5) The Dean of the Marshall University College of Health Professions, or his or her

designee; and

(6) Four additional individuals appointed by the Governor who have a background in athletic training, sports medicine, or otherwise possess an expertise in athletic safety protocols or equipment.

(c) The Advisory Committee has the following duties:

(1) Evaluate the safety rules, protocols, and other forms of guidance that are applicable to interscholastic athletics, including football, baseball, softball, lacrosse, volleyball, and any other sport considered appropriate by a majority of the members;

(2) Evaluate relevant statistics related to injuries incurred by student athletes, including those associated with particular athletic activities;

(3) Evaluate the safety equipment that is minimally required for participation in interscholastic athletics, including football, baseball, softball, lacrosse, volleyball, and any other sport considered appropriate by a majority of the members;

(4) Evaluate additional safety equipment items or protective gear that is readily available on the market, but not required for participation or regularly provided to student athletes; and

(5) Make recommendations to the Governor and the Legislative Oversight Commission on Education Accountability on any measures that should be taken to enhance the safety of student athletes, including safety equipment that should be used by student athletes or any other changes to the rules or governing interscholastic athletics.

(d) The Advisory Committee shall meet at least once annually but may meet anytime upon being convened by the chair. Members of the Advisory Committee are eligible for reimbursement for travel and other expenses incidental to the performance of their duties.

**§18-36-4. Required use of football helmet covers.**

(a) To the greatest extent practicable as permitted by the availability of grant funding, effective July 1, 2026, student athletes in West Virginia participating in a school organized football practice shall use an impact reducing soft-shell helmet cover while wearing a football helmet. The

impact reducing soft-shell helmet cover shall be attached to a student athlete's football helmet at all times when participating in any activity with a likelihood of collision or during any practice activity which the student athlete would regularly be expected to use a football helmet: *Provided*, That the requirements of this subsection shall become permissive should grant funding for the purchase of soft-shell helmet covers not be available.

(b) Football helmets that exceed the safety profile of a football helmet with the soft-shell helmet cover attached are exempt from the requirements of subsection (a) of this section.

(c) On an annual basis, the Student Athlete Safety Advisory Committee shall determine which football helmets exceed the safety profile of a football helmet with the soft-shell helmet cover attached and shall publish, or otherwise make available, a list of those helmets on the website of the Department.

**§18-36-5. Warranty and certification protections.**

(a) The use of an impact reducing soft-shell helmet cover with a football helmet shall not void or limit any football helmet manufacturer or dealer's express or implied warranty that may otherwise apply to the football helmet: *Provided*, That the impact reducing soft-shell helmet cover attaches to the football helmet in a manner that does not modify the components of or otherwise damage the football helmet; *Provided, however*, That one or more helmet manufacturers has certified that the impact reducing soft-shell helmet cover is acceptable for use.

(b) A football helmet manufacturer, dealer, or any other entity that assigns safety certifications to football helmets may not revoke a safety certification or guarantee associated with a football helmet due to the use of an impact reducing soft-shell helmet cover: *Provided*, That the impact reducing soft-shell helmet cover attaches to the football helmet in a manner that does not modify the components of or otherwise damage the football helmet; *Provided, however*, That one or more helmet manufacturers has certified that the impact reducing soft-shell helmet cover is acceptable for use.

**§18-36-6. Cohen Craddock Memorial Grant Program; fund established.**

1        (a) The Cohen Craddock Memorial Grant Program is hereby established. The Grant  
2 Program shall be administered by the Department. The Department shall provide application  
3 forms and procedures to administer the grant.

4        (b) Schools or county boards of education may apply to the Grant Program for funding to  
5 cover all or some of the costs associated with procuring safety equipment covered by this article or  
6 recommended by the Advisory Committee.

7        (c) The Department shall set the amount of grants based on the funds available, and grants  
8 shall be issued by the Department on a first-come-first-serve basis.

9        (d) There shall be created in the State Treasury a special revenue fund designated the  
10 Cohen Craddock Memorial Grant Fund as follows:

11        (1) The Fund shall be administered by the Department, and expenditures from the Fund  
12 shall be made for the sole purpose of providing grants authorized by this section;

13        (2) The Fund shall consist of moneys appropriated by the Legislature, moneys received  
14 from the federal government, and moneys received from private donations, grants, bequests, and  
15 all other moneys received from all sources for the purposes stated herein. The Department,  
16 political subdivisions, and any private entity may engage in fundraising efforts to solicit donations  
17 to the Fund;

18        (3) Any monies remaining in the Fund at the end of the fiscal year shall not revert to the  
19 general revenue but shall remain in the Fund solely for the purposes stated in this article; and

20        (4) The moneys accrued in the Fund, any earnings thereon, and any yields from  
21 investments by the State Treasurer or West Virginia Investment Management Board are reserved  
22 solely and exclusively for the purposes set forth in this subsection.