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# Ready or Not

What awaits racing come July 1 thanks to the Horseracing Integrity and Safety Act of 2020

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FIREWORKS OF A DIFFERENT KIND MIGHT RESULT FROM FEDERAL REGULATIONS OF THE HORSERACING INTEGRITY AND SAFETY ACT OF 2020 SCHEDULED TO BEGIN JULY 1.

**E**fforts to exert federal jurisdiction over horse racing date back to 2011, when the Interstate Horseracing Improvement Act was introduced by former U.S. Senator Tom Udall (D-NM). The bill in its various iterations stood a less than 10 percent chance of passing for years. Then, in December 2020, Senator Mitch McConnell (R-KY) carried the Horseracing Integrity and Safety Act (HISA) of 2020 through the Senate as part of a larger omnibus spending bill, and the legislation was signed into law by President Donald Trump, largely unread by Trump or most members of Congress. This act of Congress adds a layer of bureaucracy to racing and comes with a high price tag.

In part because of its high price tag, takeover of the regulation of horse racing from the states and other arguments, several lawsuits have been initiated to fight HISA's implementation.

While the ultimate result of these lawsuits remains pending, a section of the HISA regulations, the 2000 series titled "Racetrack Safety Program," was unquestionably set to become law July 1.

The remaining sections appear to be a work in progress with the draft ever-changing but destined to be in place January 1, 2023.

Our industry is about to change, and this article will explore and analyze accreditation and enforcement under HISA's racetrack safety regulations, which were already adopted by the Federal Trade Commission. More importantly, while we cannot predict all of the consequences of the implementation of section 2000 of HISA, we will cover some of the responsibilities and changes that horsemen and women and veterinarians will have to incorporate into their daily lives effective July 1.

## Racetrack Safety Standing Committee

The racetrack safety program has been developed by the Racetrack Safety Standing Committee. That committee consists of four independent members and three industry members along with one member of the Horseracing Integrity and Racing Authority's board of directors. All members have been appointed by

HISA's Nominating Committee. These are its seven members:

1. Susan Stover is the chair and an industry director. Stover is a professor of surgical and radiological science at the University of California, Davis and an expert in clinical equine surgery and lameness.
2. Lisa Fortier is an independent member from New York. Fortier is the James Law professor of surgery, Equine Park faculty director and associate chair for graduate education and research at Cornell University College of Veterinary Medicine. Her primary clinical and translational research interests are in equine orthopedic surgery, tendonitis, arthritis and regenerative medicine.
3. Peter Hester is an independent member from Kentucky. Hester is an orthopedic surgeon.
4. Noah Cohen is an independent member from Texas. Cohen is a distinguished professor and the Patsy Link chair in equine research at Texas A&M University's College of Veterinary Medicine and Biomedical Sciences.
5. Carl Mattacola is an independent member from North Carolina. Mattacola is dean of the University of North Carolina, Greensboro School of Health and Human Sciences.
6. Glen Kozak is an industry member from New York. Kozak is senior vice president of operations and capital projects for the New York Racing Association's facility and track operations, which include Aqueduct, Belmont Park and Saratoga Race Course.
7. John Velazquez is an industry member from New York. Velazquez is an accomplished and respected jockey. He is North America's all-time leading money-earning jockey and a member of the sport's Hall of Fame.

This committee prepared recommended regulations that govern racetrack safety. Those regulations were then published and provided to industry members for comment. Despite extensive industry comment and recommendations, the FTC rubber-stamped the committee's recommended regulations. The Racetrack Safety Standing Committee and the HISA Authority have assured industry participants of future modifications and the opportunity for input, but that seems unlikely based on the lack of incorporation of any of the proposed comments into the regulations.



FACILITIES SUCH AS GULFSTREAM PARK IN SOUTH FLORIDA ARE AMONG THOSE CONSIDERED "COVERED RACETRACKS" UNDER NEW HISA REGULATIONS AND ARE THUS REQUIRED TO MEET SEVERAL STANDARDS.



RACETRACK SAFETY STANDING COMMITTEE MEMBER  
GLEN KOZAK



RACETRACK SAFETY STANDING COMMITTEE MEMBER AND HALL OF FAME JOCKEY  
JOHN VELAZQUEZ

## Covered Racetrack

Racetracks subject to the new racetrack safety program regulations are defined as "Covered Racetracks" and include those tracks exporting a simulcast signal.

