

2003 DRAFTING REQUEST

Bill

Received: 12/09/2003

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: robin ryan

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters: pgrant

Subject: Education - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lassa@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Banning pupils who use banned substances from interscholastic athletics

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/1	mlief 12/09/2003	chanaman 01/07/2004	pgreensl 01/23/2004	_____	sbasford 01/23/2004		
	mlief 01/12/2004	jdye 01/22/2004		_____			
	pgrant 02/09/2004	jdye 01/22/2004		_____			

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		jdye 02/10/2004		_____			
		jdye 02/18/2004		_____			
12			pgreensl 02/18/2004	_____	sbasford 02/18/2004	mbarman 02/20/2004	

FE Sent For:

*None
needed*

<END>

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		jdye 02/10/2004		_____			
		jdye 02/18/2004		_____			

/2

			pgreensl 02/18/2004	_____		sbasford 02/18/2004	
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	mlief 01/12/2004	jdyer 01/22/2004	9/18	9/18			
		jdyer 01/22/2004	P8	P8			
		1/2 2/18 jld					

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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1?	mlief	1/21 jld	1/23 p8	1/23 p8/			

FE Sent For:

<END>



ML...
jld

2003 BILL

D-N

Due Jan 29th

Gen

1 AN ACT ...; relating to: prohibiting pupils who take certain prohibited substances
2 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, charter schools, and Milwaukee Parental Choice Program schools a list of prohibited substances (other than controlled substances and alcohol) that are harmful to athletes. The bill also prohibits a pupil who takes any of these substances from participating in interscholastic athletics.

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

3 SECTION 1. 115.28 (52) of the statutes is created to read:

4 115.28 (52) LIST OF PROHIBITED SUBSTANCES. By 6 months after the effective date
5 of this subsection [revisor inserts date], develop and distribute to each school
6 board and to each school under ss. 118.40 and 119.23 a list of substances other than
7 controlled substances and alcohol that are harmful to athletes.

8 SECTION 2. 118.46 of the statutes is created to read:

on the first day
of the 8th month
beginning

BILL

1 **118.46 Prohibited substances and interscholastic athletics.** Beginning

2 8 months after the effective date of this subsection [revisor inserts date], a pupil,

3 including a pupil attending a school under ~~s.~~ ^{s.} 118.40 or 119.23, who takes a

4 prohibited substance on the list under s. 115.28 (52) [✓] may not participate in

5 interscholastic athletics.

6

(END)

Q-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3838/1dn

my:.....

JLD

Robin:

* As we discussed, I am not sure how school boards are going to enforce this mandate. I did not request a fiscal estimate because theoretically a school board does not have to expend money under the bill, but, without drug testing (and I assume that testing carries a price tag), how would a school board know of unauthorized substance use?

Madelon J. Lief
Senior Legislative Attorney
Phone: (608) 267-7380

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3838/1dn
MJL:jld:pg

January 23, 2004

Robin:

As we discussed, I am not sure how school boards are going to enforce this mandate. I did not request a fiscal estimate because theoretically a school board does not have to expend money under the bill, but, without drug testing (and I assume that testing carries a price tag), how would a school board know of unauthorized substance use?

Madelon J. Lief
Senior Legislative Attorney
Phone: (608) 267-7380

2/5/04

TC from Robert Ryan / LESSA

re: 3838

- ① not apply to charter or choice schools
- ② see tobacco p. 1 & 8
- ③ also prohibited "biased doping"
(= harmful practice?)
- ④ p. 2 : can't participate if not
want me game, all be more
at vol of discretion

Grant, Peter

From: Ryan, Robin
Sent: Thursday, February 05, 2004 12:32 PM
To: Grant, Peter
Subject: another change on LRB 3838

Peter, will you please add that a student is not prohibited from taking a banned substance or engaging in a banned practice if the student has a legitimate medical reason for taking the substance or engaging in the practice and is doing so under the direction of a physician. thanks

Robin Ryan
Office of Senator Julie Lassa
24th Senate District

Grant, Peter

From: Ryan, Robin
Sent: Friday, February 06, 2004 8:36 AM
To: Grant, Peter
Subject: RE: list_standard_2004

Peter,
I would also like to include M1. b. and M3.

Let's go with minimum suspension of 1 game or match per sport.

thanks

-----Original Message-----

From: Grant, Peter
Sent: Thursday, February 05, 2004 2:27 PM
To: Ryan, Robin
Subject: list_standard_2004

Check out page 7 of the attached. Do you want to include anything in addition to M1. a.?

Also, should a pupil be prohibited from participating in at least one game or match, or at least one game or match in each sport in which the pupil participates?

Peter

http://www.wada-ama.org/docs/web/standards_harmonization/code/list_standard_2004.pdf

PROHIBITED METHODS

M1. ENHANCEMENT OF OXYGEN TRANSFER

The following are prohibited:

- a. Blood doping. Blood doping is the use of autologous, homologous or heterologous blood or red blood cell products of any origin, other than for legitimate medical treatment.
- b. The *Use* of products that enhance the uptake, transport or delivery of oxygen, e.g. erythropoietins, modified haemoglobin products including but not limited to haemoglobin-based blood substitutes, microencapsulated haemoglobin products, perfluorochemicals, and efaproxiral (RSR13).

