

**SENATE . . . . . No. 167**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul R. Feeney***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act further regulating thoroughbred breeding.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/30/2023</i>

**SENATE . . . . . No. 167**

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By Mr. Feeney, a petition (accompanied by bill, Senate, No. 167) of Paul R. Feeney and James K. Hawkins for legislation to further regulate thoroughbred breeding. Consumer Protection and Professional Licensure.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 205 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

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           Section 2 of Chapter 128 of the General Laws, as appearing in the 2016 Official Edition,  
2 is hereby amended by striking out section (g) and inserting in place thereof the following  
3 section:-

4           (g) Promote, develop and encourage through the Massachusetts thoroughbred breeding  
5 program, the breeding of thoroughbred horses by offering cash prizes to breeders of such horses  
6 in the following manner: the Massachusetts Thoroughbred Breeders Association, Inc. shall from,  
7 time to time, after discussion with the director of racing, set the percentages for: (i) bonuses to be  
8 awarded to the breeder of a Massachusetts-bred thoroughbred horse of the purse money won by  
9 that thoroughbred horse in a pari-mutuel running horse race if the horse finishes first, second,  
10 third, fourth or fifth; (ii) incentives to the owner of the stallion, at the time of service to the dam

11 of such purse winner; provided, however, that (1) the stallion shall have been registered by  
12 February 1 and stood the entire breeding season for that year; (2) the horse shall have finished  
13 first, second, third, fourth or fifth; and (3) the stallion shall be registered with the Massachusetts  
14 Thoroughbred Breeders Association and shall not be registered to stand in any other state that  
15 year; and (iii) incentives for the purse monies won by the thoroughbred horse in any unrestricted  
16 or restricted pari-mutuel running horse race held within or outside the commonwealth to the  
17 owner of a Massachusetts-bred and accredited horse if the horse finishes first, second, third,  
18 fourth or fifth.

19         The Massachusetts Thoroughbred Breeders Association, Inc. may pay incentives for  
20 races to be limited to Massachusetts-bred and accredited thoroughbred race horses from the  
21 Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized  
22 by the Massachusetts gaming commission and after discussion with the division of racing, and to  
23 pay cash incentives to encourage breeding in the commonwealth. Such races may be betting or  
24 non-betting races and may be scheduled races by the licensee conducting the racing meeting.  
25 Purse monies paid by the association under this section shall be in such amounts as the  
26 association shall determine and may be the sole cash purse for such races or may be  
27 supplemental to the cash purses established by the licensee; provided, however, that such  
28 discretion shall include the discretion to set an overall cap on awards earned.

29         No person shall be eligible for the prizes provided herein unless:

30         (i) the foal of a thoroughbred mare that drops the foal in the commonwealth and is bred  
31 back to a Massachusetts-registered stallion shall be deemed Massachusetts-bred;

32 (ii) the foal of a thoroughbred mare who resides in the commonwealth continuously for at  
33 least 90 days, including foaling and foals in the commonwealth, is Massachusetts-bred;

34 (iii) the foal that is raised in the commonwealth for 6 months continuously prior to  
35 December 31 of its 2-year-old year is a Massachusetts-accredited horse; or

36 (iv) in the case of clause (i),(ii) or (iii), each thoroughbred foal dropped or raised in the  
37 commonwealth is registered with the Jockey Club and the Massachusetts Thoroughbred Breeders  
38 Association, Inc.; and

39 (v) prior to the first day of September of each year, each person standing a thoroughbred  
40 stallion in the commonwealth at either private or public service shall file with the Massachusetts  
41 Thoroughbred Breeders Association: (1) a list of all thoroughbred mares bred to such stallion in  
42 that year; and (2) a verified statement representing that the stallion stood the entire breeding  
43 season in the commonwealth.

44 A Massachusetts-accredited thoroughbred shall be eligible for any Massachusetts bred  
45 race, except for Massachusetts restricted stakes races. For Massachusetts bred stake races,  
46 Massachusetts accredited horses may enter to fill the race after all Massachusetts-bred horses  
47 have already been entered in the race. Full race shall be determined by the Massachusetts  
48 Thoroughbred Breeders Association, Inc. and the hosting track for the race.

49 Prior to the first day of September annually, each person raising a weanling or yearling in  
50 the commonwealth for 6 months prior to December 31 of the horse's 2-year-old year shall file  
51 with the Massachusetts Thoroughbred Breeders Association a verified statement that it is raising  
52 the horse in the commonwealth and the location of the horse.

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

58           The Massachusetts Thoroughbred Breeders Association, Inc. may expend up to 12 per  
59 cent of the amount received each fiscal year for the program for the advertising, marketing,  
60 promotion and administration of the thoroughbred breeding program.

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