Tracks that do not export a simulcast signal, such as those in Idaho, Montana and South Dakota, are not considered covered tracks. Tracks that receive an incoming simulcast signal but do not export a signal are not covered by or subject to the new HISA regulations. As such, some jurisdictions, such as Nebraska, will have both covered racetracks, which are subject to HISA's new racetrack safety regulations, and uncovered tracks, which will continue to operate pursuant to state rules and regulations.

All covered racetracks are required, pursuant to section 2100, to meet certain standards for accreditation:

- (1) Formation of a Racetrack Safety and Welfare Committee to review the circumstances surrounding fatalities, injuries or other racetrack safety issues for the purpose of identifying mitigable factors.
- (2) Placing personnel in a number of new safety positions with requisite staff whose salaries will be paid for by the racetrack but answer to HISA:

- a. Safety director, who may be a regulatory veterinarian or safety officer and responsible for maintaining and implementing policies and procedures for equine health and safety under the oversight of HISA's Racetrack Safety Committee.
- b. Safety officer who is responsible for enforcing safety standards and regulatory guidelines.
- c. Steward(s) to enforce the racetrack safety program.
- d. Regulatory veterinarian(s) to determine the soundness and fitness to race of all starters, observe the horses from the paddock to the starting gate in case of injury requiring a scratch, maintain a list of horses euthanized or expiring during the race meeting and maintain a veterinarians' list as well as other responsibilities typically associated with regulatory veterinarians.
- e. Medical director, who may be a medical doctor or board-certified athletic trainer and responsible for maintaining and implementing policies and procedures for jockey safety. Based on public presentations by HISA representatives, this position may be a single person (with staff) hired by HISA to oversee the responsibilities of the position for all covered racetracks.

In addition to the requirement for funding the new safety personnel positions, covered racetracks are required to have written standard operating procedures and personnel in place for racetrack design, surface material testing and daily data collection.

All of this information must be compiled and transmitted to the authority. In the case of tracks that are currently accredited by the National Thoroughbred Racing Association (NTRA), the HISA accreditation process likely will not be onerous. For covered tracks that are not NTRA-accredited, the costs for HISA accreditation may well be substantial. For example, additional personnel and corresponding salary lines will be required in certain jurisdictions for compliance and accreditation.

The new racetrack safety program regulations define a grace period for compliance based on a covered track's NTRA accreditation status. Those covered tracks not NTRA-accredited as of July 1 are required, pursuant to section 2214, to achieve HISA accreditation within one year. Those covered tracks that are NTRA-accredited as of July 1 are given interim accreditation

and may be given additional time to complete and/or comply with an accreditation assessment if necessary and allowed by the authority. While the regulations governing accreditation of covered tracks are specific, less specific are the disciplinary actions that may be taken by the Racetrack Safety Standing Committee/HISA against those tracks that either refuse or fail to achieve accreditation.

The general lack of specific disciplinary action has one enormous exception. That exception is the ultimate penalty—pulling the track's export signal as a disciplinary measure for noncompliance. HISA appears to have the authority to do so pursuant to section 2116.



THE RESPONSIBILITY FOR TRANSMITTING INFORMATION, INCLUDING A NEGATIVE COGGINS TEST AND REQUIRED VACCINATIONS, TO HISA FOR HORSES ENTERING A COVERED TRACK'S GROUNDS LIES WITH THE COVERED TRACK, BUT ALL HORSES SHIPPING IN LIKELY WILL NEED TO HAVE THAT INFORMATION PROVIDED BY THE TRAINER UPON ENTRY.

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RIDERS MAY STRIKE THEIR MOUNT ONLY SIX TIMES DURING A RACE. OWNERS COULD BE ADVERSELY AFFECTED, INCLUDING BY LOSS OF CONDITIONS OR LOSS OF PURSE MONEY, IF RULES APPROVED BY THE FEDERAL TRADE COMMISSION ARE BROKEN.

## Racehorse Monitoring

The enforcement of HISA's vaccination requirements was delayed until January 1, 2023, to "allow horses to be vaccinated with previously unrequired vaccines at times that do not interfere with training and racing schedules."

