

House File 758 - Introduced

HOUSE FILE _____
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 41)

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

A BILL FOR

1 An Act relating to the racing and gaming commission by modifying
2 provisions regulating horses involved in horse racing and
3 providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1388HV 82
6 ec/je/5

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1 1 Section 1. Section 99D.25, subsections 5 and 9, Code 2007,
1 2 are amended to read as follows:

1 3 5. Every horse which suffers a breakdown on the racetrack,
1 4 in training, or in competition, and is destroyed, and every
1 5 other horse which expires while stabled on the racetrack under
1 6 the jurisdiction of the commission, shall undergo a postmortem
1 7 examination by a veterinarian or a veterinary pathologist at a
1 8 time and place acceptable to the commission veterinarian to
1 9 determine the injury or sickness which resulted in euthanasia
1 10 or natural death. Test samples ~~shall~~ may be obtained from the
1 11 carcass upon which the postmortem examination is conducted and
1 12 shall be sent to a laboratory approved by the commission for
1 13 testing for foreign substances and natural substances at
1 14 abnormal levels. When practical, blood and urine test samples
1 15 should be procured prior to euthanasia. The owner of the
1 16 deceased horse is responsible for payment of any charges due
1 17 to conduct the postmortem examination. A record of every
1 18 postmortem shall be filed with the commission by the
1 19 veterinarian or veterinary pathologist who performed the
1 20 postmortem within seventy-two hours of the death. Each owner
1 21 and trainer accepts the responsibility for the postmortem
1 22 examination provided herein as a requisite for maintaining the
1 23 occupational license issued by the commission.

1 24 9. The commission shall conduct random tests of bodily
1 25 substances of horses entered to race each day of a race
1 26 meeting to aid in the detection of any unlawful drugging. The
1 27 tests may be conducted both prior to and after a race. The
1 28 commission ~~shall~~ may also test any horse that breaks down
1 29 during a race and shall perform an autopsy on any horse that
1 30 is killed or subsequently destroyed as a result of an accident
1 31 during a race. When practical, blood and urine test samples
1 32 should be procured prior to euthanasia.

1 33 Sec. 2. Section 99D.25A, subsection 1, paragraph a, Code
1 34 2007, is amended to read as follows:

1 35 a. "Bleeder" means, according to its context, ~~either any~~
2 1 of the following:

2 2 (1) A horse which, during a race or exercise, is observed
2 3 by the commission veterinarian or ~~designee~~ a licensed
2 4 practicing veterinarian to be shedding blood from one or both
2 5 nostrils and in which no upper airway injury is noted during
2 6 an examination by the commission veterinarian or a licensed
2 7 practicing veterinarian immediately following such a race or
2 8 exercise ~~or~~.

2 9 (2) A horse which, within one and one-half hours of such a
2 10 race or exercise, is observed by the commission veterinarian
2 11 or a licensed practicing veterinarian, through visual or
2 12 endoscopic examination, to be shedding blood from the lower
2 13 airway ~~or~~.

2 14 (3) A horse which has been certified as a bleeder in
2 15 another state.

2 16 (4) A horse which has furosemide listed on its most recent

2 17 past performance.

2 18 (5) A horse which, by recommendation of a licensed
2 19 practicing veterinarian, is prescribed furosemide to control
2 20 or prevent bleeding from the lungs.

2 21 Sec. 3. Section 99D.25A, subsection 2, Code 2007, is
2 22 amended to read as follows:

2 23 2. Phenylbutazone shall not be administered to a horse in
2 24 dosages which would result in concentrations of more than ~~two~~
2 25 ~~point two~~ five micrograms of the substance or its metabolites
2 26 per milliliter of blood.

