



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0272

Introduced 1/23/2009, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

105 ILCS 25/1.5 new

Amends the Interscholastic Athletic Organization Act. Requires an association that has as one of its purposes promoting, sponsoring, regulating, or in any manner providing for interscholastic athletics or any form of athletic competition among schools and students within this State and that has a performance-enhancing substance testing program to prohibit a student from participating in an athletic competition sponsored or sanctioned by the association unless (i) the student agrees not to use certain performance-enhancing substances, and, if the student is enrolled in high school, the student submits to random testing for the presence of these substances in the student's body and (ii) the association obtains from the student's parent a statement signed by the parent acknowledging certain information. Provides that a school district shall require that each district employee who serves as an athletic coach at or above the 9th grade level for an extracurricular athletic activity sponsored or sanctioned by an association complete an educational program on the prevention of abuse of performance-enhancing substances and complete a proficiency exam. Requires the Department of Public Health to provide oversight of the annual administration of a performance-enhancing substance testing program by an association under which high school students participating in an athletic competition sponsored or sanctioned by the association are tested at multiple times throughout the athletic season for the presence of certain performance-enhancing substances in the students' bodies. Contains provisions concerning confidentiality, funding, exceptions, and liability. Repeals these provisions on July 1, 2011. Effective immediately.

LRB096 04765 NHT 14829 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Interscholastic Athletic Organization Act
5 is amended by adding Section 1.5 as follows:

6 (105 ILCS 25/1.5 new)

7 (Section scheduled to be repealed on July 1, 2011)

8 Sec. 1.5. Prevention of use of performance-enhancing
9 substances in interscholastic athletics; random testing of
10 interscholastic athletes.

11 (a) In this Section, "association" means an association
12 that has as one of its purposes promoting, sponsoring,
13 regulating, or in any manner providing for interscholastic
14 athletics or any form of athletic competition among schools and
15 students within this State and that has a performance-enhancing
16 substance testing program.

17 (b) An association shall prohibit a student from
18 participating in an athletic competition sponsored or
19 sanctioned by the association unless the following conditions
20 are met:

21 (1) the student agrees not to use any
22 performance-enhancing substances on the association's most
23 current banned drug classes list, and, if the student is

1 enrolled in high school, the student submits to random
2 testing for the presence of these substances in the
3 student's body, in accordance with the program established
4 under subsection (d) of this Section; and

5 (2) the association obtains from the student's parent a
6 statement signed by the parent and acknowledging the
7 following:

8 (A) that the parent's child, if enrolled in high
9 school, may be subject to random performance-enhancing
10 substance testing;

11 (B) that State law prohibits possessing,
12 dispensing, delivering, or administering a
13 performance-enhancing substance in a manner not
14 allowed by State law;

15 (C) that State law provides that bodybuilding,
16 muscle enhancement, or the increase of muscle bulk or
17 strength through the use of a performance-enhancing
18 substance by a person who is in good health is not a
19 valid medical purpose;

20 (D) that only a licensed practitioner with
21 prescriptive authority may prescribe a
22 performance-enhancing substance for a person; and

23 (E) that a violation of State law concerning
24 performance-enhancing substances is a criminal offense
25 punishable by confinement in jail or imprisonment.

26 (c) A school district shall require that each district

1 employee who serves as an athletic coach at or above the 9th
2 grade level for an extracurricular athletic activity sponsored
3 or sanctioned by an association complete the following:

4 (1) an educational program on the prevention of abuse
5 of performance-enhancing substances developed by the
6 association; or

7 (2) a comparable program developed by the school
8 district or a private entity with relevant expertise.

9 The school district shall also require the person to complete
10 an exam developed by the association showing a minimum
11 proficiency of understanding in methods to prevent the abuse of
12 performance-enhancing substances by students.

