

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 257 CS Drug Testing of Student Athletes
SPONSOR(S): Llorente and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	9 Y, 0 N, w/CS	Howlette	Mizereck
2) Judiciary Committee			
3) Education Appropriations Committee			
4) Education Council			
5) _____			

SUMMARY ANALYSIS

House bill 257 authorizes district school boards and private schools to require random drug testing of student athletes for use of performance enhancing drugs. If a district school board chooses to adopt such a policy, they must test student athletes in grades 6 through 12 competing in basketball, baseball, and football, including 5 percent of the student-athletes participating in state playoff games. The bill requires bylaws of the Florida High School Athletic Association (FHSAA) to specify that a high school must abide by random drug-testing procedures in order to qualify for membership in that organization.

The bill takes effect on July 1, 2005.

Substantive Impact

The bill provides specific authority for school districts and private schools to implement random drug testing of student athletes. The bill requires that as a condition for membership in FHSAA, public and private high schools must provide for random drug testing of student athletes for the use of performance enhancing drugs. A minimum of 5% of athletes competing in state playoff games in basketball, baseball and football must be tested annually.

Fiscal Impact

The fiscal impact of the bill is indeterminate. See fiscal comments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill expands governmental oversight of illegal drug use.

Empower families – Information on student drug use could be provided to families.

B. EFFECT OF PROPOSED CHANGES:

While eleven Florida school districts have implemented drug testing programs for students, none specifically test for steroid use. Section 1001.43, F.S. provides supplemental powers and duties of the district school boards. Nothing in current statute explicitly authorizes school boards to require students to submit to drug testing. House bill 257 provides specific authority for school districts and private schools to require random drug testing of student athletes for the use of performance enhancing drugs (steroids). The bill restricts this authority to students in grades 6 through 12 participating in basketball, baseball, and football. The bill requires 5% of athletes competing in state playoff games in those sports to be tested.

The bill requires that the bylaws for the FHSAA must require high schools to implement the random drug testing procedures described above in order to be members of the organization.

Testing

According to Quest Diagnostics and Lab Corporation of America, two companies that have labs in specific parts of the country that perform steroid testing, steroid screens or panels are set up to test for at least 20 different steroid drugs or their metabolites. The lab must know what specific types of steroids they are screening for to be able to know what type of test to use. A school district or private school would need to determine what types of performance enhancing drugs they will test for in their student-athletes in order to know what type of tests need to be conducted. A district or school would also have to consider potential additional cost related to specimen collection and processing such as staff time, specimen collection equipment, and mailing costs. A study of what types are more prevalent in high school students would narrow down the list for testing purposes.

C. SECTION DIRECTORY:

Section 1. Amends s. 1001.43, F.S., to authorize district school boards to require random drug testing of student athletes.

Section 2. Amends s. 1002.42, F.S., to authorize private schools to implement random drug-testing procedures.

Section 3. Amends s. 1006.20, F.S., to establish random drug testing procedures as a condition of membership.

Section 4. Provides an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The fiscal impact of House bill 257 is indeterminate.

The bill would have a fiscal impact on school districts and private schools because it conditions high school membership in the Florida High School Athletic Association on random drug testing of certain student athletes. School districts and private schools would have to pay for the testing or require students to pay for their own tests. Creative options would include seeking cash donations to pay for testing, or establishing partnerships with testing laboratories to reduce the cost of the tests.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) reports that testing for steroids is expensive, ranging from \$50.00 to \$250.00 per test. OPPAGA also reports that testing facilities are limited. Steroid testing is done in the form of a urinalysis test, but it is a more extensive test that requires sophisticated equipment that many labs do not have. Therefore, the test must be sent to the few labs in the United States that do this type of testing.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

Sections 1 and 2 of the bill require random drug-testing in grades 6-12. Section 3 of the bill requires drug testing as a condition of high school membership in FHSAA.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The PreK-12 Committee met on February 22, 2005, and adopted a strike-all amendment as described below.

Section 1:

In order to belong to the FHSAA, schools must meet district school board or private school policies for:

1. instruction in physical education or health classes about the dangers of steroid use;
2. instruction about the dangers of steroid use by head coaches to their teams;
3. including a specific prohibition against steroid use in the student code of conduct; and
4. including the effects of steroid use in lists of drug suspicion criteria.

Section 1 also requires the FHSAA to adopt bylaws requiring adherence to the Florida Coaches Code of Ethics, which shall be developed by September 1, 2005.

Section 2:

Requires the FHSAA to make recommendations to the House and Senate for a statewide pilot drug testing program in a designated sport by October 1, 2005.

Section 3:

Sets an effective date of September 1, 2005, to allow school boards and private schools to revise policies, curriculum, etc. for the 2005-2006 school year.