

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 743 Steroid Use in Racing Greyhounds
SPONSOR(S): Tourism & Gaming Control Subcommittee, Smith and others
TIED BILLS: IDEN./SIM. **BILLS:** HB 113, SB 512

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism & Gaming Control Subcommittee	13 Y, 0 N	Sarsfield	Barry
2) Commerce Committee	23 Y, 5 N	Sarsfield	Hamon

SUMMARY ANALYSIS

There are currently twelve licensed pari-mutuel greyhound racetracks in Florida. The Division of Pari-Mutuel Wagering (Division) is responsible for regulating pari-mutuel facilities, including protecting the safety and welfare of racing greyhounds by regulating the types and amounts of medication permitted in racing greyhounds. The Division maintains rules concerning permissible medications in greyhound racing.

Currently, state law requires the Division to follow standards set by the Association of Racing Commissioners International, Inc. (ARCI) regarding the permissible levels of naturally occurring substances in order to ensure the safety of racing greyhounds. The ARCI's Model Rules of Racing prohibit the use of anabolic steroids at any stage of a greyhound's racing career.

The bill provides that a positive test result for anabolic steroids in a racing greyhound before or after a race results in a violation of law.

The bill does not have a fiscal impact on state or local government.

The bill provides for an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Greyhound racing in Florida began in 1922, and pari-mutuel wagering on greyhound racing was legalized in 1932.¹ There are currently twelve licensed pari-mutuel greyhound racetracks in Florida, where thousands of greyhounds from around the country participate in races each year.² The Division is responsible for regulating pari-mutuel facilities, including protecting the safety and welfare of racing greyhounds. The Division enforces statutes and maintains policies that either limit or prohibit certain medications from being administered to racing greyhounds.

Much of the current law related to the medication and testing of racing animals was adopted in the 1990's. Given the large number of medications that could be used in greyhounds, the Division adopted a rule in 2011 to clarify which medications may or may not be used in connection with greyhound racing.³

Among other things, the Division's rule permits "the administration of testosterone or testosterone-like substances, when used for the control of estrus in female racing Greyhounds."⁴ According to the Division, rules were adopted with the understanding that trainers use testosterone only to control the amount of estrus⁵ in female greyhounds.⁶ However, some critics of greyhound racing contend that anabolic steroids are often administered to greyhounds as a performance enhancing medication to the detriment of the animal's well-being.⁷ Accordingly, other jurisdictions have prohibited the use of anabolic steroids in racing animals.⁸

In 2015, the statutes were revised to reflect the changing uses of medications and other substances in animal racing.⁹ Section 550.2415, F.S., currently prohibits the racing of an animal that has been impermissibly medicated and identifies certain medications or substances that are either prohibited or permitted only under limited circumstances. The statutes authorize the Division to adopt rules specifying acceptable levels of naturally occurring substances, in accordance with standards established by the Association of Racing Commissioners International, Inc. (ARCI).¹⁰ Notably, under the ARCI Model Rules of Racing, "[a]ny usage of anabolic steroids involving racing greyhounds is strictly prohibited at any stage of their training and racing careers."¹¹ Other drugs and substances are

¹ *The History of Greyhound Racing*, THE GREYHOUND RACING ASS'N OF AMERICA, INC., http://www.greyhound-racing.com/the_sport/history.html (last visited Mar. 6, 2017).

² See David Begnaud, *Florida's Greyhound racing may be headed for the finish line*, CBS EVENING NEWS, (Feb. 12, 2016) <http://www.cbsnews.com/news/floridas-greyhound-racing-may-be-headed-for-the-finish-line/> (There are 19 greyhound racetracks in the United States—12 of which are located in Florida).

³ See Rule 61D-6.007, F.A.C., regarding permitted medications for racing greyhounds.

⁴ *Id.*

⁵ *Estrus*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/estrus>, (last visited Mar. 6, 2017) ("a regularly recurrent state of sexual receptivity during which the female of most mammals will accept the male and is capable of conceiving").

⁶ See Rule 61D-6.007.

⁷ See *About Dog Racing: Drugs*, GREY2K USA WORLDWIDE, <https://www.grey2kusa.org/about/drugs.php> (last visited Mar. 6, 2017).

