

## **BILL ANALYSIS**

Senate Research Center

S.B. 2095  
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Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The University Interscholastic League (UIL) administers athletic, academic, and music competitions involving almost all of the public high schools in this state. Originally passed in 2005, Section 33.091 (Prevention of Illegal Steroid Use: Random Testing), Education Code, governs the UIL's authority to address illegal steroid use by student athletes. Though currently not funded, Section 33.091 as currently written provides for a random drug testing program that in large part functions through third parties and provides that any positive results are confidential and not shared with the UIL. Currently, UIL's ability to take any sort of action directly against a steroid user is very limited. Section 33.091 contains a safe harbor provision that prevents students who are receiving otherwise illegal steroids under a doctor's care for a valid medical purpose from being found ineligible because of such use.

S.B. 2095 would provide UIL with the authority to make rules to address student steroid use outside of the existing testing scheme and authorize UIL to create a process for making determinations, which may result in ineligibility, related to safety and fair play that would apply to students who are using steroids under a doctor's care. S.B. 2095 would also include confidentiality provisions to protect the information concerning steroid use that is produced under a UIL process.

There is a real need for this bill to become law because the current statute does not address steroid use outside of the third party testing scheme. Arguably, the current steroid statute would pre-empt any UIL rulemaking efforts in the area, meaning the UIL is without important options to address critical issues related to steroid use by student athletes.

Under present law, UIL has no ability to review the medical reason offered under the safe harbor rule nor to make any inquiry of the student's physician. In fact, current law does not require a student under a doctor's care to give UIL any notice of such use, making it very difficult to know in the absence of testing what students may be taking steroids and what risk or advantage that may provide.

S.B. 2095 would require such notice.

Furthermore, current law does not address the issues of unfair advantage or safety that even medically approved steroid treatment can create. S.B. 2095 provides for a confidential process that would allow UIL to address steroid-using students, whether self-medicating or under a doctor's care, to ensure that other student athletes are not put at risk or otherwise denied a fair competitive environment.

As proposed, S.B. 2095 amends current law relating to regulation of steroid use by students participating in athletic competitions sponsored or sanctioned by the University Interscholastic League.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to University Interscholastic League in SECTION 2 (Section 33.091, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Section 33.091, Education Code, to read as follows:

Sec. 33.091. REGULATION OF STEROID USE; RANDOM TESTING.

SECTION 2. Amends Section 33.091, Education Code, by amending Subsection (h) and adding Subsections (i), (j), (k), and (l), as follows:

(h) Creates an exception under Subsection (i). Requires a student to whom this subsection applies, at a time determined by the University Interscholastic League (UIL), to notify UIL of the steroid use using a form approved by UIL. Sets forth the contents for consent to be included on the form.

(i) Authorizes UIL to declare a student ineligible for competition on the basis of steroid use described by Subsection (h) if UIL determines that the safety of competing students or the fairness of a particular competition has been or will be substantially affected by the student's steroid use.

(j) Authorizes UIL to adopt rules regarding the use of steroids by students participating in an athletic competition sponsored or sanctioned by UIL, including rules providing for sanctions and loss of eligibility for violation of UIL rules. Requires the rules to provide a process for UIL to determine that a student is in violation of this section or UIL rules.

(k) Requires a UIL hearing regarding a student's use of steroids to be conducted in closed session. Provides that certain information is confidential and not subject to disclosure.

SECTION 3. Effective date: upon passage or September 1, 2017.