

SENATE FILE **2206**
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 2192)

(P.440)
Passed Senate, Date 2/22/96
Vote: Ayes 39 Nays 5
Approved _____

Passed House, Date _____
Vote: Ayes _____ Nays _____

A BILL FOR

1 An Act providing for animal health and racing and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2206

1 Section 1. Section 99D.25, subsection 9, Code 1995, is
2 amended to read as follows:

3 9. a. The commission shall conduct random tests of bodily
4 substances of horses entered to race each day of a race
5 meeting to aid in the detection of any unlawful drugging. The
6 tests shall be conducted both prior to and after a race. The
7 commission veterinarian shall regularly test a horse which has
8 finished first, second, or in a special position. The
9 commission veterinarian shall extract a test sample of the
10 horse's blood, urine, or saliva to determine whether the horse
11 was unlawfully drugged, including whether the horse had been
12 administered phenylbutazone or lasix in a level which exceeds
13 that allowed under section 99D.25A.

14 b. The commission shall also test any horse that breaks
15 down during a race and shall perform an autopsy on any horse
16 that is killed or subsequently destroyed as a result of
17 accident during a race.

18 Sec. 2. Section 99D.25, Code 1995, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 11. The commission shall adopt rules
21 relating to the possession and administration of medication
22 used to treat horses within a racetrack enclosure, based upon
23 a standard which provides for the possession and use of
24 medication which has a beneficial or therapeutic use, unless
25 the medication may be used in a manner that defeats the
26 provisions of this chapter.

27 Sec. 3. Section 99D.25A, subsection 2, Code 1995, is
28 amended to read as follows:

29 2. Phenylbutazone shall not be administered to a horse in
30 dosages which would result in concentrations of more than ~~two~~
31 ~~point-two~~ five micrograms of the substance or its metabolites
32 per ~~millimeter~~ milliliter of blood.

33 Sec. 4. Section 99D.25A, subsections 4, 6, and 7, Code
34 1995, are amended to read as follows:

35 4. If The commission shall provide for the imposition and

1 assessment of civil penalties against trainers of a horse, if
2 a test administered by a commission veterinarian detects
3 concentrations a concentration of phenylbutazone in the system
4 of a horse in-excess-of which exceeds the level permitted in
5 this section, the commission shall assess a civil penalty
6 against the trainer of two hundred dollars for the first
7 offense and five hundred dollars for a second offense. The
8 penalty for a third or subsequent offense shall be in the
9 discretion of the commission. The amount of the penalty shall
10 be based on the amount of phenylbutazone detected by the test
11 and the number of violations committed by the trainer. A
12 penalty assessed under this subsection shall not affect the
13 placing of the horse in the race.

14 6. Once a horse has been permitted the use of lasix, it
15 the horse must be treated with lasix in the horse's stall,
16 unless the commission provides that a horse must be brought to
17 the detention barn for treatment not less than four hours
18 prior to scheduled post time for the race in which it is
19 entered to start. After the lasix treatment, the commission,
20 by rule, may authorize the release of the horse from the
21 horse's stall or detention barn before the scheduled post
22 time. If a horse is brought to the detention barn late, the
23 commission shall assess a civil penalty of one hundred dollars
24 against the trainer.

25 7. A horse entered to race with lasix must be treated at
26 least four hours prior to post time. The lasix shall be
27 administered intravenously by a veterinarian employed by the
28 owner or trainer of the horse under the visual supervision of
29 the commission veterinarian. The commission shall adopt rules
30 to ensure that lasix is administered as provided in this
31 section. The commission shall require that the practicing
32 veterinarian must deposit with the commission veterinarian at
33 the detention barn an unopened supply of lasix and sterile
34 hypodermic needles and syringes to be used for the
35 administrations deliver an affidavit signed by the

