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H. R. 1754

[Report No. 116-]

To improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2019

Mr. TONKO (for himself, Mr. BARR, Ms. TITUS, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. CÁRDENAS, Ms. CASTOR of Florida, Mr. KILMER, Mr. SEAN PATRICK MALONEY of New York, Mr. SUOZZI, Mr. SCHIFF, Mr. COHEN, Mr. MEEKS, Ms. DELAURO, Miss RICE of New York, Mr. COLLINS of New York, Ms. GABBARD, Mr. KRISHNAMOORTHY, Mr. RODNEY DAVIS of Illinois, Mr. WATKINS, Mrs. WALORSKI, Mr. COOK, Mr. JOYCE of Ohio, Mr. WOODALL, Mr. HOLLINGSWORTH, Mr. BUCHANAN, Mr. CARTER of Georgia, and Mr. KATKO) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER --, 2020

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 14, 2019]

A BILL

To improve the integrity and safety of horseracing by requiring a uniform anti-doping and medication control program to be developed and enforced by an independent Horseracing Anti-Doping and Medication Control Authority.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Horseracing Integrity*
5 *and Safety Act of 2020”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act the following definitions apply:*

8 (1) *AUTHORITY.—The term “Authority” means*
9 *the Horseracing Integrity and Safety Authority des-*
10 *ignated by section 3(a).*

11 (2) *COMMISSION.—The term “Commission”*
12 *means the Federal Trade Commission.*

13 (3) *COVERED HORSE.—The term “covered horse”*
14 *means any Thoroughbred horse, or any other horse*
15 *made subject to this Act by election of the applicable*
16 *State racing commission or the breed governing orga-*
17 *nization for such horse under section 5(k), during the*
18 *period—*

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

23 (B) *ending on the date on which the Au-*
24 *thority receives written notice that the horse has*
25 *been retired.*

1 (4) *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 Thoroughbred horserace that*
5 *is the subject of interstate off-track or advance deposit*
6 *wagers.*

7 (5) *COVERED PERSONS.*—The term “covered per-
8 *sons*” means all trainers, owners, breeders, jockeys,
9 *racetracks, veterinarians, persons (legal and natural)*
10 *licensed by a State racing commission and the agents,*
11 *assigns, and employees of such persons and other*
12 *horse support personnel who are engaged in the care,*
13 *training, or racing of covered horses.*

14 (6) *EQUINE CONSTITUENCIES.*—The term
15 “*equine constituencies*” means, collectively, owners
16 and breeders, trainers, racetracks, veterinarians, State
17 racing commissions, and jockeys who are engaged in
18 the care, training, or racing of covered horses.

19 (7) *EQUINE INDUSTRY REPRESENTATIVE.*—The
20 term “*equine industry representative*” means an or-
21 ganization regularly and significantly engaged in the
22 equine industry, including organizations that rep-
23 resent the interests of, and whose membership consists
24 of, owners and breeders, trainers, racetracks, veteri-
25 narians, State racing commissions, and jockeys.

1 (8) *HORSERACING ANTI-DOPING AND MEDICA-*
2 *TION CONTROL PROGRAM.*—*The term “horseracing*
3 *anti-doping and medication control program” means*
4 *the anti-doping and medication program established*
5 *under section 6(a).*

6 (9) *IMMEDIATE FAMILY MEMBER.*—*The term*
7 *“immediate family member” shall include a spouse,*
8 *domestic partner, mother, father, aunt, uncle, sibling,*
9 *or child.*

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

14 (11) *JOCKEY.*—*The term “jockey” means a rider*
15 *or driver of a covered horse in covered horseraces.*

16 (12) *OWNERS AND BREEDERS.*—*The term “own-*
17 *ers and breeders” means those persons who either hold*
18 *ownership interests in covered horses or who are in*
19 *the business of breeding covered horses.*

20 (13) *PROGRAM EFFECTIVE DATE.*—*The term*
21 *“program effective date” means the earlier of—*

22 (A) *January 1 of the second year after the*
23 *date of the enactment of this Act; or*

24 (B) *the date that is 540 days after such*
25 *date of enactment.*

1 (14) *RACETRACK*.—*The term “racetrack” means*
2 *an organization licensed by a State racing commis-*
3 *sion to conduct covered horseraces.*

4 (15) *RACETRACK SAFETY PROGRAM*.—*The term*
5 *“racetrack safety program” means the program estab-*
6 *lished under section 7(a).*

7 (16) *STAKES RACE*.—*The term “stakes race”*
8 *means any race so designated by the racetrack at*
9 *which such race is run, including, without limitation,*
10 *the races comprising the Breeders’ Cup World Cham-*
11 *ionships and the races designated as graded stakes*
12 *by the American Graded Stakes Committee of the*
13 *Thoroughbred Owners and Breeders Association.*

14 (17) *STATE RACING COMMISSION*.—*The term*
15 *“State racing commission” means an entity des-*
16 *ignated by State law or regulation that has jurisdic-*
17 *tion over the conduct of horseracing within the appli-*
18 *cable State.*

19 (18) *TRAINER*.—*The term “trainer” means an*
20 *individual engaged in the training of covered horses.*

21 (19) *TRAINING FACILITY*.—*The term “training*
22 *facility” means a location that is not a racetrack li-*
23 *censed by a State racing commission that operates*
24 *primarily to house covered horses and conduct official*
25 *timed workouts.*

1 (20) *VETERINARIAN.*—*The term “veterinarian”*
2 *means a licensed veterinarian who provides veteri-*
3 *nary services to covered horses.*

4 (21) *WORKOUT.*—*The term “workout” means a*
5 *timed running of a horse over a predetermined dis-*
6 *tance not associated with a race or its first qualifying*
7 *race, if such race is made subject to this Act by elec-*
8 *tion under section 5(k) of the horse’s breed governing*
9 *organization or the applicable State racing commis-*
10 *sion.*

11 **SEC. 3. RECOGNITION OF THE HORSERACING INTEGRITY**
12 **AND SAFETY AUTHORITY.**

13 (a) *IN GENERAL.*—*The private, independent, self-regu-*
14 *latory, nonprofit corporation, to be known as the “Horse-*
15 *racing Integrity and Safety Authority”, is recognized for*
16 *purposes of developing and implementing a horseracing*
17 *anti-doping and medication control program and a race-*
18 *track safety program for covered horses, covered persons,*
19 *and covered horseraces.*

20 (b) *BOARD OF DIRECTORS.*—

21 (1) *MEMBERSHIP.*—*The Authority shall be gov-*
22 *erned by a board of directors (in this section referred*
23 *to as the “Board”)* comprised of nine members as fol-
24 *lows:*

1 (A) *INDEPENDENT MEMBERS.*—*Five mem-*
2 *bers of the Board shall be independent members*
3 *selected from outside the equine industry.*

4 (B) *INDUSTRY MEMBERS.*—

5 (i) *IN GENERAL.*—*Four members of the*
6 *Board shall be industry members selected*
7 *from among the various equine constitu-*
8 *encies.*

9 (ii) *REPRESENTATION OF EQUINE CON-*
10 *STITUENCIES.*—*The industry members shall*
11 *be representative of the various equine con-*
12 *stituencies, and shall include not more than*
13 *one industry member from any one equine*
14 *constituency.*

15 (2) *CHAIR.*—*The chair of the Board shall be an*
16 *independent member described in paragraph (1)(A).*

17 (3) *BYLAWS.*—*The Board of the Authority shall*
18 *be governed by bylaws for the operation of the Author-*
19 *ity with respect to—*

20 (A) *the administrative structure and em-*
21 *ployees of the Authority;*

22 (B) *the establishment of standing commit-*
23 *tees;*

24 (C) *the procedures for filling vacancies on*
25 *the Board and the standing committees;*

1 (D) term limits for members and termi-
2 nation of membership; and

3 (E) any other matter the Board considers
4 necessary.

