

8930

I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. NOLAN -- read once and referred to the Committee
on Education

AN ACT to amend the education law, in relation to random testing for
anabolic steroids in athletes in public and private schools; and
making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The education law is amended by adding a new article 20 to
2 read as follows:

3 ARTICLE 20

4 ANABOLIC STEROID TESTING FOR ATHLETES IN PUBLIC AND PRIVATE SCHOOLS

5 SECTION 949. LEGISLATIVE INTENT.

6 950. DEFINITIONS.

7 951. REQUIRED DRUG TESTING.

8 952. SCHOOL AUTHORITY POLICY CONTENTS; PRIOR WRITTEN NOTICE.

9 953. RELIABILITY AND FAIRNESS SAFEGUARDS.

10 954. DISCIPLINARY ACTIONS.

11 955. PRIVACY, CONFIDENTIALITY AND PRIVILEGE SAFEGUARDS.

12 956. REQUIRED EDUCATIONAL PROGRAMS.

13 957. REPORTING.

14 S 949. LEGISLATIVE INTENT. THIS ARTICLE REQUIRES THE DEPARTMENT TO
15 PROMULGATE RULES AND REGULATIONS WHICH SHALL BE USED AS GUIDELINES FOR
16 PUBLIC AND PRIVATE SCHOOLS THAT ARE REQUIRED TO INSTITUTE AN ANABOLIC
17 STEROID TESTING PROGRAM FOR ITS ATHLETES.

18 AT THE PRESENT TIME, THIS STATE HAS NO REGULATIONS OR GUIDELINES FOR
19 SCHOOL DISTRICTS OR PRIVATE SCHOOLS TO ESTABLISH AN ANABOLIC STEROID
20 TESTING PROGRAM. THE DEPARTMENT IS DIRECTED TO ESTABLISH GUIDELINES TO
21 BE USED IN A UNIFORM MANNER.

22 EFFORTS TO STOP THE ABUSE OF ANABOLIC STEROIDS AT THE GRASS ROOTS
23 LEVEL IS EXPECTED TO BE ACCOMPLISHED WITH LOCAL SCHOOL PARTICIPATION.
24 EARLY DETECTION AND INTERVENTION MEASURES TO COMPLEMENT EXISTING DRUG
25 EDUCATIONAL PROGRAMS ARE INSTRUMENTAL IN THIS EFFORT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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FOR THE SAFETY AND WELL-BEING OF ALL STUDENTS, STUDENT ATHLETES IN PARTICULAR, MEASURES SHOULD BE IN PLACE TO PREVENT INJURY TO THE ATHLETE, TEAMMATES AND/OR OPPOSING COMPETITORS. A RANDOM ANABOLIC STEROID TESTING PROCEDURE IS A NATURAL EXTENSION OF THE EDUCATIONAL PROGRAMS DESIGNED TO ENCOURAGE ATHLETES TO RESPECT THEIR BODIES AND MAINTAIN HEALTHY, DRUG FREE LIVES.

AN ATHLETE UNDER THE INFLUENCE OF ANABOLIC STEROIDS HAS THE ABILITY TO CAUSE SERIOUS INJURY TO HIMSELF OR HERSELF AND OTHERS. LOCAL SCHOOL DISTRICTS AND PRIVATE SCHOOLS HAVE THE RESPONSIBILITY OF DOING WHAT IS NECESSARY TO PROTECT STUDENT ATHLETES AND TO PROVIDE A LEVEL PLAYING FIELD OF COMPETITION.

S 950. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE TERMS AND PHRASES DEFINED IN THIS SECTION HAVE THE FOLLOWING MEANINGS:

1. "CONFIRMATORY TEST" AND "CONFIRMATORY RETEST" MEAN A DRUG TEST THAT USES A METHOD OF ANALYSIS APPROVED BY THE COMMISSIONER UNDER SUBDIVISION ONE OF SECTION NINE HUNDRED FIFTY-ONE OF THIS ARTICLE AS BEING RELIABLE FOR PROVIDING SPECIFIC DATA AS TO THE DRUGS OR THEIR METABOLITES DETECTED IN AN INITIAL SCREENING TEST.

