

# SENATE BILL No. 183

March 7, 1989, Introduced by Senator HOLMES and  
referred to the Committee on Regulatory Affairs.

A bill to amend sections 2, 3, 5, 6, 7, 8, 9, 10, 11, 12,  
12a, 13, 15, 23, 24, and 25 of Act No. 327 of the Public Acts of  
1980, entitled as amended

"Racing law of 1980,"

sections 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 23, and 24 as  
amended and section 12a as added by Act No. 108 of the Public  
Acts of 1986, being sections 431.62, 431.63, 431.65, 431.66,  
431.67, 431.68, 431.69, 431.70, 431.71, 431.72, 431.72a, 431.73,  
431.75, 431.83, 431.84, and 431.85 of the Michigan Compiled Laws;  
and to add sections 13a and 24a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 12a,  
2   13, 15, 23, 24, and 25 of Act No. 327 of the Public Acts of 1980,  
3   sections 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 23, and 24 as  
4   amended and section 12a as added by Act No. 108 of the Public

1 Acts of 1986, being sections 431.62, 431.63, 431.65, 431.66,  
2 431.67, 431.68, 431.69, 431.70, 431.71, 431.72, 431.72a, 431.73,  
3 431.75, 431.83, 431.84, and 431.85 of the Michigan Compiled Laws,  
4 are amended and sections 13a and 24a are added to read as  
5 follows:

6       Sec. 2. The office of racing commissioner is created within  
7 the department of agriculture. The racing commissioner shall  
8 have the powers and duties prescribed in this act and shall have  
9 the responsibility for administering the provisions of this act  
10 relating to licensing, enforcement, and regulation. The racing  
11 commissioner shall have those additional powers necessary and  
12 proper to implement and enforce this act and to maintain juris-  
13 diction over the conduct of each meeting within this state where  
14 horse OR DOG racing is permitted for a stake, purse, or reward.

15       Sec. 3. (1) The racing commissioner shall be appointed by  
16 the governor by and with the advice and consent of the senate for  
17 a term of 4 years.

18       (2) The racing commissioner shall be a resident of this  
19 state and shall not be a stockholder of, or be directly or indi-  
20 rectly connected with the conduct or management of, a racetrack  
21 or a racing interest, including the ownership, breeding, train-  
22 ing, or racing of horses OR DOGS during his or her term of  
23 office.

24       Sec. 5. (1) The racing commissioner shall receive an annual  
25 salary as appropriated by the legislature. The racing commis-  
26 sioner shall employ 2 deputy commissioners and other personnel as  
27 necessary for the administration of this act within the limits of

1 the appropriations made by the legislature and subject to civil  
2 service rules. For the purpose of carrying out this act, rela-  
3 tive to the conduct of racing, the racing commissioner may dele-  
4 gate the performance of duties of the racing commissioner to the  
5 deputy commissioners or special deputies. The racing commis-  
6 sioner shall designate 2 state stewards of racing as special dep-  
7 uties for each race meeting. A state steward shall take the con-  
8 stitutional oath of office and may exercise any power granted by  
9 the rules of the racing commissioner promulgated pursuant to this  
10 act. An appeal from a decision of a state steward may be taken  
11 to the racing commissioner. The racing commissioner shall be  
12 entitled to the reasonable and necessary expenses incurred in the  
13 discharge of the duties prescribed in this act.

14 (2) The secretary to the racing commissioner shall keep a  
15 record of all proceedings; preserve all books, maps, documents,  
16 and papers belonging to the racing commissioner or entrusted to  
17 the racing commissioner's care; and perform other duties as the  
18 racing commissioner prescribes.

19 (3) The racing commissioner shall make an annual report to  
20 the governor before April 15 for the previous calendar year,  
21 which report shall include a statement of the racing  
22 commissioner's receipts and disbursements and additional informa-  
23 tion and recommendations which the racing commissioner considers  
24 of value or the governor requires.

25 (4) IN ADDITION TO THE DEPUTY COMMISSIONERS PROVIDED FOR IN  
26 THIS SECTION, THERE IS CREATED THE OFFICE OF DEPUTY COMMISSIONER  
27 FOR GREYHOUND RACING, WHO SHALL BE APPOINTED BY THE GOVERNOR WITH

1 THE ADVICE AND CONSENT OF THE SENATE FOR A TERM OF 4 YEARS. THE  
2 DEPUTY COMMISSIONER FOR GREYHOUND RACING SHALL ASSIST THE RACING  
3 COMMISSIONER IN THE PROMULGATION OF RULES UNDER SECTION 6(1). IN  
4 ALL OTHER FUNCTIONS, THE DEPUTY COMMISSIONER FOR GREYHOUND RACING  
5 SHALL ACT AS A DEPUTY COMMISSIONER IN THE SAME MANNER AS THE DEP-  
6 UTIES DESIGNATED UNDER SUBSECTION (1).

7       Sec. 6. (1) The racing commissioner shall promulgate rules  
8 pursuant to the administrative procedures act of 1969, Act  
9 No. 306 of the Public Acts of 1969, as amended, being sections  
10 24.201 to 24.328 of the Michigan Compiled Laws, under which horse  
11 OR DOG racing shall be conducted within this state. The rules  
12 promulgated under this section shall accomplish all of the  
13 following:

14       (a) Governing, restricting, or regulating a uniform system  
15 of betting on races to be used at each racetrack in this state.

16       (b) Promoting the safety, security, growth, and integrity of  
17 all horse OR DOG racing conducted within this state.

18       (c) Licensing and regulating each person participating in,  
19 or having to do with, horse OR DOG racing within this state.

20       (2) Each race meeting licensee shall provide security at all  
21 times during the conduct of a race meeting so as to reasonably  
22 insure the safety of all persons, DOGS, and horses on the  
23 grounds, and to protect and preserve the integrity of racing and  
24 pari-mutuel wagering. Upon a determination by the racing commis-  
25 sioner that additional security is necessary to insure the safety  
26 and integrity of racing, supplemental security shall be provided

1 by the racing commissioner at each race meeting in areas where  
2 occupational licenses are required for admittance.

3 (3) The racing commissioner may assess a penalty, including  
4 a fine of not more than \$5,000.00 for each violation of this act  
5 or a rule promulgated under this act committed by a licensee  
6 under this act. A fine assessed by the racing commissioner under  
7 this section which exceeds \$500.00 or the suspension of a license  
8 under this act may be appealed to the racing commissioner. The  
9 appeal shall be heard by a hearings officer within 30 days of the  
10 date on which the appeal is made and shall be subject to the con-  
11 tested case provisions of Act No. 306 of the Public Acts of 1969,  
12 as amended.

