

118TH CONGRESS
1ST SESSION

H. R. 5693

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.

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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Racehorse Health and Safety Act of 2023”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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—HORSERACING SCIENTIFIC MEDICATION CONTROL

- Sec. 201. Scientific medication control committees.
- Sec. 202. Horseracing scientific medication control rules.

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.**

4 In this Act:

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

10 (2) **BOARD.**—The term “Board” means the
 11 board of directors of the Racehorse Health and Safe-
 12 ty Organization established under section 101.

1 (3) BREED REGISTRY.—The term “breed reg-
2 istry”—

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

6 (B) includes—

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

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

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

13 (4) COVERED HORSE.—The term “covered
14 horse” means any Thoroughbred, Standardbred, or
15 Quarter Horse during the period—

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

20 (B) ending on the earlier of—

21 (i) the date on which the horse is per-
22 manently ineligible to be entered in a cov-
23 ered horserace; or

24 (ii) the date of the death of the horse.

1 (5) COVERED HORSERACE.—The term “covered
2 horserace” means any horserace involving covered
3 horses that has a substantial relation to interstate
4 commerce, including any horserace that is the sub-
5 ject of interstate off-track wagers or advance deposit
6 wagers.

7 (6) COVERED PERSON.—The term “covered
8 person” means any trainer, owner, breeder, jockey,
9 driver, racetrack, veterinarian, person (as defined in
10 section 1, of title 1, United States Code) licensed by
11 a State racing commission, any agent, assign, or em-
12 ployee of such a person, and any other horse support
13 personnel engaged in the care, training, or racing of
14 covered horses.

15 (7) EQUINE INDUSTRY REPRESENTATIVE.—The
16 term “equine industry representative” means an or-
17 ganization representing the interests of, and whose
18 membership consists in whole or in part of, owners,
19 breeders, trainers, racetracks, veterinarians, State
20 racing commissions, jockeys, and drivers.

21 (8) IMMEDIATE FAMILY MEMBER.—The term
22 “immediate family member” includes a spouse, do-
23 mestic partner, mother, father, aunt, uncle, sibling,
24 child, or member of the same household.

1 (9) INTERSTATE COMPACT.—The term “inter-
2 state compact” means the interstate compact en-
3 tered into pursuant to this Act.

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

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

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

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

16 (A) holds an ownership interest in a cov-
17 ered horse; or

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

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

23 (15) RHSO.—The term “RHSO” means the
24 Racehorse Health and Safety Organization estab-
25 lished under section 101.

1 (16) SCIENTIFIC MEDICATION CONTROL COM-
2 MITTEE.—The term “scientific medication control
3 committee” means a committee established under
4 section 201.

5 (17) STATE RACING COMMISSION.—The term
6 “State racing commission” means an entity des-
7 ignated by State law or regulation that has jurisdic-
8 tion over the conduct of horseracing within the ap-
9 plicable State.

10 (18) TRAINER.—The term “trainer” means an
11 individual that is engaged in the training of covered
12 horses and is the recipient of direct or indirect com-
13 pensation or anything of value for such services or
14 expertise.

15 (19) TRAINING FACILITY.—The term “training
16 facility” means a location that—

17 (A) is not a racetrack recognized and des-
18 ignated by the Racehorse Health and Safety
19 Organization; and

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

23 (20) VETERINARIAN.—The term “veterinarian”
24 means a licensed veterinarian who provides veteri-
25 nary services to covered horses.

1 (21) WORKOUT.—The term “workout”
2 means—

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

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

8 **SEC. 3. REPEAL OF THE HORSERACING INTEGRITY AND**
9 **SAFETY ACT OF 2020.**

10 The Horseracing Integrity and Safety Act of 2020
11 (15 U.S.C. 3051 et seq.) is repealed.

12 **SEC. 4. AUTHORIZATION TO ENTER INTO INTERSTATE COM-**
13 **PACT.**

14 (a) IN GENERAL.—The consent of Congress is given
15 for States to enter into an interstate compact in accord-
16 ance with this Act.

17 (b) CONSENT OF STATES.—A State may demonstrate
18 consent to enter into the interstate compact through the
19 enactment of a State law that contains a provision indi-
20 cating such consent that is substantially similar to the fol-
21 lowing:

22 “The State of _____ hereby consents to
23 and enters into the interstate compact established in ac-
24 cordance with the Racehorse Health and Safety Act of
25 2023.”.

