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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

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

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

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

4 (3) BREED REGISTRY.—The term “breed reg-
5 istry”—

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

9 (B) includes—

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

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

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

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

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

23 (B) ending on the earlier of—

1 (i) the date on which the horse is per-
2 manently ineligible to be entered in a cov-
3 ered horserace; or

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

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

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

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

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

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

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

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

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

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

20 (A) holds an ownership interest in a cov-
21 ered horse; or

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

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

4 (15) RHSO.—The term “RHSO” means the
5 Racehorse Health and Safety Organization estab-
6 lished under section 101.

7 (16) SCIENTIFIC MEDICATION CONTROL COM-
8 MITTEE.—The term “scientific medication control
9 committee” means a committee established under
10 section 201.

11 (17) STATE RACING COMMISSION.—The term
12 “State racing commission” means an entity des-
13 igned by State law or regulation that has jurisdic-
14 tion over the conduct of horseracing within the ap-
15 plicable State.

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

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

23 (A) is not a racetrack recognized and des-
24 igned by the Racehorse Health and Safety
25 Organization; and

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

4 (20) VETERINARIAN.—The term “veterinarian”
5 means a licensed veterinarian who provides veteri-
6 nary services to covered horses.

7 (21) WORKOUT.—The term “workout”
8 means—

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

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

14 **SEC. 3. REPEAL OF THE HORSERACING INTEGRITY AND**
15 **SAFETY ACT OF 2020.**

16 The Horseracing Integrity and Safety Act of 2020
17 (15 U.S.C. 3051 et seq.) is repealed.

18 **SEC. 4. AUTHORIZATION TO ENTER INTO INTERSTATE COM-**
19 **PACT.**

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

23 (b) CONSENT OF STATES.—A State may demonstrate
24 consent to enter into the interstate compact through the
25 enactment of a State law that contains a provision indi-

1 cating such consent that is substantially similar to the fol-
2 lowing:

3 “The State of _____ hereby consents to
4 and enters into the interstate compact established in ac-
5 cordance with the Racehorse Health and Safety Act of
6 2023.”.

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

9 (1) IN GENERAL.—Subject to, and in accord-
10 ance with, the Interstate Horseracing Act of 1978
11 (15 U.S.C. 3001 et seq.), a host State that is a
12 member State of the interstate compact may allow
13 the interstate transmission of any electronic signal
14 for the purposes of allowing for the placement of
15 interstate off-track wagers or advance deposit wa-
16 gers pertaining to the covered horserace concerned.

17 (2) EXCEPTION.—A host State that is not a
18 member State of the interstate compact is prohibited
19 from allowing interstate transmission of any elec-
20 tronic signal for the purposes described in paragraph
21 (1).

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

1 **TITLE I—RACEHORSE HEALTH**
2 **AND SAFETY ORGANIZATION**

3 **SEC. 101. RACEHORSE HEALTH AND SAFETY ORGANIZA-**
4 **TION.**

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

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

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

16 (b) BOARD OF DIRECTORS.—

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

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

1 (B) 4 shall be appointed by the State rac-
2 ing commissions of the remaining member
3 States.

4 (2) MEMBERSHIP.—

5 (A) CHAIRPERSON.—The chairperson of
6 the Board shall be elected annually by majority
7 vote from among the members of the Board.

8 (B) TERM.—

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

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

21 (iii) EXPANSION IN CASE OF FEWER
22 THAN 9 MEMBER STATES.—If, as of the
23 date described in section 502(a), fewer
24 than 9 States have entered the interstate
25 compact, the Board shall add a new mem-

1 ber as each new State enters the interstate
2 compact, up to a maximum of 9 members.

3 (iv) VACANCIES.—A vacancy on the
4 Board shall be filled in the same manner
5 as the position was appointed immediately
6 prior to the vacancy. An individual ap-
7 pointed to fill a vacancy occurring before
8 the expiration of the term for which the
9 predecessor of that individual was ap-
10 pointed shall be appointed for the remain-
11 der of that term. When the term of office
12 of a member ends, the member may con-
13 tinue to serve until a successor is ap-
14 pointed.

