

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 706**

(As Passed the Senate October 21, 1999)

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1317. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
2 (2), A PUBLIC SCHOOL EMPLOYEE OR VOLUNTEER SHALL NOT DO ANY OF
3 THE FOLLOWING:

4 (A) KNOWINGLY SELL, MARKET, DISTRIBUTE, OR PROMOTE THE USE
5 OF A DIETARY SUPPLEMENT THAT CONTAINS A PERFORMANCE-ENHANCING
6 COMPOUND TO A PUPIL WITH WHOM THE PUBLIC SCHOOL EMPLOYEE OR VOL-
7 UNTEER HAS CONTACT AS PART OF HIS OR HER DUTIES AS A PUBLIC
8 SCHOOL EMPLOYEE OR ACTIVITIES AS A PUBLIC SCHOOL VOLUNTEER.

9 (B) KNOWINGLY ENDORSE OR SUGGEST THE INGESTION, INTRANASAL
10 APPLICATION, OR INHALATION OF A DIETARY SUPPLEMENT THAT CONTAINS
11 A PERFORMANCE-ENHANCING COMPOUND BY A PUPIL WITH WHOM THE PUBLIC

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1 SCHOOL EMPLOYEE OR VOLUNTEER HAS CONTACT AS PART OF HIS OR HER
2 DUTIES AS A PUBLIC SCHOOL EMPLOYEE OR ACTIVITIES AS A PUBLIC
3 SCHOOL VOLUNTEER.

4 (2) THIS SECTION DOES NOT PROHIBIT A PUBLIC SCHOOL EMPLOYEE
5 OR VOLUNTEER FROM DOING ANY OF THE FOLLOWING:

6 (A) PROVIDING, ENDORSING, OR PROMOTING THE USE OF A DIETARY
7 SUPPLEMENT THAT CONTAINS A PERFORMANCE-ENHANCING COMPOUND TO, OR
8 SUGGESTING THE INGESTION, INTRANASAL APPLICATION, OR INHALATION
9 OF A DIETARY SUPPLEMENT THAT CONTAINS A PERFORMANCE-ENHANCING
10 COMPOUND BY, THE PUBLIC SCHOOL EMPLOYEE'S OR VOLUNTEER'S OWN
11 CHILD.

12 (B) SELLING, MARKETING, DISTRIBUTING, OR PROMOTING THE USE
13 OF A DIETARY SUPPLEMENT THAT CONTAINS A PERFORMANCE-ENHANCING
14 COMPOUND TO, OR ENDORSING OR SUGGESTING THE INGESTION, INTRANASAL
15 APPLICATION, OR INHALATION OF A DIETARY SUPPLEMENT THAT CONTAINS
16 A PERFORMANCE-ENHANCING COMPOUND BY, A PUPIL AS PART OF AN ACTIV-
17 ITY THAT MEETS ALL OF THE FOLLOWING:

18 (i) DOES NOT OCCUR ON SCHOOL PROPERTY OR AT A SCHOOL-RELATED
19 FUNCTION.

20 (ii) IS ENTIRELY SEPARATE FROM ANY ASPECT OF THE PUBLIC
21 SCHOOL EMPLOYEE'S EMPLOYMENT AS A PUBLIC SCHOOL EMPLOYEE OR
22 PUBLIC SCHOOL VOLUNTEER'S ACTIVITIES AS A PUBLIC SCHOOL
23 VOLUNTEER.

24 (iii) DOES NOT IN ANY WAY INVOLVE INFORMATION ABOUT OR CON-
25 TACTS WITH A PUPIL THAT THE PUBLIC SCHOOL EMPLOYEE OR VOLUNTEER
26 HAS HAD DIRECT OR INDIRECT ACCESS TO THROUGH ANY ASPECT OF THE
27 PUBLIC SCHOOL EMPLOYEE'S EMPLOYMENT AS A PUBLIC SCHOOL EMPLOYEE

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1 OR PUBLIC SCHOOL VOLUNTEER'S ACTIVITIES AS A PUBLIC SCHOOL
2 VOLUNTEER.

3 (3) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE
4 PENALTIES UNDER SECTION 1804.

5 (4) AS USED IN THIS SECTION:

6 (A) "DIETARY SUPPLEMENT" MEANS THAT TERM AS DEFINED IN SEC-
7 TION 201 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, CHAPTER
8 675, 52 STAT. 1040, 21 U.S.C. 321.

9 (B) "PERFORMANCE-ENHANCING COMPOUND" MEANS A MANUFACTURED
10 PRODUCT FOR ORAL INGESTION, INTRANASAL APPLICATION, OR INHALATION
11 THAT MEETS BOTH OF THE FOLLOWING:

12 (i) CONTAINS A STIMULANT, AMINO ACID, HORMONE PRECURSOR,
13 HERB OR OTHER BOTANICAL, OR ANY OTHER SUBSTANCE THAT IS NOT AN
14 ESSENTIAL VITAMIN OR MINERAL.

15 (ii) IS INTENDED TO INCREASE ATHLETIC OR INTELLECTUAL PER-
16 FORMANCE, PROMOTE MUSCLE GROWTH, OR INCREASE AN INDIVIDUAL'S
17 ENDURANCE OR CAPACITY FOR EXERCISE.

18 (C) "PUBLIC SCHOOL EMPLOYEE" MEANS A PERSON EMPLOYED BY A
19 SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, INTERMEDIATE SCHOOL
20 DISTRICT, OR PUBLIC SCHOOL ACADEMY. FOR THE PURPOSES OF THIS
21 SECTION, PUBLIC SCHOOL EMPLOYEE ALSO INCLUDES A PERSON PERFORMING
22 SERVICES ON BEHALF OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DIS-
23 TRICT, INTERMEDIATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY
24 PURSUANT TO A CONTRACT.

25 (D) "PUBLIC SCHOOL VOLUNTEER" MEANS A PERSON SERVING AS A
26 VOLUNTEER IN ANY CAPACITY IN A PUBLIC SCHOOL.

Enacting section 1. This amendatory act takes effect 90
days after the date this amendatory act is enacted.