5 (c) *STANDING COMMITTEES.*—

6 (1) *ANTI-DOPING AND MEDICATION CONTROL*
7 *STANDING COMMITTEE.*—

8 (A) *IN GENERAL.*—*The Authority shall es-*
9 *tablish an anti-doping and medication control*
10 *standing committee, which shall provide advice*
11 *and guidance to the Board on the development*
12 *and maintenance of the horseracing anti-doping*
13 *and medication control program.*

14 (B) *MEMBERSHIP.*—*The anti-doping and*
15 *medication control standing committee shall be*
16 *comprised of seven members as follows:*

17 (i) *INDEPENDENT MEMBERS.*—*A ma-*
18 *jority of the members shall be independent*
19 *members selected from outside the equine in-*
20 *dustry.*

21 (ii) *INDUSTRY MEMBERS.*—*A minority*
22 *of the members shall be industry members*
23 *selected to represent the various equine con-*
24 *stituencies, and shall include not more than*

1 *one industry member from any one equine*
2 *constituency.*

3 *(iii) QUALIFICATION.—A majority of*
4 *individuals selected to serve on the anti-*
5 *doping and medication control standing*
6 *committee shall have significant, recent ex-*
7 *perience in anti-doping and medication*
8 *control rules.*

9 *(C) CHAIR.—The chair of the anti-doping*
10 *and medication control standing committee shall*
11 *be an independent member of the Board de-*
12 *scribed in subsection (b)(1)(A).*

13 *(2) RACETRACK SAFETY STANDING COM-*
14 *MITTEE.—*

15 *(A) IN GENERAL.—The Authority shall es-*
16 *tablish a racetrack safety standing committee,*
17 *which shall provide advice and guidance to the*
18 *Board on the development and maintenance of*
19 *the racetrack safety program.*

20 *(B) MEMBERSHIP.—The racetrack safety*
21 *standing committee shall be comprised of seven*
22 *members as follows:*

23 *(i) INDEPENDENT MEMBERS.—A ma-*
24 *jority of the members shall be independent*

1 *members selected from outside the equine in-*
2 *dustry.*

3 (ii) *INDUSTRY MEMBERS.*—*A minority*
4 *of the members shall be industry members*
5 *selected to represent the various equine con-*
6 *stituencies.*

7 (C) *CHAIR.*—*The chair of the racetrack*
8 *safety standing committee shall be an industry*
9 *member of the Board described in subsection*
10 *(b)(1)(B).*

11 (d) *NOMINATING COMMITTEE.*—

12 (1) *MEMBERSHIP.*—

13 (A) *IN GENERAL.*—*The nominating com-*
14 *mittee of the Authority shall be comprised of*
15 *seven independent members selected from busi-*
16 *ness, sports, and academia.*

17 (B) *INITIAL MEMBERSHIP.*—*The initial*
18 *nominating committee members shall be set forth*
19 *in the governing corporate documents of the Au-*
20 *thority.*

21 (C) *VACANCIES.*—*After the initial com-*
22 *mittee members are appointed in accordance*
23 *with subparagraph (B), vacancies shall be filled*
24 *by the Board pursuant to rules established by the*
25 *Authority.*

1 (2) *CHAIR.*—*The chair of the nominating com-*
2 *mittee shall be selected by the nominating committee*
3 *from among the members of the nominating com-*
4 *mittee.*

5 (3) *SELECTION OF MEMBERS OF THE BOARD AND*
6 *STANDING COMMITTEES.*—

7 (A) *INITIAL MEMBERS.*—*The nominating*
8 *committee shall select the initial members of the*
9 *Board and the standing committees described in*
10 *subsection (c).*

11 (B) *SUBSEQUENT MEMBERS.*— *The nomi-*
12 *nating committee shall recommend individuals*
13 *to fill any vacancy on the Board or on such*
14 *standing committees.*

15 (e) *CONFLICTS OF INTEREST.*—*To avoid conflicts of*
16 *interest, the following individuals may not be selected as*
17 *a member of the Board or as an independent member of*
18 *a nominating or standing committee under this section:*

19 (1) *An individual who has a financial interest*
20 *in, or provides goods or services to, covered horses.*

21 (2) *An official or officer—*

22 (A) *of an equine industry representative; or*

23 (B) *who serves in a governance or policy-*
24 *making capacity for an equine industry rep-*
25 *resentative.*

1 (3) *An employee of, or an individual who has a*
2 *business or commercial relationship with, an indi-*
3 *vidual described in paragraph (1) or (2).*

4 (4) *An immediate family member of an indi-*
5 *vidual described in paragraph (1) or (2).*

6 (f) *FUNDING.—*

7 (1) *INITIAL FUNDING.—*

8 (A) *IN GENERAL.—Initial funding to estab-*
9 *lish the Authority and underwrite its operations*
10 *before the program effective date shall be pro-*
11 *vided by loans obtained by the Authority.*

12 (B) *BORROWING.—The Authority may bor-*
13 *row funds toward the funding of its operations.*

14 (C) *ANNUAL CALCULATION OF AMOUNTS RE-*
15 *QUIRED.—*

16 (i) *IN GENERAL.—Not later than the*
17 *date that is 90 days before the program ef-*
18 *fective date, and not later than November 1*
19 *each year thereafter, the Authority shall de-*
20 *termine and provide to each State racing*
21 *commission the estimated amount required*
22 *from the State—*

23 (I) *to fund the State's propor-*
24 *tionate share of the horseracing anti-*
25 *doping and medication control pro-*

1 *gram and the racetrack safety program*
2 *for the next calendar year; and*

3 *(II) to liquidate the State's pro-*
4 *portionate share of any loan or fund-*
5 *ing shortfall in the current calendar*
6 *year and any previous calendar year.*

7 *(ii) BASIS OF CALCULATION.—The*
8 *amounts calculated under clause (i) shall—*

9 *(I) be based on—*

10 *(aa) the annual budget of the*
11 *Authority for the following cal-*
12 *endar year, as approved by the*
13 *Board; and*

14 *(bb) the projected amount of*
15 *covered racing starts for the year*
16 *in each State; and*

17 *(II) take into account other*
18 *sources of Authority revenue.*

19 *(iii) REQUIREMENTS REGARDING*
20 *BUDGETS OF AUTHORITY.—*

21 *(I) INITIAL BUDGET.—The initial*
22 *budget of the Authority shall require*
23 *the approval of $\frac{2}{3}$ of the Board.*

24 *(II) SUBSEQUENT BUDGETS.—*
25 *Any subsequent budget that exceeds the*

1 *budget of the preceding calendar year*
2 *by more than 5 percent shall require*
3 *the approval of $\frac{2}{3}$ of the Board.*

4 *(iv) RATE INCREASES.—*

5 *(I) IN GENERAL.—A proposed in-*
6 *crease in the amount required under*
7 *this subparagraph shall be reported to*
8 *the Commission.*

9 *(II) NOTICE AND COMMENT.—The*
10 *Commission shall publish in the Fed-*
11 *eral Register such a proposed increase*
12 *and provide an opportunity for public*
13 *comment.*

14 *(2) ASSESSMENT AND COLLECTION OF FEES BY*
15 *STATES.—*

16 *(A) NOTICE OF ELECTION.—Any State rac-*
17 *ing commission that elects to remit fees pursuant*
18 *to this subsection shall notify the Authority of*
19 *such election not later than 60 days before the*
20 *program effective date.*

21 *(B) REQUIREMENT TO REMIT FEES.—After*
22 *a State racing commission makes a notification*
23 *under subparagraph (A), the election shall re-*
24 *main in effect and the State racing commission*
25 *shall be required to remit fees pursuant to this*

1 *subsection according to a schedule established in*
2 *rule developed by the Authority and approved by*
3 *the Commission.*

4 (C) *WITHDRAWAL OF ELECTION.*—*A State*
5 *racing commission may cease remitting fees*
6 *under this subsection not earlier than one year*
7 *after notifying the Authority of the intent of the*
8 *State racing commission to do so.*

9 (D) *DETERMINATION OF METHODS.*—*Each*
10 *State racing commission shall determine, subject*
11 *to the applicable laws, regulations, and contracts*
12 *of the State, the method by which the requisite*
13 *amount of fees, such as foal registration fees,*
14 *sales contributions, starter fees, and track fees,*
15 *and other fees on covered persons, shall be allo-*
16 *cated, assessed, and collected.*

17 (3) *ASSESSMENT AND COLLECTION OF FEES BY*
18 *THE AUTHORITY.*—

19 (A) *CALCULATION.*—*If a State racing com-*
20 *mission does not elect to remit fees pursuant to*
21 *paragraph (2) or withdraws its election under*
22 *such paragraph, the Authority shall, not less fre-*
23 *quently than monthly, calculate the applicable*
24 *fee per racing start multiplied by the number of*

1 *racing starts in the State during the preceding*
2 *month.*

3 *(B) ALLOCATION.—The Authority shall allo-*
4 *cate equitably the amount calculated under sub-*
5 *paragraph (A) collected among covered persons*
6 *involved with covered horseraces pursuant to*
7 *such rules as the Authority may promulgate.*

8 *(C) ASSESSMENT AND COLLECTION.—*

9 *(i) IN GENERAL.—The Authority shall*
10 *assess a fee equal to the allocation made*
11 *under subparagraph (B) and shall collect*
12 *such fee according to such rules as the Au-*
13 *thority may promulgate.*

14 *(ii) REMITTANCE OF FEES.—Covered*
15 *persons described in subparagraph (B) shall*
16 *be required to remit such fees to the Author-*
17 *ity.*

18 *(D) LIMITATION.—A State racing commis-*
19 *sion that does not elect to remit fees pursuant to*
20 *paragraph (2) or that withdraws its election*
21 *under such paragraph shall not impose or collect*
22 *from any person a fee or tax relating to anti-*
23 *doping and medication control or racetrack safe-*
24 *ty matters for covered horseraces.*

1 (4) *FEEES AND FINES.*—*Fees and fines imposed*
2 *by the Authority shall be allocated toward funding of*
3 *the Authority and its activities.*

4 (5) *RULE OF CONSTRUCTION.*—*Nothing in this*
5 *Act shall be construed to require—*