15 (C) CONFLICTS OF INTEREST.—

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

18 (I) before accepting appointment
19 as a Board member, disclose any po-
20 tential conflict of interest;

21 (II) notify the full Board imme-
22 diately upon engaging in any activity
23 that the RHSO determines may be
24 perceived as a conflict of interest; and

1 (III) not less frequently than an-
2 nually, certify in writing the informa-
3 tion referred to in subclauses (I) and
4 (II) and disclose any potential or per-
5 ceived conflicts of interest.

6 (ii) RECUSAL REQUIRED.—A member
7 of the Board shall recuse himself or herself
8 from discussion of any item before the
9 Board if such discussion—

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

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

16 (D) REMOVAL AND ETHICS.—The Board
17 may remove by majority vote a member of the
18 Board or the chairperson of the Board for—

19 (i) neglect of duty, unethical behavior,
20 or malfeasance in office (including conduct
21 determined by the Board to be injurious to
22 the integrity of horseracing, such as con-
23 tract violations or perjury); or

1 (ii) conviction of a violation of a Fed-
2 eral or State civil or criminal law related
3 to horseracing.

4 (E) QUORUM.—In order to consider at a
5 meeting any item requiring the approval of the
6 Board, the Board shall have in attendance at
7 such a meeting (either in person or remotely) a
8 majority of members of the Board.

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

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

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

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

22 (B) to modify, or not adopt rules so rec-
23 ommended or adopt alternative rules if the Board
24 determines, by a preponderance of evidence, that

1 such recommendations do not meet the requirements
2 specified in paragraph (4);

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

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

9 (5) to hold open meetings with respect to pro-
10 posed rules recommended under sections 202 and
11 303, at which the chairperson of the scientific medi-
12 cation control committee concerned or the chair-
13 person of the Racetrack Safety Committee, as appli-
14 cable, or the representative of such chairperson,
15 shall present such proposed rules;

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

18 (A) to post on the internet website of the
19 RHSO any proposed rule described in para-
20 graph (1) or (2) (or modifications to such rules)
21 under consideration at such meeting; and

22 (B) to submit to each State racing com-
23 mission (and to any other individual upon re-
24 quest) notification of such meeting;

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

7 (8) after notice and an opportunity for public
8 comment, in consultation with the State racing com-
9 missions, to develop and maintain a nationwide
10 database of racehorse safety, performance, health,
11 and injury information for the purpose of conducting
12 an epidemiological study;

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

18 (10) with respect to covered persons—

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

21 (B) to refer to the appropriate State rac-
22 ing commission any such violation for enforce-
23 ment action unless the State racing commission
24 concerned agrees to give that enforcement au-
25 thority to the RHSO;

1 (11) in consultation with member States, to de-
2 velop uniform standards for veterinarian's and stew-
3 ard's lists and uniform procedures for entering
4 horses on, and removing horses from, such lists;

5 (12) to establish, and conduct oversight activi-
6 ties with respect to, the scientific medication control
7 committees under section 201 and the Racetrack
8 Safety Committee under 302;

9 (13) in carrying out paragraph (12), with re-
10 spect to members of the committees referred to in
11 that paragraph—

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

14 (B) to determine, in the sole discretion of
15 the Board, whether the potential conflict re-
16 quires removal from the committee or denial of
17 the opportunity to vote on an item pending be-
18 fore the relevant committee;

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

21 (15) to ensure that member States comply with
22 the terms of this Act, the interstate compact, and
23 the rules adopted by the Board under this section,
24 including the prohibition on interstate off-track wa-

1 gers among non-member States specified in section
2 4(c).

3 (d) FUNDING.—

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

11 (2) PERMANENT FUNDING.—

12 (A) ASSESSMENT AND COLLECTION OF
13 FEES BY STATES.—

14 (i) IN GENERAL.—Beginning on a
15 date determined by the RHSO, each State
16 racing commission of a member State shall
17 remit to the RHSO an amount of fees de-
18 termined under subparagraph (B), in ac-
19 cordance with a schedule developed by the
20 RHSO.

21 (ii) DETERMINATION OF METHODS.—
22 Each State racing commission of a mem-
23 ber State shall determine, subject to the
24 applicable laws, regulations, and contracts
25 of the State concerned, the method by

1 which the amount of fees determined in ac-
2 cordance with subparagraph (B) shall be
3 allocated, assessed, and collected.

