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DEPARTMENT OF JUSTICE
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September 26, 2023

The Honorable Jim Jordan
Chairman
House Judiciary Committee
2138 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jerrold Nadler
Ranking Member
House Judiciary Committee
2138 Rayburn House Office Building
Washington, D.C. 20515

RE: Replacing HISA with the Racehorse Health and Safety Act

Dear Chairman Jordan and Ranking Member Nadler:

The undersigned state attorneys general write to respectfully request that you join us in supporting the bipartisan Racehorse Health and Safety Act (RHSA) introduced by Congressman Clay Higgins (LA-03). RHSA will establish an interstate compact to develop nationwide rules governing scientific medication control and racetrack safety for horseracing by utilizing the vast funding, knowledge, and enforcement capabilities of the States.

RHSA would also repeal the Horseracing Integrity and Safety Act (HISA), which was found unconstitutional because it violated the private non-delegation doctrine by utilizing a private corporation to develop and enforce nationwide horseracing rules. *National Horsemen's Benevolent & Protective Association v. Black*, 53 F.4th 869 (5th Cir. 2022). The case is pending at the U.S. Court of Appeals for the Fifth Circuit again after Congress passed a one-sentence tweak that plaintiffs believe failed to fix the constitutional violation. Attorneys General in Louisiana, Oklahoma, Texas, and West Virginia have joined multiple lawsuits challenging HISA. Also, Attorneys General in Ohio, Alaska, Arkansas, Idaho, Mississippi, and Nebraska have signed amicus briefs in support of these challenges. It is time to repeal HISA and replace it with RHSA.

RHSA is run by States, rooted in science, cost effective, transparent, and constitutional. The goal of RHSA is to protect the health and welfare of racehorses and improve the integrity and safety of horseracing by building upon existing State resources. It will create a Racehorse Health and Safety Organization (RHSO) governed by a nine-member Board of Directors appointed by the state racing commissions. The RHSO Board will establish three Scientific Medication Control Committees, one for each racing breed: Thoroughbreds, Standardbreds, and Quarter Horses, and it will establish one Racetrack Safety Committee that will recommend breed specific rules to the board. Committee members will be scientific experts in their field.

HISA failed to prevent more than a dozen recent racehorse deaths at Churchill Downs because its rules are based on public perception, not science. RHSA rules are based on generally accepted scientific principles and, to the extent possible, peer-reviewed studies. Additionally, RHSA will have breed-specific rules because differences in size and how often horses race lead to different doses of medication needed for different breeds of horse.

HISA is also driving small businesses out of the horseracing industry by imposing \$66 million in regulatory costs. RHSA will cost significantly less because it utilizes existing State resources. States will be able to choose whether to enforce RHSA rules or have RHSA do so.

HISA was devised behind closed doors by a small, insular elite and then foisted upon the vast majority of industry participants against their will. RHSA was drafted with feedback from all three major racing breeds and veterinarians, and it is supported by tens of thousands of horsemen who make a living from the industry, including the National Horsemen's Benevolent and Protective Association, the United States Trotting Association, and the North American Association of Racetrack Veterinarians.

Unlike HISA, the RHSA ensures regulatory transparency and accountability. But more importantly, it comports with the Constitution. I hope you will join me and the undersigned state attorneys general in endorsing it.

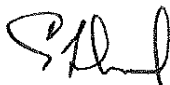
Respectfully,



Jeff Landry
Louisiana Attorney General



Brenna Bird
Iowa Attorney General



Gentner Drummond
Oklahoma Attorney General



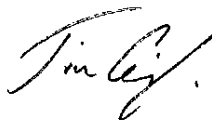
Marty Jackley
South Dakota Attorney General



Patrick Morrissey
West Virginia Attorney General



Todd Rokita
Indiana Attorney General



Tim Griffin
Arkansas Attorney General