2. "DRUG" MEANS AN ANABOLIC STEROID AS DEFINED IN SUBDIVISION (H) OF SCHEDULE II OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW.

3. "DRUG TESTING" AND "DRUG TEST" MEAN ANALYSIS OF A BODY COMPONENT SAMPLE APPROVED BY THE COMMISSIONER UNDER SUBDIVISION ONE OF SECTION NINE HUNDRED FIFTY-ONE OF THIS ARTICLE FOR THE PURPOSE OF MEASURING THE PRESENCE OR ABSENCE OF DRUGS OR THEIR METABOLITES IN THE SAMPLE TESTED.

4. "INITIAL SCREENING TEST" MEANS A DRUG TEST WHICH USES A METHOD OF ANALYSIS APPROVED BY THE COMMISSIONER UNDER SUBDIVISION ONE OF SECTION NINE HUNDRED FIFTY-ONE OF THIS ARTICLE AS BEING CAPABLE OF PROVIDING DATA AS TO GENERAL CLASSES OF DRUGS OR THEIR METABOLITES.

5. "POSITIVE TEST RESULT" MEANS A FINDING OF THE PRESENCE OF DRUGS, OR THEIR METABOLITES IN THE SAMPLE TESTED IN LEVELS AT OR ABOVE THE THRESHOLD DETECTION LEVELS SET BY THE COMMISSIONER UNDER SUBDIVISION ONE OF SECTION NINE HUNDRED FIFTY-ONE OF THIS ARTICLE.

6. "RANDOM SELECTION BASIS" MEANS A MECHANISM, DESIGNED BY THE DEPARTMENT, FOR SELECTION OF STUDENT ATHLETES THAT (A) RESULTS IN AN EQUAL PROBABILITY THAT ANY PUPIL FROM A GROUP OF STUDENT ATHLETES SUBJECT TO THE SELECTION MECHANISM WILL BE SELECTED AND (B) DOES NOT GIVE SCHOOL AUTHORITIES DISCRETION TO WAIVE THE SELECTION OF ANY STUDENT ATHLETE SELECTED UNDER THE MECHANISM UNLESS THE STUDENT HAS PRODUCED EVIDENCE THAT HE OR SHE IS TAKING A DRUG UNDER PRESCRIPTION BY A DULY LICENSED PHYSICIAN.

7. "REASONABLE SUSPICION" MEANS A BASIS FOR FORMING A BELIEF BASED ON SPECIFIC FACTS AND RATIONAL INFERENCES DRAWN FROM THOSE FACTS.

8. "SCHOOL AUTHORITIES" MEANS THE ATHLETIC DIRECTOR OF EACH PUBLIC SCHOOL DISTRICT AND EACH PRIVATE SCHOOL IN THE STATE, AND THE COACH OF THE TEAM ON WHICH A STUDENT ATHLETE PARTICIPATES.

9. "STUDENT ATHLETE" MEANS ANY CHILD IN THE PUBLIC OR PRIVATE SCHOOLS OF THIS STATE ATTENDING GRADES NINE THROUGH TWELVE, INCLUSIVE, PARTICIPATING IN ANY INTERSCHOLASTIC ATHLETIC COMPETITION, INCLUDING CHEERLEADING.

S 951. REQUIRED DRUG TESTING. 1. (A) THE DEPARTMENT SHALL BY RULE AND REGULATION ESTABLISH GUIDELINES FOR SCHOOL AUTHORITIES WHO ARE CHOSEN TO CONDUCT TESTING OF STUDENT ATHLETES UNDER THIS ARTICLE. SUCH GUIDELINES SHALL INCLUDE BUT NOT BE LIMITED TO THE REQUIREMENTS OF THIS ARTICLE. THE DEPARTMENT IS REQUIRED TO CHOOSE THIRTY PERCENT OF THE PUBLIC AND PRIVATE HIGH SCHOOLS IN THE STATE FOR SUCH DRUG TESTING, AND AT LEAST

1 THREE PERCENT OF THE STUDENTS IN EACH CHOSEN SCHOOL SHALL UNDERGO THE
2 TESTING. SCHOOLS REQUIRED TO DO THE TESTING SHALL BE CHOSEN BY THE
3 COMMISSIONER.

