



South Carolina House of Representatives

# Legislative Update & Research Reports

Robert J. Sheheen, Speaker of the House

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*CONTENTS*

STATE OF SOUTH CAROLINA

House Week in Review.....	2
Bills Introduced.....	4
Research Report: Anabolic Steroids.....	9

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## House Week in Review

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With state budget deliberations only two weeks away, the House tackled a hefty calendar of bills last week, including legislation dealing with anabolic steroids, state-run primary elections and minors seeking abortions.

### Anabolic Steroids

The House gave third reading to Rep. Hodges' bill prohibiting the use of anabolic steroids for other than medicinal uses. The House gave H.3286 third reading on Wednesday, sending the steroid bill to the Senate for consideration. The Senate has also passed an anabolic steroid bill.

House Medical, Military, Public and Municipal Affairs Committee Research Director Mike Witkoski has written a research report, appearing in this week's *Update*, explaining the differences in the House and Senate bills, and exploring the ramifications of the anabolic steroid issue.

### State-Run Primaries

The House also began preliminary debate on H.3088, a bill that would authorize state-run primaries. However, the House left it in interrupted debate status and adjourned debate on the legislation until Tuesday.

The House also took up H.3122, legislation requiring minors to have parental consent before obtaining an abortion. However, before the House could take action on the bill, objections placed it on the contested calendar.

Also placed on the contested calendar was H.3041, which would specify what kind of training a law enforcement officer must have before he can perform his duties.

Third Reading

A number of bills made it through third reading last week. These include H.3472, dealing with the criminal penalties for destroying graves and H.3051, a bill that would create the South Carolina Wildlife Endowment Fund, established through the sales of lifetime hunting and fishing licenses.

Budget Schedule

H.3600, the 1989-90 State Appropriations bill, will be on the House members desk this week in anticipation of next week's budget deliberations. Speaker Sheheen announced the House would meet Monday, March 13 at 2 p.m. to begin its budget debate in the hope of completing the appropriations bill in one week.

## Bills Introduced

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*Here is a sampling of the bills introduced in the House last week. Not all the bills introduced are featured here. The bills are organized by the standing committees to which they were referred.*

### *Agriculture and Natural Resources Committee*

Beverage Container Recycling (H.3618, Rep. Keyserling). To encourage less littering and more recycling, this legislation would establish the parameters for redeeming and recycling beverage containers. Under this bill, each beverage container offered for sale in South Carolina would have a refund value of five cents or more. All containers must have their refund values affixed to them. To encourage reusable containers of uniform specifications to ease recycling, the ABC Commission would certify containers.

The bill would provide for the creation of redemption centers to promote the return and recycling of the containers.

Penalties for violating these provisions also are included in the bill.

### *Education and Public Works Committee*

Highway Safety (H.3582, Rep. Simpson). This bill, entitled the Highway Safety Act of 1989, will be the vehicle for a number of provisions yet to be fleshed out in the legislation. Provisions outlined in this skeleton bill include: mandatory seat belts with an auto insurance premium reduction; a ban on radar detectors; increasing vehicle inspection fees; requiring a road test every two years for drivers age 70 and older; increased speeding fines and increased penalties for operating an uninsured vehicle.

Hazardous waste vehicles would have to drive slower than the posted speed limit under this bill. Insurance information would be posted on windshields, the age to obtain a driver's license would be raised, and the Highway Department would distribute a list of motor vehicle penalties with license renewals. The department also would be required to paint white crosses on the roads where fatal accidents occurred.

Zero Tolerance (H.3592, Rep. M.D. Burriss). This bill, to be known as the "Zero Tolerance Student Drug Abuse Act of 1989," would require forfeiture of any state scholarship, grant or financial aid to a student convicted on a drug charge. Forfeiture also would be required if the student tests positive for drugs even if criminal prosecution is not pursued. The forfeiture would apply to the student's future financial aid.

*Judiciary Committee*

Gubernatorial Cabinet (H.3576, Rep. McEachin). This proposed constitutional amendment would allow the governor to appoint the following offices instead of the offices being filled by popular election: Secretary of State, Attorney General, State Treasurer, Superintendent of Education, Comptroller General, Commissioner of Agriculture and Adjutant General.

