

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 210

Session of
1977

INTRODUCED BY MESSRS. MANDERINO, MOEHLMANN AND ENGLEHART,
FEBRUARY 9, 1977

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 25, 1978

AN ACT

1 Amending the act of December 11, 1967 (P.L.707, No.331),
2 entitled "An act providing for and regulating thoroughbred
3 horse racing with pari-mutuel wagering on the results
4 thereof, creating the State Horse Racing Commission as an
5 independent administrative commission and defining its powers
6 and duties; providing for the establishment and operation of
7 thoroughbred horse racing plants; imposing taxes on revenues
8 of such plants; disposing of all moneys received by the
9 commission and all moneys collected from the taxes;
10 authorizing penalties; and making appropriations," further
11 providing for distribution of Pennsylvania Breeding Fund, <—
12 MAKING UNLAWFUL THE USE OF CERTAIN DEVICES AND SUBSTANCES,
13 IMPOSING PENALTIES, PROVIDING FOR THE APPOINTMENT OF AN
14 OFFICIAL STATE VETERINARIAN AND IMPOSING DUTIES ON THE
15 SECRETARY OF AGRICULTURE.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 17.1, act of December 11, 1967 (P.L.707,
19 No.331), referred to as the Pennsylvania Thoroughbred Horse
20 Racing Law, added December 30, 1974 (P.L.1115, No.358), is
21 amended to read:

22 Section 17.1. Pennsylvania Breeding Fund.--(a) There is
23 hereby created the Pennsylvania Breeding Fund which shall
24 consist of the money appropriated under the provisions of

1 section 17 and which shall be administered by the commission.

2 (b) After the deduction of expenses [for advisory services
3 of] related to the administration and development of the
4 Pennsylvania Breeding Fund program incurred by the Pennsylvania
5 Horse Breeder's Association the commission shall, by rule or
6 regulation, provide for awards [and for purses, the latter to be
7 divided equally among the pari-mutuel permit holders in
8 Pennsylvania] as follows:

9 [(1) Non-claiming Pennsylvania-bred fund races, with
10 Pennsylvania-bred horses preferred.

11 (2) Claiming races with Pennsylvania-bred horses preferred.

12 (3)] (1) An award of [fifteen] twenty percent of the purse
13 earned to the breeder of every registered Pennsylvania-bred
14 horse which finishes first, second or third in a race conducted
15 by a pari-mutuel permit holder in Pennsylvania.

16 [(4)] (2) An award of [five] ten percent of the purse earned
17 to the owner of a registered Pennsylvania sire, which regularly
18 stands for a breeding season in Pennsylvania, of any registered
19 Pennsylvania-bred horse which [wins] finishes first, second or
20 third in a race conducted by a pari-mutuel permit holder in
21 Pennsylvania.

22 (3) The remaining fund moneys will be divided as hereinafter
23 provided among the pari-mutuel permit holders in Pennsylvania to
24 be used for purses as follows:

25 (i) Claiming and non-claiming Pennsylvania Fund races, which
26 restrict entry to registered Pennsylvania-breds.

27 (ii) Non-claiming Pennsylvania Fund races in which
28 registered Pennsylvania-breds are preferred starters. In these
29 races, should eight or more registered Pennsylvania-breds pass
30 the entry box, the race shall be considered closed to horses

1 other than registered Pennsylvania-breds.

2 (iii) Claiming Pennsylvania Fund races in which registered
3 Pennsylvania-breds are preferred starters. In these races,
4 should nine or more registered Pennsylvania-breds pass the entry
5 box, the race shall be considered closed to horses other than
6 registered Pennsylvania-breds.

7 (4) The remaining fund moneys:

8 (i) for the calendar years 1978 and 1979 shall be divided
9 among pari-mutuel permit holders in Pennsylvania in direct
10 proportion to the number of days of actual racing conducted by
11 said permit holders in said years;

12 (ii) for the calendar years 1980 and 1981 shall be divided
13 among the pari-mutuel permit holders in Pennsylvania one-half in
14 direct proportion to the number of days of actual racing
15 conducted by said permit holders in said years and one-half in
16 direct proportion to the rate by which each permit holder
17 generated the fund during the previous year; and

18 (iii) for the calendar year 1982 and thereafter shall be
19 divided among pari-mutuel permit holders in Pennsylvania in
20 direct proportion to the rate by which each permit holder
21 generated the fund during the previous year.

