

1-1 By: King of Parker, et al. H.B. No. 3563
1-2 (Senate Sponsor - Staples)
1-3 (In the Senate - Received from the House May 16, 2005;
1-4 May 17, 2005, read first time and referred to Committee on
1-5 Education; May 20, 2005, reported favorably, as amended, by the
1-6 following vote: Yeas 6, Nays 0; May 20, 2005, sent to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: West

1-8 Amend H. B. 3563 by adding the following SECTIONS and
1-9 renumbering subsequent SECTIONS accordingly:
1-10 SECTION ____ Chapter 33, Education Code, is amended by adding
1-11 Subchapter F to read as follows:

1-12 SUBCHAPTER F. SAFETY REGULATIONS FOR CERTAIN EXTRACURRICULAR
1-13 ACTIVITIES

1-14 Sec. 33.201. APPLICABILITY. This subchapter applies to
1-15 each public school in this state and to any other school in
1-16 this state subject to University Interscholastic League
1-17 regulations.

1-18 Sec. 33.202. SAFETY TRAINING REQUIRED. (a) The
1-19 commissioner by rule shall develop and adopt a safety training
1-20 program as provided by this section. In developing the program, the
1-21 commissioner may use materials available from the American Red
1-22 Cross or another appropriate entity.

1-23 (b) The following persons must satisfactorily complete the
1-24 safety training program:

1-25 (1) a coach, trainer, or sponsor for an
1-26 extracurricular athletic activity;

1-27 (2) except as provided by Subsection (f), a physician
1-28 who is employed by a school or school district or who volunteers to
1-29 assist with an extracurricular athletic activity; and

1-30 (3) a director responsible for a school marching
1-31 band.

1-32 (c) The safety training program must include:

1-33 (1) certification of participants by the American Red
1-34 Cross, the American Heart Association, or a similar organization or
1-35 the University Interscholastic League, as determined by the
1-36 commissioner;

1-37 (2) annual training in:
1-38 (A) emergency action planning;
1-39 (B) cardiopulmonary resuscitation if the person
1-40 is not required to obtain certification under Section 33.086;

1-41 (C) communicating effectively with 9-1-1
1-42 emergency service operators and other emergency personnel;

1-43 (D) recognizing symptoms of potentially
1-44 catastrophic injuries, including head and neck injuries,
1-45 concussions, injuries related to second impact syndrome, asthma
1-46 attacks, heatstroke, cardiac arrest, and injuries requiring use of
1-47 a defibrillator;

1-48 (E) recognizing symptoms of steroid use; and
1-49 (3) at least once each school year, a safety drill that
1-50 incorporates the training described by Subdivision (2) and
1-51 simulates various injuries described by Subdivision (2)(D).

1-52 (d) A student participating in an extracurricular athletic
1-53 activity must receive training related to:

1-54 (1) recognizing the symptoms of injuries described by
1-55 Subsection (c)(2)(D); and

1-56 (2) the risks of using supplements designed or
1-57 marketed to enhance athletic performance, including steroids.

1-58 (e) The safety training program and the training under
1-59 Subsection (d) may each be conducted by a school or school district
1-60 or by an organization described by Subsection (c)(1).

1-61 (f) A physician who is employed by a school or school
1-62 district or who volunteers to assist with an extracurricular
1-63 athletic activity is exempt from the requirements of Subsection (b)
1-64 if the physician attends a continuing medical education course that

2-1 specifically addresses emergency medicine for athletic team
 2-2 physicians.

2-3 Sec. 33.2021. COMPLETION OF UNIVERSITY INTERSCHOLASTIC
 2-4 LEAGUE MEDICAL HISTORY FORM. (a) Each student participating in an
 2-5 extracurricular athletic activity must complete the University
 2-6 Interscholastic League forms entitled "Preparticipation Physical
 2-7 Evaluation--Medical History" and "Acknowledgment of Rules." Each
 2-8 form must be signed by both the student and the student's parent or
 2-9 guardian.

2-10 (b) Each form described by Subsection (a) must clearly state
 2-11 that failure to accurately and truthfully answer all questions on a
 2-12 form required by statute or by the University Interscholastic
 2-13 League as a condition for participation in an extracurricular
 2-14 athletic activity subjects a signer of the form to penalties
 2-15 determined by the University Interscholastic League.

2-16 (c) The "Preparticipation Physical Evaluation--Medical
 2-17 History" form described by Subsection (a) must contain the
 2-18 following statement:

2-19 "An individual answering in the affirmative to
 2-20 any question relating to a possible cardiovascular
 2-21 health issue, as identified on the form, should be
 2-22 restricted from further participation until the
 2-23 individual is examined by the individual's primary
 2-24 care physician. Ultimately, the individual may need
 2-25 to be evaluated by a cardiologist and/or undergo
 2-26 cardiac testing (including an echocardiogram and/or
 2-27 other heart-related examination) based on the
 2-28 assessment by the primary care physician."