1 (c) PROHIBITION ON INTERSTATE OFF-TRACK WA-
 2 GERS AMONG NON-MEMBER STATES.—

3 (1) IN GENERAL.—Subject to, and in accord-
 4 ance with, the Interstate Horseracing Act of 1978
 5 (15 U.S.C. 3001 et seq.), a host State that is a
 6 member State of the interstate compact may allow
 7 the interstate transmission of any electronic signal
 8 for the purposes of allowing for the placement of
 9 interstate off-track wagers or advance deposit wa-
 10 gers pertaining to the covered horserace concerned.

11 (2) EXCEPTION.—A host State that is not a
 12 member State of the interstate compact is prohibited
 13 from allowing interstate transmission of any elec-
 14 tronic signal for the purposes described in paragraph
 15 (1).

16 (3) HOST STATE DEFINED.—In this subsection,
 17 the term “host State” means a State in which a
 18 horserace subject to an interstate wager takes place.

19 **TITLE I—RACEHORSE HEALTH**
 20 **AND SAFETY ORGANIZATION**

21 **SEC. 101. RACEHORSE HEALTH AND SAFETY ORGANIZA-**
 22 **TION.**

23 (a) IN GENERAL.—States that are members of the
 24 interstate compact shall—

1 (1) establish and participate in an organization,
2 to be known as the “Racehorse Health and Safety
3 Organization” or the “RHSO”, to coordinate the de-
4 cision making and actions of the State racing com-
5 mission of each member State; and

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

10 (b) BOARD OF DIRECTORS.—

11 (1) IN GENERAL.—The RHSO shall be gov-
12 erned by a board of directors composed of 9 mem-
13 bers, of whom—

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

20 (B) 4 shall be appointed by the State rac-
21 ing commissions of the remaining member
22 States.

23 (2) MEMBERSHIP.—

1 (A) CHAIRPERSON.—The chairperson of
2 the Board shall be elected annually by majority
3 vote from among the members of the Board.

4 (B) TERM.—

5 (i) IN GENERAL.—Except as provided
6 in clauses (ii) and (iii), the term of a mem-
7 ber of the Board shall not exceed 3 years.
8 No member shall serve more than 3 full
9 terms.

10 (ii) INITIAL APPOINTMENT.—For pur-
11 poses of staggering terms of appointment,
12 the initial members appointed by the State
13 racing commissions in the 5 member
14 States that had the greatest number of
15 racing days during the prior 3-year period
16 shall serve an initial term of 4 years.

17 (iii) EXPANSION IN CASE OF FEWER
18 THAN 9 MEMBER STATES.—If, as of the
19 date described in section 502(a), fewer
20 than 9 States have entered the interstate
21 compact, the Board shall add a new mem-
22 ber as each new State enters the interstate
23 compact, up to a maximum of 9 members.

24 (iv) VACANCIES.—A vacancy on the
25 Board shall be filled in the same manner

1 as the position was appointed immediately
2 prior to the vacancy. An individual ap-
3 pointed to fill a vacancy occurring before
4 the expiration of the term for which the
5 predecessor of that individual was ap-
6 pointed shall be appointed for the remain-
7 der of that term. When the term of office
8 of a member ends, the member may con-
9 tinue to serve until a successor is ap-
10 pointed.

11 (C) CONFLICTS OF INTEREST.—

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

14 (I) before accepting appointment
15 as a Board member, disclose any po-
16 tential conflict of interest;

17 (II) notify the full Board imme-
18 diately upon engaging in any activity
19 that the RHSO determines may be
20 perceived as a conflict of interest; and

21 (III) not less frequently than an-
22 nually, certify in writing the informa-
23 tion referred to in subclauses (I) and
24 (II) and disclose any potential or per-
25 ceived conflicts of interest.

1 (ii) RECUSAL REQUIRED.—A member
2 of the Board shall recuse himself or herself
3 from discussion of any item before the
4 Board if such discussion—

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

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

11 (D) REMOVAL AND ETHICS.—The Board
12 may remove by majority vote a member of the
13 Board or the chairperson of the Board for—

14 (i) neglect of duty, unethical behavior,
15 or malfeasance in office (including conduct
16 determined by the Board to be injurious to
17 the integrity of horseracing, such as con-
18 tract violations or perjury); or

19 (ii) conviction of a violation of a Fed-
20 eral or State civil or criminal law related
21 to horseracing.

22 (E) QUORUM.—In order to consider at a
23 meeting any item requiring the approval of the
24 Board, the Board shall have in attendance at

1 such a meeting (either in person or remotely) a
2 majority of members of the Board.

