To protect the health and welfare of covered horses and improve the integrity and safety of horseracing by authorizing States to enter into an interstate compact to develop and enforce scientific medication control rules and racetrack safety rules that are uniform for each equine breed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2023

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

A BILL

To protect the health and welfare of covered horses and improve the integrity and safety of horseracing by authorizing States to enter into an interstate compact to develop and enforce scientific medication control rules and racetrack safety rules that are uniform for each equine breed, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Racehorse Health and Safety Act of 2023”.

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(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Repeal of the Horseracing Integrity and Safety Act of 2020.
Sec. 4. Authorization to enter into interstate compact.

TITLE I—RACEHORSE HEALTH AND SAFETY ORGANIZATION

Sec. 101. Racehorse Health and Safety Organization.
Sec. 102. Role of States and State racing commissions.

TITLE II—HORSE RACING SCIENTIFIC MEDICATION CONTROL

Sec. 201. Scientific medication control committees.

TITLE III—RACETRACK SAFETY

Sec. 301. Definition of Committee.
Sec. 302. Racetrack Safety Committee.
Sec. 303. Racetrack safety rules.

TITLE IV—RULE VIOLATIONS

Sec. 401. Prohibited acts.
Sec. 402. Results management and disciplinary process.
Sec. 403. Administrative sanctions.

TITLE V—GENERAL PROVISIONS

Sec. 501. Effective dates.

3 SEC. 2. DEFINITIONS.

In this Act:

(1) ADVANCE DEPOSIT WAGER.—The term “advance deposit wager” means a legal form of parimutuel wager in which an individual deposits money into an account and such funds are used to pay for parimutuel wagers made either on-track or off-track.

(2) BOARD.—The term “Board” means the board of directors of the Racehorse Health and Safety Organization established under section 101.
(3) **Breed registry.**—The term “breed registry”—

(A) means the organization with which an owner or breeder officially registers his or her horse for horseracing; and

(B) includes—

(i) in the case of Thoroughbreds, the Jockey Club;

(ii) in the case of Standardbreds, the United States Trotting Association; and

(iii) in the case of Quarter Horses, the American Quarter Horse Association.

(4) **Covered horse.**—The term “covered horse” means any Thoroughbred, Standardbred, or Quarter Horse during the period—

(A) beginning on the date of the horse’s first timed and reported workout at a racetrack that participates in covered horseraces or at a training facility; and

(B) ending on the earlier of—

(i) the date on which the horse is permanently ineligible to be entered in a covered horserace; or

(ii) the date of the death of the horse.
(5) Covered horserace.—The term “covered horserace” means any horserace involving covered horses that has a substantial relation to interstate commerce, including any horserace that is the subject of interstate off-track wagers or advance deposit wagers.

(6) Covered person.—The term “covered person” means any trainer, owner, breeder, jockey, driver, racetrack, veterinarian, person (as defined in section 1, of title 1, United States Code) licensed by a State racing commission, any agent, assign, or employee of such a person, and any other horse support personnel engaged in the care, training, or racing of covered horses.

(7) Equine industry representative.—The term “equine industry representative” means an organization representing the interests of, and whose membership consists in whole or in part of, owners, breeders, trainers, racetracks, veterinarians, State racing commissions, jockeys, and drivers.

(8) Immediate family member.—The term “immediate family member” includes a spouse, domestic partner, mother, father, aunt, uncle, sibling, child, or member of the same household.
(9) **INTERSTATE COMPACT.**—The term “inter-state compact” means the interstate compact entered into pursuant to this Act.

(10) **INTERSTATE OFF-TRACK WAGER.**—The term “interstate off-track wager” has the meaning given such term in section 3 of the Interstate Horse-racing Act of 1978 (15 U.S.C. 3002).

(11) **JOCKEY; DRIVER.**—The terms “jockey” and “driver” mean an individual who is a rider or driver of a covered horse in a covered horserace.

(12) **MEMBER STATE.**—The term “member State” means a State that is a member of the inter-state compact.

(13) **OWNER; BREEDER.**—The terms “owner” and “breeder” mean an individual who—

(A) holds an ownership interest in a covered horse; or

(B) is in the business of breeding covered horses.

(14) **RACETRACK.**—The term “racetrack” means an organization or person licensed by a State racing commission to conduct covered horseraces.

(15) **RHSO.**—The term “RHSO” means the Racehorse Health and Safety Organization established under section 101.
(16) **Scientific medication control committee.**—The term “scientific medication control committee” means a committee established under section 201.

(17) **State racing commission.**—The term “State racing commission” means an entity designated by State law or regulation that has jurisdiction over the conduct of horseracing within the applicable State.

(18) **Trainer.**—The term “trainer” means an individual that is engaged in the training of covered horses and is the recipient of direct or indirect compensation or anything of value for such services or expertise.

(19) **Training facility.**—The term “training facility” means a location that—

(A) is not a racetrack recognized and designated by the Racehorse Health and Safety Organization; and

(B) operates primarily to house covered horses or to conduct official timed workouts or qualifying races.

