

HORSE RACING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill addresses horse racing.

Highlighted Provisions:

This bill:

- ▶ provides for rulemaking authority by the Utah Horse Racing Commission related to use of foreign substances and related penalties;
- ▶ prohibits activities in violation of the rules adopted by the commission; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-38-104, as last amended by Laws of Utah 2019, Chapter 239

4-38-302, as renumbered and amended by Laws of Utah 2017, Chapter 345

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-38-104** is amended to read:

4-38-104. Powers and duties of commission.



- 28 (1) The commission shall:
- 29 (a) license, regulate, and supervise the persons involved in the racing of horses as
- 30 provided in this chapter;
- 31 (b) license, regulate, and supervise the recognized race meets held in this state under
- 32 the terms of this chapter;
- 33 (c) cause the various places where recognized race meets are held to be visited and
- 34 inspected at least once a year;
- 35 (d) assist in procuring public liability insurance coverage from a private insurance
- 36 company for those licensees unable to otherwise obtain the insurance required under this
- 37 chapter;
- 38 (e) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 39 Rulemaking Act, to govern race meets, including rules to:
- 40 (i) ~~[to]~~ resolve scheduling conflicts and settle disputes among licensees;
- 41 (ii) ~~[to]~~ supervise, discipline, suspend, fine, and bar from events a person required to be
- 42 licensed by this chapter;
- 43 (iii) ~~[to]~~ exclude a horse from a racetrack facility in this state, or prohibit a horse from
- 44 participating in a horse race or race meet; ~~[and]~~
- 45 (iv) ~~[to]~~ hold, conduct, and operate ~~[all]~~ a recognized race ~~[meets]~~ meet conducted
- 46 pursuant to this chapter; and
- 47 (v) adopt guidelines consistent with a model rule established by the Association of
- 48 Racing Commissioners International, a successor organization, or, if none, by another
- 49 nationally recognized organization that has published substantially similar guidelines that the
- 50 commission determines are generally accepted in the racing industry that provide:
- 51 (A) prohibitions on the use of foreign substances; and
- 52 (B) administrative penalties for violations of guidelines described in Subsection
- 53 (1)(e)(v)(A);
- 54 (f) determine which persons participating, directly or indirectly, in recognized race
- 55 meets require licenses;
- 56 (g) announce the time, place, and duration of a recognized race meet for which a
- 57 license is required; and
- 58 (h) establish reasonable fees for ~~[all licenses]~~ a license provided for under this chapter.

- 59 (2) The commission may:
- 60 (a) grant, suspend, or revoke licenses issued under this chapter;
- 61 (b) impose fines as provided in this chapter;
- 62 (c) access criminal history record information for the licensees and commission or
- 63 contracted employees;
- 64 (d) exclude from any racetrack facility in this state a person, including an owner, who:
- 65 (i) the commission considers detrimental to the best interests of racing; or
- 66 (ii) violates this chapter or any rule or order of the commission; and
- 67 (e) exclude from a racetrack facility in this state, or prohibit from participating in a
- 68 horse race or race meet, a horse that is owned, in full or part by a person:
- 69 (i) who the commission considers detrimental to the best interests of racing; or
- 70 (ii) who violates this chapter or a rule or order of the commission.
- 71 (3) (a) For purposes of Subsection (2)(e), ownership includes a horse for which an
- 72 individual or entity has a beneficial or other interest, as defined by rule.
- 73 (b) The period of time a horse may be excluded or prohibited from racing under
- 74 Subsection (2)(e) may not exceed one calendar year from the date of the initial oral or written
- 75 ruling by the stewards.
- 76 (c) A change in ownership or beneficial interest in a horse excluded or prohibited from
- 77 racing under Subsection (2)(e) does not affect the horse's exclusion from a racetrack or
- 78 prohibition from racing unless otherwise determined by the commission.
- 79 (4) The commission may contract, in accordance with Title 63G, Chapter 6a, Utah
- 80 Procurement Code, with a person to issue a license required under Subsection (1)(a) or (b).
- 81 Section 2. Section **4-38-302** is amended to read:
- 82 **4-38-302. Stimulation or retardation of animals prohibited -- Use of foreign**
- 83 **substances prohibited -- Tests.**
- 84 ~~[(1) Any]~~ (1) (a) A person who uses or permits the use of any mechanical or electrical
- 85 device, [or drug of any kind,] to stimulate or retard any animal in any race authorized by this
- 86 chapter, except as prescribed by the commission, is guilty of a class A misdemeanor.
- 87 (b) A person who violates the rules adopted by the commission under Subsection
- 88 4-38-104(1)(e)(v) to stimulate or retard any animal in any race authorized by this chapter is
- 89 subject to the administrative penalties imposed by rule adopted by the commission under

90 Subsection 4-38-104(1)(e)(v).

91 (2) A commission member or race steward may cause tests to be made that the
92 commission considers proper to determine whether [~~any animal has been stimulated or~~
93 ~~retarded~~] a person has violated Subsection (1). Tests performed in furtherance of this section
94 shall be conducted by or under the supervision of a licensed Utah veterinarian.