6 (A) *the appropriation of any amount to the*
7 *Authority; or*

8 (B) *the Federal Government to guarantee*
9 *the debts of the Authority.*

10 (g) *QUORUM.*—*For all items where Board approval is*
11 *required, the Authority shall have present a majority of*
12 *independent members.*

13 **SEC. 4. FEDERAL TRADE COMMISSION OVERSIGHT.**

14 (a) *IN GENERAL.*—*The Authority shall submit to the*
15 *Commission, in accordance with such rules as the Commis-*
16 *sion may prescribe under section 553 of title 5, United*
17 *States Code, any proposed rule, or proposed modification*
18 *to a rule, of the Authority relating to—*

19 (1) *the bylaws of the Authority;*

20 (2) *a list of permitted and prohibited medica-*
21 *tions, substances, and methods, including allowable*
22 *limits of permitted medications, substances, and*
23 *methods;*

24 (3) *laboratory standards for accreditation and*
25 *protocols;*

1 (4) *standards for racing surface quality maintenance;*
2

3 (5) *racetrack safety standards and protocols;*

4 (6) *a program for injury and fatality data analysis;*
5

6 (7) *a program of research and education on safety, performance, and anti-doping and medication control;*
7
8

9 (8) *a description of safety, performance, and anti-doping and medication control rule violations applicable to covered horses and covered persons;*
10
11

12 (9) *a schedule of civil sanctions for violations;*

13 (10) *a process or procedures for disciplinary hearings; and*
14

15 (11) *a formula or methodology for determining assessments described in section 3(f).*
16

17 **(b) PUBLICATION AND COMMENT.—**

18 (1) *IN GENERAL.—The Commission shall—*

19 (A) *publish in the Federal Register each proposed rule or modification submitted under subsection (a); and*
20
21

22 (B) *provide an opportunity for public comment.*
23

24 (2) *APPROVAL REQUIRED.—A proposed rule, or a proposed modification to a rule, of the Authority*
25

1 *shall not take effect unless the proposed rule or modi-*
2 *fication has been approved by the Commission.*

3 (c) *DECISION ON PROPOSED RULE OR MODIFICATION*
4 *TO A RULE.—*

5 (1) *IN GENERAL.—Not later than 60 days after*
6 *the date on which a proposed rule or modification is*
7 *published in the Federal Register, the Commission*
8 *shall approve or disapprove the proposed rule or*
9 *modification.*

10 (2) *CONDITIONS.—The Commission shall ap-*
11 *prove a proposed rule or modification if the Commis-*
12 *sion finds that the proposed rule or modification is*
13 *consistent with—*

14 (A) *this Act; and*

15 (B) *applicable rules approved by the Com-*
16 *mission.*

17 (3) *REVISION OF PROPOSED RULE OR MODIFICA-*
18 *TION.—*

19 (A) *IN GENERAL.—In the case of dis-*
20 *approval of a proposed rule or modification*
21 *under this subsection, not later than 30 days*
22 *after the issuance of the disapproval, the Com-*
23 *mission shall make recommendations to the Au-*
24 *thority to modify the proposed rule or modifica-*
25 *tion.*

1 (B) *RESUBMISSION.*—*The Authority may*
2 *resubmit for approval by the Commission a pro-*
3 *posed rule or modification that incorporates the*
4 *modifications recommended under subparagraph*
5 *(A).*

6 (d) *PROPOSED STANDARDS AND PROCEDURES.*—

7 (1) *IN GENERAL.*—*The Authority shall submit to*
8 *the Commission any proposed rule, standard, or pro-*
9 *cedure developed by the Authority to carry out the*
10 *horseracing anti-doping and medication control pro-*
11 *gram or the racetrack safety program.*

12 (2) *NOTICE AND COMMENT.*—*The Commission*
13 *shall publish in the Federal Register any such pro-*
14 *posed rule, standard, or procedure and provide an op-*
15 *portunity for public comment.*

16 (e) *INTERIM FINAL RULES.*—*The Commission may*
17 *adopt an interim final rule, to take effect immediately,*
18 *under conditions specified in section 553(b)(B) of title 5,*
19 *United States Code, if the Commission finds that such a*
20 *rule is necessary to protect—*

21 (1) *the health and safety of covered horses; or*

22 (2) *the integrity of covered horseraces and wager-*
23 *ing on those horseraces.*

1 **SEC. 5. JURISDICTION OF THE COMMISSION AND THE**
2 **HORSERACING INTEGRITY AND SAFETY AU-**
3 **THORITY.**

4 (a) *IN GENERAL.*—Beginning on the program effective
5 date, the Commission, the Authority, and the anti-doping
6 and medication control enforcement agency, each within the
7 scope of their powers and responsibilities under this Act,
8 as limited by subsection (j), shall—

9 (1) *implement and enforce the horseracing anti-*
10 *doping and medication control program and the race-*
11 *track safety program;*

12 (2) *exercise independent and exclusive national*
13 *authority over—*

14 (A) *the safety, welfare, and integrity of cov-*
15 *ered horses, covered persons, and covered*
16 *horseraces; and*

17 (B) *all horseracing safety, performance, and*
18 *anti-doping and medication control matters for*
19 *covered horses, covered persons, and covered*
20 *horseraces; and*

21 (3) *have safety, performance, and anti-doping*
22 *and medication control authority over covered persons*
23 *similar to such authority of the State racing commis-*
24 *sions before the program effective date.*

25 (b) *PREEMPTION.*—The rules of the Authority promul-
26 *gated in accordance with this Act shall preempt any provi-*

1 *sion of State law or regulation with respect to matters with-*
2 *in the jurisdiction of the Authority under this Act, as lim-*
3 *ited by subsection (j). Nothing contained in this Act shall*
4 *be construed to limit the authority of the Commission under*
5 *any other provision of law.*

6 (c) *DUTIES.—*

7 (1) *IN GENERAL.—The Authority—*

8 (A) *shall develop uniform procedures and*
9 *rules authorizing—*

10 (i) *access to offices, racetrack facilities,*
11 *other places of business, books, records, and*
12 *personal property of covered persons that*
13 *are used in the care, treatment, training,*
14 *and racing of covered horses;*

15 (ii) *issuance and enforcement of sub-*
16 *poenas and subpoenas duces tecum; and*

17 (iii) *other investigatory powers of the*
18 *nature and scope exercised by State racing*
19 *commissions before the program effective*
20 *date; and*

21 (B) *with respect to an unfair or deceptive*
22 *act or practice described in section 10, may rec-*
23 *ommend that the Commission commence an en-*
24 *forcement action.*

1 (2) *APPROVAL OF COMMISSION.*—*The procedures*
2 *and rules developed under paragraph (1)(A) shall be*
3 *subject to approval by the Commission in accordance*
4 *with section 4.*

5 (d) *REGISTRATION OF COVERED PERSONS WITH AU-*
6 *THORITY.*—

7 (1) *IN GENERAL.*—*As a condition of partici-*
8 *parting in covered races and in the care, ownership,*
9 *treatment, and training of covered horses, a covered*
10 *person shall register with the Authority in accordance*
11 *with rules promulgated by the Authority and ap-*
12 *proved by the Commission in accordance with section*
13 *4.*

14 (2) *AGREEMENT WITH RESPECT TO AUTHORITY*
15 *RULES, STANDARDS, AND PROCEDURES.*—*Registration*
16 *under this subsection shall include an agreement by*
17 *the covered person to be subject to and comply with*
18 *the rules, standards, and procedures developed and*
19 *approved under subsection (c).*

20 (3) *COOPERATION.*—*A covered person registered*
21 *under this subsection shall, at all times—*

22 (A) *cooperate with the Commission, the Au-*
23 *thority, the anti-doping and medication control*
24 *enforcement agency, and any respective designee,*
25 *during any civil investigation; and*

1 (B) *respond truthfully and completely to the*
2 *best of the knowledge of the covered person if*
3 *questioned by the Commission, the Authority, the*
4 *anti-doping and medication control enforcement*
5 *agency, or any respective designee.*

6 (4) *FAILURE TO COMPLY.—Any failure of a cov-*
7 *ered person to comply with this subsection shall be a*
8 *violation of section 8(a)(2)(G).*

9 (e) *ENFORCEMENT OF PROGRAMS.—*

10 (1) *ANTI-DOPING AND MEDICATION CONTROL EN-*
11 *FORCEMENT AGENCY.—*

12 (A) *AGREEMENT WITH USADA.—The Au-*
13 *thority shall seek to enter into an agreement*
14 *with the United States Anti-Doping Agency*
15 *under which the Agency acts as the anti-doping*
16 *and medication control enforcement agency*
17 *under this Act for services consistent with the*
18 *horseracing anti-doping and medication control*
19 *program.*

20 (B) *AGREEMENT WITH OTHER ENTITY.—If*
21 *the Authority and the United States Anti-*
22 *Doping Agency are unable to enter into the*
23 *agreement described in subparagraph (A), the*
24 *Authority shall enter into an agreement with an*
25 *entity that is nationally recognized as being a*