13 (4) All proposed extensions, additions, or improvements to  
14 the buildings, stables, KENNELS, improvements, or racetracks upon  
15 property owned or leased by a person licensed under this act  
16 shall be subject to the approval of the racing commissioner. The  
17 racing commissioner may compel the production of books, memoran-  
18 da, electronically retrievable data, or documents showing the  
19 receipts and disbursements of any licensee under this act that  
20 relate to horse racing. The racing commissioner at any time may  
21 for cause require the removal of any employee or official  
22 involved in or having to do with racing. The racing commissioner  
23 may visit, investigate, and place auditors and other persons as  
24 the racing commissioner considers necessary in the offices, race-  
25 tracks, or places of business of a licensee under this act to  
26 insure compliance with this act and the rules promulgated under  
27 this act. The racing commissioner may summon witnesses and

1 administer oaths or affirmations, if necessary for the effective  
2 discharge of duties under this act. A person failing to appear  
3 before the racing commissioner at the time and place specified,  
4 without just cause, in answer to a summons, or refusing to testi-  
5 fy, or testifying falsely, is guilty of a misdemeanor, punishable  
6 by a fine of not more than \$5,000.00, or imprisonment for not  
7 more than 6 months, or both.

8       Sec. 7. (1) The racing commissioner may issue the following  
9 general classes of licenses:

10       (a) Occupational licenses issued to individuals who qualify  
11 as racing participants, race meeting operators, or employees  
12 involved in or having to do with racing.

13       (b) Race meeting licenses issued annually specifying dates  
14 on which racing may be conducted, to a person, corporation, firm,  
15 partnership, association, or other legal entity proposing to con-  
16 duct the race meeting.

17       (c) Track licenses issued to a person, corporation, firm,  
18 partnership, association, or other legal entity who makes appli-  
19 cation and desires to maintain or operate a racetrack where it is  
20 proposed that horse OR DOG racing with wagering by pari-mutuel  
21 methods on the result of the racing will be conducted, whether or  
22 not the racetrack is constructed.

23       (2) Except as provided in subsection (3), the racing commis-  
24 sioner shall not issue a race meeting license to a person, corpo-  
25 ration, firm, partnership, association, or other legal entity, if  
26 the person, corporation, firm, partnership, or other legal entity  
27 conducted racing within a city area as defined in section 8(5)

1 and the person, corporation, firm, partnership, association, or  
2 other legal entity has a controlling interest in or co-ownership  
3 of another racetrack located within a city area as defined in  
4 section 8(5).

5 (3) The racing commissioner may issue more than 1 race meet-  
6 ing license to a person, corporation, firm, partnership, associa-  
7 tion, or other legal entity to conduct race meetings at the same  
8 racetrack.

9 Sec. 8. (1) The racing commissioner shall issue, without  
10 further application, a track license to any person maintaining or  
11 operating a licensed horse racetrack as of ~~the effective date of~~  
12 ~~this act~~ DECEMBER 18, 1980, with wagering by pari-mutuel methods  
13 on the results of the racing.

14 (2) A track license, once issued, shall only continue as  
15 long as the annual license fee is paid, or until the track  
16 license is voluntarily surrendered or is revoked as provided in  
17 this act.

18 (3) A track license application shall be in writing, shall  
19 demonstrate to the racing commissioner satisfactory financial  
20 responsibility, shall show the location of the racetrack or of  
21 the proposed racetrack, and shall be accompanied by substantially  
22 detailed plans and specifications of the racetrack, buildings,  
23 fences, and other improvements. The application shall give the  
24 name and address of the applicant, and, if a corporation, shall  
25 state the place of its incorporation, and shall give any other  
26 information required by the rules promulgated under this act or  
27 by the racing commissioner. Upon the filing of the application

1 and payment of the license fee, the racing commissioner shall  
2 make an investigation of the applicant and of the racetrack or  
3 proposed racetrack as the racing commissioner considers  
4 necessary. If the applicant and the racetrack satisfy the  
5 requirements of this act and the rules promulgated under this  
6 act, the racing commissioner shall grant a license for the race-  
7 track, designating in the license the county or area of the  
8 holder of the license. If the racetrack does not comply with  
9 this act and the rules promulgated under this act, the racing  
10 commissioner shall deny the license but shall grant a license  
11 upon compliance with the requirements imposed by the racing  
12 commissioner.

13       (4) After a license is issued under this section, the  
14 license may be revoked if the holder of the license, after rea-  
15 sonable notice from the racing commissioner, does not make the  
16 improvements or additions to the racetrack as are necessary, or  
17 if the holder of the license willfully violates this act or the  
18 rules promulgated under this act. In addition to the revocation  
19 of the license, the racing commissioner may impose a fine or  
20 bring an action in circuit court seeking an order of the court  
21 requiring the licensee to make the improvements or additions if  
22 the licensee fails to make improvements or corrections which  
23 comply with the applicable construction code or local  
24 ordinances. The action of the racing commissioner in refusing or  
25 revoking a track license may be reviewed by the circuit court for  
26 the county in which the racetrack is located. Either party may  
27 appeal from the circuit court to the court of appeals. The



1 applicant for the license shall also pay the license fees  
2 provided in this act.

3 (5) In a city area, not more than ~~3~~ 4 racetracks shall be  
4 licensed. As used in this act, "city area" means a city having a  
5 population of 1,000,000 or more, and includes the counties wholly  
6 or partly within a distance of 30 miles of the city limits of the  
7 city.

8 (6) A person, corporation, firm, partnership, association,  
9 or other legal entity shall not be issued more than 1 track  
10 license. Controlling ownership and interlocking directorates  
11 among the holders of track licenses are prohibited.

12 (7) A track license shall not be issued under this section  
13 if the racetrack would result in harmful competition among exist-  
14 ing racetracks.

15 Sec. 9. (1) A person desiring to conduct A GREYHOUND RACE  
16 MEETING; OR a thoroughbred, standardbred, quarter horse,  
17 Appaloosa, or Arabian race meeting, or a combination of these  
18 HORSE race meetings, shall apply to the racing commissioner for a  
19 license to conduct those race meetings. The application shall be  
20 filed with the racing commissioner before September 2 of the year  
21 preceding the year in which the person proposes to conduct  
22 racing. The application, after being filed, shall be made avail-  
23 able for public inspection during regular business hours. The  
24 application shall be in writing, shall demonstrate to the racing  
25 commissioner satisfactory financial responsibility, and shall  
26 specify the location and the days on which racing is desired to  
27 be held. The racing commissioner shall not allocate racing dates

1 to permit more than 6 days of racing in a week at a racetrack.  
2 The application shall give the name and address of the applicant,  
3 and, if a corporation, shall state the place of its incorpora-  
4 tion, and shall give any other information required by the rules  
5 promulgated under this act or by the racing commissioner. Upon  
6 the filing of the application, the racing commissioner shall make  
7 an investigation of the applicant. If Sunday racing is con-  
8 ducted, the first race shall not start before noon. A thorough-  
9 bred race meeting, or a simulcast by a thoroughbred race meeting  
10 licensee pursuant to section 12a, shall not be conducted after  
11 6:45 p.m. on any racing day except Sunday. A standardbred race  
12 meeting, or a simulcast by a standardbred race meeting licensee  
13 pursuant to section 12a, shall not be conducted before 6:45  
14 p.m. on any racing day except Sunday. Notwithstanding the 6:45  
15 p.m. time restriction, the commissioner, upon application by a  
16 race meeting licensee, may grant to the race meeting licensee a  
17 race meeting license authorizing matinees that would otherwise be  
18 prevented by the 6:45 p.m. time restriction, provided that no  
19 other race meeting is licensed or authorized to be conducted at  
20 the same time the matinee is proposed to be conducted. The  
21 national anthem shall be played before the first race is run on  
22 each racing day. For purposes of this act, "racing day" means a  
23 period of 24 hours beginning at noon and ending at 11:59 a.m. the  
24 following day.