1 veterinarian which certifies information regarding the
2 treatment of the horse. The affidavit must be delivered to a
3 commission veterinarian within twenty minutes following the
4 treatment. The statement must at least include the name of
5 the practicing veterinarian, the tattoo number of the horse,
6 the location of the barn and stall where the treatment
7 occurred, the race number of the horse, the name of the
8 trainer, and the time that the lasix was administered. Lasix
9 shall only be administered in a dose level of two hundred
10 fifty milligrams. ~~The commission veterinarian shall extract a~~
11 ~~test sample of the horse's blood, urine, or saliva to~~
12 ~~determine whether the horse was improperly drugged after the~~
13 ~~race is run.~~

14 Sec. 5. RULEMAKING. The rules required to be adopted by
15 the racing and gaming commission as provided in section
16 99D.25, subsection 11, as enacted in this Act, shall be
17 adopted by the commission after consulting with an association
18 representing Iowa racing and gaming equine veterinarians and
19 the board of stewards.

20 EXPLANATION

21 This bill amends provisions in chapter 99D which provides
22 for pari-mutuel racing as regulated by the racing and gaming
23 commission.

24 The bill increases the amount of phenylbutazone ("bute")
25 that may be administered to a horse from 2.2 to 5.0 micrograms
26 per milliliter of blood. The bill changes the term
27 "millimeter" to "milliliter".

28 The bill provides that a commission veterinarian must
29 regularly test a horse that has finished first, second, or in
30 a special position, to ensure that the horse has not been
31 unlawfully drugged. Currently, there is no such requirement.
32 The bill eliminates a requirement that any horse administered
33 with lasix must be tested after the horse has completed a
34 race.

35 The bill requires the commission to adopt rules, after

1 consultation with certain persons, relating to the possession
2 and administration of medication used to treat horses within a
3 racetrack enclosure. The bill provides that the standard must
4 concern whether the medications have a health-related purpose.
5 Currently, rules adopted by the commission govern the use and
6 possession of medication.

7 The bill requires the commission to provide for the
8 imposition and assessment of civil penalties against trainers
9 of horses which test for concentrations of "bute" in their
10 systems in amounts higher than required by law. Currently,
11 penalties are based upon the number of violations committed by
12 a trainer. The penalty for the first violation is \$200, the
13 penalty for the second violation is \$500, and the penalty for
14 subsequent violations is established by commission rule.

15 The bill allows a horse to be treated with lasix in the
16 horse's stall, unless the commission provides that a horse
17 must be brought to a detention barn for treatment. The bill
18 requires the commission to adopt rules to ensure that lasix is
19 lawfully administered. The bill requires the veterinarian
20 administering lasix to provide an affidavit relating to the
21 horse's treatment. Currently, all testing must be performed
22 in a detention barn under the supervision of a commission
23 veterinarian.

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SENATE FILE 2206

H-5532

- 1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 13 the
4 following:
5 "Sec. ____ . Section 99F.9, subsection 5, Code 1995,
6 is amended to read as follows:
7 5. A person under the age of twenty-one years
8 shall not make a wager on an excursion gambling boat
9 or at a racetrack enclosure and shall not be allowed
10 in the area of the excursion boat where gambling is
11 being conducted or in the area of a racetrack
12 enclosure where slot machines are operated. However,
13 a person eighteen years of age or older may be
14 employed to work in a gambling area."
15 2. By renumbering as necessary.

By GARMAN of Story

H-5532 FILED MARCH 25, 1996

Not Lurmore 5/1/96 P 2109

SENATE FILE 2206

H-5508

- 1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 99D.7, subsection 18, Code
6 Supplement 1995, is amended to read as follows:
7 18. To revoke or suspend licenses and impose fines
8 ~~not-to-exceed-one-thousand-dollars.~~"
9 2. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT
MARTIN of Scott, Chairperson

H-5508 FILED MARCH 21, 1996

Adopted 5-1-96 (P. 2109)

SENATE FILE 2206

H-5925

- 1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 3, by inserting after line 19 the
4 following:
5 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
6 of immediate importance, takes effect upon enactment."
7 2. Title page, line 1, by striking the words
8 "racing and" and inserting the following: "racing,".
9 3. Title page, line 2, by inserting after the
10 word "applicable" the following: ", and providing an
11 effective date".

adopted 5/1/96 (P. 2110) By TYRRELL of Iowa

H-5925 FILED APRIL 11, 1996

SENATE FILE 2206

H-6025

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, lines 30 and 31, by striking the words
- 4 "~~two-point-two~~ five" and inserting the following:
- 5 "two point two".

