

1-1 By: Janek, Seliger S.B. No. 8  
1-2 (In the Senate - Filed March 7, 2007; March 7, 2007, read  
1-3 first time and referred to Committee on Education; April 2, 2007,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 6, Nays 0; April 2, 2007, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 8 By: Janek

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to random testing of certain high school students for  
1-10 steroid use and training of certain public school employees  
1-11 regarding steroid use.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. The heading to Section 33.091, Education Code,  
1-14 is amended to read as follows:

1-15 Sec. 33.091. PREVENTION OF ILLEGAL STEROID USE; RANDOM  
1-16 TESTING.

1-17 SECTION 2. Section 33.091, Education Code, is amended by  
1-18 amending Subsections (b) and (h) and adding Subsections (c-1), (d),  
1-19 (e), (e-1), and (f) to read as follows:

1-20 (b) The league shall adopt rules prohibiting a student from  
1-21 participating in an athletic competition sponsored or sanctioned by  
1-22 the league unless:

1-23 (1) the student agrees not to use steroids and, if the  
1-24 student is enrolled in high school, the student submits to random  
1-25 testing for the presence of illegal steroids in the student's body,  
1-26 in accordance with the program established under Subsection (d);  
1-27 and

1-28 (2) the league obtains from the student's parent a  
1-29 statement signed by the parent and acknowledging that:

1-30 (A) the parent's child, if enrolled in high  
1-31 school, may be subject to random steroid testing;

1-32 (B) state law prohibits possessing, dispensing,  
1-33 delivering, or administering a steroid in a manner not allowed by  
1-34 state law;

1-35 (C) [~~(B)~~] state law provides that bodybuilding,  
1-36 muscle enhancement, or the increase of muscle bulk or strength  
1-37 through the use of a steroid by a person who is in good health is not  
1-38 a valid medical purpose;

1-39 (D) [~~(C)~~] only a licensed practitioner with  
1-40 prescriptive authority [medical doctor] may prescribe a steroid for  
1-41 a person; and

1-42 (E) [~~(D)~~] a violation of state law concerning  
1-43 steroids is a criminal offense punishable by confinement in jail or  
1-44 imprisonment in the Texas Department of Criminal Justice.

1-45 (c-1) A school district shall require that each district  
1-46 employee who serves as an athletic coach at or above the seventh  
1-47 grade level for an extracurricular athletic activity sponsored or  
1-48 sanctioned by the league complete:

1-49 (1) the educational program developed by the league  
1-50 under Subsection (c); or

1-51 (2) a comparable program developed by the district or  
1-52 a private entity with relevant expertise.

1-53 (d) The league shall adopt rules for the annual  
1-54 administration of a steroid testing program under which students  
1-55 participating in an athletic competition sponsored or sanctioned by  
1-56 the league are tested at multiple times throughout the year for the  
1-57 presence of steroids in the students' bodies. The testing program  
1-58 must:

1-59 (1) require the random testing of approximately three  
1-60 percent of the total number of high school students in this state  
1-61 who participate in athletic competitions sponsored or sanctioned by  
1-62 the league;

1-63 (2) include testing of students participating in each

2-1 athletic activity for which the league sponsors or sanctions  
2-2 athletic competitions;

2-3 (3) be administered at approximately 30 percent of the  
2-4 high schools in this state that participate in athletic  
2-5 competitions sponsored or sanctioned by the league;

2-6 (4) protect confidentiality of test results by  
2-7 permitting disclosure of test results, unless otherwise required by  
2-8 court order, only to:

2-9 (A) the student and the student's parents;

2-10 (B) the league;

2-11 (C) the appropriate head coach or chief sponsor  
2-12 of the athletic activity sponsored or sanctioned by the league; and

2-13 (D) the principal and assistant principals of the  
2-14 school attended by the student;

2-15 (5) provide for a process for confirming any initial  
2-16 positive test result through a subsequent test conducted as soon as  
2-17 practicable after the initial test, using a sample that was  
2-18 obtained at the same time as the sample used for the initial test;  
2-19 and

2-20 (6) require the testing to be performed only by an  
2-21 anabolic steroid testing laboratory with a current certification  
2-22 from the Substance Abuse and Mental Health Services Administration  
2-23 of the United States Department of Health and Human Services, the  
2-24 World Anti-Doping Agency, or another appropriate national or  
2-25 international certifying organization.

2-26 (e) The league by rule shall specify a range of penalties  
2-27 that may be imposed on a student as a result of a confirmed positive  
2-28 test. The range of penalties must include the following:

2-29 (1) for the first confirmed positive test, a  
2-30 suspension period of at least 30 days, during which period the  
2-31 student is prohibited from participating in an athletic competition  
2-32 sponsored or sanctioned by the league but may practice with other  
2-33 students;

2-34 (2) for the second confirmed positive test, a  
2-35 suspension period of at least one year, during which period the  
2-36 student is prohibited from participating in or practicing with  
2-37 other students for an athletic competition sponsored or sanctioned  
2-38 by the league; and

2-39 (3) for the third confirmed positive test, permanent  
2-40 ineligibility from participating in an athletic competition  
2-41 sponsored or sanctioned by the league.

2-42 (e-1) For purposes of Subsection (e), a student who refuses  
2-43 to submit to random testing is considered to have a confirmed  
2-44 positive test.

2-45 (f) From funds already appropriated, the agency shall pay  
2-46 the costs of the steroid testing program established under  
2-47 Subsection (d).

2-48 (h) Subsection (b)(1) does not apply to the use by a student  
2-49 of a steroid that is dispensed, prescribed, delivered, and  
2-50 administered by a medical practitioner for a valid medical purpose  
2-51 and in the course of professional practice, and a student is not  
2-52 subject to a penalty under Subsection (e) on the basis of that  
2-53 steroid use.

2-54 SECTION 3. This Act applies beginning with the 2007-2008  
2-55 school year.

2-56 SECTION 4. This Act takes effect immediately if it receives  
2-57 a vote of two-thirds of all the members elected to each house, as  
2-58 provided by Section 39, Article III, Texas Constitution. If this  
2-59 Act does not receive the vote necessary for immediate effect, this  
2-60 Act takes effect September 1, 2007.

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