

114TH CONGRESS
1ST SESSION

H. R. 2641

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2015

Mr. PITTS (for himself, Ms. SCHAKOWSKY, and Ms. ESHOO) introduced the following bill; which was referred to the Committee on Energy and Commerce

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 “Horseracing Integrity
5 and Safety Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Federal Food, Drug, and Cosmetic Act
9 prohibits the adulteration or misbranding of any
10 food, drug, or device in interstate commerce.

1 (2) The manufacture, delivery, and use of cer-
2 tain performance enhancing drugs in horseracing
3 can constitute violations of the Federal Food, Drug,
4 and Cosmetic Act.

5 (3) According to a Food and Drug Administra-
6 tion Import Alert titled “Animal Drug Imported For
7 Use By Racetrack Veterinarians”, the Food and
8 Drug Administration routinely receives complaints
9 from State racetrack authorities about the illegal use
10 of clenbuterol, detomidine hydrochloride, glucosa-
11 minoglycan polysulfuric acid ester, hyaluronic acid,
12 and isoxsuprine hydrochloride.

13 (4) Currently, nearly every horse participating
14 in interstate horseracing is injected shortly before
15 racing with furosemide, a drug that is approved by
16 the Food and Drug Administration for use in horses
17 only for the treatment of edema.

18 (5) Congress enacted the Interstate Horse-
19 racing Act of 1978 to regulate interstate commerce
20 with respect to parimutuel wagering on horseracing
21 in order to further the horseracing industry of the
22 United States.

23 (6) The use of performance-enhancing drugs in
24 horseracing is widespread in the United States,
25 where no uniform regulations exist with respect to

1 the use of, and testing for, performance-enhancing
2 drugs in interstate horseracing.

3 (7) A 2012 New York Times investigation
4 found that, on average, every week 24 horses die
5 racing, a high equine fatality rate likely caused by
6 the misuse of permitted medication and abuse of ille-
7 gal drugs.

8 (8) A 2013 horseracing industry study found
9 that a large majority of parimutuel wagering partici-
10 pants avoid wagering at certain tracks and when
11 certain trainers compete because they assume illegal
12 drug use affects race results.

13 (9) Total parimutuel wagering on Thorough-
14 bred horseracing in the United States declined 30
15 percent from 2002 to 2014.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) INTERSTATE OFF-TRACK WAGER; HORSE-
19 MEN’S GROUP; HOST RACING ASSOCIATION; OFF-
20 TRACK BETTING SYSTEM.—The terms “interstate
21 off-track wager”, “horsemen’s group”, “host racing
22 association”, and “off-track betting system” have
23 the meanings given those terms in section 3 of the
24 Interstate Horseracing Act of 1978 (15 U.S.C.
25 3002).

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

7 **SEC. 4. INDEPENDENT ANTI-DOPING ORGANIZATION FOR**
8 **INTERSTATE HORSERACING.**

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

13 (b) DUTIES.—The duties of the independent anti-
14 doping organization referred to in subsection (a) with re-
15 spect to horseraces described in that subsection are the
16 following:

17 (1) Developing, publishing, and maintaining
18 rules with respect to—

19 (A) substances, methods, and treatments
20 that may not be administered to a horse partici-
21 pating in such a horserace;

22 (B) substances, methods, and treatments
23 that may be administered to a horse partici-
24 pating in such a horserace in the context of a
25 veterinarian-client-patient relationship; and

1 (C) the use of substances, methods, and
2 treatments permitted under subparagraph (B),
3 including rules with respect to the period before
4 a horserace (which may not be less than 24
5 hours before a horserace) during which a horse
6 may no longer receive such substances, meth-
7 ods, and treatments.

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

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

22 (A) has violated a rule with respect to a
23 substance, method, or treatment that may not
24 be administered to a horse participating in such

1 a horserace under subparagraph (A) of para-
2 graph (1);

3 (B) has violated 3 or more times a rule
4 with respect to a substance, method, or treat-
5 ment permitted under subparagraphs (B) and
6 (C) of that paragraph that has the ability to af-
7 fect the performance of a horse; or

8 (C) is subject to a suspension from horse-
9 racing activities by any State racing commis-
10 sion.

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

15 (d) SUSPENSION OF EXCLUSION PERIOD.—The inde-
16 pendent anti-doping organization referred to in subsection
17 (a) may—

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

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

1 (B) a violation of Federal or State law by
2 another person; and

3 (2) may reinstate all or part of a period of ex-
4 clusion imposed on a person and suspended under
5 paragraph (1) if the person fails to provide substan-
6 tial assistance described in that paragraph.

7 (e) CONSULTATIONS.—In developing, publishing, and
8 maintaining rules under subsection (b)(1), the inde-
9 pendent anti-doping organization referred to in subsection
10 (a) shall consult with State racing commissions, host rac-
11 ing associations, horsemen’s groups, and other interested
12 persons.

13 (f) TRANSITION RULE WITH RESPECT TO
14 FUROSEMIDE.—During the 2-year period beginning on
15 the date of the enactment of this Act, the independent
16 anti-doping organization referred to in subsection (a) shall
17 permit the use of furosemide in a horse participating in
18 a horserace described in subsection (a) if—

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

20 (2) the use of furosemide—

21 (A) complies with the requirements of the
22 document entitled “ARCI–011–020 Medications
23 and Prohibited Substances” published by the
24 Association of Racing Commissioners Inter-
25 national, Inc.; and

1 (B) is within the context of a veterinarian-
2 client-patient relationship.

3 (g) DESIGNATION OF ORGANIZATION.—The inde-
4 pendent anti-doping organization designated pursuant to
5 section 701 of the Office of National Drug Control Policy
6 Reauthorization Act of 2006 (21 U.S.C. 2001) shall serve
7 as the independent anti-doping organization referred to in
8 subsection (a).

9 **SEC. 5. CONSENT REQUIRED FOR ACCEPTANCE OF INTER-**
10 **STATE OFF-TRACK WAGERS.**

11 (a) IN GENERAL.—On and after the date of the en-
12 actment of this Act, a host racing association may conduct
13 a horserace that is the subject of an interstate off-track
14 wager, and an interstate off-track wager may be accepted
15 by an off-track betting system, only if consent is obtained
16 from the independent anti-doping organization referred to
17 in section 4(a).

18 (b) REQUIREMENT FOR AGREEMENT.—

19 (1) IN GENERAL.—A host racing association
20 shall obtain the consent required by subsection (a)
21 of the independent anti-doping organization referred
22 to in section 4(a) pursuant to an agreement entered
23 into between the association and the organization
24 that specifies the terms and conditions relating to
25 such consent, including—

1 (A) compliance with the rules published
2 under section 4(b); and

3 (B) payments to the organization to defray
4 the costs of carrying out the duties of the orga-
5 nization under this Act.

6 (2) DEFRAVAL OF COSTS.—The independent
7 anti-doping organization referred to in section 4(a)
8 shall ensure that all of the costs incurred by the or-
9 ganization in carrying out the duties of the organiza-
10 tion under this Act are defrayed pursuant to agree-
11 ments entered into under paragraph (1).

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