All horses entering a covered racetrack's grounds must have a proof of health certificate within five days, a negative Coggins test and required vaccinations, which are annual vaccinations for Eastern equine encephalitis (EEE), Western equine encephalitis (WEE), West Nile Virus (WNV), tetanus and rabies as well as influenza and rhinopneumonitis (equine herpes) within 180 days (and more frequently in some instances).

TABLE 1

RACING ROLE	ANNUAL HOURS OF CE
Regulatory Veterinarian	8 (specific to racetrack regulatory medicine)
Attending Veterinarian	8 (specific to racetrack practice)
Trainers	4
Assistant Trainers	4
Owners	2
Grooms	2
Jockeys/Exercise Riders	2 (safety and rider protocols, in advance of each race meet)

The responsibility for transmitting this information to the authority lies with the covered racetrack, but all horses shipping into a covered racetrack facility most likely will need to have this information provided by the trainer upon entry. The covered racetrack also must supply the intended destination, reason for departure, date of exit, vehicle license number and name of person transporting the horse when horses leave the covered racetrack.

If the horse has not been stabled at a facility under the authority's jurisdiction for a full 30 days before a race or workout for the purposes of removal from the veterinarians' list, the trainer must obtain and maintain a list of all treatments, surgeries, non-surgical therapies and procedures for the preceding 30 days. If the horse has not been stabled at a facility under the authority's jurisdiction for 60 days before a race or workout for the purpose of removal from the veterinarians' list, the trainer also must obtain and maintain a list of the last 30 days of exercise activity.

## Whip Rule

In addition to accreditation, enforcement is the second category of the new rules. One example of the change in enforcement is the use of the riding crop. Under section 2280, the rider may strike the horse only six times during a race.

Enforcement for violations is structured on a class/point system. This is similar to a point system used by the department of motor vehicles in many states for driving privileges. For example, a rider who strikes their mount 10 times over the six-strike limit commits a Class 1 violation and is subject to the following: (1) \$750 fine or 30 percent of the jockey's portion of the purse, whichever is greater; (2) the horse is disqualified from purse earnings; and (3) a minimum five-day suspension for the jockey.

Not written in the text of the section 2000 regulations already approved by the FTC but reported by HISA representatives is the further penalty to the horse owner for excessive whipping of the loss of the condition of the horse in addition to the loss of the purse.

## Continuing Education

Section 2182 addresses the requirement for continuing education, which is required for veterinarians, stewards, trainers, assistant trainers, owners, grooms, outriders, jockeys, exercise riders, starters, assistant starters and equipment operators.

Specifics, such as whether the continuing education will be in person or virtual, whether the continuing education credit will be provided only upon successful completion of an exam and the criteria of the entity or individuals providing the continuing education, are currently undefined. Who bears the cost for this continuing education also is not addressed in the new racetrack safety regulations.

The requirements for continuing education are listed in Table 1.

In addition to the continuing education requirement, trainers will be required to pass a uniform national trainers test (section 2181). The new national proficiency test will include both a written component and practical interviews with examiners, requiring the trainer to demonstrate knowledge and proficiency in basic horsemanship skills, knowledge of racing protocols and equine health and state-specific information.

In states where the state racing commission elects to enter into an agreement with the authority, the state commission will require the use of a uniform national trainers test in addition to state licensing requirements. The new regulation does not spell out who will administer the written and practical portions of the test or the cost for the more than 3,000 trainers subject to the regulation.

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## Specific Rules and Regulations of the Racetrack Safety Program

Section 2200 lays out specific safety rules and regulations that govern the attending veterinarians, trainers and jockeys.

Drugs cannot be prescribed, dispensed or administered by a veterinarian without a valid veterinarian-client-patient relationship (VCPR), which consists of an examination, diagnosis and treatment plan by a licensed veterinarian specifically hired by the owner (or trainer as agent for the owner). This concept is not new and is required by every veterinary practice act in the country for companion animals. For that matter, the VCPR is already defined in federal law —(21 CFR 530.3(i))—with further clarification in state veterinary practice acts. However, the HISA VCPR definition deviates from the previous federal definition in that it adds “performed an examination of the horse.”

