

SENATE No. 2410

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, June 29, 2023.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 167) of Paul R. Feeney and James K. Hawkins for legislation to further regulate thoroughbred breeding; and (accompanied by bill, House, No. 269) of Tackey Chan further regulating thoroughbred breeding, reports the accompanying bill (Senate, No. 2410).

For the committee,
John J. Cronin

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An Act further regulating thoroughbred breeding.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 2 of Chapter 128 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by striking out subsection (g) and inserting in place thereof the following
3 subsection:-

4 (g) Promote, develop and encourage through the Massachusetts thoroughbred breeding
5 program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to
6 breeders of such horses in the following manner: in consultation with the Massachusetts Gaming
7 Commission, the Massachusetts Thoroughbred Breeders Association, Inc. shall, from time to
8 time after discussion with the director of racing, set the percentages for: (i) bonuses to be
9 awarded to the breeder of a Massachusetts-bred thoroughbred horse of the purse money won by
10 that thoroughbred horse in a pari-mutuel running horse race if the horse finishes first, second,
11 third, fourth or fifth; (ii) incentives to the owner of the stallion, at the time of service to the dam
12 of such purse winner; provided, however, that (1) the stallion shall have been registered by
13 February 1 and stood the entire breeding season for that year in the commonwealth; (2) the horse
14 shall have finished first, second, third, fourth or fifth; and (3) the stallion shall be registered with

15 the Massachusetts Thoroughbred Breeders Association, Inc. and shall not be registered to stand
16 in any other state that year; and (iii) incentives for the purse monies won by the thoroughbred
17 horse in any unrestricted or restricted pari-mutuel running horse race held within or outside the
18 commonwealth to the owner of a Massachusetts-bred or accredited horse if the horse finishes
19 first, second, third, fourth or fifth.

20 The Massachusetts Thoroughbred Breeders Association, Inc. may pay incentives for
21 races to be limited to Massachusetts-bred and accredited thoroughbred race horses from the
22 Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized
23 by the Massachusetts gaming commission and after discussion with the division of racing, and to
24 pay cash incentives to encourage breeding in the commonwealth. Such races may be betting or
25 non-betting races and may or may not be scheduled races by the licensee conducting the racing
26 meeting. Purse monies paid by the association under this section may be in such amounts as the
27 association shall determine and may be the sole cash purse for such races or may be
28 supplemental to the cash purses established by the licensee; provided, however, that such
29 discretion shall include the discretion to set an overall cap on awards earned.

30 No person shall be eligible for the prizes provided herein unless the following standards
31 are met:

32 (i)(1) The foal of a thoroughbred mare that drops the foal in the commonwealth and is
33 bred back to a Massachusetts-registered stallion; or (2) the foal of a thoroughbred mare who
34 resides in the commonwealth continuously for at least 90 days, including foaling and foals in the
35 commonwealth, shall be a Massachusetts-bred; or

36 (ii) Any foal that is raised in the commonwealth for 3 months continuously prior to
37 December 31 of its 2-year-old year shall be a Massachusetts-accredited horse; and

38 (iii) Each thoroughbred foal dropped or raised in the commonwealth shall be registered
39 with the Jockey Club, the Massachusetts Gaming Commission, and the Massachusetts
40 Thoroughbred Breeders Association, Inc.; and

41 (iv) Prior to the first day of September of each year, each person standing a thoroughbred
42 stallion in the commonwealth at either private or public service shall file with the Massachusetts
43 Thoroughbred Breeders Association, Inc.: (1) a list of all thoroughbred mares bred to such
44 stallion in that year; and (2) a verified statement representing that the stallion stood the entire
45 breeding season in the commonwealth.

46 A Massachusetts-accredited thoroughbred shall be eligible for any Massachusetts bred
47 race, except for Massachusetts restricted stakes races. For Massachusetts bred stake races,
48 Massachusetts accredited horses may enter to fill the race after all Massachusetts-bred horses
49 have already been entered in the race. A full race shall be determined by the Massachusetts
50 Thoroughbred Breeders Association, Inc. and the hosting track for the race.

51 Prior to the first day of September annually, each person raising a weanling or yearling in
52 the commonwealth for 6 months prior to December 31 of the horse's 2-year-old year shall file
53 with the Massachusetts Thoroughbred Breeders Association, Inc. a verified statement that it is
54 raising the horse in the commonwealth and the location of the horse.

55 The Massachusetts Thoroughbred Breeders Association, Inc. may pay foaling bonuses to
56 the owner of any mare that foals within the commonwealth. To be eligible for such bonus, prior
57 to foaling, the owner of a mare shall file with the Massachusetts Thoroughbred Breeders

58 Association, Inc. a verified statement that the mare is in foal, the expected due date and the
59 location of the mare.

60 The Massachusetts Thoroughbred Breeders Association, Inc. may expend up to 12 per
61 cent of the amount received each fiscal year for the program for the advertising, marketing,
62 promotion and administration of the thoroughbred breeding program in the commonwealth.

63 The state auditor shall twice annually audit the books of the Massachusetts Thoroughbred
64 Breeders Association Inc. to ensure compliance with this section.