

4634

2015-2016 Regular Sessions

I N   S E N A T E

April 1, 2015

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Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to requiring transfer of all veterinary records of a claimed racehorse from the owner to the claimant within forty-eight hours from the time the claim is finalized

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative Intent. The legislature hereby finds and  
2 declares that it is in the best public policy interests of the state,  
3 its businesses and its citizens to ensure that, to the greatest extent  
4 possible, the letter and spirit of its thoroughbred racing regulations  
5 aimed at protecting the health of New York's racehorses as well as the  
6 jockeys, trainers, and owners, are enforced and enacted for any person  
7 doing business in the New York state racing industry.  
8     Measures to improve safety and health are necessary responses to the  
9 "New York Task Force on Racehorse Health and Safety" established as a  
10 result of the fatalities of twenty-one racehorses at Aqueduct Race Track  
11 during a four month period in 2011 and 2012. The task force stated that  
12 because horses are regularly sold in claiming races and due to the lack  
13 of transferring veterinary records at the time of sale, "horses are put  
14 at increased risk of repeated, and potentially unnecessary invasive  
15 joint therapies." This increased risk was evidenced in the official  
16 report by the task force which noted the deaths of two racehorses could  
17 have been prevented because "it is unlikely that the trainer was aware  
18 of any medical treatments that may have occurred prior to his claiming  
19 the horse. This may have compromised the trainer's ability to make  
20 informed decisions with regard to medication administrations."  
21     Despite recommendations by the task force, little has been done to  
22 mitigate the problems even through the policy change is in the interest

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 of the New York Racing Association, and the New York State Racing and  
2 Wagering Board. The policy change has also obtained wide-spread support  
3 from the American Association of Equine Practitioners, who stated in the  
4 official report, "AAEP supports the position that when a horse is sold,  
5 any known invasive surgery, disease, injury or congenital defect, which  
6 is not apparent, should be disclosed to the intended buyer by the owner  
7 and/or agent." This state of affairs places unnecessary danger on the  
8 racehorses and the jockeys of all the horses in claiming races across  
9 the state. This legislature further declares that it is in the best  
10 interest of the state to adopt policies that promote the health and  
11 safety of racehorses through improved disclosure and sharing of veteri-  
12 narian records.

13 S 2. The racing, pari-mutuel wagering and breeding law is amended by  
14 adding a new section 258 to read as follows:

15 S 258. TRANSFER OF VETERINARY RECORDS FOR CLAIMED RACEHORSES. 1.  
16 DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE  
17 FOLLOWING MEANINGS:

18 (A) "CLAIMING RACE" MEANS A RACE IN WHICH EVERY HORSE RUNNING IN SUCH  
19 RACE MAY BE CLAIMED.

20 (B) "CLAIMANT" MEANS A PERSON OR ENTITY WHO SUCCESSFULLY BECOMES THE  
21 OWNER OF A HORSE IN A CLAIMING RACE.

22 (C) "OWNER" AS APPLIED TO THE RACING OF A HORSE MEANS, ANY MANAGING  
23 OWNER, A RACING OWNER, A PART OWNER, A LESSOR OR LESSEE AND MAY COMPRO-  
24 MISE ONE OR MORE PEOPLE IN A PARTNERSHIP OR ANY FORM OF COLLECTIVE  
25 OWNERSHIP.

26 (D) "PRACTICING VETERINARIAN" MEANS A LICENSED VETERINARIAN WHO TREATS  
27 ANY RACEHORSE.

28 (E) "RACEHORSE" MEANS ANY THOROUGHBRED REGISTERED OR QUALIFIED FOR  
29 REGISTRATION BY THE JOCKEY CLUB.

30 (F) "VETERINARY RECORDS" MEANS ANY RECORD OF VETERINARY CARE ADMINIS-  
31 TERED BY A LICENSED, PRACTICING VETERINARIAN.

32 2. IN ORDER TO ENSURE THE PUBLIC'S CONFIDENCE AND CONTINUE THE HIGH  
33 DEGREE OF INTEGRITY AND SAFETY IN RACING AT THE PARI-MUTUEL BETTING  
34 TRACKS, VETERINARY RECORDS FOR ALL CLAIMED RACEHORSES IN CLAIMING RACES  
35 MUST BE TRANSFERRED FROM THE OWNER OF THE RACEHORSE OR THE OWNER'S  
36 AUTHORIZED AGENT TO THE CLAIMANT. THIS TRANSFER MUST BE COMPLETED WITHIN  
37 FORTY-EIGHT HOURS OF THE TIME THAT THE CLAIM IS FINALIZED. THE STATE  
38 RACING AND WAGERING BOARD SHALL PROMULGATE ANY RULES AND REGULATIONS  
39 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION, INCLUDING ANY  
40 VOIDABLE CLAIMS AND ADMINISTRATIVE PENALTIES NECESSARY.

41 S 3. This act shall take effect on the one hundred eightieth day after  
42 it shall have become a law; provided, however, that effective immediate-  
43 ly, the addition, amendment and/or repeal of any rule or regulation  
44 necessary for the implementation of this act on its effective date are  
45 authorized to be made on or before such effective date.