4 (B) ANNUAL CALCULATION OF AMOUNTS
5 REQUIRED.—

6 (i) IN GENERAL.—For the first year
7 in which fees are collected under this sub-
8 section, not later than the date determined
9 by the RHSO, and not later than Novem-
10 ber 1 each year thereafter, the RHSO shall
11 determine and provide to each State racing
12 commission the estimated amount required
13 from each member State—

14 (I) to fund the member State's
15 proportionate share of the expendi-
16 tures incurred in administering the
17 horseracing scientific medication con-
18 trol rules under subsection (c)(1) and
19 the racetrack safety rules under sec-
20 tion subsection (c)(2) for each breed
21 of covered horses racing in covered
22 horseraces in the State; and

23 (II) to liquidate any loan under-
24 taken or other debt incurred to cover
25 a shortfall in fees assessed for the

1 current calendar year and any pre-
2 ceding calendar year.

3 (ii) BASIS OF CALCULATION.—The
4 amounts calculated under clause (i) shall
5 be based on the annual breed-specific
6 budget of the RHSO for the breed in that
7 State for the following year as approved by
8 the Board of Directors after taking into
9 account—

10 (I) the projected number of rac-
11 ing starts for the year separately for
12 each breed in that State; and

13 (II) any other sources of RHSO
14 income.

15 (C) STATE RACING COMMISSION ASSESS-
16 MENT.—

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

23 (ii) BREED-SPECIFIC ASSESSMENTS.—
24 In assessing fees to meet the requirement
25 under subparagraph (B), a State racing

1 commission shall assess fees on a breed-
2 specific basis, for the Standardbred, Thor-
3 oughbred, and the Quarter Horse indus-
4 tries operating within that State. Each
5 such assessment shall be specifically ear-
6 marked for the development, refinement,
7 and maintenance of—

8 (I) horseracing scientific medica-
9 tion control rules consistent with sub-
10 section (c)(1) that are specific and
11 limited to each breed's unique per-
12 formance model and developed safety
13 protocols; and

14 (II) racetrack safety rules con-
15 sistent with subsection (c)(2) that are
16 specific and limited to each breed's
17 unique performance model and devel-
18 oped safety protocols.

19 (iii) NO COMMINGLING.—A State rac-
20 ing commission of a member State shall
21 ensure that funds assessed by the member
22 State for a single breed of covered horses
23 shall not be commingled for the use or sub-
24 sidy of any other breed of covered horses.

1 (iv) THREE-FOURTHS MAJORITY VOTE
2 REQUIRED FOR RATE INCREASES.—In the
3 case of a proposed increase in the amount
4 required under clause (i) that exceeds 5
5 percent, such increase shall only become
6 effective if the increase is approved by a
7 vote of not less than a three-fourths major-
8 ity of the Board.

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

13 (e) TESTING LABORATORIES.—

14 (1) IN GENERAL.—The RHSO shall review ex-
15 isting rules relating to laboratory accreditation and
16 testing standards issued by the State racing commis-
17 sions and the National Veterinary Services Labora-
18 tories of the Animal and Plant Health Inspection
19 Service of the Department of Agriculture.

20 (2) ADMINISTRATION.—

21 (A) IN GENERAL.—The RHSO shall select
22 an accreditation body to conduct the accredita-
23 tion of laboratories and the audits of labora-
24 tories so accredited to ensure compliance with
25 rules issued under subsection (c)(1).

1 (B) AUTHORITY.—The accreditation body
2 selected under subparagraph (A) shall have the
3 authority to require specific test samples to be
4 directed to, and tested by, laboratories with spe-
5 cial expertise in the required tests.

6 (C) CONDITION OF ACCREDITATION.—The
7 accreditation body so selected shall ensure that
8 each laboratory seeking accreditation to conduct
9 testing of covered horses has a relationship with
10 a national laboratory, such as the National Vet-
11 erinary Services Laboratories of the Animal and
12 Plant Health Inspection Service.