It would appear that this provision redefines horses from a member of the livestock group of animals to companion animals. For example, a prescription for dewormer for an entire barn of horses without a specific examination, diagnosis and treatment plan for each individual is currently legal and appropriate under a livestock VCPR. Under the HISA VCPR, each horse would require an examination prior to the prescription of a dewormer. The same principle would apply to other medications. Further, the details of all examinations must be transmitted electronically to the authority.

Section 2230(b) requires that covered horses, regardless of their location, only be treated by an attending veterinarian that is both licensed by the state and the racing commission. This excludes many veterinarians who routinely work on farms and would otherwise medicate covered horses while they are on layup. This also precludes veterinarians who work in referral settings as well as every veterinarian working on horses on layup or in training in states where no racing commission exists.



TRAINERS WILL BE REQUIRED TO PASS A UNIFORM NATIONAL TRAINERS TEST, WHICH INCLUDES A WRITTEN COMPONENT AND PRACTICAL INTERVIEWS, TO DEMONSTRATE KNOWLEDGE AND PROFICIENCY IN BASIC HORSEMANSHIP SKILLS AND KNOWLEDGE OF RACING PROTOCOLS AND EQUINE HEALTH.

Also absent from section 2181 are specifics as to how one signs up to take the test before July 2, if there will be a grace period for review and test-taking and the ramifications for an unsuccessful test or portion of a test. In addition, it is unclear what will happen if a trainer is in compliance with all state requirements for their training license but fails to receive a passing mark on the uniform national trainers test.

TABLE 2

### Thoroughbred Owner Responsibilities (EFFECTIVE JULY 1)

	IF RACING COMMISSION OPTS IN	IF RACING COMMISSION OPTS OUT
<b>COVERED HORSES</b>	All Thoroughbred horses after their first timed work	All Thoroughbred horses after their first timed work
<b>COVERED PERSON</b>	All owners of covered horses	All owners of covered horses
<b>RESPONSIBLE PERSON</b>	Owner of covered horses while out of training	Owner of covered horses while out of training
<b>REGISTRATION WITH THE AUTHORITY</b>	By July 1	By July 1
<b>HORSES RECEIVING TREATMENT FROM A VETERINARIAN</b>	All horses must receive an examination by a veterinarian before any drug can be administered or dispensed by the veterinarian	All horses must receive an examination by a veterinarian before any drug can be administered or dispensed by the veterinarian
<b>PRESCRIPTIONS</b>	All prescriptions for a covered horse that will be administered by a responsible person must be made by a racing commission-licensed veterinarian	All prescriptions for a covered horse that will be administered by a responsible person must be made by a racing commission-licensed veterinarian
<b>CONTINUING EDUCATION</b>	2 hours	No requirement
<b>MEDICAL RECORDS</b>	All medical, therapeutic and surgical procedures (including chiropractic, acupuncture, physical therapy) on all covered horses must be recorded by the owner when the horse is not in training	All medical, therapeutic and surgical procedures (including chiropractic, acupuncture, physical therapy) on all covered horses must be recorded by the owner when the horse is not in training
<b>VOID CLAIM RULE</b>	If a horse dies, is euthanized or vanned off, is placed on the veterinarians' list by the regulatory veterinarian, or has a positive drug test, the claim shall be voided	If a horse dies, is euthanized or vanned off, is placed on the veterinarians' list by the regulatory veterinarian, or has a positive drug test, the claim shall be voided
<b>BLISTERING/PIN-FIRING</b>	Prohibited	Prohibited

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States such as South Carolina, with its busy Thoroughbred training centers in Aiken and Camden, come immediately to mind, but even Florida, with some of the country's premier racing, does not have a racing commission.

Section 2230(b) seems to contradict section 2252(b)(2), where it is indicated that the responsible person must maintain a record of all "medications prescribed or administered by a Veterinarian not licensed by the State Racing Commission." How the authority will reconcile this contradiction is anyone's guess.

Section 2240 covers the veterinarians' list, with which most horsemen and women are familiar. However, there are a few features of the HISA regulations that differ from veterinarians' lists administered by racing commissions.

