

Interstate Horseracing Improvement Act

Section by Section Summary

Section 1. Short Title

The “Interstate Horseracing Improvement Act of 2011”

Section 2. Findings

This section includes findings that highlight the need to amend the Interstate Horseracing Act of 1978 to prohibit the use of performance-enhancing drugs.

Horseracing is a \$40 billion industry that generates roughly 400,000 domestic jobs.

While performance enhancing drugs are banned in other sports and in horseracing in other countries, there are no uniform rules in the United States for the use of performance-enhancing drugs in horseracing.

Widespread use of performance enhancing drugs in horseracing adversely affects interstate commerce, creates unfair competition, deceives horse buyers and the wagering public, weakens the breed of the American Thoroughbred, is detrimental to international sales of the American Thoroughbred, and threatens the safety and welfare of horses and jockeys.

In order to protect and further the US horseracing industry, it is necessary to prohibit the use of performance-enhancing drugs in interstate horseracing.

Section 3. Prohibitions on Use of Performance Enhancing Drugs

This section adds new provisions to the Interstate Horseracing Act of 1978, which governs off track (“simulcast”) and Internet wagering on horseracing, to ban performance enhancing drugs and require minimum penalties for doping violations.

To provide off track or Internet wagering on races subject to the Interstate Horseracing Act, a host racing association must ban performance enhancing drugs, require testing the winner of each race plus one additional horse, and have minimum penalties for doping violations.

Performance Enhancing Drugs

The term “performance enhancing drug” means any substance capable of affecting the performance of a horse at any time by acting on the nervous system, cardiovascular system,

respiratory system, digestive system, urinary system, reproductive system, musculoskeletal system, blood system, immune system (other than licensed vaccines against infectious agents), or endocrine system of the horse.

Third Party Testing

Testing for performance enhancing drugs must be carried out by an independent lab that is accredited to ISO standard 17025 and includes testing for performance-enhancing drugs within the scope of its accreditation.

Penalties

Any person who knowingly dopes a horse, or races a horse under the influence of performance enhancing drugs, is subject to civil penalties and suspensions from all activities related to interstate horseracing:

1st Violation	≥ \$5,000 civil penalty	≥ 180 day suspension
2 nd Violation	≥ \$20,000 civil penalty	≥ 1 year suspension
3 rd Violation	≥ \$50,000 civil penalty	Permanently banned

A horse that is doped or raced under the influence of a performance enhancing drug is suspended from interstate horseraces:

1st Violation	≥ 180 day suspension
2 nd Violation	≥ 1 year suspension
3 rd Violation	≥ 2 year suspension

Multiple violations in different states will count against a person or horse's total violations.

State Racing Commission Enforcement

State racing commissions may enter into agreements with the Federal Trade Commission (FTC) to enforce the anti-doping provisions of the Interstate Horseracing Act.

Federal Trade Commission (FTC) Enforcement

The FTC can enforce the anti-doping provisions of the Interstate Horseracing Act in states that do not have enforcement agreements with the FTC or in cases where the FTC determines that a state racing commission is not adequately enforcing those anti-doping provisions. The FTC shall treat such violations as unfair and deceptive trade practices under the Federal Trade Commission Act.

Private Right of Action

A person may bring a civil action to ensure compliance with the anti-doping rules of the Interstate Horseracing Act.