

HOUSE BILL No. 1147

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-31; IC 25-38.1-4-5.5.

Synopsis: Horse racing and racetrack ownership. Specifies that the horse racing commission (IHRC) may adopt rules that incorporate by reference the most current version of the model rules adopted by the Association of Racing Commissioners International. Removes certain obsolete references to emergency rules. Requires a permit holder to own the real property, including buildings, structures, and other improvements, on which a horse racing meeting is to be conducted. Prohibits a permit issued for a horse racing meeting from being leased. Provides that judges and stewards may suspend a license for not more than three years on behalf of the IHRC. (Current law allows judges and stewards to suspend a license for not more than one year on behalf of the IHRC.) Provides that the suspension of a license or the imposition of certain civil penalties must occur within 365 days after the date of the violation (instead of 180 days as required by current law). Provides that a horse's veterinary medical records and medical condition must be furnished within five business days without written client authorization to the IHRC as part of an investigation in which a horse under the care, control, or ownership of a licensee has been treated by a veterinarian.

Effective: January 1, 2024 (retroactive); July 1, 2024.

Cherry

January 8, 2024, read first time and referred to Committee on Public Policy.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1147

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-31-2.1-2.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: **Sec. 2.5. "ARCI model rules" means**
4 **the most current version of model rules and standards, including**
5 **penalties and penalty classifications, that have been adopted by the**
6 **Association of Racing Commissioners International.**

7 SECTION 2. IC 4-31-3-9, AS AMENDED BY P.L.140-2013,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2024]: Sec. 9. (a) Subject to section 14 of this chapter, the
10 commission may:

11 (1) adopt rules under IC 4-22-2 ~~including emergency rules under~~
12 ~~IC 4-22-2-37.1~~, to implement this article, including **rules that**
13 **incorporate by reference the ARCI model rules and** rules that
14 prescribe:

- 15 (A) the forms of wagering that are permitted;
- 16 (B) the number of races;
- 17 (C) the procedures for wagering;



- 1 (D) the wagering information to be provided to the public;
 2 (E) fees for the issuance and renewal of:
 3 (i) permits under IC 4-31-5;
 4 (ii) satellite facility licenses under IC 4-31-5.5; and
 5 (iii) licenses for racetrack personnel and racing participants
 6 under IC 4-31-6;
 7 (F) investigative fees;
 8 (G) fines and penalties; and
 9 (H) any other regulation that the commission determines is in
 10 the public interest in the conduct of recognized meetings and
 11 wagering on horse racing in Indiana;
 12 (2) appoint employees and fix their compensation, subject to the
 13 approval of the budget agency under IC 4-12-1-13;
 14 (3) enter into contracts necessary to implement this article; and
 15 (4) receive and consider recommendations from a development
 16 advisory committee established under IC 4-31-11.
 17 ~~(b) An emergency rule adopted by the commission under subsection~~
 18 ~~(a) expires on the earlier of the following dates:~~
 19 ~~(1) The expiration date stated in the emergency rule.~~
 20 ~~(2) The date the emergency rule is amended or repealed by a later~~
 21 ~~rule adopted under IC 4-22-2-24 through IC 4-22-2-36 or under~~
 22 ~~IC 4-22-2-37.1.~~
 23 SECTION 3. IC 4-31-5-2 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 2. (a) An
 25 application for renewal of an existing recognized meeting permit must
 26 be filed with the commission no later than November 1 of the year
 27 preceding the year in which the horse racing meeting is to be
 28 conducted. The timing for filing an initial application for a recognized
 29 meeting permit shall be established by the rules of the commission.
 30 (b) The commission shall prescribe the forms to be used in making
 31 an application under this section. The application must include the
 32 following:
 33 (1) The full name of the person making the application.
 34 (2) If the applicant is an association, the names and addresses of
 35 the members of the association.
 36 (3) If the applicant is a corporation, the name of the state in which
 37 it is incorporated, the location of its principal place of business,
 38 and the names and addresses of its directors and stockholders.
 39 (4) If the applicant is a trust, the location of its principal place of
 40 business and the names and addresses of its trustees and
 41 beneficiaries.
 42 (5) If the applicant is a partnership, the names and addresses of