25 (2) THE RACING COMMISSIONER SHALL GRANT OR DENY EACH APPLI-  
26 CATION FOR A GREYHOUND RACE MEETING LICENSE AND SHALL ALLOCATE OR  
27 DENY RACING DATES FOR WHICH APPLICATION HAS BEEN MADE BEFORE

1 OCTOBER 15 OF THE YEAR PRECEDING THE YEAR FOR WHICH THE  
2 APPLICATIONS ARE MADE.

3 (3) ~~-(2)-~~ The racing commissioner shall grant or deny each  
4 application for a thoroughbred race meeting license and shall  
5 allocate or deny racing dates for which application has been made  
6 before October 1 of the year preceding the year for which the  
7 applications are made.

8 (4) ~~-(3)-~~ The racing commissioner shall grant or deny each  
9 application for a standardbred race meeting license and shall  
10 allocate or deny racing dates for which application has been made  
11 before October 15 of the year preceding the year for which the  
12 applications are made, but shall not allocate standardbred racing  
13 dates before the allocation of thoroughbred racing dates.

14 (5) ~~-(4)-~~ The racing commissioner shall grant or deny each  
15 application for a quarter horse, Appaloosa, or Arabian race meet-  
16 ing license and shall allocate or deny racing dates for which  
17 application has been made before November 1 of the year preceding  
18 the year for which the applications are made in 1 or more of the  
19 following ways:

20 (a) At a racetrack which runs solely quarter horse, Arabian,  
21 or Appaloosa races.

22 (b) For 1 or more races in conjunction with another race  
23 meeting.

24 (6) ~~-(5)-~~ The racing commissioner shall not issue a race  
25 meeting license to an organization organized for a charitable  
26 purpose or organized for the purpose of distributing its profits  
27 or income to charitable organizations.

1       (7) ~~-(6)-~~ The racing commissioner shall not issue a race  
2 meeting license unless the racing commissioner has determined  
3 that the day or days applied for by the applicant will be used  
4 for the conducting of pari-mutuel wagering, and that the appli-  
5 cant will meet the requirements of this act and the rules promul-  
6 gated under this act.

7       (8) ~~-(7)-~~ Except as provided in subsection ~~-(9)-~~ (10), if,  
8 after the issuance of a race meeting license, the racing commis-  
9 sioner determines that the holder of a race meeting license has  
10 not met, or will be unable to meet the requirements of the  
11 license, the racing commissioner may impose a fine or revoke the  
12 race meeting license. In making the required determination and  
13 before revoking a race meeting license, the racing commissioner  
14 shall consider whether, by reason of any cause beyond the control  
15 of the race meeting licensee, racing cannot be conducted on a  
16 date licensed by the racing commissioner.

17       (9) ~~-(8)-~~ An action of the racing commissioner pursuant to  
18 subsection ~~-(7)-~~ (8) shall become effective only after 10 days'  
19 written notice to the holder of the license and may include any  
20 of the following:

21       (a) Imposition of a fine on a race meeting licensee.

22       (b) Revocation of the race meeting license for the remainder  
23 of the period during which the license was granted.

24       (10) ~~-(9)-~~ In the event an entire race meeting or the bal-  
25 ance of a race meeting and all racing dates issued to a licensee  
26 cannot be raced due to an act of God or significant physical  
27 damage to a racing facility caused by fire or some other

1 catastrophe, and if all affected licensees agree to a transfer of  
2 dates, the racing commissioner may transfer those dates to  
3 another racetrack upon application of the affected licensee, and  
4 a showing by the licensee of a legal or contractual right to the  
5 use of a replacement facility.

6 (11) ~~(10)~~ An action of the racing commissioner may be  
7 appealed pursuant to the administrative procedures act of 1969,  
8 Act No. 306 of the Public Acts of 1969, being sections 24.201 to  
9 24.328 of the Michigan Compiled Laws. The denial of a race meet-  
10 ing license may be reviewed by the circuit court, and either  
11 party may appeal to the court of appeals.

12 (12) THE RACING COMMISSIONER SHALL NOT ISSUE A TRACK LICENSE  
13 FOR A GREYHOUND RACETRACK UNTIL THE APPLICATION IS APPROVED BY  
14 THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY AND THE GOVERNING  
15 BODY OF THE CITY OR TOWNSHIP IN WHICH THE RACETRACK IS TO BE  
16 LOCATED OR IS LOCATED.

17 (13) THE RACING COMMISSIONER SHALL GRANT SPECIAL CONSIDERA-  
18 TION TO APPLICANTS FOR A GREYHOUND RACETRACK LICENSE IF THE ELEC-  
19 TORS OF THE CITY OR TOWNSHIP IN WHICH THE RACETRACK IS TO BE  
20 LOCATED OR IS LOCATED HAVE APPROVED THE OPERATION OF THE RACE-  
21 TRACK IN THE CITY OR TOWNSHIP. THE RACING COMMISSIONER SHALL  
22 ALSO CONSIDER THE ECONOMIC NEEDS OF THE COMMUNITY, THE PROXIMITY  
23 TO REGIONAL MARKETS, AND THE CONTRIBUTION OF A GREYHOUND RACE-  
24 TRACK TO THE MICHIGAN TOURIST INDUSTRY IN GRANTING GREYHOUND  
25 RACETRACK LICENSES.

26 Sec. 10. (1) Before March 31 of each year, each holder of a  
27 race meeting or track license shall file with the racing

1 commissioner a certified full statement of receipts from all  
2 sources during the previous calendar year and of expenses and  
3 disbursements, itemized in a manner and on a standardized form as  
4 directed by the state treasurer, showing the net revenue from all  
5 sources, derived by the holder of the license. These certified  
6 financial statements shall be considered public records and, as  
7 such, made available to any member of the legislature and open  
8 for public inspection. The certified financial statements sub-  
9 mitted must be prepared by a certified public accountant in  
10 accordance with generally accepted auditing standards as promul-  
11 gated by the American institute of certified public accountants.  
12 The working papers and other records pertaining to preparation of  
13 the financial statements may be reviewed by the state treasurer.

14       (2) On the first secular day after each day's racing, each  
15 holder of a race meeting license shall remit to the state trea-  
16 surer, or deliver to the representative of the racing commission-  
17 er, or directly deposit into an approved financial depository,  
18 the money due the state at the close of the day's racing, with a  
19 detailed statement of that money as required by this act and the  
20 rules promulgated under this act.

21       (3) A person shall not hold or conduct, or assist, aid, or  
22 abet in holding or conducting, a race meeting within the state  
23 where horse OR DOG racing is permitted for a stake, purse, or  
24 reward, and at which pari-mutuel wagering is used, unless the  
25 person and the racetrack on which the racing is conducted is  
26 licensed by the racing commissioner. This subsection does not

1 prevent the simulcast of races from racetracks licensed in other  
2 states, as allowed under section 12a.