These constitutional officers, who are in office on the date of ratification of this amendment, would continue to serve until their current terms expire.

Secrets of Mental Patients (H.3599, House Judiciary Committee). This bill outlines when case workers and other providers may and may not reveal the confidences of mental patients in their care. The bill holds secrets confided by these patients as privileged and allows for only a few exceptions, i.e., with written permission of the patient, if the intention is to commit a crime, to prove the patient needs hospitalization, etc.

Dwarf Tossing (H.3603, Rep. Keegan). Dwarfs looking for a place to be tossed for fun or profit would steer clear of South Carolina if this bill is enacted. This legislation makes it a misdemeanor to sponsor or participate in dwarf tossing, a recent addition to the coastal bar scene. It carries a fine of up to \$200 and a 30 day jail sentence.

Election Protests (H.3620, Rep. Wright). Under this bill, election protests could not be upheld by any court, political party or governmental agency, if the number of contested votes would not affect the outcome of the race.

*Medical, Military, Public and Municipal Affairs Committee*

Smoke Detectors in Rented Units (H.3577, Rep. Davenport). This bill requires that every rented dwelling unit must have a smoke detector. The bill amends the previous law which only required smoke detectors to be installed in apartment houses with no fire protection system. Under this bill, detectors must be placed on each floor of rented buildings.

Child Welfare Agency (H.3566, Rep. Beasley). This lengthy bill proposes an overhaul of the statutes dealing with child welfare agencies. Under this bill, all child welfare agencies would be subject to the regulation, inspection and licensing of the Department of Social Services. If the DSS inspection finds deficiencies in the agency that are not corrected, the deficiencies would be made public and the findings turned over to SLED and the Child Welfare Agency Standards Committee.

DSS would establish the Standards Advisory Committee whose membership is stipulated in the bill.

Licensing procedures also are outlined in the bill, as is license revocation. DSS also could seek injunctive relief against child welfare facilities operating without a license. DSS could also initiate criminal proceedings against a facility that violates the licensing procedure or falsifies information. If the department denies a facility's license, it must assist in placing the children of that facility with another caregiver.

Complaints before the Medical Examiners (H.3597, Rep. J. Harris). Under this bill, a person who is being investigated by the State Board of Medical Examiners would be given written notice of every phase of the disciplinary proceeding. While the bill maintains the privileged nature of the board's proceedings, it gives the respondent the right to know the name of the person who made the initial complaint.

Coroner Investigations (H.3605, Rep. Huff). "Vehicle passengers" would be added to the list of victim deaths a coroner must investigate in connection with a motor vehicle, swimming or boating accident. Currently, the law includes only drivers and pedestrians. Also the bill requires the examination to take place "in a timely manner" after the death, rather than the current eight hours.

Any victim of an accident involving drugs or alcohol, who dies within a year of the initial accident as a result of the incident, must be counted as a victim of an alcohol or drug related accident.

*Labor, Commerce and Industry Committee*

Rental Automobiles (H.3567, Rep. Boan). This legislation provides for the regulation of rental agreements for rented private passenger automobiles. The bill prohibits rental car companies from imposing liability on renters, with exceptions. The rental companies also are prohibited from the sale of a collision damage waiver with an automobile rental agreement of 30 days or less. The bill also regulates the advertising by the companies, particularly for rental car rates. A rental company may advertise, quote or charge only a rental rate that includes the entire amount, except taxes and a mileage charge.

Pawnbroker Loans (H.3607, Rep. McLeod). Pawnbrokers could charge no more in interest than 1.5 percent per month on the unpaid balance of loans, under this bill. The amount of a pawnbroker loan would be reduced from \$2,000 to \$1,000.

