

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'16 JAN 25 P5 05

SENATE
S. No. 3104

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

AN ACT
MANDATING A UNIFORM RANDOM DRUG TESTING
FOR PROFESSIONAL ATHLETES

EXPLANATORY NOTE

This bill intends to protect the integrity of professional sports and health and safety of athletes generally, with the objectives of eliminating performance-enhancing substances. It would establish a uniform random drug testing policy for professional athletes, with substantial fines imposed on sports organizations for falling to implement and comply with this policy.

The drug tests are designed to detect and deter abuse of performance-enhancing drugs by competitors. The testing procedures for drug abuse in sport are strict and at times deemed unfair. They are deemed unfair because athletes are responsible for knowing what is banned despite the fact that additions are made almost daily to the list of banned substances. This has prompted researchers to recommend to athletes that the best possible solution is to avoid all drugs unless listed on the allowed substance list.

It is also encouraged that drug tests should be conducted randomly because if athletes know when a drug test will occur, they can prepare for it and thereby neutralize the effects of drug testing on the use of performance enhancing drugs and/or masking

agents. Year-round short-notice and no-notice testing are the most effective means to curtail the use of training drugs because they make athletes always at risk to be tested.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed during the Fourteenth Congress, Second Regular Session.

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* – This Act shall be known as the “Professional Sports
2 Integrity and Accountability Act.”

3 SECTION 2. *Definition of Terms.* – For purposes of this Act, the term:

4 A. “Commission” means the Philippine Sports Commission.

5 B. “Off-season” means for each professional athlete means the period of time
6 outside the professional sports season.

7 C. “Professional Athlete” means an individual who competes in a professional
8 sports league.

9 D. “Professional Sports Event” means any game, match, or competition conducted
10 in the Philippines between any teams, clubs, or organizations of a professional sports
11 league.

12 E. “Professional Sports League” means the Philippine Basketball Association,
13 Philippine Billiards Association, Professional Bowlers Association or other professional
14 leagues duly-recognized by the Philippine Sports Commission.

15 F. “Professional Sports Season” means the period of time beginning on the date on
16 which the athlete is eligible, invited, allowed, or required to report for practice or

1 preparation to compete in a professional sports league and ending on the date of the
2 league's last regularly scheduled professional sports event of the post-season in which the
3 athlete is eligible, invited, allowed, or required to participate.

4 SECTION 3. *Prohibited Conduct.* – It is unlawful for a professional sports league
5 to organize, sponsor, endorse, promote, produce, or recognize a professional sports event
6 without adopting and enforcing a testing policy that meets the requirements of Section 4.

7 SECTION 4. *Drug Policy in Professional Sports.* –

8 A. Testing Policy Required - Each professional sports league shall adopt and
9 enforce policies and procedures to:

10 1. proscribe the use of prohibited substances and methods by each
11 professional athlete competing in the league;

12 2. test for the use of prohibited substances and methods by each
13 professional athlete competing in the league; and

14 3. proscribe any person associated with the league from complicity in a
15 violation by a professional athlete competing in the league.

16 B. Prohibited Substances and Methods - At a minimum, the prohibited substances
17 and methods are as follows:

18 1. Professional Sports Season - During the professional sports season, all
19 substances and methods in such amounts as prohibited in-competition by the
20 Protocol, excluding substances or methods prohibited in a particular sport as
21 defined by the Protocol.

22 2. Off Season - During the off-season, all substances and methods in such
23 amounts as prohibited out-of-competition by the Protocol, excluding substances or
24 methods prohibited in a particular sport as defined by the Protocol.

1 3. Additional Substances and Methods - Any other substances or methods
2 or amounts of substances or methods determined by the Commission to be
3 performance-enhancing substances or methods for which testing is reasonable and
4 practicable.

5 **C. Violations –**

6 1. Professional Athlete - The following constitute violations of the testing
7 policy under this Section for a professional athlete:

8 a. The presence of a prohibited substance or its metabolites or
9 markers in the bodily specimen of a professional athlete, or evidence of the
10 use of a prohibited method.

