

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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. SOME PERSONS
20 INVOLVED WITH THE SPORT OF HORSE RACING HAVE AN UNFORTUNATE
21 HISTORY OF ALCOHOL AND DRUG ABUSE. THE MOST EFFECTIVE METHOD OF
22 PREVENTING ALCOHOL AND DRUG ABUSE AND ENSURING THE SAFETY OF
23 ALL PERSONS AND ANIMALS INCLUDED IN THE SPORT OF HORSE RACING IS
24 TO ESTABLISH A PROGRAM OF ALCOHOL AND DRUG TESTING.

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

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

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

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

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

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

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

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

15 **12-60-501. Regulation of race meets and racing-related**
16 **businesses.** (1) (b) The commission shall license and regulate all kennels
17 and stables housing racing animals BOTH in connection with a race meet
18 AND TO PROTECT THE GENERAL HEALTH AND WELFARE OF HORSES. THE
19 COMMISSION shall cause such kennels and stables to be visited and
20 inspected at least once a year by its members or employees and shall
21 require all such places to be constructed, maintained, and operated in
22 accordance with the laws of this state and the rules of the commission.

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

27 (II) THE COMMISSION shall AT ITS OWN EXPENSE take or cause to

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

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

24 (IV) ~~For those purposes,~~ The commission, at its OWN expense and
25 in addition to other employees, shall employ or contract with competent
26 ~~veterinary~~ doctors, accountants, chemists, and other persons necessary to
27 supervise the conduct of race meets and to ascertain that this ~~article~~

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

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

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

14 (I) FAIR PLAY;

15 (II) THE PROPER AND SAFE CONDUCT OF THE SPORT OF HORSE
16 RACING;

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

19 (IV) THE HIGH STANDARDS AND INTEGRITY OF THE SPORT OF
20 HORSE RACING.

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

25 (I) Supervising, disciplining, suspending, fining, and barring from
26 racing of all persons required to be licensed or registered by this ~~article~~
27 ARTICLE 60;

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

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

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

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