

BILL ANALYSIS

C.S.S.B. 8
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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.

This bill requires random steroid testing of high school students participating in UIL-sponsored and UIL-sanctioned 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 the University Interscholastic League (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 steroid testing program established under Section 33.091(d), Education Code, and 2) the league 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 provides that the league shall adopt rules for the administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested for the presence of steroids in the students' bodies and provides that the rules must:

- (1) require each school district to submit to the league a list of students who are subject to testing under the program;
- (2) establish a statistically significant number of students to be tested;
- (3) provide for the league to generate a random list of selected students to be tested by each school district for steroids;
- (4) require each school district to test the selected students at a laboratory approved by the league and certified or accredited by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services or under the Forensic Urine Drug Testing Program of the College of American Pathologists;
- (5) provide for a process for confirming any initial positive test result through a subsequent test conducted as soon as practicable after the initial test, using a sample that was obtained at the same time as the sample used for the initial test; and
- (6) provide for a period of ineligibility from participation in an athletic competition sponsored or sanctioned by the league for any student with a confirmed positive test result.

The bill provides that the results of a steroid test conducted under Section 33.091(d), Education Code are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

The bill provides that the league shall pay the costs of the steroid testing program established under Section 33.091(d), Education Code, and, if necessary to provide adequate revenue to pay those costs, the league shall impose an admission fee for spectators at athletic competitions sponsored or sanctioned by the league and stipulates that revenue raised through such an admission fee shall be used only to pay the costs of the steroid testing program.

The bill requires the league to conduct a study on the procedures used for specimen collection for the steroid testing program conducted under Section 33.091(d), Education Code, and on whether the persons performing specimen collection services used by school districts for the steroid testing are trained and certified. The bill requires the league to submit the results of the study to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1, 2008.

The bill provides that Section 33.091(b)(1), Education Code 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, and a student is not subject to a period of ineligibility under Section 33.091(d)(6), Education Code, on the basis of that steroid use.

This 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 on September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill relates to random testing of certain high school students for steroid use and the training of certain public school employees regarding steroid use, while the substitute relates to the random testing of certain high school students for steroid use.

The original bill provides that the league shall adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by the league unless the league obtains from the student's parent a statement signed by the parent and acknowledging that the parent's child, if enrolled in high school, may be subject to random steroid testing. The substitute does not include this provision.

The original bill provides that the league shall adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by the league unless the league obtains from the student's parent a statement signed by the parent and acknowledging that only a

licensed practitioner with prescriptive authority may prescribe a steroid for a person whereas the substitute provides that the league shall adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by the league unless the league 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 original provides that a school district shall require that each district employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the league complete the educational program developed by the league under Section 33.091(c), Education Code, or a comparable program developed by the district or a private entity with relevant expertise. The substitute does not include this provision.

The original provides that the league shall adopt rules for the annual administration of a steroid testing program under which students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids in the students' bodies, while the substitute provides that the league shall adopt rules for the administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested for the presence of steroids in the students' bodies.

The original provides that the testing program must 1) require the random testing of approximately three percent of the total number of high school students in this state who participate in athletic competitions sponsored or sanctioned by the league; (2) provide for the selection of specific students described by Section 33.091(d)(1), Education Code, for testing through a process that randomly selects students from a single pool consisting of all students who participate in any activity for which the league sponsors or sanctions athletic competitions; (3) be administered at approximately 30 percent of the high schools in this state that participate in athletic competitions sponsored or sanctioned by the league; (4) protect confidentiality of test results by permitting disclosure of test results, unless otherwise required by court order, only to: (A) the student and the student's parents; (B) the league; (C) the appropriate head coach or chief sponsor of the athletic activity sponsored or sanctioned by the league; and (D) the principal and assistant principals of the school attended by the student; (5) provide for a process for confirming any initial positive test result through a subsequent test conducted as soon as practicable after the initial test, using a sample that was obtained at the same time as the sample used for the initial test; and (6) require the testing to be performed only by an anabolic steroid testing laboratory with a current certification from the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services, the World Anti-Doping Agency, or another appropriate national or international certifying organization. The analogous provision in the substitute provides that league rules for the administration of a steroid testing program must (1) require each school district to submit to the league a list of students who are subject to testing under the program; (2) establish a statistically significant number of students to be tested; (3) provide for the league to generate a random list of selected students to be tested by each school district for steroids; (4) require each school district to test the selected students at a laboratory approved by the league and certified or accredited by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services or under the Forensic Urine Drug Testing Program of the College of American Pathologists; (5) provide for a process for confirming any initial positive test result through a subsequent test conducted as soon as practicable after the initial test, using a sample that was obtained at the same time as the sample used for the initial test; and (6) provide for a period of ineligibility from participation in an athletic competition sponsored or sanctioned by the league for any student with a confirmed positive test result.

As noted above, the original provides that the testing program must protect the confidentiality of test results by permitting disclosure of test results, unless otherwise required by court order, only to the student and the student's parents; the league; the appropriate head coach or chief sponsor of the athletic activity sponsored or sanctioned by the league; and the principal and assistant principals of the school attended by the student. The substitute provides that results of a steroid test conducted under Section 33.091(d), Education Code, are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

The original provides that the league by rule shall specify a range of penalties that may be imposed on a student as a result of a confirmed positive test, and the range of penalties must include the following: (1) for the first confirmed positive test, a suspension period of at least 30 days, during which period the student is prohibited from participating in an athletic competition sponsored or sanctioned by the league but may practice with other students; (2) for the second confirmed positive test, a suspension period of at least one year, during which period the student is prohibited from participating in or practicing with other students for an athletic competition sponsored or sanctioned by the league; and (3) for the third confirmed positive test, permanent ineligibility from participating in an athletic competition sponsored or sanctioned by the league. As noted above, the substitute provides that the league shall adopt rules for the administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested for the presence of steroids in students' bodies and the rules must provide for a period of ineligibility from participation in an athletic competition sponsored or sanctioned by the league for any student with a confirmed positive test result.

The original provides that for purposes of Section 33.091(e), Education Code, a student who refuses to submit to random testing is considered to have a confirmed positive test. The substitute does not include this provision.

The original provides that, from funds already appropriated, the Texas Education Agency shall pay the costs of the steroid testing program established under Section 33.091(d), Education Code. The substitute provides that the league shall pay the costs of the steroid testing program. The substitute further provides that, if necessary to provide adequate revenue to pay those costs, the league shall impose an admission fee for spectators at athletic competitions sponsored or sanctioned by the league. The substitute provides that revenue raised through such an admission fee shall be used only to pay the costs of the steroid testing program.

The original provides that Section 33.091(b)(1), Education Code, 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, and a student is not subject to a penalty under Section 33.091(e), Education Code, on the basis of that steroid use, whereas the substitute provides Section 33.091(b)(1), Education Code, 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 and that a student is not subject to a period of ineligibility under Section 33.091(d)(6), Education Code.

The substitute requires the league to conduct a study on the procedures used for specimen collection for the steroid testing program conducted under Section 33.091(d), Education Code, and on whether the persons performing specimen collection services used by school districts for the steroid testing are trained and certified, and requires the league to submit the results of the study to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1, 2008. The original does not include this provision.