

PARI-MUTUEL HORSE RACING

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David P. Hinkins

House Sponsor: _____

LONG TITLE

General Description:

This bill creates the Pari-mutuel Horse Racing Commission and allows for pari-mutuel horse racing and wagering.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates restricted accounts;
- ▶ allows for pari-mutuel horse racing and wagering in a county in which voters allow, through an election, for pari-mutuel events within the county;
- ▶ creates the Pari-mutuel Horse Racing Commission ("commission");
- ▶ provides for the commission's membership, authority, and duties;
- ▶ requires the state auditor to audit the commission's accounting;
- ▶ provides for licensing and permits for pari-mutuel events, including fines and penalties for violations;
- ▶ requires a permittee to post a bond or other financial assurance;
- ▶ provides for simulcasting and advance deposit pari-mutuel wagering;
- ▶ provides for takeouts of certain percentages from the winning wagers for certain purposes;
- ▶ prohibits bribery, touting, and wagering involving minors;
- ▶ requires the identification of horses; and



28 ▶ prohibits certain treatment of animals in relation to pari-mutuel events.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **63C-21-101**, Utah Code Annotated 1953

36 **63C-21-102**, Utah Code Annotated 1953

37 **63C-21-103**, Utah Code Annotated 1953

38 **63C-21-104**, Utah Code Annotated 1953

39 **63C-21-105**, Utah Code Annotated 1953

40 **63C-21-201**, Utah Code Annotated 1953

41 **63C-21-202**, Utah Code Annotated 1953

42 **63C-21-203**, Utah Code Annotated 1953

43 **63C-21-204**, Utah Code Annotated 1953

44 **63C-21-205**, Utah Code Annotated 1953

45 **63C-21-206**, Utah Code Annotated 1953

46 **63C-21-207**, Utah Code Annotated 1953

47 **63C-21-208**, Utah Code Annotated 1953

48 **63C-21-301**, Utah Code Annotated 1953

49 **63C-21-302**, Utah Code Annotated 1953

50 **63C-21-303**, Utah Code Annotated 1953

51 **63C-21-304**, Utah Code Annotated 1953

52 **63C-21-305**, Utah Code Annotated 1953

53 **63C-21-401**, Utah Code Annotated 1953

54 **63C-21-402**, Utah Code Annotated 1953

55

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

57 Section 1. Section **63C-21-101** is enacted to read:

58 **CHAPTER 21. PARI-MUTUEL HORSE RACING COMMISSION**

59 **63C-21-101. Title.**

60 This chapter is known as "Pari-mutuel Horse Racing Commission."

61 Section 2. Section **63C-21-102** is enacted to read:

62 **63C-21-102. Definitions.**

63 As used in this chapter:

64 (1) "Advance deposit pari-mutuel wager" means a wager in which an individual who
65 has opened an account in advance with a licensee places wagers from that account in person, by
66 telephone, or through other electronic means.

67 (2) "Breakage" means the amount a permittee retains after rounding down a
68 pari-mutuel payoff to the nearest 10 cents increment.

69 (3) "Breeder award" means money that the commission collects and distributes to
70 promote the improved breeding and development of the horse industry.

71 (4) "Breeder Award Account" means the restricted account created in Section
72 [63C-21-104.](#)

73 (5) "Commission" means the Pari-mutuel Horse Racing Commission created in Section
74 [63C-21-201.](#)

75 (6) "Drug" means any substance foreign to a horse's body as the commission
76 prescribes.

77 (7) "Exotic wager" or "exotic wagering" means a wager consisting of a single betting
78 interest on three or more entries.

79 (8) "Handle" means the amount of money wagered in a pari-mutuel pool.

80 (9) "Multiple wager" or "multiple wagering" means a wager consisting of a single
81 betting interest on two entries.

82 (10) "Pari-mutuel Account" means the restricted account created in Section
83 [63C-21-103.](#)

84 (11) "Pari-mutuel event" or "event" means an event the commission authorizes for the
85 conduct of horse racing.