2 27 Sec. 4. Section 99D.25A, subsection 4, Code 2007, is
2 28 amended to read as follows:

2 29 4. If a test detects concentrations of phenylbutazone in
2 30 the system of a horse in excess of the level permitted in this
2 31 section, the commission shall assess a civil penalty against
2 32 the trainer of at least two hundred dollars for the first
2 33 offense and at least five hundred dollars for a second
2 34 offense. The penalty for a third or subsequent offense shall
2 35 be in the discretion of the commission. ~~A penalty assessed~~

~~3 1 under this subsection shall not affect the placing of the~~
~~3 2 horse in the race.~~

3 3 Sec. 5. Section 99D.25A, subsection 7, Code 2007, is
3 4 amended to read as follows:

3 5 7. A horse entered to race with furosemide must be treated
3 6 at least four hours prior to post time. The furosemide shall
3 7 be administered intravenously by a veterinarian employed by
3 8 the owner or trainer of the horse. The commission shall adopt
3 9 rules to ensure that furosemide is administered as provided in
3 10 this section. The commission shall require that the
3 11 practicing veterinarian deliver an affidavit signed by the
3 12 veterinarian which certifies information regarding the
3 13 treatment of the horse. The affidavit must be delivered to a
3 14 commission veterinarian within twenty minutes following the
3 15 treatment. The statement must at least include the name of
3 16 the practicing veterinarian, the tattoo number of the horse,
3 17 the location of the barn and stall where the treatment
3 18 occurred, the race number of the horse, the name of the
3 19 trainer, and the time that the furosemide was administered.
3 20 Furosemide shall only be administered in a dose level of ~~two~~
3 21 ~~no less than one~~ hundred fifty milligrams and no more than
3 22 five hundred milligrams.

3 23 Sec. 6. Section 99F.6, subsection 8, paragraph a, Code
3 24 2007, is amended to read as follows:

3 25 a. The licensee or a holder of an occupational license
3 26 shall consent to the search, without a warrant, by agents of
3 27 the division of criminal investigation of the department of
3 28 public safety or commission employees designated by the
3 29 ~~secretary administrator~~ of the commission, of the licensee's
3 30 or holder's person, personal property, and effects, and
3 31 premises which are located on the excursion gambling boat or
3 32 adjacent facilities under control of the licensee, in order to
3 33 inspect or investigate for violations of this chapter or rules
3 34 adopted by the commission pursuant to this chapter. The
3 35 department or commission may also obtain administrative search
4 1 warrants under section 808.14.

4 2 Sec. 7. EFFECTIVE DATE. This Act, being deemed of
4 3 immediate importance, takes effect upon enactment.

4 4 EXPLANATION

4 5 This bill primarily makes changes relative to horses
4 6 involved in horse racing.

4 7 The bill provides that certain drug tests currently
4 8 required to be conducted on horses that suffer a breakdown on
4 9 the racetrack are discretionary and no longer mandatory. The
4 10 bill also provides that when practical, blood and urine
4 11 samples should be obtained prior to euthanasia of a horse.

4 12 The bill increases the maximum allowable concentration of
4 13 phenylbutazone per milliliter of blood in a horse from two
4 14 point two micrograms of the substance to five micrograms.

4 15 The bill also modifies the definition of a bleeder for
4 16 purposes of determining whether a horse can be given certain
4 17 drugs. The bill provides that a horse can be determined to be
4 18 a bleeder if any licensed practicing veterinarian observes
4 19 bleeding. Current law only allows this determination if
4 20 bleeding is observed by a racing and gaming commission
4 21 veterinarian or designee. In addition, the bill provides that
4 22 a horse can be determined to be a bleeder if the horse has
4 23 furosemide listed on its most recent performance or is
4 24 prescribed furosemide to control bleeding by a veterinarian.

4 25 The bill eliminates the provision that the placing of a
4 26 horse in a race cannot be affected even if the racing and
4 27 gaming commission assesses a civil penalty for excessive

4 28 concentrations of phenylbutazone in the system of the horse.
4 29 The bill modifies the acceptable dose level of furosemide
4 30 that can be administered to a horse prior to a race. The bill
4 31 provides that furosemide shall only be administered in a dose
4 32 of no less than 150 milligrams and no more than 500
4 33 milligrams. Current law sets the dose level at 250
4 34 milligrams.
4 35 The bill also amends Code section 99F.6 to provide that the
5 1 administrator of the racing and gaming commission, and not the
5 2 secretary, has the authority under that Code section.
5 3 The bill takes effect upon enactment.
5 4 LSB 1388HV 82
5 5 ec:nh/je/5