1 *medication regulation agency equal in qualifica-*
2 *tion to the United States Anti-Doping Agency to*
3 *act as the anti-doping and medication control*
4 *enforcement agency under this Act for services*
5 *consistent with the horseracing anti-doping and*
6 *medication control program.*

7 (C) *NEGOTIATIONS.—Any negotiations*
8 *under this paragraph shall be conducted in good*
9 *faith and designed to achieve efficient, effective*
10 *best practices for anti-doping and medication*
11 *control and enforcement on commercially reason-*
12 *able terms.*

13 (D) *ELEMENTS OF AGREEMENT.—Any*
14 *agreement under this paragraph shall include a*
15 *description of the scope of work, performance*
16 *metrics, reporting obligations, and budgets of the*
17 *United States Anti-Doping Agency while acting*
18 *as the anti-doping and medication control en-*
19 *forcement agency under this Act, as well as a*
20 *provision for the revision of the agreement to in-*
21 *crease in the scope of work as provided for in*
22 *subsection (k), and any other matter the Author-*
23 *ity considers appropriate.*

24 (E) *DUTIES AND POWERS OF ENFORCEMENT*
25 *AGENCY.—The anti-doping and medication con-*

1 *trol enforcement agency under an agreement*
2 *under this paragraph shall—*

3 *(i) serve as the independent anti-*
4 *doping and medication control enforcement*
5 *organization for covered horses, covered per-*
6 *sons, and covered horseraces, implementing*
7 *the anti-doping and medication control pro-*
8 *gram on behalf of the Authority;*

9 *(ii) ensure that covered horses and cov-*
10 *ered persons are deterred from using or ad-*
11 *ministering medications, substances, and*
12 *methods in violation of the rules established*
13 *in accordance with this Act;*

14 *(iii) implement anti-doping education,*
15 *research, testing, compliance and adjudica-*
16 *tion programs designed to prevent covered*
17 *persons and covered horses from using or*
18 *administering medications, substances, and*
19 *methods in violation of the rules established*
20 *in accordance with this Act;*

21 *(iv) exercise the powers specified in*
22 *section 6(c)(4) in accordance with that sec-*
23 *tion; and*

1 (v) *implement and undertake any*
2 *other responsibilities specified in the agree-*
3 *ment.*

4 (F) *TERM AND EXTENSION.—*

5 (i) *TERM OF INITIAL AGREEMENT.—*
6 *The initial agreement entered into by the*
7 *Authority under this paragraph shall be in*
8 *effect for the 5-year period beginning on the*
9 *program effective date.*

10 (ii) *EXTENSION.—At the end of the 5-*
11 *year period described in clause (i), the Au-*
12 *thority may—*

13 (I) *extend the term of the initial*
14 *agreement under this paragraph for*
15 *such additional term as is provided by*
16 *the rules of the Authority and con-*
17 *sistent with this Act; or*

18 (II) *enter into an agreement meet-*
19 *ing the requirements of this paragraph*
20 *with an entity described by subpara-*
21 *graph (B) for such term as is provided*
22 *by such rules and consistent with this*
23 *Act.*

24 (2) *AGREEMENTS FOR ENFORCEMENT BY STATE*
25 *RACING COMMISSIONS.—*

1 (A) *STATE RACING COMMISSIONS.*—

2 (i) *RACETRACK SAFETY PROGRAM.*—

3 *The Authority may enter into agreements*
4 *with State racing commissions for services*
5 *consistent with the enforcement of the race-*
6 *track safety program.*

7 (ii) *ANTI-DOPING AND MEDICATION*

8 *CONTROL PROGRAM.*—*The anti-doping and*
9 *medication control enforcement agency may*
10 *enter into agreements with State racing*
11 *commissions for services consistent with the*
12 *enforcement of the anti-doping and medica-*
13 *tion control program.*

14 (B) *ELEMENTS OF AGREEMENTS.*—*Any*
15 *agreement under this paragraph shall include a*
16 *description of the scope of work, performance*
17 *metrics, reporting obligations, budgets, and any*
18 *other matter the Authority considers appro-*
19 *priate.*

20 (3) *ENFORCEMENT OF STANDARDS.*—*The Au-*
21 *thority may coordinate with State racing commis-*
22 *sions and other State regulatory agencies to monitor*
23 *and enforce racetrack compliance with the standards*
24 *developed under paragraphs (1) and (2) of section*
25 *7(c).*

1 (f) *PROCEDURES WITH RESPECT TO RULES OF AU-*
2 *THORITY.*—

3 (1) *ANTI-DOPING AND MEDICATION CONTROL.*—

4 (A) *IN GENERAL.*—*Recommendations for*
5 *rules regarding anti-doping and medication con-*
6 *trol shall be developed in accordance with section*
7 *6.*

8 (B) *CONSULTATION.*—*The anti-doping and*
9 *medication control enforcement agency shall con-*
10 *sult with the anti-doping and medication control*
11 *standing committee and the Board of the Author-*
12 *ity on all anti-doping and medication control*
13 *rules of the Authority.*

14 (2) *RACETRACK SAFETY.*—*Recommendations for*
15 *rules regarding racetrack safety shall be developed by*
16 *the racetrack safety standing committee of the Author-*
17 *ity*

18 (g) *SUBPOENA AND INVESTIGATORY AUTHORITY.*—*The*
19 *Authority shall have subpoena and investigatory authority*
20 *with respect to civil violations committed under its jurisdic-*
21 *tion.*

22 (h) *CIVIL PENALTIES.*—*The Authority shall develop a*
23 *list of civil penalties with respect to the enforcement of rules*
24 *for covered persons and covered horseraces under its juris-*
25 *diction.*

1 (i) *CIVIL ACTIONS.*—

2 (1) *IN GENERAL.*—*In addition to civil sanctions*
3 *imposed under section 8, the Authority may com-*
4 *mence a civil action against a covered person or race-*
5 *track that has engaged, is engaged, or is about to en-*
6 *gage, in acts or practices constituting a violation of*
7 *this Act or any rule established under this Act in the*
8 *proper district court of the United States, the United*
9 *States District Court for the District of Columbia, or*
10 *the United States courts of any territory or other*
11 *place subject to the jurisdiction of the United States,*
12 *to enjoin such acts or practices, to enforce any civil*
13 *sanctions imposed under that section, and for all*
14 *other relief to which the Authority may be entitled.*

15 (2) *INJUNCTIONS AND RESTRAINING ORDERS.*—
16 *With respect to a civil action commenced under para-*
17 *graph (1), upon a proper showing, a permanent or*
18 *temporary injunction or restraining order shall be*
19 *granted without bond.*

20 (j) *LIMITATIONS ON AUTHORITY.*—

21 (1) *PROSPECTIVE APPLICATION.*—*The jurisdic-*
22 *tion and authority of the Authority and the Commis-*
23 *sion with respect to the horseracing anti-doping and*
24 *medication control program and the racetrack safety*
25 *program shall be prospective only.*

1 (2) *PREVIOUS MATTERS.*—

2 (A) *IN GENERAL.*—*The Authority and the*
3 *Commission may not investigate, prosecute, ad-*
4 *judicate, or penalize conduct in violation of the*
5 *horseracing anti-doping and medication control*
6 *program and the racetrack safety program that*
7 *occurs before the program effective date.*

8 (B) *STATE RACING COMMISSION.*—*With re-*
9 *spect to conduct described in subparagraph (A),*
10 *the applicable State racing commission shall re-*
11 *tain authority until the final resolution of the*
12 *matter.*

13 (3) *OTHER LAWS UNAFFECTED.*—*This Act shall*
14 *not be construed to modify, impair or restrict the op-*
15 *eration of the general laws or regulations, as may be*
16 *amended from time to time, of the United States, the*
17 *States and their political subdivisions relating to*
18 *criminal conduct, cruelty to animals, matters unre-*
19 *lated to antidoping, medication control and racetrack*
20 *and racing safety of covered horses and covered races,*
21 *and the use of medication in human participants in*
22 *covered races.*

23 (k) *ELECTION FOR OTHER BREED COVERAGE UNDER*
24 *ACT.*—

1 (1) *IN GENERAL.*—A State racing commission or
2 a breed governing organization for a breed of horses
3 other than Thoroughbred horses may elect to have
4 such breed be covered by this Act by the filing of a
5 designated election form and subsequent approval by
6 the Authority. A State racing commission may elect
7 to have a breed covered by this Act for the applicable
8 State only.

9 (2) *ELECTION CONDITIONAL ON FUNDING MECHA-*
10 *NISM.*—A commission or organization may not make
11 an election under paragraph (1) unless the commis-
12 sion or organization has in place a mechanism to
13 provide sufficient funds to cover the costs of the ad-
14 ministration of this Act with respect to the horses that
15 will be covered by this Act as a result of the election.

