

MAINE STATE LEGISLATURE

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2019

L.D. 1952

DATE: 3-6-06

(Filing No. S-479)

EDUCATION AND CULTURAL AFFAIRS

Reported by:

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 749, L.D. 1952, Bill, "An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 5 MRSA §20005, sub-§§19 and 20, as enacted by PL 1993, c. 410, Pt. LL, §10, are amended to read:

19. Fiscal and program accountability. Enhance its current efforts to ensure fiscal and program accountability for the services it purchases and provides; and

20. Review policies. Review the full range of public policies and strategies existing in State Government to identify changes that would strengthen its response, identify policies that might discourage excessive consumption of alcohol and other drugs and generate new funding for alcohol and other drug services; and

Sec. 2. 5 MRSA §20005, sub-§21 is enacted to read:

21. List of banned performance-enhancing substances. Develop and maintain a list of banned performance-enhancing substances in accordance with Title 20-A, section 6621.

COMMITTEE AMENDMENT

Sec. 3. 20-A MRSA c. 223, sub-c. 7-B is enacted to read:

SUBCHAPTER 7-B

PERFORMANCE-ENHANCING SUBSTANCES

§6621. Performance-enhancing substances

1. List of banned substances. By January 1, 2007 the Director of the Office of Substance Abuse within the Department of Health and Human Services, known in this subchapter as "the director," shall develop a list of banned performance-enhancing substances. The list must include, but is not limited to, the following:

A. Ephedrine;

B. Synephrine, also known as bitter orange;

C. Dehydroepiandrosterone;

D. All dietary supplements as defined by 21 United States Code, Section 321, Subsection (ff) that are on a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations; and

E. All other substances that are on a banned substance list maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations except for:

(1) A substance that is otherwise illegal in this State; or

(2) A substance the use of which by minors is illegal in this State.

2. Amendments to list. The director shall amend the banned substances list each time a dietary supplement or other substance referenced in subsection 1, paragraph D or E is added to the list of banned substances maintained by the National Collegiate Athletic Association or the World Anti-Doping Agency or their successor organizations. For a substance to be prohibited under section 6624 in a particular school year, the substance must be added to the banned substances list maintained under this section no later than July 1st preceding that school year.

3. Notification. The director shall notify the department, the Maine School Management Association and the Maine Principals' Association or their successor organizations when the initial list of banned substances is complete and of any subsequent changes to the list. The department shall notify all school administrative units that have students who participate in sports of the availability of the list. The director shall post the list on its publicly accessible website.

§6622. Awareness

The department shall request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances. Each school administrative unit shall review its drug and alcohol policies and update such policies to address the use of performance-enhancing substances.

§6623. Marketing

A teacher, athletic director, sports coach or other school official or employee may not sell, distribute or promote a performance-enhancing substance on the list of banned substances developed and maintained under section 6621. A school may not accept a sponsorship from a manufacturer of a performance-enhancing substance on the list of banned substances. A person who violates this section is subject to sanctions as determined by the governing body with statutory powers and duties for the school administrative unit in which that person is employed or serving in a coaching or other official capacity.

§6624. Prohibition on use

A student participating in interscholastic sports may not use a performance-enhancing substance on the list of banned substances developed and maintained under section 6621. A student who violates this section is subject to sanctions as determined by the governing body with statutory powers and duties for the school administrative unit in which that student is enrolled.'

SUMMARY

This amendment requires the Director of the Office of Substance Abuse within the Department of Health and Human Services to notify the Maine School Management Association and the Maine Principals' Association of the initial banned performance-enhancing substances list and changes to that list.

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COMMITTEE AMENDMENT "A" to S.P. 749, L.D. 1952

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It requires the Department of Education to notify all school administrative units with students who participate in sports of the list. The bill required the notification for schools with students in grades 9 to 12. The amendment removes the requirement that the Department of Education provide training for sports coaches, athletic directors and physical education teachers. Instead it requires the Department of Education to request assistance from a statewide organization of principals in distributing information regarding the dangers associated with performance-enhancing substances and requires school administrative units to update their policies concerning performance-enhancing substances. It clarifies that a person violating provisions relating to banned performance-enhancing substances is subject to sanctions in accordance with local policies.

This amendment removes the proposed requirement that students participating in interscholastic sports be required to sign a form stating that they will not use banned substances.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



122nd MAINE LEGISLATURE

LD 1952

LR 2785(02)

An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Current Cost - State Mandate

State Mandate

New or Expanded Activity

Requiring school administrative units to review and update their drug and alcohol policies to address the use of performance-enhancing substances is a State mandate. The additional local costs is not expected to be significant. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, local school administrative units may not be required to implement these changes.

Unit Affected

School

Costs

Insignificant

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services in implementing this bill can be absorbed utilizing existing budgeted resources. Additional costs to the Department of Education associated with notifying school administrative units of the availability of the list of banned performance-enhancing substances can be absorbed within existing budgeted resources.