M2. PHARMACOLOGICAL, CHEMICAL AND PHYSICAL MANIPULATION

Pharmacological, chemical and physical manipulation is the *Use* of substances and methods, including masking agents, which alter, attempt to alter or may reasonably be expected to alter the integrity and validity of specimens collected in doping controls.

These include but are not limited to catheterisation, urine substitution and/or tampering, inhibition of renal excretion and alterations of testosterone and epitestosterone concentrations.

M3. GENE DOPING

Gene or cell doping is defined as the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance.

FRIDAY

soon

PG

2003 BILL

Regen

requires each school board to prohibit

regenerate

or engage in certain practices

tobacco,

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

Analysis by the Legislative Reference Bureau

This bill requires the Department of Public Instruction to develop and distribute to school boards, ~~charter schools, and Milwaukee Parental Choice Program schools~~ a list of prohibited substances (other than controlled substances and alcohol) that are harmful to athletes. The bill ~~also prohibits~~ a pupil who takes any of these substances from participating in interscholastic athletics.

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

~~SECTION 1. 115.28 (52) of the statutes is created to read:~~

5 ~~115.28 (52) LIST OF PROHIBITED SUBSTANCES~~ By 6 months after the effective date
6 of this subsection ... [revisor inserts date], the department shall
7 board and to each school under ss. 118.40 and 119.23 a list of substances other than
8 controlled substances and alcohol that are harmful to athletes.

tobacco,

at least one game or match of each

A

B

INSERT C
move to insert 2-4

7
8

uses

BILL

SECTION 2

and practices. (3)

SEMICOLON INS 22

1
2
3
4
5
6
7

SECTION 2. 118.46 of the statutes is created to read:

118.46 Prohibited substances and interscholastic athletics. Beginning

on the first day of the 8th month beginning after the effective date of this section ...

[revisor inserts date], a pupil, ^{the school board shall prohibit...} ~~including a pupil attending a school under 118.10~~

~~or 119.28~~ who takes a prohibited substance on the list under ~~115.28(52)~~ ⁽²⁾ may not

~~participate in interscholastic athletics.~~

(END)

does any of the following
from participating in at least one game or match of
each interscholastic sport in which the pupil participates :

INS 2-6

INSERT
A

(NO #), engages in blood doping or gene doping, uptake,
or uses products that enhance the uptake,
transport, or delivery of oxygen, (NO #)

(end insert A)

INSERT

(B)

§ spot in which the pupil participates. "Blood doping" is defined in the bill as ^{red blood cells,} the use of blood ^{or} red blood cell products ~~to enhance the capacity~~ to raise the capacity of blood to carry oxygen.

"Gene doping" is the use of genes, genetic elements, or cells in order to enhance athletic performance. (NO §)

(end insert (B))

INS. 2-2

text: treat

NO # (1) In this section: ^{7(a)} "Blood doping" means the use of autologous, homologous, or heterologous red blood cells, blood or red blood cell products of any origin in order to raise the capacity of blood to carry oxygen.

FROM A.P. 1 (5-8) ✓

NO # (3) Except as provided in sub. (4)

MOVE

(b) "Gene doping" means the ~~non~~ therapeutic use of genes, genetic elements, or cells in order to enhance athletic performance.

2017/6/10
Dan County, 5/10/17, dot
MARR

2-6:1

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

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

⊕ (c) Uses products that enhance the uptake, transport, or delivery of oxygen -
~~including erythropoietins, modified hemoglobin~~
~~products~~



2-6-7
cont

④

This section does not apply if the
pupil is using a prohibited substance, or product,
or engaging in blood doping for legitimate medical
treatment at
the direction of a physician.

or gene doping,

2-6:3
cont

Section #. 119.04 (1) of the statutes is amended to read:

119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, ^{118.46 to} 118.55, 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35) and (37), 120.14 and 120.25 are applicable to a 1st class city school district and board.

~~History: 1971 c. 152 s. 38; 1971 c. 154 s. 80; 1973 c. 89 s. 20 (1); 1973 c. 90; 1973 c. 188 s. 6; 1973 c. 243, 254, 290, 307, 333; 1975 c. 39, 41, 95, 220, 379, 395, 422; 1977 c. 29; 1977 c. 203 s. 106; 1977 c. 206, 284, 447; 1979 c. 20; 1979 c. 34 s. 2102 (43) (a); 1979 c. 221, 298, 331; 1979 c. 346 s. 15; 1979 c. 355; 1981 c. 59; 1981 c. 241 s. 4; 1983 a. 193; 1983 a. 339 s. 10; 1983 a. 374 s. 12; 1983 a. 412, 489, 538; 1985 a. 29 s. 3202 (43); 1985 a. 56 s. 43; 1985 a. 214 s. 4; 1985 a. 225, 332; 1987 a. 27, 187, 285, 386, 403; 1989 a. 31, 120, 121, 122, 201, 209, 359; 1991 a. 39, 42, 189, 269; 1993 a. 16, 334, 377, 491; 1995 a. 27, 225; 1997 a. 27, 77, 113, 240, 252, 335; 1999 a. 9, 32, 73; 1999 a. 150 ss. 631, 672; 1999 a. 186.~~

Barman, Mike

From: Ryan, Robin
Sent: Friday, February 20, 2004 9:27 AM
To: LRB.Legal
Subject: Draft review: LRB 03-3838/2 Topic: Banning pupils who use banned substances from interscholastic athletics

It has been requested by <Ryan, Robin> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-3838/2 Topic: Banning pupils who use banned substances from interscholastic athletics