



HOUSE BILL No. 4838

September 21, 1999, Introduced by Rep. Mead and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1317. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
2 (2), A PUBLIC SCHOOL EMPLOYEE SHALL NOT DO ANY OF THE FOLLOWING:
3 (A) KNOWINGLY SELL, MARKET, OR DISTRIBUTE A DIETARY SUPPLE-
4 MENT THAT CONTAINS A PERFORMANCE-ENHANCING COMPOUND TO A PUPIL
5 WITH WHOM THE PUBLIC SCHOOL EMPLOYEE HAS CONTACT AS PART OF HIS
6 OR HER DUTIES AS A PUBLIC SCHOOL EMPLOYEE.
7 (B) KNOWINGLY ENDORSE OR SUGGEST THE INGESTION, INTRANASAL
8 APPLICATION, OR INHALATION OF A DIETARY SUPPLEMENT THAT CONTAINS
9 A PERFORMANCE-ENHANCING COMPOUND BY A PUPIL WITH WHOM THE PUBLIC
10 SCHOOL EMPLOYEE HAS CONTACT AS PART OF HIS OR HER DUTIES AS A
11 PUBLIC SCHOOL EMPLOYEE.

1 (2) THIS SECTION DOES NOT PROHIBIT A PUBLIC SCHOOL EMPLOYEE
2 FROM DOING ANY OF THE FOLLOWING:

3 (A) PROVIDING OR ENDORSING A DIETARY SUPPLEMENT THAT CON-
4 TAINS A PERFORMANCE-ENHANCING COMPOUND TO, OR SUGGESTING THE
5 INGESTION, INTRANASAL APPLICATION, OR INHALATION OF A DIETARY
6 SUPPLEMENT THAT CONTAINS A PERFORMANCE-ENHANCING COMPOUND BY, THE
7 PUBLIC SCHOOL EMPLOYEE'S OWN CHILD.

8 (B) SELLING, MARKETING, OR DISTRIBUTING A DIETARY SUPPLEMENT
9 THAT CONTAINS A PERFORMANCE-ENHANCING COMPOUND TO, OR ENDORSING
10 OR SUGGESTING THE INGESTION, INTRANASAL APPLICATION, OR INHALA-
11 TION OF A DIETARY SUPPLEMENT THAT CONTAINS A
12 PERFORMANCE-ENHANCING COMPOUND BY, A PUPIL AS PART OF AN ACTIVITY
13 THAT MEETS ALL OF THE FOLLOWING:

14 (i) DOES NOT OCCUR ON SCHOOL PROPERTY OR AT A SCHOOL-RELATED
15 FUNCTION.

16 (ii) IS ENTIRELY SEPARATE FROM ANY ASPECT OF THE PUBLIC
17 SCHOOL EMPLOYEE'S EMPLOYMENT AS A PUBLIC SCHOOL EMPLOYEE.

18 (iii) DOES NOT IN ANY WAY INVOLVE INFORMATION ABOUT OR CON-
19 TACTS WITH A PUPIL THAT THE PUBLIC SCHOOL EMPLOYEE HAS HAD DIRECT
20 OR INDIRECT ACCESS TO THROUGH ANY ASPECT OF THE PUBLIC SCHOOL
21 EMPLOYEE'S EMPLOYMENT AS A PUBLIC SCHOOL EMPLOYEE.

22 (3) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE
23 PENALTIES UNDER SECTION 1804.

24 (4) AS USED IN THIS SECTION:

25 (A) "DIETARY SUPPLEMENT" MEANS THAT TERM AS DEFINED IN SEC-
26 TION 201 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, CHAPTER
27 675, 52 STAT. 1040, 21 U.S.C. 321.

1 (B) "PERFORMANCE-ENHANCING COMPOUND" MEANS A MANUFACTURED
2 PRODUCT FOR ORAL INGESTION, INTRANASAL APPLICATION, OR INHALATION
3 THAT MEETS BOTH OF THE FOLLOWING:

4 (i) CONTAINS A STIMULANT, AMINO ACID, HORMONE PRECURSOR,
5 HERB OR OTHER BOTANICAL, OR ANY OTHER SUBSTANCE THAT IS NOT AN
6 ESSENTIAL VITAMIN OR MINERAL.

7 (ii) IS INTENDED TO INCREASE ATHLETIC OR INTELLECTUAL PER-
8 FORMANCE, PROMOTE MUSCLE GROWTH, OR INCREASE AN INDIVIDUAL'S
9 ENDURANCE OR CAPACITY FOR EXERCISE.

10 (C) "PUBLIC SCHOOL EMPLOYEE" MEANS A PERSON EMPLOYED BY A
11 SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, INTERMEDIATE SCHOOL
12 DISTRICT, OR PUBLIC SCHOOL ACADEMY.