The HISA regulations require that all examinations and treatments by the attending veterinarians be reported to the authority. Section 2240(b)(1) indicates that "horses affected by any illness, physical distress, medical compromise, unsoundness, injury, infirmity, heat exhaustion" be placed on the veterinarians' list.

The attending veterinarian is forced to report all of these conditions to the authority. The first time a horse is diagnosed with "unsoundness," it is placed on the veterinarians' list for 14 days. The second time in a 365-day period, it remains on the list for 45 days. The third time in a 365-day period, it remains on the list for 75 days, and the fourth time, it is banned from racing. So, if the horse sustains four hoof abscesses in a 365-day period, it is banned for life from racing. There is no provision for the actual diagnosis, treatment plan or response to treatment to modify this requirement; it is now federal law.

Section 2250 outlines the requirement of treatment reporting to the authority. It liberally references section 3000, which has not yet been finalized or adopted. Previously, many jurisdictions have required treatment records for horses stabled on a licensed racetrack or training facility to be submitted on a daily basis, but HISA expands the required records to include the entire medical

record. Every veterinarian who examines a covered horse must, within 24 hours, report the following electronically to the authority:

1. The identity of the treated horse
2. The name of the trainer of the horse
3. The name of the veterinarian of the horse
4. Contact information for the veterinarian
5. Any information concerning the presence of unsoundness and responses to diagnostic testing
6. Diagnosis
7. Condition treated
8. Any medication, drug, substance or procedure administered or prescribed including date and time of administration, dose, route of administration (including structure if local administration), frequency and duration of treatment
9. Any nonsurgical procedure performed (including but not limited to diagnostic tests, imaging, shockwave treatment) including the structures examined/treated and the date and time of the procedure
10. Any surgical procedure performed including date and time of the procedure
11. Any other information to maintain and improve the health and welfare of the horse

The burden of the excessive recording and reporting of complete medical records to the authority is not limited to the veterinarian. The responsible person (defined as the trainer or owner if the horse is not in training) must maintain a record of medical, therapeutic and surgical treatments and procedures for every covered horse in their control. So, when a horse is laid up at a farm, the owner must maintain entire medical records. While there does not appear to be a reporting requirement for these records to the authority, section 2252(c) suggests that these records are accessible to the regulatory veterinarians.

TABLE 3

## Thoroughbred Veterinarian Responsibilities (EFFECTIVE JULY 1)

	IF RACING COMMISSION OPTS IN	IF RACING COMMISSION OPTS OUT
COVERED HORSES	All Thoroughbred horses after their first timed work	All Thoroughbred horses after their first timed work
COVERED PERSON	All veterinarians of covered horses	All veterinarians of covered horses
REGISTRATION WITH THE AUTHORITY	By July 1	By July 1
CONTINUING EDUCATION	8 hours of racetrack practice-specific CE	No requirement
HORSES RECEIVING TREATMENT FROM A VETERINARIAN	All horses must receive an examination by a veterinarian before any drug can be administered or dispensed by the veterinarian	All horses must receive an examination by a veterinarian before any drug can be administered or dispensed by the veterinarian
PRESCRIPTIONS	All prescriptions for a covered horse that will be administered by a responsible person must be made by a racing commission-licensed veterinarian	All prescriptions for a covered horse that will be administered by a responsible person must be made by a racing commission-licensed veterinarian
MEDICAL RECORDS	All diagnoses and medical, therapeutic and surgical procedures (including chiropractic, acupuncture, physical therapy) on all covered horses must be reported to the authority within 24 hours	All diagnoses and medical, therapeutic and surgical procedures (including chiropractic, acupuncture, physical therapy) on all covered horses must be reported to the authority within 24 hours
RECORDS TRANSFER AFTER CLAIM	The previous trainer must authorize transfer of medical records to new trainer within 3 days	The previous trainer must authorize transfer of medical records to new trainer within 3 days
BLISTERING/PIN-FIRING	Prohibited	Prohibited
ELECTRICAL MEDICAL THERAPEUTIC DEVICES (MAGNAWAVE, LASER, MAGNETIC BLANKETS, ETC.)	Prohibited within 48 hours of a race	Prohibited within 48 hours of a race
SHOCKWAVE	Must be reported to regulatory veterinarian 48 hours or more before procedure and performed at a location approved by the racing commission. The horse cannot breeze or race for 30 days	Must be reported to regulatory veterinarian 48 hours or more before procedure and performed at a location approved by the racing commission. The horse cannot breeze or race for 30 days