86 (12) "Pari-mutuel wagering" means wagering on the outcome of a pari-mutuel event in
87 which:

88 (a) individuals who wager purchase tickets of various denominations on entrants in the
89 event;

90 (b) all wagers for each event are pooled and held by the permittee for distribution; and

91 (c) when the outcome of the event has been decided, the permittee distributes the total

92 wagers comprising the pool, less:

93 (i) an amount not greater than:

94 (A) for live racing, 25.90%; or

95 (B) for simulcasting, an amount not to exceed the lesser of the percentage allowed at

96 the host track or 35%; and

97 (ii) the amount for breakage to holders of tickets on the winning entries.

98 (13) "Simulcast event" or "simulcasting" means the sale of pari-mutuel pools

99 electronically transmitted live on pari-mutuel events and incorporated into the same

100 pari-mutuel pool.

101 Section 3. Section **63C-21-103** is enacted to read:

102 **63C-21-103. Pari-mutuel Account -- Creation.**

103 (1) There is created a restricted account within the General Fund known as the

104 "Pari-mutuel Account."

105 (2) The account created in this section is funded from:

106 (a) all sums paid to the commission under this chapter except contributions from

107 permittees to the Breeder Award Account;

108 (b) fines and penalties that the commission receives; and

109 (c) the interest described in Subsection (3).

110 (3) Interest earned on the Pari-mutuel Account shall be deposited into the account.

111 (4) (a) The commission may only use money in the account for the payment of

112 expenses the commission incurs in enforcing this act.

113 (b) The commission shall ensure that the total expenses the commission incurs do not

114 exceed the total amount in the Pari-mutuel Account.

115 Section 4. Section **63C-21-104** is enacted to read:

116 **63C-21-104. Breeder Award Restricted Account -- Creation.**

117 (1) There is created a restricted account within the General Fund known as the

118 "Breeder Award Account."

119 (2) The account created in this section is funded from:

120 (a) contributions the commission receives under Subsection [63C-21-206\(5\)\(a\)](#); and

- 121 (b) the interest described in Subsection (3).
- 122 (3) Interest earned on the Breeder Award Account shall be deposited into the account.
- 123 (4) The commission may only use money in the account for breeder awards to promote
- 124 the improved breeding and development of the horse industry.

125 Section 5. Section **63C-21-105** is enacted to read:

126 **63C-21-105. County elections for pari-mutuel events.**

- 127 (1) A pari-mutuel event may not be held in any county unless the residents of the
- 128 county vote to allow pari-mutuel events in an election described in Subsection (2).
- 129 (2) Before December 31, 2020, each county legislative body shall put the question of
- 130 whether to allow pari-mutuel events within the county in a general or special election called
- 131 and held in accordance with Sections [20A-1-203](#) and [20A-1-204](#).
- 132 (3) If the voters in an election described in Subsection (2) vote to not allow pari-mutuel
- 133 events within the county, the county legislative body may not put the question to the voters
- 134 again for two years.

135 Section 6. Section **63C-21-201** is enacted to read:

136 **Part 2. Pari-mutuel Horse Racing Commission**

137 **63C-21-201. Pari-mutuel Horse Racing Commission -- Creation -- Membership.**

- 138 (1) There is created the Pari-mutuel Horse Racing Commission.
- 139 (2) The commission is composed of seven individuals:
 - 140 (a) who are residents of the state; and
 - 141 (b) whom the governor appoints and the Senate confirms.
- 142 (3) (a) The governor shall ensure that members whom the governor appoints to the
- 143 commission:
 - 144 (i) represent diverse geographic areas of the state; and
 - 145 (ii) have a knowledge of horse racing.
- 146 (b) An individual that the governor appoints to the commission shall serve a term of
- 147 four years.
- 148 (c) The governor may reappoint a commission member to one additional term.
- 149 (d) A commission member shall continue to serve until the governor appoints and the
- 150 Senate confirms the member's successor.
- 151 (e) Except as provided in Subsection (3)(f), as terms of commission members expire,

152 the governor shall appoint each new member or reappointed member to a four-year term.

