

Thoroughbred Racing Integrity Act of 2015

Section-by-Section

Section 1-- Short Title

Act cited as the Thoroughbred Racing Integrity Act of 2015

Section 2 - Findings:

- Explicitly states that the bill does not eliminate or modify any of the consents, agreements or approvals required by the Interstate Horseracing Act of 1978 (IHA).
- The remainder of the “Findings” relate to the interstate nature of Thoroughbred horseracing, highlights the need for national uniformity in medication rules, sanctions and testing standards to continually enhance the health and safety of athletes and integrity of the sport in addition to achieving better alignment with international best practices.

Section 3 - Definitions:

- A Thoroughbred racing authority (Authority) is identified as the independent anti-doping organization created by the Act.
- Additional definitions include:
 - “Covered Horse” which means all Thoroughbred horses which participate in races which are subject of interstate off-track wagers.
 - “Covered Persons” which includes all trainers, owners, veterinarians, and the agents, employees and support personnel involved in the care, training, or racing of Covered Horses.
 - “Covered Horseraces” which includes all Thoroughbred horseraces that are the subject of interstate off-track wagers.
 - “Thoroughbred Industry Representatives” identifies at least 12 Thoroughbred industry entities that will provide both nominations of candidates for director positions with the Authority board of directors and guidance to Authority on a variety of anti-doping matters, including in the creation of the Authority anti-doping program.

Section 4 – Requirements for acceptance of wagers:

- The Authority will have exclusive jurisdiction for anti-doping matters for all Covered Horses, Covered Persons and Covered Horseraces.

- The jurisdiction and authority of the Authority and compliance with the Interstate Horseracing Act of 1978 are imposed as conditions upon the privilege to accept, receive or transmit wagers on Covered Horseraces.
- The Authority will have the same investigatory powers as the state racing commissions have in their states on anti-doping matters.
- Participation by Covered Persons in Covered Horseraces constitutes their agreement to be bound by the Authority's anti-doping program.

Section 5 – Establishment of Thoroughbred Horseracing Anti-Doping Organization:

- The Authority will be an independent anti-doping non-profit organization with responsibility for developing and maintaining an anti-doping program for Covered Horses, Covered Persons, and Covered Horseraces.
- The Authority will be created by the United States Anti-Doping Agency (USADA).
- The Authority will have 11 board members including: the USADA CEO, five USADA board members and five “at large” directors appointed by USADA from nominees presented by the Thoroughbred Industry Representatives. The Thoroughbred Industry Representatives will identify nominees, subject to certain conflict of interest limitations.
- The Authority shall establish standing advisory and technical committees comprised of qualified representatives from horseracing industry constituencies to assist in establishing and administering the anti-doping program.
- It is mandatory that the Authority provide the industry and public with notice and an opportunity to comment.
- It would take a two-thirds majority vote of the board to dissolve Authority (i.e., at least two industry nominated USADA appointees will have to vote in favor of dissolution).
- The Authority is required to provide a report to Congress on its operations within three years of the effectiveness of the anti-doping program and every two years thereafter.
- In the event that USADA withdraws from participation in Authority, the remaining members of the Authority board will select new board members to replace the former USADA board members, subject to the above-referenced conflict-of-interest limitations.

Section 6 – Authority and powers of Thoroughbred Horseracing Anti-Doping Organization:

- The Authority will develop (with notice to and comment from the Thoroughbred industry) and administrate the anti-doping program for all Covered Horses,

Covered Persons and Covered Horseraces. The anti-doping program will consist of: (a) a uniform set of anti-doping rules; (b) lists of permitted and prohibited substances and methods; (c) a process for sample collection and analysis; (d) test distribution planning; (e) in-and out-of-competition testing programs; (f) investigations; (g) management; (h) lab accreditation; (i) hearings; and (j) sanctions.

- The Authority will not have authority or responsibility to investigate, prosecute, adjudicate or penalize conduct that occurred prior to the effectiveness of the Act.

Section 7 – Outline of the Thoroughbred Horseracing Anti-Doping Program:

- The Thoroughbred horseracing anti-doping program will take effect on January 1, 2017.
- Grants the Authority wide latitude to develop sanctions for anti-doping rule violations with consultation with Thoroughbred Industry Representatives and the public.
- In developing the anti-doping program, the Authority will take into consideration international anti-doping standards.
- The Authority will develop, maintain, and publish lists of permitted and prohibited substances and methods. The initial lists (subject to immediate change by Authority) will include those identified as Class 1, 2, 3 and 4 drugs by the ARCI Uniform Classification Guidelines for Foreign Substances in addition to those prohibited by the World Anti-Doping Agency with exceptions for those permitted in the ARCI Controlled Therapeutic Medication Schedule (Version 2.2, revised April 2015). The list of permitted and prohibited substances and methods will be developed after taking into consideration international anti-doping standards and after consultation with Thoroughbred Industry Representatives and the public.
- Strict liability for violators, **with possible lifetime bans.**
- Establishment of sanctions.

Section 8 – Other Laws Unaffected:

The Act will not be construed to modify, impair or restrict the operation or effectiveness of state and federal criminal laws or statutes including: Consents or approvals under the IHA, criminal conduct by Covered Persons, Thoroughbred racing matters unrelated to anti-doping and the use of medication in human participants in Covered Horseraces.

Section 9 - State Delegation; Duty of Cooperation:

- The Authority will enter into agreements with state racing commissions to implement the anti-doping program where it determines that a particular state racing commission will be able to implement do so in accordance with the standards and requirements established by the Authority.
- States and the Authority have to cooperate and share information in the investigation of violations of Authority rules.

Section 10 – Rules of Construction:

- The bill will not give Authority the right to impose criminal sanctions.
- The Authority is not a United States government agent or agency.

Section 11 – Implementation Schedule:

- As noted above, the Act would take effect on January 1, 2017.

Section 12 – Funding:

- The Authority will receive no Federal funding.
- The funds necessary for the establishment and administration of the Authority will be paid entirely by the Thoroughbred racing industry.
- Initial funding will be provided by loans and donations to the Authority.
- Prior to November 1 of each year, the Authority will notify each racing commission of the estimated amount of anti-doping program-related funding required per starter for the coming year (and to cover previous years' shortfalls) based upon the Authority's budget for the upcoming year (see below). A two-thirds vote of the Authority's board (i.e., at least two industry nominated USADA appointees will have vote in favor) will be necessary to approve the initial Authority budget as well as any subsequent budget that is over 5% of the previous year's total.
- By the 20th day of each month, each state racing commission will pay the Authority amounts based on that state's number of starts run during the previous month.
- Each state racing commission will determine the method by which the funds will be collected; provided that in no event will the funds come from an increase in takeout.