22 (c) The Pennsylvania Breeding Fund Advisory Committee, under
23 jurisdiction of the State Horse Racing Commission, is hereby
24 established and shall be part of the Pennsylvania State Horse
25 Racing Commission. The committee shall consist of five members,
26 all of whom shall be residents of Pennsylvania, to be appointed
27 by the commission by June 1 of each year. The committee shall
28 consist of two members of the Pennsylvania Horse Breeder's
29 Association, recommended by it; one member from the permit
30 holders recommended by them; one member from the association

1 representing horsemen racing in Pennsylvania, recommended by it
2 and one member of the commission designated by it. If any member
3 other than the commission member has not been recommended by
4 June 1 of each year, the commission with the approval of the
5 Governor shall make an appointment for the organization failing
6 to so recommend a member of the committee. The committee shall
7 assist and advise the commission in accordance with the
8 provisions of this act but shall have no power in administering
9 the fund. The members of the committee shall receive no
10 compensation for their services as members.

11 (d) The Pennsylvania Horse Breeder's Association as the
12 responsible body for the registration and records of
13 Pennsylvania-breds, shall advise the commission when called
14 upon, shall determine the qualifications for Pennsylvania-bred
15 horses and Pennsylvania sires, and its registration and record
16 facts are hereby declared as official Pennsylvania records. [The
17 commission shall on an annual basis reimburse for expenses
18 actually incurred, from moneys in the Pennsylvania-bred Race
19 Fund, the Pennsylvania Horse Breeder's Association for the
20 services it renders in its capacity as advisor to the
21 commission.] At the close of the calendar year, the Pennsylvania
22 Horse Breeder's Association, through the Pennsylvania Breeding
23 Fund Advisory Committee, shall submit to the Commission for its
24 approval an itemized budget of projected expenses related to the
25 administration and development of the Pennsylvania Breeding Fund
26 Program. The Commission, on no more than a quarterly basis,
27 shall reimburse from the Fund the Pennsylvania Horse Breeder's
28 Association for those expenses actually incurred in the
29 administration and development of the Breeding Fund program.

30 SECTION 2. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

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1 SECTION 22.1. PROHIBITION AGAINST USE OF CERTAIN DEVICES AND
2 SUBSTANCES.--(A) NO PERSON SHALL, OR SHALL ATTEMPT TO, OR SHALL
3 CONSPIRE WITH ANOTHER OR OTHERS TO:

4 (1) USE ANY ELECTRICAL DEVICE OR ANY ELECTRICAL EQUIPMENT OR
5 ANY MECHANICAL OR OTHER APPLIANCE NOT GENERALLY ACCEPTED AS
6 REGULATION RACING EQUIPMENT OR AN IRRITANT TO STIMULATE,
7 DEPRESS, GOAD, SPUR OR RETARD A RACE HORSE DURING A RACE, A
8 WARMUP IN PREPARATION THEREFOR, OR IN THE PADDOCK BEFORE A RACE.

9 (2) ADMINISTER NOVOCAINE OR OTHER LOCAL ANESTHETICS TO A
10 RACE HORSE'S LEG OR LEGS WITHIN TWELVE HOURS PRIOR TO ANY RACE
11 IN WHICH SUCH RACE HORSE IS ENTERED: PROVIDED, HOWEVER, THAT A
12 RACE HORSE NEED NOT BE WITHDRAWN FROM THE RACE WHEN THE
13 MEDICATION ADMINISTERED CONSISTS ONLY OF EXTERNAL RUBS AND
14 INNOCUOUS COMPOUNDS WHICH ARE CERTIFIED BY THE STATE
15 VETERINARIAN AS NOT HAVING ANY STIMULANT, DEPRESSANT, LOCAL
16 ANESTHETIC, ANALGESIC, TRANQUILIZER, OR ANTI-INFLAMMATORY
17 CHARACTERISTICS.

18 (3) ADMINISTER PHENYLBUTAZONE OR ANY DRUG, MEDICANT,
19 STIMULANT, DEPRESSANT, NARCOTIC OR HYPNOTIC TO A RACE HORSE
20 WITHIN FORTY-EIGHT HOURS PRIOR TO ANY RACE IN WHICH IT IS
21 ENTERED: PROVIDED, HOWEVER, THAT NOTHING HEREIN CONTAINED SHALL
22 MAKE UNLAWFUL THE TREATMENT, BY MEDICATION OR OTHERWISE, OF ANY
23 RACE HORSE BY A LICENSED VETERINARIAN, FOR ANY CONDITION. SUCH
24 TREATMENT OCCURRING WITHIN FORTY-EIGHT HOURS PRIOR TO A RACE
25 HORSE'S RACE SHALL MEAN THAT THE RACE HORSE SHALL BE WITHDRAWN
26 FROM THE RACE.

