

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

10 JUL 19 15:15

SENATE  
S. No. 1617

RECEIVED BY

Introduced by Senator Miriam Defensor Santiago

#### EXPLANATORY NOTE

The Constitution, Article 11, 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 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 aspiring athletes who will use these products to attempt to be more competitive.

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 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.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

<sup>1</sup> This bill was originally filed during the Thirteenth Congress.

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1 AN ACT  
2 TO ESTABLISH AND ENFORCE STANDARDS FOR THE TESTING OF ILLEGAL  
3 USE OF PERFORMANCE ENHANCING SUBSTANCES AND OTHER  
4 CONTROLLED SUBSTANCES IN PROFESSIONAL, AMATEUR OR  
5 COLLEGIATE SPORTS  
6

7 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
8 *Congress assembled:*  
9

10 SECTION 1. *Short Title.* - This Act shall be known as the "Professional Sports  
11 Responsibility Act."  
12

13 SECTION 2. *Definitions.* - For purposes of this Act, the following terms shall mean:

14 (1) "Accreditation Body" - means the private nonprofit organization authorized under  
15 Section 4 to audit, inspect, and certify professional and amateur or collegiate leagues.

16 (2) "Off-Season" - means the period of time in each calendar year outside of the season  
17 of play for each professional or amateur or collegiate league.

18 (3) "Professional Athlete" - means an individual who competes in a major professional  
19 league.

20 (4) "Amateur Athlete" - means an individual who competes in a major amateur or  
21 collegiate league.

22 (5) "Season of Play" -

23 (A) In General - for each major professional or amateur or collegiate league  
24 means the period of time in each calendar year beginning with the date on which  
25 professional and amateur athletes of that league are collectively obligated to report to  
26 their teams in preparation for play and ending with the last game of the league's regular  
27 season.

1 (B) Post-Season - The season of play shall include post-season play for an athlete  
2 who is a member of a team that remains active in post-season play.

3  
4 SECTION 3. *Standards for Testing for Performance-Enhancing and Other Controlled*  
5 *Substances -*

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

12 (A) the minimum number of times each professional athlete should be tested for  
13 prohibited substances during a calendar year, ensuring that tests are conducted at random  
14 intervals throughout the season of play and during the off-season;

15 (B) the applicable prohibited substances for which professional athletes shall be  
16 tested,

17 (C) a method of testing and analysis which guarantees that -

18 (i) the tests will be administered by an independent party who is not an  
19 employee of a major professional and amateur or collegiate league, member team,  
20 or organization representing professional or amateur athletes in that league; and

21 (ii) the determination of the persons to be tested, and the timing and  
22 frequency of testing, is not controlled by the major professional and amateur 26 or  
23 collegiate league;

24  
25 (D) a means for exempting particular substances that have legitimate medical or  
26 therapeutic use, if such use is for a documented medical condition of the professional or  
27 amateur or collegiate athlete;

1 (E) sufficient penalties for any professional or amateur or collegiate athlete who  
2 tests positive for a prohibited substance and penalties for any professional or amateur or  
3 collegiate athlete who refuses or fails to submit to a required test;

4 (F) an adequate appeals process; and

5 (G) procedures for publicly disclosing the identity of any athlete who tests  
6 positive for a prohibited substance.

7  
8 SECTION 4. *Authorization of Independent Accreditation Body and Certification.*-

9 (1) Accreditation Body - The PSC shall authorize a private organization to be an  
10 accreditation body for the certification of major professional leagues. Such accreditation  
11 body shall -

12 (A) audit a major professional or amateur or collegiate league's testing protocols  
13 and policies with such frequency as the PSC shall determine; and

14 (B) with such frequency as determined by the PSC, inspect the testing of a major  
15 professional and amateur or collegiate league of its athletes to ensure that the testing  
16 procedures meet the standards established under Section 3.

17 (2) Certification Requirements -

18 (A) Certification -The accreditation body shall certify a major professional or  
19 amateur or collegiate league each year prior to the beginning of that league's season of  
20 play if such league has adopted and enforced a policy for the testing for the illegal use of  
21 performance-enhancing substances and other controlled substances which meets the  
22 standards established under Section 3;

23 (B) Application and Requirements for Certification - To be certified under this  
24 section, a major professional or amateur or collegiate league shall -

25 (i) submit an application to the accreditation body in such form and manner as the  
26 PSC shall prescribe, which application shall describe the characteristics of the major  
27 professional or amateur or collegiate league's prohibited substance testing protocols,  
28 policies and procedures, including:

1 (a) the number and types of tests for prohibited substances conducted in a  
2 calendar year, including the actual number of professional athletes tested;

3 (b) the methodologies used for administering tests and other procedures  
4 employed;

5 (c) the qualifications, educational background, training, and experience of  
6 the laboratory personnel selected to evaluate the tests; and

7 (d) adjudication policies and procedures, including policies and  
8 procedures governing an appeals process.

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

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

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

20 (A) has been guilty of misrepresentation in obtaining the certification;

21 (B) has failed to comply with the requirements of this section or the standards  
22 established under section 3;

23 (C) has failed to comply with reasonable requests of the accreditation body for  
24 any information or materials that the accreditation body concludes is necessary to  
25 determine the major professional and amateur or collegiate league's continued eligibility  
26 for certification; or

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

1           (4) Report - The accrediting body shall report to Congress whenever a major professional  
2 league fails to receive certification under subsection (2) or a major professional and amateur or  
3 collegiate league's certification is revoked or suspended, under subsection (3). The report shall  
4 include the reasons for which the league was not  
5 certified or for which its certification was revoked or suspended.

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

11  
12           SECTION 6. *Separability Clause.* - If any provision or part hereof is invalid or  
13 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain  
14 valid and subsisting.

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

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

Approved.