(20) **Veternarian.**—The term “veterinarian” means a licensed veterinarian who provides veterinary services to covered horses.
(21) **Workout.**—The term “workout” means—

(A) a timed running of a horse over a pre-determined distance not associated with a purse race; or

(B) the competing of a horse in a harness qualifying race.

**SEC. 3. REPEAL OF THE HORSE RACING INTEGRITY AND SAFETY ACT OF 2020.**


**SEC. 4. AUTHORIZATION TO ENTER INTO INTERSTATE COMPACT.**

(a) **In General.**—The consent of Congress is given for States to enter into an interstate compact in accordance with this Act.

(b) **Consent of States.**—A State may demonstrate consent to enter into the interstate compact through the enactment of a State law that contains a provision indicating such consent that is substantially similar to the following:

“The State of ________________ hereby consents to and enters into the interstate compact established in accordance with the Racehorse Health and Safety Act of 2023.”
(c) Prohibition on Interstate Off-Track Wagers Among Non-Member States.—

(1) In General.—Subject to, and in accordance with, the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.), a host State that is a member State of the interstate compact may allow the interstate transmission of any electronic signal for the purposes of allowing for the placement of interstate off-track wagers or advance deposit wagers pertaining to the covered horserace concerned.

(2) Exception.—A host State that is not a member State of the interstate compact is prohibited from allowing interstate transmission of any electronic signal for the purposes described in paragraph (1).

(3) Host State Defined.—In this subsection, the term “host State” means a State in which a horserace subject to an interstate wager takes place.

TITLE I—RACEHORSE HEALTH AND SAFETY ORGANIZATION

SEC. 101. RACEHORSE HEALTH AND SAFETY ORGANIZATION.

(a) In General.—States that are members of the interstate compact shall—
(1) establish and participate in an organization, to be known as the “Racehorse Health and Safety Organization” or the “RHSO”, to coordinate the decision making and actions of the State racing commission of each member State; and

(2) develop bylaws and rules governing the RHSO, including rules establishing the RHSO as an agency for purposes of subchapter II of chapter 5 of title 5, United States Code.

(b) Board of Directors.—

(1) In general.—The RHSO shall be governed by a board of directors composed of 9 members, of whom—

(A) 5 shall be appointed by the State racing commission of each of the 5 member States that had the greatest number of racing days during the preceding 3-year period, with each such State racing commission appointing 1 member; and

(B) 4 shall be appointed by the State racing commissions of the remaining member States.

(2) Membership.—
(A) **Chairperson.**—The chairperson of the Board shall be elected annually by majority vote from among the members of the Board.

(B) **Term.**—

(i) In **general.**—Except as provided in clauses (ii) and (iii), the term of a member of the Board shall not exceed 3 years. No member shall serve more than 3 full terms.

(ii) Initial **appointment.**—For purposes of staggering terms of appointment, the initial members appointed by the State racing commissions in the 5 member States that had the greatest number of racing days during the prior 3-year period shall serve an initial term of 4 years.

(iii) Expansion in case of fewer than 9 **member states.**—If, as of the date described in section 502(a), fewer than 9 States have entered the interstate compact, the Board shall add a new member as each new State enters the interstate compact, up to a maximum of 9 members.

(iv) Vacancies.—A vacancy on the Board shall be filled in the same manner
as the position was appointed immediately prior to the vacancy. An individual appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of that individual was appointed shall be appointed for the remainder of that term. When the term of office of a member ends, the member may continue to serve until a successor is appointed.

(C) CONFLICTS OF INTEREST.—

(i) IN GENERAL.—Each member of the Board shall—

(I) before accepting appointment as a Board member, disclose any potential conflict of interest;

(II) notify the full Board immediately upon engaging in any activity that the RHSO determines may be perceived as a conflict of interest; and

(III) not less frequently than annually, certify in writing the information referred to in subclauses (I) and (II) and disclose any potential or perceived conflicts of interest.
(ii) **Recusal Required.**—A member of the Board shall recuse himself or herself from discussion of any item before the Board if such discussion—

(I) relates to the direct financial interest of the member of the Board or an immediate family member of the member of the Board; and

(II) does not apply to all covered horses within a breed.

(D) **Removal and Ethics.**—The Board may remove by majority vote a member of the Board or the chairperson of the Board for—

(i) neglect of duty, unethical behavior, or malfeasance in office (including conduct determined by the Board to be injurious to the integrity of horseracing, such as contract violations or perjury); or

(ii) conviction of a violation of a Federal or State civil or criminal law related to horseracing.

(E) **Quorum.**—In order to consider at a meeting any item requiring the approval of the Board, the Board shall have in attendance at
such a meeting (either in person or remotely) a
majority of members of the Board.