13 (d) The Department of Public Health shall provide oversight
14 of the annual administration of a performance-enhancing
15 substance testing program by an association under which high
16 school students participating in an athletic competition
17 sponsored or sanctioned by the association are tested at
18 multiple times throughout the athletic season for the presence
19 of performance-enhancing substances on the association's most
20 current banned drug classes list in the students' bodies. The
21 Department of Public Health is responsible for the adoption of
22 rules for the administration of the testing program. The
23 association may alter its current performance-enhancing
24 substance testing program to comply with this subsection (d).
25 The testing program must do the following:

26 (1) require the random testing of at least 1,000 high

1 school students in this State who participate in athletic
2 competitions sponsored or sanctioned by the association;

3 (2) provide for the selection of specific students
4 described in subdivision (1) of this subsection (d) for
5 testing through a process that randomly selects students
6 from a single pool consisting of all students who
7 participate in any activity for which the association
8 sponsors or sanctions athletic competitions;

9 (3) be administered at approximately 25% of the high
10 schools in this State that participate in athletic
11 competitions sponsored or sanctioned by the association;

12 (4) provide for a process for confirming any initial
13 positive test result through a subsequent test conducted as
14 soon practicable after the initial test, using a sample
15 that was obtained at the same time as the sample used for
16 the initial test;

17 (5) require the testing to be performed only by a
18 performance-enhancing substance testing laboratory with
19 current certification from the Substance Abuse and Mental
20 Health Services Administration of the United States
21 Department of Health and Human Services, the World
22 Anti-Doping Agency, or another appropriate national or
23 international-certifying organization; the testing
24 laboratory must be chosen following State procurement
25 procedures;

26 (6) require that a trained observer, of the appropriate

1 sex, witness the student provide the test sample;

2 (7) require that the student be chaperoned by a
3 school-designated official from the time he or she is
4 notified of the test until he or she has completed
5 delivering the test sample;

6 (8) provide for a period of ineligibility from
7 participation in an athletic competition sponsored or
8 sanctioned by the association for any student with a
9 confirmed positive test result or any student who refuses
10 to submit to random testing;

11 (9) provide for a school or team penalty on a
12 case-by-case basis, to be determined by the contribution of
13 a student with a confirmed positive test result to the team
14 or the school's lack of enforcement of the rules of the
15 testing program or both;

16 (10) provide for a penalty for any coach who knowingly
17 violates the rules of the testing program; and

18 (11) require that coaches be responsible for providing
19 a copy of the association's most current banned drug
20 classes list to every high school student participating in
21 an athletic competition sponsored or sanctioned by the
22 association.

23 (e) Results of a performance-enhancing substance test
24 conducted under subsection (d) of this Section are confidential
25 and, unless required by court order, may be disclosed only to
26 the student and the student's parent and the activity

1 directors, principal, and assistant principals of the school
2 attended by the student.

3 (f) The association shall pay the costs of the
4 performance-enhancing substance testing program established
5 under subsection (d) of this Section. The General Assembly may
6 appropriate additional funding for the testing program, to be
7 distributed as a grant through the Department of Public Health.

8 (g) Subdivision (1) of subsection (b) of this Section does
9 not apply to the use by a student of a performance-enhancing
10 substance that is dispensed, prescribed, delivered, or
11 administered by a medical practitioner for a valid medical
12 purpose and in the course of professional practice, and the
13 student is not subject to a period of ineligibility under
14 subdivision (8) of subsection (d) of this Section on the basis
15 of that use as long as the student's coach has provided the
16 student with a copy of the association's most current banned
17 drug classes list, the student has consulted with his or her
18 medical practitioner to confirm the valid use of the substance,
19 and the student has notified his or her coach or a school
20 administrator of a prescription for the use of the substance
21 for valid medical purposes. Students that are prescribed such a
22 substance, after receiving a copy of the association's most
23 current banned drug classes list, are required to provide
24 notice of that prescription at the time the prescription is
25 issued. Any information concerning a student's use of a
26 performance-enhancing substance obtained by a coach or school

1 administrator under this subsection (g) is confidential and may
2 be disclosed only to those persons necessary to the
3 determination of eligibility under this subsection (g).

4 (h) Neither an association nor any of its directors or
5 employees shall be liable and no cause of action may be brought
6 against an association or any of its directors or employees for
7 damages in connection with the performance of the association's
8 responsibilities under this Section, unless an act or omission
9 involved willful or wanton conduct.

10 (i) This Section is repealed on July 1, 2011.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.