16 (3) *APPORTIONMENT.*—The Authority shall ap-
17 portion costs described in paragraph (2) in connec-
18 tion with an election under paragraph (1) fairly
19 among all impacted segments of the horseracing in-
20 dustry, subject to approval by the Commission in ac-
21 cordance with section 4. Such apportionment may not
22 provide for the allocation of costs or funds among
23 breeds of horses.

1 **SEC. 6. HORSERACING ANTI-DOPING AND MEDICATION**
2 **CONTROL PROGRAM.**

3 *(a) PROGRAM REQUIRED.—*

4 *(1) IN GENERAL.—Not later than the program*
5 *effective date, and after notice and an opportunity for*
6 *public comment in accordance with section 4, the Au-*
7 *thority shall establish a horseracing anti-doping and*
8 *medication control program applicable to all covered*
9 *horses, covered persons, and covered horseraces in ac-*
10 *cordance with the registration of covered persons*
11 *under section 5(d).*

12 *(2) CONSIDERATION OF OTHER BREEDS.—In de-*
13 *veloping the horseracing anti-doping and medication*
14 *control program with respect to a breed of horse that*
15 *is made subject to this Act by election of a State rac-*
16 *ing commission or the breed governing organization*
17 *for such horse under section 5(k), the Authority shall*
18 *consider the unique characteristics of such breed.*

19 *(b) CONSIDERATIONS IN DEVELOPMENT OF PRO-*
20 *GRAM.—In developing the horseracing anti-doping and*
21 *medication control program, the Authority shall take into*
22 *consideration the following:*

23 *(1) Covered horses should compete only when*
24 *they are free from the influence of medications, other*
25 *foreign substances, and methods that affect their per-*
26 *formance.*

1 (2) *Covered horses that are injured or unsound*
2 *should not train or participate in covered races, and*
3 *the use of medications, other foreign substances, and*
4 *treatment methods that mask or deaden pain in order*
5 *to allow injured or unsound horses to train or race*
6 *should be prohibited.*

7 (3) *Rules, standards, procedures, and protocols*
8 *regulating medication and treatment methods for cov-*
9 *ered horses and covered races should be uniform and*
10 *uniformly administered nationally.*

11 (4) *To the extent consistent with this Act, consid-*
12 *eration should be given to international anti-doping*
13 *and medication control standards of the International*
14 *Federation of Horseracing Authorities and the Prin-*
15 *ciples of Veterinary Medical Ethics of the American*
16 *Veterinary Medical Association.*

17 (5) *The administration of medications and treat-*
18 *ment methods to covered horses should be based upon*
19 *an examination and diagnosis that identifies an issue*
20 *requiring treatment for which the medication or*
21 *method represents an appropriate component of treat-*
22 *ment.*

23 (6) *The amount of therapeutic medication that a*
24 *covered horse receives should be the minimum nec-*

1 *essary to address the diagnosed health concerns iden-*
2 *tified during the examination and diagnostic process.*

3 *(7) The welfare of covered horses, the integrity of*
4 *the sport, and the confidence of the betting public re-*
5 *quire full disclosure to regulatory authorities regard-*
6 *ing the administration of medications and treatments*
7 *to covered horses.*

8 *(c) ACTIVITIES.—The following activities shall be car-*
9 *ried out under the horseracing anti-doping and medication*
10 *control program:*

11 *(1) STANDARDS FOR ANTI-DOPING AND MEDICA-*
12 *TION CONTROL.—Not later than 120 days before the*
13 *program effective date, the Authority shall issue, by*
14 *rule—*

15 *(A) uniform standards for—*

16 *(i) the administration of medication to*
17 *covered horses by covered persons; and*

18 *(ii) laboratory testing accreditation*
19 *and protocols; and*

20 *(B) a list of permitted and prohibited medi-*
21 *cations, substances, and methods, including al-*
22 *lowable limits of permitted medications, sub-*
23 *stances, and methods.*

24 *(2) REVIEW PROCESS FOR ADMINISTRATION OF*
25 *MEDICATION.—The development of a review process*

1 *for the administration of any medication to a covered*
2 *horse during the 48-hour period preceding the next*
3 *racing start of the covered horse.*

4 (3) *AGREEMENT REQUIREMENTS.—The develop-*
5 *ment of requirements with respect to agreements*
6 *under section 5(e).*

7 (4) *ANTI-DOPING AND MEDICATION CONTROL EN-*
8 *FORCEMENT AGENCY.—*

9 (A) *CONTROL RULES, PROTOCOLS, ETC.—*
10 *Except as provided in paragraph (5), the anti-*
11 *doping and medication control program enforce-*
12 *ment agency under section 5(e) shall, in con-*
13 *sultation with the anti-doping and medication*
14 *control standing committee of the Authority and*
15 *consistent with international best practices, de-*
16 *velop and recommend anti-doping and medica-*
17 *tion control rules, protocols, policies, and guide-*
18 *lines for approval by the Authority.*

19 (B) *RESULTS MANAGEMENT.—The anti-*
20 *doping and medication control enforcement*
21 *agency shall conduct and oversee anti-doping*
22 *and medication control results management, in-*
23 *cluding independent investigations, charging and*
24 *adjudication of potential medication control rule*
25 *violations, and the enforcement of any civil sanc-*

1 *tions for such violations. Any final decision or*
2 *civil sanction of the anti-doping and medication*
3 *control enforcement agency under this subpara-*
4 *graph shall be the final decision or civil sanction*
5 *of the Authority, subject to review in accordance*
6 *with section 9.*

7 *(C) TESTING.—The anti-doping enforcement*
8 *agency shall perform and manage test distribu-*
9 *tion planning (including intelligence-based test-*
10 *ing), the sample collection process, and in-com-*
11 *petition and out-of-competition testing (includ-*
12 *ing no-advance-notice testing).*

13 *(D) TESTING LABORATORIES.—The anti-*
14 *doping and medication control enforcement*
15 *agency shall accredit testing laboratories based*
16 *upon the standards established under this Act,*
17 *and shall monitor, test, and audit accredited lab-*
18 *oratories to ensure continuing compliance with*
19 *accreditation standards.*

20 *(5) ANTI-DOPING AND MEDICATION CONTROL*
21 *STANDING COMMITTEE.—The anti-doping and medi-*
22 *cation control standing committee shall, in consulta-*
23 *tion with the anti-doping and medication control en-*
24 *forcement agency, develop lists of permitted and pro-*
25 *hibited medications, methods, and substances for rec-*

1 *ommendation to, and approval by, the Authority.*
2 *Any such list may prohibit the administration of any*
3 *substance or method to a horse at any time after such*
4 *horse becomes a covered horse if the Authority deter-*
5 *mines such substance or method has a long-term de-*
6 *grading effect on the soundness of a horse.*

7 *(d) PROHIBITION.—Except as provided in subsections*
8 *(e) and (f), the horseracing anti-doping and medication*
9 *control program shall prohibit the administration of any*
10 *prohibited or otherwise permitted substance to a covered*
11 *horse within 48 hours of its next racing start, effective as*
12 *of the program effective date.*

13 *(e) ADVISORY COMMITTEE STUDY AND REPORT.—*

14 *(1) IN GENERAL.—Not later than the program*
15 *effective date, the Authority shall convene an advisory*
16 *committee comprised of horseracing anti-doping and*
17 *medication control industry experts, including a*
18 *member designated by the anti-doping and medica-*
19 *tion control enforcement agency, to conduct a study*
20 *on the use of furosemide on horses during the 48-hour*
21 *period before the start of a race, including the effect*
22 *of furosemide on equine health and the integrity of*
23 *competition and any other matter the Authority con-*
24 *siders appropriate.*

1 (2) *REPORT.*—Not later than three years after
2 the program effective date, the Authority shall direct
3 the advisory committee convened under paragraph (1)
4 to submit to the Authority a written report on the
5 study conducted under that paragraph that includes
6 recommended changes, if any, to the prohibition in
7 subsection (d).

8 (3) *MODIFICATION OF PROHIBITION.*—

9 (A) *IN GENERAL.*—After receipt of the re-
10 port required by paragraph (2), the Authority
11 may, by unanimous vote of the Board of the Au-
12 thority, modify the prohibition in subsection (d)
13 and, notwithstanding subsection (f), any such
14 modification shall apply to all States beginning
15 on the date that is three years after the program
16 effective date.