(c) DUTIES OF THE BOARD.—The duties of Board
shall be—

(1)(A) to adopt rules with respect to scientific
medication control recommended by each scientific
medication control committee under section 202; or

(B) to modify, or not adopt rules so rec-
ommended or adopt alternative rules if the Board
determines, by a preponderance of evidence, that
such recommendations do not meet the requirements
specified in paragraph (4);

(2)(A) to adopt rules with respect to racetrack
safety recommended by the Racetrack Safety Com-
mittee under section 303; or

(B) to modify, or not adopt rules so rec-
ommended or adopt alternative rules if the Board
determines, by a preponderance of evidence, that
such recommendations do not meet the requirements
specified in paragraph (4);

(3) to adopt rules with respect to rule viola-
tions, as described in sections 401, 402, and 403;

(4) to ensure that any rule adopted under para-
graph (1), (2), or (3) is based on generally accepted
scientific principles and methods, and to the extent possible, on peer-reviewed scientific data and studies;

(5) to hold open meetings with respect to proposed rules recommended under sections 202 and 303, at which the chairperson of the scientific medication control committee concerned or the chairperson of the Racetrack Safety Committee, as applicable, or the representative of such chairperson, shall present such proposed rules;

(6) not later than 45 days before any such meeting is to be held—

(A) to post on the internet website of the RHSO any proposed rule described in paragraph (1) or (2) (or modifications to such rules) under consideration at such meeting; and

(B) to submit to each State racing commission (and to any other individual upon request) notification of such meeting;

(7) to adopt any rule under paragraphs (1), (2), and (3) by a vote of not less than a two-thirds majority of the Board, determine the effective date of any such rule, and update any such rule in accordance with the process established under paragraphs (5) and (6);
(8) after notice and an opportunity for public comment, in consultation with the State racing commissions, to develop and maintain a nationwide database of racehorse safety, performance, health, and injury information for the purpose of conducting an epidemiological study;

(9) in carrying out paragraph (8), to require covered persons and equine industry representatives to collect and submit for inclusion in such database such information as the RHSO considers necessary to further the goal of increased horse welfare;

(10) with respect to covered persons—

(A) subject to section 102, to issue subpoenas and investigate rule violations; and

(B) to refer to the appropriate State racing commission any such violation for enforcement action unless the State racing commission concerned agrees to give that enforcement authority to the RHSO;

(11) in consultation with member States, to develop uniform standards for veterinarian’s and steward’s lists and uniform procedures for entering horses on, and removing horses from, such lists;

(12) to establish, and conduct oversight activities with respect to, the scientific medication control
committees under section 201 and the Racetrack Safety Committee under 302;

(13) in carrying out paragraph (12), with respect to members of the committees referred to in that paragraph—

(A) to assess such members for potential conflicts on a case-by-case basis; and

(B) to determine, in the sole discretion of the Board, whether the potential conflict requires removal from the committee or denial of the opportunity to vote on an item pending before the relevant committee;

(14) to carry out activities described in subsection (e) relating to laboratory accreditation; and

(15) to ensure that member States comply with the terms of this Act, the interstate compact, and the rules adopted by the Board under this section, including the prohibition on interstate off-track wagers among non-member States specified in section 4(e).

(d) FUNDING.—

(1) INITIAL FUNDING.—The RHSO, acting through the Board, shall assess an initial fee from each State racing commission of a member State in an amount determined by the Board to be sufficient
to cover the startup costs of the racing commission for the first full year that begins after the effective date specified in section 502(a).

(2) Permanent funding.—

(A) Assessment and collection of fees by states.—

(i) In general.—Beginning on a date determined by the RHSO, each State racing commission of a member State shall remit to the RHSO an amount of fees determined under subparagraph (B), in accordance with a schedule developed by the RHSO.

(ii) Determination of methods.—Each State racing commission of a member State shall determine, subject to the applicable laws, regulations, and contracts of the State concerned, the method by which the amount of fees determined in accordance with subparagraph (B) shall be allocated, assessed, and collected.

(B) Annual calculation of amounts required.—

(i) In general.—For the first year in which fees are collected under this sub-
section, not later than the date determined
by the RHSO, and not later than November 1 each year thereafter, the RHSO shall
determine and provide to each State racing
commission the estimated amount required
from each member State—

(I) to fund the member State’s
proportionate share of the expendi-
tures incurred in administering the
horseracing scientific medication con-
trol rules under subsection (c)(1) and
the racetrack safety rules under sec-
tion subsection (c)(2) for each breed
of covered horses racing in covered
horseraces in the State; and

(II) to liquidate any loan under-
taken or other debt incurred to cover
a shortfall in fees assessed for the
current calendar year and any pre-
ceding calendar year.

(ii) Basis of Calculation.—The
amounts calculated under clause (i) shall
be based on the annual breed-specific
budget of the RHSO for the breed in that
State for the following year as approved by
the Board of Directors after taking into account—

(I) the projected number of racing starts for the year separately for each breed in that State; and

(II) any other sources of RHSO income.

