

Enrolled
Senate Bill 439

Sponsored by COMMITTEE ON BUSINESS, TRANSPORTATION AND WORKFORCE DEVELOPMENT (at the request of Oregon Horsemen's Benevolent and Protective Association)

CHAPTER

AN ACT

Relating to Oregon Racing Commission; creating new provisions; and amending ORS 462.415.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 462.415 is amended to read:

462.415. (1) [No] **An** animal [is entitled to] **may not** participate in any race if:

[a] *It has been administered any drug after entry in the race.*

(a) Less than 24 hours before post time the animal has been administered any drug that is prohibited by the Oregon Racing Commission.

(b) [It] **The animal** possesses in its system, on race day, either prior to or at the time of the race any drug detected by any of the testing methods approved by the [Oregon Racing] commission or customarily employed in the testing of urine, saliva, blood or other samples from racing animals.

(c) [Its] **The animal's** performance was stimulated, depressed or otherwise affected in any manner by use prior to or during the race of any electrical, mechanical or other device not sanctioned by the commission.

(d) [It] **The animal** fails to satisfy all of the conditions of the race prescribed by the racing secretary.

(2) [No] **A** person [shall] **may not** enter or allow to be entered in any race any animal if the person knows, or by exercise of reasonable diligence should have known, that its participation is prohibited under subsection (1) of this section.

(3) A trainer, upon entering an animal and allowing it to participate in a race, represents that the animal is in a fit condition and that its participation is not prohibited under subsection (1) of this section. The trainer is responsible for and the absolute insurer of the condition of the animal regardless of the acts of third parties.

(4) An animal [which] **that** participates in violation of subsection (1) of this section shall be disqualified and the order of finish revised. If the animal is disqualified, its owner [shall] **may not** share or participate in any purse, earnings, trophies or other emoluments of the race. Any revision in the order of finish after a race has been declared "official" by the stewards [shall] **does not** affect the mutuel payoff to the public.

(5) Notwithstanding this section or any other section in this chapter, the commission may, by rule, adopt a medication program subject to commission control and supervision that it finds to be in the best interest of racing. Notification to the public that an animal is currently using a drug shall be left to the discretion of the commission.

(6) Testing of samples from racing animals may be performed only at laboratory facilities certified by the commission as having the capability to provide timely, accurate test results.

(7) Notwithstanding any other provision of this chapter, the commission, by rule, may adopt tolerances for medication, or residues thereof, that may be detected through tests approved under subsection (6) of this section.

SECTION 2. The amendments to ORS 462.415 by section 1 of this 2007 Act apply to post times that occur on or after the effective date of this 2007 Act.

Passed by Senate March 14, 2007

.....
Secretary of Senate

.....
President of Senate

Passed by House May 30, 2007

.....
Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....
Secretary of State