*Ways and Means Committee*

Deficiency Supplemental Appropriations Bill (H.3573, House Ways and Means Committee). This \$12.1 million bill includes:

- \$168,000 to SLED for required overtime payments.
- \$1 million to the State Budget and Control Board for adjustments to the vacancy factors at the state's technical colleges.
- \$1.1 million to the Department of Mental Health for prisoner medical care.
- \$6.85 million to the Budget and Control Board for the shortfall in the health insurance reserve.
- \$3 million to the Medical University of South Carolina hospital to cover the budget shortfall. If any money is left over, it may be used to purchase hospital equipment.

This money is lapsed funds from the 1987-88 state budget, which became available in July 1988.

Sales Tax Exemption (H.3586, Rep. McLellan). This legislation proposes to exempt from state sales tax the gross proceeds of sales of tangible personal property used in a business when sold pursuant to the sale of the business. This exemption is effective for sales occurring after December 31, 1987.

25 Year Retirement (H.3609, Rep. T. Rogers). This legislation would allow anyone under the State Retirement System to retire at age 60 or after 25 years of state service. Currently, state employees and teachers must be 65 or have 30 years of service to retire. It also raises the multiplier used in figuring retirement benefits for Class 2 employees.

School district employees would be paid for up to 45 days of unused sick leave upon retirement or termination, and they could add in unused sick leave when figuring their average final compensation for retirement purposes. These employees also could include incentive pay or other funds beyond their contracts when figuring final compensation.

Teacher also would be allowed to purchase out-of-state service for retirement purposes.

Retirement System Building (S.416, Senate Finance Committee). This joint resolution would authorize the state treasurer to use \$6 million from various state retirement systems to purchase or build suitable offices for the State Retirement System. The resolution notes that the retirement system has been relocated three times in 15 years and currently has inadequate visitor parking for state retirees.

*Without Reference*

Rural Airport Emergency/Economic Development Fund (H.3604, Rep. Carnell). This bill establishes the Rural Airport Emergency/Economic Development Fund. The fund would be administered solely by the State Aeronautics Commission upon the recommendation of the Joint Bond Review Committee.

The fund would be used for emergency construction of a public airport or landing strip to either maintain an existing facility or promote economic development. The commission would accept or reject a request for emergency construction from an airport, landing strip, state agency or political subdivision. If the request is accepted, the commission would determine the level of funding and forward its recommendation to the Joint Bond Review Committee, which would make the final decision on the request. Only airport capacity expansion, safety enhancement or navigational improvements could be recommended.

## Anabolic Steroids: Threat or Menace?

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*Like the sporting events that span the globe, the health threat of anabolic steroids to young athletes has become a worldwide issue with local ramifications. Last week, the House passed H.3286 dealing with the regulation of anabolic steroids. The following research report was written by J. Michael Witkoski, Ph.D., research director of the House Medical, Military, Public and Municipal Affairs Committee.*

### Background

An Olympic champion has his victory voided, his gold medal taken away, and his barred from further athletic competition. A bodybuilder believes that he is invulnerable to injury, and deliberately drives his car into a tree at 40 miles an hour--while a friend videotapes him. Closer to home, a USC football player experiences severe mental problems, including a close bout with suicide. Worse yet, the player goes on to recount his story in a sensational article in a national magazine. What's going on here?

All of these athletes were extensive users of anabolic steroids, drugs which are supposed to make people who take them bigger, faster, and stronger. In other words, make their users better athletes. All over America, including South Carolina, young men and women are using steroids to build up body weight and mass. In the process they may also be causing serious, perhaps irreparable harm to their livers, hearts, and minds.

Recently legislation has been introduced to the General Assembly that would put anabolic steroids into the class of drugs which are controlled by law. The bills would make it illegal to possess the drugs without a valid prescription, or to prescribe steroids for anything other than "valid medical use." This research report will look into the problem of anabolic steroids, and why this legislation has been drafted.

What are steroids and what do they do?

As some of us remember from biology 101, the human body is a complicated organism that has a great deal of intricate machinery under the hood. The growth and development of the body is governed by a number of factors, but among the most important are the growth hormones, in particular testosterone, often known as the "male sex hormone."

While testosterone is the principal male hormone, it is also produced by the adrenal cortex of both men and women. The "adrenal cortex" is the outer layer of the adrenal gland. Along with other human growth hormones, testosterone is responsible for spurring the process by which the body takes nourishment from food and converts this into muscle, bone and tissue.