153 (f) Notwithstanding Subsection (3)(e), the governor shall, at the time of appointment or
154 reappointment, adjust the length of commission members' terms to ensure that the terms are
155 staggered so that the governor appoints approximately one half of the commission every two
156 years.

157 (g) When a vacancy occurs in the commission membership for any reason, the
158 governor shall fill the vacancy for the unexpired term.

159 (h) The governor may remove a commission member for inefficiency, neglect of duty,
160 malfesance or misfesance in office, or other good and sufficient cause.

161 (4) (a) A majority of the commission constitutes a quorum.

162 (b) A majority vote of a quorum may act for the commission.

163 Section 7. Section **63C-21-202** is enacted to read:

164 **63C-21-202. Commission officers -- Meetings -- Records.**

165 (1) (a) The commission shall:

166 (i) annually elect from the commission membership a president and vice-president;

167 (ii) hold an annual fall meeting;

168 (iii) hold special meetings at times and places that the majority of the commission
169 determines; and

170 (iv) keep a record of the proceedings of the commission through the commission's
171 secretary, if the commission employs a secretary.

172 (b) The commission may employ:

173 (i) on a yearly basis or for the racing season only, a director who has a working
174 knowledge of pari-mutuel betting and horse racing;

175 (ii) an executive secretary; or

176 (iii) a steward described in Section [63C-21-204](#).

177 (2) (a) Any member of the commission who has a personal or private interest in any
178 matter proposed or pending matter before the commission:

179 (i) shall publicly disclose the fact of the member's interest to the commission; and

180 (ii) may not vote on the proposed or pending matter.

181 (b) Any member of the commission who owns or has any interest, or whose spouse or
182 immediate family member has any interest, in an animal participating in a pari-mutuel event:

183 (i) shall disclose the interest; and
184 (ii) may not participate in any commission decision involving the pari-mutuel event.

185 (3) The commission may provide to commission members:

186 (a) per diem and travel expenses in accordance with:

187 (i) Section [63A-3-106](#);

188 (ii) Section [63A-3-107](#); and

189 (iii) rules that the Division of Finance makes in accordance with Sections [63A-3-106](#)
190 and [63A-3-107](#); and

191 (b) compensation of \$50 for each day during which the members are engaged in the
192 discharge of commission duties.

193 Section 8. Section **63C-21-203** is enacted to read:

194 **63C-21-203. Commission duties -- Accounting -- State auditor's audit.**

195 (1) The commission shall:

196 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
197 make rules to:

198 (i) establish a process for receiving and reviewing applications and granting licenses
199 and permits required under this chapter;

200 (ii) establish fees, in accordance with Section [63J-1-504](#), for all licenses and permits
201 under this chapter to ensure that the total revenues received under this chapter recover the costs
202 of administering this chapter;

203 (iii) establish security access safeguards for licensees to use for advance deposit
204 pari-mutuel wagering;

205 (iv) prohibit advance deposit pari-mutuel advertising that the commission determines
206 to be deceptive to the public;

207 (v) establish the number of actual live horse racing or pari-mutuel event days required
208 to qualify for a simulcasting permit in a manner that ensures fair and equitable involvement of
209 all affected parties, including consideration of the economic viability of those days to permit
210 applicants;

211 (vi) control, supervise, and direct applicants and permittees, including:

212 (A) provisions for resolving scheduling conflicts; and

213 (B) settling disputes between permittees;