17 (B) *CONDITION.*—In order for a unanimous
18 vote described in subparagraph (A) to effect a
19 modification of the prohibition in subsection (d),
20 the vote must include unanimous adoption of
21 each of the following findings:

22 (i) *That the modification is warranted.*

23 (ii) *That the modification is in the best*
24 *interests of horse racing.*

1 (iii) *That furosemide has no perform-*
2 *ance enhancing effect on individual horses.*

3 (iv) *That public confidence in the in-*
4 *tegrity and safety of racing would not be*
5 *adversely affected by the modification.*

6 (f) *EXEMPTION.—*

7 (1) *IN GENERAL.—Except as provided in para-*
8 *graph (2), only during the three-year period begin-*
9 *ning on the program effective date, a State racing*
10 *commission may submit to the Authority, at such*
11 *time and in such manner as the Authority may re-*
12 *quire, a request for an exemption from the prohibition*
13 *in subsection (d) with respect to the use of furosemide*
14 *on covered horses during such period.*

15 (2) *EXCEPTIONS.—An exemption under para-*
16 *graph (1) may not be requested for—*

17 (A) *two-year-old covered horses; or*

18 (B) *covered horses competing in stakes*
19 *races.*

20 (3) *CONTENTS OF REQUEST.—A request under*
21 *paragraph (1) shall specify the applicable State rac-*
22 *ing commission's requested limitations on the use of*
23 *furosemide that would apply to the State under the*
24 *horseracing anti-doping and medication control pro-*
25 *gram during such period. Such limitations shall be*

1 *no less restrictive on the use and administration of*
2 *furosemide than the restrictions set forth in State's*
3 *laws and regulations in effect as of September 1,*
4 *2020.*

5 (4) *GRANT OF EXEMPTION.—Subject to sub-*
6 *section (e)(3), the Authority shall grant an exemption*
7 *requested under paragraph (1) for the remainder of*
8 *such period and shall allow the use of furosemide on*
9 *covered horses in the applicable State, in accordance*
10 *with the requested limitations.*

11 (g) *BASELINE ANTI-DOPING AND MEDICATION CON-*
12 *TROL RULES.—*

13 (1) *IN GENERAL.—Subject to paragraph (3), the*
14 *baseline anti-doping and medication control rules de-*
15 *scribed in paragraph (2) shall—*

16 (A) *constitute the initial rules of the horse-*
17 *racine anti-doping and medication control pro-*
18 *gram; and*

19 (B) *except as exempted pursuant to sub-*
20 *sections (e) and (f), remain in effect at all times*
21 *after the program effective date.*

22 (2) *BASELINE ANTI-DOPING MEDICATION CON-*
23 *TROL RULES DESCRIBED.—*

1 (A) *IN GENERAL.*—*The baseline anti-doping*
2 *and medication control rules described in this*
3 *paragraph are the following:*

4 (i) *The lists of permitted and prohib-*
5 *ited substances (including drugs, medica-*
6 *tions, and naturally occurring substances*
7 *and synthetically occurring substances) in*
8 *effect for the International Federation of*
9 *Horseracing Authorities, including the*
10 *International Federation of Horseracing*
11 *Authorities International Screening Limits*
12 *for urine, dated May 2019, and the Inter-*
13 *national Federation of Horseracing Au-*
14 *thorities International Screening Limits for*
15 *plasma, dated May 2019.*

16 (ii) *The World Anti-Doping Agency*
17 *International Standard for Laboratories*
18 *(version 10.0), dated November 12, 2019.*

19 (iii) *The Association of Racing Com-*
20 *missioners International out-of-competition*
21 *testing standards, Model Rules of Racing*
22 *(version 9.2).*

23 (iv) *The Association of Racing Com-*
24 *missioners International penalty and mul-*

1 *multiple medication violation rules, Model*
2 *Rules of Racing (version 6.2).*

3 *(B) CONFLICT OF RULES.—In the case of a*
4 *conflict among the rules described in subpara-*
5 *graph (A), the most stringent rule shall apply.*

6 *(3) MODIFICATIONS TO BASELINE RULES.—*

7 *(A) DEVELOPMENT BY ANTI-DOPING AND*
8 *MEDICATION CONTROL STANDING COMMITTEE.—*
9 *The anti-doping and medication control stand-*
10 *ing committee, in consultation with the anti-*
11 *doping and medication control enforcement*
12 *agency, may develop and submit to the Author-*
13 *ity for approval by the Authority proposed modi-*
14 *fications to the baseline anti-doping and medica-*
15 *tion control rules.*

16 *(B) AUTHORITY APPROVAL.—If the Author-*
17 *ity approves a proposed modification under this*
18 *paragraph, the proposed modification shall be*
19 *submitted to and considered by the Commission*
20 *in accordance with section 4.*

21 *(C) ANTI-DOPING AND MEDICATION CON-*
22 *TROL ENFORCEMENT AGENCY VETO AUTHOR-*
23 *ITY.—The Authority shall not approve any pro-*
24 *posed modification that renders an anti-doping*
25 *and medication control rule less stringent than*

1 *the baseline anti-doping and medication control*
2 *rules described in paragraph (2) (including by*
3 *increasing permitted medication thresholds, add-*
4 *ing permitted medications, removing prohibited*
5 *medications, or weakening enforcement mecha-*
6 *nisms) without the approval of the anti-doping*
7 *and medication control enforcement agency.*

8 **SEC. 7. RACETRACK SAFETY PROGRAM.**

9 *(a) ESTABLISHMENT AND CONSIDERATIONS.—*

10 *(1) IN GENERAL.—Not later than the program*
11 *effective date, and after notice and an opportunity for*
12 *public comment in accordance with section 4, the Au-*
13 *thority shall establish a racetrack safety program ap-*
14 *plicable to all covered horses, covered persons, and*
15 *covered horseraces in accordance with the registration*
16 *of covered persons under section 5(d).*

17 *(2) CONSIDERATIONS IN DEVELOPMENT OF SAFE-*
18 *TY PROGRAM.—In the development of the horseracing*
19 *safety program for covered horses, covered persons,*
20 *and covered horseraces, the Authority and the Com-*
21 *mission shall take into consideration existing safety*
22 *standards including the National Thoroughbred Rac-*
23 *ing Association Safety and Integrity Alliance Code of*
24 *Standards, the International Federation of Horse-*
25 *racing Authority's International Agreement on Breed-*

1 *ing, Racing, and Wagering, and the British Horse-*
2 *racing Authority's Equine Health and Welfare pro-*
3 *gram.*

4 *(b) ELEMENTS OF HORSERACING SAFETY PRO-*
5 *GRAM.—The horseracing safety program shall include the*
6 *following:*

7 *(1) A set of training and racing safety standards*
8 *and protocols taking into account regional differences*
9 *and the character of differing racing facilities.*

10 *(2) A uniform set of training and racing safety*
11 *standards and protocols consistent with the humane*
12 *treatment of covered horses, which may include lists*
13 *of permitted and prohibited practices or methods*
14 *(such as crop use).*

15 *(3) A racing surface quality maintenance system*
16 *that—*

17 *(A) takes into account regional differences*
18 *and the character of differing racing facilities;*
19 *and*

20 *(B) may include requirements for track sur-*
21 *face design and consistency and established*
22 *standard operating procedures related to track*
23 *surface, monitoring, and maintenance (such as*
24 *standardized seasonal assessment, daily tracking,*
25 *and measurement).*

1 (4) *A uniform set of track safety standards and*
2 *protocols, that may include rules governing oversight*
3 *and movement of covered horses and human and*
4 *equine injury reporting and prevention.*

5 (5) *Programs for injury and fatality data anal-*
6 *ysis, that may include pre- and post-training and*
7 *race inspections, use of a veterinarian's list, and con-*
8 *cussion protocols.*

9 (6) *The undertaking of investigations at race-*
10 *track and non-racetrack facilities related to safety*
11 *violations.*

12 (7) *Procedures for investigating, charging, and*
13 *adjudicating violations and for the enforcement of*
14 *civil sanctions for violations.*

15 (8) *A schedule of civil sanctions for violations.*

16 (9) *Disciplinary hearings, which may include*
17 *binding arbitration, civil sanctions, and research.*

18 (10) *Management of violation results.*

19 (11) *Programs relating to safety and perform-*
20 *ance research and education.*

21 (12) *An evaluation and accreditation program*
22 *that ensures that racetracks in the United States meet*
23 *the standards described in the elements of the Horse-*
24 *racing Safety Program.*

1 (c) *ACTIVITIES.*—*The following activities shall be car-*
2 *ried out under the racetrack safety program:*

3 (1) *STANDARDS FOR RACETRACK SAFETY.*—*The*
4 *development, by the racetrack safety standing com-*
5 *mittee of the Authority in section 3(c)(2) of uniform*
6 *standards for racetrack and horseracing safety.*

7 (2) *STANDARDS FOR SAFETY AND PERFORMANCE*
8 *ACCREDITATION.*—

9 (A) *IN GENERAL.*—*Not later than 120 days*
10 *before the program effective date, the Authority,*
11 *in consultation with the racetrack safety stand-*
12 *ing committee, shall issue, by rule in accordance*
13 *with section 4—*

14 (i) *safety and performance standards*
15 *of accreditation for racetracks; and*

16 (ii) *the process by which a racetrack*
17 *may achieve and maintain accreditation by*
18 *the Authority.*

19 (B) *MODIFICATIONS.*—

20 (i) *IN GENERAL.*—*The Authority may*
21 *modify rules establishing the standards*
22 *issued under subparagraph (A), as the Au-*
23 *thority considers appropriate.*

24 (ii) *NOTICE AND COMMENT.*—*The*
25 *Commission shall publish in the Federal*

1 *Register any proposed rule of the Authority,*
2 *and provide an opportunity for public com-*
3 *ment with respect to, any modification*
4 *under clause (i) in accordance with section*
5 *4.*