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

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

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

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

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

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

23 (4) to ensure that any rule adopted under para-
24 graph (1), (2), or (3) is based on generally accepted

1 scientific principles and methods, and to the extent
2 possible, on peer-reviewed scientific data and studies;

3 (5) to hold open meetings with respect to pro-
4 posed rules recommended under sections 202 and
5 303, at which the chairperson of the scientific medi-
6 cation control committee concerned or the chair-
7 person of the Racetrack Safety Committee, as appli-
8 cable, or the representative of such chairperson,
9 shall present such proposed rules;

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

12 (A) to post on the internet website of the
13 RHSO any proposed rule described in para-
14 graph (1) or (2) (or modifications to such rules)
15 under consideration at such meeting; and

16 (B) to submit to each State racing com-
17 mission (and to any other individual upon re-
18 quest) notification of such meeting;

19 (7) to adopt any rule under paragraphs (1),
20 (2), and (3) by a vote of not less than a two-thirds
21 majority of the Board, determine the effective date
22 of any such rule, and update any such rule in ac-
23 cordance with the process established under para-
24 graphs (5) and (6);

1 (8) after notice and an opportunity for public
2 comment, in consultation with the State racing com-
3 missions, to develop and maintain a nationwide
4 database of racehorse safety, performance, health,
5 and injury information for the purpose of conducting
6 an epidemiological study;

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

12 (10) with respect to covered persons—

13 (A) subject to section 102, to issue sub-
14 poenas and investigate rule violations; and

15 (B) to refer to the appropriate State rac-
16 ing commission any such violation for enforce-
17 ment action unless the State racing commission
18 concerned agrees to give that enforcement au-
19 thority to the RHSO;

20 (11) in consultation with member States, to de-
21 velop uniform standards for veterinarian's and stew-
22 ard's lists and uniform procedures for entering
23 horses on, and removing horses from, such lists;

24 (12) to establish, and conduct oversight activi-
25 ties with respect to, the scientific medication control

1 committees under section 201 and the Racetrack
2 Safety Committee under 302;

3 (13) in carrying out paragraph (12), with re-
4 spect to members of the committees referred to in
5 that paragraph—

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

8 (B) to determine, in the sole discretion of
9 the Board, whether the potential conflict re-
10 quires removal from the committee or denial of
11 the opportunity to vote on an item pending be-
12 fore the relevant committee;

13 (14) to carry out activities described in sub-
14 section (e) relating to laboratory accreditation; and

15 (15) to ensure that member States comply with
16 the terms of this Act, the interstate compact, and
17 the rules adopted by the Board under this section,
18 including the prohibition on interstate off-track wa-
19 gers among non-member States specified in section
20 4(c).

21 (d) FUNDING.—

22 (1) INITIAL FUNDING.—The RHSO, acting
23 through the Board, shall assess an initial fee from
24 each State racing commission of a member State in
25 an amount determined by the Board to be sufficient

1 to cover the startup costs of the racing commission
2 for the first full year that begins after the effective
3 date specified in section 502(a).

4 (2) PERMANENT FUNDING.—

5 (A) ASSESSMENT AND COLLECTION OF
6 FEES BY STATES.—

7 (i) IN GENERAL.—Beginning on a
8 date determined by the RHSO, each State
9 racing commission of a member State shall
10 remit to the RHSO an amount of fees de-
11 termined under subparagraph (B), in ac-
12 cordance with a schedule developed by the
13 RHSO.

14 (ii) DETERMINATION OF METHODS.—
15 Each State racing commission of a mem-
16 ber State shall determine, subject to the
17 applicable laws, regulations, and contracts
18 of the State concerned, the method by
19 which the amount of fees determined in ac-
20 cordance with subparagraph (B) shall be
21 allocated, assessed, and collected.

22 (B) ANNUAL CALCULATION OF AMOUNTS
23 REQUIRED.—

24 (i) IN GENERAL.—For the first year
25 in which fees are collected under this sub-

1 section, not later than the date determined
2 by the RHSO, and not later than Novem-
3 ber 1 each year thereafter, the RHSO shall
4 determine and provide to each State racing
5 commission the estimated amount required
6 from each member State—

7 (I) to fund the member State's
8 proportionate share of the expendi-
9 tures incurred in administering the
10 horseracing scientific medication con-
11 trol rules under subsection (c)(1) and
12 the racetrack safety rules under sec-
13 tion subsection (c)(2) for each breed
14 of covered horses racing in covered
15 horseraces in the State; and

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

21 (ii) BASIS OF CALCULATION.—The
22 amounts calculated under clause (i) shall
23 be based on the annual breed-specific
24 budget of the RHSO for the breed in that
25 State for the following year as approved by

1 the Board of Directors after taking into
2 account—

3 (I) the projected number of rac-
4 ing starts for the year separately for
5 each breed in that State; and

6 (II) any other sources of RHSO
7 income.

