

SENATE BILL NO. 1322

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute--Senator DeSteph)

A BILL to amend and reenact § 8.01-225 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-274.6, relating to public schools; seizure management and action plan; biennial training.

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-225 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-274.6 as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably

27 available to such person shall not be liable for any civil damages for acts or omissions resulting from the
28 rendering of such emergency care or assistance. The immunity herein granted shall apply only to the
29 emergency medical care provided.

30 3. In good faith and without compensation, including any emergency medical services provider
31 who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an
32 emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or
33 omissions resulting from the rendering of such treatment if such person has reason to believe that the
34 individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

35 4. Provides assistance upon request of any police agency, fire department, emergency medical
36 services agency, or governmental agency in the event of an accident or other emergency involving the
37 use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas,
38 hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste
39 Management Board shall not be liable for any civil damages resulting from any act of commission or
40 omission on his part in the course of his rendering such assistance in good faith.

41 5. Is an emergency medical services provider possessing a valid certificate issued by authority of
42 the State Board of Health who in good faith renders emergency care or assistance, whether in person or
43 by telephone or other means of communication, without compensation, to any injured or ill person,
44 whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person
45 to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or
46 related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the
47 rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or
48 omissions which involve violations of State Department of Health regulations or any other state
49 regulations in the rendering of such emergency care or assistance.

50 6. In good faith and without compensation, renders or administers emergency cardiopulmonary
51 resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external
52 defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which
53 have been approved by the State Board of Health to any sick or injured person, whether at the scene of a

54 fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic,
55 doctor's office, or other medical facility, shall be deemed qualified to administer such emergency
56 treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of
57 such emergency resuscitative treatments or procedures.

58 7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or
59 orders AEDs, shall be immune from civil liability for any personal injury that results from any act or
60 omission in the use of an AED in an emergency where the person performing the defibrillation acts as an
61 ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless
62 such personal injury results from gross negligence or willful or wanton misconduct of the person rendering
63 such emergency care.

64 8. Maintains an AED located on real property owned or controlled by such person shall be immune
65 from civil liability for any personal injury that results from any act or omission in the use in an emergency
66 of an AED located on such property unless such personal injury results from gross negligence or willful
67 or wanton misconduct of the person who maintains the AED or his agent or employee.

68 9. Is an employee of a school board or of a local health department approved by the local governing
69 body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-
70 sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or
71 administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not
72 limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or
73 resuscitative treatments or procedures that have been approved by the State Board of Health to any sick
74 or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; ~~or~~
75 (iv) maintains an AED; or (v) renders care in accordance with a seizure management and action plan
76 pursuant to § 22.1-274.6, shall not be liable for civil damages for ordinary negligence in acts or omissions
77 on the part of such employee while engaged in the acts described in this subdivision.

78 10. Is a volunteer in good standing and certified to render emergency care by the National Ski
79 Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance
80 to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any

81 other place or while transporting such injured or ill person to a place accessible for transfer to any available
82 emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by
83 him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for
84 any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment,
85 or assistance, including but not limited to acts or omissions which involve violations of any state regulation
86 or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or
87 assistance, unless such act or omission was the result of gross negligence or willful misconduct.

88 11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in §
89 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as
90 administered by the Virginia Council for Private Education and is authorized by a prescriber and trained
91 in the administration of insulin and glucagon, who, upon the written request of the parents as defined in §
92 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the
93 insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1
94 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during
95 the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia
96 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the
97 rendering of such treatment if the insulin is administered according to the child's medication schedule or
98 such employee has reason to believe that the individual receiving the glucagon is suffering or is about to
99 suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted
100 herein, the school board or school employing him shall not be liable for any civil damages for ordinary
101 negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

102 12. Is an employee of a public institution of higher education or a private institution of higher
103 education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who
104 assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes
105 who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of
106 hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions
107 resulting from the rendering of such treatment if the insulin is administered according to the student's

108 medication schedule or such employee has reason to believe that the individual receiving the glucagon is
109 suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the
110 immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary
111 negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

112 13. Is a school nurse, an employee of a school board, an employee of a local governing body, or
113 an employee of a local health department who is authorized by a prescriber and trained in the
114 administration of epinephrine and who provides, administers, or assists in the administration of
115 epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber
116 of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions
117 resulting from the rendering of such treatment.