6 (C) *EXTENSION OF PROVISIONAL OR IN-*
7 *TERIM ACCREDITATION.—The Authority may, by*
8 *rule in accordance with section 4, extend provi-*
9 *sional or interim accreditation to a racetrack ac-*
10 *credited by the National Thoroughbred Racing*
11 *Association Safety and Integrity Alliance on a*
12 *date before the program effective date.*

13 (3) *NATIONWIDE SAFETY AND PERFORMANCE*
14 *DATABASE.—*

15 (A) *IN GENERAL.—Not later than one year*
16 *after the program effective date, and after notice*
17 *and an opportunity for public comment in ac-*
18 *cordance with section 4, the Authority, in con-*
19 *sultation with the Commission, shall develop and*
20 *maintain a nationwide database of racehorse*
21 *safety, performance, health, and injury informa-*
22 *tion for the purpose of conducting an epidemio-*
23 *logical study.*

24 (B) *COLLECTION OF INFORMATION.—In ac-*
25 *cordance with the registration of covered persons*

1 *under section 5(d), the Authority may require*
2 *covered persons to collect and submit to the data-*
3 *base described in subparagraph (A) such infor-*
4 *mation as the Authority may require to further*
5 *the goal of increased racehorse welfare.*

6 **SEC. 8. RULE VIOLATIONS AND CIVIL SANCTIONS.**

7 *(a) DESCRIPTION OF RULE VIOLATIONS.—*

8 *(1) IN GENERAL.—The Authority shall issue, by*
9 *rule in accordance with section 4, a description of*
10 *safety, performance, and anti-doping and medication*
11 *control rule violations applicable to covered horses*
12 *and covered persons.*

13 *(2) ELEMENTS.—The description of rule viola-*
14 *tions established under paragraph (1) may include*
15 *the following:*

16 *(A) With respect to a covered horse, strict li-*
17 *ability for covered trainers for—*

18 *(i) the presence of a prohibited sub-*
19 *stance or method in a sample or the use of*
20 *a prohibited substance or method;*

21 *(ii) the presence of a permitted sub-*
22 *stance in a sample in excess of the amount*
23 *allowed by the horseracing anti-doping and*
24 *medication control program; and*

1 (iii) the use of a permitted method in
2 violation of the applicable limitations estab-
3 lished under the horseracing anti-doping
4 and medication control program.

5 (B) Attempted use of a prohibited substance
6 or method on a covered horse.

7 (C) Possession of any prohibited substance
8 or method.

9 (D) Attempted possession of any prohibited
10 substance or method.

11 (E) Administration or attempted adminis-
12 tration of any prohibited substance or method on
13 a covered horse.

14 (F) Refusal or failure, without compelling
15 justification, to submit a covered horse for sam-
16 ple collection.

17 (G) Failure to cooperate with the Authority
18 or an agent of the Authority during any inves-
19 tigation.

20 (H) Failure to respond truthfully, to the
21 best of a covered person's knowledge, to a ques-
22 tion of the Authority or an agent of the Author-
23 ity with respect to any matter under the juris-
24 diction of the Authority.

1 (I) *Tampering or attempted tampering with*
2 *the application of the safety, performance, or*
3 *anti-doping and medication control rules or*
4 *process adopted by the Authority, including—*

5 (i) *the intentional interference, or an*
6 *attempt to interfere, with an official or*
7 *agent of the Authority;*

8 (ii) *the procurement or the provision of*
9 *fraudulent information to the Authority or*
10 *agent; and*

11 (iii) *the intimidation of, or an attempt*
12 *to intimidate, a potential witness.*

13 (J) *Trafficking or attempted trafficking in*
14 *any prohibited substance or method.*

15 (K) *Assisting, encouraging, aiding, abet-*
16 *ting, conspiring, covering up, or any other type*
17 *of intentional complicity involving a safety, per-*
18 *formance, or anti-doping and medication control*
19 *rule violation or the violation of a period of sus-*
20 *pension or eligibility.*

21 (L) *Threatening or seeking to intimidate a*
22 *person with the intent of discouraging the person*
23 *from the good faith reporting to the Authority,*
24 *an agent of the Authority or the Commission, or*
25 *the anti-doping and medication control enforce-*

1 *ment agency under section 5(e), of information*
2 *that relates to—*

3 *(i) an alleged safety, performance, or*
4 *anti-doping and medication control rule*
5 *violation; or*

6 *(ii) alleged noncompliance with a safe-*
7 *ty, performance, or anti-doping and medi-*
8 *cation control rule.*

9 ***(b) TESTING LABORATORIES.—***

10 ***(1) ACCREDITATION AND STANDARDS.—****Not later*
11 *than 120 days before the program effective date, the*
12 *Authority shall, in consultation with the anti-doping*
13 *and medication control enforcement agency, establish,*
14 *by rule in accordance with section 4—*

15 ***(A) standards of accreditation for labora-***
16 *tories involved in testing samples from covered*
17 *horses;*

18 ***(B) the process for achieving and maintain-***
19 *ing accreditation; and*

20 ***(C) the standards and protocols for testing***
21 *such samples.*

22 ***(2) ADMINISTRATION.—****The accreditation of lab-*
23 *oratories and the conduct of audits of accredited lab-*
24 *oratories to ensure compliance with Authority rules*
25 *shall be administered by the anti-doping and medica-*

1 *tion control enforcement agency. The anti-doping and*
2 *medication control enforcement agency shall have the*
3 *authority to require specific test samples to be di-*
4 *rected to and tested by laboratories having special ex-*
5 *pertise in the required tests.*

6 (3) *EXTENSION OF PROVISIONAL OR INTERIM AC-*
7 *CREDITATION.—The Authority may, by rule in ac-*
8 *cordance with section 4, extend provisional or interim*
9 *accreditation to a laboratory accredited by the Racing*
10 *Medication and Testing Consortium, Inc., on a date*
11 *before the program effective date.*

12 (4) *SELECTION OF LABORATORIES.—*

13 (A) *IN GENERAL.—Except as provided in*
14 *paragraph (2), a State racing commission may*
15 *select a laboratory accredited in accordance with*
16 *the standards established under paragraph (1) to*
17 *test samples taken in the applicable State.*

18 (B) *SELECTION BY THE AUTHORITY.—If a*
19 *State racing commission does not select an ac-*
20 *credited laboratory under subparagraph (A), the*
21 *Authority shall select such a laboratory to test*
22 *samples taken in the State concerned.*

23 (c) *RESULTS MANAGEMENT AND DISCIPLINARY PROC-*
24 *ESS.—*

1 (1) *IN GENERAL.*—Not later than 120 days be-
2 fore the program effective date, the Authority shall es-
3 tablish in accordance with section 4—

4 (A) rules for safety, performance, and anti-
5 doping and medication control results manage-
6 ment; and

7 (B) the disciplinary process for safety, per-
8 formance, and anti-doping and medication con-
9 trol rule violations.

10 (2) *ELEMENTS.*—The rules and process estab-
11 lished under paragraph (1) shall include the fol-
12 lowing:

13 (A) Provisions for notification of safety,
14 performance, and anti-doping and medication
15 control rule violations.

16 (B) Hearing procedures.

17 (C) Standards for burden of proof.

18 (D) Presumptions.

19 (E) Evidentiary rules.

20 (F) Appeals.

21 (G) Guidelines for confidentiality and pub-
22 lic reporting of decisions.

23 (3) *DUE PROCESS.*—The rules established under
24 paragraph (1) shall provide for adequate due process,
25 including impartial hearing officers or tribunals com-

1 *mensurate with the seriousness of the alleged safety,*
2 *performance, or anti-doping and medication control*
3 *rule violation and the possible civil sanctions for such*
4 *violation.*

5 *(d) CIVIL SANCTIONS.—*

6 *(1) IN GENERAL.—The Authority shall establish*
7 *uniform rules, in accordance with section 4, imposing*
8 *civil sanctions against covered persons or covered*
9 *horses for safety, performance, and anti-doping and*
10 *medication control rule violations.*

11 *(2) REQUIREMENTS.—The rules established*
12 *under paragraph (1) shall—*

13 *(A) take into account the unique aspects of*
14 *horseracing;*

15 *(B) be designed to ensure fair and trans-*
16 *parent horseraces; and*

17 *(C) deter safety, performance, and anti-*
18 *doping and medication control rule violations.*

19 *(3) SEVERITY.—The civil sanctions under para-*
20 *graph (1) may include—*

21 *(A) lifetime bans from horseracing,*
22 *disgorgement of purses, monetary fines and pen-*
23 *alties, and changes to the order of finish in cov-*
24 *ered races; and*

1 (B) with respect to anti-doping and medica-
2 tion control rule violators, an opportunity to re-
3 duce the applicable civil sanctions that is com-
4 parable to the opportunity provided by the Pro-
5 tocol for Olympic Movement Testing of the
6 United States Anti-Doping Agency.

