

116TH CONGRESS
1ST SESSION

S. 1488

To improve the integrity and safety of interstate horseracing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2019

Mr. UDALL (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the integrity and safety of interstate horseracing, and for other purposes.

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 “Racehorse Doping Ban
5 Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) INTERSTATE OFF-TRACK WAGER; HORSE-
9 MEN’S GROUP; HOST RACING ASSOCIATION; OFF-
10 TRACK BETTING SYSTEM.—The terms “interstate

1 off-track wager”, “horsemen’s group”, “host racing
 2 association”, and “off-track betting system” have
 3 the meanings given those terms in section 3 of the
 4 Interstate Horseracing Act of 1978 (15 U.S.C.
 5 3002).

6 (2) VETERINARIAN-CLIENT-PATIENT RELATION-
 7 SHIP.—The term “veterinarian-client-patient rela-
 8 tionship” has the meaning of that term as used in
 9 the Principles of Veterinary Medical Ethics of the
 10 American Veterinary Medical Association (as in ef-
 11 fect on the date of the enactment of this Act).

12 **SEC. 3. INDEPENDENT ANTI-DOPING ORGANIZATION FOR**
 13 **INTERSTATE HORSERACING.**

14 (a) IN GENERAL.—There shall be an independent
 15 anti-doping organization with responsibility for ensuring
 16 the integrity and safety of horseraces that are the subject
 17 of interstate off-track wagers.

18 (b) DUTIES.—The duties of the independent anti-
 19 doping organization referred to in subsection (a) with re-
 20 spect to horseraces described in that subsection are the
 21 following:

22 (1) Developing, publishing, and maintaining
 23 rules with respect to—

1 (A) substances, methods, and treatments
2 that may not be administered to a horse partici-
3 pating in such a horserace;

4 (B) substances, methods, and treatments
5 that may be administered to a horse partici-
6 pating in such a horserace in the context of a
7 veterinarian-client-patient relationship; and

8 (C) the use of substances, methods, and
9 treatments permitted under subparagraph (B),
10 including rules with respect to the period before
11 a horserace (which may not be less than 24
12 hours before a horserace) during which a horse
13 may no longer receive such substances, meth-
14 ods, and treatments.

15 (2) Implementing programs relating to anti-
16 doping education, research, testing, and adjudication
17 to prevent any horse participating in a horserace de-
18 scribed in subsection (a) from racing under the ef-
19 fect of any substance, method, or treatment that
20 could affect the performance of the horse (other
21 than a substance, method, or treatment described in
22 subparagraph (B) of paragraph (1) administered
23 during a time period that is permitted under sub-
24 paragraph (C) of that paragraph).

1 (3) Excluding from participating in any horse-
2 race described in subsection (a) any person that the
3 independent anti-doping organization or a State rac-
4 ing commission determines—

5 (A) has violated a rule with respect to a
6 substance, method, or treatment that may not
7 be administered to a horse participating in such
8 a horserace under subparagraph (A) of para-
9 graph (1);

10 (B) has violated three or more times a rule
11 with respect to a substance, method, or treat-
12 ment permitted under subparagraphs (B) and
13 (C) of that paragraph that has the ability to af-
14 fect the performance of a horse; or

15 (C) is subject to a suspension from horse-
16 racing activities by any State racing commis-
17 sion.

18 (c) DEADLINE.—The independent anti-doping orga-
19 nization referred to in subsection (a) shall publish the
20 rules required by subsection (b) not later than one year
21 after the date of the enactment of this Act.

22 (d) SUSPENSION OF EXCLUSION PERIOD.—The inde-
23 pendent anti-doping organization referred to in subsection
24 (a) may—

1 (1) suspend a period of exclusion from partici-
2 pating in a horserace imposed on a person pursuant
3 to subsection (b)(3) if the person provides substan-
4 tial assistance to the organization or other persons
5 that results in the discovery of—

6 (A) a violation of a rule published under
7 subsection (b) by another person; or

8 (B) a violation of Federal or State law by
9 another person; and

10 (2) reinstate all or part of a period of exclusion
11 imposed on a person and suspended under para-
12 graph (1) if the person fails to provide substantial
13 assistance described in that paragraph.

14 (e) CONSULTATIONS.—In developing, publishing, and
15 maintaining rules under subsection (b)(1), the inde-
16 pendent anti-doping organization referred to in subsection
17 (a) may consult with State racing commissions, host rac-
18 ing associations, horsemen’s groups, and other interested
19 persons.

20 (f) TRANSITION RULE WITH RESPECT TO
21 FUROSEMIDE.—During the 2-year period beginning on
22 the date of the enactment of this Act, the independent
23 anti-doping organization referred to in subsection (a) shall
24 permit the use of furosemide in a horse participating in
25 a horserace described in subsection (a) if—

1 (1) the horse is 3 years old or older; and

2 (2) the use of furosemide—

3 (A) complies with the requirements of the
 4 document entitled “ARCI–011–020 Medications
 5 and Prohibited Substances” published by the
 6 Association of Racing Commissioners Inter-
 7 national, Inc.; and

8 (B) is within the context of a veterinarian-
 9 client-patient relationship.

10 (g) DESIGNATION OF ORGANIZATION.—The inde-
 11 pendent anti-doping organization designated pursuant to
 12 section 701 of the Office of National Drug Control Policy
 13 Reauthorization Act of 2006 (21 U.S.C. 2001) shall serve
 14 as the independent anti-doping organization referred to in
 15 subsection (a).

16 **SEC. 4. CONSENT REQUIRED FOR ACCEPTANCE OF INTER-**
 17 **STATE OFF-TRACK WAGERS.**

18 (a) IN GENERAL.—On and after the date of the en-
 19 actment of this Act, a host racing association may conduct
 20 a horserace that is the subject of an interstate off-track
 21 wager, and an interstate off-track wager may be accepted
 22 by an off-track betting system, only if consent is obtained
 23 from the independent anti-doping organization referred to
 24 in section 3(a).

25 (b) REQUIREMENT FOR AGREEMENT.—

1 (1) IN GENERAL.—A host racing association
 2 shall obtain the consent required by subsection (a)
 3 of the independent anti-doping organization referred
 4 to in section 3(a) pursuant to an agreement entered
 5 into between the association and the organization
 6 that specifies the terms and conditions relating to
 7 such consent, including—

8 (A) compliance with the rules published
 9 under section 3(b); and

10 (B) payments to the organization to defray
 11 the costs of carrying out the duties of the orga-
 12 nization under this Act.

13 (2) DEFRAYAL OF COSTS.—The independent
 14 anti-doping organization referred to in section 3(a)
 15 shall ensure that all of the costs incurred by the or-
 16 ganization in carrying out the duties of the organiza-
 17 tion under this Act are defrayed pursuant to agree-
 18 ments entered into under paragraph (1).

○