3       Sec. 11. (1) Each person participating in or having to do  
4 with pari-mutuel horse OR DOG racing, including but not limited  
5 to, all racing officials, veterinarians, pari-mutuel clerks or  
6 tellers, totalisator company employees, security guards, timers,  
7 horse owners, DOG OWNERS, jockeys, drivers, apprentices, exercise  
8 riders, authorized agents, trainers, grooms, valets, owners of  
9 stables OR KENNELS operating under an assumed name, jockey  
10 agents, pony riders, hot walkers, blacksmiths, DOG WALKERS,  
11 KENNEL HELPERS, starting gate employees, and vendors operating  
12 within the barn area of a licensed racetrack, may be licensed by  
13 the racing commissioner under rules promulgated by the racing  
14 commissioner under this act. The racing commissioner shall not  
15 issue an occupational license to a person who was convicted of a  
16 felony related to the person's ability and likelihood to serve  
17 the public in a fair, honest, and open manner within 6 years  
18 immediately preceding application for the occupational license.  
19 The racing commissioner shall not issue an occupational license  
20 to a person who was convicted of a misdemeanor related to the  
21 person's ability and likelihood to serve the public in a fair,  
22 honest, and open manner within 2 years immediately preceding  
23 application for the occupational license.

24       (2) As conditions precedent to being issued and holding a  
25 valid occupational license, a license applicant shall disclose,  
26 in writing, any ownership interest in a race horse OR RACING DOG;  
27 and the racing commissioner may demand, in addition to other

1 information the racing commissioner considers necessary and  
2 proper, fingerprints of occupational license applicants and, of  
3 DOG OWNERS, horse owners, or trainers, proof of compliance with  
4 the worker's disability compensation act of 1969, Act No. 317 of  
5 the Public Acts of 1969, as amended, being sections 418.101 to  
6 418.941 of the Michigan Compiled Laws. The proof of compliance  
7 requirement of this subsection shall not apply to DOG OWNERS,  
8 horse owners, and trainers not covered under section 115 of Act  
9 No. 317 of the Public Acts of 1969, being section 418.115 of the  
10 Michigan Compiled Laws.

11 (3) In addition to the requirements of subsection (2), an  
12 applicant for an occupational license shall consent upon applica-  
13 tion and for the duration of the occupational license, if issued,  
14 to all of the following:

15 (a) Personal inspections, inspections of the applicant's  
16 personal property, and inspections of premises and property  
17 related to his or her participation in a race meeting by persons  
18 authorized by the racing commissioner.

19 (b) If the applicant is applying for a racing official,  
20 jockey, driver, trainer, or groom license, or for any other  
21 license for an occupation that involves contact with or access to  
22 the DOGS, horses, barn areas, or KENNELS OR stables, the appli-  
23 cant shall agree as a condition of licensure to submit for the  
24 duration of the license period to a breathalyzer test, urine  
25 test, or other noninvasive fluid test to detect the presence of  
26 alcohol or a controlled substance as defined in section 7104 of  
27 the public health code, Act No. 368 of the Public Acts of 1978,



1 being section 333.7104 of the Michigan Compiled Laws, if directed  
2 to do so by the commissioner or his or her representative. If  
3 the results of a test show that a person has more than .05% of  
4 alcohol in his or her blood, or has present in his or her body a  
5 controlled substance, the person shall not be permitted to con-  
6 tinue in his or her duties on that race day and until he or she  
7 can produce, at his or her own expense, a negative test result,  
8 and the person shall be subject to action by the commissioner as  
9 provided in subsection (5). This subsection does not apply to a  
10 controlled substance obtained directly from, or pursuant to a  
11 valid prescription from, a licensed health care provider. The  
12 racing commissioner shall suspend for not less than 1 year the  
13 license of a person who for the third time in a period of not  
14 more than 6 consecutive years is relieved of his or her duties  
15 for the reasons prescribed in this subsection.

16 (4) A person who is issued an occupational license as a  
17 trainer is responsible for and the absolute insurer of the condi-  
18 tion of the horses OR DOGS entered to race for the person, corpo-  
19 ration, firm, partnership, association, stable, or other legal  
20 entity by whom the trainer is employed, except as prescribed by  
21 the rules promulgated by the racing commissioner under this act.  
22 A trainer OR DOG WALKER shall not start a horse OR DOG that has  
23 in its body a drug or foreign substance unless permitted pursuant  
24 to section 23.

25 (5) Upon the filing of a written complaint, under oath, in  
26 the office of the racing commissioner, or upon the written motion  
27 of the racing commissioner regarding the actions or omissions of

1 a person issued an occupational license, the racing commissioner  
2 may suspend the occupational license of the person for a period  
3 of not more than 90 days pending a hearing and final determina-  
4 tion by the racing commissioner regarding the acts or omissions  
5 complained of in the written complaint. The racing commissioner  
6 shall set the date, time, and place for the hearing within 14  
7 business days after the occupational license is suspended and  
8 notify the holder of an occupational license of the date, time,  
9 and place of the hearing not less than 5 days before the date of  
10 the hearing. In the conduct of the hearing the racing commis-  
11 sioner is not bound by technical rules of evidence, but all evi-  
12 dence offered before the racing commissioner shall be reduced to  
13 writing. That evidence together with the exhibits and the find-  
14 ings of the racing commissioner shall be permanently preserved  
15 and shall constitute the record of the racing commissioner in the  
16 case. The racing commissioner shall make a written final order  
17 setting forth the reasons for the action taken by the racing com-  
18 missioner, and a copy of the final order shall be served on the  
19 holder of the occupational license. The action of the racing  
20 commissioner in revoking or suspending a license is reviewable by  
21 the circuit court for the county in which the alleged act or  
22 failure to act took place. If the racing commissioner's order is  
23 predicated upon a series of acts, the review by the circuit court  
24 may be in the county in which any of the alleged acts or failure  
25 to act took place.

26 (6) Upon a refusal by the racing commissioner to issue an  
27 occupational license, a writ of mandamus shall not be directed to

1 the racing commissioner until a hearing is held and findings  
2 issued on the basis of the hearing. This section shall not  
3 impair or change appeals provided for in section 8.

4 (7) Each occupational licensee shall pay a license fee of  
5 not less than \$10.00 nor more than \$100.00 as determined by the  
6 racing commissioner.

7 Sec. 12. (1) A holder of a race meeting license may provide  
8 a place in the race meeting grounds or enclosure at which he or  
9 she may conduct and supervise the pari-mutuel system of wagering  
10 by patrons on horse OR DOG racing. The pari-mutuel system of  
11 wagering upon horse OR DOG racing within the race meeting grounds  
12 shall not be held or construed to be unlawful. If the  
13 pari-mutuel system of wagering is used at a race meeting, a  
14 totalisator, or other device which is equal in accuracy and  
15 clearness to a totalisator and approved by the racing commission-  
16 er, shall be used. The odds display of the totalisator or other  
17 device shall be placed in full view of the patrons.