⁸ See Independent Anti-Doping and Medication Control Review, *Report of Current GBGB Anti-doping and Medication Rules and their Implementation* (London: Greyhound Board of Great Britain, 2010), 24; see also Greyhounds Australasia, *Greyhounds Australasia Rules* (Springvale: Greyhounds Australasia, 2012); New Zealand Greyhound Racing Association, "Categories of Prohibited Substances," Rules and Policies (Lower Hutt: New Zealand Greyhound Racing Association, 2014).

⁹ Ch. 2015-88, Laws of Fla.

¹⁰ s. 550.2415(7)(a), F.S.

¹¹ THE ASS'N OF RACING COMMISSIONERS INT'L, *Model Rules of Racing* 404 (December 9, 2016),

https://drive.google.com/file/d/0B2HwTiDKu_FHVTFhTU0yU3pmT3M/view.

STORAGE NAME: h0743c.COM

DATE: 3/22/2017

permitted under limited circumstances, such as furosemide to treat exercise-induced bleeding. Vitamins and minerals that do not exceed certain levels are also permitted.

Currently, the following factors are evaluated in determining whether certain substances are prohibited:

- Whether the substance was administered during a specific time frame prior to a race;
- Whether the racing animal is approved or qualified to receive the substance;
- What level of the substance is detected as set by administrative rule; and
- What method of administration was used.

Samples of bodily fluids may be collected from a racing animal immediately before and immediately after it has raced. If racing officials find that impermissible substances have been administered, impermissible levels of substances have been administered, or permissible substances have been administered during prohibited periods before a race, such substances may be confiscated and the racing animal may be prohibited from racing.

The trainer of record for each animal is responsible for the condition of the animals he or she enters into a race, and for securing all prescribed medications, over-the-counter medicines, and natural or synthetic medicinal compounds.

In determining whether a violation has occurred, samples from racing greyhounds collected at racetracks are analyzed by the Division's laboratory. The University of Florida College of Veterinary Medicine Equine Racing Laboratory is currently under annual contract for these services.¹²

If the Division's laboratory finds that the sample contains prohibited substances, the owner or trainer has the right to request another analysis be done on the retained portion by an independent laboratory. If the independent laboratory's analysis confirms the finding made by the Division laboratory, administrative disciplinary proceedings may be pursued against the owner or trainer. However, if the results cannot be confirmed by an independent laboratory, a greyhound owner or trainer may still be prosecuted based on the original positive test result from the Division's laboratory. This is due to difficulties in collecting a sufficient amount of sample from a greyhound for the independent laboratory analysis.

Effect of Proposed Changes

The bill modifies s. 550.2415, F.S., related to the prohibition of racing greyhounds under certain conditions, making it a violation for a greyhound to test positive for anabolic steroids before or after a race. Licensees responsible for a racing greyhound are held in violation if illegal substances are found, whether or not the actual perpetrator is known.

The bill maintains existing procedures for determining violations. The bill provides that if a racing greyhound tests positive for anabolic steroids, administrative sanctions set forth in current law may apply. The licensee's license can be suspended or revoked or the licensee may be fined. The maximum fine for violations is \$10,000 or the amount of the purse, whichever is greater. The deadline for the initiation of administrative disciplinary proceedings is 90 days from the date the violation was committed. Any affected licensee would have the same due process rights, including the opportunity for a hearing, which law currently affords for alleged violations under s. 550.2415, F.S.

¹² See *Veterinary Diagnostic Laboratories*, UF LARGE ANIMAL HOSPITAL, COLLEGE OF VETERINARY MEDICINE, <http://largeanimal.vethospitals.ufl.edu/services/veterinary-diagnostic-laboratories/> (last visited Mar. 6, 2017).

B. SECTION DIRECTORY:

Section 1 amends s. 550.2415, F.S., making it a violation for a racing greyhound to have anabolic steroids present in the bloodstream resulting in a positive test based on samples taken either before or immediately after the racing of that greyhound.

Section 2 provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not have a fiscal impact on state or local government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 8, 2017, the Tourism and Gaming Control Subcommittee considered a Proposed Committee Substitute for HB 743. The committee substitute made one title change to HB 743, replacing "An act relating to greyhound racing" with "An act relating to steroid use in racing greyhounds." The committee substitute was reported favorably. The analysis is drafted to the committee substitute.