This change is known as anabolism. Anabolism is the building up of the body substance; it is basically a cellular process through which substances are taken from the blood and used to increase the body. While testosterone is by no means the only hormone to affect this activity, it is the one easiest to identify, isolate, and reproduce artificially. The artificial copying of testosterone is where anabolic steroids come from.

These anabolic steroids act much the same as testosterone--in particular, they stimulate anabolism. And what they seem to build up most is muscles.

Why take steroids?

Medically, there are few uses for anabolic steroids. Some are prescribed for certain types of breast cancer, anemia, or assisting the body to rebuild after surgery. Steroids were first developed during the 1930's, and for a while they were dispensed for a variety of uses; during the 1960's, however, the FDA took a close look at the drugs, and all but a few of them were withdrawn from use.

One reported early use of steroids was to increase the aggressiveness of German troops during World War II. While this story was reported in the respected magazine Science, it cannot really be proven or disproven. However, in light of some of the personality changes caused by steroids--especially heightened aggression--it has some plausibility.

Today, the most widespread use of anabolic steroids is among athletes. And that's where the problem is, because the athletes using them are younger than ever.

Steroids are used by athletes who want to become bigger, faster, and perhaps meaner--in other words, for those who participate in sports where strength and size are the key factors.

Weight-lifting and body building have long been the strongholds of steroid use: as many as 90 percent use the drugs, according to a report published by the Federal Food and Drug Administration. Since football players now feel they must be massive as well, many of them have become avid partakers of this chemical growth feast. Harvard researchers believe that at least 85 percent of professional football players have used steroids on a regular basis--and the trend is clearly for college and even high school athletes to use the drugs.

Steroid use is no longer restricted to the heavy weight sports. Ben Johnson, the Canadian runner who set a world's record at the Seoul Olympics last summer, is perhaps the most notable sports figure to be caught using the drugs. He illustrates how their use has spread into all realms of sports. At the Seoul games at least half of the 9,000 competing athletes had used anabolic steroids in their training regimens. Out of this number, only ten (including Johnson) were caught by the games' drug-testing program.

#### Do steroids really work?

Although the athletes who use them swear that anabolic steroids make them bigger, stronger and more competitive, doctors who have looked into the issue are skeptical. The studies done on steroid use have been inconclusive, and no thorough test is really possible, since no ethical researcher would subject humans to the potential dangers of excessive steroid use. However, one researcher who studied available data has concluded that steroids are simply not effective.

Allan J. Ryan, editor of The Physician and Sportsmedicine, reviewed 25 studies of steroid use in athletes; almost half of these studies made claims for improved performance. Ryan disagreed, stating that "Anabolic steroids will not contribute significantly to gains in lean muscle bulk or muscle strength in healthy young adult males." Since this is precisely the group most likely to use anabolic steroids, Ryan's finding was especially significant.

In a similar stand, the American Medical Association has denounced the use of steroids to improve athletic performance as "medically trivial," and warned: "Anabolic steroids should be avoided, particularly in juvenile athletes in whom deleterious effects on growth and unknown effects on the maturing of hypothalamic-pituitary-gonadal axis may occur...."

### Dangers of steroids

The AMA's medical jargon may baffle the lay person, but it contains a serious warning: the use of anabolic steroids can cause great harm, especially to young people. And this harm can be deadly.

Risks of steroid use are many. For the male athlete, side effects include acne, balding, and a decrease in sexual desire. That decrease in desire is probably linked to a decrease in ability, since prolonged steroid use can bring about atrophy of the testicles, low sperm count, and infertility. Is building up muscles really worth the risk of becoming a bald, pizza-faced eunuch?

Women athletes on steroids often experience a masculinizing effect: growth of facial hair, the onset of male pattern baldness, deepening of the voice are noted. More serious are changes in the reproductive organs and their activities. While the side effects of the drug on males are often reversed when use stops, the changes in women are generally not reversible.

