



SPONSOR: Rep. Spence & Rep. Oberle &  
& Rep. Quillen & Sen. Adams

HOUSE OF REPRESENTATIVES

140th GENERAL ASSEMBLY

HOUSE BILL NO.

AN ACT TO AMEND TITLE 28, DELAWARE CODE RELATING TO PROTESTS AND MEDICATION TESTING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 7, Title 28, Delaware Code by adding a new section to read as follows:

2 “§ 706. Medication Protests, testing.

3 (a) If a licensed owner, trainer or driver has a reasonable belief that a competing horse has, or may  
4 have, an unfair competitive advantage due to a violation of the Delaware Harness Racing Commission (D.  
5 H. R. C.) medication rules, that owner, trainer or driver may file a “Medication Protest” with the Delaware  
6 Harness Racing Commission.

7 (b) A “Medication Protest” empowers the owner, trainer, or driver to request that any horse or horses  
8 they competed against in a specified race, have a blood and urine sample collected and then tested at an  
9 Official Association of Racing Commissioners International approved laboratory of his or her choice. The  
10 designated laboratory shall employ state of the art testing methods when testing these protested samples,  
11 which shall include, but not be limited to Enzyme Linked ImmunoSorbent Assay (ELISA), Thin Layer  
12 Chromatography (T. L. C.), Mass Spectral Gas Chromatography (M. S. G. C.) and Total Carbon Dioxide  
13 (TC02) tests.

14 (c) The owner, trainer or driver must file a verbal protest with either the starter or the paddock judge  
15 before the race has been made official. The starter or paddock judge must notify the Presiding Judge  
16 immediately, who shall order a veterinary assistant to escort and remain with the horse in accordance with  
17 established policy for obtaining a blood and urine sample. Within 15 minutes after the official sign has  
18 been posted for the race the protested horse competed in the protesting party shall file a written protest with  
19 the paddock judge and post a deposit of \$1,000 which shall be used to offset the following costs:

(1) The collection of sufficient blood and urine samples, including the costs of the state veterinary assistant and state veterinarian and all necessary collection apparatus;

(2) The packing of and transportation of these samples by bonded courier to the selected laboratory; and

(3) All costs incurred by the state of the art testing methods employed by the Association of Racing Commissioners International (A. R. C. I.) laboratory. These tests shall include, but not be limited to Enzyme Linked ImmunoSorbent Assay (ELISA), Thin Layer Chromatography (T.L.C.), Mass Spectral Gas Chromatography (M.S.G.C.) and Total Carbon Dioxide (TC02) testing.

(d) In the event costs exceed the \$1,000 deposit, the protesting party shall be required to post additional monies to cover such costs.

(e) The owner and/or trainer of the protested horse has the right to be present during the collection, packaging and shipping of these test samples.

(f) Upon completion of all testing the laboratory shall notify the Delaware Harness Racing Commission of the results. The Delaware Harness Racing Commission shall immediately notify the trainer of the protested horse as well as the protesting party of these test results.

(g) If the test results substantiate a violation of the Delaware Harness Racing Commission medication rules in effect on the date of the race, the trainer of the tested horse shall be afforded the same rights every trainer receives when charged with any medication violations found by the Delaware Harness Racing Commission Official laboratory. This shall include the right to request a split sample test at the designated laboratory of his or her choice.

(h) Penalties shall be assessed in accordance with the Delaware Harness Racing Commission penalty recommendations for medication violations in effect on the date of the race. In no case, however, shall the penalty imposed be less than a \$500 fine.

(i) Any monies remaining from the protest deposit after costs shall be returned to the protesting party if no violation is found. If a violation is found, costs shall be assessed against the trainer of the protested horse and the Commission shall reimburse the protesting party upon receipt thereof.

(j) The owner, trainer or driver that files a Medication Protest pursuant to this section shall be immune from civil liability for filing the medication Protest.”

#### SYNOPSIS

This Act creates a process allowing owners, trainers or drivers the opportunity to protest and have a competing horse tested if they believe such horse has an unfair advantage due to a violation of medication rules.