

05/10/2017-REASSIGNED TO THE COMMITTEE ON ECONOMIC DEVELOPMENT
AND AGRICULTURE

BILL NO. 32-0093

Thirty-Second Legislature of the Virgin Islands

May 9, 2017

An Act amending title 32 Virgin Islands Code, chapter 11, relating to horse racing adding sections 306-313 to provide for anti-doping in the horse racing industry in the Virgin Islands, and to amend certain sections of title 32 Virgin Islands Code, chapter 21, Article XVI regarding the allocation of funds received from the racino tax

PROPOSED BY: Senator Myron D. Jackson by Request of the Governor

1 ***Be it enacted by the Legislature of the Virgin Islands:***

2 **SECTION 1.** Title 32 Virgin Islands Code, chapter 11, is amended as follows:

3 (a) Section 205, subsection (b) is amended by striking the second sentence.

4 (b) Section 208 is amended in:

5 (1) subsection (a) by striking “and/or its district commissions” and
6 striking the second to the last sentence; and

7 (2) subsection (b) by striking the last sentence;

8 (c) section 209 is amended by

9 (1) striking “and its respective district commissions,” and

1 (2) striking “are hereby authorized to” and inserting, ‘may’.

2 **SECTION 2.** Title 32 Virgin Islands Code, chapter 11, is amended by adding
3 sections 221-228 to read as follows:

4 **“§ 221. Anti-Doping**

5 Horses participating in horse races must be examined before and immediately
6 after the race or races in which they participate. A horse to which drugs have been
7 administered or to which an electric battery or any similar device had been applied may
8 not participate in any race during the program. The order of finish of a race may not be
9 determined until after the post-race examination for the application of electric batteries or
10 any similar device. If the administration of a drug or application of an electric battery or
11 any similar device to a horse is discovered after a race and before the order of finish is
12 determined, the horse must be disqualified. No prize, in cash or otherwise, may be
13 awarded until after the necessary tests and analyses for drugs have been completed. If
14 after any such test the administration of a drug to a horse is discovered, the horse may not
15 receive any prizes. Anti-doping testing includes the following defined items:

16 (a) An official sample is a sample of urine or blood that is collected at a
17 racetrack from a horse by, or under supervision of, a test inspector for the purpose of
18 determining whether a prohibited substance is present;

19 (b) The test inspectors are the individuals in charge of the test barn. This
20 includes the collection of samples, the supervision of the horse, its sample, and related
21 documents;

(c) A positive test is one in which the presence of a prohibited substance is detected and confirmed in an official sample or by a qualified official chemist working in a lab under contract to the Horse Racing Commission;

(d) A qualitative analysis means the identification of the substance in a sample, and the measurement of the concentration of a substance in a sample.

§ 222. Collection of Samples

The collection of samples are as follows:

(a) Samples are collected from racehorses to test for the presence of prohibited substances to protect the integrity of Virgin Islands racing and the betting public.

(b) Judges/stewards generally select horses for testing. Horses may be selected at random or on the basis of their racing performance.

(c) Immediately after a race, the horse is taken to the test barn (retention area), where it is placed in a secure stall until such time as a urine or blood sample is obtained. Horses may also be selected for pre-race sample collection.

(d) If a horse does not produce a urine sample within a period of up to one hour after the last race of the day, a blood sample is collected in the test barn. Blood samples are also taken from horses that are entered in special drug-control programs, such as Exercise-Induced Pulmonary Hemorrhage (EIPH) Lasix 7® (Salix®) Program and the Quantitative Limit Program.

(e) An official sample is collected, the sample is sealed, labeled, and placed in a box with other samples from that race day. The label on the sample must contain only the track name, date, and sample number. The horse's name and other identifying

information, cross-referenced to the sample number, is retained at the track. The box is locked, sealed, and shipped to an official lab for analysis.

§ 223. Permitted and Prohibited Substances

(a) A list of prohibited substances and methods must be developed by the Commission after consultation with the Department of Agriculture. The list must at a minimum include any substance or method that is include on either—

(1) Class 1, 2, 3 and 4 drugs, medications and substances in the Uniform Classification Guidelines for Foreign Substances of the Association of Racing Commissioners International (ARCI), as amended from time to time, published at ARCI's website, or,

(2) The Prohibited List, International Standard, or the World Anti-Doping Code, as amended from time to time.