By GARMAN of Story

H-6025 FILED APRIL 18, 1996

Lost 5/1/96 (p. 2109)

SENATE FILE 2206

H-6070

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 28 and 29 and
- 4 inserting the following: "owner or trainer of the
- 5 horse under the visual supervision of the commission
- 6 veterinarian. The commission shall adopt rules".

By GARMAN of Story

H-6070 FILED MAY 1, 1996

SENATE FILE 2206

H-6071

- 1 Amend Senate File 2206, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by striking lines 17 through 19, and
- 4 inserting the following: "the detention barn for
- 5 treatment. The treatment must be completed not less
- 6 than four hours prior to scheduled post time for the
- 7 race in which it is entered to start. After the lasix
- 8 treatment, the commission,".

By GARMAN of Story

H-6071 FILED MAY 1, 1996

SENATE FILE 2206

-6072

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 99D.7, subsection 19, Code
6 Supplement 1995, is amended to read as follows:

7 19. To require licensees to indicate in their
8 racing programs those horses which are treated with
9 the legal medication lasix ~~or phenylbutazone~~. The
10 program shall also indicate if it is the first or
11 subsequent time that a horse is racing with lasix, or
12 if the horse has previously raced with lasix and the
13 present race is the first race for the horse without
14 lasix following its use.

15 Sec. _____. Section 99D.25, subsection 1, paragraph
16 a, Code 1995, is amended to read as follows:

17 a. "Drugging" means administering to a horse or
18 dog any substance foreign to the natural horse or dog
19 prior to the start of a race. However, in counties
20 with a population of two hundred fifty thousand or
21 more, "drugging" does not include administering to a
22 horse ~~the drugs~~ lasix ~~and phenylbutazone~~ in accordance
23 with section 99D.25A and rules adopted by the
24 commission.

25 Sec. _____. Section 99D.25, subsections 6 and 8,
26 Code 1995, are amended by striking the subsections."

27 2. Page 1, line 12, by striking the words
28 "phenylbutazone or".

29 3. Page 1, by striking lines 28 through 32 and
30 inserting the following: "amended by striking the
31 subsection."

32 4. By striking page 1, line 35, through page 2,
33 line 13, and inserting the following: "~~4.--If a test
34 detects concentrations of phenylbutazone in the system
35 of a horse in excess of the level permitted in this
36 section, the commission shall assess a civil penalty
37 against the trainer of two hundred dollars for the
38 first offense and five hundred dollars for a second
39 offense.--The penalty for a third or subsequent
40 offense shall be in the discretion of the commission.
41 A penalty assessed under this subsection shall not
42 affect the placing of the horse in the race.~~"

43 5. By renumbering as necessary.

By GARMAN of Story

H-6072 FILED MAY 1, 1996

SENATE FILE 2206

H-6073

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:

3 1. Page 2, by striking lines 14 through 24 and
4 inserting the following:

5 "6. Once a horse has been permitted the use of
6 lasix, ~~it~~ the horse must be brought to the detention
7 barn for treatment not less than four hours prior to
8 scheduled post time for the race in which it is
9 entered to start. After the lasix treatment, the
10 commission, by rule, may authorize the release of the
11 horse from the detention barn before the scheduled
12 post time. If a horse is brought to the detention
13 barn late, the commission shall assess a civil penalty
14 of one hundred dollars against the trainer."

By GARMAN of Story

H-6073 FILED MAY 1, 1996

SENATE FILE 2206

H-6074

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:

3 1. Page 3, by striking lines 10 through 13 and
4 inserting the following: "fifty milligrams. The
5 commission veterinarian shall extract a test sample of
6 the horse's blood, urine, or saliva to determine
7 whether the horse was improperly drugged after the
8 race is run."