8 (C) STATE RACING COMMISSION ASSESS-
9 MENT.—

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

16 (ii) BREED-SPECIFIC ASSESSMENTS.—
17 In assessing fees to meet the requirement
18 under subparagraph (B), a State racing
19 commission shall assess fees on a breed-
20 specific basis, for the Standardbred, Thor-
21 oughbred, and the Quarter Horse indus-
22 tries operating within that State. Each
23 such assessment shall be specifically ear-
24 marked for the development, refinement,
25 and maintenance of—

1 (I) horseracing scientific medica-
2 tion control rules consistent with sub-
3 section (c)(1) that are specific and
4 limited to each breed's unique per-
5 formance model and developed safety
6 protocols; and

7 (II) racetrack safety rules con-
8 sistent with subsection (c)(2) that are
9 specific and limited to each breed's
10 unique performance model and devel-
11 oped safety protocols.

12 (iii) NO COMMINGLING.—A State rac-
13 ing commission of a member State shall
14 ensure that funds assessed by the member
15 State for a single breed of covered horses
16 shall not be commingled for the use or sub-
17 sidy of any other breed of covered horses.

18 (iv) THREE-FOURTHS MAJORITY VOTE
19 REQUIRED FOR RATE INCREASES.—In the
20 case of a proposed increase in the amount
21 required under clause (i) that exceeds 5
22 percent, such increase shall only become
23 effective if the increase is approved by a
24 vote of not less than a three-fourths major-
25 ity of the Board.

1 (3) BORROWING.—The RHSO may incur debt
2 to carry out the duties of the RHSO but may not
3 accept loans from any covered person or equine in-
4 dustry representative.

5 (e) TESTING LABORATORIES.—

6 (1) IN GENERAL.—The RHSO shall review ex-
7 isting rules relating to laboratory accreditation and
8 testing standards issued by the State racing commis-
9 sions and the National Veterinary Services Labora-
10 tories of the Animal and Plant Health Inspection
11 Service of the Department of Agriculture.

12 (2) ADMINISTRATION.—

13 (A) IN GENERAL.—The RHSO shall select
14 an accreditation body to conduct the accredita-
15 tion of laboratories and the audits of labora-
16 tories so accredited to ensure compliance with
17 rules issued under subsection (c)(1).

18 (B) AUTHORITY.—The accreditation body
19 selected under subparagraph (A) shall have the
20 authority to require specific test samples to be
21 directed to, and tested by, laboratories with spe-
22 cial expertise in the required tests.

23 (C) CONDITION OF ACCREDITATION.—The
24 accreditation body so selected shall ensure that
25 each laboratory seeking accreditation to conduct

1 testing of covered horses has a relationship with
2 a national laboratory, such as the National Vet-
3 erinary Services Laboratories of the Animal and
4 Plant Health Inspection Service.

5 (3) SELECTION OF LABORATORIES.—

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

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

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

21 (a) ENFORCEMENT AUTHORITY.—

22 (1) STATE ELECTION TO ENFORCE.—A State
23 racing commission may elect to exercise enforcement
24 authority with respect to the rules issued under

1 paragraphs (1) and (2) of section 101(e) within the
2 State concerned.

3 (2) RHSO RULES.—If a State racing commis-
4 sion does not make the election described in para-
5 graph (1), the RHSO shall enforce the rules issued
6 under paragraphs (1) and (2) of section 101(e) with-
7 in the State, pursuant to a memorandum of under-
8 standing entered into with the RHSO.

9 (b) PREEMPTION.—The rules of the RHSO promul-
10 gated in accordance with this Act shall preempt any provi-
11 sion of State law or regulation of member States with re-
12 spect to matters within the jurisdiction of the RHSO.

13 (c) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
14 Each member State shall, as a condition of being a mem-
15 ber of the interstate compact, have in effect a statute that
16 treats as an unfair or deceptive act or practice the sale
17 of a covered horse, or of any other horse in anticipation
18 of its future participation in a covered race, if the seller—

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

21 (A) a bisphosphonate prior to the horse's
22 fourth birthday; or

23 (B) any other substance or method the
24 RHSO determines has a long-term degrading

1 effect on the soundness of the covered horse;
2 and
3 (2) fails to disclose to the buyer the administra-
4 tion of the bisphosphonate or other such substance
5 or method.

6 **TITLE II—HORSERACING SCI-**
7 **ENTIFIC MEDICATION CON-**
8 **TROL**

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

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

17 (1) A Standardbred Racing Scientific Medica-
18 tion Control Committee.

