

THIRTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
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6 JUN -7 P3:5

SENATE

RECEIVED BY: 

S. No. 2336

INTRODUCED BY HON. MANNY VILLAR

EXPLANATORY NOTE

The use of anabolic steroids and other performance-enhancing substances among Filipino professional athletes is not only sports problem but a public health problem of national significance. The adverse health effects caused by steroids and other performance-enhancing substances include stunted growth, scarring acne, hair loss, dramatic mood swings, hormonal and metabolic imbalances, liver damage, higher risk of heart disease and stroke in later life, as well as an increased propensity to demonstrate aggressive behavior, commit suicide and commit crimes. The clandestine but widespread use of these harmful substances greatly pose a danger to the health of Filipino athletes but also to the health, values and behavior of Filipino minors and teenagers who look up to these athletes as role models.

It cannot be disputed that the real or perceived tolerance of the use of performance-enhancing substances by professional athletes has resulted in both increased pressure on children and teenagers to use performance-enhancing drugs in order to advance their athletic careers and to professional sports loss of integrity. Hence, the adoption by professional sports leagues of strong policies to eliminate the use of performance-enhancing substances would result in the reduced use of these substances by children and teenagers and uphold the integrity of Philippine sports.

On this note, the attached bill prohibits all major professional leagues to arrange, promote, organize, or produce a professional game without complying with the minimum testing requirements prescribed therein. Likewise, this proposed bill imposes penalties on professional athletes who are found to be using performance-enhancing substances.

Accordingly, approval of this bill is highly recommended.


MANNY VILLAR

6 JUN -7 P3:28

SENATE

RECEIVED BY: 

S. No. 2336

INTRODUCED BY HON. MANNY VILLAR

**AN ACT ESTABLISHING THE MINIMUM STANDARDS FOR
THE TESTING OF STEROIDS AND OTHER PERFORMANCE-
ENHANCING
SUBSTANCES BY PROFESSIONAL SPORTS LEAGUES AND
IMPOSING PENALTIES
FOR VIOLATIONS THEREFOR**

*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 **“Clean Sports Act of 2006”**.

Section 2. *Declaration of Policy.* – It is hereby the policy of the State to protect the integrity of professional sports and the health and safety of athletes by establishing minimum standards for the testing of steroids and other performance-enhancing substances by professional sports leagues.

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

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- (a) **“Commission”** shall refer to the Philippine Sports Commission.
 - (b) **“Chairman”** shall refer to the Chairman of the Philippine Sports Commission.
 - (c) **“Off-Season”** shall refer to the period of time in each calendar year outside of the season of play for each major professional league.
 - (d) **“Controlled Substances”** shall refer to anabolic-androgenic steroids such as Anadrol (oxymetholone), Dianabol (methandrostenolone), Winstrol (stanazolol), DecaDurabolin (nandrolone), Oxandrin (Oxadrolone), and Depot-Tetosterone.
 - (e) **“Other Substances”** shall refer to human growth hormone; hormone precursors (e.g., androstenedione, DHEA), ephedra, EPO (erythropoetin) and darbopoetin.
 - (f) **“Professional Athlete”** shall refer to an individual who competes in a major professional league.

- (g) **“Professional Game”** shall refer to any game held in the Philippines between any professional teams of a major professional league.
- (f) **“Season of Play”** shall refer to the following:
- (1) In General - The term `season of play' for each major professional league means the period of time in each calendar year beginning with the date on which professional athletes of that major professional league are collectively obligated to report to their teams in preparation for play and ending with the last game of the major professional 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 4. *Minimum Uniform Testing Standards*

(a) **Conduct Prohibited-** It shall be unlawful for a major professional league to arrange, promote, organize, or produce a professional game *without meeting the requirements in subsection (b).*

(b) **Minimum Testing Requirements-** Each major professional league shall implement policies and procedures for the testing of the use of controlled substances and other substances by professional athletes who compete in each respective major professional league which shall be independently administered and which shall, at minimum, include the following:

(1) **TIMING AND FREQUENCY OF TESTING-**

(A) In General - Each professional athlete shall be tested a minimum of 5 times each calendar year that such athlete is competing in games organized by the major professional league.

(B) **TIMING-** Each athlete shall be tested-

- (i) at least 3 times, each with no advance notice, during each season of play; and
- (ii) at least 2 times, each with no advance notice, during the off-season.

(2) **TEST DISTRIBUTION PLANNING-** Each major professional league shall certify to the Chairman on or prior to December 31 of each year that it has consulted with the Commission in the development of its test distribution plan for both season of play and off-season testing.

(3) **METHOD OF TESTING-** Each major professional league shall certify to the Chairman on or prior to December 31 of each year that it has consulted with the Commission in the development

of its drug testing protocols for both season of play and off-season testing.

(4) APPLICABLE SUBSTANCES- Each professional athlete shall be tested for all controlled substances and other substances at the time of each test. A major professional league may make exceptions for any such substances that have been properly prescribed by a doctor of medicine licensed in the Philippines or other foreign country for a legitimate and documented therapeutic purposes.

(5) ANALYSIS OF SAMPLE- Each sample provided shall be analyzed by a laboratory approved by the Commission.

