



NEW YORK STATE SENATOR

Thomas K. Duane

## Introducing Legislation Banning the Use of Performance Enhancing Drugs in New York's Horseracing Industry

THOMAS K. DUANE September 13, 2011

| ISSUE: **RACING**

ALBANY, September 13, 2011 – As the Belmont Race Course opens its gates for its Fall season, Senator Thomas K. Duane today announced that he will introduce legislation banning the use of performance enhancing drugs, including the widely overused diuretic Lasix (Furosemide), on any horse participating in a New York State sanctioned horserace. The bill also carries stiff fines -- including a permanent ban on those who violate the law after a third violation.

Senator Duane said, "Until this legislation becomes law, I urge everyone to refrain from wagering on any horse that is being dosed with Lasix – or worse. No one in the horseracing industry should be monetarily rewarded for racing a horse which may be too sick to run without such drugs."

In the early 1970's Lasix, a diuretic, was discovered to prevent the incidence of bleeding in horses. Many horses, dubbed "Bleeders," have a tendency to suffer from nose bleeds. Too many nosebleeds can permanently bar a horse from racing thus ruining the owners' investment made on the horse. Lasix was hailed as a miracle drug which allowed Bleeders to run longer and made thousands of younger horses eligible to compete. Critics contend that

the drug has weakened the racing breed, and caused irreparable harm to horses, which in turn has hurt the industry with horses burning out before they can enter major races.

"Lasix is not used outside the United States and some parts of Canada. For more than two decades, New York showed tremendous leadership by being the only horse racing state in the nation that banned Lasix. Sadly, in 1995 the New York State Office of Gaming, Racing and Wagering succumbed to the pressure of the horseracing industry and lifted the ban – cynically just in time for the opening day of Belmont Park's Fall meet," said Senator Duane, "We ban all other athletes in every other sport from taking performance enhancing drugs both for their safety and to maintain the integrity of their sports. Yet we embrace the idea of dispensing Lasix to horses so they won't have a nosebleed or develop blood in their lungs during a big race. This is unacceptable."

Specifically, Senator Duane's legislation, based on a Federal model pending before the United States Senate, would:

- Charge the New York State Office of Gaming, Racing and Wagering with the responsibility for establishing regulations and enforcement of these provisions.
- Prohibit all performance enhancing drugs, except those to treat infection, on any horse which enters a race in the State of New York
- Require that an independent and accredited third party testing laboratory be responsible for testing horses for performance enhancing drugs.
- Mandate that the horse that finishes first in a race as well as one other randomly chosen

horse in the same race will be tested.

- Establish that a person that provides a horse with performance-enhancing drugs or races a horse in the State of New York shall be subject to the following penalties:

- **First Violation**: Civil penalty of not less than \$5,000 dollars and suspension for a period of not less than 180 days from all activities related to horseracing in the State of New York.
- **Second Violation**: Civil Penalty of not less than \$20,000 and a suspension for a period of not less than one year from all activities related to horseracing in the State of New York.
- **Third and Subsequent Violations**: Civil penalty of not less than \$50,000 and a permanent banishment from all activities relating to horseracing in the State of New York

- Establish that a horse that is provided with a performance enhancing drug or is raced in violation shall:

- **First Violation**: Be suspended for a period of not less than 180 days from racing in any horserace in the State of New York
- **Second Violation**: Be suspended for a period of not less than one year from racing in any horserace in the State of New York
- **Third and Subsequent Violations**: Be suspended for a period of not less than two years from racing in any horserace in the State of New York.

- The bill further provides legal protections for partial owners and horseracing staff who become aware drug enhancing drugs are being used on a horse and made good faith efforts

to stop it from happening.

Senator Duane concluded, "New York has been the gold standard in horseracing for close to 150 years. It was not until 1995 that we allowed the shameful practice of pumping horses with these drugs – and for very little gain. New York can do better than this and I am confident this legislation will guarantee an end to this practice."

--30--