

109TH CONGRESS
1ST SESSION

H. R. 1862

To direct the Secretary of Commerce to issue regulations requiring testing for steroids and other performance-enhancing substances for certain sports associations engaged in interstate commerce.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2005

Mr. STEARNS (for himself, Mr. BASS, Mr. UPTON, Mrs. BLACKBURN, and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Commerce to issue regulations requiring testing for steroids and other performance-enhancing substances for certain sports associations engaged in interstate commerce.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drug Free Sports
5 Act”.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act—

3 (1) the term “Secretary” refers to the Sec-
4 retary of Commerce; and

5 (2) the term “professional sports associations”
6 means Major League Baseball, the National Basket-
7 ball Association, the National Football League, the
8 National Hockey League, Major League Soccer, the
9 Arena Football League, and any other league or as-
10 sociation that organizes professional athletic com-
11 petitions as the Secretary may determine.

12 **SEC. 3. RULES REQUIRING MANDATORY TESTING FOR ATH-**
13 **LETES.**

14 Not later than 270 days after the date of enactment
15 of this Act, the Secretary shall issue regulations requiring
16 professional sports associations operating in interstate
17 commerce adopt and enforce policies and procedures for
18 testing athletes who participate in their respective associa-
19 tions for the use of performance-enhancing substances.
20 Such policies and procedures shall, at minimum, include
21 the following:

22 (1) **TIMING AND FREQUENCY OF RANDOM TEST-**
23 **ING.**—Each athlete shall be tested a minimum of
24 once each year that such athlete is participating in
25 the activities organized by the professional sports as-
26 sociation. Tests shall be conducted at random

1 throughout the entire year and the athlete shall not
2 be notified in advance of the test.

3 (2) APPLICABLE SUBSTANCES.—The Secretary
4 shall, by rule, issue a list of substances for which
5 each athlete shall be tested. Such substances shall be
6 those that are—

7 (A) determined by the World Anti-Doping
8 Agency to be prohibited substances; and

9 (B) determined by the Secretary to be per-
10 formance-enhancing substances for which test-
11 ing is reasonable and practicable.

12 (3) METHOD OF TESTING AND ANALYSIS.—
13 Tests shall be administered by an independent party
14 not affiliated with the professional sports associa-
15 tion.

16 (4) PENALTIES.—Subject to the determination
17 made pursuant to an appeal as described in para-
18 graph (5), a positive test shall result in the following
19 penalties:

20 (A) SUSPENSION.—

21 (i) An athlete who tests positive shall
22 be suspended from participation in the pro-
23 fessional sports association for a minimum
24 of 2 years.

1 (ii) An athlete who tests positive, hav-
2 ing once previously tested positive shall be
3 permanently suspended from participation
4 in the professional sports association.

5 All suspensions shall include a loss of pay for
6 the period of the suspension.

7 (B) DISCLOSURE.—The name of any ath-
8 lete having a positive test result shall be dis-
9 closed to the public.

10 (5) APPEALS PROCESS.—An athlete who tests
11 positive and is subject to penalty under paragraph
12 (4) shall be afforded an opportunity for a prompt
13 hearing and a right to appeal. Such athlete shall file
14 an appeal with the professional sports association
15 within 5 days after learning of the positive test. The
16 association shall hold a hearing and reach a final ad-
17 judication not later than 30 days after receiving no-
18 tice of the appeal. The penalties specified in para-
19 graph (4) shall be stayed pending an appeal and
20 final adjudication.

21 **SEC. 4. EXEMPTIONS.**

22 The Secretary may exempt from the regulations pro-
23 mulgated pursuant to section 3 any professional sports as-
24 sociation that has previously adopted and implemented
25 policies and procedure for testing athletes for prohibited

1 substances that meet or exceed the requirements of such
2 regulations.

3 **SEC. 5. NONCOMPLIANCE.**

4 Beginning 1 year after the date on which the final
5 rules required by section 3 are issued, the Secretary may
6 fine any professional sports association that fails to adopt
7 and enforce testing policies and procedures consistent with
8 such regulations. An initial fine for failing to adopt or en-
9 force such policies and procedures under this Act shall be
10 \$5,000,000 and may be increased by the Secretary by
11 \$1,000,000 for each day of noncompliance.

12 **SEC. 6. REPORTS.**

13 (a) REPORT ON EFFECTIVENESS OF REGULA-
14 TIONS.—Not later than 2 years after the date of enact-
15 ment of this Act and every 2 years thereafter, the Sec-
16 retary shall transmit to the Committee on Energy and
17 Commerce of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate, a report describing the effectiveness of the regula-
20 tions prescribed pursuant to this Act, the degree to which
21 professional sports associations have complied with such
22 regulations, and any significant examples of noncompli-
23 ance.

24 (b) STUDY ON COLLEGE AND SECONDARY SCHOOL
25 TESTING POLICIES AND PROCEDURES.—

1 (1) STUDY.—The Comptroller General shall
2 conduct a study on the use of performance-enhanc-
3 ing substances by college and secondary school ath-
4 letes. The study shall examine the prohibited sub-
5 stance policies and testing procedures of—

6 (A) intercollegiate athletic associations;

7 (B) college and university athletic depart-
8 ments; and

9 (C) secondary schools and State and re-
10 gional interscholastic athletic associations.

11 (2) REPORT.—Not later than 1 year after the
12 date of enactment of this Act, the Comptroller Gen-
13 eral shall transmit a report to the Committee on En-
14 ergy and Commerce of the House of Representatives
15 and the Committee on Commerce, Science, and
16 Transportation of the Senate. The report shall as-
17 sess the adequacy of such testing policies and proce-
18 dures in detecting and preventing the use of per-
19 formance-enhancing substances, and shall include
20 any recommendations to Congress regarding expand-
21 ing the application of the regulations issued pursu-
22 ant to this Act to such intercollegiate and inter-
23 scholastic athletic associations.

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