4 (B) SCHOOL AUTHORITIES SHALL NOT REQUEST A STUDENT ATHLETE TO UNDERGO
5 DRUG TESTING EXCEPT AS AUTHORIZED IN THIS SECTION.

6 (C) SCHOOL AUTHORITIES SHALL NOT REQUEST A STUDENT ATHLETE TO UNDERGO
7 TESTING UNLESS THE TESTING IS DONE PURSUANT TO A WRITTEN DRUG TESTING
8 POLICY THAT CONTAINS THE MINIMUM INFORMATION REQUIRED IN SECTION NINE
9 HUNDRED FIFTY-TWO OF THIS ARTICLE.

10 2. (A) THE RULES AND REGULATIONS SHALL PROVIDE THAT A STUDENT MAY NOT
11 PARTICIPATE IN ATHLETIC COMPETITION SPONSORED OR SANCTIONED BY A PUBLIC
12 OR PRIVATE SCHOOL UNLESS THE STUDENT AGREES NOT TO USE ANABOLIC STER-
13 OIDS, AND THE STUDENT SUBMITS TO RANDOM TESTING FOR THE PRESENCE OF
14 ILLEGAL ANABOLIC STEROIDS IN THE STUDENT'S BODY, AND

15 (B) THE PUBLIC OR PRIVATE SCHOOL OBTAINS FROM THE PARENT OR GUARDIAN
16 OF THE STUDENT A STATEMENT SIGNED BY THE PARENT AND ACKNOWLEDGING THAT:

17 (I) STATE LAW PROHIBITS POSSESSING, DISPENSING, DELIVERING OR ADMINIS-
18 TERING AN ANABOLIC STEROID IN A MANNER NOT ALLOWED BY STATE LAW;

19 (II) STATE LAW PROVIDES THAT BODYBUILDING, MUSCLE ENHANCEMENT, OR THE
20 INCREASE OF MUSCLE BULK OR STRENGTH THROUGH THE USE OF AN ANABOLIC STER-
21 OID BY A PERSON IN GOOD HEALTH IS NOT A VALID MEDICAL PURPOSE;

22 (III) ONLY A MEDICAL DOCTOR MAY PRESCRIBE AN ANABOLIC STEROID FOR A
23 PERSON; AND

24 (IV) A VIOLATION OF STATE LAW CONCERNING ANABOLIC STEROIDS IS A CRIMI-
25 NAL OFFENSE PUNISHABLE BY IMPRISONMENT.

26 3. SCHOOL AUTHORITIES MAY REQUIRE A STUDENT ATHLETE TO UNDERGO TESTING
27 AS PART OF AN ANNUAL ROUTINE PHYSICAL EXAMINATION.

28 4. IN ADDITION, SCHOOL AUTHORITIES MAY REQUIRE A STUDENT ATHLETE TO
29 UNDERGO TESTING ON A RANDOM SELECTION BASIS THROUGHOUT THE SCHOOL YEAR
30 AND IN CIRCUMSTANCES WHERE THE SCHOOL AUTHORITIES HAVE A REASONABLE
31 SUSPICION THAT THE STUDENT ATHLETE:

32 (A) IS UNDER THE INFLUENCE OF ANABOLIC STEROIDS; OR

33 (B) HAS VIOLATED THE SCHOOL AUTHORITIES' RULES PROHIBITING THE USE,
34 POSSESSION, SALE OR TRANSFER OF ANABOLIC STEROIDS WHILE THE STUDENT
35 ATHLETE IS IN SCHOOL OR ON SCHOOL PROPERTY, PROVIDED THE RULES ARE IN
36 WRITING AND CONTAINED IN THE DRUG TESTING POLICY OF THE SCHOOL AUTHORI-
37 TIES.