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

14 2. Any Person - The following constitute violations of the testing policy
15 under this section for any person associated with a professional sports league:

16 a. The administration or attempted administration of a prohibited
17 substance or method to any professional athlete.

18 b. Assisting, encouraging, aiding, abetting, covering up, or any other
19 type of complicity involving a violation by a professional athlete.

20 **D. Conduct of Tests –**

21 1. Frequency, Randomness, and Advance Notice - Each professional athlete
22 shall be tested for the use of prohibited substances and methods no less than three
23 times in each calendar year that the athlete competes in a professional sports
24 league. Tests conducted under this subsection shall be conducted at random
25 intervals throughout the entire calendar year with no advance notice to the
26 professional athlete.

1 2. Administration and Analysis - Tests under this subsection shall be
2 conducted by an independent entity not subject to the control of any professional
3 sports league. The independent entity shall determine the methods, policies, and
4 procedures of collection, transportation, and analysis of bodily specimens of
5 professional athletes necessary to conduct tests for prohibited substances and
6 methods and shall conduct such collection, transportation, and analysis.

7 3. Substances - Each professional athlete shall be tested for all prohibited
8 substances and methods at the time of the administration of each test.

9 4. Limited exemption for Medical or Therapeutic Use - A professional
10 sports league may provide an individual professional athlete with an exemption for
11 a particular prohibited substance or method if such substance or method –

12 a. has a legitimate and documented medical or therapeutic use;

13 b. is for a documented medical condition of such athlete; and

14 c. is properly prescribed by a doctor of medicine licensed in the
15 Philippines.

16 E. Penalties –

17 1. Violation - Subject to Section 4(C), a violation shall result in the
18 following penalties:

19 a. First Violation - A person who commits a violation shall be
20 immediately suspended from participation in any professional sports league
21 without pay for a minimum of two years.

22 b. Second Violation - A person who commits a violation, having
23 once previously committed a violation, shall be immediately permanently
24 suspended without pay from participation in any professional sports league.

25 2. Disclosure - Not later than ten days after receiving notice of a violation
26 under this section, a professional sports league shall publicly disclose the name of

1 the violator, the penalty imposed, and a description of the violation, including any
2 prohibited substance or method involved.

3 3. Adjudication - A professional sports league shall perform the following:

4 a. provide a violator with prompt notice and a prompt hearing and
5 right to appeal; and

6 b. permit that violator to have counsel or other representative for the
7 proceedings.

8 The league shall publicly disclose the results of any adjudication
9 proceedings required by paragraph (3) within ten days of notice of the
10 termination of the proceedings. A violator subject to this paragraph shall be
11 suspended without pay from participation in any professional sports league
12 during the proceedings.

13 4. Privacy - With regards to any information provided to the Commission
14 under this subsection, nothing in this Act shall be construed to require disclosure
15 to the public of health information of an individual athlete that would not be
16 subject to disclosure under other applicable laws.

17 **SECTION 5. *Enforcement.* -**

18 A. Unfair or Deceptive Acts or Practices - Except as provided in Section 4,
19 this Act shall be enforced by the Commission.

20 B. Enhanced Civil Penalties - In addition to the penalties provided in
21 Section 4, the Commission may seek a civil penalty not to exceed P10,000.00 for
22 each day a professional sports league is in violation of this Act.

23 C. Promulgation of Regulations - The Commission may promulgate such
24 regulations as necessary to enforce this Act.

1 D. Delegation - The Commission may delegate the administration of this
2 Act or any part of this Act to any appropriate agency of the Philippine
3 Government.

4 SECTION 6. *Separability Clause.* – If any provision of this Act is held invalid or
5 unconstitutional, the same shall not affect the validity and effectivity of the other
6 provisions hereof.

7 SECTION 7. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
8 portions thereof, which are inconsistent with the provisions of this Act, are hereby
9 repealed, amended or modified accordingly.

10 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after
11 its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

 Approved,

/fmf27Nov2015