

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2761 Session of
2002

INTRODUCED BY LaGROTTA, COY, MELIO, GRUCELA, CORRIGAN,
CREIGHTON, YOUNGBLOOD, HORSEY, STEELMAN, JAMES AND
J. WILLIAMS, JUNE 27, 2002

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JUNE 27, 2002

AN ACT

1 Establishing the Banned Substances Testing Program; and
2 providing for penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Banned
7 Substances Testing Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) Recent reports suggest that the use of steroids is a
11 growing epidemic in Major League Baseball.

12 (2) Unlike the National Football League or the National
13 Basketball Association, Major League Baseball has no steroid
14 policy or testing program in place.

15 (3) In recent years, Pennsylvania taxpayers have been
16 asked to help finance state-of-the-art stadiums to be used by
17 professional athletes.

(4) Citizens of this Commonwealth deserve to know that the athletes performing in these stadiums are free from performance enhancing drugs such as steroids.

Section 3. Purpose.

It is the purpose of this act to provide for random drug testing of all professional or amateur athletes who participate in any athletic facilities in this Commonwealth that are publicly financed in full or in part.

Section 4. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Amateur sports team." Any group of amateur athletes organized to play any sport, including, but not limited to, football, baseball, basketball, hockey and soccer and who play the sport in a stadium.

"Banned substance." Any federally banned substance or a substance prohibited by the National Football League, including, but not limited to, steroids, amphetamines, cocaine and ecstasy. The term shall not include a substance that is being taken for a valid medical reason and has been prescribed by a physician.

"Board." The Pennsylvania Drug, Device and Cosmetic Board established pursuant to the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

"NCAA." The National Collegiate Athletic Association.

"PACE." The Pharmaceutical Assistance Contract for the Elderly (PACE) program provided for in Chapter 5 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law.

1 "PACENET." The Pharmaceutical Assistance Contract for the
2 Elderly Needs Enhancement Tier (PACENET) program provided for in
3 Chapter 5 of the act of August 26, 1971 (P.L.351, No.91), known
4 as the State Lottery Law.

5 "Professional sports team." Any group of professional or
6 semiprofessional athletes organized to play baseball or hockey
7 and who play the sport in a stadium.

8 "Program." The Banned Substances Testing Program established
9 in section 5.

10 "Stadium." A physical facility located in this Commonwealth
11 within which a professional or amateur sports team regularly
12 plays and the construction of which has been financed in whole
13 or in part by the Commonwealth or one of its political
14 subdivisions.

15 Section 5. Banned Substances Testing Program.

16 (a) Establishment.--The Banned Substances Testing Program is
17 hereby established.

18 (b) Purpose.--The purpose of the program shall be to conduct
19 random drug tests for banned substances on members of
20 professional or amateur sports teams.

21 (c) Oversight.--The board shall be responsible for
22 administering the program. The board shall establish criteria
23 and guidelines concerning the program.

24 Section 6. Penalties.

25 (a) Professional sports team.--Any member of a professional
26 sports team that tests positive for a banned substance as a
27 result of testing conducted by the program shall be considered
28 in violation of this act and shall be subject to a civil penalty
29 equal to 10% of the minimum salary of the respective sport or
30 \$100,000, whichever is less.

1 (b) Amateur athletes.--Any member of an amateur sports team
2 who is an NCAA athlete that tests positive for a banned
3 substance as a result of testing conducted by the program shall
4 be considered in violation of this act and shall be subject to
5 any penalties as provided for by the NCAA. Any member of an
6 amateur sports team who is a high school athlete that tests
7 positive for a banned substance as a result of testing conducted
8 by the program shall be considered in violation of this act and
9 shall be subject to the penalties provided for in section 3 of
10 the act of December 22, 1989 (P.L.702, No.93), entitled "An act
11 requiring school directors to prohibit the use of steroids by
12 pupils involved in athletics; requiring education regarding the
13 use of anabolic steroids; requiring penalties for unauthorized
14 use of anabolic steroids; and providing for dispensing anabolic
15 steroids and for prescriptions for anabolic steroids."

16 (c) Refusal to submit to testing.--Any member of a
17 professional or amateur sports team that refuses to submit to
18 testing as provided for by the program may be subject to the
19 same penalties provided for in this section as if they had
20 tested positive for a banned substance.

21 (d) Penalties not exclusive.--Notwithstanding any other
22 provision of law, the penalties provided for in this act may be
23 imposed in addition to any other civil or criminal penalties or
24 fines provided for by Federal, State or local law.

25 Section 7. Rules and regulations.

26 The Department of Health shall promulgate rules and
27 regulations to carry out the provisions of this act.

28 Section 8. Transfer of funds.

29 Any monetary penalty collected pursuant to this act shall be
30 transferred to the State Lottery Fund for the exclusive purpose

1 of aiding to finance PACE and PACENET. The board may withhold an
2 amount of money not to exceed 1% of the total amount of
3 penalties collected annually for the purpose of administering
4 the program.

5 Section 15. Effective date.

6 This act shall take effect in 60 days.