

THIRTEENTH CONGRESS OF THE REPUBLIC }  
OF THE PHILIPPINES }  
Second Regular Session }

5 NOV 16 P3:25

SENATE  
S. B. No. 2163

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE


The Constitution, Article II, Section 17 provides:

The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

The illegal use of anabolic steroids, performance enhancing substances, controlled substances by professional and amateur or collegiate athletes poses a significant public health and safety concern not only for the players on the field, but also for the general public. As long as athletes believe the use of these products is necessary to gain a competitive edge and secure recognition in the professional leagues, there will be incentives for aspiring athletes to use these products to attempt to reach higher levels of competition.

The detrimental health effects of these substances are well-documented including stunted growth, scarring acne, hair loss, hormonal and metabolic imbalances, liver damage, a higher risk of heart attack and stroke, dramatic mood swings, and violent tendencies. The list of substances must be frequently monitored and updated because the list of performance-enhancing substances continues to expand and new substances are always being developed,

The tolerance of the use of performance enhancing substances by professional and amateur athletes by the sports leagues send the wrong message to youth that these drugs must be used to advance in athletic competitions.

  
MIRIAM DEFENSOR SANTIAGO

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AN ACT

TO ESTABLISH AND ENFORCE STANDARDS FOR TESTING FOR THE ILLEGAL USE  
OF PERFORMANCE ENHANCING SUBSTANCES AND OTHER CONTROLLED  
SUBSTANCES IN PROFESSIONAL AND AMATEUR OR COLLEGIATE SPORTS

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

SECTION 1. *Short Title.* – This Act shall be known as the “Professional Sports  
Responsibility Act of 2005.”

SECTION 2. *Definitions.* – For purposes of this Act, the term

(A) “Accreditation Body” – means the private nonprofit organization authorized under  
Section 4 to audit, inspect, and certify professional and amateur or collegiate leagues.

(B) “Off-Season” – means the period of time in each calendar year outside of the season  
of play for each professional or amateur or collegiate league.

(C) “Professional Athlete” – means an individual who competes in a major professional  
league.

(D) “Amateur Athlete” – means an individual who competes in a major amateur or  
collegiate league

(E) “SEASON OF PLAY” –

(1) IN GENERAL – for each major professional or amateur or collegiate league  
means the period of time in each calendar year beginning with the date on which  
professional and amateur athletes of that league are collectively obligated to  
report to their teams in preparation for play and ending with the last game of the  
league's regular season.

- (2) "POST-SEASON" – The season of play shall include post-season play for an athlete who is a member of a team that remains active in post-season play.

SECTION 3. *Standards for Testing for Performance-Enhancing and other Controlled Substances.* –

(A) In General - Not later than 180 days after the date of the enactment of this Act, the Philippine Sports Commission (PSC) shall issue rules requiring the testing by all major professional and amateur or collegiate leagues for the illegal use of steroids and other performance-enhancing substances and any substance designated as a controlled substance under the Dangerous Drugs Act. Such rules shall be issued with regard to each specific major professional and amateur or collegiate league and at a minimum establish –

- (1) the minimum number of times each professional athlete should be tested for prohibited substances during a calendar year, ensuring that tests are conducted at random intervals throughout the season of play and during the off-season;
- (2) the applicable prohibited substances for which professional athletes shall be tested;
- (3) a method of testing and analysis which guarantees that –
  - (a) the tests will be administered by an independent party who is not an employee of a major professional and amateur or collegiate league, member team, or organization representing professional or amateur athletes in that league; and
  - (b) the determination of the persons to be tested, and the timing and frequency of testing, is not controlled by the major professional and amateur or collegiate league;
- (4) a means for exempting particular substances that have legitimate medical or therapeutic use, if such use is for a documented medical condition of the professional or amateur or collegiate athlete;

- (5) sufficient penalties for any professional or amateur or collegiate athlete who tests positive for a prohibited substance and penalties for any professional or amateur or collegiate athlete who refuses or fails to submit to a required test;
- (6) an adequate appeals process; and
- (7) procedures for publicly disclosing the identity of any athlete who tests positive for a prohibited substance.

SECTION 4. *Authorization of Independent Accreditation Body and Certification.* –

(A) Accreditation Body – The PSC shall authorize a private organization to be an accreditation body for the certification of major professional leagues. Such accreditation body shall –

- (1) audit a major professional or amateur or collegiate league's testing protocols and policies with such frequency as the PSC shall determine; and
- (2) with such frequency as determined by the PSC, inspect the testing of a major professional and amateur or collegiate league of its athletes to ensure that the testing procedures meet the standards established under Section 3.

(B) Certification Requirements –

- (1) Certification – The accreditation body shall certify a major professional or amateur or collegiate league each year prior to the beginning of that league's season of play if such league has adopted and enforced a policy for the testing for the illegal use of performance-enhancing substances and other controlled substances which meets the standards established under Section 3.
- (2) Application and Requirements for Certification – To be certified under this section, a major professional or amateur or collegiate league shall –
  - (a) submit an application to the accreditation body in such form and manner as the Attorney General shall prescribe and describes the characteristics of the major professional or amateur or collegiate league's prohibited substance testing protocols, policies and procedures, including:

- (i) the number and types of tests for prohibited substances conducted in a calendar year, including the actual number of professional athletes tested;
- (ii) the methodologies used for administering tests and other procedures employed;
- (iii) the qualifications, educational background, training, and experience of the lab personnel selected to evaluate the tests; and
- (iv) adjudication policies and procedures, including policies and procedures governing an appeals process.

(b) provide the accreditation body satisfactory assurances that the major professional or amateur or collegiate league will be operated in accordance with standards issued by the PSC under Section 3; and

(c) agree to permit inspections by the accreditation body and to make available any records and submit reports to the accreditation body as the PSC may reasonably require.

(C) Suspension and Revocation – The certification of a major professional league issued under this section may be suspended or revoked if the accreditation body finds, after reasonable notice and opportunity for hearing of the owner or operator of the major professional and amateur or collegiate league, that such owner or operator or any employee of the major professional or amateur or collegiate league –

- (1) has been guilty of misrepresentation in obtaining the certification;
- (2) has failed to comply with the requirements of this section or the standards established under section 3;
- (3) has failed to comply with reasonable requests of the accreditation body for any information or materials that the accreditation body concludes is necessary to determine the major professional and amateur or collegiate league's continued eligibility for certification; or

(4) has refused a reasonable request of the accreditation body to inspect the major professional or amateur or collegiate league and its operations and pertinent records.

(D) Report – The accrediting body shall report to Congress whenever a major professional league fails to receive certification under subsection (B) or a major professional and amateur or collegiate league's certification is revoked or suspended, under subsection (C). The report shall include the reasons for which the league was not certified or for which its certification was revoked or suspended.

SECTION 5. *Penalties.* – Beginning one year after the date on which the final rules required by section 3 are issued, the PSC may penalize, by withdrawing its permit to operate, any major professional and amateur or collegiate league that fails to adopt and enforce testing policies and procedures consistent with such rules.

SECTION 6. *Separability Clause.* – If any provision or part hereof is invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. *Repealing Clause.* – All acts, decrees, orders, executive orders, instructions, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in two (2) national newspapers of general circulation. The publication shall not be later than seven (7) days after approval hereof.

Approved,