13 (3) SELECTION OF LABORATORIES.—

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

20 (B) SELECTION BY THE RHSO.—If a State
21 racing commission selects a laboratory that is
22 not accredited by the accreditation body se-
23 lected under paragraph (2), the RHSO shall se-
24 lect a laboratory accredited by the accreditation

1 of a covered horse, or of any other horse in anticipation
2 of its future participation in a covered race, if the seller—

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

5 (A) a bisphosphonate prior to the horse's
6 fourth birthday; or

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

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

14 **TITLE II—HORSERACING SCI-**
15 **ENTIFIC MEDICATION CON-**
16 **TROL**

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

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

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

3 (2) A Quarter Horse Racing Scientific Medica-
4 tion Control Committee.

5 (3) A Thoroughbred Racing Scientific Medica-
6 tion Control Committee.

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

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

14 (d) MEMBERSHIP.—

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

18 (A) REGULATORY MEMBERS.—Three mem-
19 bers of each scientific medication control com-
20 mittee shall be appointed—

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

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

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

4 (i) For the Standardbred Racing Sci-
5 entific Medication Control Committee, such
6 appointments shall be made by the United
7 States Trotting Association.

8 (ii) For the Quarter Horse Racing
9 Scientific Medication Control Committee,
10 such appointments shall be made by the
11 American Quarter Horse Association.

12 (iii) For the Thoroughbred Racing
13 Scientific Medication Control Committee,
14 such appointments shall be made by the
15 National Horsemen's Benevolent and Pro-
16 tective Association.

17 (2) QUALIFICATIONS.—

18 (A) IN GENERAL.—The members of a sci-
19 entific medication control committee appointed
20 under **¶**paragraph (1)(B)**¶** shall—

21 (i) have significant, recent experience
22 in medication control or toxicology re-
23 search;

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

1 (B) ADDITIONAL QUALIFICATIONS.—Of
2 the members appointed under [paragraph
3 (1)(B)]—

4 (i) at least 1 member shall be a math-
5 ematician or statistician with experience in
6 threshold determination;

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

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

11 (iv) at least 1 member shall be an an-
12 alytical chemist.

13 (3) TERM.—

14 (A) IN GENERAL.— Except as provided in
15 subparagraph (B), the term of each member of
16 a scientific medication control committee shall
17 not exceed 3 years. Such term is renewable for
18 an indefinite number of terms.

19 (B) INITIAL TERM.—For purposes of stag-
20 gering the terms of appointment, the members
21 first appointed under paragraph (1)(A) shall
22 serve an initial term of 4 years.

23 (C) LIMITATION.—No member of a sci-
24 entific medication control committee may serve

1 as a member on more than 2 scientific medica-
2 tion control committees.

3 (4) CHAIRPERSON.—The chairperson of each
4 scientific medication control committee shall be
5 elected annually from among the members of the sci-
6 entific medication control committee by majority
7 vote of the scientific medication control committee.

8 (5) CONFLICTS OF INTEREST.—Each member
9 appointed to a scientific medication control com-
10 mittee shall, before the beginning of any meeting of
11 the scientific medication control committee, declare
12 any conflicts of interest directly pertinent to the
13 agenda of such meeting.

14 (6) QUORUM.—In order to consider at a meet-
15 ing any rule being proposed to the Board, each sci-
16 entific medication control committee shall have in at-
17 tendance at such a meeting (either in person or re-
18 motely) a majority of members of the scientific
19 medication control committee.

20 (e) RULES FOR SCIENTIFIC MEDICAL CONTROL.—

21 (1) ADOPTION OF RULES.—Not later than 90
22 days before the consideration of a rule (or a modi-
23 fication to such a rule), each scientific medication
24 control committee shall hold an open meeting at

1 which covered persons or their representatives may
2 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 Com-
13 mittee; and

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

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

23 (4) REVIEW OF MEDICATION AND THRESHOLD
24 RULES.—

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

3 (i) all existing medication and thresh-
4 old rules issued by State racing commis-
5 sions with respect to covered horses; and

6 (ii) all available research on medica-
7 tion thresholds for covered horses.

8 (B) PENALTY RECOMMENDATIONS.—A sci-
9 entific medication control committee may revise
10 penalty recommendations with respect to each
11 substance reviewed as part of the medication
12 and threshold review under subparagraph (A).

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

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

20 (ii) if the scientific medication control
21 committee determines that such a medica-
22 tion should be subject to such rules, the
23 scientific medication control committee
24 shall develop and submit to the Board for

1 approval proposed modifications to such
2 rules to include such medication.