118 14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed
119 by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as
120 administered by the Virginia Council for Private Education who is authorized by a prescriber and trained
121 in the administration of epinephrine and who administers or assists in the administration of epinephrine to
122 a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the
123 epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting
124 from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this
125 subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or
126 omissions resulting from such administration or assistance.

127 15. Is an employee of a public institution of higher education or a private institution of higher
128 education who is authorized by a prescriber and trained in the administration of epinephrine and who
129 administers or assists in the administration of epinephrine to a student believed in good faith to be having
130 an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages
131 for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any
132 employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any
133 civil damages for ordinary negligence in acts or omissions resulting from such administration or
134 assistance.

135 16. Is an employee of an organization providing outdoor educational experiences or programs for
136 youth who is authorized by a prescriber and trained in the administration of epinephrine and who
137 administers or assists in the administration of epinephrine to a participant in the outdoor experience or
138 program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the
139 epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting
140 from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this
141 subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or
142 omissions resulting from such administration or assistance.

143 17. Is an employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1,
144 is authorized by a prescriber and trained in the administration of epinephrine, and provides, administers,
145 or assists in the administration of epinephrine to an individual believed in good faith to be having an
146 anaphylactic reaction on the premises of the restaurant at which the employee is employed, or is the
147 prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or
148 omissions resulting from the rendering of such treatment.

149 18. Is an employee of a provider licensed by the Department of Behavioral Health and
150 Developmental Services, or provides services pursuant to a contract with a provider licensed by the
151 Department of Behavioral Health and Developmental Services, who has been trained in the administration
152 of insulin and glucagon and who administers or assists with the administration of insulin or administers
153 glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon
154 has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall
155 not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the
156 rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions
157 or such person has reason to believe that the individual receiving the glucagon is suffering or is about to
158 suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department
159 of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract
160 with a provider licensed by the Department of Behavioral Health and Developmental Services is covered

161 by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary
162 negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

163 19. Is an employee of a provider licensed by the Department of Behavioral Health and
164 Developmental Services, or provides services pursuant to a contract with a provider licensed by the
165 Department of Behavioral Health and Developmental Services, who has been trained in the administration
166 of epinephrine and who administers or assists in the administration of epinephrine to a person believed in
167 good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not
168 be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering
169 of such treatment.

170 20. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for
171 overdose reversal in an emergency to an individual who is believed to be experiencing or about to
172 experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary
173 negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with
174 the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical
175 services agency.

176 21. In good faith administers naloxone or other opioid antagonist used for overdose reversal to a
177 person who is believed to be experiencing or about to experience a life-threatening opioid overdose in
178 accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages
179 for any personal injury that results from any act or omission in the administration of naloxone or other
180 opioid antagonist used for overdose reversal, unless such act or omission was the result of gross negligence
181 or willful and wanton misconduct.

182 22. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319
183 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by
184 the Virginia Council for Private Education who is trained in the administration of injected medications for
185 the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who
186 administers or assists in the administration of such medications to a student diagnosed with a condition
187 causing adrenal insufficiency when the student is believed to be experiencing or about to experience an

188 adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of
189 his professional practice and in accordance with the prescriber's instructions shall not be liable for any
190 civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

191 23. Is a school nurse, an employee of a school board, an employee of a local governing body, or
192 an employee of a local health department who is authorized by a prescriber and trained in the
193 administration of albuterol inhalers or nebulized albuterol and who provides, administers, or assists in the
194 administration of an albuterol inhaler or nebulized albuterol for a student believed in good faith to be in
195 need of such medication, or is the prescriber of such medication, shall not be liable for any civil damages
196 for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

197 24. Is an employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber
198 and trained in the administration of epinephrine and who administers or assists in the administration of
199 epinephrine to a person present in the public place believed in good faith to be having an anaphylactic
200 reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary
201 negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee
202 is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil
203 damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

204 B. Any licensed physician serving without compensation as the operational medical director for
205 an emergency medical services agency that holds a valid license as an emergency medical services agency
206 issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission
207 resulting from the rendering of emergency medical services in good faith by the personnel of such licensed
208 agency unless such act or omission was the result of such physician's gross negligence or willful
209 misconduct.