(6) POSITIVE TESTS-

(A) IN GENERAL- A positive test shall consist of the presence in the sample of any controlled substance or other substance or its metabolites or markers, unless that substance was prescribed to the athlete in accordance with paragraph (4).

(B) REFUSAL- A refusal by a professional athlete to submit to a test or a failure of a professional athlete to submit to a test without compelling justification shall also be considered a positive test.

(7) PENALTIES-

(A) GENERAL RULE-

(i) FIRST VIOLATION- Except as provided in subparagraph (B), a professional athlete who tests positive shall be immediately suspended for a minimum of 2 years for a first violation. All suspensions shall include loss of pay for the period of the suspension.

(ii) SECOND VIOLATION- A second violation shall result in a lifetime ban of the professional athlete from all major professional leagues.

(B) EXCEPTIONS-

(i) KNOWLEDGE OF THE ATHLETE- A major professional league may impose a lesser penalty than provided in subparagraph (A) or no penalty if the professional athlete establishes that he did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he had used the prohibited substance.

(ii) ASSISTANCE IN IDENTIFYING VIOLATIONS- A major professional league may impose a lesser penalty than provided in

subparagraph (A) if the professional athlete provides substantial assistance to the major professional league in identifying violations of the league's drug testing policy by other professional athletes or assistance in violations of the league's drug testing policy by any coach, trainer, manager, agent, team staff, official, medical, or other personnel working with or treating professional athletes participating in or preparing for sports competition.

(8) ADJUDICATION-

(A) CONSULTATION- Each major professional league shall certify to the Chairman on or prior to December 31 of each year that it has consulted with the Commission in the development of its adjudication process.

(B) DUE PROCESS- If a professional athlete tests positive, the professional athlete shall have the right to notice, a fair, timely, and expedited hearing, representation by counsel and appeal.

(C) SUSPENSION- During the pendency of any proceedings the professional athlete shall be suspended from participating in any professional game.

(9) PUBLIC DISCLOSURE-

(A) TESTING- A major professional league shall publicly disclose the identity of any professional player who has tested positive as well as the substance for which he tested positive not later than 30 days after receiving the test results.

(C) PENALTY- A major professional league shall publicly disclose the name of any penalized athlete, the penalty imposed, the substance for which the player tested positive, and the reason for the penalty not later than 15 days after the final disposition of the player's case.

SEC. 5. Promulgation of Standards by the Chairman of the Commission

(a) In General- The Chairman shall have the authority to promulgate standards that would modify the provisions of section 4 as they apply to an individual major professional league for exceptional circumstances or for other good cause.

(b) Effectiveness Maintained- A modification under subsection (a) shall not-

(1) reduce the effectiveness of the standards in eliminating the use of steroids or other performance-enhancing substances in any major professional league; or

(2) diminish the leadership role of the government in eliminating the use of steroids or other performance-enhancing substances in sports.

Section 6. *Reports to Congress*

(a) First League Report-

(1) IN GENERAL- Not later than 6 months after completion of a professional sports league's first season of play after the effective date of this Act, each major professional league shall transmit to the Committee on Games, Amusement and Sports of the Senate and to the Committee on Youth and Sports Development of the House of Representatives a report on its testing policies and procedures.

(3) CONTENTS- The report required by this subsection shall contain-

(A) a description of the major professional league's testing policy (including its adjudication procedures); and

(B) data on the number of professional players tested by the major professional league and the controlled substances and other substances detected in samples, including the number of tests conducted during the season of play and during the off-season.

(b) Biennial League Reports- Each major professional league shall transmit to the Committee on Games, Amusement and Sports of the Senate and to the Committee on Youth and Sports Development of the House of Representatives, on a biennial basis, a report containing the data and analysis required in subsection (a) for each of the 2 prior years.

(c) PSC Report- Not later than 1 year after the date of enactment of this Act, and subsequently thereafter as determined appropriate by the Chairman, the Chairman shall report to the Committee on Games, Amusement and Sports of the Senate and to the Committee on Youth and Sports Development of the House of Representatives, recommendations for improving any law governing controlled substances as may be necessary for reducing the use of steroids and other performance-enhancing substances.

Section 7. *Study on College Testing Policies and Procedures*

(a) Study- The Commission shall conduct a study on the use of performance-enhancing substances by college athletes which shall examine the controlled substance and other substances policies and testing procedures of intercollegiate athletic associations and college and university athletic departments.

(b) Report-

(1) SUBMISSION TO CONGRESS- Not later than 1 year after the date of enactment of this Act, the Commission shall transmit a report to the on Games, Amusement and Sports of the Senate and to the Committee on Youth and Sports Development of the House of Representatives.

(2) CONTENTS- The report required by this subsection shall--

(A) assess the adequacy of the testing policies and procedures described in subsection (a) in detecting and preventing the use of performance-enhancing substances; and

(B) include recommendations to Congress regarding expanding the application of the regulations issued pursuant to this Act to such intercollegiate and interscholastic athletic associations.

Section 8. *Separability Clause.* - If any provisions, or part hereof, is held invalid or unconstitutional, the remainder of the law or provision not otherwise affected shall remain valid and subsisting.

Section 9. *Repealing Clause.* - Any law, executive order, decree, issuance, ordinance, rule and regulation or any part thereof contrary or inconsistent with the provisions of this Act is also hereby repealed, modified or amended accordingly.

Section 11. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation.

Approved.