

109TH CONGRESS
1ST SESSION

H. R. 2516

To establish standards for the testing of prohibited substances and methods for certain professional baseball, basketball, football, and hockey players.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2005

Mr. SWEENEY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish standards for the testing of prohibited substances and methods for certain professional baseball, basketball, football, and hockey players.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Professional Sports
5 Integrity Act of 2005”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to protect the integrity
8 of professional sports and strengthen the health and safety
9 standards for Major League Baseball, the National Bas-
10 ketball Association, the National Football League, and the

1 National Hockey League, through the establishment of
2 minimum standards and procedures for testing for prohib-
3 ited substances and methods.

4 **SEC. 3. DEFINITIONS.**

5 As used in this Act—

6 (1) the term “professional baseball, basketball,
7 football, or hockey game” means any baseball, bas-
8 ketball, football, or hockey game held in the United
9 States between any professional teams of a major
10 professional league in which players compete for fi-
11 nancial compensation;

12 (2) the term “major professional league” means
13 Major League Baseball, the National Basketball As-
14 sociation, the National Football League, and the Na-
15 tional Hockey League; and

16 (3) the term “professional athlete” means an
17 individual who competes in a professional baseball,
18 basketball, football, or hockey game.

19 **SEC. 4. TESTING OF BANNED SUBSTANCES FOR CERTAIN**
20 **PROFESSIONAL ATHLETES.**

21 (a) CONDUCT PROHIBITED.—It is unlawful for a
22 major professional league to organize or produce, or for
23 any person to compete in, a professional baseball, basket-
24 ball, football, or hockey game without meeting the require-
25 ments in subsection (b).

1 (b) MINIMUM TESTING REQUIREMENTS.—Each
2 major professional league shall implement policies and
3 procedures for the testing of the use of prohibited sub-
4 stances and methods by professional athletes who compete
5 in each respective major professional league. Such policies
6 and procedures shall, at minimum, include the following:

7 (1) TIMING AND FREQUENCY OF TESTING.—
8 Each professional athlete shall be tested a minimum
9 of 4 times each year that such athlete is competing
10 in games organized by the major professional league.

11 Each athlete shall be tested—

12 (A) at least twice, at random intervals,
13 during each season of play; and

14 (B) at least twice, at random intervals,
15 during the off-season.

16 Each major professional league shall also provide for
17 additional tests to be administered when the league
18 has reasonable cause to believe that a particular ath-
19 lete or team may be in violation of such league's
20 policies regarding prohibited substances and meth-
21 ods. An athlete shall not be notified of any test in
22 advance.

23 (2) METHOD OF TESTING.—Each test shall
24 consist of each athlete providing a blood or urine
25 sample. The party administering the test shall ob-

1 serve the provision of each sample. Each major pro-
2 fessional league shall consult with the United States
3 Anti-Doping Agency regarding method of testing, in-
4 cluding selection, notification, collection, processing,
5 and chain of custody issues.

6 (3) APPLICABLE SUBSTANCES.—Each profes-
7 sional athlete shall be tested for the substances and
8 methods determined by the World Anti-Doping
9 Agency to be prohibited at the time of each test. A
10 major professional league may make exceptions for
11 any substance that has been prescribed by a team
12 physician for a documented medical condition.

13 (4) ANALYSIS OF SAMPLE.—Each sample pro-
14 vided shall be analyzed by a laboratory accredited or
15 otherwise approved by the World Anti-Doping Agen-
16 cy.

17 (5) POSITIVE TESTS.—A positive test shall con-
18 sist of the presence in the sample of a substance
19 prohibited pursuant to paragraph (3), or its metabo-
20 lites or markers. A refusal by a professional athlete
21 to submit to a test shall also be considered a positive
22 test.

23 (6) PENALTIES.—A positive test shall result in
24 the following penalties:

1 (A) A professional athlete who tests posi-
2 tive for the first time shall be immediately sus-
3 pended for a minimum of 2 years.

4 (B) A professional athlete who tests posi-
5 tive for a second time shall be permanently
6 barred from participation in the activities of
7 that major professional league.

8 All suspensions shall include a loss of pay for the pe-
9 riod of the suspension.

10 (7) DISCLOSURE.—A positive test result by any
11 professional athlete, including the name of such ath-
12 lete and substance, shall be disclosed to the public.

13 (8) APPEALS PROCEDURE.—A professional ath-
14 lete who tests positive shall be provided an oppor-
15 tunity for a hearing and a right to appeal any pen-
16 alty imposed. Each major professional league shall
17 consult with the United States Anti-Doping Agency
18 in the development of procedures for adjudication
19 and appeals.

20 **SEC. 5. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
21 **SION.**

22 (a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—
23 A violation of section 4 shall be treated as a violation of
24 a rule defining an unfair or deceptive act or practice pre-

1 scribed under section 18(a)(1)(B) of the Federal Trade
2 Commission Act (15 U.S.C. 57a(a)(1)(B)).

3 (b) ENFORCEMENT AUTHORITY.—Notwithstanding
4 section 5(n) of the Federal Trade Commission Act (15
5 U.S.C. 45(n)), the Federal Trade Commission shall en-
6 force this Act in the same manner, by the same means,
7 and with the same jurisdiction, powers, and duties as
8 though all applicable terms and provisions of the Federal
9 Trade Commission Act (15 U.S.C. 41 et seq.) were incor-
10 porated into and made a part of this Act.

11 (c) RULEMAKING AUTHORITY.—The Federal Trade
12 Commission may, by rule pursuant to section 18(a)(1)(B)
13 of the Federal Trade Commission Act (15 U.S.C.
14 57a(a)(1)(B)), extend the requirements of section 4 to
15 other professional sports leagues operating in interstate
16 commerce (other than those described in section 3(2)) and
17 to the National Collegiate Athletic Association.

18 **SEC. 6. REPORTING REQUIREMENT.**

19 Not later than 1 year after the date of enactment
20 of this Act, and every 2 years thereafter, each major pro-
21 fessional league shall transmit to the Federal Trade Com-
22 mission, the Committee on Energy and Commerce of the
23 House of Representatives, and the Committee on Com-
24 merce, Science, and Transportation of the Senate, a report

1 on its testing policies and procedures. The reports shall
2 include—

3 (1) a comparison of the league’s policies and
4 procedures to the policies and procedures required
5 by this Act; and

6 (2) aggregate data concerning the number of
7 tests administered each year and the outcomes of
8 such tests, including the prohibited substances
9 found, but shall not include the names of any profes-
10 sional athletes who have tested positive.

11 **SEC. 7. SENSE OF CONGRESS.**

12 It is the sense of Congress that other professional
13 sports leagues and associations not covered by this Act
14 should adopt policies and procedures for the testing of
15 steroids and other illicit substances that are substantially
16 similar to those required by this Act.

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