

BILL ANALYSIS

Senate Research Center

H.B. 3563
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Education
5/20/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Over the past decade, high school steroid abuse has become a growing problem. For example, the National Center for Disease Control reported that from 1991 to 2003, steroid use more than doubled among high school students and more than six percent of students acknowledged that they tried steroid pills or shots at least once. A Texas A&M University survey on substance abuse in 2002 found that nearly 42,000 Texas students in grades 7 through 12, about 2.3 percent, had taken steroids. Researchers have suggested in numerous newspaper articles that the number of students who report using steroids "is almost certainly too low."

Last spring, nine students at Colleyville Heritage High School in suburban Fort Worth confessed to using the performance-enhancing drugs, making it one of the largest cases of confirmed steroid use at a United States high school. Out of 1,674 Texas public high schools, only 93 were testing for performance-enhancing drugs in 2002. The University Interscholastic League (UIL) does not have any more recent statistics on steroid use among high school athletes.

Anabolic steroid use can have severe physical and emotional consequences both for males and for females. Physical effects can include stunted growth, high blood pressure, and liver tumors. Psychological effects can include wide mood swings that range from episodes of uncontrolled anger and aggressiveness to clinical depression when steroid use is stopped. Due to the inherent physical and psychological danger involved with steroid abuse and the evidence that suggests a lack of effort on behalf of school districts and the league to address this growing problem, H.B. 3563 directs school districts which participate in UIL athletic events to develop a steroid testing program.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the University Interscholastic League in SECTION 1 (Section 33.091, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 33, Education Code, by adding Section 33.091, as follows:

Sec. 33.091. PREVENTION OF ILLEGAL STEROID USE. (a) Defines "league," "parent," and "steroid."

(b) Requires the University Interscholastic League (league) to adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by the league unless certain conditions are met.

(c) Requires the league to take certain actions relating to educational programs for students engaged in extracurricular activities.

(d) Requires the league, during the 2005-2006 school year, to conduct a survey regarding the extent of illegal steroid use by high school students, including students engaged in extracurricular athletic activities sponsored or sanctioned by the league. Requires the survey to be designed to determine certain information.

(e) Requires the league to take certain actions relating to studying and reporting the effectiveness of the educational program.

(f) Authorizes the legislature, if, based on the report required under Subsection (e)(3), the legislature determines that the educational program required by Subsection (c) has not significantly reduced the use of illegal steroids by students engaged in extracurricular athletic activities, to require the league to implement the steroid testing plan developed under Subsection (e)(2).

(g) Authorizes the league to increase the membership fees required of school districts that participate in athletic competitions sponsored or sanctioned by the league in an amount necessary to offset the cost of league activities under this section.

(h) Provides that Subsection (b)(1) does not apply to the use by a student of a steroid that is dispensed, prescribed, delivered, and administered by a medical practitioner for a valid medical purpose and in the course of professional practice.

(i) Requires the league to develop the educational program required by Subsection (c) not later than September 1, 2005. Provides that this subsection and Subsections (d), (e), and (f) expire January 15, 2007.

SECTION 2. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.0081, as follows:

Sec. 38.0081. INFORMATION ABOUT STEROIDS. (a) Requires the Texas Education Agency (agency), in conjunction with the Department of State Health Services, to take certain action relating to developing and distributing information about steroid use.

(b) Requires each school district, at appropriate grade levels as determined by the State Board of Education, to provide the information developed under Subsection (a) to district students, particularly to those students involved in extracurricular athletic activities.

SECTION 3. Makes application of Sections 33.091 and 38.0081, Education Code, as added by this Act, prospective to the 2005-2006 school year.

SECTION 4. Effective date: upon passage or September 1, 2005.

SUMMARY OF COMMITTEE CHANGES

COMMITTEE AMENDMENT NO. _____

Amends H.B. 3563 by adding the following SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Amends Chapter 33, Education Code, by adding Subchapter F, as follows:

SUBCHAPTER F. SAFETY REGULATIONS FOR CERTAIN EXTRACURRICULAR ACTIVITIES

Sec. 33.201. APPLICABILITY. Provides that this subchapter applies to each public school in this state and to any other school in this state subject to University Interscholastic League (UIL) regulations.

Sec. 33.202. SAFETY TRAINING REQUIRED. (a) Requires the commissioner of education (commissioner) by rule to adopt and develop a safety training program (program) as provided by this section. Authorizes the commissioner, in developing the program, to use materials available from the American Red Cross or another appropriate entity.

