

SENATE BILL No. 229

February 17, 2009, Introduced by Senator SWITALSKI and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1290.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1290. (1) THE BOARD OF A SCHOOL DISTRICT OR BOARD OF
2 DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL ENSURE THAT THE SCHOOL
3 DISTRICT OR PUBLIC SCHOOL ACADEMY, OR A PUBLIC SCHOOL OPERATED BY
4 THE SCHOOL DISTRICT, IS NOT A MEMBER OF A STATEWIDE INTERSCHOLASTIC
5 ATHLETIC ASSOCIATION AND DOES NOT PARTICIPATE IN EVENTS OPERATED OR
6 SPONSORED BY THE ASSOCIATION UNLESS THE ASSOCIATION HAS ADOPTED AND
7 IMPLEMENTED WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION
8 A POLICY, BYLAW, RULE, OR REGULATION THAT MEETS ALL OF THE
9 FOLLOWING:

10 (A) REQUIRES RANDOM URINALYSIS TESTING OF STUDENT-ATHLETES WHO
11 PARTICIPATE IN A STATEWIDE TOURNAMENT THAT IS OPERATED OR SPONSORED

1 BY THE ASSOCIATION TO TEST FOR USE OF ANABOLIC STEROIDS.

2 (B) PROVIDES FOR PAYMENT FOR THE TESTING BY THE ASSOCIATION,
3 FUNDED THROUGH IMPOSITION OF A \$1.00 SURCHARGE ON ADMISSION CHARGED
4 FOR GAMES, MEETS, OR CONTESTS THAT ARE PART OF THE STATEWIDE
5 TOURNAMENT.

6 (C) PROVIDES FOR TESTING OF A NUMBER OF STUDENT-ATHLETES EACH
7 YEAR BASED ON THE FINANCIAL RESOURCES EXPECTED TO BE AVAILABLE THAT
8 YEAR FROM THE SURCHARGE DESCRIBED IN SUBDIVISION (B).

9 (D) REQUIRES THE TESTING TO OCCUR WITHIN 24 HOURS AFTER A
10 STUDENT-ATHLETE IS NOTIFIED THAT HE OR SHE HAS BEEN SELECTED FOR
11 THE TESTING.

12 (E) PROVIDES THE FOLLOWING PENALTIES FOR A STUDENT-ATHLETE WHO
13 IS DETERMINED TO HAVE ILLEGALLY USED ANABOLIC STEROIDS:

14 (i) FOR A FIRST OFFENSE, EITHER A SUSPENSION FROM PARTICIPATION
15 IN INTERSCHOLASTIC ATHLETICS FOR A PERIOD OF 180 SCHOOL DAYS OR A
16 SUSPENSION FROM PARTICIPATION IN INTERSCHOLASTIC ATHLETICS FOR A
17 PERIOD OF 90 SCHOOL DAYS, AT LEAST 8 WEEKS OF SUBSTANCE ABUSE
18 COUNSELING DURING THIS PERIOD, AND WEEKLY URINALYSIS TESTING DURING
19 THIS PERIOD.

20 (ii) FOR A SECOND OFFENSE, EITHER A SUSPENSION FROM
21 PARTICIPATION IN INTERSCHOLASTIC ATHLETICS FOR A PERIOD OF 360
22 SCHOOL DAYS OR A SUSPENSION FROM PARTICIPATION IN INTERSCHOLASTIC
23 ATHLETICS FOR A PERIOD OF 180 SCHOOL DAYS, AT LEAST 16 WEEKS OF
24 SUBSTANCE ABUSE COUNSELING DURING THIS PERIOD, AND WEEKLY
25 URINALYSIS TESTING DURING THIS PERIOD.

26 (iii) FOR A THIRD OFFENSE, PERMANENT INELIGIBILITY FROM
27 PARTICIPATION IN INTERSCHOLASTIC ATHLETICS.

1 (F) PROVIDES THAT THE STUDENT-ATHLETE OR HIS OR HER PARENT OR
2 LEGAL GUARDIAN IS RESPONSIBLE FOR THE PAYING OF ANY COSTS FOR THE
3 COUNSELING AND TESTING.

4 (2) IF A PUBLIC SCHOOL OR A SCHOOL DISTRICT IS A MEMBER OF A
5 STATEWIDE INTERSCHOLASTIC ATHLETIC ASSOCIATION THAT HAS A POLICY,
6 BYLAW, RULE, OR REGULATION DESCRIBED IN SUBSECTION (1), THE BOARD
7 OF THE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF THE PUBLIC SCHOOL
8 ACADEMY SHALL REQUIRE A PUPIL AND HIS OR HER PARENT OR LEGAL
9 GUARDIAN TO EXECUTE A FORM CONSENTING TO THE TESTING AND PENALTIES
10 DESCRIBED IN SUBSECTION (1) BEFORE ALLOWING THE PUPIL TO
11 PARTICIPATE IN INTERSCHOLASTIC ATHLETICS.

12 (3) THIS SECTION DOES NOT AFFECT THE ABILITY OF A SCHOOL
13 DISTRICT, PUBLIC SCHOOL ACADEMY, STATEWIDE INTERSCHOLASTIC ATHLETIC
14 ASSOCIATION, OR LOCAL OR REGIONAL INTERSCHOLASTIC ATHLETIC LEAGUE
15 OR CONFERENCE TO ESTABLISH AND ENFORCE A POLICY, BYLAW, RULE, OR
16 REGULATION PROHIBITING USE OF ANABOLIC STEROIDS OR OTHER SUBSTANCES
17 OR REQUIRING TESTING FOR ANABOLIC STEROIDS OR OTHER SUBSTANCES IF
18 THAT POLICY, BYLAW, RULE, OR REGULATION IS NOT INCONSISTENT WITH
19 THE POLICY REQUIRED UNDER THIS SECTION.

20 (4) AS USED IN THIS SECTION, "ANABOLIC STEROIDS" MEANS THAT
21 TERM AS DEFINED IN R 338.3122 OF THE MICHIGAN ADMINISTRATIVE CODE.