3 **SEC. 202. HORSERACING SCIENTIFIC MEDICATION CON-**
4 **TROL RULES.**

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

8 (1) covered horseraces, covered persons, and
9 covered horses in member States; and

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

13 (b) **DEVELOPMENT OF PROPOSED RULES.**—

14 (1) **IN GENERAL.**—In developing proposed sci-
15 entific medication control rules with respect to a
16 breed of covered horses, to the extent possible, a sci-
17 entific medication control committee shall—

18 (A) use scientific methods;

19 (B) address all topics set forth in sub-
20 section (c); and

21 (C) take into account the unique charac-
22 teristics and needs of such breed and its racing
23 performance model, including the varying num-
24 ber and nature of races each year for the breed.

1 (2) TRANSITION.—Until the date on which
2 rules issued by the RHSO pursuant to section
3 101(c) become effective, the rules of the State con-
4 cerned shall apply with respect to the administration
5 of medication to covered horses racing in covered
6 horseraces.

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

9 (1) that—

10 (A) a covered horse may only compete in
11 a covered horserace if the horse is—

12 (i) free from the active pharma-
13 cological effect of medications, other for-
14 eign substances, and methods that enhance
15 the natural performance of the covered
16 horse; and

17 (ii) unencumbered by—

18 (I) foreign substances; and

19 (II) diseases or conditions;

20 (B) a covered horse that is injured or de-
21 termined by a veterinarian to be unsound may
22 not train or participate in a covered horserace;
23 and

24 (C) the use of medications, other foreign
25 substances, and treatment methods that mask

1 pain in order to allow an injured or unsound
2 covered horse to train or race in a covered
3 horserace shall be prohibited;

4 (D) with respect to the uniformity of rules,
5 standards, procedures, and protocols regulating
6 medication and treatment methods for covered
7 horses and covered horseraces, such rules,
8 standards, procedures, and protocols—

9 (i) shall be uniform within each breed
10 of covered horse; and

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

15 (E) breed-specific rules, standards, proce-
16 dures, and protocols shall include breed-specific
17 permissible thresholds, medication withdrawal
18 guidelines, and other breed-specific concerns
19 with respect to the administration of medica-
20 tion; and

21 (2) for—

22 (A) the development, in consultation with
23 the State racing commissions and the National
24 Veterinary Services Laboratories of the Animal
25 and Plant Health Inspection Service, of a list of

1 permitted and prohibited medications, methods,
2 and substances, for each breed of covered horse;

3 (B) a process for the review by the sci-
4 entific medication control committee concerned
5 for the administration of any medication to a
6 covered horse during the 24-hour period pre-
7 ceding the next racing start of the covered
8 horse; and

9 (C) the performance and management of
10 test distribution planning (including intel-
11 ligence-based testing), the sample collection
12 process, and in-competition and out-of-competi-
13 tion testing (including no-advance-notice test-
14 ing).

15 **TITLE III—RACETRACK SAFETY**

16 **SEC. 301. DEFINITION OF COMMITTEE.**

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

19 **SEC. 302. RACETRACK SAFETY COMMITTEE.**

20 (a) **IN GENERAL.**—For the purposes of developing,
21 updating, and implementing mandatory horseracing race-
22 track safety rules for covered horses, covered persons, and
23 covered horseraces under this Act, the RHSO shall estab-
24 lish a Racetrack Safety Committee.

25 (b) **DUTIES.**—The Committee shall—

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

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

6 (3) for purposes of making such recommenda-
7 tions, obtain testimony or other documented com-
8 ment from racetrack superintendents from each af-
9 fected breed of covered horses.

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

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

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

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

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

22 (C) One member shall be appointed by the
23 National Horsemen's Benevolent and Protective
24 Association.

1 (D) One member shall be a racetrack su-
2 perintendent appointed by the Association of
3 Racing Commissioners International.