- 214 (vii) govern the supervising, disciplining, suspending, fining, and barring from
215 pari-mutuel events of all individuals required to be licensed under this chapter;
- 216 (viii) govern the holding, conducting, and operating of all pari-mutuel events;
217 (ix) provide for simulcasting, in accordance with Section [63C-21-302](#), as reasonably
218 necessary to protect the public interest; and
- 219 (x) establish qualifications for horses that the commission allows to race in a permitted
220 pari-mutuel event;
- 221 (b) authorize by permit and supervise the conduct of all pari-mutuel events; and
222 (c) announce the place, time, and duration of pari-mutuel events for which a license or
223 permit is required.
- 224 (2) (a) The commission shall keep an accurate and true account of all funds the
225 commission receives and all payments the commission issues.
- 226 (b) The state auditor or the state auditor's designee shall:
227 (i) audit the commission's accounting described in Subsection (2)(a) at least once every
228 two calendar years; and
229 (ii) deliver a copy of the audit, within 30 days after the day on which the auditor or the
230 auditor's designee completes the audit to the commission and the governor.
- 231 (c) The commission shall bear the cost of the audit described in Subsection (2)(b).
232 Section 9. Section **63C-21-204** is enacted to read:
233 **63C-21-204. Stewards.**
- 234 (1) (a) The commission may delegate authority to enforce the commission's rules to
235 three stewards at each pari-mutuel event.
- 236 (b) The commission shall ensure that at least one steward described in Subsection
237 (1)(a) is an employee of and selected by the commission.
- 238 (c) The commission shall require at least one steward to supervise each simulcast
239 location that the commission approves.
- 240 (2) The commission shall establish rules, in accordance with Title 63G, Chapter 3,
241 Utah Administrative Rulemaking Act, to grant stewards reasonable and necessary authority
242 under this chapter, including authority to:
- 243 (a) enforce the commission's rules and this chapter;
244 (b) rule on the outcome of events;

245 (c) impose a fine or license suspension in accordance with Section 63C-21-205; or
246 (d) recommend that the commission impose a fine or license suspension greater than
247 the limits described in Section 63C-21-205.

248 Section 10. Section **63C-21-205** is enacted to read:

249 **63C-21-205. License required.**

250 (1) The following shall obtain a license and comply with all commission rules and
251 orders:

252 (a) each permittee;

253 (b) each participant; and

254 (c) each employee of a permittee or participant who is directly involved in the horse
255 racing or pari-mutuel wagering activities of the permittee or participant, as defined in
256 commission rule.

257 (2) A person may not hold any event with pari-mutuel wagering without obtaining a
258 permit.

259 (3) Every applicant for a permit or license under this act shall provide to the
260 commission fingerprints and other information necessary for a criminal history record
261 background check.

262 Section 11. Section **63C-21-206** is enacted to read:

263 **63C-21-206. Fines -- License suspension.**

264 (1) (a) If an individual violates a commission rule:

265 (i) a steward may impose a fine that does not exceed \$1,000; and

266 (ii) the commission may impose a fine that does not exceed \$10,000.

267 (b) A steward shall report each fine that the steward imposes and the relevant violation
268 to the commission daily.

269 (c) An individual upon whom the commission or a steward imposes a fine shall pay the
270 fine to the commission within 48 hours of the imposition of the fine.

271 (2) (a) If the holder of a license that the commission issues under this chapter violates a
272 commission rule:

273 (i) a steward may suspend the license for up to 30 days; and

274 (ii) the commission may suspend the license for any period of time.

275 (b) A steward shall report each license suspension that the steward imposes and the

276 relevant violation to the commission daily.

277 (3) The commission or steward imposing a fee or license suspension shall ensure that
278 the amount of the fee or the length of the suspension is commensurate with the seriousness of
279 the violation.

280 (4) Only a licensed steward of a permitted event or the commission with a
281 recommendation from the licensed steward in accordance with Subsection 63C-21-203(2)(d)
282 may impose a fine or license suspension regarding the permitted event.

283 (5) (a) An individual may appeal any fine or license suspension that a steward imposes
284 in writing to the commission within five days after the day on which the steward imposes the
285 fine or suspension.