By GARMAN of Story

H-6074 FILED MAY 1, 1996

SENATE FILE 2206

H-6081

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 99D.25A, subsection 2, Code
6 1995, is amended to read as follows:

7 2. Phenylbutazone shall not be administered to a
8 horse in dosages which would result in concentrations
9 of more than two point two micrograms of the substance
10 or its metabolites per ~~millimeter~~ milliliter of
11 blood."

By HOLVECK of Polk

H-6081 FILED MAY 1, 1996

SENATE FILE 2206

H-6082

- 1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 1 through 17.
4 2. Page 1, by striking lines 33 and 34 and
5 inserting the following:
6 "Sec. ____ . Section 99D.25A, subsection 4, Code
7 1995, is amended to read as follows:"
8 3. By striking page 2, line 14, through page 3,
9 line 13.
10 4. By renumbering as necessary.

By HOLVECK of Polk

H-6082 FILED MAY 1, 1996

SENATE FILE 2206

H-6083

- 1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 2, by striking lines 25 through 35 and
4 inserting the following:
5 7. A horse entered to race with lasix must be
6 treated at least four hours prior to post time. The
7 lasix shall be administered intravenously by a
8 veterinarian employed by the owner or trainer of the
9 horse under the visual supervision of the commission
10 veterinarian. The commission shall adopt rules to
11 ensure that lasix is administered as provided in this
12 section. The commission shall require that the
13 practicing veterinarian must deposit with the
14 commission veterinarian ~~at the detention barn~~ an
15 unopened supply of lasix and sterile hypodermic
16 needles and syringes to be used for the
17 administrations. The commission shall require that
18 the practicing veterinarian deliver an affidavit
19 signed by the".

By HOLVECK of Polk

H-6083 FILED MAY 1, 1996

SENATE FILE 2206

H-6084

- 1 Amend Senate File 2206, as passed, by the Senate,
2 as follows:
3 1. Page 3, by striking lines 10 through 13 and
4 inserting the following: "fifty milligrams. The
5 commission veterinarian shall extract a test sample of
6 the horse's blood, urine, or saliva to determine
7 whether the horse was improperly drugged after the
8 race is run."

By HOLVECK of Polk

H-6084 FILED MAY 1, 1996

H-6088

SENATE FILE 2206

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. DEFINITIONS. As used in this Act,
6 unless the context otherwise requires:

7 1. "Committee" means the state gambling impact and
8 policy committee.

9 2. "Director" means the director of the state
10 gambling and policy committee.

11 Sec. 2. SHORT TITLE. This Act may be cited as the
12 "State Gambling Impact and Policy Committee Act".

13 Sec. 3. COMMITTEE CREATED -- MEMBERSHIP --
14 VACANCY.

15 1. A state gambling impact and policy committee is
16 created. The membership of the committee shall
17 include the lieutenant governor who shall serve as
18 chairperson of the committee and eight additional
19 members appointed as provided in subsection 2.

20 2. The eight additional members shall be appointed
21 as follows:

22 a. Two members shall be appointed by the governor.

23 b. Two members shall be appointed by the majority
24 leader of the senate and one member by the minority
25 leader of the senate.

26 c. Two members shall be appointed by the speaker
27 of the house of representatives and one member by the
28 minority leader of the house of representatives.

29 3. The members shall be appointed for the life of
30 the committee. A vacancy in the committee shall be
31 filled in the same manner as the original appointment.

32 Sec. 4. COMMITTEE PROCEDURES.

33 1. The chairperson of the committee shall call its
34 first meeting within thirty days after the date on
35 which all members of the committee are appointed.
36 Thereafter, the committee shall meet at the call of
37 the chairperson.

38 2. A majority of the members of the committee
39 shall constitute a quorum, but a lesser number of
40 members may hold public hearings.

41 3. The committee may elect a vice chairperson and
42 other officers of the committee as appropriate.