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TABLE 4

# Thoroughbred Trainer Responsibilities (EFFECTIVE JULY 1)

	IF RACING COMMISSION OPTS IN	IF RACING COMMISSION OPTS OUT
<b>COVERED HORSES</b>	All Thoroughbred horses after their first timed work	All Thoroughbred horses after their first timed work
<b>COVERED PERSON</b>	All trainers of covered horses	All trainers of covered horses
<b>RESPONSIBLE PERSON</b>	Trainer for covered horses while in training	Trainer for covered horses while in training
<b>UPON ENTRY TO RACETRACK</b>	Provide health certificate dated within five days	Provide health certificate dated within five days
	Provide verification of EEE, WEE, WNV, rabies and tetanus vaccinations	Provide verification of EEE, WEE, WNV, rabies and tetanus vaccinations
	Provide verification of EHV-1 and EIV vaccinations within 180 days	Provide verification of EHV-1 and EIV vaccinations within 180 days
	Provide proof of a negative EIA test (Coggins)	Provide proof of a negative EIA test (Coggins)
<b>UPON DEPARTURE OF RACETRACK</b>	Provide destination	Provide destination
	Reason for departure	Reason for departure
	Vehicle license plate number	Vehicle license plate number
<b>UNIFORM NATIONAL TRAINERS TEST</b>	Test required, administered by racing commission	<b>No requirement</b>
<b>CONTINUING EDUCATION</b>	4 hours	<b>No requirement</b>
<b>HORSES RECEIVING TREATMENT FROM A VETERINARIAN</b>	All horses must receive an examination by a veterinarian before any drug can be administered or dispensed by the veterinarian	All horses must receive an examination by a veterinarian before any drug can be administered or dispensed by the veterinarian
<b>MEDICAL RECORDS</b>	All medical, therapeutic and surgical procedures (including chiropractic, acupuncture, physical therapy) on all covered horses must be recorded	All medical, therapeutic and surgical procedures (including chiropractic, acupuncture, physical therapy) on all covered horses must be recorded
<b>MEDICAL RECORDS (WHEN THE HORSE HAS NOT BEEN STABLED ON A RACETRACK)</b>	All medical records must be obtained and maintained for the preceding 30 days	All medical records must be obtained and maintained for the preceding 30 days
<b>ADDITIONAL RECORDS (WHEN A HORSE HAS NOT BEEN STABLED ON A RACETRACK FOR 60 DAYS)</b>	Exercise activity for the last 30 days must be obtained and maintained	Exercise activity for the last 30 days must be obtained and maintained
<b>RECORDS TRANSFER AFTER CLAIM</b>	The previous trainer must transfer trainer records and authorize transfer of medical records to new trainer within 3 days	The previous trainer must transfer trainer records and authorize transfer of medical records to new trainer within 3 days
<b>BLISTERING/PIN-FIRING</b>	Prohibited	Prohibited
<b>ELECTRICAL MEDICAL THERAPEUTIC DEVICES (MAGNAWAVE, LASER, MAGNETIC BLANKETS, ETC.)</b>	Prohibited within 48 hours of a race	Prohibited within 48 hours of a race
<b>TOE GRABS</b>	Prohibited on both front and hind shoes, with implementation delayed until Aug. 1	Prohibited on both front and hind shoes, with implementation delayed until Aug. 1
<b>WHIP RULE</b>	Four to nine strikes over the six-strike limit result in disqualification of the horse	Four to nine strikes over the six-strike limit result in disqualification of the horse

## Shockwave Therapy

The assault on the use of shockwave therapy is extended well beyond the already severe restrictions of this valuable therapeutic modality. Rather than reporting to the authority within 24 hours of use, shockwave therapy, effective July 1, must be reported 48 hours before the therapy and performed at a previously disclosed location approved by the racing commission. Its use places the horse on the veterinarians' list for 30 days, during which the horse cannot work out or race.

