

'It's so easy to cheat': Is horse racing finally getting serious about drug misuse?

Tim Sullivan

Louisville Courier Journal

LOUISVILLE, Ky. — Barely a month after Maximum Security was disqualified in the 2019 Kentucky Derby, the colt allegedly was injected with a performance-enhancing drug designed to increase endurance and evade detection.

Known as SGF-1000, the compound was deliberately mislabeled to mislead regulators and willingly misrepresented by veterinarians who falsified records to make it seem to be something else, according to a federal indictment.

“They don’t even have a test for it,” veterinarian Kristian Rhein told trainer Jason Servis before Monmouth Park’s Pegasus Stakes on an intercepted phone call, according to court records. “There’s no test for it in America.”

Efforts to eradicate thoroughbred racing’s deeply entrenched drug culture continue to be challenged by crooked competitors, cutting-edge chemistry and overmatched regulators.

Yet the same federal indictments that implicated Rhein, Servis and 25 others in a “widespread, corrupt scheme” to illicitly enhance racehorse performance also have served to speed reforms that had been stalled for three decades.

Those indictments were unsealed on March 9, 2020. Four days later, a Washington Post editorial called for the abolition of horse racing as a sport largely indifferent to animal abuse.

Senate Majority Leader Mitch McConnell, who had stymied racing reform, saw an existential threat to an industry synonymous with his home state and changed course.

“That made all the difference in the world,” said Marty Irby, executive director of Animal Wellness Action. “When he got on board, it was with guns blazing.”

The result was passage of the Horseracing Integrity and Safety Act (HISA), a bill scheduled to take effect no later than July 1, 2022, that promises to streamline and strengthen drug testing and enforcement in America’s 38 racing jurisdictions through the robust resources of the U.S. Anti-Doping Agency (USADA).

“It’s a game-changer,” said Breeders' Cup President Drew Fleming, “a watershed moment for our business.”

Third-generation horseman Arthur Hancock, owner of Stone Farm in Paris, Kentucky, first proposed legislation along these lines at a University of Arizona racing symposium in 1991, decrying the influence of “drugs and thugs” on horse racing.

Hancock and his wife, Staci, later formed the Water, Hay, Oats Alliance (WHOA) to lobby for the elimination of drugs in racing. Theirs has been a long, contentious struggle — even now, the Horsemen’s Benevolent and Protective Association is suing to stop HISA from being enacted — but reformers can finally see the finish line after decades of frustration.

“If I didn’t do anything else in my life, I’m glad I did this,” Hancock said. “Hopefully, we’ve got a chance now to clean up this industry.”

Still at issue, though, is the scale of the cleanup.

Jockey Club Chairman Stuart Janney told *The Blood-Horse* cheating has become more prevalent at the highest levels of the sport during the last 10 years “and much more difficult to detect.”

But HBPA Chief Executive Officer Eric Hamelback counters with statistics that show of the 263,783 biological samples sent to testing laboratories in 2019, 99.45% came back clear.

"Those who continually and falsely characterize our industry as rampant with drug use are not being factual," Hamelback said.

Similarly, though trainer Stephanie Beattie testified in a 2017 trial that up to 98% of the horses at Penn National — including her own — were administered drugs on race day in violation of the rules, Dr. Mary Scollay of the Racing Medication and Testing Consortium said such claims, “sound like unfounded sensationalism to me.”

"Certainly, there are horses who receive medications that they don't need," Scollay said. “And yes, there are horses that receive medications that are in contravention to the rules. But I cannot begin to imagine it's 98%.”

However, she added: “Anybody that thinks that drug testing alone is the answer to resolving integrity issues, to the extent that it's being done illegally or (through) inappropriate medication of horses, is naïve.”

'It's so easy to cheat'

Already reeling from the rash of racehorse fatalities at Santa Anita, industry leaders who long had resisted federal oversight and stricter standards recognized a threat worth taking seriously.

If thoroughbred racing was to withstand mounting pressure from politicians, animal welfare groups and the media and regain credibility with its customers, it would need to confront the perception of rampant drug use with tangible change.

In outsourcing drug testing to USADA (subject to negotiation and the HBPA lawsuit), the Horseracing Integrity and Safety Act aims to replace the inconsistent policies and procedures of America's 38 racing jurisdictions with a streamlined set of national standards, additional out-of-competition testing and more muscular enforcement.

"It's so easy to cheat, given the myriad of different rules and regulations and the poor laboratory analysis process, that those who otherwise would want to play by the rules know that if they play by the rules, they're going to lose," USADA Chief Executive Officer Travis Tygart said. "That's unacceptable. Those are the victims who get coerced themselves to dope because they think it's the only way they can win.

"We're really looking forward to bringing the policies out of the dark ages."

Though USADA lacks the authority to conduct the kind of surveillance that exposed Jason Servis and his alleged conspirators, Tygart says his organization was able to contribute to the federal case by sharing evidence with the FBI.