18 (2) No other place or method of betting, pool making, wager-  
19 ing, or gaming shall be used or permitted by the holder of the  
20 license. The pari-mutuel system of wagering shall not be con-  
21 ducted except at the racetrack where the pari-mutuel system of  
22 wagering is conducted and pursuant to section 12a. Each holder  
23 of a race meeting license shall retain as his or her commission  
24 17% of all money wagered. Except as provided in subsection (6),  
25 each holder of a race meeting license shall retain as his or her  
26 commission on all forms of multiple wagering, 20-1/2% of all  
27 money wagered. In each race meeting, the holder of the race

1 meeting license shall divide the breaks equally with the state.  
2 Breaks shall be computed at all times at 10 cents and defined as  
3 the cents over any multiple of 10 otherwise payable to a patron  
4 on a wager of \$1.00.

5 (3) Payoff prices of tickets of a higher denomination shall  
6 be calculated as even multiples of the payoff price for a \$1.00  
7 wager. Each holder of a race meeting license shall distribute to  
8 the persons holding winning tickets, as a minimum, a sum not less  
9 than \$1.10 calculated on the basis of each \$1.00 deposited in a  
10 pool, except that each race meeting licensee may distribute a sum  
11 of not less than \$1.05 to persons holding winning tickets for  
12 each \$1.00 deposited in a minus pool. As used in this subsec-  
13 tion, "minus pool" means any win, place, or show pool in which  
14 the payout would exceed the total value of the pool.

15 (4) A holder of a race meeting license shall not knowingly  
16 permit a person less than 18 years of age to be a patron of the  
17 pari-mutuel wagering conducted or supervised by the holder.

18 (5) Any act or transaction relative to wagering permitted by  
19 this act shall only occur or be permitted to occur within the  
20 enclosure of a race meeting grounds. A person shall not partici-  
21 pate in or be a party to any act or transaction relative to the  
22 placing of a wager or carrying a wager for placement outside of a  
23 race meeting grounds. A person shall not provide messenger serv-  
24 ice for the placing of a bet for another person who is not a  
25 patron. However, this subsection does not prevent the authoriza-  
26 tion of the simulcast of Michigan pari-mutuel horse OR DOG races  
27 to wagering locations outside this state. Upon proper

1 application, the racing commissioner may issue a permit allowing  
2 a race meeting licensee to transmit, by live video and audio sig-  
3 nals, a live horse OR DOG race to a viewing area outside this  
4 state.

5 (6) As used in this subsection, "special sweepstakes  
6 pari-mutuel pool" means amounts wagered for a selection in each  
7 of 3 or more races designated by the race meeting licensee with  
8 the approval of the racing commissioner. The racing commissioner  
9 may promulgate rules to regulate a special sweepstakes  
10 pari-mutuel pool which shall not be connected with or related to  
11 any other form of multiple wagering, or to any other win, place,  
12 or show pool. A special sweepstakes pari-mutuel pool may be  
13 given a distinctive name by the race meeting licensee, subject to  
14 the approval of the racing commissioner. Each holder of a race  
15 meeting license shall retain as his or her commission on special  
16 sweepstakes pari-mutuel pools 25% of all money wagered.

17 Sec. 12a. (1) The holder of a race meeting license may  
18 apply to the racing commissioner, in a manner as determined by  
19 the racing commissioner, for a permit to conduct wagering by  
20 pari-mutuel methods on the results of a race or races televised  
21 to the race meeting grounds by simulcasting pursuant to this  
22 section. As used in this section, "simulcast" means the live  
23 transmission of video and audio signals conveying a horse OR DOG  
24 race held outside this state.

25 (2) The racing commissioner may issue a permit to the holder  
26 of a race meeting license allowing the electronically televised  
27 simulcasts of horse OR DOG races conducted at racetracks outside

1 this state and televised to a viewing area or areas within the  
2 enclosure of the licensed racetrack of the race meeting  
3 licensee. All simulcasts of horse OR DOG races shall be held in  
4 conjunction with the race meeting licensee's regular racing pro-  
5 gram, and shall not represent a diminution of the race meeting  
6 licensee's regularly scheduled race program. A race meeting  
7 licensee shall not conduct more than 1 simulcast race at which  
8 pari-mutuel wagering is allowed on any racing day. All simul-  
9 casts of horse races conducted outside this state shall comply  
10 with the interstate horseracing act of 1978, 15 U.S.C. 3001 to  
11 3007.

12 (3) All forms of wagering by pari-mutuel methods provided  
13 for under this act shall be allowed on simulcast horse OR DOG  
14 races. All money wagered on simulcast horse OR DOG races shall  
15 be included in computing all money wagered for purposes of  
16 section 12(2).

17 (4) As a condition of receiving a simulcasting permit under  
18 this section, a race meeting licensee shall not reduce the number  
19 of racing dates or the number of live horse OR DOG races held on  
20 the racetrack on any racing date because of the simulcasting of  
21 horse OR DOG races viewed at the race meeting licensee's  
22 racetrack.

23 (5) A race meeting licensee shall not conduct more than 25  
24 simulcast races per racetrack per year.

25 Sec. 13. (1) Money received by the racing commissioner  
26 under this act shall be paid promptly into the state treasury and  
27 except as OTHERWISE provided in ~~subsections (2), (9), and (10)~~

1 THIS SECTION AND SECTION 13A shall be credited to the general  
2 fund of the state. As used in this section, "fair" means a  
3 county, district, community, or 4-H fair; the Upper Peninsula  
4 state fair; and any other state fair.

5 (2) Twenty-seven and 1/2 percent of the revenue received,  
6 but not to exceed \$800,000.00, from racing license fees from a  
7 racetrack shall be placed in a fund under the control of the  
8 department of agriculture and shall be returned to the city or  
9 township in which the racetrack is located.

10 (3) If the city or township in which the racetrack is  
11 located has reached the monetary limitation imposed by subsection  
12 (2) then, in addition to that revenue, 20% of the revenue  
13 received but not to exceed \$100,000.00, from racing license fees  
14 from a meet held before April 16 and after November 15 in a year  
15 shall be placed in a fund under the control of the department of  
16 agriculture and shall be returned to the city or township in  
17 which the racetrack is located. If the track is located in more  
18 than 1 city or township, then the revenue provided for in this  
19 subsection shall be divided equally between the cities or  
20 townships. Funds shall not be returned to a city or township  
21 pursuant to this subsection or subsection (2), if a city or town-  
22 ship fails to provide a statement as required in section 14.

23 (4) A sufficient portion, not to exceed 68-3/4% of the reve-  
24 nue received from standardbred racing in this state, shall be  
25 placed in a special fund under the control of the department of  
26 agriculture to be allotted to fairs, licensed pari-mutuel  
27 racetracks, other standardbred horse programs, agricultural

1 commodity programs, and to pay the cost of administering this  
2 section, as follows:

3 (a) A sum to pay not more than 75% of the purses for stan-  
4 dardbred harness horse races offered by fairs and special races  
5 at licensed pari-mutuel racetracks.

6 (b) A sum to be allotted on a matching basis, but not to  
7 exceed \$8,000.00 each year to a single fair, for the purpose of  
8 equipment rental during fairs; grounds improvement; constructing,  
9 maintaining, and repairing buildings; and making the racetrack  
10 more suitable and safe for racing at fairs.

11 (c) A sum to be allotted to be used for paying special  
12 purses at fairs on 2- and 3-year-old standardbred harness horses  
13 sired by a registered standardbred stallion that was leased or  
14 owned exclusively by a resident of this state and which did not  
15 serve a mare at a location outside of this state during the cal-  
16 endar year in which the service occurred.