43 4. The members of the committee are entitled to
44 reimbursement for travel and other necessary expenses
45 incurred in the performance of official duties. Each
46 member may also be eligible to receive compensation as
47 provided in section 7E.6. The compensation and
48 expenses shall be paid from funds appropriated for
49 that purpose.

50 Sec. 5. DUTIES OF THE COMMITTEE -- STUDY

H-6088

H-6088

Page 2

1 COMPLETION.

2 1. The committee shall conduct a comprehensive
3 legal and factual study of gambling in this state and
4 existing policies and practices with respect to the
5 legalization or prohibition of gambling activities and
6 formulate and propose changes in those policies and
7 practices as the committee deems appropriate. The
8 committee may seek the cooperation of other states and
9 tribal councils in obtaining information regarding
10 gambling activities within those jurisdictions.

11 2. The study shall include, but is not limited to,
12 the following matters:

13 a. The economic impact of gambling on the state of
14 Iowa, political subdivisions of this state, and native
15 American tribes conducting gambling activities in this
16 state.

17 b. The economic impact of gambling on other
18 businesses.

19 c. An assessment and review of the political
20 contributions and influences of gambling businesses
21 and promoters on the development of public policy
22 regulating gambling.

23 d. An assessment of the relationship between
24 gambling and crime.

25 e. An assessment of the impact of pathological or
26 problem gambling on individuals, families, social
27 institutions, criminal activity, and the economy.

28 f. A review of the demographics of gamblers.

29 g. A review of the effectiveness of existing
30 practices in law enforcement, judicial administration,
31 and corrections to combat and deter illegal gambling
32 and illegal activities related to gambling.

33 h. A review of the costs and effectiveness of
34 state and federal gambling regulatory policy.

35 i. Other relevant issues and topics as considered
36 appropriate by the committee.

37 3. The committee shall complete its study and
38 submit its final report to the governor and the
39 general assembly not later than January 31, 1998. The
40 final report shall contain a detailed statement of the
41 findings and conclusions of the committee with its
42 recommendations for legislation and administrative
43 actions as the committee deems appropriate.

44 Sec. 6. POWERS OF THE COMMITTEE.

45 1. The committee may hold hearings, administer
46 oaths, take testimony, receive evidence, and require
47 by subpoena the attendance and testimony of witnesses
48 and the production of materials as the committee
49 considers advisable to carry out the purposes of this
50 Act.

H-6088

H-6088

Page 3

1 A subpoena of the committee shall be served in the
2 manner provided for a subpoena issued by a district
3 court under the Iowa rules of civil procedure. A
4 subpoena may be served anywhere in the judicial
5 district in which the person required to be served
6 resides or may be found. A subpoena shall state the
7 time and place a person is required to appear, be
8 signed by the chairperson or vice chairperson of the
9 committee, and be attested to by the executive
10 director of the committee.

11 2. Upon request of the chairperson of the
12 committee, the head of any state agency shall furnish
13 the committee with the information considered
14 necessary by the committee to carry out the provisions
15 of this Act.

16 3. The chairperson of the committee may appoint
17 and terminate the employment of an executive director
18 and any additional personnel as may be necessary to
19 enable the committee to perform its duties. The
20 appointment or termination of the employment of an
21 executive director is subject to confirmation by the
22 members of the committee.

23 Sec. 7. TERMINATION OF THE COMMITTEE. The
24 committee shall terminate thirty days after the date
25 on which the committee submits its final report.

26 Sec. 8. APPROPRIATION. There is appropriated from
27 the general fund of the state to the state gambling
28 impact and policy committee, the sum of two hundred
29 thousand dollars, or so much thereof as is necessary,
30 to carry out the study as provided in this Act.
31 Notwithstanding section 8.33, any unobligated or
32 unencumbered money remaining from this appropriation
33 shall not revert to the general fund of the state
34 before February 1, 1998.

35 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
36 immediate importance, takes effect upon enactment."

37 2. Title page, by striking lines 1 and 2 and
38 inserting the following: "An Act providing for
39 gambling by creating a gambling impact and policy
40 committee, and providing an effective date."