Excessive use of steroids also leads to liver trouble. (And almost all use becomes excessive.) The liver takes steroids and metabolizes them, and studies have found this process leads to the development of liver tumors. According to the FDA, changes in liver function among steroid users are well documented. Fortunately, once drug use is stopped, the liver generally resumes its normal activities, and tumors shrink away. In some cases, however, steroid use has led to liver cancer and death.

There's more bad news. Even short-term use of steroids has been linked with increased risk of heart disease. In some fashion steroids interfere with the body's production of "good cholesterol," HDL, which serves to carry away fats that can block the circulatory system. Steroid users can have their HDL levels reduced by as much as 60 percent after only four weeks of taking the drugs. Although research is still in early stages, the long-range implications are clearly unfavorable. In addition, hypertension, or high blood pressure, is also a well-attested result of steroid use.

Finally, there are the mental problems which steroids cause. One of the striking points in the recent Sports Illustrated article on the USC football player who used steroids was his descent into paranoia and delusion. Such changes are not unusual among takers of the drug, and the Harvard study cited above made a strong connection between steroid use and major psychiatric disturbances.

Among the conditions reported: manic or near-manic behavior, hyperactivity, reckless behavior, and delusions of invulnerability. This is what led one football player to buy a \$17,000 sports car he couldn't afford. When he got off the drug, he got rid of the car. Back on steroids, he promptly got a new sports car--this one costing \$20,000. Other participants in the study developed paranoid tendencies, heard voices for as long as five weeks straight, and became aggressive and truculent--a lot like WWII German soldiers, as a matter of fact.

#### What can be done--Legislation

The major danger of anabolic steroid use is to the young athlete, still in his or her developmental stages. Since no reputable medical professional would prescribe or dispense the drugs to these folks, where do college and high school athletes get steroids from? The major source is primarily from a black market in the drugs--yet, at the present time, South Carolina has no laws dealing specifically with anabolic steroids.

Two bills have been introduced into the Legislature to confront the problem. They are basically similar in their definition and approach to the drugs, differing only in the punishment levied.

H.3286 (Rep. Hodges) and S.281 (Sen. Giese) contain the same list of anabolic steroids, restricting the definition to the drugs which control human growth. This means the bills would not affect use of growth hormones by livestock breeders. (It is the use of such hormones which has caused the Europeans, led by the French, to ban US-grown beef as being somehow "unhealthy." As if a nation that has elevated the common snail to a culinary delight has any credibility when it comes to discussion of healthy and unhealthy foods.)

Both bills would make it unprofessional conduct for a practitioner to prescribe or administer the drugs simply to increase muscle mass or improve performance in a sport. The House bill is more specific in its prohibitions on possession and distribution of the drugs, and in the punishment options available to the State.

S.281 simply classifies improper prescription, dispensation, delivery or administration of steroids as a misdemeanor, and sets the punishment at a term up to five years and/or a fine of up to \$5,000. Rep. Hodges bill, after amendments by the House 3-M Committee, is more specific.

Illegal prescribing, delivery, etc. would be a felony. The first offense could bring five years and/or \$5,000; a second conviction, ten years and/or \$10,000.

Possession of less than 10 dosage units would be a misdemeanor, with a first offense bringing six months or \$1,000, a second offense one year and/or \$2,000. Also a misdemeanor, but more serious, would be possession of more than ten, but less than 100 dosage units. The punishments here: first offense--one year and/or \$2,000; second offense--two years and/or \$3,000.

Finally, distribution, assumed from the possession of more than 100 dosage units, would also be a felony. First offense conviction would bring five years and/or \$5,000. A second offense would net ten years and/or \$10,000.

### Conclusion

The medical evidence seems overwhelming that the use of anabolic steroids by athletes is dangerous and potentially deadly. Unfortunately, the obsession to win at any cost is one that has permeated our society, and finds its greatest expression in our sports. The young athlete is under intense pressure to succeed, and finds it perhaps too easy to succumb to the temptation to use drugs to get that elusive edge--a little more speed, a little more muscle mass, a little meaner attitude.

The General Assembly might not be able to directly affect the attitude of our young players, but it seems determined to act where it can in restricting access to drugs that can cause their injury or death.