(C) State Racing Commission Assessment.—

(i) Sources.—A State may fund the amount required under subparagraph (B)(i) from a variety of sources, including foal registration fees, sales contributions, starter fees, track fees, and other fees on covered persons.

(ii) Breed-Specific Assessments.—

In assessing fees to meet the requirement under subparagraph (B), a State racing commission shall assess fees on a breed-specific basis, for the Standardbred, Thoroughbred, and the Quarter Horse industries operating within that State. Each such assessment shall be specifically earmarked for the development, refinement, and maintenance of—
(I) horseracing scientific medication control rules consistent with subsection (c)(1) that are specific and limited to each breed’s unique performance model and developed safety protocols; and

(II) racetrack safety rules consistent with subsection (c)(2) that are specific and limited to each breed’s unique performance model and developed safety protocols.

(iii) No commingling.—A State racing commission of a member State shall ensure that funds assessed by the member State for a single breed of covered horses shall not be commingled for the use or subsidy of any other breed of covered horses.

(iv) Three-fourths majority vote required for rate increases.—In the case of a proposed increase in the amount required under clause (i) that exceeds 5 percent, such increase shall only become effective if the increase is approved by a vote of not less than a three-fourths majority of the Board.
(3) Borrowing.—The RHSO may incur debt to carry out the duties of the RHSO but may not accept loans from any covered person or equine industry representative.

(e) Testing Laboratories.—

(1) In general.—The RHSO shall review existing rules relating to laboratory accreditation and testing standards issued by the State racing commissions and the National Veterinary Services Laboratories of the Animal and Plant Health Inspection Service of the Department of Agriculture.

(2) Administration.—

(A) In general.—The RHSO shall select an accreditation body to conduct the accreditation of laboratories and the audits of laboratories so accredited to ensure compliance with rules issued under subsection (c)(1).

(B) Authority.—The accreditation body selected under subparagraph (A) shall have the authority to require specific test samples to be directed to, and tested by, laboratories with special expertise in the required tests.

(C) Condition of accreditation.—The accreditation body so selected shall ensure that each laboratory seeking accreditation to conduct
testing of covered horses has a relationship with
a national laboratory, such as the National Vet-
erinary Services Laboratories of the Animal and
Plant Health Inspection Service.

(3) SELECTION OF LABORATORIES.—

(A) IN GENERAL.—A State racing commis-
sion may select, for purposes of testing samples
from covered horses racing in covered
horseraces in the State concerned, a laboratory
accredited by the accreditation body selected
under paragraph (2).

(B) SELECTION BY THE RHSO.—If a State
racing commission selects a laboratory that is
not accredited by the accreditation body se-
lected under paragraph (2), the RHSO shall se-
lect a laboratory accredited by the accreditation
body selected under paragraph (2) to test sam-
ple taken in that State.

SEC. 102. ROLE OF STATES AND STATE RACING COMMIS-
SIONS.

(a) ENFORCEMENT AUTHORITY.—

(1) STATE ELECTION TO ENFORCE.—A State
racing commission may elect to exercise enforcement
authority with respect to the rules issued under
paragraphs (1) and (2) of section 101(c) within the State concerned.

(2) RHSO rules.—If a State racing commission does not make the election described in paragraph (1), the RHSO shall enforce the rules issued under paragraphs (1) and (2) of section 101(c) within the State, pursuant to a memorandum of understanding entered into with the RHSO.

(b) Preemption.—The rules of the RHSO promulgated in accordance with this Act shall preempt any provision of State law or regulation of member States with respect to matters within the jurisdiction of the RHSO.

(e) Unfair or Deceptive Acts or Practices.—Each member State shall, as a condition of being a member of the interstate compact, have in effect a statute that treats as an unfair or deceptive act or practice the sale of a covered horse, or of any other horse in anticipation of its future participation in a covered race, if the seller—

(1) knows or has reason to know the horse has been administered—

(A) a bisphosphonate prior to the horse’s fourth birthday; or

(B) any other substance or method the RHSO determines has a long-term degrading
effect on the soundness of the covered horse;

and

(2) fails to disclose to the buyer the administra-
tion of the bisphosphonate or other such substance
or method.

**TITLE II—HORSERACING SCIENTIFIC MEDICATION CONTROL**

**SEC. 201. SCIENTIFIC MEDICATION CONTROL COMMITTEES.**

(a) In General.—For purposes of developing, up-
dating, and implementing a set of proposed rules with re-
spect to horseracing scientific medication control for cov-
ered horses, covered persons, and covered horseraces, the
RHSO shall establish a scientific medication control com-
mittee with respect to each breed of horses involved in cov-
ered horserace, as follows:

(1) A Standardbred Racing Scientific Medication Control Committee.

(2) A Quarter Horse Racing Scientific Medication Control Committee.

(3) A Thoroughbred Racing Scientific Medication Control Committee.

(b) Duties.—Each scientific medication control com-
mittee shall draft proposed rules regarding scientific medi-
cation control, in accordance with subsection (e), and shall recommend the proposed rules to the Board.

