



Federal Legislation Banning Medication in Racing Introduced

On June 5, 2015, Representatives Joe Pitts (R-PA), Jan Schakowsky (D-IL), and Anna Eshoo (D-CA) introduced the Horseracing Integrity and Safety Act of 2015 to regulate/prohibit substances, drugs, medications, and treatments that may be used in racing. The legislation is basically the same as the bill they introduced in the last Congress.

The bill calls for an “independent anti-doping organization” to be responsible for “ensuring the integrity of horseraces that are the subject of interstate off-track wagers and the safety of persons involved in such horseraces.” The bill gives this anti-doping organization authority to permit/prohibit the drugs and medications that may be administered to a horse in a race subject to an interstate off-track wager and set the withdrawal period for its administration.

USADA Given Regulatory Authority

The legislation specifically designates the U.S. Anti-Doping Agency (USADA), a private, non-governmental agency, as that organization. USADA is the official anti-doping agency for the U.S. Olympics. As the overseeing organization, the bill charges USADA to develop and enforce rules for permitted and prohibited activities, including:

- Permitted substances, methods, and treatments that may be administered in the context of a veterinarian-client-patient relationship;
- Guidelines for the use of such permitted substances, methods, and treatments, including withdrawal times before a race; and
- Prohibited substances, methods, and treatments that may not be administered.

The legislation prohibits a horse from receiving any medication/drug within 24 hours of a race. There is a two-year exception for Furosemide (Lasix) used for three-year olds under the current Association of Racing Commissioners International rules and administered by a veterinarian with a client-patient relationship.

USADA would also be charged with organizing programs for anti-doping education, research, testing, and adjudication to prevent a horse from racing under the influence of medications or drugs. USADA may consult with state racing commissions, race tracks, horsemen’s groups, and others in developing the rules and programs.

Penalties

USADA has the authority to exclude any person from racing for the first violation of the rules against the use of any prohibited medication/drug and for the third violation of the rules against the use of permitted medications/drugs. USADA has discretion to suspend

any exclusion if a person assists in identifying other violations of the rules or federal or state law.

Interstate Horseracing Act

The bill does not directly amend the Interstate Horseracing Act; rather it prohibits interstate wagering under the IHA without the “consent” of USADA. To offer interstate off-track wagers, the race track putting on the race, and the off-track system accepting the wager, must have the consent of USADA, in addition to the other consents presently required by the IHA. As part of granting this consent, the race track must have an agreement with USADA that includes the terms and conditions regarding compliance with the new rules and specifies payments to USADA to fund the costs of regulation and enforcement. USADA is charged with ensuring that all costs incurred in carrying out its duties and responsibilities under the new law are paid by the industry.

By tying the new requirements, even indirectly, to interstate wagering, it applies the new prohibitions and requirements to any race that is simulcast interstate under the IHA.

New Legislative Findings

The basic difference between this bill and the bill introduced in the last Congress is the inclusion of “findings” in the legislation. Findings are statements included at the beginning of bills explaining why the bill is introduced. The findings in this new bill are critical of racing, such as “the use of performance-enhancing drugs is widespread in the United States.”

Congressional Action

The bill was referred to the House Committee on Energy and Commerce, on which Representatives Pitts, Schakowsky and Eshoo sit.