- 1 the partners.
- 2 (6) If the applicant is a limited partnership, the names, addresses,
3 and percentages of ownership of each general partner and each
4 limited partner.
- 5 (7) If the applicant is a limited liability company, the name of the
6 state where it is organized, the location of its principal place of
7 business, and the names and addresses of the managers and
8 members.
- 9 (8) The dates on which the applicant intends to conduct horse
10 racing meetings, which must be successive days (including
11 Sundays) unless otherwise authorized by the commission. The
12 applicant may submit a written statement setting forth the reasons
13 certain dates are sought.
- 14 (9) The proposed hours of each racing day.
- 15 (10) The location of the place, track, or enclosure where the
16 applicant proposes to conduct horse racing meetings.
- 17 ~~(11) A statement of whether the racing plant is owned or leased~~
18 ~~by the applicant.~~
- 19 ~~(12)~~ **(11)** A statement of whether the racing plant will include a
20 facility, either physically connected to the clubhouse or in close
21 proximity, that will:
- 22 (A) display for public inspection trophies, memorabilia, and
23 instructional material depicting the history of horse racing; and
24 (B) be made available as a repository for the collections of the
25 Indiana Harness Horse Hall of Fame.
- 26 ~~(13)~~ **(12)** Any other information that the commission requires.
- 27 (c) An application under this section must be signed and verified as
28 follows:
- 29 (1) An application by an individual must be signed and verified
30 under oath by that individual.
- 31 (2) An application by two (2) or more individuals or by a
32 partnership must be signed and verified under oath by one (1) of
33 those individuals or by a member of the partnership.
- 34 (3) An application by an association, a trust, or a corporation must
35 be:
- 36 (A) signed by its president and vice president;
37 (B) attested by its secretary; and
38 (C) verified under oath.
- 39 (4) An application by a limited liability company, must be signed
40 and verified under oath by two (2) managers or members of the
41 limited liability company.
- 42 (d) At the time an application is filed, the applicant must:



- (1) pay a permit fee and an investigation fee for an initial permit application as required by the rules of the commission;
- (2) file a cash bond, certified check, or bank draft in the manner provided by section 4 of this chapter; and
- (3) file a copy of an ordinance adopted under IC 4-31-4.

SECTION 4. IC 4-31-5-7 IS REPEALED [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]. See: 7. (a) If the racing plant is leased by the applicant, the owner of the racing plant must file a copy of the current lease with the application unless a copy is already on file with the commission.

(b) If the racing plant is leased by the applicant, the owner of the racing plant must provide the following to the commission at the time the application is filed:

- (1) A current financial statement showing assets and liabilities.
- (2) Its latest operating statement showing income and expenses related to the racing plant.
- (3) A list of the names, addresses, and occupations of all of its officers, directors, owners, shareholders, or partners. However, in the case of a corporation whose stock is publicly traded, this information is required only for the corporation's officers and directors and for those stockholders owning or controlling five percent (5%) or more of the stock of the corporation.
- (4) Any other information requested by the commission.

(c) If another business entity owns or controls five percent (5%) or more of the stock of a corporation or five percent (5%) or more of the capital or profits of a partnership that files the information required by subsection (a) or (b), the other business entity is required to file the same information.

SECTION 5. IC 4-31-5-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: **Sec. 7.5. (a) A permit holder must own the real property, including buildings, structures, and other improvements, at the racetrack on which a horse racing meeting is to be conducted under the permit holder's permit.**

(b) A person may not lease a permit issued by the commission.

SECTION 6. IC 4-31-5-8, AS AMENDED BY P.L.14-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2024 (RETROACTIVE)]: Sec. 8. (a) Except as provided in subsection (c), the commission may issue or deny a permit to an applicant to conduct a horse racing meeting after the proper filing of:

- (1) an application for a permit; and
- (2) the other information required by this chapter.



