

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

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for

Senate Bill 585

BY SENATORS STUART, HELTON, JEFFRIES, MORRIS,
OLIVERIO, PHILLIPS, ROSE, RUCKER, TAYLOR, CLEMENTS,
TAKUBO, AND DEEDS

[Reported March 28, 2025, from 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, §18-36-6, and §18-36-7,
3 relating to school student athlete safety; establishing the Cohen Craddock Student Athlete
4 Safety Act; providing for a short title; providing legislative findings; defining terms; creating
5 the Student Athlete Safety Advisory Committee; identifying composition of Student Athlete
6 Safety Advisory Committee; providing duties of Student Athlete Safety Advisory
7 Committee; requiring use of certain safety equipment during high school and middle
8 school football practices; providing warranty and certification related to the usage of
9 certain safety equipment; establishing the Cohen Craddock Memorial Grant Program and
10 providing procedures; creating the Cohen Craddock Memorial Grant Fund; and providing
11 a sunset date.

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;

(4) Professional sports leagues and collegiate sports teams have increasingly used 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;

"Student athletes" means all students participating in any interscholastic sport at a high school or middle school in West Virginia; and

"Superintendent" means the West Virginia Superintendent of Schools.

§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;

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

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

9 (5) The Dean of the Marshall University College of Health Professions, or his or her
10 designee; and

11 (6) Four additional individuals appointed by the Governor who have a background in
12 athletic training, sports medicine, or otherwise possess an expertise in athletic safety protocols or
13 equipment: *Provided*, That two of the four individuals appointed by the Governor shall be certified
14 and licensed athletic trainers within the state.

15 (c) The advisory committee has the following duties:

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

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

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

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

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

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

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

1 (a) Effective July 1, 2026, student athletes in West Virginia participating in a school
2 organized football practice shall use an impact reducing soft-shell helmet cover while wearing a
3 football helmet. The impact reducing soft-shell helmet cover shall be attached to a student
4 athlete's football helmet at all times when participating in any activity with a likelihood of collision
5 or during any practice activity which the student athlete would regularly be expected to use a
6 football helmet.

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

9 (c) On an annual basis, the advisory committee shall determine which football helmets
10 exceed the safety profile of a football helmet with the soft-shell helmet cover attached and shall
11 publish, or otherwise make available, a list of those helmets on the website of the department.

12 (d) If a school does not have access to sufficient grant funding or other funds to cover the
13 costs associated with the acquisition of impact reducing soft-shell helmet covers, then that
14 particular school may certify to the advisory committee that acquiring the required soft-shell
15 helmet covers would impose an undue hardship. Upon review of the certification, the advisory
16 committee may exempt that particular school from the requirements of subsection (a) of this
17 section until the following football season.

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

1 (a) The use of an impact reducing soft-shell helmet cover with a football helmet shall not
2 void or limit any football helmet manufacturer or dealer's express or implied warranty that may
3 otherwise apply to the football helmet: *Provided*, That the impact reducing soft-shell helmet cover
4 attaches to the football helmet in a manner that does not modify the components of or otherwise

5 damage the football helmet: *Provided, however,* That one or more helmet manufacturers has
6 certified that the impact reducing soft-shell helmet cover is acceptable for use.

7 (b) A football helmet manufacturer, dealer, or any other entity that assigns safety
8 certifications to football helmets may not revoke a safety certification or guarantee associated with
9 a football helmet due to the use of an impact reducing soft-shell helmet cover: *Provided, That the*
10 impact reducing soft-shell helmet cover attaches to the football helmet in a manner that does not
11 modify the components of or otherwise damage the football helmet; *Provided, however,* That one
12 or more helmet manufacturers has certified that the impact reducing soft-shell helmet cover is
13 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 forms
3 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
6 or 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 moneys in the fund may be invested and the fund may retain any income from
19 such investments;

20 (4) Any moneys remaining in the fund at the end of the fiscal year shall not revert to the
21 general revenue but shall remain in the fund solely for the purposes stated in this article; and

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

§18-36-7. Sunset date.

1 The provisions of this article shall terminate on July 1, 2030, unless there is action by the
2 Legislature to extend the provisions beyond that date. The Cohen Craddock Memorial Grant
3 Fund set forth in §18-36-6 of this code shall expire on July 1, 2030, and all remaining funds shall
4 transfer to the General Revenue Fund unless there is action by the Legislature to extend the fund
5 beyond that date.