

STATE OF NEW YORK

1645

2019-2020 Regular Sessions

IN ASSEMBLY

January 16, 2019

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Racing 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 though the policy change is in the interest
23 of the New York Racing Association, and the New York State Racing and

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

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

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

14 § 258. Transfer of veterinary records for claimed racehorses. 1.
15 Definitions. As used in this section, the following terms shall have the
16 following meanings:

17 (a) "Claiming race" means a race in which every horse running in such
18 race may be claimed.

19 (b) "Claimant" means a person or entity who successfully becomes the
20 owner of a horse in a claiming race.

21 (c) "Owner" as applied to the racing of a horse means, any managing
22 owner, a racing owner, a part owner, a lessor or lessee and may compro-
23 mise one or more people in a partnership or any form of collective
24 ownership.

25 (d) "Practicing veterinarian" means a licensed veterinarian who treats
26 any racehorse.

27 (e) "Racehorse" means any thoroughbred registered or qualified for
28 registration by the jockey club.

29 (f) "Veterinary records" means any record of veterinary care adminis-
30 tered by a licensed, practicing veterinarian.

31 2. In order to ensure the public's confidence and continue the high
32 degree of integrity and safety in racing at the pari-mutuel betting
33 tracks, veterinary records for all claimed racehorses in claiming races
34 must be transferred from the owner of the racehorse or the owner's
35 authorized agent to the claimant. This transfer must be completed within
36 forty-eight hours of the time that the claim is finalized. The state
37 racing and wagering board shall promulgate any rules and regulations
38 necessary to implement the provisions of this section, including any
39 voidable claims and administrative penalties necessary.

40 § 3. This act shall take effect on the one hundred eightieth day after
41 it shall have become a law. Effective immediately, the addition, amend-
42 ment and/or repeal of any rule or regulation necessary for the implemen-
43 tation of this act on its effective date are authorized to be made on or
44 before such effective date.