

By: Janek

S.B. No. 8

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to random testing of certain public school students for  
3 steroid use and training of certain public school employees  
4 regarding steroid use.

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

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

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

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

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

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

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

23 (A) the parent's child, if enrolled in high  
24 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 medical doctor may prescribe a  
9 steroid for a person; and

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

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

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

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

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

26           (1) be administered at approximately 30 percent of the  
27 public high schools in this state, as selected by the league;

1           (2) require the random testing at each selected high  
2 school of approximately three percent of the students at that  
3 school participating in an athletic competition sponsored or  
4 sanctioned by the league;

5           (3) protect confidentiality of test results by  
6 permitting disclosure of test results only to the student, the  
7 student's parent, the league, and the activity directors,  
8 principal, and assistant principals of the school attended by the  
9 student, unless otherwise required by court order;

10           (4) provide for a process for confirming any initial  
11 positive test result through a subsequent test conducted as soon as  
12 practicable after the initial test, using a sample that was  
13 obtained at the same time as the sample used for the initial test;  
14 and

15           (5) require the testing to be performed only by an  
16 anabolic steroid testing laboratory with a current certification  
17 from the Substance Abuse and Mental Health Services Administration  
18 of the United States Department of Health and Human Services, the  
19 World Anti-Doping Agency, or other appropriate national or  
20 international certifying organization.

21           (e) The board by rule shall specify a range of penalties  
22 that may be imposed as a result of a confirmed positive test. The  
23 range of penalties must include the following:

24           (1) a written public reprimand, subject to  
25 confidentiality requirements imposed by this section or other law;

26           (2) a probationary period, not to exceed three years,  
27 during which a student may be required to comply with reasonable

1 conditions in order to participate in an athletic competition  
2 sponsored or sanctioned by the league and avoid a more severe  
3 penalty; and

4 (3) a suspension period, not to exceed three years,  
5 during which a student may be prohibited from participating in or  
6 practicing with other students for an athletic competition  
7 sponsored or sanctioned by the league.

8 (f) From funds appropriated for that purpose, the league  
9 shall pay the costs of the steroid testing program established  
10 under Subsection (d).

11 (h) Subsection (b)(1) does not apply to the use by a student  
12 of a steroid that is dispensed, prescribed, delivered, and  
13 administered by a medical practitioner for a valid medical purpose  
14 and in the course of professional practice, and a student is not  
15 subject to a penalty under Subsection (e) on the basis of that  
16 steroid use.

17 SECTION 3. This Act applies beginning with the 2007-2008  
18 school year.

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