38 5. SCHOOL AUTHORITIES MAY REQUIRE A PUPIL TO UNDERGO TESTING WITHOUT
39 PRIOR NOTICE IF THE STUDENT ATHLETE PREVIOUSLY HAS BEEN REFERRED BY THE
40 SCHOOL AUTHORITIES FOR CHEMICAL DEPENDENCY TREATMENT OR EVALUATION, OR
41 IS PARTICIPATING IN A CHEMICAL DEPENDENCY TREATMENT PROGRAM UNDER A PLAN
42 OF THE SCHOOL AUTHORITIES.

43 6. SCHOOL AUTHORITIES SHALL NOT CONDUCT TESTING OF ITS STUDENT
44 ATHLETES USING A TESTING LABORATORY OWNED AND OPERATED BY SUCH SCHOOL
45 AUTHORITIES. EXCEPT AS PROVIDED IN SUBDIVISION EIGHT OF THIS SECTION,
46 SCHOOL AUTHORITIES SHALL NOT REQUEST OR REQUIRE A STUDENT ATHLETE TO
47 CONTRIBUTE TO OR PAY THE COST OF TESTING UNDER THIS ARTICLE.

48 7. (A) WITHIN THREE SCHOOL DAYS AFTER NOTICE OF A POSITIVE TEST RESULT
49 ON A CONFIRMATORY TEST, STUDENT ATHLETES MAY SUBMIT INFORMATION TO THE
50 SCHOOL AUTHORITIES, IN ADDITION TO ANY INFORMATION ALREADY SUBMITTED
51 UNDER PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION NINE HUNDRED FIFTY-TWO
52 OF THIS ARTICLE, TO EXPLAIN THAT RESULT, OR MAY REQUEST A CONFIRMATORY
53 RETEST OF THE ORIGINAL SAMPLE AT THE STUDENT ATHLETE'S OWN EXPENSE.

54 (B) WITHIN THREE SCHOOL DAYS AFTER RECEIPT OF A TEST RESULT REPORT
55 FROM THE TESTING LABORATORY, SCHOOL AUTHORITIES SHALL INFORM IN WRITING
56 A STUDENT ATHLETE WHO HAS UNDERGONE DRUG TESTING OF THE RESULTS OF A

1 POSITIVE TEST AND INFORM THE STUDENT ATHLETE IN WRITING OF THE RIGHTS
2 PROVIDED IN THIS ARTICLE.

3 8. A STUDENT ATHLETE MAY REQUEST A CONFIRMATORY RETEST OF THE ORIGINAL
4 SAMPLE AT THE STUDENT ATHLETE'S OWN EXPENSE AFTER NOTICE OF A POSITIVE
5 TEST RESULT ON A CONFIRMATORY TEST. WITHIN FIVE WORKING DAYS AFTER
6 NOTICE OF THE CONFIRMATORY TEST RESULT, THE STUDENT ATHLETE SHALL NOTIFY
7 THE SCHOOL AUTHORITIES IN WRITING OF THE PUPIL'S INTENTION TO OBTAIN A
8 CONFIRMATORY RETEST. WITHIN THREE WORKING DAYS AFTER RECEIPT OF THE
9 NOTICE, THE SCHOOL AUTHORITIES SHALL NOTIFY THE ORIGINAL TESTING LABORA-
10 TORY THAT THE STUDENT ATHLETE HAS REQUESTED THE LABORATORY TO CONDUCT
11 THE CONFIRMATORY RETEST OR TRANSFER THE SAMPLE TO ANOTHER LABORATORY
12 LICENSED TO CONDUCT THE CONFIRMATORY RETEST. THE CONFIRMATORY RETEST
13 SHALL USE THE SAME DRUG THRESHOLD DETECTION LEVELS AS USED IN THE
14 ORIGINAL CONFIRMATORY TEST. IF THE CONFIRMATORY RETEST DOES NOT CONFIRM
15 THE ORIGINAL POSITIVE TEST RESULT, NO ADVERSE ACTION BASED ON THE
16 ORIGINAL CONFIRMATORY TEST SHALL BE TAKEN AGAINST THE STUDENT ATHLETE.

