



## **Horse Protection Amendments Act of 2015**

### **Introduction**

On April 30, 2015, Senator Lamar Alexander (R-TN) introduced a bill to amend the Horse Protection Act (HPA), the Horse Protection Amendments Act of 2015 (S. 1161). The bill is identical to the bill he introduced last year that was opposed by the AHC.

### **The Bill**

The Alexander Bill would create a single Horse Industry Organization (HIO) that would be responsible for HPA enforcement. The new HIO would be governed by a board consisting of two individuals appointed by the Commissioner of Agriculture of Tennessee and two individuals appointed by the Commissioner of Agriculture of Kentucky. These four board members would in turn appoint two representatives from the walking horse industry. These six board members would then appoint three additional board members for a total of nine. Board members would serve 4 year terms, except for members appointed from the walking horse industry who would serve 3 year terms.

The Alexander bill would direct the new HIO to establish requirements to appoint persons to “detect and diagnose a horse which is sore,” and require the HIO to establish a formal relationship with, and appoint inspectors to, shows, exhibitions and sales. The bill requires a quorum of five members to conduct business. Subsequent appointments to the board would be made according to the original formula. It also directs the HIO to develop by-laws in consultation with the Secretary of Agriculture.

The bill directs the HIO to identify and contract with equine veterinary experts to advise the Horse Industry Organization Board on:

- (i) Objective scientific testing methods and procedures; and
- (ii) The certification of testing results;

It would also require the new HIO to issue policies requiring any person licensed with the HIO or an immediate family member of such person to be free from conflicts of interest or any association with the industry.

The bill adds “objective inspection” to defined terms in the HPA and requires “objective inspections” to be used when disqualifying a horse.

The bill defines “objective inspection” as an inspection conducted using only inspection methods based on science-based inspection protocols (including swabbing or blood testing protocols) that:

- (A) Have been the subject of testing and are capable of producing scientifically reliable, reproducible results;
- (B) Have been subjected to peer review; and
- (C) Have received acceptance in the veterinary or other applicable scientific community.

The bill would additionally require management of shows or sales to disqualify any horse from being shown or exhibited:

- (A) Which, upon objective testing, is determined to be sore; or
- (B) If the management has been notified that the horse is sore by--
  - (i) a person appointed in accordance with regulations prescribed under subsection (c); or
  - (ii) the Secretary.

A horse that has been “determined to be sore by objective testing” will be disqualified from being shown or exhibited for 30 days for the first such determination and 90 days for a second determination and any subsequent determination.

Ninety (90) days after establishment of the new HIO the certification of all existing HIOs would be revoked.

### **Concerns**

The bill does not address the key areas the AHC has identified as critical to ending soring that are part of the PAST Act, like action devices, weighted shoes, pads, wedges, hoof bands or other devices that are constructed to artificially alter the gait of Tennessee Walking Horses, Racking Horses, or Spotted Saddle Horses by intensifying the painful effects of soring. Such devices are an integral part of soring and encourage the practice in the “big lick” or performance horse segments of the walking horse industry, usually in conjunction with chemical irritants or substances. Nothing in the bill would prohibit or place any restrictions on the use of such equipment.

The American Association Equine Practitioners (AAEP) and the American Veterinarian Medical Association (AVMA) have both called for a ban on the use of action devices and pads or performance packages on Tennessee Walking Horses because of the role such devices play in the soring process.

The bill also does not increase fines and penalties for HPA violators. Currently, the fines and penalties for HPA violations are inadequate and fail to discourage or prevent repeat offenders from continuing to sore horses and participate in Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse shows. The bill would require the disqualification of sored horses for 30 or 90 days, but would not increase the penalties for the trainers, exhibitors, or owners responsible for the soring or prevent them from continuing to show other horses.

The bill does not prohibit the actual soring of horses and leaves in place only the current prohibition on the showing, transport and sale of sore horses.

Despite the failure of the current HIO system, the bill would establish by statute a single new HIO of nine individuals that largely retains the current walking horse industry self-policing structure (See the earlier description of this HIO).

The full bill can be reviewed at <http://thomas.loc.gov/cgi-bin/query/z?c114:S.1161>:

### **Status**

The bill has been referred to the Senate Committee on Commerce, Science, and Transportation.

### **AHC Position**

The AHC believes the Alexander bill would not effectively address the continued problem of soring in the Tennessee Walking Horse, Racking Horse, or Spotted Saddle Horse industries. For this reason, the AHC opposes the Alexander bill and maintains its support of the PAST Act.