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BILL ANALYSIS

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Senate Bill 350

Sponsor: Senator William Faust

Committee: Health Policy

Date Completed: 5-8-89

SUMMARY OF SENATE BILL 350 as introduced 4-20-89:

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.

Warning Notice

An "athletic services provider", meaning a person who owned or operated an "educational athletic facility", "a recreational facility", or a "sports 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 Michigan law provided that it was illegal to participate in the unlawful sale, use, possession, or exchange of anabolic steroids, testosterone, or human growth hormone. The notice also would have to include the following maximum penalties under Michigan law (which are applicable to other Schedule 2 drugs):

- Manufacture or delivery: felony; imprisonment for seven years, a \$5,000 fine, or both.
- Possession: felony; imprisonment for two years, a \$2,000 fine, or both.
- Possession on school property by a person 18 years of age or older: felony; imprisonment for four years, a \$4,000 fine; or both.
- Use: misdemeanor; imprisonment for one year, a \$1,000 fine, or both.
- Distribution or delivery by an adult to a minor three or more years younger than the adult: felony; imprisonment for 14 years, a \$5,000 fine, or both.

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, enlarged breasts, impotence, hair loss, kidney damage, cardiovascular disease, high blood pressure, withdrawal, heart attack, high blood cholesterol, and stunted bone growth.

Posting of the Notice

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

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

Penalties

A person who violated the bill would be responsible for a civil violation, and would 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 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, other than a sports 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 facility other than an educational athletic facility or sports facility that was used or intended to be used for one or more of the following: maintaining or enhancing the aerobic condition or physical strength of one or more individuals, if a fee or other consideration were directly or indirectly charged to that person for use of that facility; and, athletic competition between two or more persons, if a fee or other consideration were directly or indirectly charged to those individuals for use of that facility.

"Sports facility" would mean a facility used or intended to be used for the public display of athletic competitions.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: P. Graham

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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.