

greater takeout is authorized by State law in the off-track State.

(Pub. L. 95-515, §5, Oct. 25, 1978, 92 Stat. 1813.)

### § 3005. Liability and damages

Any person accepting any interstate off-track wager in violation of this chapter shall be civilly liable for damages to the host State, the host racing association and the horsemen's group. Damages for each violation shall be based on the total of off-track wagers as follows:

(1) If the interstate off-track wager was of a type accepted at the host racing association, damages shall be in an amount equal to that portion of the takeout which would have been distributed to the host State, host racing association and the horsemen's group, as if each such interstate off-track wager had been placed at the host racing association.

(2) If such interstate off-track wager was of a type not accepted at the host racing association, the amount of damages shall be determined at the rate of takeout prevailing at the off-track betting system for that type of wager and shall be distributed according to the same formulas as in paragraph (1) above.

(Pub. L. 95-515, §6, Oct. 25, 1978, 92 Stat. 1814.)

### § 3006. Civil action

#### (a) Parties; remedies

The host State, the host racing association, or the horsemen's group may commence a civil action against any person alleged to be in violation of this chapter, for injunctive relief to restrain violations and for damages in accordance with section 3005 of this title.

#### (b) Intervention

In any civil action under this section, the host State, the host racing association and horsemen's group, if not a party, shall be permitted to intervene as a matter of right.

#### (c) Limitations

A civil action may not be commenced pursuant to this section more than 3 years after the discovery of the alleged violation upon which such civil action is based.

#### (d) State as defendant

Nothing in this chapter shall be construed to permit a State to be sued under this section other than in accordance with its applicable laws.

(Pub. L. 95-515, §7, Oct. 25, 1978, 92 Stat. 1814.)

### § 3007. Jurisdiction and venue

#### (a) District court jurisdiction

Notwithstanding any other provision of law, the district courts of the United States shall have jurisdiction over any civil action under this chapter, without regard to the citizenship of the parties or the amount in controversy.

#### (b) Venue; service of process

A civil action under this chapter may be brought in any district court of the United States for a district located in the host State or the off-track State, and all process in any such

civil action may be served in any judicial district of the United States.

### (c) Concurrent State court jurisdiction

The jurisdiction of the district courts of the United States pursuant to this section shall be concurrent with that of any State court of competent jurisdiction located in the host State or the off-track State.

(Pub. L. 95-515, §8, Oct. 25, 1978, 92 Stat. 1814.)

## CHAPTER 57A—HORSERACING INTEGRITY AND SAFETY

Sec.	Definitions.
3051.	Recognition of the Horseracing Integrity and Safety Authority.
3052.	Federal Trade Commission oversight.
3053.	Jurisdiction of the Commission and the Horseracing Integrity and Safety Authority.
3054.	Horseracing anti-doping and medication control program.
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3057.	Review of final decisions of the Authority.
3058.	Unfair or deceptive acts or practices.
3059.	State delegation; cooperation.
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### § 3051. Definitions

In this chapter the following definitions apply:

#### (1) Authority

The term "Authority" means the Horseracing Integrity and Safety Authority designated by section 3052(a) of this title.

#### (2) Breeder

The term "breeder" means a person who is in the business of breeding covered horses.

#### (3) Commission

The term "Commission" means the Federal Trade Commission.

#### (4) Covered horse

The term "covered horse" means any Thoroughbred horse, or any other horse made subject to this chapter by election of the applicable State racing commission or the breed governing organization for such horse under section 3054(k)<sup>1</sup> of this title, during the period—

(A) beginning on the date of the horse's first timed and reported workout at a racetrack that participates in covered horseraces or at a training facility; and

(B) ending on the date on which the Authority receives written notice that the horse has been retired.

#### (5) Covered horserace

The term "covered horserace" means any horserace involving covered horses that has a substantial relation to interstate commerce, including any Thoroughbred horserace that is the subject of interstate off-track or advance deposit wagers.