19 (2) A Quarter Horse Racing Scientific Medica-
20 tion Control Committee.

21 (3) A Thoroughbred Racing Scientific Medica-
22 tion Control Committee.

23 (b) DUTIES.—Each scientific medication control com-
24 mittee shall draft proposed rules regarding scientific medi-

1 cation control, in accordance with subsection (e), and shall
2 recommend the proposed rules to the Board.

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

6 (d) MEMBERSHIP.—

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

10 (A) REGULATORY MEMBERS.—Three mem-
11 bers of each scientific medication control com-
12 mittee shall be appointed—

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

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

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

21 (i) For the Standardbred Racing Sci-
22 entific Medication Control Committee, such
23 appointments shall be made by the United
24 States Trotting Association.

1 (ii) For the Quarter Horse Racing
2 Scientific Medication Control Committee,
3 such appointments shall be made by the
4 American Quarter Horse Association.

5 (iii) For the Thoroughbred Racing
6 Scientific Medication Control Committee,
7 such appointments shall be made by the
8 National Horsemen's Benevolent and Pro-
9 tective Association.

10 (2) QUALIFICATIONS.—

11 (A) IN GENERAL.—The members of a sci-
12 entific medication control committee appointed
13 under paragraph (1)(B) shall—

14 (i) have significant, recent experience
15 in medication control or toxicology re-
16 search;

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

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

22 (i) at least 1 member shall be a math-
23 ematician or statistician with experience in
24 threshold determination;

1 (ii) at least 1 member shall be an
2 equine exercise physiologist;

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

5 (iv) at least 1 member shall be an an-
6 alytical chemist.

7 (3) TERM.—

8 (A) IN GENERAL.— Except as provided in
9 subparagraph (B), the term of each member of
10 a scientific medication control committee shall
11 not exceed 3 years. Such term is renewable for
12 an indefinite number of terms.

13 (B) INITIAL TERM.—For purposes of stag-
14 gering the terms of appointment, the members
15 first appointed under paragraph (1)(A) shall
16 serve an initial term of 4 years.

17 (C) LIMITATION.—No member of a sci-
18 entific medication control committee may serve
19 as a member on more than 2 scientific medica-
20 tion control committees.

21 (4) CHAIRPERSON.—The chairperson of each
22 scientific medication control committee shall be
23 elected annually from among the members of the sci-
24 entific medication control committee by majority
25 vote of the scientific medication control committee.

1 (5) CONFLICTS OF INTEREST.—Each member
2 appointed to a scientific medication control com-
3 mittee shall, before the beginning of any meeting of
4 the scientific medication control committee, declare
5 any conflicts of interest directly pertinent to the
6 agenda of such meeting.

7 (6) QUORUM.—In order to consider at a meet-
8 ing any rule being proposed to the Board, each sci-
9 entific medication control committee shall have in at-
10 tendance at such a meeting (either in person or re-
11 motely) a majority of members of the scientific
12 medication control committee.

13 (e) RULES FOR SCIENTIFIC MEDICAL CONTROL.—

14 (1) ADOPTION OF RULES.—Not later than 90
15 days before the consideration of a rule (or a modi-
16 fication to such a rule), each scientific medication
17 control committee shall hold an open meeting at
18 which covered persons or their representatives may
19 provide input.

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

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

1 (B) submitted to the Racing Medication
2 and Testing Consortium, the Harness Racing
3 Medication Collaborative, and the American
4 Quarter Horse Association Medication Com-
5 mittee; and

6 (C) provided to any individual or entity re-
7 questing such information.

8 (3) RECORDING OF INPUT.—If any input from
9 a covered person (or a representative of a covered
10 person) is provided during a meeting referred to in
11 paragraph (1), or provided in writing, such input
12 shall be transcribed and recorded and made part of
13 the record of the scientific medication control com-
14 mittee concerned.

15 (4) REVIEW OF MEDICATION AND THRESHOLD
16 RULES.—

17 (A) IN GENERAL.—Each scientific medica-
18 tion control committee shall review—

19 (i) all existing medication and thresh-
20 old rules issued by State racing commis-
21 sions with respect to covered horses; and

22 (ii) all available research on medica-
23 tion thresholds for covered horses.

24 (B) PENALTY RECOMMENDATIONS.—A sci-
25 entific medication control committee may revise

1 penalty recommendations with respect to each
2 substance reviewed as part of the medication
3 and threshold review under subparagraph (A).

