

The New York Racing Association, Inc.

National Legislation Provisions



Introduction

- H.R. 3084 was proposed by Rep. Tonko and Rep. Barr in 2015 and has acquired 26 House of Representative co-sponsors since its introduction (including five since January 1)
- The Tonko-Barr bill would establish The Thoroughbred Horseracing Anti-Doping Authority (THADA), an independent, private not-for-profit agency that would create national regulation of medication in horseracing
- The bill is supported by several industry organizations, including The Jockey Club, the Breeders' Cup, the Keeneland Association, Inc. and The Thoroughbred Owners and Breeders Association. Certain other organizations have indicated their opposition to the legislation.

Authority and Powers

- THADA would be comprised of:
 - USADA CEO
 - 5 USADA board members, and
 - 5 industry representatives appointed by USADA
- THADA would have authority over all anti-doping matters concerning interstate Thoroughbred horse races
- THADA's powers include the power to:
 - draft rules regarding permitted and prohibited substances and methods
 - impose sanctions (up to and including lifetime bans)
 - regulate testing (including out-of-competition)
 - impose standards for testing laboratory accreditation
- THADA must take into consideration international doping standards, including the World Anti-Doping Code in developing such rules and regulations

Funding THADA

- The bill states that funding for THADA “shall be paid entirely by the Thoroughbred horseracing industry,” but “industry” is not defined.
- THADA will provide to each state racing commission estimated fees required from each state commission per year on a “per starter” basis
- State racing commissions are responsible for collecting the fees and remitting them to THADA
- State racing commissions are empowered to determine the method of assessing and collecting the fees but the fees cannot be obtained through an increase in take-out

Out of Competition Testing

- Out-of-Competition is required under the Barr-Tonko bill
- Includes no-advance-notice testing
- Requires mandatory reporting of each horse's location for testing.
- Failure to provide a sample is a violation

Medication Rules in Effect Upon Enactment

- The initial lists of prohibited substances (subject to change by THADA) will include any substance or method that is included on either:
 - Class 1, 2, 3 and 4 drugs in the ARCI Uniform Classification Guidelines for Foreign Substances; or
 - Those medications prohibited by the World Anti-Doping Agency
- Exception is made for those medications permitted in the ARCI Controlled Therapeutic Medication Schedule

Preemption

- State law is expressly preempted with regard to Thoroughbred anti-doping matters only. The legislation would not affect:
 - Non-anti-doping related criminal conduct
 - All other non-doping-related matters
 - Use of medications by jockeys