

AN ACT

relating to random testing of certain high school students for steroid use and training of certain public school employees regarding 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 (c-1), (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, 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;

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

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

8           (D) [~~C~~] only a licensed practitioner with  
9 prescriptive authority [~~medical doctor~~] may prescribe a steroid for  
10 a person; and

11           (E) [~~D~~] a violation of state law concerning  
12 steroids is a criminal offense punishable by confinement in jail or  
13 imprisonment in the Texas Department of Criminal Justice.

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

18                   (1) the educational program developed by the league  
19 under Subsection (c); or

20                   (2) a comparable program developed by the district or  
21 a private entity with relevant expertise.

22           (d) The league shall adopt rules for the annual  
23 administration of a steroid testing program under which high school  
24 students participating in an athletic competition sponsored or  
25 sanctioned by the league are tested at multiple times throughout  
26 the year for the presence of steroids in the students' bodies. The  
27 testing program must:

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1           (1) require the random testing of a statistically  
2 significant number of high school students in this state who  
3 participate in athletic competitions sponsored or sanctioned by the  
4 league;

5           (2) provide for the selection of specific students  
6 described by Subdivision (1) for testing through a process that  
7 randomly selects students from a single pool consisting of all  
8 students who participate in any activity for which the league  
9 sponsors or sanctions athletic competitions;

10           (3) be administered at approximately 30 percent of the  
11 high schools in this state that participate in athletic  
12 competitions sponsored or sanctioned by the league;

13           (4) provide for a process for confirming any initial  
14 positive test result through a subsequent test conducted as soon as  
15 practicable after the initial test, using a sample that was  
16 obtained at the same time as the sample used for the initial test;

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

23           (6) provide for a period of ineligibility from  
24 participation in an athletic competition sponsored or sanctioned by  
25 the league for any student with a confirmed positive test result or  
26 any student who refuses to submit to random testing.

27           (e) Results of a steroid test conducted under Subsection (d)

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1 are confidential and, unless required by court order, may be  
2 disclosed only to the student and the student's parent and the  
3 activity directors, principal, and assistant principals of the  
4 school attended by the student.

5 (f) From funds already appropriated, the agency shall pay  
6 the costs of the steroid testing program established under  
7 Subsection (d).

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. The University Interscholastic League shall  
15 conduct a study of potential mechanisms for future funding of the  
16 steroid testing program required by Section 33.091, Education Code,  
17 as amended by this Act. Not later than December 1, 2008, the league  
18 shall submit a report of its findings and recommendations for  
19 future funding of the program to the legislature.

20 SECTION 4. This Act applies beginning with the 2007-2008  
21 school year.

22 SECTION 5. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2007.

HFB  
Guel

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David Dewhurst  
President of the Senate

Jim Caddick  
Speaker of the House

I hereby certify that S.B. No. 8 passed the Senate on April 10, 2007, by the following vote: Yeas 27, Nays 3; May 24, 2007, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 25, 2007, House granted request of the Senate; May 27, 2007, Senate adopted Conference Committee Report by the following vote: Yeas 27, Nays 3.

Letsy Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 8 passed the House, with amendments, on May 23, 2007, by the following vote: Yeas 139, Nays 6, two present not voting; May 25, 2007, House granted request of the Senate for appointment of Conference Committee; May 28, 2007, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 4, two present not voting.

Robert Hainey  
Chief Clerk of the House

Approved:

15 JUN 07  
Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
8 PM O'CLOCK  
JUN 15 2007  
Roger Williams  
Secretary of State