

By: Janek, Seliger

S.B. No. 8

A BILL TO BE ENTITLED

AN ACT

relating to random testing of certain high school students for steroid use and training of certain public school employees regarding steroid use.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 33.091, Education Code, is amended to read as follows:

Sec. 33.091. PREVENTION OF ILLEGAL STEROID USE; RANDOM TESTING.

SECTION 2. Section 33.091, Education Code, is amended by amending Subsections (b) and (h) and adding Subsections (c-1), (d), (e), (e-1), and (f) to read as follows:

(b) The league shall adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by the league unless:

(1) the student agrees not to use steroids and, if the student is enrolled in high school, the student submits to random testing for the presence of illegal steroids in the student's body, in accordance with the program established under Subsection (d);

and

(2) the league obtains from the student's parent a statement signed by the parent and acknowledging that:

(A) the parent's child, if enrolled in high school, may be subject to random steroid testing;

1 (B) state law prohibits possessing, dispensing,
2 delivering, or administering a steroid in a manner not allowed by
3 state law;

4 (C) [~~(B)~~] state law provides that bodybuilding,
5 muscle enhancement, or the increase of muscle bulk or strength
6 through the use of a steroid by a person who is in good health is not
7 a valid medical purpose;

8 (D) [~~(C)~~] only a licensed practitioner with
9 prescriptive authority [~~medical doctor~~] may prescribe a steroid for
10 a person; and

11 (E) [~~(D)~~] a violation of state law concerning
12 steroids is a criminal offense punishable by confinement in jail or
13 imprisonment in the Texas Department of Criminal Justice.

14 (c-1) A school district shall require that each district
15 employee who serves as an athletic coach at or above the seventh
16 grade level for an extracurricular athletic activity sponsored or
17 sanctioned by the league complete:

18 (1) the educational program developed by the league
19 under Subsection (c); or

20 (2) a comparable program developed by the district or
21 a private entity with relevant expertise.

22 (d) The league shall adopt rules for the annual
23 administration of a steroid testing program under which students
24 participating in an athletic competition sponsored or sanctioned by
25 the league are tested at multiple times throughout the year for the
26 presence of steroids in the students' bodies. The testing program
27 must:

1 (1) require the random testing of approximately three
2 percent of the total number of high school students in this state
3 who participate in athletic competitions sponsored or sanctioned by
4 the league;

5 (2) provide for the selection of specific students
6 described by Subdivision (1) for testing through a process that
7 randomly selects students from a single pool consisting of all
8 students who participate in any activity for which the league
9 sponsors or sanctions athletic competitions;

10 (3) be administered at approximately 30 percent of the
11 high schools in this state that participate in athletic
12 competitions sponsored or sanctioned by the league;

13 (4) protect confidentiality of test results by
14 permitting disclosure of test results, unless otherwise required by
15 court order, only to:

16 (A) the student and the student's parents;

17 (B) the league;

18 (C) the appropriate head coach or chief sponsor
19 of the athletic activity sponsored or sanctioned by the league; and

20 (D) the principal and assistant principals of the
21 school attended by the student;

22 (5) provide for a process for confirming any initial
23 positive test result through a subsequent test conducted as soon as
24 practicable after the initial test, using a sample that was
25 obtained at the same time as the sample used for the initial test;
26 and

27 (6) require the testing to be performed only by an

1 anabolic steroid testing laboratory with a current certification
2 from the Substance Abuse and Mental Health Services Administration
3 of the United States Department of Health and Human Services, the
4 World Anti-Doping Agency, or another appropriate national or
5 international certifying organization.

6 (e) The league by rule shall specify a range of penalties
7 that may be imposed on a student as a result of a confirmed positive
8 test. The range of penalties must include the following:

9 (1) for the first confirmed positive test, a
10 suspension period of at least 30 days, during which period the
11 student is prohibited from participating in an athletic competition
12 sponsored or sanctioned by the league but may practice with other
13 students;

14 (2) for the second confirmed positive test, a
15 suspension period of at least one year, during which period the
16 student is prohibited from participating in or practicing with
17 other students for an athletic competition sponsored or sanctioned
18 by the league; and

19 (3) for the third confirmed positive test, permanent
20 ineligibility from participating in an athletic competition
21 sponsored or sanctioned by the league.

22 (e-1) For purposes of Subsection (e), a student who refuses
23 to submit to random testing is considered to have a confirmed
24 positive test.

25 (f) From funds already appropriated, the agency shall pay
26 the costs of the steroid testing program established under
27 Subsection (d).

1 (h) Subsection (b)(1) does not apply to the use by a student
2 of a steroid that is dispensed, prescribed, delivered, and
3 administered by a medical practitioner for a valid medical purpose
4 and in the course of professional practice, and a student is not
5 subject to a penalty under Subsection (e) on the basis of that
6 steroid use.

7 SECTION 3. This Act applies beginning with the 2007-2008
8 school year.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.