2-29 Sec. 33.203. CERTAIN UNSAFE ATHLETIC ACTIVITIES
 2-30 PROHIBITED. A coach, trainer, or sponsor for an extracurricular
 2-31 athletic activity may not encourage or permit a student
 2-32 participating in the activity to engage in any unreasonably
 2-33 dangerous athletic technique that unnecessarily endangers the
 2-34 health of a student, including using a helmet or any other sports
 2-35 equipment as a weapon.

2-36 Sec. 33.204. CERTAIN SAFETY PRECAUTIONS REQUIRED. (a) A
 2-37 coach, trainer, or sponsor for an extracurricular athletic activity
 2-38 shall at each athletic practice or competition ensure that:

2-39 (1) each student participating in the activity is
 2-40 adequately hydrated;

2-41 (2) any prescribed asthma medication for a student
 2-42 participating in the activity is readily available to the student;

2-43 (3) emergency lanes providing access to the practice
 2-44 or competition area are open and clear; and

2-45 (4) heatstroke prevention materials are readily
 2-46 available.

2-47 (b) If a student participating in an extracurricular
 2-48 athletic activity, including a practice or competition, is rendered
 2-49 unconscious during the activity, the student may not:

2-50 (1) return to the practice or competition during which
 2-51 the student was rendered unconscious; or

2-52 (2) continue to participate in any extracurricular
 2-53 athletic activity until the student receives written authorization
 2-54 from a physician.

2-55 Sec. 33.205. COMPLIANCE; ENFORCEMENT. (a) On request, a
 2-56 school shall make available to the public proof of compliance for
 2-57 each person enrolled in, employed by, or volunteering for the
 2-58 school who is required to receive safety training described by
 2-59 Section 33.202.

2-60 (b) The superintendent of a school district or the director
 2-61 of a school subject to this subchapter shall maintain complete and
 2-62 accurate records of the district's or school's compliance with
 2-63 Section 33.202.

2-64 (c) A school campus that is determined by the school's
 2-65 superintendent or director to not be in compliance with Section
 2-66 33.202, 33.204, or 33.205 shall discontinue all extracurricular
 2-67 athletic activities offered by the school campus, including all
 2-68 practices and competitions, until the superintendent or director
 2-69 determines that the school campus is in compliance.

3-1 Sec. 33.206. CONTACT INFORMATION. (a) The commissioner
3-2 shall maintain an existing telephone number and an electronic mail
3-3 address to allow a person to report a violation of this subchapter.

3-4 (b) Each school that offers an extracurricular athletic
3-5 activity shall prominently display at the administrative offices of
3-6 the school the telephone number and electronic mail address
3-7 maintained under Subsection (a).

3-8 Sec. 33.207. NOTICE REQUIRED. (a) A school that offers an
3-9 extracurricular athletic activity shall provide to each student
3-10 participating in an extracurricular athletic activity and to the
3-11 student's parent or guardian a copy of the text of Sections
3-12 33.201-33.207 and a copy of the University Interscholastic League's
3-13 parent information manual.

3-14 (b) A document required to be provided under this section
3-15 may be provided in an electronic format unless otherwise requested
3-16 by a student, parent, or guardian.

3-17 Sec. 33.208. INCORPORATION OF SAFETY REGULATIONS. The
3-18 University Interscholastic League shall incorporate the provisions
3-19 of Sections 33.203-33.207 into the league's constitution and
3-20 contest rules.

3-21 Sec. 33.209. LIABILITY. The requirements of this
3-22 subchapter are not considered ministerial acts for purposes of
3-23 immunity from liability under Section 22.0511.

3-24 SECTION ____. Subchapter D, Chapter 33, Education Code, is
3-25 amended by adding Section 33.087 to read as follows:

3-26 Sec. 33.087. REPORT CONCERNING AUTOMATED EXTERNAL
3-27 DEFIBRILLATORS. (a) Using existing funds and other resources
3-28 available for the purpose, the agency and the University
3-29 Interscholastic League shall jointly investigate the availability
3-30 of federal, state, local, and private funds for purchasing
3-31 automated external defibrillators, as defined by Section 779.001,
3-32 Health and Safety Code, for use by University Interscholastic
3-33 League member schools, and the possibility of receiving a bulk
3-34 discount on such purchases.

3-35 (b) The agency and the University Interscholastic League
3-36 shall submit a report describing the findings of the investigation
3-37 to the legislature not later than June 1, 2006.

3-38 (c) This section expires July 1, 2006.

3-39 A BILL TO BE ENTITLED
3-40 AN ACT

3-41 relating to the use of anabolic steroids by public school students.

3-42 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3-43 SECTION 1. Subchapter D, Chapter 33, Education Code, is
3-44 amended by adding Section 33.091 to read as follows:

3-45 Sec. 33.091. PREVENTION OF ILLEGAL STEROID USE. (a) In
3-46 this section:

3-47 (1) "League" means the University Interscholastic
3-48 League.

