

**SENATE . . . . . No. 2238**

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court**  
**(2019-2020)**  
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SENATE, June 6, 2019

The committee on Consumer Protection and Professional Licensure, to whom was referred the petition (accompanied by bill, Senate, No. 145) of Paul R. Feeney, Michael O. Moore and James K. Hawkins for legislation to further regulate thoroughbred breeding,- reports the accompanying bill (Senate, No. 2238).

For the committee,  
Paul R. Feeney

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act further regulating thoroughbred breeding.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 128 of the General Laws is hereby amended by striking out section 2(g) and  
2 inserting in place thereof the following:-

3 (g) Promote, develop and encourage through the Massachusetts Thoroughbred Breeding  
4 Program, the breeding of thoroughbred horses in the commonwealth by offering cash prizes to  
5 breeders of such horses in the following manner: the Massachusetts Thoroughbred Breeders  
6 Association, Inc. shall from time to time after discussion with the director of racing set the  
7 percentages for bonuses to be awarded to the breeder of a Massachusetts bred thoroughbred  
8 horse, of the purse monies won by said thoroughbred horse in any pari-mutuel running horse race  
9 if said horse finishes first, second, third, fourth or fifth; the percentage for incentives to the  
10 owner of the stallion, at the time of service to the dam of such purse winner; provided, however,  
11 that (i) the stallion was registered by February 1st and stood the entire breeding season for that  
12 year in the commonwealth, (ii) the horse finishes first, second, third, fourth or fifth and (iii) said  
13 stallion is registered with the Massachusetts Thoroughbred Breeders Association and was not  
14 registered to stand in any other state that year; the percentage for incentives for the purse monies

15 won by said thoroughbred horse in any unrestricted or restricted pari-mutuel running horse race  
16 held within or outside the commonwealth to the owner of a Massachusetts bred/accredited horse  
17 if said horse finishes first, second, third, fourth or fifth.

18         The Massachusetts Thoroughbred Breeders Association, Inc. is further authorized to pay  
19 incentives for races to be limited to Massachusetts bred and accredited thoroughbred race horses  
20 from the Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings  
21 authorized by the state racing authority and after discussion with the Massachusetts director of  
22 racing, and to pay cash incentives to encourage breeding in Massachusetts. Such races may be  
23 betting or non-betting races and may or may not be scheduled races by the licensee conducting  
24 the racing meeting. Purse monies paid by the association under this section may be in such  
25 amounts as the association shall determine and may be the sole cash purse for such races or may  
26 be supplemental to the cash purses established by the licensee; and such discretion shall include  
27 the discretion to set an overall cap on awards earned.

28         No person shall be eligible for the prizes provided herein unless the following standards  
29 are met:

30         (1) The foal of a thoroughbred mare that drops said foal in the commonwealth and is bred  
31 back to a Massachusetts registered stallion shall be a Massachusetts bred; or

32         (2) The foal of a thoroughbred mare who resides in the commonwealth continuously for  
33 at least 90 days which includes foaling and foals in the commonwealth shall be Massachusetts  
34 bred.

35         (3) Any foal that is raised in the commonwealth for six months continuously prior to  
36 December 31st of its two year old year shall be a Massachusetts accredited horse.

37 (4) In either case of subparagraph (1),(2) or (3) each thoroughbred foal dropped or raised  
38 in the commonwealth shall be registered with the Jockey Club, and the Massachusetts  
39 Thoroughbred Breeders Association.

40 (5) Prior to the first day of September of each year, each person standing a thoroughbred  
41 stallion in the commonwealth at either private or public service shall file with the the  
42 Massachusetts Thoroughbred Breeders Association:

43 (a) a list of all thoroughbred mares bred to such stallion in that year; and (b) a verified  
44 statement representing that said stallion stood the entire breeding season in the commonwealth.

45 A Massachusetts accredited thoroughbred shall be eligible for any Massachusetts bred  
46 race, except for Massachusetts restricted stakes races. For Massachusetts bred stake races  
47 Massachusetts accredited horses may enter to fill the race after all Massbreds have already been  
48 entered in the race (Massbreds preferred). "Full race" to be determined by MTBA and the  
49 hosting track for the race.

50 Prior to the first day of September of each year, each person raising a weanling or  
51 yearling in Massachusetts for six months prior to December 31st of the horse's two-year old year  
52 shall file with the Massachusetts Thoroughbred Breeders Association a verified statement that it  
53 is raising the horse in Massachusetts and the location of the horse.

54 The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized  
55 to pay foaling bonuses to the owner of any mare that foals within the Commonwealth. To be  
56 eligible for such bonus, prior to foaling, the owner of such mare shall file with the Massachusetts  
57 Thoroughbred Breeders Association a verified statement that the mare is in foal, the expected  
58 due date and the location of the mare.

59           The Massachusetts Thoroughbred Breeders Association, Inc. is hereby further authorized  
60 to expend up to twelve percent of the amount received each fiscal year for said program for  
61 advertising, marketing, promotion, and administration for the thoroughbred breeding program in  
62 the commonwealth.

63           The state auditor shall annually audit the books of the Massachusetts Thoroughbred  
64 Breeders Association Inc., to ensure compliance with this section.