7 (e) *MODIFICATIONS.*—The Authority may propose a
8 modification to any rule established under this section as
9 the Authority considers appropriate, and the proposed
10 modification shall be submitted to and considered by the
11 Commission in accordance with section 4.

12 **SEC. 9. REVIEW OF FINAL DECISIONS OF THE AUTHORITY.**

13 (a) *NOTICE OF CIVIL SANCTIONS.*— If the Authority
14 imposes a final civil sanction for a violation committed by
15 a covered person pursuant to the rules or standards of the
16 Authority, the Authority shall promptly submit to the Com-
17 mission notice of the civil sanction in such form as the
18 Commission may require.

19 (b) *REVIEW BY ADMINISTRATIVE LAW JUDGE.*—

20 (1) *IN GENERAL.*—With respect to a final civil
21 sanction imposed by the Authority, on application by
22 the Commission or a person aggrieved by the civil
23 sanction filed not later than 30 days after the date
24 on which notice under subsection (a) is submitted, the

1 *civil sanction shall be subject to de novo review by an*
2 *administrative law judge.*

3 (2) *NATURE OF REVIEW.—*

4 (A) *IN GENERAL.—In matters reviewed*
5 *under this subsection, the administrative law*
6 *judge shall determine whether—*

7 (i) *a person has engaged in such acts*
8 *or practices, or has omitted such acts or*
9 *practices, as the Authority has found the*
10 *person to have engaged in or omitted;*

11 (ii) *such acts, practices, or omissions*
12 *are in violation of this Act or the anti-*
13 *doping and medication control or racetrack*
14 *safety rules approved by the Commission; or*

15 (iii) *the final civil sanction of the Au-*
16 *thority was arbitrary, capricious, an abuse*
17 *of discretion, or otherwise not in accordance*
18 *with law.*

19 (B) *CONDUCT OF HEARING.—An adminis-*
20 *trative law judge shall conduct a hearing under*
21 *this subsection in such a manner as the Commis-*
22 *sion may specify by rule, which shall conform to*
23 *section 556 of title 5, United States Code.*

24 (3) *DECISION BY ADMINISTRATIVE LAW*
25 *JUDGE.—*

1 (A) *IN GENERAL.*—*With respect to a matter*
2 *reviewed under this subsection, an administra-*
3 *tive law judge—*

4 (i) *shall render a decision not later*
5 *than 60 days after the conclusion of the*
6 *hearing;*

7 (ii) *may affirm, reverse, modify, set*
8 *aside, or remand for further proceedings, in*
9 *whole or in part, the final civil sanction of*
10 *the Authority; and*

11 (iii) *may make any finding or conclu-*
12 *sion that, in the judgment of the adminis-*
13 *trative law judge, is proper and based on*
14 *the record.*

15 (B) *FINAL DECISION.*—*A decision under*
16 *this paragraph shall constitute the decision of*
17 *the Commission without further proceedings un-*
18 *less a notice or an application for review is*
19 *timely filed under subsection (c).*

20 (c) *REVIEW BY COMMISSION.*—

21 (1) *NOTICE OF REVIEW BY COMMISSION.*—*The*
22 *Commission may, on its own motion, review any de-*
23 *cision of an administrative law judge issued under*
24 *subsection (b)(3) by providing written notice to the*
25 *Authority and any interested party not later than 30*

1 *days after the date on which the administrative law*
2 *judge issues the decision.*

3 (2) *APPLICATION FOR REVIEW.—*

4 (A) *IN GENERAL.—The Authority or a per-*
5 *son aggrieved by a decision issued under sub-*
6 *section (b)(3) may petition the Commission for*
7 *review of such decision by filing an application*
8 *for review not later than 30 days after the date*
9 *on which the administrative law judge issues the*
10 *decision.*

11 (B) *EFFECT OF DENIAL OF APPLICATION*
12 *FOR REVIEW.—If an application for review*
13 *under subparagraph (A) is denied, the decision*
14 *of the administrative law judge shall constitute*
15 *the decision of the Commission without further*
16 *proceedings.*

17 (C) *DISCRETION OF COMMISSION.—*

18 (i) *IN GENERAL.—A decision with re-*
19 *spect to whether to grant an application for*
20 *review under subparagraph (A) is subject to*
21 *the discretion of the Commission.*

22 (ii) *MATTERS TO BE CONSIDERED.—In*
23 *determining whether to grant such an ap-*
24 *plication for review, the Commission shall*

1 *consider whether the application makes a*
2 *reasonable showing that—*

3 (I) *a prejudicial error was com-*
4 *mitted in the conduct of the pro-*
5 *ceeding; or*

6 (II) *the decision involved—*

7 (aa) *an erroneous applica-*
8 *tion of the anti-doping and medi-*
9 *cation control or racetrack safety*
10 *rules approved by the Commis-*
11 *sion; or*

12 (bb) *an exercise of discretion*
13 *or a decision of law or policy that*
14 *warrants review by the Commis-*
15 *sion.*

16 (3) *NATURE OF REVIEW.—*

17 (A) *IN GENERAL.—In matters reviewed*
18 *under this subsection, the Commission may—*

19 (i) *affirm, reverse, modify, set aside, or*
20 *remand for further proceedings, in whole or*
21 *in part, the decision of the administrative*
22 *law judge; and*

23 (ii) *make any finding or conclusion*
24 *that, in the judgement of the Commission, is*
25 *proper and based on the record.*

1 (B) *DE NOVO REVIEW.*—*The Commission*
2 *shall review de novo the factual findings and*
3 *conclusions of law made by the administrative*
4 *law judge.*

5 (C) *CONSIDERATION OF ADDITIONAL EVI-*
6 *DENCE.*—

7 (i) *MOTION BY COMMISSION.*—*The*
8 *Commission may, on its own motion, allow*
9 *the consideration of additional evidence.*

10 (ii) *MOTION BY A PARTY.*—

11 (I) *IN GENERAL.*—*A party may*
12 *file a motion to consider additional*
13 *evidence at any time before the*
14 *issuance of a decision by the Commis-*
15 *sion, which shall show, with particu-*
16 *larity, that—*

17 (aa) *such additional evidence*
18 *is material; and*

19 (bb) *there were reasonable*
20 *grounds for failure to submit the*
21 *evidence previously.*

22 (II) *PROCEDURE.*—*The Commis-*
23 *sion may—*

24 (aa) *accept or hear addi-*
25 *tional evidence; or*

1 (bb) remand the proceeding
2 to the administrative law judge
3 for the consideration of additional
4 evidence.

5 (d) *STAY OF PROCEEDINGS.*—Review by an adminis-
6 trative law judge or the Commission under this section shall
7 not operate as a stay of a final civil sanction of the Author-
8 ity unless the administrative law judge or Commission or-
9 ders such a stay.

10 **SEC. 10. UNFAIR OR DECEPTIVE ACTS OR PRACTICES.**

11 The sale of a covered horse, or of any other horse in
12 anticipation of its future participation in a covered race,
13 shall be considered an unfair or deceptive act or practice
14 in or affecting commerce under section 5(a) of the Federal
15 Trade Commission Act (15 U.S.C. 45(a)) if the seller—

16 (1) knows or has reason to know the horse has
17 been administered—

18 (A) a bisphosphonate prior to the horse's
19 fourth birthday; or

20 (B) any other substance or method the Au-
21 thority determines has a long-term degrading ef-
22 fect on the soundness of the covered horse; and

23 (2) fails to disclose to the buyer the administra-
24 tion of the bisphosphonate or other substance or meth-
25 od described in paragraph (1)(B).

1 **SEC. 11. STATE DELEGATION; COOPERATION.**

2 (a) *STATE DELEGATION.*—

3 (1) *IN GENERAL.*—*The Authority may enter into*
4 *an agreement with a State racing commission to im-*
5 *plement, within the jurisdiction of the State racing*
6 *commission, a component of the racetrack safety pro-*
7 *gram or, with the concurrence of the anti-doping and*
8 *medication control enforcement agency under section*
9 *5(e), a component of the horseracing anti-doping and*
10 *medication control program, if the Authority deter-*
11 *mines that the State racing commission has the abil-*
12 *ity to implement such component in accordance with*
13 *the rules, standards, and requirements established by*
14 *the Authority.*

15 (2) *IMPLEMENTATION BY STATE RACING COMMIS-*
16 *SION.*—*A State racing commission or other appro-*
17 *prate regulatory body of a State may not implement*
18 *such a component in a manner less restrictive than*
19 *the rule, standard, or requirement established by the*
20 *Authority.*

21 (b) *COOPERATION.*—*To avoid duplication of functions,*
22 *facilities, and personnel, and to attain closer coordination*
23 *and greater effectiveness and economy in administration of*
24 *Federal and State law, where conduct by any person subject*
25 *to the horseracing medication control program or the race-*
26 *track safety program may involve both a medication control*

1 *or racetrack safety rule violation and violation of Federal*
2 *or State law, the Authority and Federal or State law en-*
3 *forcement authorities shall cooperate and share informa-*
4 *tion.*