

By: Flynn

H.B. No. 3199

A BILL TO BE ENTITLED

AN ACT

relating to steroid testing of certain public school students.

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

SECTION 1. Sections 33.091(b), (d), (e), and (h), Education Code, are amended to read as follows:

(b) The league shall adopt rules prohibiting a student from participating in an athletic practice or 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 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) the parent's child, if enrolled in high school, may be subject to random steroid testing;

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

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

1 (D) only a licensed practitioner with
2 prescriptive authority may prescribe a steroid for a person; and

3 (E) a violation of state law concerning steroids
4 is a criminal offense punishable by confinement in jail or
5 imprisonment in the Texas Department of Criminal Justice.

6 (d) Contingent on and to the extent funded by state
7 appropriations, the [The] league shall administer ~~[adopt rules for~~
8 ~~the annual administration of]~~ a steroid testing program under which
9 high school students participating in an athletic practice or
10 competition sponsored or sanctioned by the league are tested at
11 multiple times throughout the year for the presence of steroids in
12 the students' bodies. The testing program must:

13 (1) to the extent funded, require the random testing
14 ~~[of a statistically significant number]~~ of high school students in
15 this state who participate in athletic practices or competitions
16 sponsored or sanctioned by the league;

17 (2) provide for the selection of specific students
18 described by Subdivision (1) for testing through a process that
19 randomly selects students from a single pool consisting of all
20 students at a selected school who participate in any activity for
21 which the league sponsors or sanctions athletic competitions;

22 (3) be administered at a statistically significant
23 number ~~[approximately 30 percent]~~ of the high schools in this state
24 that participate in athletic competitions sponsored or sanctioned
25 by the league;

26 (4) provide for a process for confirming any initial
27 positive test result through a subsequent test conducted as soon as

1 practicable after the initial test, using a sample that was
2 obtained at the same time as the sample used for the initial test;

3 (5) require the testing to be performed only by an
4 anabolic steroid testing laboratory with a current certification
5 from the Substance Abuse and Mental Health Services Administration
6 of the United States Department of Health and Human Services, the
7 World Anti-Doping Agency, or another appropriate national or
8 international certifying organization; and

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

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

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

26 SECTION 2. Section 33.091(g), Education Code, is repealed.

27 SECTION 3. This Act applies beginning with the 2009-2010

1 school year.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.