## Horseshoes

Section 2276 bans the use of toe grabs on both front and hind shoes. The implementation of this section for hind shoes has been postponed to August 1. This reprieve is not because the authority has realized there is no scientific evidence tying hind shoe toe grabs to injury but rather to allow horseshoe manufacturers time to sell current inventory and manufacture shoes that conform to the new mandate.



THE COSTS OF HISA REGULATIONS REMAIN UNCLEAR, ALTHOUGH SOME IN THE INDUSTRY BELIEVE THE EXPENSE OF MEDICATION AND ANTI-DOPING PROGRAMS COULD BE TWO TO THREE TIMES AS MUCH AS THOSE FOR RACETRACK SAFETY PROGRAMS.

## Cost of the Racetrack Safety Program

Costs relative to each state for the racetrack safety portion of HISA have been released, as outlined by Table 5. The cost for the medication and anti-doping portion is anticipated to be more—potentially much more. Some in the industry believe the cost of the medication and anti-doping program may well be two to three times as much as the cost for the racetrack safety program.

The cost of HISA to those in the Thoroughbred industry remains unclear. What is clear is that several states have determined that these fees will not be collected by the state racing commission. The reason and rationale for commissions not doing so includes a lack of budget and/or personnel to collect, account for and provide the funds to HISA. If the state regulators elect not to collect and submit the funds, that task becomes the obligation of track ownership. Should track ownership be tasked with collecting, accounting for and submitting the fees, one thing is certain: Someone will be paying for those services, and that cost will probably be borne by those in the industry.

The issue of cost and payment is greater than simply who collects and submits the state's portion of the HISA fee.

Each state has been presented with a voluntary implementation agreement. If the state commission does not enter into this agreement or the governor of

the state says, "Thanks but no thanks," there are more challenges and costs. For example, if the state refuses or declines to enter into the agreement, the covered racetrack will be required to have two sets of stewards. One set of stewards will be HISA stewards who will govern all matters set forth under the HISA regulations. A corresponding set of state stewards will continue to regulate and enforce all non-HISA rules and regulations. The same is true of regulatory veterinarians.

## Possible Fireworks

The HISA section 2000 regulations that have already been approved were slated to go into effect July 1, complete with contradictory sections and requirements lacking clarity. HISA representatives have presented some of these rules publicly, although some of their presentations include information not actually written in the approved regulations, such as the loss of a condition for a horse with a jockey whip violation. We have tried to summarize what owners, trainers and veterinarians will need to know to be in compliance in the accompanying tables based on what is actually written in the regulations.

Accreditation and enforcement of HISA's racetrack safety program present those in the Thoroughbred racing industry with uncertainty.

