

Professional Sport Integrity and Accountability Act

Written by Senate Bill (Steroids)
Tuesday, 28 June 2005 12:00

Professional

Sport Integrity and Accountability Act

June 29, 2005

109th

CONGRESS

1st Session

S. 1334

To provide for integrity and accountability in professional sports.

**IN THE
SENATE OF THE UNITED STATES**

**June 29,
2005**

Mr. BUNNING (for himself, Mr. STEVENS, and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and

Transportation

A BILL

To _____ provide for integrity and
accountability in professional
sports.

*Be it _____ enacted by the Senate and
House of Representatives of _____ the
United States of America in Congress assembled,*

SECTION

1. SHORT TITLE.

This Act may be cited as the
'Professional Sports Integrity and
Accountability Act'.

SEC. 2.

EFFECTIVE DATE.

This Act shall take effect 1 year
after the date of enactment of this
Act.

SEC. 3.

DEFINITIONS.

In this

Act:

(1) COMMISSION- The term
'Commission' means the Federal Trade
Commission.

(2) OFF-SEASON- The term
'off-season' for each professional athlete

means the period of time outside the
professional sports season.

(3) PROFESSIONAL ATHLETE-
The term `professional athlete' means an
individual who competes in a professional
sports league.

(4) PROFESSIONAL SPORTS
EVENT- The term `professional sports event'
means any game, match, or competition
conducted in the United States
between any teams, clubs, or organizations

of a professional sports league.

(5) PROFESSIONAL SPORTS LEAGUE- The term `professional sports league' means Major League Baseball, Minor League Baseball, the National Football League, the Arena Football League, the National Basketball Association, the Women's National Basketball Association, the National Hockey League, Major League Soccer, and any successor organization to those organizations.

(6) PROFESSIONAL SPORTS SEASON- The term `professional sports season' for each professional athlete means the period of time beginning on the date on which the athlete is eligible, invited, allowed, or required to report for practice or preparation to compete in a professional sports league and ending on the later of the date of the league's last regularly scheduled professional sports event or the date of the last professional sports event of the post-season in which the athlete is eligible, invited, allowed, or required to participate.

(7) PROTOCOL- The term `Protocol' means the United States Anti-Doping Agency Protocol for Olympic Movement Testing and any

successor to that protocol.

**SEC. 4.
PROHIBITED.**

CONDUCT

It is unlawful for a professional sports league to organize, sponsor, endorse, promote, produce, or recognize a professional sports event without adopting and enforcing a testing policy that meets the requirements of section 5.

SEC. 5. MINIMUM DRUG POLICY IN PROFESSIONAL SPORTS.

(a) Testing Policy Required- Each professional sports league shall adopt and enforce policies and procedures to--

(1) proscribe the use of prohibited substances and methods by each professional athlete competing in the league;

(2) test _____ for the use of prohibited substances and methods by _____ each professional athlete competing in the league; and

(3) proscribe _____ any person associated with the league from complicity _____ in a violation by a professional athlete competing _____ in the league.

(b) Prohibited _____ Substances and Methods- At a minimum, the prohibited substances and methods are as follows:

(1) PROFESSIONAL SPORTS SEASON- During the professional sports season, all substances and methods in such amounts as prohibited in-competition by the Protocol, excluding substances or methods prohibited in a particular sport as defined by the Protocol.

(2) OFF-SEASON- During the off-season, all substances and methods in such amounts as prohibited out-of-competition by the Protocol, excluding substances or methods prohibited in a particular sport as

defined by the Protocol.

(3) ADDITIONAL SUBSTANCES
AND METHODS- Any other substances or methods
or amounts of substances or
methods determined by the
Commission to be performance-enhancing
substances or methods for which
testing is reasonable and practicable.

(c) Violations-

(1) PROFESSIONAL ATHLETE-
The following constitute violations of the
testing policy under this section for a
professional athlete:

(A) The presence of a
prohibited substance or its metabolites
or markers in the bodily specimen of a
professional athlete, or evidence
of the use of a prohibited
method.

(B) Refusing, or failing without compelling justification, to submit to a test. The absence of an athlete from the United States shall not alone be a compelling justification under this subparagraph.

(2) ANY PERSON- The following constitute violations of the testing policy under this section for any person associated with a professional sports league:

(A) The administration or attempted administration of a prohibited substance or method to any professional athlete.

(B) Assisting, encouraging, aiding, abetting, covering up, or any other type of complicity involving a violation by a professional athlete.

(d) Conduct of Tests-

(1) FREQUENCY,
RANDOMNESS, AND ADVANCE NOTICE-

(A) IN GENERAL- Each professional athlete shall be tested for the use of prohibited substances and methods no less than 3 times in each calendar year that the athlete competes in a professional sports league.

(B) RANDOM- Tests conducted under this subsection shall be conducted at random intervals throughout the entire calendar year with no advance notice to the professional athlete.

(2) ADMINISTRATION ANALYSIS- AND

(A) IN GENERAL- Tests under this subsection shall be conducted by an independent entity not subject to the control of any professional sports league.