17 9. A STUDENT ATHLETE HAS THE RIGHT TO REQUEST AND RECEIVE FROM THE
18 SCHOOL AUTHORITIES A COPY OF THE TEST RESULT REPORT ON ANY TEST.

19 S 952. SCHOOL AUTHORITY POLICY CONTENTS; PRIOR WRITTEN NOTICE. 1. THE
20 DRUG TESTING POLICY OF SCHOOL AUTHORITIES SHALL CONFORM TO WRITTEN
21 GUIDELINES PROMULGATED BY THE DEPARTMENT AND SHALL, AT A MINIMUM, SET
22 FORTH THE FOLLOWING INFORMATION:

23 (A) THE STUDENT ATHLETES SUBJECT TO TESTING UNDER THE POLICY;

24 (B) THE CIRCUMSTANCES UNDER WHICH TESTING IS REQUIRED;

25 (C) PROVISION FOR A STUDENT TO EXPLAIN THE FACT THAT HE OR SHE IS
26 TAKING AN ANABOLIC STEROID UNDER PRESCRIPTION BY A DULY LICENSED PHYSI-
27 CIAN;

28 (D) THE CONSEQUENCES OF REFUSAL OF A STUDENT ATHLETE TO UNDERGO
29 ANABOLIC STEROID DRUG TESTING;

30 (E) ANY DISCIPLINARY OR OTHER ADVERSE ACTION THAT MAY BE TAKEN BASED
31 ON A CONFIRMATORY TEST VERIFYING A POSITIVE TEST RESULT ON AN INITIAL
32 SCREENING TEST, INCLUDING, BUT NOT LIMITED TO, DENYING THE STUDENT
33 ATHLETE THE PRIVILEGE OF PARTICIPATING IN INTERSCHOLASTIC ATHLETICS;

34 (F) THE RIGHT OF A STUDENT ATHLETE TO EXPLAIN A POSITIVE TEST RESULT
35 ON A CONFIRMATORY TEST OR REQUEST AND PAY FOR A CONFIRMATORY RETEST; AND

36 (G) ANY APPEAL PROCEDURES AVAILABLE.

37 2. SCHOOL AUTHORITIES SHALL PROVIDE WRITTEN NOTICE OF ITS TESTING
38 POLICY TO ALL AFFECTED STUDENT ATHLETES AND THEIR PARENTS OR GUARDIANS
39 UPON ADOPTION OF THE POLICY AND AT THE BEGINNING OF EACH SCHOOL YEAR.
40 SCHOOL AUTHORITIES SHALL ALSO POST NOTICE IN AN APPROPRIATE AND CONSPIC-
41 UOUS LOCATION ON THE PUBLIC OR PRIVATE SCHOOL PREMISES THAT THE PUBLIC
42 OR PRIVATE SCHOOL HAS ADOPTED A DRUG TESTING POLICY AND THAT COPIES OF
43 THE POLICY ARE AVAILABLE FOR INSPECTION DURING REGULAR SCHOOL HOURS.

44 S 953. RELIABILITY AND FAIRNESS SAFEGUARDS. SCHOOL AUTHORITIES WHO
45 REQUEST OR REQUIRE A STUDENT ATHLETE TO UNDERGO TESTING SHALL USE THE
46 SERVICES OF A LICENSED TESTING LABORATORY WITH CURRENT CERTIFICATION
47 FROM THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION OF
48 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

49 S 954. DISCIPLINARY ACTIONS. 1. SCHOOL AUTHORITIES SHALL NOT
50 DISCHARGE, DISCIPLINE, DISCRIMINATE AGAINST OR REQUEST OR REQUIRE REHA-
51 BILITATION OF A STUDENT ATHLETE ON THE BASIS OF A POSITIVE TEST RESULT
52 FROM AN INITIAL SCREENING TEST THAT HAS NOT BEEN VERIFIED BY A CONFIRMA-
53 TORY TEST.

