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AMERICAN PAINT HORSE RACES, VETERINARY RACING DRUGS

House Bill 5078

Sponsor: Rep. Sandra Caul

Committee: Agriculture and Natural
Resources

Complete to 5-15-00

A SUMMARY OF HOUSE BILL 5078 AS INTRODUCED 11-2-99

The bill would amend the Horse Racing Law of 1995 to allow pari-mutuel racing of American Paint Horses, would clarify the administration of drugs and veterinary treatment of horses, and would define "Michigan bred" race horses in administrative rules rather than in statute.

American Paint Horses. The Horse Racing Law authorizes and regulates the breeds of horses that can be used in pari-mutuel racing. Money received by the state under the act is placed in the Michigan Agriculture Equine Industry Development Fund, to be used to provide funding for agriculture and equine industry development programs for each of the authorized horse breeds as specified in the act. The horse breeds currently regulated under the act include thoroughbred, standardbred, Appaloosa, Arabian, and quarter horses.

The bill would amend the act to allow and regulate pari-mutuel racing of American Paint Horses, and would add language similar to existing language with regard to the other horse breeds regulated under the act specifying how money from the Michigan Agriculture Equine Industry Development Fund would be spent on American Paint Horse programs.

Drugs, veterinary treatment administered to race horses. The Horse Racing Law currently prohibits the administration of any drug or painkiller that is a stimulant or depressant to "a horse that is intended to be entered, is entered, or participates" in races or workouts at licensed race meetings in Michigan, and makes it a crime to give such horses a performance-enhancing drug or foreign substance without authorization. The act also regulates who can provide such horses with nonemergency veterinary care or treatment and when drugs or "foreign substances" can be administered to such race horses, and requires the reporting and recording of the administration of these drugs and foreign substances.

The bill would amend the act to specify that the current prohibitions and regulations would apply to a horse if that horse would "participate" in a race or workout at a licensed race meeting "within 48 hours" of receiving the veterinary care or treatment or administration of the drug or foreign substance.

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The bill also would add that a drug or painkiller that was a stimulant or a depressant could not be present in a horse that had been entered in a race or workout conducted at a licensed race meeting in the state at the time that the race or workout in which the horse was entered began. However, any other drug or foreign substance could be present in the horse if authorized by the racing commissioner, by rule or written order, for use in the care of treatment of the horse.

Definitions. Currently, the definitions of “Michigan bred” quarter horses, Appaloosa, and Arabian horses are included in the act, as are the definitions of “Michigan sired” standardbred horses and thoroughbred horses. The bill would amend the act to move the definitions of “Michigan bred” race horses, including the proposed addition of American Paint Horses, to administrative rules, but would keep the definition of “Michigan sired” standardbred and thoroughbred horses in statute.

Racing commissioner orders, rules. Currently, the racing commissioner is required to issue written orders or promulgate rules that specify (a) the condition of a horse that must exist in order to authorize permissible drugs or the use and possession of a foreign substance intended for the care or treatment of the horse and (b) the procedures that must be followed in administering the authorized drugs. The bill would keep the requirement that the procedures that must be followed in administering authorized drugs be specified by written orders or rules, and would amend the act to require that written orders or rules specify the condition of a horse that would have to exist in order to permit:

- authorization of the use and possession of a foreign substance or a permissible drug for the intended care or treatment of a horse that would participate in a licensed race meeting in this state within 48 hours of receiving the care or treatment, or
- the presence of a drug or foreign substance in a horse that would participate in a licensed race meeting in this state at the time that the race in which the horse would participate began.

Misdemeanor exemptions. Generally under the act, it is a misdemeanor to introduce an unauthorized object or foreign substance into the nostrils or windpipe of a horse entered in a race or workout at a licensed race meeting for the purpose of affecting the horse’s racing condition or performance or to have unauthorized drugs or devices (other than ordinary whips) or non-prescribed controlled substances or instruments to administer them (such as hypodermic needles) where race horses are kept that can affect a horse’s racing condition or performance. In addition to the misdemeanor penalties of a fine of up to \$10,000 or imprisonment for up to a year, or both, someone licensed under the act who commits a misdemeanor can also have his or her license suspended for a minimum of five years. However, the bill exempts from its misdemeanor provisions the possession and use of drugs and equipment by veterinarians for accepted veterinary purposes.

The bill would add two additional exemptions to the act’s misdemeanor provisions involving the veterinary use of drugs (as well as foreign substances and controlled substances) and hypodermic needles or syringes obtained directly from a veterinarian licensed by the racing commissioner. The bill also would require that a “true and complete” written record be provided to the racing

commissioner for review (upon his or her request) of the veterinarian's examination, findings, diagnoses and treatment of the horse and all drugs or foreign substances prescribed for the horse by the veterinarian. The prescribed medication, needles, and syringes would have to be labeled and stored in a manner and form prescribed by the racing commissioner.

MCL 431.310 et al.

Analyst: S. Ekstrom

■ 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.