ATHLETIC SERVICES PROVIDERS

Act 31 of 1990

AN ACT to require athletic services providers to post certain notices; to prescribe the powers and duties of certain state departments and agencies; and to prescribe penalties.

History: 1990, Act 31, Eff. Mar. 28, 1991

The People of the State of Michigan enact:

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333.26301 Definitions.

Sec. 1.

As used in this act:

(a) "Athletic services provider" means a person who owns or operates an educational athletic facility or a recreational athletic facility.

(b) "Department" means the department of public health.

(c) "Educational athletic facility" means a facility that is owned or operated by an educational institution and that is used or intended to be used for 1 or more of the following:

(i) Maintaining or enhancing the aerobic condition or physical strength of 1 or more individuals.

(ii) Athletic competition between 2 or more individuals.

(d) "Educational institution" means a public or private secondary school, trade school, vocational school, community or junior college, college, or university.

(e) "Facility" means a building, structure, room, place, or area.

(f) "Hotel" means that term as defined in section 1 of Act No. 188 of the Public Acts of 1913, being section 427.1 of the Michigan Compiled Laws.

(g) "Practice of physical therapy" means that term as defined in section 17801 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.1708 of the Michigan Compiled Laws.

(h) "Recreational athletic facility" means a gymnasium, fitness center, or health spa that is used or intended to be used to maintain or enhance the physical strength of individuals through the use of free weights or weight lifting machinery. Recreational athletic facility does not include any of the following:

(i) A gymnasium, fitness center, or health spa that is located in a residence or residential complex, if that gymnasium, fitness center, or health spa is used or intended to be used only by the residents of that residence or residential complex, or by the nonpaying guests of those residents.

(ii) A gymnasium, fitness center, or health spa that is located in a hotel, if that gymnasium, fitness center, or health spa is used or intended to be used only by the guests of that hotel.

(iii) A facility exclusively used for engaging in the practice of physical therapy.

(i) "Serious communicable disease or infection" means that term as defined in section 5101 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.5101 of the Michigan Compiled Laws.

History: 1990, Act 31, Eff. Mar. 28, 1991
Compiler's Notes: In subdivision (g), the reference to "333.1708" evidently should read "333.17801."

333.26302 Notice; form; contents; size; modifications; locations.

Sec. 2.

(1) An athletic services provider shall place the following notice in a form prescribed by the department in each educational athletic facility or recreational athletic facility owned or operated by that athletic services provider:

"WARNING!

USE:

A person who knowingly uses an androgenic anabolic steroid in violation of section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being section 17766a of the Michigan Compiled Laws is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both.

POSSESSION:

A person who knowingly possesses an androgenic anabolic steroid in violation of section 17766a of Act No. 368 of the Public Acts of 1978 is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not more than $100.00, or both. A second or subsequent violation is a felony, punishable by imprisonment for not more than 4 years, or a fine of not more than $2,000.00, or both.

DELIVERY:

A person who knowingly delivers or knowingly possesses with intent to deliver an androgenic anabolic steroid or counterfeit androgenic anabolic steroid to another person in violation of section 17766a of Act No. 368 of the Public Acts of 1978 is guilty of a felony, punishable by imprisonment for not more than 7 years, or a fine of not more than $5,000.00, or both.

POTENTIAL SIDE EFFECTS FROM USE:

Atrophy of the testicles	Enlarged breasts
Sterility	Impotence
Acne	Hair loss
Stroke	Kidney damage
Psychosis	Cardiovascular disease
Addiction	High blood pressure
Withdrawal	High blood cholesterol
Heart attack	Stunted bone growth

TRANSMITTED DISEASES AND INFECTIONS:

The shared use of hypodermic needles can result in the transmission of serious communicable diseases and infections including AIDS and hepatitis B.".

(2) The notice required under subsection (1) shall be not less than 8-1/2 inches by 11-1/2 inches. The information required to be printed on the notice shall be printed in 10-point boldfaced type or larger.

(3) The department may modify the contents of the notice required under subsection (1) to reflect changes in criminal penalties, scientific discoveries regarding the potential side effects from the use of androgenic anabolic steroids, and scientific evidence regarding serious communicable diseases and infections that may be transmitted by the shared use of hypodermic needles.

(4) An athletic services provider shall conspicuously place the notice required under subsection (1) in the following locations:

(a) If the facility is an educational athletic facility, in each locker room of that facility.

(b) If the facility is a recreational athletic facility, near each entrance and in each locker room of that facility.

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History: 1990, Act 31, Eff. June 27, 1991

Compiler's Notes: In the second paragraph of subsection (1), the phrase “being section 17766a of the Michigan Compiled Laws” evidently should read “being section 333.17766a of the Michigan Compiled Laws.”

333.26303 Civil violation; penalty.

Sec. 3.

(1) Except as provided in subsection (2), a person who violates this act is responsible for a civil violation, and shall be fined not more than $50.00.

(2) A person who violates this act after he or she is notified of the violation in writing by the department of public health is responsible for a civil violation, and shall be fined not more than $50.00 for each day that the violation continues after the notice is issued.

History: 1990, Act 31, Eff. June 27, 1991

333.26304 Production of notice; distribution of copies.

Sec. 4.

(1) The department shall produce the notice required under subsection (1), and have copies of the notice available for distribution to educational institutions and recreational athletic facilities on or before the expiration of 60 days after the effective date of this act.

(2) The department shall provide copies of the notice required under subsection (1) free of charge to educational institutions and the owners of recreational athletic facilities who request copies of the notice.

History: 1990, Act 31, Eff. Mar. 28, 1991

333.26305 Rules.

Sec. 5.

The department may promulgate rules under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to implement and enforce this act.

History: 1990, Act 31, Eff. Mar. 28, 1991

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333.26306 Effective date of MCL 333.26302 and 333.26303.

Sec. 6.

Sections 2 and 3 shall take effect upon the expiration of 90 days after the effective date of this act.

History: 1990, Act 31, Eff. Mar. 28, 1991