By FALLON of Polk

H-6088 FILED MAY 1, 1996

SENATE FILE 2206

H-6090

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 99D.11, Code 1995, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8. A licensee shall not permit
8 the operation of a satellite terminal as defined in
9 section 527.2 to dispense cash or credit for gambling
10 purposes within a pari-mutuel racetrack enclosure."
11 2. Page 3, by inserting after line 13 the
12 following:
13 "Sec. ____ . Section 99F.9, Code 1995, is amended by
14 adding the following new subsection:
15 NEW SUBSECTION. 7. A licensee shall not permit
16 the operation of a satellite terminal as defined in
17 section 527.2 to dispense cash or credit for gambling
18 purposes on an excursion gambling boat."
19 3. Title page, line 1, by inserting after the
20 word "for" the following: "gambling facilities, and
21 for".

By FALLON of Polk

H-6090 FILED MAY 1, 1996

SENATE FILE 2206

H-6085

1 Amend Senate File 2206, as passed by the Senate, as
2 follows:
3 1. Page 2, by striking lines 28 and 29 and
4 inserting the following: "owner or trainer of the
5 horse under the visual supervision of the commission
6 veterinarian. The commission shall adopt rules".
By HOLVECK of Polk

H-6085 FILED MAY 1, 1996

*Priebe
Palmer
Lundby*

Succeeded By
SF/HF 2206

SSB-2192
Agriculture

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON PRIEBE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for animal health and racing and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. _____

H.F. _____

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1 Section 1. Section 99D.25, subsection 9, Code 1995, is
2 amended to read as follows:

3 9. a. The commission shall conduct random tests of bodily
4 substances of horses entered to race each day of a race
5 meeting to aid in the detection of any unlawful drugging. The
6 tests shall be conducted both prior to and after a race. The
7 commission veterinarian shall regularly test a horse which has
8 finished first, second, or in a special position. The
9 commission veterinarian shall extract a test sample of the
10 horse's blood, urine, or saliva to determine whether the horse
11 was unlawfully drugged, including whether the horse had been
12 administered phenylbutazone or lasix in a level which exceeds
13 that allowed under section 99D.25A.

14 b. The commission shall ~~also~~ test any horse that breaks
15 down during a race and shall perform an autopsy on any horse
16 that is killed or subsequently destroyed as a result of
17 accident during a race.

18 Sec. 2. Section 99D.25, Code 1995, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 11. The commission shall adopt rules
21 relating to the possession and administration of medication
22 used to treat horses within a racetrack enclosure, based upon
23 a standard which provides for the possession and use of
24 medication which has a beneficial or therapeutic use, unless
25 the medication may be used in a manner that defeats the
26 provisions of this chapter.

27 Sec. 3. Section 99D.25A, subsection 2, Code 1995, is
28 amended to read as follows:

29 2. Phenylbutazone shall not be administered to a horse in
30 dosages which would result in concentrations of more than ~~two~~
31 ~~point-two~~ five micrograms of the substance or its metabolites
32 ~~per millimeter~~ milliliter of blood.

33 Sec. 4. Section 99D.25A, subsections 4, 6, and 7, Code
34 1995, are amended to read as follows:

35 4. ~~if~~ The commission shall provide for the imposition and

1 assessment of civil penalties against trainers of a horse, if
2 a test administered by a commission veterinarian detects
3 concentrations a concentration of phenylbutazone in the system
4 of a horse in-excess-of which exceeds the level permitted in
5 this section, ~~the commission shall assess a civil penalty~~
6 ~~against the trainer of two hundred dollars for the first~~
7 ~~offense and five hundred dollars for a second offense. The~~
8 ~~penalty for a third or subsequent offense shall be in the~~
9 ~~discretion of the commission.~~ The amount of the penalty shall
10 be based on the amount of phenylbutazone detected by the test
11 and the number of violations committed by the trainer. A
12 penalty assessed under this subsection shall not affect the
13 placing of the horse in the race.

