

HORSE RACING LAW CHANGES

House Bill 6064 with committee amendments First Analysis (11-12-98)

Sponsor: Rep. John Llewellyn
Committee: Agriculture

THE APPARENT PROBLEM:

Under the Horse Racing Law of 1995, people are prohibited from administering certain medications to a horse if the horse is intended to be entered or is entered in a race at a licensed pari-mutuel racetrack. "Intended to be entered" refers to the horse's name being dropped into the entry box but not yet drawn into the race, and "entered" means that the horse has been drawn into the race. Due to variations in the entry times and procedures used by the different licensed racetracks, a horse may be prohibited from receiving certain veterinary care and treatments after it was intended to be entered or was entered in a race even though the scheduled race is three or four days away, where at another track, the waiting period may only be 48 hours. Also, current law prohibits the possession and use of drugs, foreign substances, syringes, and other paraphernalia on the licensed premises of a racetrack or at off-track facilities such as the owner's farm by anyone other than a veterinarian licensed by the racing commissioner. Technically, if a horse required repeated doses of a medication, the veterinarian would have to return to the grounds every few hours to administer the next dose. This is neither practical nor cost efficient for either the veterinarian or the horse's owner. The Michigan Equine Practitioners Association has requested that the racing law be amended to set a uniform time frame during which medications may be legally administered to horses, regardless of the track at which they are competing, and also to permit horse owners or trainers to administer certain oral medications on the grounds of a licensed track and certain oral and injectable medications in off-track facilities when prescribed by a veterinarian.

In another matter, some people have expressed interest in adding the American Paint horse to the list of breeds approved by law to participate in pari-mutuel racing. Currently, only thoroughbreds, Arabians, Appaloosas, standardbreds, and quarter horses are permitted to race at licensed racetracks where pari-mutuel wagering is allowed. The American Paint

horse is an ancient horse breed dating back to prehistoric times. Drawings and illustrations of Paints have been discovered in cave paintings, ancient Chinese burial mounds, and in Egyptian art. Interest in the breed has been growing steadily in the United States since the early 1960s. In 1987, five states had approved the breed for pari-mutuel racing. Eleven states have now adopted legislation to permit American Paint horses to race, with California offering races this year and Louisiana scheduled to begin racing Paints in 1999. Last year, 265 races recognized by the American Paint Horse Association (APHA) were held nationwide with 321 starters and a total purse of over \$1.4 million. This year, as of early November, the figures had grown to 324 recognized races with 415 starters, and a total purse of over \$1.8 million. Paints most often run with Appaloosas, but can also have their own races. In addition, earlier this year, the American Quarterhorse Association approved the American Paint horse to participate in mixed-breed races.

According to the APHA, there were 929 registered Paints in Michigan in 1997. Currently, owners must transport their horses to other states to race, with the majority racing in Oklahoma. Many horse enthusiasts would like to see American Paint horses race in Michigan. They point out that the horse racing industry, which has been a \$1 billion-plus industry employing over 42,000 people in the state, has been hit hard in recent years through competition from casinos and the Windsor racetrack. Just this past week, Ladbroke DRC, the state's only thoroughbred racetrack, closed. There is talk about trying to resurrect thoroughbred racing at a track in Muskegon next year, but nothing is definite. Though the American Paint is a distinct and separate breed, they are bred with quarter horses and thoroughbreds. Some people feel that including Paints in the breeds approved for racing would result in a positive impact on the thoroughbred community, as well as quarter horses, as far as breeding and selling horses. Also,

encouraging Michigan and out-of-state Paints to race in Michigan is seen as one means to bolster the sagging racing industry. Therefore, legislation has been requested to add the American Paint horse to the list of breeds allowed to engage in pari-mutuel racing.

THE CONTENT OF THE BILL:

The bill would amend the Horse Racing Law of 1995 in the following ways.

Veterinary treatment of race horses. Under the Horse Racing Law, people are prohibited from administering certain medications to a horse "that is intended to be entered, is entered, or participates" in a race meeting. The bill would amend the act to specify that the prohibition would apply if the horse "will participate" in a race within 48 hours after receiving medication. The bill would also allow the racing commissioner, by commission order or rule, to approve certain drugs or foreign substances (other than stimulants or depressants) to be present in a horse at the time that a race or a workout is conducted.

Further, the act prohibits the possession of certain drugs, controlled substances, and syringes and hypodermic needles in buildings both within the confines of a licensed racetrack and off-track facilities. The bill would clarify that a person could possess and orally administer drugs, foreign substances, or controlled substances to a horse within the confines of a racetrack, stable, shed, building, or grounds of a licensed race meeting as long as the medications were obtained from a veterinarian licensed under the act, were within accepted standards of veterinary practice in the state, and were labeled and stored in a manner and form prescribed by the racing commissioner. Further, a true and complete written record of the veterinarian's examination, examination findings, diagnosis and treatment of the horse, and all drugs or foreign substances prescribed for the horse by that veterinarian, would have to be provided to the commissioner for review upon request. Persons administering drugs, foreign substances, controlled substances, or using or possessing syringes and hypodermic needles for use on a horse within the confines of off-track facilities housing horses eligible to race on the racetrack of the race meeting licensee would be subject to the same requirements.

