

BILL ANALYSIS

C.S.H.B. 346
By: Flynn
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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.

Anabolic steroid use can have severe physical and emotional consequences both for males and 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 suggested a lack of effective measures by school districts and the University Interscholastic League (UIL) to address this growing problem, the Committee on General Investigating and Ethics conducted an interim study on this matter. The committee issued a recommendation in its report that legislation requiring mandatory, random steroid testing be considered.

CSHB 346 requires random steroid testing of high school students participating in UIL-sponsored athletic competitions.

RULEMAKING AUTHORITY

It is the opinion of the committee that rulemaking authority is expressly granted to the University Interscholastic League in SECTION 2.

ANALYSIS

The bill provides that a student may not participate in an athletic competition sponsored or sanctioned by UIL unless the student submits to random testing for the presence of illegal steroids in the student's body, in accordance with the UIL testing program established by this Act.

The bill further provides that a student may not participate in an athletic competition sponsored or sanctioned by UIL unless UIL obtains from the student's parent a statement signed by the parent and acknowledging that only a physician or a person acting under the delegation and supervision of a physician in conformity with Subchapter B, Chapter 157, Occupations Code, may prescribe a steroid for a person.

The bill requires UIL to adopt rules for the administration of a steroid testing program which must:

C.S.H.B. 346 80(R)

- require each school district to submit to UIL a list of all students who are subject to testing under the program;
- establish a statistically significant number of students to be tested;
- provide for UIL to generate a random list of selected students to be tested by each school district;
- require that the testing be performed at a UIL-approved laboratory that is appropriately certified or accredited as provided by the Act;
- provide for a process to confirm any initial positive test result through a subsequent test conducted as soon as practicable after the initial test; and
- provide for a period of ineligibility from participation in UIL-sponsored or sanctioned athletic competitions for any student with a confirmed positive test result.

The bill provides that results of a steroid test are confidential and, unless disclosure is required by court order, may be disclosed only to the student, the student's parent, and specific relevant faculty of the school attended by the student.

The bill requires UIL to pay the costs of the steroid testing program and requires UIL to impose an admission fee for spectators at athletic competitions sponsored or sanctioned by the league if necessary to provide adequate revenue to pay for such costs. The bill further provides that revenue raised through such a fee shall only be used to pay the costs of the steroid testing program.

The bill provides that subsection (b)(1) of Section 33.091, Education Code, does not apply to a student using a steroid that is dispensed, prescribed, delivered, and administered by a medical practitioner for a valid medical purpose in the course of professional practice, and a student is not subject to a period of ineligibility on the basis of that steroid use.

The Act applies beginning with the 2007-2008 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the language in the original bill describing who, on a form signed by the parent of a student submitted to UIL, is permitted to prescribe steroids to a student. The original bill did not modify current law, which provides that only a medical doctor may prescribe steroids. The substitute provides that only a physician or a person acting under the delegation and supervision of a physician in conformity with Subchapter B, Chapter 157, Occupations Code, may prescribe a steroid to a person.

The original required each school district to test the selected students at a laboratory designated by UIL. The substitute modifies this requirement by providing that each school district shall test the selected students at a laboratory approved by UIL and certified or accredited in the manner described in the substitute.