286 (b) The commission may:

287 (i) affirm or reverse a steward's imposition of a fee or license suspension; or

288 (ii) may increase or decrease any fine or suspension.

289 Section 12. Section 63C-21-207 is enacted to read:

290 **63C-21-207. Pari-mutuel permits -- Penalty.**

291 (1) (a) The commission may issue pari-mutuel permits for a specified period of up to
292 three years from the date of issuance to any county, municipality, or county fair board.

293 (b) A permittee under Subsection (1)(a) may not:

294 (i) assign, lease, contract, or otherwise turn over to any person, corporation, or
295 association the operation or management of:

296 (A) a permitted pari-mutuel event; or

297 (B) the pari-mutuel system of wagering; or

298 (ii) in any manner permit any person, corporation, or association to retain any of the
299 money received for admission to the race or from the operations of the pari-mutuel system.

300 (c) The commission shall revoke the permit of any permittee for a violation of
301 Subsection (1)(b).

302 (2) A permit described in Subsection (1) is effective only for the times and at the places
303 for which the commission issues the permit.

304 (3) An application for a permit described in Subsection (1) is valid if the application:

305 (a) identifies the applicant;

306 (b) includes a proper financial statement showing the financial responsibility of the

307 applicant;

308 (c) describes the purpose and use of the permit, including:

309 (i) the events the applicant will conduct under the permit;

310 (ii) the manner of wagering for the events the applicant will conduct under the permit;

311 and

312 (iii) the permittee's controls and supervision; and

313 (d) provides the names and identification of the individuals who will supervise the

314 manner of wagering.

315 (4) The commission may issue, amend, or refuse to issue permits at the commission's
316 discretion.

317 (5) (a) As a condition of receiving a pari-mutuel permit, the permittee shall:

318 (i) agree to the contribution described in Subsection (5)(a)(ii); and

319 (ii) contribute to the Breeder Award Account:

320 (A) an amount equal to 0.40% of the total handle wagered during the pari-mutuel

321 event; and

322 (B) a sum equal to 20% of the additional amount retained under Subsection

323 [63C-21-304\(2\)\(a\)\(ii\)](#) on multiple or exotic wagers.

324 (b) The permittee shall derive the contributions described in Subsection (5)(a) from the

325 net proceeds of the race meet revenues excluding the permittee's share of the pari-mutuel

326 wagering handle.

327 (6) (a) It is unlawful for a person to hold or conduct a pari-mutuel event or a

328 pari-mutuel system of wagering without a permit that the commission issues under this chapter.

329 (b) A person who violates Subsection (6)(a) is:

330 (i) guilty of a felony; and

331 (ii) is subject to:

332 (A) a fine not to exceed \$10,000; or

333 (B) imprisonment not to exceed five years.

334 Section 13. Section **63C-21-208** is enacted to read:

335 **63C-21-208. Bond of permittees -- Conditions -- Prosecution of actions.**

336 (1) (a) Subject to the condition described in Subsection (1)(b), the commission may

337 require any permittee other than a political subdivision to deliver to the commission, in an

338 amount not less than \$5,000:

339 (i) a bond signed by a surety company authorized to do business in this state in a form
340 and amount that the commission specifies;

341 (ii) a certificate of deposit; or

342 (iii) an irrevocable letter of credit.

343 (b) The permittee shall make the delivery under Subsection (1)(a) on condition that the
344 permittee:

345 (i) pays to commission all monies due under this act; and

346 (ii) performs other obligations as the commission may impose.

347 (2) The county attorney of the county in which an event is held shall prosecute any
348 action on the bond described in Subsection (1) on behalf of the commission against any
349 permittee for any reason except for a cause of action that public liability insurance covers.