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

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

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

18 **SEC. 202. HORSERACING SCIENTIFIC MEDICATION CON-**
19 **TROL RULES.**

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

23 (1) covered horseraces, covered persons, and
24 covered horses in member States; and

1 (2) any covered horse or covered person from a
2 State that is not a member State that seeks to race
3 in a covered horserace in a member State.

4 (b) DEVELOPMENT OF PROPOSED RULES.—

5 (1) IN GENERAL.—In developing proposed sci-
6 entific medication control rules with respect to a
7 breed of covered horses, to the extent possible, a sci-
8 entific medication control committee shall—

9 (A) use scientific methods;

10 (B) address all topics set forth in sub-
11 section (c); and

12 (C) take into account the unique charac-
13 teristics and needs of such breed and its racing
14 performance model, including the varying num-
15 ber and nature of races each year for the breed.

16 (2) TRANSITION.—Until the date on which
17 rules issued by the RHSO pursuant to section
18 101(c) become effective, the rules of the State con-
19 cerned shall apply with respect to the administration
20 of medication to covered horses racing in covered
21 horseraces.

22 (c) ELEMENTS.—The proposed rules referred to in
23 subsection (b) shall provide—

24 (1) that—

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

3 (i) free from the active pharma-
4 cological effect of medications, other for-
5 eign substances, and methods that enhance
6 the natural performance of the covered
7 horse; and

8 (ii) unencumbered by—

9 (I) foreign substances; and

10 (II) diseases or conditions;

11 (B) a covered horse that is injured or de-
12 termined by a veterinarian to be unsound may
13 not train or participate in a covered horserace;
14 and

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

20 (D) with respect to the uniformity of rules,
21 standards, procedures, and protocols regulating
22 medication and treatment methods for covered
23 horses and covered horseraces, such rules,
24 standards, procedures, and protocols—

1 (i) shall be uniform within each breed
2 of covered horse; and

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

7 (E) breed-specific rules, standards, proce-
8 dures, and protocols shall include breed-specific
9 permissible thresholds, medication withdrawal
10 guidelines, and other breed-specific concerns
11 with respect to the administration of medica-
12 tion; and

13 (2) for—

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

20 (B) a process for the review by the sci-
21 entific medication control committee concerned
22 for the administration of any medication to a
23 covered horse during the 24-hour period pre-
24 ceding the next racing start of the covered
25 horse; and

1 (C) the performance and management of
2 test distribution planning (including intel-
3 ligence-based testing), the sample collection
4 process, and in-competition and out-of-competi-
5 tion testing (including no-advance-notice test-
6 ing).

7 **TITLE III—RACETRACK SAFETY**

8 **SEC. 301. DEFINITION OF COMMITTEE.**

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

11 **SEC. 302. RACETRACK SAFETY COMMITTEE.**

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

17 (b) DUTIES.—The Committee shall—

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

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

23 (3) for purposes of making such recommenda-
24 tions, obtain testimony or other documented com-

1 ment from racetrack superintendents from each af-
2 fected breed of covered horses.

3 (c) MEMBERSHIP.—The Committee shall be com-
4 posed of 7 members as follows:

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

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

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

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

15 (C) One member shall be appointed by the
16 National Horsemen's Benevolent and Protective
17 Association.

18 (D) One member shall be a racetrack su-
19 perintendent appointed by the Association of
20 Racing Commissioners International.

21 (3) TERM.—

22 (A) IN GENERAL.—Except as provided in
23 subparagraph (B), the term of each member of
24 the Committee shall not exceed 3 years. Such

1 term is renewable for an indefinite number of
2 terms.

3 (B) INITIAL TERM.—For purposes of stag-
4 gering the terms of appointment, the members
5 first appointed under paragraph (1) shall serve
6 an initial term of 4 years.

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

11 (5) CONFLICTS OF INTEREST.—

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

14 (i) before accepting appointment as a
15 member of the Committee, disclose any po-
16 tential conflict of interest; and

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

21 (B) RECUSAL REQUIRED.—A member of
22 the Committee shall recuse himself or herself
23 from discussion of any item at a meeting of the
24 Committee if such discussion—

1 (i) relates to the direct financial inter-
2 est of any member of the Committee; and

3 (ii) does not apply to all covered
4 horses within a breed.

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

8 (A) neglect of duty, unethical behavior, or
9 malfeasance in office (including conduct deter-
10 mined by the Board to be injurious to the integ-
11 rity of horseracing, such as contract violations
12 and perjury); or

13 (B) conviction of a violation of a Federal
14 or State civil or criminal law related to horse-
15 racing.

