

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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## MICHIGAN STATE LAW LIBRARY

Senate Bill 350 (as enrolled)

Sponsor: Senator William Faust

Senate Committee: Health Policy

House Committee: Public Health

PUBLIC ACT 31 of 1990

Date Completed: 1-31-91

RATIONALE

Whether the athletic arena is a high school football program or a neighborhood gymnasium, some athletes involved in those programs illegally use androgenic anabolic steroids merely to increase muscle mass and strength in order to enhance their overall performance. Androgenic (masculinizing) anabolic (muscle-building) steroids have been found to promote tissue growth, and have been prescribed legitimately for the treatment of certain anemias, hereditary angioedema, and certain cases of breast cancer. Some athletes, however, are using steroids or human growth hormones illegally, because of their reputed muscle-building qualities, as a quick way to achieving bigger muscles and athletic success. The misuse of steroids reportedly carries with it the risk of serious side effects, including stunted bone growth, liver disorders, kidney damage, stroke, heart attack, psychosis, and sterility. In order to combat steroid abuse and the illegal sale of these substances, some people believe that notices warning of the illegal use or sale of these substances should be posted in certain athletic facilities frequented by athletes.

CONTENT

The bill would create an act to require "athletic service providers" to post a warning notice, as prescribed in the bill, regarding the use or sale of anabolic steroids; specify where these notices would have to be placed; provide penalties for violation of the bill; and, authorize the

Department of Public Health (DPH) to promulgate rules to implement the bill.

The bill specifies that provisions on posting the warning notice and violating the bill would take effect 90 days after the bill's effective date.

Warning Notice

An "athletic services provider", meaning a person who owned or operated an "educational athletic facility", or "a recreational athletic facility", would be required to place the warning notice in a form prescribed by the Department in each facility owned or operated by that provider.

The notice would have to contain a warning that a person who, in violation of the Public Health Code, knowingly used or possessed an androgenic anabolic steroid would be guilty of a misdemeanor, or who knowingly delivered or possessed with intent to deliver an anabolic steroid or counterfeit anabolic steroid would be guilty of a felony. The notice would have to state that such persons also would be subject to the following penalties:

- Use: imprisonment for up to 90 days, or a fine of up to \$100, or both.
- Possession: imprisonment for up to 90 days, or a maximum fine of \$100, or both. A second or subsequent violation would be a felony, punishable by up to four years' imprisonment, or a maximum fine of \$2,000, or both.

- Delivery: imprisonment for up to seven years, or a maximum fine of \$5,000, or both.

(These penalties will be established in the Public Health Code under Public Act 30 of 1990, which takes effect March 28, 1991.)

The notice also would have to include a warning about transmitted diseases and infections specifying that the shared use of hypodermic needles can result in the transmission of serious communicable diseases and infections including AIDS (Acquired Immunodeficiency Syndrome) and hepatitis B.

In addition, the notice would have to include the following potential side effects resulting from use of these substances: atrophy of the testicles, sterility, acne, stroke, psychosis, addiction, withdrawal, heart attack, enlarged breasts, impotence, hair loss, kidney damage, cardiovascular disease, high blood pressure, high blood cholesterol, and stunted bone growth.

The Department could modify the notice's contents to reflect changes in criminal penalties, scientific discoveries regarding the potential side effects from the use of anabolic steroids, and scientific evidence regarding serious communicable diseases and infections that may be transmitted by the shared use of hypodermic needles.

The Department would be required to produce the notice and have copies available free of charge for distribution to educational institutions and recreational athletic facilities within 60 days after the bill's effective date.

#### Posting of the Notice

An athletic services provider would be required to place the notice conspicuously in the following locations:

- If the facility were an educational athletic facility, in each locker room.
- If the facility were a recreational athletic facility, near each entrance and in each locker room.

#### Penalties

A person who violated the bill would be responsible for a civil violation, and would have to be fined up to \$50. A person who violated the bill after he or she was notified of the violation in writing by the DPH would be responsible for a civil violation, and would have to be fined up to \$50 for each day that the violation continued after the notice was issued.

#### Definitions

"Educational athletic facility" would mean a facility that was owned or operated by an educational institution (public or private secondary school, trade school, vocational school, community or junior college, college, or university) and that was used or intended to be used for maintaining or enhancing the aerobic condition or physical strength of one or more individuals, or for athletic competition between two or more individuals.

"Recreational athletic facility" would mean a gymnasium, fitness center, or health spa that was used or intended to be used to maintain or enhance the physical strength of persons through the use of free weights or weight-lifting machinery. "Recreational athletic facility" would not include the following:

- A gymnasium, fitness center, or health spa that was located in a residence or residential complex, if that facility were used or intended to be used only by the residents of that residence or residential complex, or by their nonpaying guests.
- A gymnasium, fitness center, or health spa that was located in a hotel, as defined in Public Act 188 of 1913, if that facility were used or intended to be used only by the hotel's guests. ("Hotel" is defined in Public Act 188 as a building or structure kept, used, maintained as, or held out to the public to be an inn, hotel, or public lodging house. "Hotel" does not include a bed and breakfast, as defined in the State Construction Code Act.)
- A facility used exclusively for engaging in the practice of physical therapy, as defined in the Public Health Code. ("Practice of physical therapy" is defined as the evaluation of, education of, consultation with, or treatment of an

individual by the employment of effective properties of physical measures and the use of therapeutic exercises and rehabilitative procedures, with or without assistive devices, for the purpose of preventing, correcting, or alleviating a physical or mental disability. It includes treatment planning, performance of tests and measurements, interpretation of referrals, initiation of referrals, instruction, consultative services, and supervision of personnel. Physical measures include massage, mobilization, heat, cold, air, light, water, electricity, and sound. "Practice of physical therapy" does not include the identification of underlying medical problems or etiologies, the establishment of medical diagnoses, or the prescribing of treatment.)

steroids, and, according to the U.S. Food and Drug Administration, the illegal sale of steroids totals more than \$100 million a year. One method for combating the illegal use of these potentially damaging drugs would be to educate the users--athletes--of the potential side effects and legal consequences of illegally using these drugs. Senate Bill 350 would aid in this effort by requiring the owners and operators of certain athletic facilities to post warning notices about the use or sale of steroids.

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### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on the State General Fund. The magnitude and direction of the impact would depend on the number of civil violations, the degree and cost of enforcement, and the number of fines levied.

### **ARGUMENTS**

#### **Supporting Argument**

The possible side effects of using androgenic anabolic steroids can be severe and can result in sterility; liver disorders; cardiovascular disorders, such as elevated blood pressure and coronary disfunction; central nervous system disorders, such as dizziness, fatigue, tremors, and depression; gastrointestinal disorders, such as kidney tumors and kidney toxicity; and, negative psychological effects, such as severe mood swings and aggressive behavior. In some cases, the effects of steroid abuse have resulted in death from heart attacks and suicide. Despite these health risks, some athletes have resorted to the use of steroids to increase muscle mass and strength in the belief that their size and performance will be enhanced. This nonmedical, and illegal, use of steroids is growing among athletes who can obtain steroids through the black market or through athletic trainers, coaches, and physicians who illegally distribute the drug to athletes who are bent on winning at all costs. Some reports estimate that more than 1 million American athletes may be using

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.