350 Section 14. Section **63C-21-301** is enacted to read:

351 **Part 3. Pari-mutuel Events and Wagering**

352 **63C-21-301. Commission supervision of pari-mutuel events.**

353 (1) The commission shall:

354 (a) observe and supervise the conduct of pari-mutuel wagering under permits that the
355 commission issues;

356 (b) make the commission's rules available to all participants of each event; and

357 (c) appoint one of the commission's members or employ one or more individuals to
358 represent the commission in the administration and enforcement of this chapter and in the
359 supervision of the conduct of pari-mutuel wagering in connection with each pari-mutuel event
360 for which the commission issues a permit.

361 (2) Representatives of the commission may freely access each event to which the
362 commission assigns the representative, including accessing associated pari-mutuel booths and
363 records.

364 (3) The commission shall pay representatives described in this Subsection (1) in an
365 amount that the commission sets plus expenses and mileage.

366 Section 15. Section **63C-21-302** is enacted to read:

367 **63C-21-302. Simulcasting.**

368 (1) The commission shall authorize simulcasting subject to conditions described in this

369 section.

370 (2) A person may not conduct simulcasting without a permit that the commission
371 issues.

372 (3) The commissioners may not issue a permit that allows simulcasting to an applicant
373 who is not authorized under this chapter to conduct a pari-mutuel event other than
374 simulcasting.

375 (4) A permittee may conduct simulcasting off the permitted premises only if the county
376 legislative body in the county in which the permittee intends to conduct the simulcasting grants
377 approval.

378 (5) (a) Except as provided in Subsection (5)(b), a permittee may not conduct
379 simulcasting within 100 miles of any permitted premises.

380 (b) The commission may waive the 100 mile limitation in Subsection (5)(a) if the
381 permit application includes written approval from the permittee whose permitted premises is
382 within the 100 mile limitation.

383 Section 16. Section **63C-21-303** is enacted to read:

384 **63C-21-303. Advance deposit pari-mutuel wagering.**

385 (1) The commission may authorize advance deposit pari-mutuel wagering at any
386 premise where the commission authorizes a pari-mutuel event.

387 (2) A permittee that the commission authorizes under Subsection (1):

388 (a) may not accept an advance deposit pari-mutuel wager on an advance deposit
389 pari-mutuel wagering account that an individual other the account owner makes;

390 (b) shall confirm the identification of the account owner by using methods and
391 technologies that the commission approves;

392 (c) shall provide a full accounting and verification of the sources of wagers at the
393 request of the commission and in a form that the commission provides;

394 (d) shall allow the commission and the commission's representatives, stewards, and
395 agents to access the permittee's premises to ensure the permittee's compliance with this chapter
396 and commission rules;

397 (e) may not allow minors to open, own, or access an advance deposit pari-mutuel
398 wagering account; and

399 (f) shall include a statement in all forms of advertising for advance deposit pari-mutuel

400 wagering accounts that minors are not allowed to open, own, or access an advance deposit
401 pari-mutuel wagering account.

402 Section 17. Section **63C-21-304** is enacted to read:

403 **63C-21-304. Takeouts -- Payments -- Breakage.**

404 (1) (a) Every Wednesday following any pari-mutuel event, the permittee shall:

405 (i) file a report with the commission regarding the total amount of money wagered
406 during the period;

407 (ii) pay into the Pari-mutuel Account an amount, as shown in the report to the
408 commission, equal to 2% of the total amount wagered attributable to live pari-mutuel events;
409 and

410 (iii) pay to the commission for commission transfer in accordance with Subsection
411 (1)(b) an amount, as shown in the report to the commission, equal to 1% of the total amount
412 wagered attributable to live pari-mutuel events.

413 (b) The commission shall transfer the payment described in Subsection (1)(a)(iii):

414 (i) if the permittee is located within the borders of a city or town, in equal shares to the
415 county and the city or town in which the permittee is located; or

416 (ii) if the permittee is not located within the boundaries of a city or town, to the county.

