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**PROHIBIT MARKETING
PERFORMANCE ENHANCEMENT
DIET SUPPLEMENTS TO STUDENTS**

**House Bill 4838
Sponsor: Rep. David Mead
Committee: Education**

Complete to 9-23-99

A SUMMARY OF HOUSE BILL 4838 AS INTRODUCED 9-21-99

House Bill 4838 would amend the Revised School Code to prohibit school district employees from promoting or marketing performance enhancing dietary supplements to students.

Specifically, under the bill a public school employee could not a) knowingly sell, market, or distribute a dietary supplement that contains a performance-enhancing compound to a pupil with whom the public school employee has contact as part of his or her duties as an employee; and, b) knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a such a dietary supplement.

Under the bill, the prohibition would not apply to a school employee's own child. The bill also would not apply to any other pupil if the performance-enhancing compound were sold, marketed, distributed, endorsed, or suggested for ingestion as part of an activity that met all of the following:

1. did not occur on school property or at a school-related function;
2. was entirely separate from any aspect of the public school employee's employment; and,
3. did not in any way involve information about or contact with a pupil that the employee had direct or indirect access to through any aspect of his or her employment as a public school employee.

A person who violated this section would be guilty of a misdemeanor punishable by a fine of up to \$500, imprisonment for up to three months, or both.

House Bill 4838 would define "dietary supplement" as that term is defined in the federal Food, Drug, and Cosmetic Act. The bill also would define "performance-enhancing compound" to mean a manufactured product for oral ingestion, intranasal application, or inhalation that both contains a stimulant, amino acid, hormone precursor, herb or other botanical, or any other substance that is not an essential vitamin or mineral; and is intended to increase athletic or intellectual performance, promote muscle growth, or increase an individual's endurance or capacity for exercise.

Finally, the bill would define "public school employee" to mean a person employed by a school district, local act school district, intermediate school district, or public school academy (more customarily called a charter school).

MCL 380.1317

House Bill 4838 (9-23-99)

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.