3-49 (2) "Parent" includes a guardian or other person
3-50 standing in parental relation.

3-51 (3) "Steroid" means an anabolic steroid as described
3-52 by Section 481.104, Health and Safety Code.

3-53 (b) The league shall adopt rules prohibiting a student from
3-54 participating in an athletic competition sponsored or sanctioned by
3-55 the league unless:

3-56 (1) the student agrees not to use steroids; and

3-57 (2) the league obtains from the student's parent a
3-58 statement signed by the parent and acknowledging that:

3-59 (A) state law prohibits possessing, dispensing,
3-60 delivering, or administering a steroid in a manner not allowed by
3-61 state law;

3-62 (B) state law provides that body building, muscle
3-63 enhancement, or the increase of muscle bulk or strength through the
3-64 use of a steroid by a person who is in good health is not a valid
3-65 medical purpose;

3-66 (C) only a medical doctor may prescribe a steroid
3-67 for a person; and

4-1 (D) a violation of state law concerning steroids
4-2 is a criminal offense punishable by confinement in jail or
4-3 imprisonment in the Texas Department of Criminal Justice.

4-4 (c) The league shall:

4-5 (1) develop an educational program for students
4-6 engaged in extracurricular athletic activities sponsored or
4-7 sanctioned by the league, parents of those students, and coaches of
4-8 those activities regarding the health effects of steroid use; and

4-9 (2) make the program available to school districts.

4-10 (d) During the 2005-2006 school year, the league shall
4-11 conduct a survey regarding the extent of illegal steroid use by high
4-12 school students, including students engaged in extracurricular
4-13 athletic activities sponsored or sanctioned by the league. The
4-14 survey must be designed to determine:

4-15 (1) the number of high school students found by school
4-16 districts to have possessed or used illegal steroids;

4-17 (2) the number of school districts that test high
4-18 school students, including students engaged in extracurricular
4-19 athletic activities, for the presence of illegal steroids in the
4-20 students' bodies; and

4-21 (3) any other information the league considers
4-22 indicative of illegal steroid use by high school students engaged
4-23 in extracurricular athletic activities.

4-24 (e) The league shall:

4-25 (1) cooperate with an appropriate public or private
4-26 entity to study the effectiveness of the educational program
4-27 required by Subsection (c);

4-28 (2) develop a plan for testing students engaged in
4-29 extracurricular athletic activities sponsored or sanctioned by the
4-30 league for the presence of illegal steroids in the students'
4-31 bodies; and

4-32 (3) not later than December 1, 2006, file a written
4-33 report with the legislature regarding:

4-34 (A) the results of the survey required by
4-35 Subsection (d);

4-36 (B) the results of the study required by
4-37 Subdivision (1); and

4-38 (C) the plan for testing students required by
4-39 Subdivision (2).

4-40 (f) If, based on the report required under Subsection
4-41 (e)(3), the legislature determines that the educational program
4-42 required by Subsection (c) has not significantly reduced the use of
4-43 illegal steroids by students engaged in extracurricular athletic
4-44 activities, the legislature may require the league to implement the
4-45 steroid testing plan developed under Subsection (e)(2).

4-46 (g) The league may increase the membership fees required of
4-47 school districts that participate in athletic competitions
4-48 sponsored or sanctioned by the league in an amount necessary to
4-49 offset the cost of league activities under this section.

4-50 (h) Subsection (b)(1) does not apply to the use by a student
4-51 of a steroid that is dispensed, prescribed, delivered, and
4-52 administered by a medical practitioner for a valid medical purpose
4-53 and in the course of professional practice.

4-54 (i) The league shall develop the educational program
4-55 required by Subsection (c) not later than September 1, 2005. This
4-56 subsection and Subsections (d), (e), and (f) expire January 15,
4-57 2007.

4-58 SECTION 2. Subchapter A, Chapter 38, Education Code, is
4-59 amended by adding Section 38.0081 to read as follows:

4-60 Sec. 38.0081. INFORMATION ABOUT STEROIDS. (a) The agency,
4-61 in conjunction with the Department of State Health Services, shall:

4-62 (1) develop information about the use of anabolic
4-63 steroids and the health risks involved with such use; and

4-64 (2) distribute the information to school districts.

4-65 (b) Each school district shall, at appropriate grade levels
4-66 as determined by the State Board of Education, provide the
4-67 information developed under Subsection (a) to district students,
4-68 particularly to those students involved in extracurricular
4-69 athletic activities.

5-1 SECTION 3. Sections 33.091 and 38.0081, Education Code, as
5-2 added by this Act, apply beginning with the 2005-2006 school year.

5-3 SECTION 4. This Act takes effect immediately if it receives
5-4 a vote of two-thirds of all the members elected to each house, as
5-5 provided by Section 39, Article III, Texas Constitution. If this
5-6 Act does not receive the vote necessary for immediate effect, this
5-7 Act takes effect September 1, 2005.

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