27 (B) PRESENCE OF PHENYLBUTAZONE OR ANY DRUG, MEDICANT,
28 STIMULANT, DEPRESSANT, NARCOTIC OR HYPNOTIC IN THE BLOOD, SALIVA
29 OR EXCRETIONS OF A RACE HORSE ON THE DAY OF ITS RACE WILL BE
30 CONSIDERED PRIMA FACIE EVIDENCE OF THE PROHIBITED USE OF SUCH

1 SUBSTANCE OR SUBSTANCES UNDER SUBSECTION (A)(3).

2 (C) ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION
3 SHALL, UPON CONVICTION IN A SUMMARY PROCEEDING, BE SENTENCED TO
4 PAY A FINE NOT EXCEEDING THREE HUNDRED DOLLARS (\$300).

5 CERTIFICATION OF SUCH CONVICTION SHALL BE SENT, BY THE COURT IN
6 WHICH THE CONVICTION IS ENTERED, TO THE PENNSYLVANIA STATE HORSE
7 RACING COMMISSION, WHICH SHALL, UPON RECEIPT OF SAME, SUSPEND
8 THE LICENSE OF THE VIOLATOR IN THE COMMONWEALTH OF PENNSYLVANIA
9 FOR A PERIOD OF SIXTY DAYS.

10 (D) AS USED IN THIS SECTION "RACE HORSE" SHALL MEAN AN
11 EQUINE ENTERED IN A RACING COMPETITION IN AN EVENT HELD BY ANY
12 LICENSEE OF THE PENNSYLVANIA STATE HORSE RACING COMMISSION.

13 SECTION 22.2. OFFICIAL VETERINARIAN.--THE SECRETARY OF
14 AGRICULTURE SHALL EMPLOY A LICENSED VETERINARIAN TO SERVE AS THE
15 OFFICIAL VETERINARIAN AT EACH EVENT HELD BY ANY LICENSEE OF THE
16 STATE HORSE RACING COMMISSION OR THE STATE HARNESS RACING
17 COMMISSION. THE SECRETARY SHALL HAVE THE AUTHORITY TO EMPLOY
18 SUCH OTHER INDIVIDUALS AS SHALL BE NECESSARY TO CARRY OUT HIS
19 RESPONSIBILITIES UNDER THIS SECTION.

20 (A) THE COSTS OF THE ADMINISTRATION OF THIS PROGRAM AND THE
21 COMPENSATION OF THE OFFICIAL VETERINARIAN AND OTHER INDIVIDUALS
22 EMPLOYED TO CARRY OUT THE PROVISIONS OF THIS ACT WHICH
23 COMPENSATION SHALL BE FIXED BY THE SECRETARY OF AGRICULTURE,
24 SHALL BE PAID TO THE DEPARTMENT OF AGRICULTURE FOR SUCH PURPOSE
25 BY THE STATE HORSE RACING COMMISSION.

26 (B) THE SECRETARY OF AGRICULTURE SHALL HAVE THE AUTHORITY TO
27 PROMULGATE RULES AND REGULATIONS TO EFFECTUATE SECTION 22.1 AND
28 SHALL:

29 (1) PROMULGATE AND SUPERVISE A SYSTEM FOR TESTING RACE
30 HORSES PRIOR TO AND FOLLOWING ENTRY IN COMPETITION TO DETECT THE

1 PRESENCE OF SUBSTANCES OR PRACTICES PRESCRIBED BY SECTION 22.1.

2 (2) PROMULGATE A LIST OF SUBSTANCES AND MEDICANTS AND
3 PRACTICES, WHICH HE MAY FROM TIME TO TIME AMEND AND SUPPLEMENT,
4 WHICH SHALL BE CONSIDERED PROSCRIBED SUBSTANCES AND PRACTICES
5 UNDER SECTION 22.1, INCLUDING, BUT NOT LIMITED, TO STIMULANTS,
6 DEPRESSANTS, NARCOTICS, OR HYPNOTICS OR ANY SUBSTANCE WHICH HAS
7 SUCH AFFECT OR AFFECTS WHETHER CURRENTLY AVAILABLE OR IN THE
8 FUTURE TO BECOME AVAILABLE OR ANY SUBSTANCE OR PRACTICE
9 PRESENTLY AVAILABLE OR IN USE OR IN THE FUTURE TO BECOME
10 AVAILABLE OR IN USE WHICH BY ITS NATURE MIGHT, IN THE REASONABLE
11 JUDGMENT OF THE SECRETARY OF AGRICULTURE, MASK OR SCREEN THE
12 PRESENCE OF A PROSCRIBED SUBSTANCE OR PRACTICE OR PREVENT OR
13 DELAY TESTING PROCEDURES PROMULGATED UNDER CLAUSE (1).

14 Section ~~2~~ 3. This act shall take effect immediately.

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