

SUBSTITUTE FOR  
SENATE BILL NO. 1052

A bill to amend 1995 PA 279, entitled  
"Horse racing law of 1995,"  
by amending sections 2 and 4 (MCL 431.302 and 431.304).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2           (A) "AFFILIATE" MEANS A PERSON WHO, DIRECTLY OR INDIRECTLY,  
3       CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH; IS IN  
4       A PARTNERSHIP OR JOINT VENTURE RELATIONSHIP WITH; OR IS A CO-  
5       SHAREHOLDER OF A CORPORATION, CO-MEMBER OF A LIMITED LIABILITY  
6       COMPANY, OR CO-PARTNER IN A LIMITED LIABILITY PARTNERSHIP WITH A  
7       PERSON WHO HOLDS OR APPLIES FOR A RACE MEETING OR TRACK LICENSE  
8       UNDER THIS ACT. FOR PURPOSES OF THIS SUBDIVISION, A CONTROLLING  
9       INTEREST IS A PECUNIARY INTEREST OF MORE THAN 15%.

1           (B) ~~—(a)—~~ "Breaks" means the cents over any multiple of 10  
2 otherwise payable to a patron on a wager of \$1.00.

3           (C) ~~—(b)—~~ "Certified horsemen's organization" means an  
4 organization registered with the office of racing commissioner in a  
5 manner and form required by the racing commissioner, that can  
6 demonstrate all of the following:

7           (i) The organization's capacity to supply horses.

8           (ii) The organization's ability to assist a race meeting  
9 licensee in conducting the licensee's racing program.

10           (iii) The organization's ability to monitor and improve physical  
11 conditions and controls for individuals and horses participating at  
12 licensed race meetings.

13           (iv) The organization's ability to protect the financial  
14 interests of the individuals participating at licensed race  
15 meetings.

16           (D) ~~—(e)—~~ "City area" means a city ~~—having—~~ **WITH** a population  
17 of 750,000 or more ~~—,~~ and ~~—includes the counties—~~ **EVERY COUNTY**  
18 **LOCATED** wholly or partly within ~~—a distance of—~~ 30 miles of the  
19 city limits of the city.

20           (E) ~~—(d)—~~ "Controlled substance" means that term as defined in  
21 section 7104 of the public health code, ~~—Act No. 368 of the Public~~  
22 ~~Acts of 1978, being section 333.7104 of the Michigan Compiled Laws~~  
23 **1978 PA 368, MCL 333.7104.**

24           (F) ~~—(e)—~~ "Day of operation" means a period of 24 hours  
25 beginning at 12 noon and ending at 11:59 a.m. the following day.

26           (G) ~~—(f)—~~ "Drug" means any of the following:

27           (i) A substance intended for use in the diagnosis, cure,

1 mitigation, treatment, or prevention of disease in humans or other  
2 animals.

3 (ii) A substance, other than food, intended to affect the  
4 structure, condition, or any function of the body of humans or  
5 other animals.

6 (iii) A substance intended for use as a component of a substance  
7 specified in subparagraph (i) or (ii).

8 (H) ~~(g)~~ "Fair" means any county, district, or community fair  
9 and any state fair.

10 (I) ~~(h)~~ "Foreign substance" means a substance, or its  
11 metabolites, ~~which~~ **THAT** does not exist naturally in an untreated  
12 horse or, if natural to an untreated horse, exists at an  
13 unnaturally high physiological concentration as a result of having  
14 been administered to the horse.

15 (J) ~~(i)~~ "Full card simulcast" means an entire simulcast  
16 racing program of 1 or more race ~~meet~~ **MEETING** licensees located  
17 in this state, or an entire simulcast racing program of 1 or more  
18 races simulcasted from 1 or more racetracks located outside of this  
19 state.

20 (K) **"MEMBER OF THE IMMEDIATE FAMILY" MEANS THE SPOUSE, CHILD,**  
21 **PARENT, OR SIBLING.**

22 (l) ~~(j)~~ "Person" means an individual, firm, partnership,  
23 corporation, association, or other legal entity.

24 (M) ~~(k)~~ "Purse pool" means an amount of money allocated or  
25 apportioned to pay prizes for horse races and from which payments  
26 may be made to certified horsemen's organizations pursuant to this  
27 act.

1           (N) ~~(I)~~ "Veterinarian" means a person licensed to practice  
2 veterinary medicine under ~~article 15~~ **PART 188** of the public  
3 health code, ~~Act No. 368 of the Public Acts of 1978, being~~  
4 ~~sections 333.16101 to 333.18838 of the Michigan Compiled Laws 1978~~  
5 **PA 368, MCL 333.16101 TO 333.18838**, or under a state or federal law  
6 applicable to that person.

7           Sec. 4. (1) The racing commissioner shall be appointed for a  
8 term of 4 years by the governor by and with the advice and consent  
9 of the senate.

10           (2) The racing commissioner shall be a resident of this state  
11 and during his or her term of office shall not be a stockholder of,  
12 or be directly or indirectly connected with the conduct or  
13 management of, or have any other legal or beneficial interest in,  
14 any of the following:

15           (a) A racetrack, race meeting, or a racing interest,  
16 including, but not limited to, the ownership, breeding, training,  
17 or racing of horses or any vendor, supplier, or distributor of  
18 goods or services to a racetrack, race meeting, or racing  
19 participant licensed under this act.

20           (b) Any gaming activity conducted at any licensed race meeting  
21 in ~~the~~ **THIS** state.

22           (3) **THE RACING COMMISSIONER, AN EMPLOYEE OF THE OFFICE OF THE**  
23 **RACING COMMISSIONER, OR A MEMBER OF THE IMMEDIATE FAMILY OF THE**  
24 **RACING COMMISSIONER OR OF AN EMPLOYEE OF THE OFFICE OF THE RACING**  
25 **COMMISSIONER SHALL NOT PARTICIPATE IN WAGERING PERMITTED UNDER THIS**  
26 **ACT OR CONDUCTED BY A PERSON OR AN AFFILIATE OF A PERSON LICENSED**  
27 **OR APPLYING FOR A LICENSE UNDER THIS ACT. THIS SUBSECTION DOES NOT**

- 1 APPLY TO WAGERING THAT IS PART OF SURVEILLANCE, SECURITY, OR OTHER
- 2 OFFICIAL DUTIES FOR THE OFFICE OF THE RACING COMMISSIONER.