

By: Flynn

H.B. No. 346

A BILL TO BE ENTITLED

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), and (f) 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 medical doctor may prescribe a steroid  
5 for a person; and

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

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

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

17 (2) establish a statistically significant number of  
18 students to be tested;

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

22 (4) require each school district to test the selected  
23 students at a laboratory designated by the league;

24 (5) provide for a process for confirming any initial  
25 positive test result through a subsequent test conducted as soon as  
26 practicable after the initial test; and

27 (6) provide for a period of ineligibility from

1 participation in an athletic competition sponsored or sanctioned by  
2 the league for any student with a confirmed positive test result.

3 (e) Results of a steroid test conducted under Subsection (d)  
4 are confidential and, unless required by court order, may be  
5 disclosed only to the student and the student's parent and the  
6 activity directors, principal, and assistant principals of the  
7 school attended by the student.

8 (f) The league shall pay the costs of the steroid testing  
9 program established under Subsection (d). If necessary to provide  
10 adequate revenue to pay those costs, the league shall impose an  
11 admission fee for spectators at athletic competitions sponsored or  
12 sanctioned by the league. Revenue raised through an admission fee  
13 under this subsection may be used only to pay the costs of the  
14 steroid testing program.

15 (h) Subsection (b)(1) does not apply to the use by a student  
16 of a steroid that is dispensed, prescribed, delivered, and  
17 administered by a medical practitioner for a valid medical purpose  
18 and in the course of professional practice, and a student is not  
19 subject to a period of ineligibility under Subsection (d)(6) on the  
20 basis of that steroid use.

21 SECTION 3. This Act applies beginning with the 2007-2008  
22 school year.

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