(B) METHODS, POLICIES, AND PROCEDURES- The independent entity shall determine the methods, policies, and procedures of collection, transportation, and analysis of bodily specimens of professional athletes necessary to conduct tests for prohibited substances and methods and shall conduct such collection, transportation,

and analysis.

(C) ANALYSIS- Analysis of specimens shall be conducted in a laboratory that meets the requirements for approval by the United States Anti-Doping Agency and is located within the United States.

(3) SUBSTANCES-

(A) **IN GENERAL-** Each professional athlete shall be tested for all prohibited substances and methods at the time of the administration of each test.

(B) **LIMITED EXEMPTION FOR MEDICAL OR THERAPEUTIC USE-**

A professional sports league may provide an

individual professional athlete
with an exemption for a particular
prohibited substance or method if such substance
or method--

(i) has a legitimate and
documented medical or therapeutic
use;

(ii) _____ is for a documented
medical condition of such
athlete; and

(iii) _____ is properly prescribed by a
doctor of medicine _____ licensed in
the United States.

(e) Penalties-

(1) VIOLATION- Subject to
paragraph (3), a violation shall result
in the following penalties:

(A) FIRST VIOLATION- A
person who commits a violation
shall be immediately suspended from participation
in any professional sports league
without pay for a minimum of 2

years.

(B) SECOND VIOLATION- A
person who commits a violation,
having once previously committed a violation, shall
be immediately permanently
suspended without pay from
participation in any professional sports league.

(2) DISCLOSURE-

(A) AFTER NOTICE- Not later than 10 days after receiving notice of a violation under this section, a professional sports league shall publicly disclose the name of the violator, the penalty imposed, and a description of the violation, including any prohibited substance or method involved.

(B) ADJUDICATION
PROCEEDINGS- The league shall publicly
disclose the results of any adjudication
proceedings required by
paragraph (3) within 10 days of notice
of the termination of the proceedings.

(3) ADJUDICATION-

(A) IN GENERAL- A
professional sports league shall--

(i) provide a violator with prompt notice and a prompt hearing and right to appeal; and

(ii) permit that violator to have counsel or other representative for the proceedings.

(B) VIOLATOR SUSPENDED-
A violator subject to this paragraph
shall be suspended without pay from participation
in any professional sports league
during the proceedings.

(f) Records-

(1) IN

GENERAL- Each

professional sports league shall maintain
all documentation and records pertaining to
the policies and procedures
required by this section and make such
documentation and records available to the
Commission upon request.

(2) PRIVACY- With regards to
any information provided to the Commission
under this subsection, nothing in this Act
shall be construed to require
disclosure to the public of health
information of an individual athlete that would not
be subject to disclosure under other
applicable Federal laws.

SEC. 6.

ENFORCEMENT.

(a) Unfair or Deceptive Acts or Practices- Except as provided in subsection (b), this Act shall be enforced by the Commission as if a violation of this Act or of any regulation promulgated by the Commission under this Act were a violation of section 18 of the Federal Trade Commission Act regarding unfair or deceptive acts or practices.

(b) Enhanced Civil Penalties- In addition to the penalties provided in subsection (a), the Commission may seek a civil penalty not to exceed \$1,000,000

for each day a professional sports league is in violation of this Act.

(c) Promulgation of Regulations-
The Commission may promulgate such regulations as necessary to enforce this Act as if the relevant provisions of the Federal Trade Commission Act were incorporated in this Act.

(d) Delegation- The Commission may delegate the administration of this Act or any part of this Act to any appropriate agency of the United States Government.

SEC. 7. CONSTRUCTION.

RULES OF

(a) United States Anti-Doping Agency- Nothing in this Act shall be construed to deem the United States Anti-Doping Agency an agent of or an actor on behalf of the United States Government or impose any requirements or place any limitations on the United States Anti-Doping Agency.

(b) More Stringent Policies- Nothing in this Act shall be construed to prohibit a professional sports league from adopting and enforcing policies

and procedures more stringent than the requirements of this Act.

SEC. 8. SENSE OF CONGRESS ON COORDINATION WITH THE UNITED STATES ANTI-DOPING AGENCY.

It is the sense of Congress that--

(1) the United States Anti-Doping Agency is the Nation's leading expert on testing for and research on

performance-enhancing
substances and methods; and

(2) professional sports leagues
should consult with and follow the
recommendations and standards of the Agency in
developing their testing policies
and procedures.

**SEC. 9. SENSE OF
CONGRESS ON PROFESSIONAL SPORTS
RECORDS.**

It is the sense of Congress that the individual records of athletes achieved while using performance-enhancing drugs should be invalidated.

SEC. 10. SENSE OF CONGRESS ON OTHER PROFESSIONAL SPORTS ORGANIZATIONS.

It is the sense of Congress that all professional sports organizations not covered by this Act should adopt testing policies that meet the requirements of the

Professional Sport Integrity and Accountability Act

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Act.

END