

CHAPTER 129

PROFESSIONS AND OCCUPATIONS

SENATE BILL 18-172

BY SENATOR(S) Gardner, Crowder, Guzman, Tate, Todd;
also REPRESENTATIVE(S) Lee, Rosenthal, Singer.

AN ACT

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

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) THE PURPOSES OF THIS ARTICLE 60 INCLUDE:

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

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

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

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

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

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

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

12-60-501. Regulation of race meets and racing-related businesses.

(1) (b) The commission shall license and regulate all kennels and stables housing racing animals BOTH in connection with a race meet AND TO PROTECT THE GENERAL HEALTH AND WELFARE OF HORSES. THE COMMISSION shall cause such kennels and stables to be visited and inspected at least once a year by its members or employees and shall require all such places to be constructed, maintained, and operated in accordance with the laws of this state and the rules of the commission.

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

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

(III) TO PROTECT THE HEALTH AND SAFETY OF LICENSEES, RACING EMPLOYEES, AND THE GENERAL PUBLIC, AND TO ENSURE THE ORDERLY CONDUCT OF RACE MEETS, THE COMMISSION MAY AT ITS OWN EXPENSE TAKE OR CAUSE TO BE TAKEN, FOR CAUSE OR BY RANDOM SELECTION, SALIVA, URINE, BLOOD, HAIR, OR OTHER BODY FLUID SAMPLES FROM LICENSEES. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IDENTIFYING THE LICENSE CATEGORIES SUBJECT TO TESTING. THE COMMISSION SHALL DESIGNATE LICENSE CATEGORIES SUBJECT TO TESTING BASED ON THE NATURE OF THE WORK PERFORMED OR PROXIMITY TO DANGEROUS CONDITIONS IN THE SPORT OF HORSE RACING. SAMPLES MAY BE COLLECTED BY

DIVISION EMPLOYEES OR BY CERTIFIED CONTRACTORS IN CONNECTION WITH RACE MEETS. THE RULES MUST INCLUDE A LISTING OF PROHIBITED SUBSTANCES. THE COMMISSION SHALL TEST AND DETERMINE THE SAMPLES OR SPECIMENS, OR CAUSE THE SAMPLES OR SPECIMENS TO BE TESTED, TO DETERMINE THE PRESENCE OF ANY PROHIBITED SUBSTANCE THAT MAY CAUSE IMPAIRMENT, OR MASK OR DILUTE THE PRESENCE OF A PROHIBITED SUBSTANCE.

(IV) ~~For those purposes,~~ The commission, at its own expense and in addition to other employees, shall employ or contract with competent ~~veterinary~~ doctors, accountants, chemists, and other persons necessary to supervise the conduct of race meets and to ascertain that this ~~article~~ ARTICLE 60 and the rules of the commission are strictly complied with. The commission shall also seek innovative and efficient methods of testing ~~animals~~ HUMANS AND HORSES for prohibited ~~drugs and medication, while ensuring animal~~ SUBSTANCES TO ENSURE THE safety OF HUMANS AND HORSES and maintaining the integrity of racing. Through its bidding process, the commission shall invite laboratories to include proposals for testing procedures and methods that would maintain or improve the effectiveness of test results and minimize testing cost incurred by the state or the racing industry.

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

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

(I) FAIR PLAY;

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

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

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

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

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

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

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

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

ARTICLE 60.

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

Approved: April 12, 2018