

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0898.01 Kip Kolkmeier x4510

SENATE BILL 18-172

SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Lee,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING TESTING OF HORSE RACING LICENSEES FOR THE**
102 **PRESENCE OF PROHIBITED SUBSTANCES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill adds to the responsibilities of the Colorado racing commission the protection of all participants, human and animal, involved in horse racing. The commission shall promulgate rules to ensure fair play, human and animal safety, and integrity in the sport of horse racing. The commission shall designate categories of licensees subject to for-cause testing or random testing to detect the presence of prohibited

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 12, 2018

substances.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-60-101 as
3 follows:

4 **12-60-101. Legislative declaration.** (1) The general assembly
5 FINDS, DETERMINES, AND declares that:

6 (a) The provisions of this ~~article~~ ARTICLE 60 are enacted ~~in~~
7 THROUGH the exercise of the police powers of this state for the protection
8 of the health, peace, safety, and general welfare of the people of this state;
9 ~~for the purpose of promoting~~

10 (b) HORSE RACING IS AN INHERENTLY DANGEROUS SPORT. RACE
11 HORSES WEIGH IN EXCESS OF ONE THOUSAND POUNDS, ARE ALMOST SIX
12 FEET IN HEIGHT AT THE WITHERS, AND CAN RUN FASTER THAN THIRTY
13 MILES PER HOUR. HORSE RACING BRINGS SIGNIFICANT PHYSICAL RISKS TO
14 HUMANS AND HORSES. JOCKEYS AND OTHER PERSONS WORKING WITH
15 HORSES HAVE BEEN INJURED BEFORE, DURING, AND AFTER HORSE RACES
16 OCCASIONALLY RESULTING IN DEATH. AS A RESULT OF THESE RISKS, IT IS
17 CRUCIAL THAT PERSONS WORKING WITH HORSES IN RACING MUST AT ALL
18 TIMES BE FREE OF ANY SUBSTANCES THAT MIGHT IMPAIR THEIR
19 JUDGEMENT, REFLEXES, OR ABILITY TO CONTROL A HORSE. RECENT
20 DRUG TESTING OF HORSE RACING LICENSEES HAS SHOWN INSTANCES OF
21 ILLEGAL DRUG USE AND CONSUMPTION OF ALCOHOL IN EXCESS OF
22 STATUTORY LIMITATIONS, WHICH COULD, THEREFORE, ENDANGER BOTH
23 HUMAN AND EQUINE PARTICIPANTS. THE MOST EFFECTIVE METHOD OF
24 PREVENTING ALCOHOL AND DRUG ABUSE AND ENSURING THE SAFETY OF
25 ALL PERSONS AND ANIMALS INCLUDED IN THE SPORT OF HORSE RACING IS

1 TO ESTABLISH A PROGRAM OF ALCOHOL AND DRUG TESTING.

2 (c) THE PURPOSES OF THIS ARTICLE 60 INCLUDE:

3 (I) PROMOTING racing and the recreational, entertainment, and
4 commercial benefits to be derived therefrom;

5 (II) ~~to raise~~ RAISING revenue for the general fund;

6 (III) ~~to establish~~ ESTABLISHING high standards of sport and fair
7 play; ~~for the promotion of~~

8 (IV) PROTECTING the health and safety of ~~the animals~~ ALL
9 PARTICIPANTS, HUMAN AND ANIMAL, involved in racing events BOTH ON
10 AND OFF THE RACETRACK; and

11 (V) ~~to foster~~ FOSTERING honesty and fair dealing in the racing
12 industry.

13 (2) ~~To these ends~~, This ~~article~~ ARTICLE 60 shall be liberally
14 construed FOR ALL THE STATED PURPOSES IN THIS SECTION.

15 **SECTION 2.** In Colorado Revised Statutes, 12-60-501, **amend**
16 (1)(b) and (2)(a) as follows:

17 **12-60-501. Regulation of race meets and racing-related**
18 **businesses.** (1) (b) The commission shall license and regulate all kennels
19 and stables housing racing animals BOTH in connection with a race meet
20 AND TO PROTECT THE GENERAL HEALTH AND WELFARE OF HORSES. THE
21 COMMISSION shall cause such kennels and stables to be visited and
22 inspected at least once a year by its members or employees and shall
23 require all such places to be constructed, maintained, and operated in
24 accordance with the laws of this state and the rules of the commission.

25 (2) (a) (I) ~~In particular~~, The commission shall, at its own expense,
26 regulate the operations of pari-mutuel machines and equipment, the
27 operations of all money rooms, accounting rooms, and sellers' and

1 cashiers' windows, and the weighing of jockeys. ~~and~~

2 (II) THE COMMISSION shall AT ITS OWN EXPENSE take or cause to
3 be taken saliva, urine, blood, HAIR, or other body fluid samples or biopsy
4 or necropsy specimens from horses selected by the commission or its
5 employees at race meets provided for under this ~~article~~ ARTICLE 60 or
6 when concerns are raised as to a particular animal, including the winner
7 of a race, and shall test and determine the samples or specimens or cause
8 the samples or specimens to be tested and determined.