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TABLE 5

Costs for racetrack safety portion of HISA for states with HSPA affiliate

STATE	TRACK	PURSES (PAID)	STARTS	% OF STARTS	% OF PURSES	PURSES PER START	HISA FEE PER START	HISA ANNUAL COST
Arkansas	Oaklawn Park	\$40,776,630	5,011	2.1	3.7	\$8,137	\$82.87	\$415,245
Arizona	Arizona Downs	1,989,700	1,455	0.6	0.2	1,367	31.50	45,831
	Turf Paradise	13,424,509	7,154	2.9	1.2	1,877	43.22	309,222
Colorado	Arapahoe Park	2,074,446	1,070	0.4	0.2	1,939	42.21	45,169
Florida	Tampa Bay Downs	16,975,798	6,805	2.8	1.6	2,495	34.41	234,165
Illinois	Fanduel Sportsbook and Horse Racing	4,900,130	2,397	1.0	0.4	2,044	42.08	100,872
	Hawthorne	9,959,800	4,669	1.9	0.9	2,133	43.91	205,028
Indiana	Horseshoe Indianapolis	31,246,055	7,043	2.9	2.9	4,436	58.60	412,685
Iowa	Prairie Meadows	15,493,407	3,849	1.6	1.4	4,025	55.90	215,153
Kentucky	Churchill Downs	67,690,823	5,546	2.3	6.2	12,2054	120.76	669,743
	Ellis Park	10,125,838	1,710	0.7	0.9	5,922	58.59	100,187
	Keeneland	26,045,824	2,488	1.0	2.4	10,469	103.58	257,701
	Kentucky Downs	15,043,863	654	0.3	1.4	23,003	227.59	148,846
	Turfway Park	10,908,490	4,282	1.8	1.0	2,548	25.21	107,930
Louisiana	Delta Downs	23,481,180	7,938	3.3	2.1	2,958	25.21	107,930
	Evangeline Downs	12,589,265	5,052	2.1	1.2	2,492	38.83	196,194
	Fair Grounds	29,591,929	5,751	2.4	2.7	5,146	80.19	461,167
	Louisiana Downs	8,364,890	3,909	1.6	0.8	2,140	33.35	130,360
Minnesota	Canterbury Park	13,455,802	3,926	1.6	1.2	3,427	51.98	204,062
Nebraska	Columbus	417,401	388	0.2	0.0	1,076	41.67	16,167
	Fonner Park	1,878,376	2,116	0.9	0.2	888	34.38	72,756
New Mexico	Albuquerque	3,790,351	973	0.4	0.3	3,896	61.41	59,759
	Ruidoso Downs	2,322,195	1,071	0.4	0.2	2,168	34.18	36,606
	Sunland Park	982,692	32	0.0	0.0	2,897	45.66	1,461
	Sunray Park	2,234,163	690	0.3	0.2	3,238	51.04	35,218
	Zia Park	5,757,445	1,664	0.7	0.5	3,460	40.60	90,757
New York	Finger Lakes	15,259,823	4,962	2.0	1.4	3,075	30.08	149,260
Ohio	Belterra Park	11,171,698	4,857	2.0	1.0	2,300	39.87	193,630
	Mahoning Valley	16,487,020	6,495	2.7	1.5	2,538	44.00	285,757
	Thistledown	18,313,120	5,438	2.2	1.7	3,368	58.37	317,407
Oklahoma	Fair Meadows	1,841,844	1,010	0.4	0.2	1,824	29.64	29,938
	Remington Park	17,836,365	4,992	2.1	1.6	3,573	58.08	289,919
Oregon	Will Rogers Downs	4,080,014	1,807	0.7	0.4	2,258	36.70	66,318
	Grants Pass	1,683,603	1,416	0.6	0.2	1,189	37.30	52,813
Pennsylvania	Penn National	21,305,152	7,371	3.0	1.9	2,890	42.72	314,874
	Presque Isle Downs	10,469,625	3,458	1.4	1.0	3,028	44.75	154,733
Virginia	Colonial Downs	9,927,650	1,618	0.7	0.9	6,136	69.74	112,838
Washington	Emerald Downs	5,609,225	2,672	1.1	0.5	2,099	43.27	115,610
West Virginia	Charles Town Races	31,252,350	10,142	4.2	2.9	3,081	55.87	566,631
	Mountaineer	13,305,901	7,338	3.0	1.2	1,813	32.88	241,247
STATE	TRACK	PURSES (PAID)	STARTS	% OF STARTS	% OF PURSES	PURSES PER START	HISA FEE PER START	HISA ANNUAL COST
California	Del Mar	29,540,730	3,564	1.5	2.7	8,289	97.69	348,178
	Santa Anita Park	54,022,815	6,188	2.5	4.9	8,730	102.90	636,732
Florida	Gulfstream Park	78,676,410	16,657	6.9	7.2	4,723	65.15	1,085,265
Maryland	Laurel Park	34,257,495	6,806	2.8	3.1	5,033	60.97	414,934
	Pimlico	29,938,314	3,582	1.5	1.9	5,845	70.80	253,609
New Jersey	Monmouth	25,863,475	4,113	1.7	2.4	6,288	71.83	295,417
New York	Aqueduct	46,968,360	5,505	2.3	4.3	8,532	83.45	459,410
	Belmont	70,275,740	5,906	2.4	6.4	11,899	116.39	687,386
	Saratoga	46,797,310	3,217	1.3	4.3	14,547	142.29	457,737
Pennsylvania	Parx	47,850,090	11,361	4.7	4.4	4,212	62.25	707,188
STATE	TRACK	PURSES (PAID)	STARTS	% OF STARTS	% OF PURSES	PURSES PER START	HISA FEE PER START	HISA ANNUAL COST
		\$1,092,675,229	242,916	100.0	100.0	\$14,331,949		

Other major racing states/jurisdictions

Overall