210 Any person serving without compensation as a dispatcher for any licensed public or nonprofit
211 emergency medical services agency in the Commonwealth shall not be liable for any civil damages for
212 any act or omission resulting from the rendering of emergency services in good faith by the personnel of
213 such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or
214 willful misconduct.

215 Any individual, certified by the State Office of Emergency Medical Services as an emergency
216 medical services instructor and pursuant to a written agreement with such office, who, in good faith and
217 in the performance of his duties, provides instruction to persons for certification or recertification as a
218 certified basic life support or advanced life support emergency medical services provider shall not be
219 liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of
220 such office unless such act or omission was the result of such emergency medical services instructor's
221 gross negligence or willful misconduct.

222 Any licensed physician serving without compensation as a medical advisor to an E-911 system in
223 the Commonwealth shall not be liable for any civil damages for any act or omission resulting from
224 rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911
225 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the
226 result of such physician's gross negligence or willful misconduct.

227 Any licensed physician who directs the provision of emergency medical services, as authorized by
228 the State Board of Health, through a communications device shall not be liable for any civil damages for
229 any act or omission resulting from the rendering of such emergency medical services unless such act or
230 omission was the result of such physician's gross negligence or willful misconduct.

231 Any licensed physician serving without compensation as a supervisor of an AED in the
232 Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering
233 medical advice in good faith to the owner of the AED relating to personnel training, local emergency
234 medical services coordination, protocol approval, AED deployment strategies, and equipment
235 maintenance plans and records unless such act or omission was the result of such physician's gross
236 negligence or willful misconduct.

237 C. Any communications services provider, as defined in § 58.1-647, including mobile service, and
238 any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any
239 civil damages for any act or omission resulting from rendering such service with or without charge related
240 to emergency calls unless such act or omission was the result of such service provider's gross negligence
241 or willful misconduct.

242 Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily
243 providing personnel to engage in rescue or recovery work at a mine not owned or operated by such
244 operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such
245 rescue or recovery work in good faith unless such act or omission was the result of gross negligence or
246 willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP
247 service" means any Internet protocol-enabled services utilizing a broadband connection, actually
248 originating or terminating in Internet Protocol from either or both ends of a channel of communication
249 offering real time, multidirectional voice functionality, including, but not limited to, services similar to
250 traditional telephone service.

251 D. Nothing contained in this section shall be construed to provide immunity from liability arising
252 out of the operation of a motor vehicle.

253 E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries
254 of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries
255 or wages of employees of a coal producer engaging in emergency medical services or first aid services
256 pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii)
257 complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the
258 National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a)
259 owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the
260 Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of
261 emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any
262 person providing care or assistance pursuant to this section.

263 For the purposes of this section, "emergency medical services provider" shall include a person
264 licensed or certified as such or its equivalent by any other state when he is performing services that he is
265 licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth,
266 which care originated in such other state.

267 Further, the public shall be urged to receive training on how to use CPR and an AED in order to
268 acquire the skills and confidence to respond to emergencies using both CPR and an AED.

269 **§ 22.1-274.6. Seizure management and action plan; training.**

270 A. The parent or guardian of a student with a diagnosed seizure disorder may submit to the local
271 school division a seizure management and action plan developed by the student's treating physician for
272 review by school division employees with whom the student has regular contact. The seizure management
273 and action plan shall (i) identify the health care services the student may receive at school or while
274 participating in a school activity, (ii) identify seizure-related medication prescribed to the student that
275 must be administered in the event of a seizure, (iii) evaluate the student's ability to manage and understand
276 his seizure disorder, and (iv) be signed by the student's parent or guardian, the student's treating physician,
277 and the school nurse.

278 B. Each local school division shall require all school nurses employed by the division to complete,
279 on a biennial basis, a Board of Education-approved online course of instruction for school nurses regarding
280 treating students with seizures and seizure disorders that includes information about seizure recognition
281 and related first aid. Approved training programs shall be fully consistent with training programs and
282 guidelines developed by the Epilepsy Foundation of America and any successor organization.

283 C. Each local school division shall require all employees whose duties include regular contact with
284 students to complete, on a biennial basis, a Board of Education-approved online course of instruction for
285 school employees regarding treating students with seizures and seizure disorders that includes information
286 about seizure recognition and related first aid. Approved training programs shall be fully consistent with
287 training programs and guidelines developed by the Epilepsy Foundation of America and any successor
288 organization.

289 **2. That the provisions of this act shall become effective on July 1, 2022.**

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