17 (d) A sum to pay 75% or more of an eligible cash premium  
18 paid by a fair or exposition. The commission of agriculture  
19 shall promulgate rules establishing which premiums are eligible  
20 for payment, and a dollar limit for all eligible payments.

21 (e) A sum to pay breeders' awards in the amount of 10% of  
22 the gross purse to breeders of Michigan bred standardbred harness  
23 horses for each time the horse wins at a licensed racetrack or  
24 fair in this state. As used in this subdivision, "Michigan bred  
25 standardbred harness horse" means a horse from a mare owned by a  
26 resident of this state at the time of breeding and sired by a  
27 registered standardbred stallion that was leased or owned



1 exclusively by a resident of this state and which did not serve a  
2 mare at a location outside of this state during the calendar year  
3 in which the service occurred. To be eligible, each mare shall  
4 be registered with the director of the department of  
5 agriculture.

6 (f) A sum to be allotted, but not to exceed \$4,000.00 each  
7 year, to fairs to provide training and stabling facilities for  
8 standardbred harness horses.

9 (g) A sum to be allotted to fairs to pay the presiding  
10 judges and clerks of the course at fairs. Presiding judges and  
11 clerks of the course shall be hired by the department of  
12 agriculture. A person hired as a judge shall be approved by the  
13 racing commissioner. The director of the department of agricul-  
14 ture may allot funds for a photo finish system and a mobile  
15 starting gate. The director of the department of agriculture  
16 shall allot funds for the conducting of tests, the collection and  
17 laboratory analysis of urine, saliva, blood, and other samples  
18 from horses, and the taking of blood alcohol tests on drivers,  
19 jockeys, and starting gate employees, for those races described  
20 in this subsection. The department may require a driver, jockey,  
21 or starting gate employee to submit to a breathalyzer test, urine  
22 test, or other noninvasive fluid test to detect the presence of  
23 alcohol or a controlled substance as defined in section 7104 of  
24 the public health code, Act No. 368 of the Public Acts of 1978,  
25 being section 333.7104 of the Michigan Compiled Laws. If the  
26 results of a test show that a person has more than 0.05% of  
27 alcohol in his or her blood, or has present in his or her body a

1 controlled substance, the person shall not be permitted to  
2 continue in his or her duties on that race day and until he or  
3 she can produce, at his or her own expense, a negative test  
4 result.

5 (h) A sum to pay purse supplements to licensed pari-mutuel  
6 racetracks for special 4-year-old filly and colt horse races.

7 (5) A sufficient portion not to exceed 27-1/2% of the reve-  
8 nue received from thoroughbred racing shall be placed in a spe-  
9 cial fund under the control of the department of agriculture and  
10 shall be allotted to thoroughbred racing associations to supple-  
11 ment the purses for races to be conducted exclusively for  
12 Michigan bred horses; to pay not more than 75% of the purses for  
13 registered light horse races offered by fairs; to pay the cost of  
14 administering this subsection; and to pay breeders' awards in the  
15 amount of 10% of the gross purse to the breeders of Michigan bred  
16 horses for each time Michigan bred horses win at a licensed race-  
17 track in this state. In addition to the sums allotted for purse  
18 supplements and breeders' awards, the department of agriculture  
19 may allot sufficient funds from the revenue received from thor-  
20 oughbred racing to create a fund not to exceed 1% of the revenue  
21 received from the thoroughbred racing in this state which may be  
22 allotted to provide training and stabling facilities for thor-  
23 oughbred horses. The department OF AGRICULTURE shall also allot  
24 sufficient funds from the revenue received from thoroughbred  
25 racing to pay for the collection and laboratory analysis of  
26 urine, saliva, blood, and other samples from horses and for the  
27 conducting of tests described in section 11(3)(b).

1       (6) A sufficient portion of the revenue received from  
2 quarter horse racing in this state shall be placed in a special  
3 fund under the control of the department of agriculture and shall  
4 be allotted to quarter horse racing associations to supplement  
5 the purses for races to be conducted exclusively for Michigan  
6 bred horses; to pay not more than 75% of the purses for regis-  
7 tered light horse races offered by fairs; to pay the cost of  
8 administering this subsection; and to pay breeders' awards in the  
9 amount of 10% of a gross purse to breeders of Michigan bred quar-  
10 ter horses for each time a Michigan bred quarter horse wins at a  
11 county fair or licensed racetrack in this state. The department  
12 OF AGRICULTURE shall also allot sufficient funds from the revenue  
13 received from quarter horse racing to pay for the collection and  
14 laboratory analysis of urine, saliva, blood, and other samples  
15 from horses and the taking of blood alcohol tests on jockeys for  
16 those races described in this subsection and for the conducting  
17 of tests described in section 11(3)(b). As used in this subsec-  
18 tion, "Michigan bred quarter horse" means a horse from a mare  
19 owned by a resident of this state, at the time of breeding and  
20 sired by a registered stallion owned exclusively by a resident of  
21 this state and which did not serve a mare at a location outside  
22 of this state during the calendar year in which the service  
23 occurred. Each mare and stallion shall be registered with the  
24 director of the department of agriculture.

25       (7) A sufficient portion of the revenue received from  
26 Appaloosa horses racing in this state shall be placed in a  
27 special fund under the control of the department of agriculture

1 and shall be allotted to Appaloosa horse racing associations to  
2 supplement the purses for races to be conducted exclusively for  
3 Michigan bred horses; to pay not more than 75% of the purses for  
4 registered light horse races offered by fairs; to pay the cost of  
5 administering this subsection; and to pay breeders' awards in the  
6 amount of 10% of the gross purse to the breeders of Michigan bred  
7 horses for each time Michigan bred horses win at a fair or  
8 licensed racetrack in this state. The department OF AGRICULTURE  
9 shall also allot sufficient funds from the revenue received from  
10 Appaloosa horse racing to pay for the collection and laboratory  
11 analysis of urine, saliva, blood, or other samples from horses  
12 and the taking of blood alcohol tests on jockeys for those races  
13 described in this subsection and for the conducting of tests  
14 described in section 11(3)(b). Each mare and stallion shall be  
15 registered with the director of the department of agriculture.

16 (8) A sufficient portion of the revenue received from  
17 Arabian horses racing in this state shall be placed in a special  
18 fund under the control of the department of agriculture and shall  
19 be allotted to Arabian horse racing associations to supplement  
20 the purses for races to be conducted exclusively for Michigan  
21 bred horses; to pay not more than 75% of the purses for regis-  
22 tered light horse races offered by fairs; to pay the cost of  
23 administering this subsection; and to pay breeders' awards in the  
24 amount of 10% of the gross purse to the breeders of Michigan bred  
25 horses for each time Michigan bred horses win at a fair or  
26 licensed racetrack in this state. The department OF AGRICULTURE  
27 shall also allot sufficient funds from the revenue received from

1 Arabian horse racing to pay for the collection and laboratory  
2 analysis of urine, saliva, blood, and other samples from horses  
3 and the taking of blood alcohol tests on jockeys for those races  
4 described in this subsection and for the conducting of tests  
5 described in section 11(3)(b). Each mare and stallion shall be  
6 registered with the director of the department of agriculture.

