

## **STATEMENT OF DENNIS A. DRAZIN**

Good morning. Thank you Chair Schakowsky, Congresswoman McMorris Rogers, and Members of the Committee for inviting me to testify today. I am honored to be here this morning to address H.R. 1754. I am a practicing attorney in the State of New Jersey and also serve as Chairman and CEO of Monmouth Park Racetrack, located in Oceanport, New Jersey. I am here in opposition to H.R. 1754. I respectfully submit that the current version of this Bill is not in the best interests of the racing industry and more importantly, is not in the best interests of the health, safety and welfare of our horses and jockeys. In my opinion, H.R. 1754 would have an adverse impact upon the industry.

I want to begin by telling you I am opposed and have been opposed for many years to the attempt to regulate the horse racing industry through Federal Legislation. I have advocated for about 20 years that the horse racing industry needs to conduct its business the same as a major sports league, with a commissioner who is empowered to regulate the industry. In my opinion, there is no need to have the Federal Government take over what is currently a state-by-state regulatory format. I would also note that I believe that from a legal perspective, this legislation is flawed from a Constitutional standpoint and will undoubtedly be challenged by segments of our industry

that are opposed to this Legislation. As I am sure Congress is aware, the case of Murphy v. The NCAA, et al. has recently addressed some of the issues that will undoubtedly be raised in challenging the constitutionality of H.R. 1754, inasmuch as it violates the 10<sup>th</sup> Amendment of the United States Constitution and, in effect, is a commandeering of states' rights. While not providing you at this time with a state-by-state analysis, a Federal law cannot impose a Federal regulatory scheme and compel or commandeer the states to pay for the funding mechanism. H.R. 1754 would impose the drug testing costs and enforcement (collection) on the states, since even if the Bill attempts to assess the costs against the industry through a per start assessment, in New Jersey there are contractual agreements in place which require that the State of New Jersey (The New Jersey Sports & Exposition Authority) pay the costs of regulation and drug testing.

Although I raise the Constitutional issue to call it to your attention, I want to share with you that the industry, through a special committee formed by the National Thoroughbred Racing Association (NTRA), has been working hard for the past six months to advance an all-inclusive piece of legislation which would encompass not only a uniform anti-doping and medication control program and standardized medication protocol, but also would encompass significant areas of concern to the industry regarding race

track safety, horse safety, uniformity in regulations throughout the country and many other areas of concern that the NTRA and its various committees have carefully evaluated as necessary elements of an all-comprehensive bill which we would support.

In other words, putting aside the fact that I have always been opposed to Federal Legislation and feel that the industry should self-regulate, I have been participating in an industry effort to unify and support a Bill that all interested parties feel would be a compromise as an all comprehensive piece of Legislation that is intended for horse racing in order to protect the health, safety, and welfare of its participants. While I still believe that Federal Legislation is unnecessary, if it is inevitable, I want to be part of the solution and H.R. 1754 is not a solution, but only a small part of all the needed reforms for our industry.

I would be remiss if I did not address the Lasix issue. The majority of horses racing in America bleed. The AAEP, the national veterinarian organization, supports the use of Lasix (Furosemide) as a day of the race medication to control EIPH. It is the only medication which is permitted on race day. Without the use of Lasix, horses will bleed while either training or racing. It is inconceivable and just not true for anyone to try to claim that Lasix had anything to do with the numerous breakdowns which occurred at

Santa Anita Racetrack last year. I would go so far as to say that if anyone tries to convince you that Lasix was the cause of all of the breakdowns last year in Santa Anita, they are intentionally misleading you. Breakdowns at racetracks and fatalities can be caused by many factors and I recognize that we must all do our best to minimize fatalities in our horses, particularly during racing and training. The racetrack industry members who are working on a more comprehensive proposal have spent considerable time not only to address all of the important issues needed for racetrack safety and horse safety, but we have also spent considerable time trying to analyze the potential Constitutional infirmities and practical difficulties trying to craft Federal Legislation that would be a more comprehensive Bill to address these issues. Because we recognize that there is considerable support in the House for H.R. 1754 and it would be a setback to start from scratch by introducing a new Bill, and notwithstanding that others feel that a new Bill is more appropriate, the consensus which I support is that we should make significant amendments to H.R. 1754, instead of just introducing a stand-alone competing Bill. Therefore, I have committed myself to working on these amendments with the rest of the NTRA representatives. We have authorized counsel to move forward in that regard. To some extent, it seems that while H.R. 1754 remains a possibility, there are some proponents of

H.R. 1754 who prefer their version, which could impact the progress of enacting a more comprehensive Bill for our industry. The better approach would be for our NTRA Special Committees to work together on significant amendments to H.R. 1754 to have it address all the comprehensive needs of our industry.

Lastly, I thank you for your time today and by way of sharing some of my background, I have been involved in the Thoroughbred industry not only in New Jersey, but in a number of states for over 40 years. My father was involved in horse racing before me. I am the president of a law firm, Drazin and Warshaw, in New Jersey and I am also currently the Chairman and CEO of Monmouth Park Racetrack, a Thoroughbred racetrack in New Jersey. I have owned horses, raised horses, bred horses, and have participated in almost every aspect of the business at one time or another in the last 40 years. I have represented the Thoroughbred horsemen in New Jersey for many years and have also served as their Legislative counsel, General Counsel, and President. I have served on Blue Ribbon Panels in New Jersey on horse racing, and I was appointed Chairman of the New Jersey Racing Commission where I served until I resigned to lead the horsemen in operating Monmouth Park Racetrack. I was also instrumental in the litigation to have PASPA declared unconstitutional, leading the path for sports betting

to be permitted in the United States and was one of the leaders in moving forward the challenge to the prohibition of sports betting. The New Jersey Thoroughbred Horsemen's Association (NJTHA) was a party to the case of Murphy v. NCAA, et al. and under my leadership, opened sports betting in New Jersey in June, 2018. I am available to answer any questions.