54 2. DISCIPLINARY ACTION AGAINST A STUDENT SHALL BE PROVIDED BY RULE AND
55 REGULATION OF THE COMMISSIONER AND SHALL PROVIDE A BROAD RANGE OF PENAL-
56 TIES WHICH MUST INCLUDE THE FOLLOWING:

1 (A) A WRITTEN PUBLIC REPRIMAND, SUBJECT TO CONFIDENTIALITY REQUIRE-
2 MENTS IMPOSED BY THIS ARTICLE OR OTHER LAW;

3 (B) A PROBATIONARY PERIOD, NOT TO EXCEED THREE YEARS, DURING WHICH A
4 STUDENT MAY BE REQUIRED TO COMPLY WITH REASONABLE CONDITIONS IN ORDER TO
5 PARTICIPATE IN AN ATHLETIC COMPETITION SPONSORED OR SANCTIONED BY THE
6 SCHOOL DISTRICT OR PRIVATE SCHOOL AND AVOID A MORE SEVERE PENALTY; AND

7 (C) A SUSPENSION PERIOD, NOT TO EXCEED THREE YEARS, DURING WHICH A
8 STUDENT MAY BE PROHIBITED FROM PARTICIPATING IN OR PRACTICING WITH OTHER
9 STUDENTS FOR AN ATHLETIC COMPETITION SPONSORED OR SANCTIONED BY THE
10 SCHOOL DISTRICT OR PRIVATE SCHOOL.

11 S 955. PRIVACY, CONFIDENTIALITY AND PRIVILEGE SAFEGUARDS. 1. A LABORA-
12 TORY SHALL ONLY DISCLOSE TO THE SCHOOL AUTHORITIES TEST RESULT DATA
13 REGARDING THE PRESENCE OR ABSENCE OF ANABOLIC STEROIDS OR THEIR METABOL-
14 ITES IN A SAMPLE TESTED.

15 2. EXCEPT AS OTHERWISE PROVIDED IN SECTION NINE HUNDRED FIFTY-SEVEN OF
16 THIS ARTICLE, TEST RESULT REPORTS AND OTHER INFORMATION ACQUIRED IN THE
17 TESTING PROCESS SHALL BE DEEMED TO BE PRIVATE AND CONFIDENTIAL INFORMA-
18 TION AND SHALL NOT BE DISCLOSED BY SCHOOL AUTHORITIES OR LABORATORIES TO
19 ANOTHER PUBLIC SCHOOL OR PRIVATE SCHOOL OR TO A THIRD-PARTY INDIVIDUAL,
20 GOVERNMENTAL AGENCY, OR PRIVATE ORGANIZATION WITHOUT THE WRITTEN CONSENT
21 OF THE STUDENT ATHLETE AND PARENT OR GUARDIAN OF THE STUDENT ATHLETE.
22 TEST RESULT REPORTS AND OTHER INFORMATION ACQUIRED IN THIS TESTING PROC-
23 ESS MAY BE DISCLOSED TO SCHOOL AUTHORITIES AND THE PARENTS OR GUARDIAN
24 OF THE STUDENT TESTED.

25 3. POSITIVE TEST RESULTS FROM A STUDENT ATHLETE TESTING PROGRAM SHALL
26 NOT BE USED AS EVIDENCE IN A CRIMINAL ACTION AGAINST THE SCHOOL AUTHORI-
27 TIES OR STUDENT ATHLETE TESTED.

28 4. A STUDENT ATHLETE SHALL BE GIVEN ACCESS TO INFORMATION IN THE
29 STUDENT ATHLETE'S PERSONAL FILE RELATING TO POSITIVE TEST RESULT REPORTS
30 AND OTHER INFORMATION ACQUIRED IN THE TESTING PROCESS, AND CONCLUSIONS
31 DRAWN FROM AND ACTIONS TAKEN BASED ON THE REPORTS AND OTHER ACQUIRED
32 INFORMATION.

