

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 706 (as introduced 9-21-99)
Sponsor: Senator Leon Stille
Committee: Education

Date Completed: 10-13-99

CONTENT

The bill would amend the Revised School Code to do the following:

- **Prohibit a public school employee from knowingly selling or promoting the use of a dietary supplement that contained a performance-enhancing compound to a pupil with whom the employee had contact as part of his or her employment.**
- **Permit a public school employee to sell or endorse the use of a performance-enhancing dietary supplement to a pupil as part of an activity that did not occur on school property or at a school-related function; was separate from the person's public school employment; and, did not involve information or contact with a pupil to whom the employee had access as the result of being a public school employee.**
- **Establish misdemeanor penalties for violating the bill.**

The bill would prohibit a public school employee from doing any of the following: knowingly selling, marketing, or distributing a dietary supplement that contained a performance-enhancing compound to a pupil with whom the employee had contact as part of his or her duties as a public school employee; or knowingly endorsing or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contained a performance-enhancing compound by a pupil with whom the employee had contact as part of his or her duties as a public school employee.

The bill would not prohibit a public school employee from selling, marketing, or distributing a dietary supplement that contained a performance-enhancing compound to, or endorsing or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contained a performance-enhancing compound by, a pupil as part of an activity that met all of the following: did not occur on school property or at a school-related function; was entirely separate from any aspect of the public school employee's employment as a public school employee; and, did not in any way involve information about or contacts with a pupil to whom the public school employee had had direct or indirect access through any aspect of his or her employment as a public school employee.

In addition, the bill would not prohibit a public school employee from providing or endorsing a dietary supplement that contained a performance-enhancing compound to, or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contained a performance-enhancing compound by, the public school employee's own child.

A person who violated the bill would be subject to the Code's penalties for a school official's neglect or refusal to perform an act required under the Code (MCL 380.1804). (Under the Code, a school official or member of a school board or intermediate school board or other person who neglects or refuses to do or perform an act required under by the Code, or who violates or knowingly permits or consents to a violation of the Code, is guilty of a misdemeanor punishable by a fine of up to \$500 and/or imprisonment for not more than three months.)

Under the bill, "dietary supplement" would mean that term as defined in the Federal Food, Drug, and Cosmetic Act. "Performance-enhancing compound" would mean a manufactured product for oral ingestion, intranasal application, or inhalation that met both of the following: contained a stimulant, amino acid, hormone precursor,

herb or other botanical, or any other substance that was not an essential vitamin or mineral; and, was intended to increase athletic or intellectual performance, promote muscle growth, or increase an individual's endurance or capacity for exercise. "Public school employee" would mean a person employed by a school district, local act school district, intermediate school district, or public school academy.

Proposed MCL 380.1317

Legislative Analyst: L. Arasim

FISCAL IMPACT

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

Fiscal Analyst: J. Carrasco

S9900\706sa

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.