

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



Senate
Office of the Secretary

'13 JUL 22 P5:15

SENATE
S. No. 1037

RECEIVED BY: *ja*

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, and other 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 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 the youth that these drugs must be used to advance in athletic competitions.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Thirteenth Congress.



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1 AN ACT
2 ESTABLISHING STANDARDS FOR THE TESTING OF ILLEGAL USE OF
3 PERFORMANCE-ENHANCING SUBSTANCES AND OTHER CONTROLLED
4 SUBSTANCES IN PROFESSIONAL, AMATEUR, OR COLLEGIATE SPORTS

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

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

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

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

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

12 (3) “Professional Athlete” means an individual who competes in a major professional
13 league.

14 (4) “Amateur Athlete” means an individual who competes in a major amateur or
15 collegiate league.

16 (5) “Season of Play” –

17 (A) In General – for each major professional or amateur or collegiate league
18 means the period of time in each calendar year beginning with the date on which
19 professional and amateur athletes of that league are collectively obligated to report to

1 their teams in preparation for play and ending with the last game of the league's regular
2 season.

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

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

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

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

16 (B) The applicable prohibited substances for which professional athletes shall be
17 tested,

18 (C) A method of testing and analysis which guarantees that –

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

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

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

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

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

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

16 (2) Certification Requirements –

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

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

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

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

4 (b) The methodologies used for administering tests and other
5 procedures employed;

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

8 (d) Adjudication policies and procedures, including policies and
9 procedures governing an appeals process.

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

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

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

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

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

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

28 (D) has refused a reasonable request of the accreditation body to inspect the major
29 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 certified or for which its certification was
5 revoked or suspended.

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

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

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

16 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
17 publication in at least two (2) national newspapers of general circulation.

Approved,