(c) MEETINGS.—Except as provided in subsection (e), meetings of a scientific medication control committee may be closed.

(d) MEMBERSHIP.—

(1) COMPOSITION.—Each scientific medication control committee shall be composed of 7 members, as follows:

(A) REGULATORY MEMBERS.—Three members of each scientific medication control committee shall be appointed—

(i) by the Board from within the equine industry; and

(ii) based on their knowledge of equine exercise physiology, forensic toxicology, or equine pharmacology.

(B) INDUSTRY MEMBERS.—Four members of each scientific medication control committee shall be appointed as follows:

(i) For the Standardbred Racing Scientific Medication Control Committee, such appointments shall be made by the United States Trotting Association.
(ii) For the Quarter Horse Racing Scientific Medication Control Committee, such appointments shall be made by the American Quarter Horse Association.

(iii) For the Thoroughbred Racing Scientific Medication Control Committee, such appointments shall be made by the National Horsemen’s Benevolent and Protective Association.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The members of a scientific medication control committee appointed under paragraph (1)(B) shall—

(i) have significant, recent experience in medication control or toxicology research;

(ii) hold a doctorate of philosophy or equivalent degree; and

(B) ADDITIONAL QUALIFICATIONS.—Of the members appointed under paragraph (1)(B)—

(i) at least 1 member shall be a mathematician or statistician with experience in threshold determination;
(ii) at least 1 member shall be an equine exercise physiologist;

(iii) at least 1 member shall be an equine pharmacologist; and

(iv) at least 1 member shall be an analytical chemist.

(3) Term.—

(A) In general.—Except as provided in subparagraph (B), the term of each member of a scientific medication control committee shall not exceed 3 years. Such term is renewable for an indefinite number of terms.

(B) Initial term.—For purposes of staggering the terms of appointment, the members first appointed under paragraph (1)(A) shall serve an initial term of 4 years.

(C) Limitation.—No member of a scientific medication control committee may serve as a member on more than 2 scientific medication control committees.

(4) Chairperson.—The chairperson of each scientific medication control committee shall be elected annually from among the members of the scientific medication control committee by majority vote of the scientific medication control committee.
(5) Conflicts of interest.—Each member appointed to a scientific medication control committee shall, before the beginning of any meeting of the scientific medication control committee, declare any conflicts of interest directly pertinent to the agenda of such meeting.

(6) Quorum.—In order to consider at a meeting any rule being proposed to the Board, each scientific medication control committee shall have in attendance at such a meeting (either in person or remotely) a majority of members of the scientific medication control committee.

(e) Rules for Scientific Medical Control.—

(1) Adoption of rules.—Not later than 90 days before the consideration of a rule (or a modification to such a rule), each scientific medication control committee shall hold an open meeting at which covered persons or their representatives may provide input.

(2) Notice of meeting.—Not less than 45 days before the date on which the meeting referred to in paragraph (1) is to be held, the agenda, location, and date of such meeting shall—

(A) be posted on the internet website of the RHSO;
(B) submitted to the Racing Medication and Testing Consortium, the Harness Racing Medication Collaborative, and the American Quarter Horse Association Medication Committee; and

(C) provided to any individual or entity requesting such information.

(3) RECORDING OF INPUT.—If any input from a covered person (or a representative of a covered person) is provided during a meeting referred to in paragraph (1), or provided in writing, such input shall be transcribed and recorded and made part of the record of the scientific medication control committee concerned.

(4) REVIEW OF MEDICATION AND THRESHOLD RULES.—

(A) IN GENERAL.—Each scientific medication control committee shall review—

(i) all existing medication and threshold rules issued by State racing commissions with respect to covered horses; and

(ii) all available research on medication thresholds for covered horses.

(B) PENALTY RECOMMENDATIONS.—A scientific medication control committee may revise
penalty recommendations with respect to each
substance reviewed as part of the medication
and threshold review under subparagraph (A).

(C) MEDICATIONS.—Each scientific medi-
cation control committee shall—

(i) review the development of any new
medication on an ongoing basis to deter-
mine whether such medication should be
subject to the medication control rules
issued pursuant to section 101(c); and

(ii) if the scientific medication control
committee determines that such a medica-
tion should be subject to such rules, the
scientific medication control committee
shall develop and submit to the Board for
approval proposed modifications to such
rules to include such medication.

SEC. 202. HORSE RACING SCIENTIFIC MEDICATION CON-
TROL RULES.

(a) APPLICABILITY.—Scientific medication control
rules issued under section 101(c)(1) for each breed of cov-
ered horse shall apply to—

(1) covered horseraces, covered persons, and
covered horses in member States; and
(2) any covered horse or covered person from a State that is not a member State that seeks to race in a covered horserace in a member State.