4 (3) TERM.—

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

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

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

18 (5) CONFLICTS OF INTEREST.—

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

21 (i) before accepting appointment as a
22 member of the Committee, disclose any po-
23 tential conflict of interest; and

24 (ii) notify the full Board immediately
25 upon engaging in any activity that the

1 RHSO determines may be perceived as a
2 conflict.

3 (B) RECUSAL REQUIRED.—A member of
4 the Committee shall recuse himself or herself
5 from discussion of any item at a meeting of the
6 Committee if such discussion—

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

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

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

14 (A) neglect of duty, unethical behavior, or
15 malfeasance in office (including conduct deter-
16 mined by the Board to be injurious to the integ-
17 rity of horseracing, such as contract violations
18 and perjury); or

19 (B) conviction of a violation of a Federal
20 or State civil or criminal law related to horse-
21 racing.

22 (7) QUORUM.—In order to consider at a meet-
23 ing any rule being proposed to the Board, the Com-
24 mittee shall have in attendance at such a meeting

1 (either in person or remotely) a majority of members
2 of the Committee.

3 (d) PROCESS FOR ADOPTION OF RULES.—

4 (1) IN GENERAL.—Not later than 90 days be-
5 fore the consideration of a proposed rule (or a modi-
6 fication to such a rule), the Committee shall hold an
7 open meeting at which covered persons or their rep-
8 resentatives may provide input.

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

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

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

19 (C) provided to any individual or entity re-
20 questing such information.

21 (3) RECORDING OF INPUT.—If any input from
22 a covered person (or a representative of a covered
23 person) is provided during a meeting referred to in
24 paragraph (1), or provided in writing, such input

1 shall be transcribed and recorded and made part of
2 the record of the Committee.

3 **SEC. 303. RACETRACK SAFETY RULES.**

4 (a) **APPLICABILITY.**—The racetrack safety rules es-
5 tablished pursuant to section 101(c)(2) shall apply with
6 respect to covered horses, covered persons, and covered
7 horseraces.

8 (b) **DEVELOPMENT OF PROPOSED RULES.**—In devel-
9 oping proposed racetrack safety rules, the Committee
10 shall—

11 (1) consult with the State racing commissions;
12 and

13 (2) take into consideration safety standards in
14 use as of the date of the enactment of this Act, in-
15 cluding—

16 (A) the National Thoroughbred Racing As-
17 sociation Safety and Integrity Alliance Code of
18 Standards; and

19 (B) the Association of Racing Commis-
20 sioners International Model Rules.

21 (c) **ELEMENTS.**—The proposed rules referred to in
22 subsection (b) shall include the following:

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

1 (A) take into account regional differences
2 and the character of different racing facilities
3 that may cause variations based on geo-
4 graphical and environmental differences;

5 (B) are otherwise uniform within each
6 breed of covered horses and unique to the per-
7 formance model of each such breed;

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

10 (D) may include lists of permitted and pro-
11 hibited practices, methods, and track surfaces
12 that affect safety.

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

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

18 (B) oversight and movement of covered
19 horses.

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

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

1 (B) the process by which a racetrack with-
2 in each breed may achieve and maintain such
3 accreditation; and

4 (C) the penalties to be imposed by the
5 RHSO or a State racing commission, as appli-
6 cable, in the case of a racetrack not complying
7 with such standards.

8 (4) In the case of a racetrack that does not, as
9 of the date on which the rules established pursuant
10 to section 101(c)(2) become effective, meet the
11 standards for accreditation issued pursuant to para-
12 graph (2), a process for the extension of provisional
13 or interim accreditation for a period not to exceed
14 1 year—

15 (A) to a racetrack accredited by the Na-
16 tional Thoroughbred Racing Association Safety
17 and Integrity Alliance; and

18 (B) that is —

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

22 (ii) sanctioned by the United States
23 Trotting Association or any entity empow-
24 ered to perform such function on behalf of
25 the American Quarter Horse Association.

1 (5) The establishment and **【process for】** main-
2 taining a racing surface quality maintenance system
3 that—

4 (A) takes into account regional environ-
5 mental differences and the character of dif-
6 ferent racing facilities, including differences
7 among breeds; and

8 (B) may include requirements for—

9 (i) track surface design and consist-
10 ency; and

11 (ii) standard operating procedures re-
12 lated to track surface monitoring and
13 maintenance, such as standardized sea-
14 sonal assessment, daily tracking, and
15 measurement.

16 (6) **【A process for】** injury and fatality analysis,
17 which may include—

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

20 (B) use of a veterinarian's list or a stew-
21 ard's list that meet standards specified under
22 section 101(c)(11); and

23 (C) jockey, exercise rider, and driver con-
24 cussion protocols.