7       (9) Three-tenths of 1% of all money wagered on standardbred  
8 races shall be placed in a special fund pursuant to subsections  
9 (12) and (13), 100% of which shall be used to provide purses for  
10 races to be conducted exclusively for 2- and 3-year-old Michigan  
11 sired standardbred horses at licensed harness racetracks in this  
12 state. As used in this section, "Michigan sired standardbred  
13 horses" means a horse sired by a registered stallion that was  
14 leased or owned exclusively by a resident of this state and which  
15 did not serve a mare at a location outside of this state during  
16 the calendar year in which the service occurred.

17       (10) Three-tenths of 1% of all money wagered on thoroughbred  
18 races shall be placed in a special fund pursuant to subsections  
19 (12) and (13), 100% of which shall be used to provide purses for  
20 races to be conducted exclusively for 2- and 3-year-old Michigan  
21 sired thoroughbred horses at licensed thoroughbred racetracks in  
22 this state. As used in this section, "Michigan sired thorough-  
23 bred horses" means a horse sired by a registered stallion that  
24 was leased or owned exclusively by a resident or residents of  
25 this state and which did not serve a mare at a location outside  
26 of this state during the calendar year in which the service  
27 occurred.

1       (11) A sum equal to 2% or less, but not more than  
2 \$2,500,000.00, of the principal amount of bonds issued for a sta-  
3 dium, and appurtenant parking, and other facilities by an author-  
4 ity organized pursuant to state law before December 1, 1971, from  
5 the revenue received from thoroughbred and harness racing, shall  
6 be returned to a county in which or adjoining which a licensed  
7 racetrack is located or to a city in that county, if that county  
8 or city has obligated itself to pay more than 1/2 of the annual  
9 rental for a stadium, appurtenant parking, and other facilities  
10 for the conduct of sporting events, exhibitions, and other gen-  
11 eral recreational purposes. The sum returned shall only be used  
12 by that county or city, along with other available funds to the  
13 extent necessary, only to pay the annual rental to the authority  
14 organized pursuant to state law which acquired the stadium and  
15 facilities and leased the stadium and facilities to that county  
16 or city. A sum returned pursuant to this subsection shall not be  
17 specifically pledged for the payment of the rental or for the  
18 payment of bonds issued in anticipation of the rental.  
19 Pari-mutuel wagering shall not be conducted in the stadium,  
20 appurtenant parking area, or other facilities.

21       (12) The director of the department of agriculture shall  
22 promulgate rules pursuant to Act No. 306 of the Public Acts of  
23 1969, as amended, being sections 24.201 to 24.328 of the Michigan  
24 Compiled Laws, to implement this section. The rules promulgated  
25 under this subsection shall do all of the following:

26       (a) Prescribe the conditions under which the revenue  
27 described in subsections (2) to (11) shall be disbursed.

1 (b) Establish conditions and penalties regarding the  
2 programs described in subsections (4) to (11).

3 (c) Develop and maintain informational programs related to  
4 this section.

5 (13) Funds under the control of the department of agricul-  
6 ture in this section shall be disbursed under the rules promul-  
7 gated pursuant to subsection (12). All funds under the control  
8 of the department of agriculture approved for purse supplements  
9 and breeders' awards shall be paid by the state treasurer not  
10 later than 30 days from the date of the race.

11 (14) The department OF AGRICULTURE shall report to the leg-  
12 islature by March 30, 1990 on the effect on the horse racing  
13 industry of the practice of restricting premiums, purses,  
14 breeders' awards or other payments to Michigan sired horses,  
15 including an analysis of which sectors of the horse racing indus-  
16 try benefit from the payments and which are placed at a  
17 disadvantage. The report shall recommend extensions or elimina-  
18 tion of such payments and regulatory restrictions.

19 SEC. 13A. A SPECIAL FUND IS CREATED UNDER THE CONTROL OF  
20 THE RACING COMMISSIONER. TWENTY PERCENT OF THE REVENUE RECEIVED  
21 FROM GREYHOUND RACING SHALL BE PLACED IN THE SPECIAL FUND AND  
22 SHALL BE ALLOTTED AS FOLLOWS:

23 (A) TO PAY THE COSTS OF ADMINISTERING THIS SECTION.

24 (B) ONE-HALF OF THE FUNDS REMAINING AFTER THE ALLOCATION  
25 UNDER SUBDIVISION (A) TO GREYHOUND RACING ASSOCIATIONS TO SUPPLE-  
26 MENT THE PURSES FOR RACES TO BE CONDUCTED EXCLUSIVELY FOR

1 MICHIGAN BRED GREYHOUNDS AND TO ENHANCE FUTURITY AND STAKE  
2 GREYHOUND RACES AT LICENSED GREYHOUND RACETRACKS.

3 (C) THE FUNDS REMAINING AFTER THE ALLOCATIONS UNDER SUBDIVI-  
4 SIONS (A) AND (B) TO FAIRS AS DEFINED IN SECTION 13(1.) AND TO  
5 OTHER NONPROFIT ORGANIZATIONS THAT CONDUCT PROGRAMS RELATED TO  
6 THE HUMANE TREATMENT OF ANIMALS, GREYHOUND TRAINING, AND DOG OBE-  
7 DIENCE TRAINING TRIALS.

8 Sec. 15. (1) Each licensed racetrack located in a city area  
9 shall pay \$1,000.00 annually, and any other licensed racetrack  
10 shall pay \$200.00 annually.

11 (2) Each holder of a race meeting license shall pay a tax in  
12 accordance with the following schedule and in a manner and time  
13 as the racing commissioner requires:

14 (a) Each holder of a race meeting license shall pay to the  
15 state treasurer, from the holder's commission, 4-1/2% of all  
16 money wagered on pari-mutuel wagering, plus 1/2 the breaks,  
17 except that each holder of a race meeting license in a county  
18 having a population of less than 300,000 shall pay to the state  
19 treasurer, from the holder's commission, 3-1/2% of all money  
20 wagered on pari-mutuel wagering, plus 1/2 the breaks. The reduc-  
21 tion in a licensee's payment from 6% to 4-1/2% effected by ~~this~~  
22 ~~1986 amendatory act~~ ACT NO. 108 OF THE PUBLIC ACTS OF 1986 is  
23 intended to allow generally for the improvement of the  
24 pari-mutuel racing industry in this state and to encourage capi-  
25 tal improvements at racetracks in this state. Not later than ~~4~~  
26 ~~years after the effective date of this 1986 amendatory act~~  
27 MAY 23, 1990, the racing commissioner shall report to the



1 chairpersons of the senate and house committees responsible for  
2 legislation concerning horse racing as to the effect on the horse  
3 racing industry of the reduction from 6% to 4-1/2%.

4 (b) Each holder of a license for DOG, thoroughbred, harness,  
5 quarter horse, Appaloosa, or Arabian horse racing shall pay to  
6 the state treasurer from the commission of the holder on special  
7 sweepstakes pari-mutuel pool wagering as defined in section  
8 12(6), 6% of the daily amount wagered on the special sweepstakes  
9 pari-mutuel pool plus 1/2 the breaks.