(b) Development of Proposed Rules.—

(1) In General.—In developing proposed scientific medication control rules with respect to a breed of covered horses, to the extent possible, a scientific medication control committee shall—

(A) use scientific methods;

(B) address all topics set forth in subsection (c); and

(C) take into account the unique characteristics and needs of such breed and its racing performance model, including the varying number and nature of races each year for the breed.

(2) Transition.—Until the date on which rules issued by the RHSO pursuant to section 101(c) become effective, the rules of the State concerned shall apply with respect to the administration of medication to covered horses racing in covered horseraces.

(c) Elements.—The proposed rules referred to in subsection (b) shall provide—

(1) that—
(A) a covered horse may only compete in a covered horserace if the horse is—

(i) free from the active pharmacological effect of medications, other foreign substances, and methods that enhance the natural performance of the covered horse; and

(ii) unencumbered by—

(I) foreign substances; and

(II) diseases or conditions;

(B) a covered horse that is injured or determined by a veterinarian to be unsound may not train or participate in a covered horserace; and

(C) the use of medications, other foreign substances, and treatment methods that mask pain in order to allow an injured or unsound covered horse to train or race in a covered horserace shall be prohibited;

(D) with respect to the uniformity of rules, standards, procedures, and protocols regulating medication and treatment methods for covered horses and covered horseraces, such rules, standards, procedures, and protocols—
(i) shall be uniform within each breed of covered horse; and

(ii) shall not be imposed on all 3 breeds unless specifically adopted by the scientific medication control committee for each breed; and

(E) breed-specific rules, standards, procedures, and protocols shall include breed-specific permissible thresholds, medication withdrawal guidelines, and other breed-specific concerns with respect to the administration of medication; and

(2) for—

(A) the development, in consultation with the State racing commissions and the National Veterinary Services Laboratories of the Animal and Plant Health Inspection Service, of a list of permitted and prohibited medications, methods, and substances, for each breed of covered horse;

(B) a process for the review by the scientific medication control committee concerned for the administration of any medication to a covered horse during the 24-hour period preceding the next racing start of the covered horse; and
(C) the performance and management of
test distribution planning (including intel-
ligence-based testing), the sample collection
process, and in-competition and out-of-competi-
tion testing (including no-advance-notice test-
ing).

TITLE III—RACETRACK SAFETY

SEC. 301. DEFINITION OF COMMITTEE.

In this title, the term “Committee” means the Race-
track Safety Committee established under section 302.

SEC. 302. RACETRACK SAFETY COMMITTEE.

(a) In General.—For the purposes of developing,
updating, and implementing mandatory horseracing race-
track safety rules for covered horses, covered persons, and
covered horseraces under this Act, the RHSO shall estab-
lish a Racetrack Safety Committee.

(b) Duties.—The Committee shall—

(1) draft proposed rules with respect to race-
track safety for each horse breed competing in cov-
ered horseraces, in accordance with subsection (d);

(2) recommend such proposed rules to the
Board; and

(3) for purposes of making such recommenda-
tions, obtain testimony or other documented com-
ment from racetrack superintendents from each affected breed of covered horses.

(c) MEMBERSHIP.—The Committee shall be composed of 7 members as follows:

(1) REGULATORY MEMBERS.—Three such members shall be representatives of the equine industry, selected by the Board for their knowledge of race-track safety, management, and maintenance.

(2) INDUSTRY MEMBERS.—Four such members shall be appointed as follows:

   (A) One member shall be appointed by the United States Trotting Association.

   (B) One member shall be appointed by the American Quarter Horse Association.

   (C) One member shall be appointed by the National Horsemen’s Benevolent and Protective Association.

   (D) One member shall be a racetrack superintendent appointed by the Association of Racing Commissioners International.

(3) TERM.—

   (A) IN GENERAL.—Except as provided in subparagraph (B), the term of each member of the Committee shall not exceed 3 years. Such
term is renewable for an indefinite number of terms.

(B) INITIAL TERM.—For purposes of staggering the terms of appointment, the members first appointed under paragraph (1) shall serve an initial term of 4 years.

(4) CHAIRPERSON.—The chairperson of the Committee shall be elected annually from among the members of the Committee by majority vote of the Committee.

(5) CONFLICTS OF INTEREST.—

(A) IN GENERAL.—Each member of the Committee shall—

(i) before accepting appointment as a member of the Committee, disclose any potential conflict of interest; and

(ii) notify the full Board immediately upon engaging in any activity that the RHSO determines may be perceived as a conflict.

(B) RECUSAL REQUIRED.—A member of the Committee shall recuse himself or herself from discussion of any item at a meeting of the Committee if such discussion—
(i) relates to the direct financial interest of any member of the Committee; and
(ii) does not apply to all covered horses within a breed.

(6) REMOVAL AND ETHICS.—The Board may remove by majority vote a member of the Committee for—

(A) neglect of duty, unethical behavior, or malfeasance in office (including conduct determined by the Board to be injurious to the integrity of horseracing, such as contract violations and perjury); or

(B) conviction of a violation of a Federal or State civil or criminal law related to horseracing.