1 The commission shall meet as soon as practicable after the filing of the
 2 application and other information for the purpose of acting on the
 3 application.

4 (b) The commission may deny a permit to:

- 5 (1) any applicant if denial of the permit is in the public interest;
 6 (2) a permit holder that has defaulted in payments to the public or
 7 an employee, a vendor, a supplier, an owner, or a trainer; or
 8 (3) the purchaser of a track from a permit holder described in
 9 subdivision (2) if defaults at that track have not been satisfied by
 10 either the seller or the purchaser.

11 (c) The commission shall deny a permit to:

- 12 (1) a permit holder that has defaulted in payments to the state;
 13 (2) the purchaser of a track from a permit holder described in
 14 subdivision (1), if defaults at that track have not been satisfied by
 15 either the seller or the purchaser; ~~or~~
 16 (3) a person, an association, a trust, a limited liability company,
 17 or a corporation that owns, or has one (1) or more members or
 18 stockholders who own, an interest in any other permit issued by
 19 the commission in the same year for any other racetrack in
 20 Indiana, unless the commission finds that it is in the best interests
 21 of the:

22 (A) Indiana horse racing industry; and

23 (B) state;

24 to issue a permit to that person, association, trust, limited liability
 25 company, or corporation; ~~or~~

26 **(4) an applicant or permit holder that is determined to be in**
 27 **violation of section 7.5 of this chapter.**

28 (d) The commission may not issue a permit that would allow
 29 pari-mutuel racing to be conducted at the same hour at two (2) or more
 30 locations in the same county or adjacent counties.

31 (e) A permit issued under this section is valid from January 1 to
 32 December 31 of the year for which it is issued. An application must be
 33 made for a renewal of a permit.

34 SECTION 7. IC 4-31-12-2, AS AMENDED BY P.L.34-2006,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 2. (a) Except as permitted by the rules of the
 37 commission, a horse participating in a race may not carry in its body
 38 any foreign substance.

39 (b) The commission shall adopt the rules the commission considers
 40 necessary to implement this section. Before adopting a rule with regard
 41 to permitting the use of any medication, the commission shall consider
 42 the ~~ARCI~~ model rules. ~~approved by the Association of Racing~~



1 ~~Commissioners International:~~

2 (c) In order to inform the racetrack patrons of those horses running
3 with medication, the permit holder shall indicate in the racing program
4 a horse that is racing with a medication permitted by the rules of the
5 commission.

6 SECTION 8. IC 4-31-13-2, AS AMENDED BY P.L.210-2013,
7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2024]: Sec. 2. (a) The commission may adopt rules under
9 IC 4-22-2 to delegate to the stewards and judges of racing meetings
10 under the jurisdiction of the commission the power to conduct
11 disciplinary hearings on behalf of the commission. The stewards and
12 judges shall give at least twelve (12) hours notice of any such hearing.
13 The stewards and judges, on behalf of the commission, may impose one
14 (1) or more of the following sanctions against a licensee who violates
15 this article or the rules or orders of the commission:

- 16 (1) A civil penalty not to exceed five thousand dollars (\$5,000).
17 (2) A temporary order or other immediate action in the nature of
18 a summary suspension if a licensee's actions constitute an
19 immediate danger to the public health, safety, or welfare.
20 (3) Suspension of a license held by the licensee for not more than
21 ~~one (1) year: three (3) years.~~ The suspension of a license under
22 this subdivision is:
23 (A) valid even though the suspension extends beyond the
24 period of the racing meeting for which the stewards and judges
25 have been appointed; and
26 (B) effective at all other racing meetings under the jurisdiction
27 of the commission.
28 (4) A rule that a person must stay off the premises of one (1) or
29 more permit holders if necessary in the public interest to maintain
30 proper control over recognized meetings.
31 (5) Referral of the matter to the commission for its consideration.

32 However, at least two (2) of the stewards or judges at a racing meeting
33 must concur in a suspension or civil penalty.