16 (7) QUORUM.—In order to consider at a meet-
17 ing any rule being proposed to the Board, the Com-
18 mittee shall have in attendance at such a meeting
19 (either in person or remotely) a majority of members
20 of the Committee.

21 (d) PROCESS FOR ADOPTION OF RULES.—

22 (1) IN GENERAL.—Not later than 90 days be-
23 fore the consideration of a proposed rule (or a modi-
24 fication to such a rule), the Committee shall hold an

1 open meeting at which covered persons or their rep-
2 resentatives may provide input.

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

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

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

13 (C) provided to any individual or entity re-
14 questing such information.

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

21 **SEC. 303. RACETRACK SAFETY RULES.**

22 (a) APPLICABILITY.—The racetrack safety rules es-
23 tablished pursuant to section 101(c)(2) shall apply with
24 respect to covered horses, covered persons, and covered
25 horseraces.

1 (b) DEVELOPMENT OF PROPOSED RULES.—In devel-
2 oping proposed racetrack safety rules, the Committee
3 shall—

4 (1) consult with the State racing commissions;
5 and

6 (2) take into consideration safety standards in
7 use as of the date of the enactment of this Act, in-
8 cluding—

9 (A) the National Thoroughbred Racing As-
10 sociation Safety and Integrity Alliance Code of
11 Standards; and

12 (B) the Association of Racing Commis-
13 sioners International Model Rules.

14 (c) ELEMENTS.—The proposed rules referred to in
15 subsection (b) shall include the following:

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

18 (A) take into account regional differences
19 and the character of different racing facilities
20 that may cause variations based on geo-
21 graphical and environmental differences;

22 (B) are otherwise uniform within each
23 breed of covered horses and unique to the per-
24 formance model of each such breed;

1 (C) are consistent with the humane treat-
2 ment of covered horses; and

3 (D) may include lists of permitted and pro-
4 hibited practices, methods, and track surfaces
5 that affect safety.

6 (2) Track safety standards and protocols, uni-
7 form within each breed of covered horses, which may
8 include rules governing—

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

11 (B) oversight and movement of covered
12 horses.

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

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

18 (B) the process by which a racetrack with-
19 in each breed may achieve and maintain such
20 accreditation; and

21 (C) the penalties to be imposed by the
22 RHSO or a State racing commission, as appli-
23 cable, in the case of a racetrack not complying
24 with such standards.

1 (4) In the case of a racetrack that does not, as
2 of the date on which the rules established pursuant
3 to section 101(c)(2) become effective, meet the
4 standards for accreditation issued pursuant to para-
5 graph (2), a process for the extension of provisional
6 or interim accreditation for a period not to exceed
7 1 year—

8 (A) to a racetrack accredited by the Na-
9 tional Thoroughbred Racing Association Safety
10 and Integrity Alliance; and

11 (B) that is—

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

15 (ii) sanctioned by the United States
16 Trotting Association or any entity empow-
17 ered to perform such function on behalf of
18 the American Quarter Horse Association.

19 (5) The establishment and process for main-
20 taining a racing surface quality maintenance system
21 that—

22 (A) takes into account regional environ-
23 mental differences and the character of dif-
24 ferent racing facilities, including differences
25 among breeds; and

1 (B) may include requirements for—

2 (i) track surface design and consist-
3 ency; and

4 (ii) standard operating procedures re-
5 lated to track surface monitoring and
6 maintenance, such as standardized sea-
7 sonal assessment, daily tracking, and
8 measurement.

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

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

13 (B) use of a veterinarian’s list or a stew-
14 ard’s list that meet standards specified under
15 section 101(c)(11); and

16 (C) jockey, exercise rider, and driver con-
17 cussion protocols.

18 (7) **【Requirements relating to the conduct of】**
19 safety and performance research.

20 (8) **【Rules relating to the establishment of】**
21 educational programs.

22 **TITLE IV—RULE VIOLATIONS**

23 **SEC. 401. PROHIBITED ACTS.**

24 In enforcing the rules issued under section 101(c),
25 the Board shall prohibit the following:

1 (1) Certain nontherapeutic medications and
2 substances, including—

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

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

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

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

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

14 (F) manufacturing, producing, or formu-
15 lating such a medication or substance.

