



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4118 (as passed by the Senate)
Sponsor: Representative Daniel Acciavatti
House Committee: Education
Senate Committee: Education

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RATIONALE

In recent years, there has been growing concern over the use of performance-enhancing drugs in professional, collegiate, and Olympic sports. With role models such as baseball player Barry Bonds being accused of using steroids to achieve their record-breaking success, students are receiving mixed messages about steroid use. On one hand, there is widespread information that steroids pose significant health risks, with the potential to cause stunted growth, impotence, heart attacks, strokes, and renal failure, among other things. On the other hand, young athletes may see individuals whom they admire using steroids or being accused of steroid use, and may be tempted to take similar shortcuts to achieve athletic excellence. Many high school athletes, both male and female, are under tremendous pressure from coaches, team members, and college recruiters to demonstrate exceptional abilities. To deter high school students from turning to steroid use to gain a competitive advantage, it has been suggested that schools statewide should impose penalties for the use of steroids or other performance-enhancing drugs.

CONTENT

The bill would amend the Revised School Code to require a school district or public school academy (PSA) to develop policies indicating that a pupil's use of performance-enhancing drugs would affect his or her eligibility to participate in interscholastic athletics, and require the Department of Community Health (DCH) to distribute

to schools a list of performance-enhancing substances.

Specifically, the bill would require the board of a school district or board of directors of a PSA to ensure that its policies concerning a pupil's eligibility for participation in interscholastic athletics included a pupil's use of a performance-enhancing substance as a violation that would affect his or her eligibility, as determined by the board or board of directors. The governing body of a nonpublic school would be encouraged to adopt an eligibility policy that met those requirements.

The DCH would have to develop, periodically update, and make available to school districts, PSAs, and nonpublic schools a list of performance-enhancing substances, based on the list of banned drugs contained in Bylaw 31.2.3.1 of the National Collegiate Athletic Association Bylaws (which lists prohibited stimulants, anabolic steroids, diuretics, hormones, and other substances).

Proposed MCL 380.1318

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

In sports, much depends upon fair play and upon integrity, and student athletes should learn early on that the use of steroids carries consequences for their health as well as their future prospects as athletes. The

bill would emphasize the importance of this issue at a time when many students are receiving mixed signals from professional athletes and from individuals who may be selling these substances. Many suspect that some professional athletes have attained their success by using performance-enhancing substances. There have been numerous recent doping scandals in professional sports, in the Olympics, and at the college level as well. The bill would require school districts to send a strong message to students that the use of banned substances is not the proper way to achieve athletic excellence, and that any such use would affect the athlete's eligibility to participate in athletic competition. Since many student athletes have a strong desire to compete, the threat of losing their eligibility could be a significant deterrent.

The bill also could give coaches and athletic trainers an opportunity to speak to student athletes on drug or steroid use. Often the topic has not been addressed adequately, and in many cases students may have access only to one-sided or deceptive information from those who would encourage them to use steroids. In explaining the steroid policy required under the bill, coaches and trainers could help to educate students and possibly discourage them from using steroids. Providing students with information on the harmful side effects of steroids and the physical damage they can cause could help to curb the problem. In some instances students may not know precisely what substances are prohibited. An athlete may innocently purchase a product that contains a banned ingredient at a health food store, unwittingly violating the regulations. The bill would require that the State develop a list of prohibited substances, which should make it easier for students to adhere to the requirements.

Opposing Argument

Without some enforcement component, the bill would do little to curb steroid use among student athletes. It is impossible to determine whether an individual has used performance-enhancing drugs without doing drug testing. The bill, however, does not provide for any such testing or other way of enforcing the policies. Although some believe that testing would be too expensive to implement, since tests can cost from \$175 to \$300 per individual, the issue is too

important to ignore or neglect because of the expense. There are reasonable ways to pay for a random testing program, such as a surcharge on ticket prices at athletic events. Regardless of the funding source, drug screening would be necessary to identify those who violated the policies required under the bill.

Response: The bill would give a degree of latitude to local school districts to develop policies as they saw fit. Although testing would not be mandated under the bill, a local district would be free to institute a testing policy (as some have done already). In the past, suggestions about drug screening have raised personal privacy concerns among some parents and athletes. The bill would allow districts to address those concerns locally as appropriate.

Opposing Argument

The bill would give school districts too much latitude by telling them to develop a policy, without providing any guidelines. This could lead to a wide range of penalties among districts and result in unfair treatment of student athletes. For example, a student committing a violation in one district could be required to sit out a single game, while a student in a different district could be forced to sit out an entire season for the same violation. It would be preferable for schools and the Michigan High School Athletic Association jointly to develop statewide standards.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The Department of Community Health would see a mild, indeterminate increase in cost associated with providing school districts with a list of performance-enhancing substances.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.