

- SUBJECT:** Distribution of performance-enhancing supplements by school employees
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 9 ayes — Sadler, Dutton, Dunnam, Grusendorf, Hochberg, Lengefeld, Oliveira, Olivo, Smith
- 0 nays
- WITNESSES:** For — Ann Torrez; Eric Hartman, Texas Federation of Teachers
- Against — None
- On — Gary Coody, Texas Department of Health; Patricia Hayes, Texas Classroom Teachers Association; Bonnie Northcutt, University Interscholastic League
- DIGEST:** CSHB 3420 would prohibit a school district employee from knowingly selling, marketing, distributing, or suggesting the use of dietary supplements that contain performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties. A violation would be a Class C misdemeanor, punishable by a maximum fine of \$500.
- The bill would define performance-enhancing compounds as manufactured products that contain substances other than essential vitamins and minerals and that are designed to improve muscle growth, endurance, or athletic or intellectual performance.
- The bill's provisions would not apply to employees who sell, distribute, or suggest the use of such supplements to their own children, nor to situations in which the sale, distribution, or suggestion for use was part of activities not related to the use of school property or to any aspects of the employee's employment by the school, including information about the student accessible to the employee at student's school.
- The bill would take effect September 1, 1999.

**SUPPORTERS
SAY:**

It is inappropriate for school employees to give or promote dietary supplements to students. Many compounds found in these supplements, including creatine, are potentially dangerous substances with unknown long-term effects on human health. Athletic coaches and other employees who distribute such supplements often are interested only in short-term benefits in athletic performance and are not concerned with potential long-term health problems. Parents should have control over the decision to allow their children to use dietary supplements and should be personally responsible for their children's use of supplements.

School employees are immune from damages that may result from the legal distribution of prescribed medication to students. This immunity does not extend to the provision of dietary supplements. Employees should not be put in a legally ambiguous situation by giving supplements to students, even if requested by the parents of students. Many school nurses support this bill because they are uncomfortable distributing dietary supplements to students.

**OPPONENTS
SAY:**

CSHB 3420 would prohibit school nurses or other employees from distributing a dietary supplement to a student as requested by a parent of the student. Parents should have the right to decide whether their students should receive dietary supplements. There is not enough scientific evidence on the potential harm of supplements to prohibit school employees from distributing the supplements to students if the parents request it.

**OTHER
OPPONENTS
SAY:**

Performance-enhancing compounds are dangerous substances and should not be used by primary or secondary school students for any reason. The bill should prohibit the use of such substances by students to protect their long-term health interests.

NOTES:

The original bill would have prohibited school district employees from selling or distributing any dietary supplement to a student. It would have prohibited employees from suggesting the use of any supplement not approved for safe use by the U.S. Food and Drug Administration.