Horse racing goes hand and hoof with gambling. While it is used to be the primary outlet for betting, the sport now competes with various forms of gambling for the entertainment dollar. Unsurprisingly, this competition, together with the creation of many legal gambling forums, results in more races and lengthened racing seasons.

As stakes increased, so did pressure to perform. Horse doping is the illegal application of a substance to improve the horse’s natural capacities prior to a race. Whether horse doping has always been a serious problem kept hidden or whether the issue has recently peaked because of the increased performance pressure characteristic to athletes in other sports, the industry now faces federal demands to curb the sport’s drug use.

On the eve of this year’s Kentucky Derby, thoroughbred industry leaders received letters from U.S. Sen. Tom Udall, D-N.M., and U.S. Rep. Ed Whitfield, R-Ky., bexed industry leaders received letters from U.S. Sen. characteristic to athletes in other sports, the industry problem kept hidden or whether the issue has recently peaked because of the increased performance pressure characteristic to athletes in other sports, the industry now faces federal demands to curb the sport’s drug use. To improve the horse’s natural capacities prior to a race. Whether horse doping has always been a serious problem kept hidden or whether the issue has recently peaked because of the increased performance pressure characteristic to athletes in other sports, the industry now faces federal demands to curb the sport’s drug use. On the eve of this year’s Kentucky Derby, thoroughbred industry leaders received letters from U.S. Sen. Tom Udall, D-N.M., and U.S. Rep. Ed Whitfield, R-Ky., demanding answers pertaining to the uniformity of medication rules, current practices of enforcement, and the industry’s efforts to collect injury data.

Recent major events spawned controversy over questionable enforcement practices in the racing industry. In the 2006 Preakness Stakes, Barbaro suffered severe injuries and a breakdown, which eventually led to his euthanization. Then, in the 2008 Kentucky Derby, there was the dramatic breakdown of the filly Eight Belles. She was euthanized on the track soon after finishing second to Big Brown, shocking the viewing public.

In 2008 and 2009 alone the following headlines appeared in articles: “New Jersey Race Horses Test Positive for Doping,” “Horse Trainer Steve Asmussen Suspended After Horse Tests Positive,” “Big Brown Trainer Admits Giving Horse Steroids: Report,” “Dubai Prince Banned Over Steroids For Horse,” and “Queen in Doping Scandal: Royal Racehorse Fails Drugs Test.” Clearly horse doping wasn’t just a national issue, but a global one. Yet the racing industry lags behind other major sporting bodies in effectively confronting the drug problem.

Since 2000, most states have revised their laws to prohibit use of anabolic steroids (already banned by most other major sporting bodies, including the International Olympic Committee, FIFA, UEFA, all major professional golf tours, the NFL, NHL, NBA, Major League Baseball and the European Association of Professional Football Clubs). Some states still allow for greater threshold amounts of substances than others. Before Pennsylvania banned anabolic steroids in April 2006, it conducted anonymous tests. The results were astounding, showing nearly two-thirds of horses tested positive. Clearly, deterrence of drug use was not a priority until recently. Regardless of the timing or reasons behind the surge in use, it is evident that the industry is now facing the consequences of past inaction.

The history of horse doping and the industry’s efforts to combat it are a testament to the difficulties associated with drug use in horse racing. The complexity of the issue is further compounded by the lack of uniformity in state laws, enforcement practices, and regulations.

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FROM THE FIELD OF HORSE RACING

Industry faces unique challenges in regulating use of drugs

tive to regulate anabolic steroid use because there is more focus and pressure on those states each hosts a Triple Crown race. In May 2008, New York passed its own steroid regulation and set threshold levels for all four substances.

Recently, a new Racing Medication and Testing Consortium movement in the industry looks to increase restrictions on nonsteroidal, anti-inflammatory drugs (NSAIDs). Where should legislators draw the finish line for future regulation? If regulations tighten too much, some trainers and owners will not adhere to the rules, and the sport could falter as more trainers would likely suffer heavy sanctions.

One important consideration in comparing horse doping regulations with those of other professional sports is the separable nature of horse from trainer. Often horses cross state lines, are apart from their trainers, or are susceptible to acts committed by an independent owner. Such lack of control, as compared with athletes, who generally manage substances entering their bodies, raises fairness questions in the sanctioning process.

Nevertheless, the model rules hold a trainer “responsible for the condition of horses entered in an official workout or race and … for the presence of any prohibited drug, medication, or other substance.” Unless the trainer is in the unique position of working with a talking horse like Mr. Ed, it is almost impossible to know everything. If the trainers are not familiar with various allowances of therapeutic treatment for horses among different states this oversight can be challenging, making strict compliance with the rules extraordinarily difficult.

Another major distinction between other professional sports and horse racing is the heightened expense resulting from suspension. A suspended equestrian’s horse still requires care when subsidies can’t be received. Costs can easily exceed $25,000 a year when considering expenses for horse feed, veterinary care, hoof care and shoeing services, and dietary supplements. Thus, the industry is facing the financial challenges characteristic of today’s economy.

While it is certain that the industry is preserving the decision-making power of each state’s horse racing commission and responding to federal pressure, whether new regulations of NSAIDs at the urging of the Racing Medication and Testing Consortium will swiftly spread through state horse racing laws remains to be seen. The potential impact of such regulations would be a large stride toward creating rule uniformity and bringing integrity to a sport too often marred by negative speculation and uncertainty.