

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4293

BY DELEGATES FRICH, HOLLEN, FAST, KESSINGER,

BUTLER, OVERINGTON, FOSTER, PAYNTER,

HIGGINBOTHAM, HARSHBARGER AND DEEM

[Introduced January 24, 2018; Referred

to the Committee on the Judiciary.]

1 A BILL to amend and reenact §19-23-26 of the Code of West Virginia, 1931, as amended, relating
 2 to prohibiting the use of anabolic steroids and certain Class I drugs on racing dogs;
 3 providing criminal penalties for violators; making dogs temporarily ineligible to race when
 4 testing positive for the drugs; and requiring the Racing Commission to publish certain
 5 information regarding the presence of drugs in racing dogs on its website each month and
 6 in its annual report.

Be it enacted by the Legislature of West Virginia:

ARTICLE 23. HORSE AND DOG RACING.

PART XIII. OFFENSES AND PENALTIES.

§19-23-26. Offenses and penalties.

1 (a) Any person holding or conducting, or assisting, aiding or abetting in the holding or
 2 conducting, of any horse or dog race meeting at which horse or dog racing and the pari-mutuel
 3 system of wagering on the same is permitted or conducted, without a license issued by the Racing
 4 Commission, which license remains unexpired, unsuspended and unrevoked, ~~shall be~~ is guilty of
 5 a misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$1,000 for each
 6 day of ~~such~~ unauthorized horse or dog race meeting, or by ~~imprisonment~~ confinement in jail not
 7 exceeding one year, or by both ~~such~~ fine and ~~imprisonment~~ confinement, in the discretion of the
 8 court: *Provided*, That no conviction ~~shall~~ may be had or punishment imposed upon any licensee,
 9 whose license has been suspended or revoked, for holding or conducting a horse or dog race
 10 meeting while execution of the order of suspension or revocation is stayed or suspended as
 11 provided in this article.

12 (b) Any person violating any provision of §19-23-4 or §19-23-5 of this code ~~shall be~~ is
 13 guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$500
 14 nor more than \$1,000, or by ~~imprisonment~~ confinement in jail for not less than six months nor
 15 more than one year, or by both ~~such~~ fine and ~~imprisonment~~ confinement, in the discretion of the

16 court. The venue of ~~any such~~ the offense ~~shall be~~ is in the county, or any one of the counties,
17 wherein the person violating ~~said section four or section five~~ either of those sections carries out
18 any duties of, or performs any work for, the Racing Commission, which constitute the basis of the
19 charge or complaint.

20 (c) Any person violating any provision of §19-23-2(b) of this code is guilty of a
21 misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$100 nor more
22 than \$500, or by ~~imprisonment~~ confinement in jail for not less than one month nor more than two
23 months, or by both ~~such~~ fine and ~~imprisonment~~ confinement, in the discretion of the court. The
24 venue of ~~any such~~ the offense ~~shall be~~ is in the county, or any one of the counties, wherein the
25 person violating ~~said~~ that subsection ~~(b)~~ carries out any duties of, or performs any work for, the
26 Racing Commission, which constitute the basis of the charge or complaint.

27 (d) False swearing before the Racing Commission on the part of any witness ~~shall be~~
28 ~~deemed~~ is perjury and shall be punished as such.

29 (e) Any use of anabolic steroids involving racing dogs is strictly prohibited at any stage of
30 a dog's training and racing career and is punishable by a fine of not less than \$500 nor more than
31 \$1,000.

32 (f) Any use of a Class I drug involving dogs as defined in the Association of Racing
33 Commissioners International, Inc. *Uniform Classification Guidelines*, including, but not limited to,
34 cocaine, fentanyl, heroin, methadone, methamphetamine, morphine, oxycodone, and
35 oxymorphone, is punishable by a fine of not less than \$1,000 and not more than \$5,000 per drug-
36 positive finding. Any dog that tests positive for a Class I drug is ineligible to race for a period of
37 90 days from the date of confirmation of a positive test.

38 (g) The Racing Commission shall publish on its website each month and in its annual
39 report each year full information regarding the presence of drugs in racing dogs, including, but
40 not limited to, the total number of drug-positive findings, the dates of the findings, the racetrack
41 where each drug-positive occurred and the race in which a drug-positive dog participated, the

- 42 testing methods used, the names of drug-positive dogs and the name or names of the owner or
43 owners and kennel operator or operators of the dogs, the drug testing budget and the amount of
44 money actually spent on drug testing each month.

NOTE: The purpose of this bill is to prohibit the use of anabolic steroids and certain Class I drugs on racing dogs. It provides fines for violators and make the dogs temporarily ineligible to race for testing positive for the drugs. It also requires the Racing Commission to publish certain information regarding the presence of drugs in racing dogs on its website each month and in its annual report.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.