S T A T E O F N E W Y O R K

7136

I N S E N A T E

April 30, 2014

Introduced by Sen. MAZIARZ -- 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:

Section 1. Legislative Intent. The legislature hereby finds and declares that it is in the best public policy interests of the state, its businesses and its citizens to ensure that, to the greatest extent possible, the letter and spirit of its thoroughbred racing regulations aimed at protecting the health of New York's racehorses as well as the jockeys, trainers, and owners, are enforced and enacted for any person doing business in the New York state racing industry.

Measures to improve safety and health are necessary responses to the "New York Task Force on Racehorse Health and Safety" established as a result of the fatalities of twenty-one racehorses at Aqueduct Race Track during a four month period in 2011 and 2012. The task force stated that because horses are regularly sold in claiming races and due to the lack of transferring veterinary records at the time of sale, "horses are put at increased risk of repeated, and potentially unnecessary invasive joint therapies." This increased risk was evidenced in the official report by the task force which noted the deaths of two racehorses could have been prevented because "it is unlikely that the trainer was aware of any medical treatments that may have occurred prior to his claiming the horse. This may have compromised the trainer's ability to make informed decisions with regard to medication administrations."

Despite recommendations by the task force, little has been done to mitigate the problems even through the policy change is in the interest of the New York Racing Association, and the New York State Racing and Wagering Board. The policy change has also obtained wide-spread support from the American Association of Equine Practitioners, who stated in the

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

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official report, "AAEP supports the position that when a horse is sold, any known invasive surgery, disease, injury or congenital defect, which is not apparent, should be disclosed to the intended buyer by the owner and/or agent." This state of affairs places unnecessary danger on the racehorses and the jockeys of all the horses in claiming races across the state. This legislature further declares that it is in the best interest of the state to adopt policies that promote the health and safety of racehorses through improved disclosure and sharing of veterinarian records.

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

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

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

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

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

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

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

(F) "VETERINARY RECORDS" MEANS ANY RECORD OF VETERINARY CARE ADMINISTERED BY A LICENSED, PRACTICING VETERINARIAN.

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

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