#### (6) Covered persons

The term "covered persons" means all trainers, owners, breeders, jockeys, racetracks, veterinarians, persons (legal and natural) licensed

<sup>1</sup> So in original. Probably should be "section 3054(l)".

by a State racing commission and the agents, assigns, and employees of such persons and other horse support personnel who are engaged in the care, training, or racing of covered horses.

**(7) Equine constituencies**

The term “equine constituencies” means, collectively, owners, breeders, trainers, racetracks, veterinarians, State racing commissions, and jockeys who are engaged in the care, training, or racing of covered horses.

**(8) Equine industry representative**

The term “equine industry representative” means an organization regularly and significantly engaged in the equine industry, including organizations that represent the interests of, and whose membership consists of, owners, breeders, trainers, racetracks, veterinarians, State racing commissions, and jockeys.

**(9) Horseracing anti-doping and medication control program**

The term “horseracing anti-doping and medication control program” means the anti-doping and medication program established under section 3055(a) of this title.

**(10) Immediate family member**

The term “immediate family member” shall include a spouse, domestic partner, mother, father, aunt, uncle, sibling, or child.

**(11) Interstate off-track wager**

The term “interstate off-track wager” has the meaning given such term in section 3002 of this title.

**(12) Jockey**

The term “jockey” means a rider or driver of a covered horse in covered horseraces.

**(13) Owner**

The term “owner” means a person who holds an ownership interest in one or more covered horses.

**(14) Program effective date**

The term “program effective date” means July 1, 2022.

**(15) Racetrack**

The term “racetrack” means an organization licensed by a State racing commission to conduct covered horseraces.

**(16) Racetrack safety program**

The term “racetrack safety program” means the program established under section 3056(a) of this title.

**(17) Stakes race**

The term “stakes race” means any race so designated by the racetrack at which such race is run, including, without limitation, the races comprising the Breeders’ Cup World Championships and the races designated as graded stakes by the American Graded Stakes Committee of the Thoroughbred Owners and Breeders Association.

**(18) State racing commission**

The term “State racing commission” means an entity designated by State law or regula-

tion that has jurisdiction over the conduct of horseracing within the applicable State.

**(19) Trainer**

The term “trainer” means an individual engaged in the training of covered horses.

**(20) Training facility**

The term “training facility” means a location that is not a racetrack licensed by a State racing commission that operates primarily to house covered horses and conduct official timed workouts.

**(21) Veterinarian**

The term “veterinarian” means a licensed veterinarian who provides veterinary services to covered horses.

**(22) Workout**

The term “workout” means a timed running of a horse over a predetermined distance not associated with a race or its first qualifying race, if such race is made subject to this chapter by election under section 3054(k)<sup>1</sup> of this title of the horse’s breed governing organization or the applicable State racing commission.

(Pub. L. 116–260, div. FF, title XII, § 1202, Dec. 27, 2020, 134 Stat. 3252.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act” and was translated as reading “this title”, meaning title XII of div. FF of Pub. L. 116–260, to reflect the probable intent of Congress.

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

Pub. L. 116–260, div. FF, title XII, § 1201, Dec. 27, 2020, 134 Stat. 3252, provided that: “This title [enacting this chapter] may be cited as the ‘Horseracing Integrity and Safety Act of 2020’.”

**§ 3052. Recognition of the Horseracing Integrity and Safety Authority**

**(a) In general**

The private, independent, self-regulatory, non-profit corporation, to be known as the “Horseracing Integrity and Safety Authority”, is recognized for purposes of developing and implementing a horseracing anti-doping and medication control program and a racetrack safety program for covered horses, covered persons, and covered horseraces.

**(b) Board of directors**

**(1) Membership**

The Authority shall be governed by a board of directors (in this section referred to as the “Board”) comprised of nine members as follows:

**(A) Independent members**

Five members of the Board shall be independent members selected from outside the equine industry.

**(B) Industry members**

**(i) In general**

Four members of the Board shall be industry members selected from among the various equine constituencies.