14 6. Once a horse has been permitted the use of lasix, it
15 the horse must be treated with lasix in the horse's stall,
16 unless the commission provides that a horse must be brought to
17 the detention barn for treatment ~~not less than four hours~~
18 ~~prior to scheduled post time for the race in which it is~~
19 ~~entered to start.~~ After the lasix treatment, the commission,
20 by rule, may authorize the release of the horse from the
21 horse's stall or detention barn before the scheduled post
22 time. If a horse is brought to the detention barn late, the
23 commission shall assess a civil penalty of one hundred dollars
24 against the trainer.

25 7. A horse entered to race with lasix must be treated at
26 least four hours prior to post time. The lasix shall be
27 administered intravenously by a veterinarian employed by the
28 owner or trainer of the horse ~~under the visual supervision of~~
29 ~~the commission veterinarian.~~ The commission shall adopt rules
30 to ensure that lasix is administered as provided in this
31 section. The commission shall require that the practicing
32 ~~veterinarian must deposit with the commission veterinarian at~~
33 ~~the detention barn an unopened supply of lasix and sterile~~
34 ~~hypodermic needles and syringes to be used for the~~
35 ~~administrations~~ deliver an affidavit signed by the

1 veterinarian which certifies information regarding the
2 treatment of the horse. The affidavit must be delivered to a
3 commission veterinarian within twenty minutes following the
4 treatment. The statement must at least include the name of
5 the practicing veterinarian, the tattoo number of the horse,
6 the location of the barn and stall where the treatment
7 occurred, the race number of the horse, the name of the
8 trainer, and the time that the lasix was administered. Lasix
9 shall only be administered in a dose level of two hundred
10 fifty milligrams. ~~The-commission-veterinarian-shall-extract-a~~
11 ~~test-sample-of-the-horse's-blood,-urine,-or-saliva-to~~
12 ~~determine-whether-the-horse-was-improperly-drugged-after-the~~
13 ~~race-is-run-~~

14 Sec. 5. RULEMAKING. The rules required to be adopted by
15 the racing and gaming commission as provided in section
16 99D.25, subsection 11, as enacted in this Act, shall be
17 adopted by the commission after consulting with an association
18 representing Iowa racing and gaming equine veterinarians and
19 the board of stewards.

20 EXPLANATION

21 This bill amends provisions in chapter 99D which provides
22 for pari-mutuel racing as regulated by the racing and gaming
23 commission.

24 The bill increases the amount of phenylbutazone ("bute")
25 that may be administered to a horse from 2.2 to 5.0 micrograms
26 per milliliter of blood. The bill changes the term
27 "millimeter" to "milliliter".

28 The bill provides that a commission veterinarian must
29 regularly test a horse that has finished first, second, or in
30 a special position, to ensure that the horse has not been
31 unlawfully drugged. Currently, there is no such requirement.
32 The bill eliminates a requirement that any horse administered
33 with lasix must be tested after the horse has completed a
34 race.

35 The bill requires the commission to adopt rules, after

1 consultation with certain persons, relating to the possession
2 and administration of medication used to treat horses within a
3 racetrack enclosure. The bill provides that the standard must
4 concern whether the medications have a health-related purpose.
5 Currently, rules adopted by the commission govern the use and
6 possession of medication.

7 The bill requires the commission to provide for the
8 imposition and assessment of civil penalties against trainers
9 of horses which test for concentrations of "bute" in their
10 systems in amounts higher than required by law. Currently,
11 penalties are based upon the number of violations committed by
12 a trainer. The penalty for the first violation is \$200, the
13 penalty for the second violation is \$500, and the penalty for
14 subsequent violations is established by commission rule.

15 The bill allows a horse to be treated with lasix in the
16 horse's stall, unless the commission provides that a horse
17 must be brought to a detention barn for treatment. The bill
18 requires the commission to adopt rules to ensure that lasix is
19 lawfully administered. The bill requires the veterinarian
20 administering lasix to provide an affidavit relating to the
21 horse's treatment. Currently, all testing must be performed
22 in a detention barn under the supervision of a commission
23 veterinarian.

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