

2003 SENATE BILL 495

February 26, 2004 – Introduced by Senators LASSA and KANAVAS, cosponsored by Representatives SUDER, GRONEMUS, BERCEAU, J. LEHMAN and KREIBICH. Referred to Committee on Education, Ethics and Elections.

1 **AN ACT** *to amend* 119.04 (1); and *to create* 115.28 (52) and 118.46 of the statutes;
2 **relating to:** prohibiting pupils who take prohibited substances or engage in
3 certain practices from participating in interscholastic athletics.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Public Instruction to develop and distribute to school boards a list of prohibited substances (other than controlled substances, tobacco, and alcohol) that are harmful to athletes. The bill requires each school board to prohibit a pupil who uses any of these substances, engages in blood doping or gene doping, or uses products that enhance the uptake, transport, or delivery of oxygen, from participating in at least one game or match of each interscholastic sport in which the pupil participates. “Blood doping” is defined in the bill as the use of blood, red blood cells, or red blood cell products to raise the capacity of blood to carry oxygen. “Gene doping” is defined in the bill as the use of genes, genetic elements, or cells in order to enhance athletic performance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 118.46 of the statutes is created to read:
5 **118.46 Interscholastic athletics; prohibited substances and practices.**
6 **(1)** In this section:

SENATE BILL 495

1 (a) “Blood doping” means the use of autologous, homologous, or heterologous
2 blood, red blood cells, or red blood cell products of any origin in order to raise the
3 capacity of blood to carry oxygen.

4 (b) “Gene doping” means the use of genes, genetic elements, or cells in order to
5 enhance athletic performance.

6 **(2)** By 6 months after the effective date of this subsection [revisor inserts
7 date], the department shall develop and distribute to each school board a list of
8 substances other than controlled substances, tobacco, and alcohol that are harmful
9 to athletes.

10 **(3)** Except as provided in sub. (4), beginning on the first day of the 8th month
11 beginning after the effective date of this subsection [revisor inserts date], the
12 school board shall prohibit a pupil who does any of the following from participating
13 in at least one game or match of each interscholastic sport in which the pupil
14 participates:

15 (a) Uses a prohibited substance on the list under sub. (2).

16 (b) Engages in blood doping or gene doping.

17 (c) Uses products that enhance the uptake, transport, or delivery of oxygen.

18 **(4)** This section does not apply if the pupil is using a prohibited substance or
19 product, or engaging in blood doping or gene doping, for legitimate medical
20 treatment at the direction of a physician.

21 **SECTION 2.** 119.04 (1) of the statutes is amended to read:

22 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
23 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
24 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
25 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,

SENATE BILL 495

1 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,
2 118.30 to 118.43, ~~118.51, 118.52, 118.46~~ to 118.55, 120.12 (5) and (15) to (26), 120.125,
3 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and
4 120.25 are applicable to a 1st class city school district and board.

5 (END)