

Senate Bill 439

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits animal from participating in race if animal was administered certain drugs within 24 hours prior to post time.

A BILL FOR AN ACT

1
2 Relating to Oregon Racing Commission; creating new provisions; and amending ORS 462.415.

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

4 **SECTION 1.** ORS 462.415 is amended to read:

5 462.415. (1) *[No]* **An** animal *[is entitled to]* **may not** participate in any race if:

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

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

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

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 shall be left to the discretion of the commission.

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

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

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

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