A USADA cycling investigation uncovered a Florida pharmacy that was also supplying illicit drugs to the equine industry.

Yet while the headlines that followed the 2020 indictments caused considerable embarrassment and anxiety within the industry, their shock value was minimal.

Servis and fellow defendant Jorge "Juice Man" Navarro had the two highest winning percentages among trainers with at least 500 starts in 2019, and had long been suspected of taking ethical shortcuts to the winner's circle.

But though the severity of their alleged crimes is extreme, thoroughbred trainers frequently run afoul of drug regulations.

Prominent trainers fined for drug violations

No fewer than seven of the trainers preparing for Saturday's Kentucky Derby currently carry points under the sport's Multiple Medication Violation Penalty System, which calls for additional punishment for repeat offenders.

- Doug O'Neill, a two-time Derby winner, served a 10-day suspension last month for a lidocaine infraction in California.
- Hall of Fame trainer Bob Baffert, the most prominent figure in the sport, has been fined four times for medication infractions in the last 12 months.

“One of the first things that somebody told me when we first got into racing was if a trainer is a top winner, there's a really good reason,” said Kathy Guillermo, vice president of People for the Ethical Treatment of Animals, “And it usually comes in a syringe.”

The deterrents currently on the books are of dubious value.

Hall of Fame trainer Steve Asmussen, who is leading the nation in both wins and earnings for the second straight year, is still appealing two suspensions from the Kentucky Horse Racing Commission for acepromazine infractions that date to 2018.

Asmussen's fines for the two cases were \$3,500 — less than 1% of the \$600,000 his Super Stock earned for winning the Arkansas Derby.

“The penalties for trainers are slight, and they're the cost of doing business,” Guillermo said. “Kick them out. One and done. That's our opinion.”

The USADA is unlikely to adopt such draconian discipline, but Tygart said the organization would insist on strong sanctions before agreeing to regulate racing and would not “put its brand behind a poor program.”

“The reality is the rules in place now are riddled with loopholes that my son could drive Thomas The Train through,” Tygart said. “... We see a really poor system that is easy to manipulate and work around without getting caught. And the rewards are tremendous.”

Horse owners fear they'll be out of business

The HBPA’s lawsuit questions the constitutionality of ceding federal lawmaking authority to a private group to be known as the Horseracing Integrity and Safety Authority, which would oversee USADA’s involvement (along with the Federal Trade Commission).

It also expresses concerns about the expense of more rigorous enforcement.

“Without question we believe there is a real concern among thoroughbred horse owners that this legislation could put many of us out of business,” Hamelback said. “As we have correctly voiced, there was no serious debate or discussion about the costs, let alone the legality of creating a private group to control this aspect of horse racing.”

Jockey Club President Jim Gagliano finds the HBPA’s complaints “a bit disingenuous,” given the extensive debate over previous versions of the Integrity Act. Tygart said the HBPA’s costs concerns are likely overstated.

“We’re still putting pen to paper on what it’s going to take to run a good program,” he said. “But they’re paying \$50 million now for a really bad program. Looking at those figures and what they’re currently paying, it’s absolutely going to be doable.

"And, frankly, they can't afford not to. It's going to enhance the brand of horse racing. It's going to give confidence to the betting market. And I think, like what we've seen in the Olympics and UFC, the pie is going to get bigger."

'They've figured out how to rig ... the system'

To some extent, the litigation is motivated by the lingering opposition of horsemen to tightening regulation of Lasix.

To Bill Finley of the New York Daily News, the lawsuit is analogous to “Citibank suing for more lenient penalties for bank robbers.”

"To me, the lawsuit appears basically to be an effort from the worst of the worst within the industry," Irby said. "They want to keep criminal activity alive because they've figured out how to rig and game the system. It's to their disadvantage if doping comes to an end."

Hamelback called that characterization, “ignorant, misinformed (with) no basis in fact.” He said the HBPA had never spoken against USADA in its enforcement efforts, “and we have never stood in favor of the protection of proven cheaters.”

“We have stood for due process and the protection of horsemen and horsewomen’s rights,” he said. “Rest assured we will continue to call for such protection.”

Though the conflict appears headed for the courtroom, former Breeders’ Cup President Craig Fravel says much of the apprehension surrounding the legislation is misplaced.

“I hearken back to when we introduced rules around the country to eliminate anabolic steroids,” Fravel said. “There were people who said you won’t be able to fill another race and when the rules went into effect, it was as if nothing had happened.”

What reformers fear is standing pat. They fear the failure to address their sport's drug problems will further erode public confidence and endanger more horses.

"I don't think there's anybody in the sport who can honestly say we don't have to do anything differently," Scollay said. "This could turn out brilliantly or it could be an epic fail. (But) Everyone I know is willing to throw their soul to make this work.

"They know this is it. This is our chance for survival."

Tim Sullivan: 502-582-4650, tsullivan@courier-journal.com;

Twitter: [@TimSullivan714](https://twitter.com/TimSullivan714)