34 (b) Unless a suspension of a license or the imposition of a civil
35 penalty under this section is appealed by the person sanctioned not
36 more than fifteen (15) days after being sanctioned, the suspension of a
37 license or the imposition of a civil penalty under this section must
38 occur within ~~one hundred eighty (180)~~ **three hundred sixty-five (365)**
39 days after the date of the violation.

40 (c) A suspension or civil penalty under this section may be appealed
41 to the commission. Judges and stewards imposing sanctions under this
42 section must prove the person's violation by a preponderance of the



1 evidence. The commission shall adopt rules establishing procedures for
 2 appeals and stays of appeals. The commission shall conduct a hearing
 3 on an appeal filed under this section as provided in IC 4-21.5.

4 SECTION 9. IC 25-38.1-4-5.5, AS AMENDED BY P.L.9-2014,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2024]: Sec. 5.5. (a) Each person who provides veterinary
 7 medical services shall maintain medical records, as defined by rules
 8 adopted by the board.

9 (b) Veterinary medical records include the following:

10 (1) Written records and notes, radiographs, sonographic images,
 11 video recordings, photographs or other images, and laboratory
 12 reports.

13 (2) Other information received as the result of consultation.

14 (3) Identification of any designated agent of the owner for the
 15 purpose of authorizing veterinary medical or animal health care
 16 decisions.

17 (4) Any authorizations, releases, waivers, or other related
 18 documents.

19 (c) The client is entitled to a copy or summary of the veterinary
 20 medical records. A veterinarian may charge a reasonable fee for
 21 copying or summarizing the requested veterinary medical record. The
 22 veterinarian may require that the request be in writing.

23 (d) Except as provided in subsections (e) and (f) or upon written
 24 authorization of the client, an animal's veterinary medical record and
 25 medical condition is confidential and may not be:

26 (1) furnished to; or

27 (2) discussed with;

28 any person other than the client or other veterinarians involved in the
 29 care or treatment of the animal.

30 (e) An animal's veterinary medical records and medical condition
 31 must be furnished within five (5) business days without written client
 32 authorization under the following circumstances:

33 (1) Access to the records is specifically required by a state or
 34 federal statute.

35 (2) An order by a court with jurisdiction in a civil or criminal
 36 action upon the court's issuance of a subpoena and notice to the
 37 client or the client's legal representative.

38 (3) As part of an inspection or investigation conducted by the
 39 board or an agent of the board.

40 (4) As part of a request from a regulatory or health authority,
 41 physician, or veterinarian:

42 (A) to verify a rabies vaccination of an animal; or



- 1 (B) to investigate a threat to human or animal health, or for the
2 protection of animal or public health and welfare.
- 3 (5) As a part of an animal cruelty report and associated applicable
4 records that are part of an abuse investigation by law enforcement
5 or a governmental agency.
- 6 (6) To a law enforcement agency as part of a criminal
7 investigation.
- 8 **(7) To the Indiana horse racing commission as part of an**
9 **investigation in which a horse under the care, control, or**
10 **ownership of a licensee (as defined by IC 4-31-2.1-19) has**
11 **been treated by the veterinarian or a member of the**
12 **veterinarian's staff.**
- 13 (f) An animal's veterinary medical records and medical condition
14 may be furnished without written client authorization under the
15 following circumstances:
- 16 (1) To the School of Veterinary Medicine at Purdue University,
17 the animal disease diagnostic laboratory, or a state agency or
18 commission. However, an animal's veterinary medical records
19 remain confidential unless the information is disclosed in a
20 manner allowed under this section.
- 21 (2) Veterinary medical records that are released by the board of
22 animal health when in the judgment of the state veterinarian the
23 disclosure is necessary or helpful in advancing animal health or
24 protecting public health.
- 25 (3) For statistical and scientific research, if the information is
26 abstracted in a way as to protect the identity of the animal and the
27 client.
- 28 (g) An animal's veterinary medical records must be kept and
29 maintained by the veterinarian for at least three (3) years after the
30 veterinarian's last encounter with the animal.
- 31 **SECTION 10. An emergency is declared for this act.**