(7) QUORUM.—In order to consider at a meeting any rule being proposed to the Board, the Committee shall have in attendance at such a meeting (either in person or remotely) a majority of members of the Committee.

(d) PROCESS FOR ADOPTION OF RULES.—

(1) IN GENERAL.—Not later than 90 days before the consideration of a proposed rule (or a modification to such a rule), the Committee shall hold an
open meeting at which covered persons or their representatives may provide input.

(2) NOTICE OF MEETING.—Not less than 45 days before the date on which the meeting referred to in paragraph (1) is to be held, the agenda, location, and date of such meeting shall—

(A) be posted on the internet website of the RHSO;

(B) submitted to the Racing Medication and Testing Consortium, the Harness Racing Medication Collaborative, and the American Quarter Horse Association Medication; and

(C) provided to any individual or entity requesting such information.

(3) RECORDING OF INPUT.—If any input from a covered person (or a representative of a covered person) is provided during a meeting referred to in paragraph (1), or provided in writing, such input shall be transcribed and recorded and made part of the record of the Committee.

SEC. 303. RACETRACK SAFETY RULES.

(a) APPLICABILITY.—The racetrack safety rules established pursuant to section 101(e)(2) shall apply with respect to covered horses, covered persons, and covered horseraces.
(b) Development of Proposed Rules.—In developing proposed racetrack safety rules, the Committee shall—

(1) consult with the State racing commissions; and

(2) take into consideration safety standards in use as of the date of the enactment of this Act, including—

(A) the National Thoroughbred Racing Association Safety and Integrity Alliance Code of Standards; and

(B) the Association of Racing Commissioners International Model Rules.

(e) Elements.—The proposed rules referred to in subsection (b) shall include the following:

(1) Training and racing safety standards and protocols that—

(A) take into account regional differences and the character of different racing facilities that may cause variations based on geographical and environmental differences;

(B) are otherwise uniform within each breed of covered horses and unique to the performance model of each such breed;
(C) are consistent with the humane treatment of covered horses; and

(D) may include lists of permitted and prohibited practices, methods, and track surfaces that affect safety.

(2) Track safety standards and protocols, uniform within each breed of covered horses, which may include rules governing—

(A) human and equine injury reporting and prevention; and

(B) oversight and movement of covered horses.

(3) With respect to the accreditation by the RHSO of racetracks within each breed of covered horses racing in covered horseraces—

(A) safety, training, and performance standards of such accreditation;

(B) the process by which a racetrack within each breed may achieve and maintain such accreditation; and

(C) the penalties to be imposed by the RHSO or a State racing commission, as applicable, in the case of a racetrack not complying with such standards.
(4) In the case of a racetrack that does not, as of the date on which the rules established pursuant to section 101(c)(2) become effective, meet the standards for accreditation issued pursuant to paragraph (2), a process for the extension of provisional or interim accreditation for a period not to exceed 1 year—

(A) to a racetrack accredited by the National Thoroughbred Racing Association Safety and Integrity Alliance; and

(B) that is—

(i) determined at a meeting that takes place on a date during such 1-year period; and

(ii) sanctioned by the United States Trotting Association or any entity empowered to perform such function on behalf of the American Quarter Horse Association.

(5) The establishment and process for maintaining a racing surface quality maintenance system that—

(A) takes into account regional environmental differences and the character of different racing facilities, including differences among breeds; and
(B) may include requirements for—

(i) track surface design and consistency; and

(ii) standard operating procedures related to track surface monitoring and maintenance, such as standardized seasonal assessment, daily tracking, and measurement.

(6) A process for injury and fatality analysis, which may include—

(A) pre-training and post-training and race inspections;

(B) use of a veterinarian’s list or a steward’s list that meet standards specified under section 101(c)(11); and

(C) jockey, exercise rider, and driver concussion protocols.

(7) [Requirements relating to the conduct of] safety and performance research.

(8) [Rules relating to the establishment of] educational programs.

TITLE IV—RULE VIOLATIONS

SEC. 401. PROHIBITED ACTS.

In enforcing the rules issued under section 101(c), the Board shall prohibit the following:
(1) Certain nontherapeutic medications and substances, including—

(A) the administration to a covered horse of such a medication or substance;

(B) the presence of such a medication or substance in a blood, urine, or hair sample of a covered horse;

(C) the use or attempted use of such a medication or substance on a covered horse;

(D) possession or attempted possession of such a medication or substance;

(E) trafficking or attempted trafficking in any such medication or substance; and

(F) manufacturing, producing, or formulating such a medication or substance.