9 (III) TO PROTECT THE HEALTH AND SAFETY OF LICENSEES, RACING
10 EMPLOYEES, AND THE GENERAL PUBLIC, AND TO ENSURE THE ORDERLY
11 CONDUCT OF RACE MEETS, THE COMMISSION MAY AT ITS OWN EXPENSE
12 TAKE OR CAUSE TO BE TAKEN, FOR CAUSE OR BY RANDOM SELECTION,
13 SALIVA, URINE, BLOOD, HAIR, OR OTHER BODY FLUID SAMPLES FROM
14 LICENSEES. THE COMMISSION SHALL PROMULGATE REASONABLE RULES
15 IDENTIFYING THE LICENSE CATEGORIES SUBJECT TO TESTING. THE
16 COMMISSION SHALL DESIGNATE LICENSE CATEGORIES SUBJECT TO TESTING
17 BASED ON THE NATURE OF THE WORK PERFORMED OR PROXIMITY TO
18 DANGEROUS CONDITIONS IN THE SPORT OF HORSE RACING. SAMPLES MAY
19 BE COLLECTED BY DIVISION EMPLOYEES OR BY CERTIFIED CONTRACTORS
20 IN CONNECTION WITH RACE MEETS. THE RULES MUST INCLUDE A LISTING
21 OF PROHIBITED SUBSTANCES. THE COMMISSION SHALL TEST AND
22 DETERMINE THE SAMPLES OR SPECIMENS, OR CAUSE THE SAMPLES OR
23 SPECIMENS TO BE TESTED, TO DETERMINE THE PRESENCE OF ANY
24 PROHIBITED SUBSTANCE THAT MAY CAUSE IMPAIRMENT, OR MASK OR
25 DILUTE THE PRESENCE OF A PROHIBITED SUBSTANCE.

26 (IV) ~~For those purposes,~~ The commission, at its OWN expense and
27 in addition to other employees, shall employ or contract with competent

1 ~~veterinary~~ doctors, accountants, chemists, and other persons necessary to
2 supervise the conduct of race meets and to ascertain that this ~~article~~
3 ARTICLE 60 and the rules of the commission are strictly complied with.
4 The commission shall also seek innovative and efficient methods of
5 testing ~~animals~~ HUMANS AND HORSES for prohibited ~~drugs and~~
6 ~~medication, while ensuring animal~~ SUBSTANCES TO ENSURE THE safety OF
7 HUMANS AND HORSES and maintaining the integrity of racing. Through its
8 bidding process, the commission shall invite laboratories to include
9 proposals for testing procedures and methods that would maintain or
10 improve the effectiveness of test results and minimize testing cost
11 incurred by the state or the racing industry.

12 **SECTION 3.** In Colorado Revised Statutes, 12-60-503, **amend**
13 (1) as follows:

14 **12-60-503. Rules of commission - licensing.** (1) (a) The
15 commission shall make reasonable rules FOR LICENSEES TO ENSURE:

16 (I) FAIR PLAY;

17 (II) THE PROPER AND SAFE CONDUCT OF THE SPORT OF HORSE
18 RACING;

19 (III) THE HEALTH, SAFETY, AND WELFARE OF PERSONS AND HORSES
20 INVOLVED IN A RACING MEET; AND

21 (IV) THE HIGH STANDARDS AND INTEGRITY OF THE SPORT OF
22 HORSE RACING.

23 (a.5) THE COMMISSION RULES SHALL ALSO PROVIDE for the control,
24 SAFETY, supervision, fingerprinting, identification, and direction of
25 applicants, registrants, and licensees. ~~including~~ COMMISSION rules
26 ~~providing~~ SHALL PROVIDE for: ~~the~~

27 (I) Supervising, disciplining, suspending, fining, and barring from

1 racing of all persons required to be licensed or registered by this ~~article~~
2 ARTICLE 60;

3 (II) A PROGRAM FOR TESTING DESIGNATED LICENSEES FOR CAUSE
4 OR BY RANDOM SELECTION TO DETECT PROHIBITED SUBSTANCES; and ~~for~~

5 (III) The holding, conducting, and operating of all races, race
6 meets, racetracks, in-state simulcast facilities, and out-of-state wagering
7 on simulcast races conducted pursuant to this ~~article~~. ~~It~~ ARTICLE 60. THE
8 COMMISSION shall announce the place, time, number of races per day,
9 duration of race meets, as provided in section 12-60-603, and types of
10 race meets.

11 (b) The commission may issue a temporary license or registration
12 for up to a maximum of ninety days for any license or registration
13 authorized under this ~~article~~ ARTICLE 60.

14 **SECTION 4. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.