

[No. 187]

(SB 706)

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," (MCL 380.1 to 380.1852) by adding section 1317.

*The People of the State of Michigan enact:*

380.1317 Public school employee or volunteer; prohibited conduct; exceptions; penalties; definitions. [M.S.A. 15.41317]

Sec. 1317. (1) Except as otherwise provided in subsection (2), a public school employee or volunteer shall not do any of the following:

(a) Knowingly sell, market, distribute, or promote the use of a dietary supplement that contains a performance-enhancing compound to a pupil with whom the public school employee or volunteer has contact as part of his or her duties as a public school employee or activities as a public school volunteer.

(b) Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by a pupil with whom the public school employee or volunteer has contact as part of his or her duties as a public school employee or activities as a public school volunteer.

(2) This section does not prohibit a public school employee or volunteer from doing any of the following:

(a) Providing, endorsing, or promoting the use of a dietary supplement that contains a performance-enhancing compound to, or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by, the public school employee's or volunteer's own child.

(b) Selling, marketing, distributing, or promoting the use of a dietary supplement that contains a performance-enhancing compound to, or endorsing or suggesting the ingestion, intranasal application, or inhalation of a dietary supplement that contains a performance-enhancing compound by, a pupil as part of an activity that meets all of the following:

(i) Does not occur on school property or at a school-related function.

(ii) Is entirely separate from any aspect of the public school employee's employment as a public school employee or public school volunteer's activities as a public school volunteer.

(iii) Does not in any way involve information about or contacts with a pupil that the public school employee or volunteer has had direct or indirect access to through any

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aspect of the public school employee's employment as a public school employee or public school volunteer's activities as a public school volunteer.

(3) A person who violates this section is subject to the penalties under section 1804.

(4) As used in this section:

(a) "Dietary supplement" means that term as defined in section 201 of the federal food, drug, and cosmetic act, chapter 675, 52 Stat. 1040, 21 U.S.C. 321.

(b) "Performance-enhancing compound" means a manufactured product for oral ingestion, intranasal application, or inhalation that meets both of the following:

(i) Contains a stimulant, amino acid, hormone precursor, herb or other botanical, or any other substance that is not an essential vitamin or mineral.

(ii) Is intended to increase athletic or intellectual performance, promote muscle growth, or increase an individual's endurance or capacity for exercise.

(c) "Public school employee" means a person employed by a school district, local act school district, intermediate school district, or public school academy. For the purposes of this section, public school employee also includes a person performing services on behalf of a school district, local act school district, intermediate school district, or public school academy pursuant to a contract.

(d) "Public school volunteer" means a person serving as a volunteer in any capacity in a public school.

Effective date.

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

This act is ordered to take immediate effect.

Approved November 23, 1999.

Filed with Secretary of State November 24, 1999.

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