

By: Flynn, Zedler, Bailey, Dutton, Eissler,  
et al.

H.B. No. 346

A BILL TO BE ENTITLED

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AN ACT

relating to random testing of certain public school students for steroid use.

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

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

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

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

(b) The 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 submits to random testing for the presence of illegal steroids in the student's body, in accordance with the program established under Subsection (d); and

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

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

(B) state law provides that bodybuilding, muscle

1 enhancement, or the increase of muscle bulk or strength through the  
2 use of a steroid by a person who is in good health is not a valid  
3 medical purpose;

4 (C) only a physician or a person acting under the  
5 delegation and supervision of a physician in conformity with  
6 Subchapter B, Chapter 157, Occupations Code, [~~medical doctor~~] may  
7 prescribe a steroid for a person; and

8 (D) a violation of state law concerning steroids  
9 is a criminal offense punishable by confinement in jail or  
10 imprisonment in the Texas Department of Criminal Justice.

11 (d) The league shall adopt rules for the administration of a  
12 steroid testing program under which students participating in an  
13 athletic competition sponsored or sanctioned by the league are  
14 tested for the presence of steroids in the students' bodies. The  
15 rules must:

16 (1) require each school district to submit to the  
17 league a list of students who are subject to testing under the  
18 program;

19 (2) establish a statistically significant number of  
20 students to be tested;

21 (3) provide for the league to generate a random list of  
22 selected students to be tested by each school district for  
23 steroids;

24 (4) require each school district to test the selected  
25 students at a laboratory:

26 (A) approved by the league; and

27 (B) certified or accredited;

1                   (i) by the Substance Abuse and Mental  
2 Health Services Administration of the United States Department of  
3 Health and Human Services; or

4                   (ii) under the Forensic Urine Drug Testing  
5 Program of the College of American Pathologists;

6                   (5) provide for a process for confirming any initial  
7 positive test result through a subsequent test conducted as soon as  
8 practicable after the initial test; and

9                   (6) provide for a period of ineligibility from  
10 participation in an athletic competition sponsored or sanctioned by  
11 the league for any student with a confirmed positive test result.

12                  (e) Results of a steroid test conducted under Subsection (d)  
13 are confidential and, unless required by court order, may be  
14 disclosed only to the student and the student's parent and the  
15 activity directors, principal, and assistant principals of the  
16 school attended by the student.

17                  (f) The league shall pay the costs of the steroid testing  
18 program established under Subsection (d). If necessary to provide  
19 adequate revenue to pay those costs, the league shall impose an  
20 admission fee for spectators at athletic competitions sponsored or  
21 sanctioned by the league. Revenue raised through an admission fee  
22 under this subsection shall be used only to pay the costs of the  
23 steroid testing program.

24                  (f-1) The league shall conduct a study on the procedures  
25 used for specimen collection for the steroid testing program  
26 conducted under Subsection (d) and on whether the persons  
27 performing specimen collection services used by school districts

1 for the steroid testing are trained and certified. The league shall  
2 submit the results of the study to the governor, the lieutenant  
3 governor, and the speaker of the house of representatives not later  
4 than December 1, 2008. This subsection expires September 1, 2009.

5 (h) Subsection (b)(1) does not apply to the use by a student  
6 of a steroid that is dispensed, prescribed, delivered, and  
7 administered by a medical practitioner for a valid medical purpose  
8 and in the course of professional practice, and a student is not  
9 subject to a period of ineligibility under Subsection (d)(6) on the  
10 basis of that steroid use.

11 SECTION 3. This Act applies beginning with the 2007-2008  
12 school year.

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