

SUBJECT: Requiring random steroid testing of public high school student athletes

COMMITTEE: Public Education — committee substitute recommended

VOTE: 5 ayes — Eissler, Zedler, Hochberg, Olivo, Patrick
0 nays
4 absent — Branch, Delisi, Dutton, Mowery

SENATE VOTE: On final passage, April 10 — 27-3 (Harris, Patrick, Williams)

WITNESSES: For — (*Registered, but did not testify:* Ramiro Canales, Texas Association of School Administrators; David Duty, Texas Association of School Boards)
Against — None
On — (*Registered, but did not testify:* Mark Cousins, University Interscholastic League-UIL)

BACKGROUND: Education Code, sec. 33.091 requires the University Interscholastic League (UIL) to adopt rules prohibiting a student from participating in an athletic competition sponsored or sanctioned by the League unless the student agrees not to use steroids and the league obtains a signed statement by the student's parents acknowledging that:

- state law prohibits the use, possession, and dispensing of steroids in a manner not allowed by state law;
- bodybuilding, muscle enhancements, or strength through the use of steroids by a person in good health is not a valid medical purpose;
- only a medical doctor may prescribe steroids; and
- a violation is a criminal offense.

The UIL also may increase membership fees to those school districts participating in athletic competitions sponsored or sanctioned by the UIL to offset costs to the league under this section.

Students prescribed steroids by a medical practitioner, in the course of professional practice for a valid medical purpose, are not subject to a criminal penalty.

Health and Safety Code, sec. 481.071 allows use of anabolic steroids or human growth hormone only by prescription, and they cannot be prescribed for the purpose of increasing muscle bulk or strength.

DIGEST:

CSSB 8 would amend Education Code, sec. 33.091 to require high school students who wished to participate in athletic activities sponsored or sanctioned by the UIL to submit to random steroid testing.

The UIL would adopt rules to administer the steroid testing program. The rules would have to:

- establish a statistically significant number of students to be tested;
- require school districts to submit a list of students to the UIL who would be subject to testing under the program;
- provide for the generation of a random list of selected students to be tested by each school district;
- require school districts to test selected students at an approved and certified laboratory;
- provide for a process of confirming any initial positive results through a subsequent test; and
- provide for a period of ineligibility for students with confirmed positive results.

Results of steroid tests would be confidential and, except by court order, could be disclosed only to the student, the student's parent, activity directors, and the principal and assistant principals of the student's school.

The UIL would pay for the steroid testing program and, to cover those costs, would if necessary impose admission fees for spectators attending UIL athletic events. Revenue raised through event fees under this program would be used exclusively to pay the costs of the program.

A student prescribed steroids by a medical practitioner in the course of professional practice would not be subject to a period of ineligibility from UIL events. Physicians, advanced nurses, and physician assistants would be included in the parents' statement of acknowledgment of who could prescribe steroids.

The UIL would be required to conduct a study on the procedures used for specimen collection under the program and on whether those performing collection services at the direction of the school districts were trained and certified. Findings would be submitted to the governor, the lieutenant governor, and the speaker of the House no later than December 1, 2008.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

The random testing program required by CSSB 8 would help discourage steroid use in public schools. The number of Texas schools testing athletes for steroids has nearly doubled since 2002, and a recent study by Texas A&M University found that steroid use among Texas students in grades 7-12 decreased from 2 percent in 2004 to 1.5 percent in 2006. The downward trend indicates that increased testing could be the deterrent schools need to maintain clean competition.

Young athletes often feel the need to become stronger and faster to remain competitive and may turn to steroid use. However, steroids can produce lasting, harmful health effects. Major side effects from steroid abuse include cancer, liver and kidney tumors, jaundice, fluid retention, high blood pressure, and stunted growth in adolescents. Psychiatric side effects can include aggression, extreme mood swings, irritability, delusions, and impaired judgment from feelings of invincibility. Research also indicates that users may turn to other drugs to alleviate some of the negative effects of steroids, compounding the problem.

In 2004, the National Institute on Drug Abuse and the University of Michigan found that more than 40 percent of 12th graders described steroids as “fairly easy” or “very easy” to get, and the perception among high school students that steroids are harmful dropped from 71 percent in 1992 to 56 percent in 2004. With students losing perspective on the dangers posed by steroids, schools should facilitate programs that discourage their use.

Under the bill, students who used steroids improperly would face an ineligibility period from participation in athletic events. Random testing could be the necessary stimulus to keep students clean. Students aspiring to play at the college level understand that playing time is essential to

advancement, and CSSB 8 would send a strong message to young athletes that Texas schools insist on clean competition.

OPPONENTS
SAY:

Random drug testing does not effectively reduce drug use among young people, including athletes. A study in the *Journal of School Health* (April 2003) reported that the strongest predictor of drug use by students is their attitude toward drug use and their perceptions of peer use. Random testing does not bring constructive changes to students' attitudes about drugs or their beliefs in the dangers associated with them.

With 733,000 public school athletes in Texas, more than any other state, CSSB 8 would create administrative and financial burdens on school districts, and some of the testing logistics for the districts remain unclear. Under the bill, school districts would have to compile and maintain lists of students eligible for random testing. Larger districts with thousands of athletes could have difficulty maintaining accurate and up-to-date lists. Also, school districts would have to administer the tests, and while admission fees to UIL events could pay for laboratory fees, school districts could end up absorbing some costs of collecting, monitoring, and submitting the samples.

Drug testing programs can result in false positives, and innocent students could be unfairly stigmatized. Eliminating false positives would require schools to ask students to identify their prescription medications before taking a test. This could compromise the student's privacy rights and create an additional administrative burden for schools to ensure that private information was safeguarded.

CSSB 8 could undermine students' relationships with teachers and coaches because drug testing can erode trust. Students often confide in their teachers and coaches about their fears and concerns, and this trust could be jeopardized if teachers and coaches acted as confidantes in some instances and as "police" in others.

NOTES:

The Senate version provided for education training of certain district employees on steroid use. The House committee substitute removed the training program provision.

The Senate version provided for parents to sign a form acknowledging that if the parent's child was enrolled in high school, the student could be subject to random steroid testing. The substitute removed this language.

The Senate version provided that the testing program require the random sample of about 3 percent of high school students participating in UIL-sponsored activities and be conducted at about 30 percent of high schools in the state participating in UIL athletic competition. The House substitute would require that each school district submit a list of eligible students and that UIL provide for the random testing of a significant number of eligible students.

The Senate version provided for disclosure to the student, the student's parents, the UIL, the appropriate head coach or chief sponsor of the UIL athletic activity, and the principal and assistant principal of the school. The House substitute would provide for disclosure to the student, the student's parents, and the activity directors, principal, and assistant principals of the student's school.

The Senate version calls for a range of penalties should a student have a confirmed positive result and states that a student refusing to submit to random testing would be considered to have a confirmed positive result. These provisions are not included in the House substitute.

The Senate version would fund the program with funds already appropriated to TEA. The House substitute would provide for funding of the testing program through admission fees to UIL-sponsored athletic events.

The House substitute added the provision for a study to be conducted on the procedures used for specimen collection and on whether the persons performing collections services are properly trained and certified.

HB 346 by Flynn, which is identical to the House committee substitute for SB 8, passed the House by 137-8 on April 11 and has been referred to the Senate Education Committee.