

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 8.01-225 and 22.1-274.01:1 of the Code of Virginia, relating to public*  
3 *schools; certain employees; insulin pump assistance.*

4 [S 1116]  
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 8.01-225 and 22.1-274.01:1 of the Code of Virginia are amended and reenacted as**  
8 **follows:**

9 **§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.**

10 A. Any person who:

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

21 2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in  
22 active labor who has not previously been cared for in connection with the pregnancy by such person or  
23 by another professionally associated with such person and whose medical records are not reasonably  
24 available to such person shall not be liable for any civil damages for acts or omissions resulting from  
25 the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the  
26 emergency medical care provided.

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

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

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

47 6. In good faith and without compensation, renders or administers emergency cardiopulmonary  
48 resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external  
49 defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which  
50 have been approved by the State Board of Health to any sick or injured person, whether at the scene of  
51 a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic,  
52 doctor's office, or other medical facility, shall be deemed qualified to administer such emergency  
53 treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of  
54 such emergency resuscitative treatments or procedures.

55 7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or  
56 orders AEDs, shall be immune from civil liability for any personal injury that results from any act or

57 omission in the use of an AED in an emergency where the person performing the defibrillation acts as  
58 an ordinary, reasonably prudent person would have acted under the same or similar circumstances,  
59 unless such personal injury results from gross negligence or willful or wanton misconduct of the person  
60 rendering such emergency care.

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

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

76 10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol  
77 System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any  
78 injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other  
79 place or while transporting such injured or ill person to a place accessible for transfer to any available  
80 emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by  
81 him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable  
82 for any civil damages for acts or omissions resulting from the rendering of such emergency care,  
83 treatment, or assistance, including but not limited to acts or omissions which involve violations of any  
84 state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such  
85 emergency care or assistance, unless such act or omission was the result of gross negligence or willful  
86 misconduct.

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

102 12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an  
103 employee of a local health department who is authorized by a prescriber and trained in the  
104 administration of epinephrine and who provides, administers, or assists in the administration of  
105 epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber  
106 of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions  
107 resulting from the rendering of such treatment.

108 13. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by  
109 the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as  
110 administered by the Virginia Council for Private Education who is authorized by a prescriber and trained  
111 in the administration of epinephrine and who administers or assists in the administration of epinephrine  
112 to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the  
113 epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions  
114 resulting from the rendering of such treatment. Whenever any employee is covered by the immunity  
115 granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence  
116 in acts or omissions resulting from such administration or assistance.

117 14. Is an employee of a provider licensed by the Department of Behavioral Health and

118 Developmental Services, or provides services pursuant to a contract with a provider licensed by the  
 119 Department of Behavioral Health and Developmental Services, who has been trained in the  
 120 administration of insulin and glucagon and who administers or assists with the administration of insulin  
 121 or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for  
 122 whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with  
 123 § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions  
 124 resulting from the rendering of such treatment if the insulin is administered in accordance with the  
 125 prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is  
 126 suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider  
 127 licensed by the Department of Behavioral Health and Developmental Services or a person who provides  
 128 services pursuant to a contract with a provider licensed by the Department of Behavioral Health and  
 129 Developmental Services is covered by the immunity granted herein, the provider shall not be liable for  
 130 any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such  
 131 insulin or glucagon treatment.

132 15. Is an employee of a provider licensed by the Department of Behavioral Health and  
 133 Developmental Services, or provides services pursuant to a contract with a provider licensed by the  
 134 Department of Behavioral Health and Developmental Services, who has been trained in the  
 135 administration of epinephrine and who administers or assists in the administration of epinephrine to a  
 136 person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's  
 137 instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions  
 138 resulting from the rendering of such treatment.

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

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

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

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

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

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

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

178 C. Any communications services provider, as defined in § 58.1-647, including mobile service, and

179 any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any  
180 civil damages for any act or omission resulting from rendering such service with or without charge  
181 related to emergency calls unless such act or omission was the result of such service provider's gross  
182 negligence or willful misconduct.

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

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

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

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

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

210 **§ 22.1-274.01:1. Students who are diagnosed with diabetes; self-care.**

211 A. Each local school board shall permit each enrolled student who is diagnosed with diabetes, with  
212 parental consent and written approval from the prescriber, as that term is defined in § 54.1-3401, to (i)  
213 carry with him and use supplies, including a reasonable and appropriate short-term supply of  
214 carbohydrates, an insulin pump, and equipment for immediate treatment of high and low blood glucose  
215 levels, and (ii) self-check his own blood glucose levels on a school bus, on school property, and at a  
216 school-sponsored activity.

217 *B. A local school board employee who is a registered nurse, licensed practical nurse, or certified*  
218 *nurse aide and who has been trained in the administration of insulin, including the use and insertion of*  
219 *insulin pumps, and the administration of glucagon may assist a student who is diagnosed with diabetes*  
220 *and who carries an insulin pump with the insertion or reinsertion of the pump or any of its parts. For*  
221 *the purposes of this subsection, "employee" has the same meaning as in subsection E of § 22.1-274.*  
222 *Prescriber authorization and parental consent shall be obtained for any such employee to assist with the*  
223 *insertion or reinsertion of the pump or any of its parts. Nothing in this section shall require any*  
224 *employee to assist with the insertion or reinsertion of the pump or any of its parts.*