(2) Certain therapeutic medications and substances in quantitative amounts that exceed the irrelevant concentration present in a covered horse during a prohibited timeframe before or after the covered horse races in a covered horserace, including—

(A) the administration to a covered horse of such a medication or substance;
(B) the presence of such a medication or substance in a blood, urine, or hair sample of a covered horse; and

(C) the use or attempted use of such a medication or substance on a covered horse;

(3) Refusal or failure—

(A) without compelling justification, to submit a covered horse for collection of a blood, urine, or hair sample;

(B) to cooperate with the RHSO, a State racing commission, or an agent thereof during any investigation;

(C) to respond truthfully, to the best of a covered person’s knowledge, to a question of the RHSO, a State racing commission, or an agent thereof with respect to any matter under the jurisdiction of such entity; and

(D) in the case of a racetrack, to be in compliance with track safety standards.

(4) Tampering or attempted tampering with the application of the rules issued by or process adopted by the RHSO under section 101(c), including—

(A) the intentional interference, or an attempt to interfere, with the RHSO, a State racing commission, or an agent thereof;
(B) the procurement or the provision of fraudulent information to the RHSO, a State racing commission, or an agent thereof; and

(C) the intimidation of, or an attempt to intimidate, a potential witness.

(5) Assisting, encouraging, aiding, abetting, conspiring, covering up, or any other type of intentional complicity involving a violation of a rule issued under section 101(c) or the violation of a period of suspension or eligibility imposed on a covered person, covered horse, or covered horserace.

(6) Threatening or seeking to intimidate a person with the intent of discouraging the person from the good faith reporting to the RHSO, a State racing commission, or an agent thereof, of information that relates to—

(A) an alleged violation of a rule issued by the RHSO under section 101(c); or

(B) alleged noncompliance with such a rule.

SEC. 402. RESULTS MANAGEMENT AND DISCIPLINARY PROCESS.

(a) IN GENERAL.—The Board shall issue rules with respect to the disciplinary process for safety, performance, and scientific medication control rule violations, which
may include the existing Model Rules of the Association of Racing Commissioners International.

(b) ELEMENTS.—The rules and processes issued under subsection (a) shall include the following:

(1) The undertaking of investigations at racetrack and nonracetrack facilities related to safety violations. In performing investigations, the RHSO and State racing commissions shall seek assistance as needed.

(2) Procedures for—

(A) investigating, charging, and adjudicating violations; and

(B) the enforcement of administrative sanctions.

(3) A schedule of administrative sanctions for violations.

(4) Disciplinary hearings, which may include binding arbitration, mediation, administrative sanctions, and research.

(5) Management of violation results.

(6) Referral for criminal law enforcement investigation.

(7) Provisions for notification of safety, performance, and scientific medication control rule violations.
(8) A process by which a noncompliant member State may be removed by unanimous vote of the remaining member States.

(9) Hearing procedures.

(10) Standards for burden of proof.

(11) Presumptions, including a rebuttable presumption of liability for covered persons who are trainers for any violations of the scientific medication control rules under section 101(e)(1).

(12) Evidentiary rules.

(13) Appeals.

(14) Guidelines for confidentiality and public reporting of decisions.

(e) DUE PROCESS.—The rules established under subsection (a) shall provide for adequate due process, including—

(1) impartial hearing officers or tribunals commensurate with the seriousness of the alleged safety, performance, or scientific medication control rule violation and the possible civil sanctions for such violation;

(2) the right to counsel, to confront witnesses, and to have a transcribed record of the proceedings;
(3) the right to have a decision rendered not later than 60 days after the date on which the hearing closes.

SEC. 403. ADMINISTRATIVE SANCTIONS.

(a) IN GENERAL.—The Board shall—

(1) review existing Model Rules of the Association of Racing Commissioners International applicable to a specific breed, imposing administrative sanctions against covered persons or covered horses for safety, performance, and medication control rule violations; and

(2) subject to subsection (b), issue and update rules relating to administrative sanctions referred to in paragraph (1).

(b) REQUIREMENTS.—The rules established under subsection (a) shall—

(1) take into account the unique aspects of horseracing;

(2) be designed to ensure fair and transparent horseraces; and

(3) deter safety, performance, and scientific medication control rule violations.

(c) SEVERITY.—The administrative sanctions under subsection (a) may include—
(1) lifetime bans from horseracing, disgorgement of purses, monetary fines and penalties, and changes to the order of finish in covered races; and

(2) with respect to scientific medication control rule violators, an opportunity to reduce the applicable administrative sanctions that is comparable to the opportunity provided by the Protocol for Olympic Movement Testing of the United States Medication Agency.

**TITLE V—GENERAL PROVISIONS**

**SEC. 501. EFFECTIVE DATES.**

(a) RHSO.—Except as provided in subsections (b) and (c), the provisions of this Act shall take effect on the later of—

(1) the date that is 2 years after the date of the enactment of this Act; or

(2) the date on which 2 or more States have entered into the interstate compact pursuant to section 4.

(b) EXCEPTIONS.—Subsections (c), (d), and (e) of section 101, and titles II, III, and IV of this Act shall take effect 90 days after the date described in subsection (a).
(c) IMMEDIATE UPON ENACTMENT.—Sections 1, 2, and 3 and subsections (a) and (b) of section 4 shall take effect immediately upon the date of the enactment of this Act.