33 S 956. REQUIRED EDUCATIONAL PROGRAMS. THE COMMISSIONER SHALL REQUIRE
34 IN EACH PUBLIC OR PRIVATE HIGH SCHOOL CHOSEN TO DO ANABOLIC STEROID
35 TESTING THAT EACH EMPLOYEE WHO SERVES AS AN ATHLETIC COACH OR A COACH
36 FOR AN EXTRACURRICULAR ATHLETIC ACTIVITY ATTEND AN EDUCATIONAL PROGRAM
37 DEVELOPED BY THE COMMISSIONER OR A COMPARABLE PROGRAM DEVELOPED BY THE
38 SCHOOL DISTRICT OR A PRIVATE ENTITY WITH RELEVANT EXPERTISE AS TO
39 ANABOLIC STEROID USE AND RELATED ISSUES.

40 S 957. REPORTING. 1. EVERY SCHOOL DISTRICT OR PRIVATE SCHOOL IN WHICH
41 SCHOOL AUTHORITIES CONDUCT TESTING OF STUDENT ATHLETES SHALL ANNUALLY,
42 ON OR BEFORE THE FIRST OF JULY, REPORT TO THE DEPARTMENT THE NUMBER OF
43 STUDENT ATHLETES ADMINISTERED DRUG TESTS DURING THE PREVIOUS SCHOOL
44 YEAR, THE NUMBER OF POSITIVE TEST RESULTS FROM CONFIRMATORY TESTS AND
45 CONFIRMATORY RETESTS DURING SUCH SCHOOL YEAR, AND ANY PROBLEMS ENCOUN-
46 TERED IN IMPLEMENTING THE PROVISIONS OF THIS ARTICLE.

47 2. THE DEPARTMENT SHALL COMPILE, EXAMINE AND EVALUATE THE INFORMATION
48 RECEIVED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, AND, ON OR BEFORE
49 THE FIRST OF AUGUST OF THE THIRD CALENDAR YEAR COMMENCING AFTER THE
50 EFFECTIVE DATE OF THIS ARTICLE, SHALL SUBMIT TO THE GOVERNOR, THE TEMPO-
51 RARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT OF
52 ITS FINDINGS BASED ON SUCH INFORMATION AND A RECOMMENDATION ON WHETHER
53 TESTING FOR STUDENT ATHLETES SHOULD BE MANDATORY FOR ALL PUBLIC AND
54 PRIVATE HIGH SCHOOLS.

55 S 2. Section 3641 of the education law is amended by adding a new
56 subdivision 15 to read as follows:

1 15. TESTING FOR ANABOLIC STEROIDS. A. THE COMMISSIONER SHALL, UPON
2 APPLICATION THEREFOR AND WITHIN AMOUNTS APPROPRIATED FOR SUCH PURPOSE,
3 PROVIDE GRANTS TO SCHOOL DISTRICTS AND PRIVATE SCHOOLS WHICH CONDUCT
4 DRUG TESTING OF STUDENTS FOR ANABOLIC STEROIDS.

5 B. GRANTS PURSUANT TO THIS SUBDIVISION SHALL BE EQUAL TO THE COST OF
6 TESTING FOR THE PRESENCE OR ABSENCE OF ANABOLIC STEROIDS IN EACH STUDENT
7 SO TESTED BY A SCHOOL DISTRICT OR PRIVATE SCHOOL.

8 C. THE COMMISSIONER SHALL PROMULGATE ANY RULES AND REGULATIONS NECES-
9 SARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SUBDIVISION.

10 S 3. The sum of one million dollars (\$1,000,000), or so much thereof
11 as may be necessary, is hereby appropriated to the education department
12 out of any moneys in the state treasury in the general fund to the cred-
13 it of the local assistance account, not otherwise appropriated, and made
14 immediately available for the purpose of carrying out the provisions of
15 subdivision 15 of section 3641 of the education law, as added by section
16 two of this act. Such moneys shall be payable on the audit and warrant
17 of the comptroller on vouchers certified or approved by the commissioner
18 of education in the manner prescribed by law.

19 S 4. This act shall take effect on the one hundred eightieth day after
20 it shall have become a law; provided, however, that any rules and regu-
21 lations necessary for the timely implementation of this act on its
22 effective date are authorized and directed to be promulgated on or
23 before such date; provided, further that sections two and three of this
24 act shall take effect on the first of July next succeeding the date on
25 which it shall have become a law.