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

3 (8) **【Rules relating to the establishment of】**
4 educational programs.

5 **TITLE IV—RULE VIOLATIONS**

6 **SEC. 401. PROHIBITED ACTS.**

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

9 (1) Certain nontherapeutic medications and
10 substances, including—

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

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

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

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

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

22 (F) manufacturing, producing, or formu-
23 lating such a medication or substance.

24 (2) Certain therapeutic medications and sub-
25 stances in quantitative amounts that exceed the ir-

1 relevant concentration present in a covered horse
2 during a prohibited timeframe before or after the
3 covered horse races in a covered horserace, includ-
4 ing—

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

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

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

12 (3) Refusal or failure—

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

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

19 (C) to respond truthfully, to the best of a
20 covered person's knowledge, to a question of the
21 RHSO, a State racing commission, or an agent
22 thereof with respect to any matter under the ju-
23 risdiction of such entity; and

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

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

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

7 (B) the procurement or the provision of
8 fraudulent information to the RHSO, a State
9 racing commission, or an agent thereof; and

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

12 (5) Assisting, encouraging, aiding, abetting,
13 conspiring, covering up, or any other type of inten-
14 tional complicity involving a violation of a rule
15 issued under section 101(c) or the violation of a pe-
16 riod of suspension or eligibility imposed on a covered
17 person, covered horse, or covered horserace.

18 (6) Threatening or seeking to intimidate a per-
19 son with the intent of discouraging the person from
20 the good faith reporting to the RHSO, a State rac-
21 ing commission, or an agent thereof, of information
22 that relates to—

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

1 (B) alleged noncompliance with such a
2 rule.

3 **SEC. 402. RESULTS MANAGEMENT AND DISCIPLINARY**
4 **PROCESS.**

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

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

12 (1) The undertaking of investigations at race-
13 track and nonracetrack facilities related to safety
14 violations. In performing investigations, the RHSO
15 and State racing commissions shall seek assistance
16 as needed.

17 (2) Procedures for—

18 (A) investigating, charging, and adjudi-
19 cating violations; and

20 (B) the enforcement of administrative
21 sanctions.

22 (3) A schedule of administrative sanctions for
23 violations.

1 (4) Disciplinary hearings, which may include
2 binding arbitration, mediation, administrative sanc-
3 tions, and research.

4 (5) Management of violation results.

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

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

10 (8) A process by which a noncompliant member
11 State may be removed by unanimous vote of the re-
12 maining member States.

13 (9) Hearing procedures.

14 (10) Standards for burden of proof.

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

19 (12) Evidentiary rules.

20 (13) Appeals.

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

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

1 (1) impartial hearing officers or tribunals com-
2 mensurate with the seriousness of the alleged safety,
3 performance, or scientific medication control rule
4 violation and the possible civil sanctions for such vio-
5 lation;

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

8 (3) **【the right to have a decision rendered】** not
9 later than 60 days after the date on which the hear-
10 ing closes.

11 **SEC. 403. ADMINISTRATIVE SANCTIONS.**

12 (a) IN GENERAL.—The Board shall—

13 (1) review existing Model Rules of the Associa-
14 tion of Racing Commissioners International applica-
15 ble to a specific breed, imposing administrative sanc-
16 tions against covered persons or covered horses for
17 safety, performance, and medication control rule vio-
18 lations; and

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

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

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

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

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

5 (c) SEVERITY.—The administrative sanctions under
6 subsection (a) may include—

7 (1) lifetime bans from horseracing,
8 disgorgement of purses, monetary fines and pen-
9 alties, and changes to the order of finish in covered
10 races; and

11 (2) with respect to scientific medication control
12 rule violators, an opportunity to reduce the applica-
13 ble administrative sanctions that is comparable to
14 the opportunity provided by the Protocol for Olym-
15 pic Movement Testing of the United States Medica-
16 tion Agency.

17 **TITLE V—GENERAL PROVISIONS**

18 **SEC. 501. EFFECTIVE DATES.**

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

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

1 (2) the date on which 2 or more States have en-
2 tered into the interstate compact pursuant to section
3 4.

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

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