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SENATE  
S. No. 1914

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Introduced by Senator Miriam Defensor Santiago

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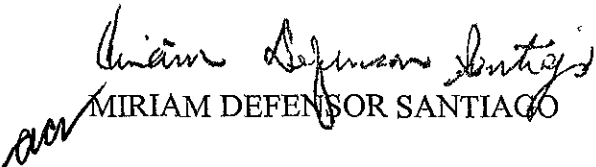
EXPLANATORY NOTE<sup>1</sup>

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 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.

  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed by the Senator during the 13<sup>th</sup> Congress



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

3 (B) "POST-SEASON" – The season of play shall include post-season play for  
4 an 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*  
6 *Controlled 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  
9 the testing by all major professional and amateur or collegiate leagues for the illegal use  
10 of steroids and other performance-enhancing substances and any substance designated as  
11 a controlled substance under the Dangerous Drugs Act. Such rules shall be issued with  
12 regard to each specific major professional and amateur or collegiate league and at a  
13 minimum establish–

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

17 (B) the applicable prohibited substances for which professional athletes shall  
18 be tested,

19 (C) a method of testing and analysis which guarantees that –

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

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

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

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

7 (F) an adequate appeals process; and

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

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

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

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

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

20 (2) Certification Requirements –

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

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

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

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

8 (b) the methodologies used for administering tests and other  
9 procedures employed;

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

12 (d) adjudication policies and procedures, including policies and  
13 procedures governing an appeals process.

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

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

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

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

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

28 (C) has failed to comply with reasonable requests of the accreditation body for  
29 any information or materials that the accreditation body concludes is necessary to

1 determine the major professional and amateur or collegiate league's continued  
2 eligibility for certification; or

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

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

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

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

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

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

24 Approved,