American Paint Horses. The racing law specifically allows for pari-mutuel wagering on race meetings of thoroughbred, standardbred, quarter horse, Appaloosa, and Arabian horses, and contains

provisions specifying how money from the Michigan Agriculture Equine Industry Development Fund is to be expended for programs relating to each breed. The bill would add language to the racing law allowing pari-mutuel wagering on race meetings of American Paint horses, and language specifying certain sums to be paid for American Paint horse programs. These would include:

*A sum to supplement the purses for races to be conducted exclusively for Michigan-bred American Paint horses.

*A sum to pay not more than 75 percent of the purses for registered American Paint horse races offered by fairs.

*A sum to pay breeders' awards in an amount not to exceed 10 percent of the gross purse to the breeders of Michigan-bred American Paint horses for each time a Michigan-bred American Paint horse wins at a county fair or licensed race meeting in the state.

*A sum to pay for the collection and laboratory analysis of urine, saliva, blood, and other samples from horses and licensed persons and the taking of blood alcohol tests on jockeys for these races, and for other required tests under the act.

Breed definitions. The racing law contains specific definitions of "Michigan bred quarter horse", "Michigan bred Appaloosa", and "Michigan bred Arabian". The bill would delete each of these definitions, and instead specify that each of those terms (as well as "Michigan bred American Paint horse") would be defined as they are defined in administrative rule.

MCL 431.310 et al.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Current law prohibits the administration of certain drugs and medications to a horse after it is intended to be entered or has been entered in a race. In the case of standardbred horses used in harness racing, due to the procedures used by the tracks, this could be three or even four days before a race is run. Thoroughbreds, on the other hand, can receive the

same medical treatment up to 48 hours before race time. The bill would standardize the time frame at all tracks by specifying that drugs and therapeutic substances could not be administered within 48 hours of when the horse would be racing or engaging in a workout.

For:

Current law prohibits any drug or foreign substance from being present in a horse when racing. However, there are many non-performance enhancing medications and therapeutic treatments used by veterinarians in the care and treatment of race horses. The bill would allow the racing commissioner to approve the presence of certain substances by commission order or rule. In this way, a horse would not be penalized if, for instance, it was found to have a common antibiotic in its system on race day.

The bill would also allow owners and trainers to administer certain oral medications prescribed by veterinarians to their horses while on the grounds of a licensed track. Technically, it is a violation of the Racing Law to do so, as it is illegal to possess medications on the grounds of a licensed racetrack. However, it is extremely impractical, as well as costly, to require a vet to return to the grounds of a racetrack to administer a medication every four to six hours. The bill would establish stringent reporting standards to prevent abuses, and would go a long way in enabling owners and breeders to care for their horses in a more economical fashion. In a similar manner, the bill would also allow owners and trainers to possess and administer certain oral and injectable medications to horses eligible to race at a licensed racetrack when in their own barns or other off-track facilities.

For:

The horse race industry in Michigan has taken a hard hit from competition with the state lottery, casinos, and the Windsor area casinos and racetrack. Just this past weekend, the state's only thoroughbred racetrack closed for good. Since horse racing represents over a billion dollar industry that employs over 42,000 people, every attempt must be made to bolster the industry. One way is to add the American Paint Horse to the list of horses approved for pari-mutuel racing. Interest in American Paint Horse racing is growing steadily across the country. Just this year, California began racing Paints and Louisiana is scheduled to start next year. Currently, there are over 900 registered Paints in Michigan. However, owners must transport their horses to other states to race. If

Paints were allowed to race in Michigan, the races would attract these horses as well as drawing Paints from other states, which would boost the horse race industry and the economy. As of November 4th, 324 American Paint Horse Association recognized races have been held this year with a total purse of almost \$2 million, and the number of races, horses starting in the races, and total purses have been steadily increasing across the nation in recent years. In addition, the American Quarterhorse Association now allows Paints to run in mixed-breed races, which will further increase racing opportunities for the breed. Further, Paints are cross bred with quarter horses and thoroughbreds. As Paints participate in more and more race meetings here and in other states, and as interest in the breed grows, it can only have a positive effect for owners and breeders of quarter horses and thoroughbreds as far as breeding and selling their horses.

POSITIONS:

The Michigan Veterinary Medical Association supports the bill. (11-10-98)

The American Paint Horse Association supports the bill. (11-11-98)

A representative of the Michigan Quarterhorse Association testified in support of the bill. (11-5-98)

The Michigan Harness Horsemen's Association has no position at this time. (11-10-98)

The Michigan Standardbred Breeders Association has no position at this time. (11-10-98)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.