

111TH CONGRESS
2D SESSION

S. 3851

To clarify the relationship of the policies of sports leagues or associations and provisions of State or local law regarding the use of performance-enhancing drugs in interstate competition.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2010

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To clarify the relationship of the policies of sports leagues or associations and provisions of State or local law regarding the use of performance-enhancing drugs in interstate competition.

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 “Clean Sports Protec-
5 tion Act”.

6 **SEC. 2. RELATIONSHIP OF PROFESSIONAL LEAGUE POLI-**
7 **CIES TO STATE OR LOCAL LAW.**

8 (a) PREEMPTION.—

1 (1) IN GENERAL.—If a covered sports league or
2 association has in effect policies designed to detect
3 and prevent the use of steroids or other perform-
4 ance-enhancing drugs by participants in such cov-
5 ered sports league or association, such policies shall
6 preempt any provision of a civil law of a State or po-
7 litical subdivision of a State that is less stringent
8 than such policies.

9 (2) RULE OF CONSTRUCTION.—For purposes of
10 this subsection, a provision of civil law of a State or
11 political subdivision of a State is not less stringent
12 than a policy of a covered sports league or associa-
13 tion relating to the use of steroids or other perform-
14 ance-enhancing drugs if the requirements or prohibi-
15 tions in such provision are more likely to detect and
16 prevent the use of steroids or other performance en-
17 hancing drugs by participants in events of such cov-
18 ered sports league or association than the require-
19 ments or prohibitions in such policy.

20 (b) DEFINITION.—As used in this section, the term
21 “covered sports league or association” means Major
22 League Baseball, Minor League Baseball, the National
23 Football League, the Arena Football League, the National
24 Basketball Association, the Women’s National Basketball
25 Association, the National Hockey League, Major League

1 Soccer, and any successor organization to those organiza-
2 tions.

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