10 Sec. 23. (1) A drug or painkiller that is a stimulant to ~~a~~  
11 ~~horse~~ AN ANIMAL or depressant to ~~a horse~~ AN ANIMAL shall not  
12 be administered to ~~a horse~~ AN ANIMAL or be present in ~~a horse~~  
13 AN ANIMAL that is intended to be entered, is entered, or partici-  
14 pates in a race with wagering by pari-mutuel methods. Any drug  
15 or foreign substance, other than a stimulant or depressant, may  
16 be administered to ~~a horse~~ AN ANIMAL or present in ~~a horse~~ AN  
17 ANIMAL that is intended to be entered, is entered, or partici-  
18 pates in a race with wagering by pari-mutuel methods only when  
19 authorized by the racing commissioner for use in the care or  
20 treatment of the ~~horse~~ ANIMAL.

21 (2) The racing commissioner or his or her designee shall  
22 conduct random testing to detect the presence of a drug or for-  
23 eign substance in all winning horses AND DOGS and in any other  
24 ~~horse~~ HORSES OR DOGS in each pari-mutuel ~~horse~~ race, and may  
25 conduct individual testing for the presence of a drug or foreign  
26 substance in any specific horse OR DOG within the racetrack.

1       (3) The racing commissioner shall promulgate rules pursuant  
2 to the administrative procedures act of 1969, Act No. 306 of the  
3 Public Acts of 1969, as amended, being sections 24.201 to 24.328  
4 of the Michigan Compiled Laws, which specify the condition of the  
5 horse OR DOG which must exist in order to permit authorization of  
6 the use of a foreign substance or a permissible drug for the  
7 intended cure or treatment of a horse OR DOG and which specify  
8 the procedures that must be followed in administering the autho-  
9 rized drugs.

10       (4) As used in this section and section 11:

11       (a) "Drug" means any of the following:

12       (i) A substance recognized or for which the standards or  
13 specifications are prescribed in the United States  
14 pharmacopoeia-national formulary, homeopathic pharmacopoeia of  
15 the United States, or any supplements.

16       (ii) A substance intended for use in the diagnosis, cure,  
17 mitigation, treatment, or prevention of disease in humans or  
18 other animals.

19       (iii) A substance, other than food, intended to affect the  
20 structure, condition, or any function of the body of humans or  
21 other animals.

22       (iv) A substance intended for use as a component of a sub-  
23 stance specified in ~~subdivision (a), (b), or (c)~~ SUBPARAGRAPH  
24 (i), (ii), OR (iii).

25       (b) "Foreign substance" means a substance, or its metabo-  
26 lites, which does not exist naturally in an untreated horse OR  
27 DOG or, if natural to an untreated horse OR DOG, exists at an

1 unnaturally high physiological concentration as a result of  
2 having been administered to the horse OR DOG.

3       (5) Except as authorized by the racing commissioner, a  
4 person who administers or conspires to administer a drug, foreign  
5 substance, or pain killer, which could affect the racing condi-  
6 tion or performance of a horse OR DOG, internally, externally, by  
7 hypodermic method, or by any other method, to a horse OR DOG in a  
8 race, or prior to a race, or whoever knowingly starts any horse  
9 OR DOG in any race within a period of 24 hours after a drug or  
10 foreign substance has been administered to the horse OR DOG,  
11 either internally, externally, or by hypodermic method, or by any  
12 other method, is guilty of a felony, punishable by a fine of not  
13 more than \$10,000.00, or by imprisonment for not more than 5  
14 years, or both.

15       (6) A post-mortem examination shall be performed on every  
16 horse OR DOG that dies at a racetrack. A post-mortem examination  
17 shall be a complete autopsy unless the racing commissioner on the  
18 advice of the veterinarian is satisfied as to the cause of death  
19 without the complete autopsy being performed. A complete autopsy  
20 shall be ordered and performed if the presence of a drug or for-  
21 eign substance in the horse OR DOG is suspected.

22       Sec. 24. (1) A person who does any of the following, or who  
23 aids or abets another in doing any of the following, is guilty of  
24 a misdemeanor, punishable by a fine of not more than \$10,000.00,  
25 or by imprisonment for not more than 1 year, or both:

26       (a) Introduces an object or foreign substance into a horse's  
27 OR DOG'S nostrils or windpipe or uses any nostrils or windpipe or

1 uses any method, injurious or otherwise, for the purpose of  
2 affecting the racing condition or performance of the horse OR DOG  
3 in a race or a workout at any time.

4 (b) Has in his or her possession within the confines of a  
5 racetrack, KENNEL, stable, shed, building, or grounds, or within  
6 the confines of a stable, KENNEL, shed, building, or grounds  
7 where horses OR DOGS are kept which are eligible to race over the  
8 racetrack of the holder of a race meeting license, any drug not  
9 authorized by the racing commissioner for use at those locations,  
10 or battery or buzzer, electrical or mechanical, or syringe, hypo-  
11 dermic needle, or other appliance or device, other than the ordi-  
12 nary whip, which may or can be used for the purpose of affecting  
13 a horse's OR DOG'S racing condition or performance at any time.

14 (c) Has in his or her possession with the intent to sell,  
15 give away, or exchange any substances or instrumentalities  
16 described in subdivision (a) or (b).

17 (d) Has in his or her possession within the race meeting  
18 grounds a controlled substance as defined in section 7104 of the  
19 public health code, Act No. 368 of the Public Acts of 1978, being  
20 section 333.7104 of the Michigan Compiled Laws, or a hypodermic  
21 needle or other instrument that can be used to administer a con-  
22 trolled substance, unless the controlled substance was obtained  
23 directly from, or pursuant to a prescription from, a licensed  
24 physician, and the person notifies the racing commissioner or  
25 racing commissioner's designee that the person possesses the con-  
26 trolled substance or instrument.

1 (2) In addition to the penalties prescribed in subsection  
2 (1), a person who is a licensee under this act and who does any  
3 of the acts described in subsection (1) shall have his or her  
4 license suspended by the racing commissioner for a period of not  
5 less than 5 years after being convicted.

6 SEC. 24A. A PERSON WHO USES OR PERMITS THE USE OF LIVE ANI-  
7 MALS OTHER THAN GREYHOUNDS IN THE TRAINING AND SCHOOLING OF GREY-  
8 HOUNDS SHALL BE SUBJECT TO THE SUSPENSION OR REVOCATION OF ANY  
9 LICENSE ISSUED UNDER THIS ACT IN ADDITION TO ANY OTHER PENALTIES  
10 PRESCRIBED IN THE RULES PROMULGATED BY THE COMMISSIONER.

11 Sec. 25. A person influencing or attempting to influence  
12 the result of a race, by offer of money, thing of value, future  
13 benefit, favor, preferment; by any form of pressure or threat; or  
14 by seeking or having an agreement, understanding, or conniving  
15 with any owner, jockey, driver, trainer, groom, DOG WALKER,  
16 valet, agent, or other person associated with or interested in  
17 any stable of horses, horse, KENNEL OF DOGS, DOG, or race in  
18 which the horse OR DOG participates; or in any other manner, is  
19 guilty of a felony, punishable by a fine of not more than  
20 \$10,000.00, or by imprisonment for not more than 5 years, or  
21 both.