

## **BILL ANALYSIS**

Senate Research Center  
76R11340 CAS-F

H.B. 3420  
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Education  
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Engrossed

### **DIGEST**

Currently, there is no law governing the sale or endorsement of dietary supplements by school personnel to a student. Many substances categorized as dietary supplements under the federal Dietary Supplement and Health Education Act of 1994 are not regulated by the United States Food and Drug Administration (FDA). There is no requirement that a dietary supplement's effectiveness or potential side effects be researched. Some Texas high school coaches have encouraged the use of dietary supplements, such as creatine, by their athletes, and may have in fact sold the supplements to the athletes. H.B. 3420 prohibits the sale, distribution, and endorsement of a dietary supplement that contains performance enhancing compounds to a primary or secondary student by a school district employee, except when the student is the employee's child or as part of activities that are entirely separate from any aspect of the person's school district employment. This substitute also provides that a person who violates the aforementioned prohibition commits a Class C misdemeanor.

### **PURPOSE**

As proposed, H.B. 3420 prohibits the sale, distribution, and endorsement of a dietary supplement that contains performance enhancing compounds to certain students by a school district employee, and provides an exception.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 38, Education Code, by adding Section 38.011, as follows:

Sec. 38.011. DIETARY SUPPLEMENTS. Prohibits a school district employee from knowingly selling, marketing, or distributing a dietary supplement that contains performance enhancing compounds (dietary supplement) to a primary or secondary education student (student) with whom the employee has contact as part of the employee's school district duties; or knowingly endorses or suggests the ingestion, intra-nasal application, or inhalation of a dietary supplement by a student with whom the employee has contact as part of the employee's school district duties. Provides that this section does not prohibit a school district employee from providing or endorsing a dietary supplement, or suggesting the ingestion, intra-nasal application, or inhalation of a dietary supplement to the employee's child; or selling, marketing, or distributing a dietary supplement to, or endorsing or suggesting the use of a dietary supplement by, a student as part of activities that are entirely separate from any aspect of the school district as provided by this subsection. Provides that a person who violates this section commits a Class C misdemeanor. Defines "dietary supplement" and "performance enhancing compound."

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.