(b) Except to the extent that such a substance or method described in subsection (a) is contained on the list of permitted substances and methods identified on the Association of Racing Commissioners International Therapeutic Medication Schedule for Horses, as amended from time to time, the substance is prohibited.

§ 224. Testing and Quality Assurance Plan

The Virgin Islands Horse Racing Commission shall determine the laboratory to be used in testing samples taken within its jurisdiction, provided that the laboratory selected has been accredited by, and complies with the testing protocols and standards established by the Commission and any all federal laws.

§ 225 Anti-Doping Rule Violation-The Virgin Islands Horse Racing

Commission, after notice to and with appropriate opportunity for comment from industry

1 representatives and the public, shall establish a list of anti-doping rule violations
2 applicable to either horses or affiliated persons, including, but not limited to:

3 (1) strict liability for the presence of a prohibited substance or method in a
4 horse's sample or the use of a prohibited substance or method;

5 (2) attempted use of a prohibited substance or method;

6 (3) possession of any prohibited substance or method;

7 (4) attempted possession of any prohibited substances or method;

8 (5) administration or attempted administration of any prohibited substance or
9 method;

10 (6) refusing or failing without compelling justification to submit a horse for
11 sample collection;

12 (7) tampering or attempting tampering with any part of doping control; and

13 (8) trafficking or attempted trafficking in any prohibited substances or method
14 and complicity in any anti-doping rule violation.

15 **§ 225. Rules and Regulation of Doping**

16 Not later than 90 days after the effective date of this section or 90 days after
17 sufficient members of the new Commission are seated, whichever is later, the Virgin
18 Islands Horse Racing Commission, after notice to and with appropriate opportunity for
19 comment from thoroughbred industry representatives and the public, shall establish rules
20 for anti-doping results management and the disciplinary process for anti-doping rule
21 violation results management, including provisions for notification of anti-doping rule
22 violations, hearing procedures, burden of proof, presumptions, evidentiary rules, appeals,
23 and guidelines for confidentially and public reporting of decisions. The rules must

1 provide adequate due process, including impartial hearing officers or tribunals
2 commensurate with the seriousness of the alleged anti-doping rule violation and the
3 possible sanctions for such violation.

4 **§ 226. Doping Sanctions**

5 The Virgin Islands Horse Racing Commission, after notice to and with
6 appropriate opportunity for comment from thoroughbred industry representatives and the
7 public, shall establish uniform rules imposing sanctions against covered persons or
8 covered horses for anti-doping rule violations. The sanctioning rules must take into
9 account the unique aspects of thoroughbred horseracing, and shall be designed to ensure
10 fair and transparent thoroughbred horse races and deter the commission of anti-doping
11 rule violations. The rules must impose sanctions up to and including a lifetime ban from
12 horseracing and must include opportunities for anti-doping rule violators to reduce the
13 otherwise applicable sanctions generally comparable to those opportunities afforded by
14 the United States Anti-Doping Agency's Protocol for Olympic Movement Testing.

15 **§ 227 Relationship to Federal Anti-Doping Laws**

16 To the extent the anti-doping rules enacted by sections 306-311 of this chapter are
17 inconsistent with any subsequently enacted federal laws, the federal laws govern.

18 **§ 228. Authority of the Attorney General**

19 (a) The Attorney General shall enforce this chapter. The Commissioner of
20 Police may, upon request of the Attorney General, order the law enforcing officers to
21 assign a sufficient number of deputies to aid members of the Attorney General in
22 preventing horse racing at any track within the respective districts for which a license has
23 been refused, suspended or revoked by the Commission. The Police Commissioner may

1 similarly assign such deputies to aid the Attorney General when, by his determination,
2 additional forces are needed to preserve the health, welfare or safety of any person or
3 animal within the grounds of any race track in the Territory.

4 (b) The Attorney General is the legal adviser for the Commission and shall
5 represent the Commission in any proceeding to which the commission is a party.