- (b) Requires certain persons to satisfactorily complete the program.
- (c) Sets forth what the training program must include.
- (d) Requires a student participating in an extracurricular athletic activity to receive training related to certain information.
- (e) Authorizes the program and the training under Subsection (d) to each be conducted by a school or school district or by an organization described by Subsection (c)(1).
- (f) Provides that a physician who is employed by a school district or who volunteers to assist with an extracurricular athletic activity is exempt from the requirements of Subsection (b) if the physician attends a continuing medical education course that specifically addresses emergency medicine for athletic team physicians.

Sec. 33.2021. COMPLETION OF UNIVERSITY INTERSCHOLASTIC LEAGUE MEDICAL HISTORY FORM. (a) Requires each student participating in an extracurricular athletic activity to complete the UIL forms entitled "Preparticipation Physical Evaluation--Medical History" and "Acknowledgement of Rules." Requires each form to be signed by both the student and the student's parent or guardian.

(b) Requires each form described by Subsection (a) to clearly state that failure to accurately and truthfully answer all questions on a form required by statute or by the UIL as a condition for participation in an extracurricular athletic activity subject a signer of the form to penalties determined by the UIL.

(c) Requires the "Preparticipation Physical Evaluation--Medical History" form described by Subsection (a) to contain certain language.

Sec. 33.203. CERTAIN UNSAFE ATHLETIC ACTIVITIES PROHIBITED. Prohibits a coach, trainer, or sponsor for an extracurricular activity from encouraging or permitting a student participating in the activity to engage in any unreasonably dangerously athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon.

Sec. 33.204. CERTAIN SAFETY PRECAUTIONS REQUIRED. (a) Requires a coach, trainer, or sponsor for an extracurricular activity, at each athletic practice to ensure that certain precautions are taken.

(b) Prohibits the student, if the student participating in an extracurricular athletic activity, including a practice or competition, is rendered unconscious during the activity, from taking certain actions.

Sec. 33.205. COMPLIANCE; ENFORCEMENT. (a) Requires a school, on request, to make available to the public proof of compliance for each person enrolled in, employed by, or volunteering for the school who is required to receive safety training described by Section 33.202.

(b) Requires the superintendent of a school district or the director of a school subject to this subchapter to maintain complete and accurate records of the district's or school's compliance with Section 33.202.

(c) Requires a school campus that is determined by the school's superintendent or director to not be in compliance with Section 33.202, 33.204, or 33.205 to discontinue all extracurricular athletic activities offered by the school campus, including all practices and competitions, until the superintendent or director determines that the school campus is in compliance.

Sec. 33.206. CONTACT INFORMATION. (a) Requires the commissioner to maintain an existing telephone number and an electronic mail address to allow a person to report a violation of this subchapter.

(b) Requires each school that offers an extracurricular athletic activity to prominently display at the administrative offices of the school the telephone number and electronic mail address maintained under Subsection (a).

Sec. 33.207. NOTICE REQUIRED. (a) Requires a school that offers an extracurricular athletic activity to provide to each student participating in an extracurricular athletic activity and to the student's parent or guardian a copy of the text of Sections 33.201-33.207 and a copy of the UIL's parent information manual.

(b) Authorizes a document required to be provided under this section to be provided in an electronic format unless otherwise requested by a student, parent, or guardian.

Sec. 33.208. INCORPORATION OF SAFETY REGULATIONS. Requires UIL to incorporate the provisions of Sections 33.203-33.207 into the league's constitution and contest rules.

Sec. 33.209. LIABILITY. Provides that the requirements of this subchapter are not considered ministerial acts for purposes of immunity from liability under Section 22.0511 (Immunity From Liability).

SECTION _____. Amends Subchapter D, Chapter 33, Education Code, by adding Section 33.087, as follows:

Sec. 33.087. REPORT CONCERNING AUTOMATED EXTERNAL DEFIBRILLATORS. (a) Requires the Texas Education Agency (agency) and UIL, using existing funds and other resources available for the purpose, to jointly investigate the availability of federal, state, local, and private funds for purchasing automated external defibrillators, as defined by Section 779.001 (Definition), Health and Safety Code, for use by UIL member schools, and the possibility of receiving a bulk discount on such purchases.

(b) Requires the agency and UIL not later than June 1, 2006, to submit a report describing the findings of the investigation to the legislature.

(c) Provides that this section expires July 1, 2006.