417 (2) (a) The permittee may retain an amount equal to:

418 (i) 19.4% of the total handle, shown by the report to the commission; and

419 (ii) in addition to the percentage described in Subsection (2)(a)(i), up to 5% of the total
420 amount wagered on multiple or exotic wagers.

421 (b) The permittee shall retain:

422 (i) the breakage, not to exceed 10 cents per winning wager; and

423 (ii) unclaimed tickets not claimed within one year following the event for the expenses
424 of the event, purses, and for the promotion of the racing industry.

425 Section 18. Section **63C-21-305** is enacted to read:

426 **63C-21-305. Prohibited bribery, touting, betting by minors.**

427 (1) (a) It is unlawful for any person to give or promise to give or attempt to give or for
428 any person to receive or agree to receive or attempt to receive, any money, bribe or thing of
429 value with intent to influence any person to dishonestly umpire, manage, direct, judge, preside,
430 officiate at, or participate in any permitted event with the intention or purpose of affecting the

431 result of the event.

432 (b) A person who violates Subsection (1)(a) is:

433 (i) guilty of a felony; and

434 (ii) subject to:

435 (A) a fine not to exceed \$5,000; or

436 (B) imprisonment not to exceed five years.

437 (2) (a) It is unlawful touting to:

438 (i) knowingly persuade, procure, cause, or attempt to persuade, procure, or cause

439 another person to wager on an animal in any permitted event; or

440 (ii) ask or demand compensation as a reward for information or purported information

441 given in a circumstance described in Subsection (2)(a)(i).

442 (b) A person who violates Subsection (2)(a) is:

443 (i) guilty of a misdemeanor; and

444 (ii) subject to:

445 (A) a fine not to exceed \$1,000; or

446 (B) imprisonment not to exceed six months.

447 (3) (a) It is unlawful for an individual under the age of 18 years old to place or be

448 allowed to place a bet.

449 (b) An individual who violates Subsection (3)(a) is:

450 (i) guilty of a misdemeanor; and

451 (ii) subject to:

452 (A) a fine not to exceed \$1,000; or

453 (B) imprisonment not to exceed six months.

454 (4) (a) A commission's representative or steward may exclude from attendance at or

455 near any permitted event any person who has been convicted of:

456 (i) bribery under Subsection (1);

457 (ii) touting under Subsection (2); or

458 (iii) participating in underage betting under Subsection (3).

459 (b) It is unlawful for a person described in Subsection (4)(a) to refuse to leave when the

460 commission's representative or steward excludes the person from attendance under Subsection

461 (4)(a).

462 (c) A person who violates Subsection (4)(b) is:

463 (i) guilty of a misdemeanor; and

464 (ii) subject to:

465 (A) a fine not to exceed \$1,000; or

466 (B) imprisonment not to exceed six months.

467 Section 19. Section **63C-21-401** is enacted to read:

468 **Part 4. Animals in Pari-mutuel Events**

469 **63C-21-401. Identification of horses.**

470 (1) A permittee shall ensure that every horse participating in a permitted event:

471 (a) participates under the horse's true and registered name;

472 (b) is fully and truly identified; and

473 (c) does not participate under any other name or identification.

474 (2) A person may not:

475 (a) substitute a horse; or

476 (b) use any device to conceal or confuse the name and identification of any horse.

477 Section 20. Section **63C-21-402** is enacted to read:

478 **63C-21-402. Stimulation or retardation of animals prohibited -- Testing.**

479 (1) It is unlawful for any person to use or permit to be used any drug or mechanical or
480 electrical device of any kind to stimulate or retard any animal in a permitted event authorized
481 by this act, except as the commission prescribes.

482 (2) (a) A commission member, representative, or steward may require the testing of an
483 animal to determine whether any animal has been stimulated or retarded in violation of
484 Subsection (1).

485 (b) A veterinarian who is licensed under Title 58, Chapter 28, Veterinary Practice Act,
486 shall supervise the testing described in Subsection (2)(a).