6 (c) The Attorney General may audit and investigate service providers,
7 totalizator companies, site operators, or organizations applying to conduct or conducting
8 parimutuel wagering. The Attorney General may:

9 (1) inspect all sites in which parimutuel wagering is conducted;

10 (2) inspect all parimutuel wagering equipment and supplies;

11 (3) seize, remove, or impound and parimutuel equipment, supplies or
12 books and records for the purpose of examination and inspection; and

13 (4) inspect, examine, photocopy, and audit all books and records.

14 (d) The Commission shall reimburse the Attorney General for auditing and
15 investigation costs. Payment for auditing and investigation must be deposited in the
16 Attorney General's operating fund."

17 **SECTION 3.** Title 32 Virgin Islands Code, chapter 21, Article XVI is amended
18 in sections 901, 902, and 903 to read as follows:

19 **"§ 901-Horse Racetrack Casino Revenue Fund**

20 (a) A separate and distinct special fund is established in the Treasury of the
21 Virgin Islands known as the "Horse Racetrack Casino Revenue Fund" into which all
22 revenues derived from the tax imposed by section 803(b) must be deposited.

1 (b) Monies in the fund may be distributed only for the purpose prescribed
2 under this subsection as follows:

3 (1) Fifty percent to the Treasury of the Virgin Islands pursuant to title
4 section 517;

5 (2) Thirty percent to be evenly divided for purses between the
6 association that represents the majority of all of the licensed horse owners and
7 trainers on each of St. Croix and St. Thomas/St. John districts, respectively, and is
8 so recognized by the Virgin Islands Horseracing Commission;

9 (3) Three percent to the Thoroughbred Fund established by section
10 902 of this title for use in the Certified Thoroughbred Program;

11 (4) Three percent to the Hospitality Training Fund established by
12 section 903 of this title.

13 (5) Four percent to the Agriculture Revolving Fund established in
14 section 3018 of title 33 of the Virgin Islands Code;

15 (6) Two percent to the Department of Agriculture to place in a special
16 Horse Treatment Fund for the treatment of horses that are injured or cannot
17 continue to race to assist the Horsemen Associations on both St. Croix and St.
18 Thomas in taking care of the medical needs of the horses as well as their
19 euthanasia if needed;

20 (7) Five percent to the Department of Sports, Parks and Recreation for
21 the development of youth sports activities in the Territory; and

1 (8) Three percent to the Virgin Islands Olympic Committee for
2 funding of athletes and national teams to represent the Virgin Islands in national
3 and regional competitions.

4 **§ 902. Thoroughbred Fund**

5 (a) A separate and distinct special fund is established in the Treasury of the
6 Virgin Islands for promotion of Horse Racing in the Virgin Islands designated as the
7 Thoroughbred Fund. Monies in the Thoroughbred Fund are administered by the Virgin
8 Islands Horse Racing Commission, through the Department of Finance.

9 (b) Monies in the Fund must be used to stimulate the horse racing industry in
10 the Virgin Islands through assistance with increased economic activity and vitality to
11 enable the industry to improve its facilities and breeding stock, and cause increased
12 employment. Such monies must be divided evenly to benefit the horse racing industry on
13 St. Croix and the horse racing industry on St. Thomas, respectively.

14 **§ 903. Hospitality Training Fund**

15 (a) A separate and distinct special fund is established in the Treasury of the
16 Virgin Islands for hospitality training in the Virgin Islands designated the “Hospitality
17 Training Fund”.

18 (b) The Fund is administered by the Commissioner of the Department of
19 Finance.

20 (c) Monies in the Fund must be evenly divided for use solely for hospitality
21 training on each of St. Croix and St. Thomas/St. John, respectively.

22 (d) The Department of Tourism shall coordinate the training programs to be
23 implemented under the Fund.”

BILL SUMMARY

The bill amends title 32, chapter 11 to add anti-doping statutes and to amend certain sections of title 32 Virgin Islands Code, chapter 21, Article XVI regarding the allocation of funds received from the racino tax.

REVIEWER'S NOTE

THIS BILL REQUIRES EXTENSIVE AMENDMENT BEFORE IT IS ENACTED.

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