

By: Janek, et al.

S.B. No. 8

Substitute the following for S.B. No. 8:

By: Patrick

C.S.S.B. No. 8

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to random testing of certain public school students for  
3 steroid use.

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

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

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

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

12 (b) The league shall adopt rules prohibiting a student from  
13 participating in an athletic competition sponsored or sanctioned by  
14 the league unless:

15 (1) the student agrees not to use steroids and, if the  
16 student is enrolled in high school, the student submits to random  
17 testing for the presence of illegal steroids in the student's body,  
18 in accordance with the program established under Subsection (d);

19 and

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

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

1 (B) state law provides that bodybuilding, muscle  
2 enhancement, or the increase of muscle bulk or strength through the  
3 use of a steroid by a person who is in good health is not a valid  
4 medical purpose;

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

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

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

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

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

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

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

27 (A) approved by the league; and

1                   (B) certified or accredited:

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

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

7                   (5) provide for a process for confirming any initial  
8 positive test result through a subsequent test conducted as soon as  
9 practicable after the initial test, using a sample that was  
10 obtained at the same time as the sample used for the initial test;  
11 and

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

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

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

27                   (f-1) The league shall conduct a study on the procedures

1 used for specimen collection for the steroid testing program  
2 conducted under Subsection (d) and on whether the persons  
3 performing specimen collection services used by school districts  
4 for the steroid testing are trained and certified. The league shall  
5 submit the results of the study to the governor, the lieutenant  
6 governor, and the speaker of the house of representatives not later  
7 than December 1, 2008. This subsection expires September 1, 2009.

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

14 SECTION 3. This Act applies beginning with the 2007-2008  
15 school year.

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