16 (2) Certain therapeutic medications and sub-
17 stances in quantitative amounts that exceed the ir-
18 relevant concentration present in a covered horse
19 during a prohibited timeframe before or after the
20 covered horse races in a covered horserace, includ-
21 ing—

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

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

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

6 (3) Refusal or failure—

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

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

13 (C) to respond truthfully, to the best of a
14 covered person's knowledge, to a question of the
15 RHSO, a State racing commission, or an agent
16 thereof with respect to any matter under the ju-
17 risdiction of such entity; and

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

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

23 (A) the intentional interference, or an at-
24 tempt to interfere, with the RHSO, a State rac-
25 ing commission, or an agent thereof;

1 (B) the procurement or the provision of
2 fraudulent information to the RHSO, a State
3 racing commission, or an agent thereof; and

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

6 (5) Assisting, encouraging, aiding, abetting,
7 conspiring, covering up, or any other type of inten-
8 tional complicity involving a violation of a rule
9 issued under section 101(c) or the violation of a pe-
10 riod of suspension or eligibility imposed on a covered
11 person, covered horse, or covered horserace.

12 (6) Threatening or seeking to intimidate a per-
13 son with the intent of discouraging the person from
14 the good faith reporting to the RHSO, a State rac-
15 ing commission, or an agent thereof, of information
16 that relates to—

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

19 (B) alleged noncompliance with such a
20 rule.

21 **SEC. 402. RESULTS MANAGEMENT AND DISCIPLINARY**
22 **PROCESS.**

23 (a) IN GENERAL.—The Board shall issue rules with
24 respect to the disciplinary process for safety, performance,
25 and scientific medication control rule violations, which

1 may include the existing Model Rules of the Association
2 of Racing Commissioners International.

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

5 (1) The undertaking of investigations at race-
6 track and nonracetrack facilities related to safety
7 violations. In performing investigations, the RHSO
8 and State racing commissions shall seek assistance
9 as needed.

10 (2) Procedures for—

11 (A) investigating, charging, and adjudi-
12 cating violations; and

13 (B) the enforcement of administrative
14 sanctions.

15 (3) A schedule of administrative sanctions for
16 violations.

17 (4) Disciplinary hearings, which may include
18 binding arbitration, mediation, administrative sanc-
19 tions, and research.

20 (5) Management of violation results.

21 (6) Referral for criminal law enforcement inves-
22 tigation.

23 (7) Provisions for notification of safety, per-
24 formance, and scientific medication control rule vio-
25 lations.

1 (8) A process by which a noncompliant member
2 State may be removed by unanimous vote of the re-
3 maining member States.

4 (9) Hearing procedures.

5 (10) Standards for burden of proof.

6 (11) Presumptions, including a rebuttable pre-
7 sumption of liability for covered persons who are
8 trainers for any violations of the scientific medica-
9 tion control rules under section 101(c)(1).

10 (12) Evidentiary rules.

11 (13) Appeals.

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

14 (c) DUE PROCESS.—The rules established under sub-
15 section (a) shall provide for adequate due process, includ-
16 ing—

17 (1) impartial hearing officers or tribunals com-
18 mensurate with the seriousness of the alleged safety,
19 performance, or scientific medication control rule
20 violation and the possible civil sanctions for such vio-
21 lation;

22 (2) the right to counsel, to confront witnesses,
23 and to have a transcribed record of the proceedings;

1 (3) the right to have a decision rendered not
2 later than 60 days after the date on which the hear-
3 ing closes.

4 **SEC. 403. ADMINISTRATIVE SANCTIONS.**

5 (a) IN GENERAL.—The Board shall—

6 (1) review existing Model Rules of the Associa-
7 tion of Racing Commissioners International applica-
8 ble to a specific breed, imposing administrative sanc-
9 tions against covered persons or covered horses for
10 safety, performance, and medication control rule vio-
11 lations; and

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

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

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

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

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

23 (c) SEVERITY.—The administrative sanctions under
24 subsection (a) may include—

1 (1) lifetime bans from horseracing,
2 disgorgement of purses, monetary fines and pen-
3 alties, and changes to the order of finish in covered
4 races; and

5 (2) with respect to scientific medication control
6 rule violators, an opportunity to reduce the applica-
7 ble administrative sanctions that is comparable to
8 the opportunity provided by the Protocol for Olym-
9 pic Movement Testing of the United States Medica-
10 tion Agency.

11 **TITLE V—GENERAL PROVISIONS**

12 **SEC. 501. EFFECTIVE DATES.**

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

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

18 (2) the date on which 2 or more States have en-
19 tered into the interstate compact pursuant to section
20 4.

21 (b) EXCEPTIONS.—Subsections (c), (d), and (e) of
22 section 101, and titles II, III, and IV of this Act shall
23 take effect 90 days after the date described in subsection
24 (a).

1 (c) IMMEDIATE UPON ENACTMENT.—Sections 1, 2,
2 and 3 and subsections (a) and (b) of section 4 shall take
3 effect immediately upon the date of the enactment of this
4 Act.

○