

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

House Bill 5464

By Delegates Funkhouser, McGeehan, Clark,
Eldridge, Shamblin, Willis, Ridenour, Ellington,
Bridges, Dean, and Phillips

[Originating in the Committee on Finance, February
26, 2026]

1 A BILL to amend and reenact §19-23-3 and §19-23-13b of the Code of West Virginia, 1931, as
2 amended; relating to providing a definition for West Virginia Certified Thoroughbred
3 horses; setting requirements and purse calculations for West Virginia Certified
4 Thoroughbred horses to race in restricted races; and providing eligibility requirements for
5 West Virginia Accredited restricted races.

Be it enacted by the Legislature of West Virginia:

CHAPTER 19. AGRICULTURE.

ARTICLE 23. HORSE AND DOG RACING.

§19-23-3. Definitions.

1 Unless the context clearly requires a different meaning, as used in this article:

2 (1) "Horse racing" means any type of horse racing, including, but not limited to,
3 thoroughbred racing and harness racing;

4 (2) "Thoroughbred racing" means flat or running type horse racing in which each horse
5 participating is a thoroughbred and mounted by a jockey;

6 (3) "Harness racing" means horse racing in which the horses participating are harnessed
7 to a sulky, carriage or other vehicle and does not include any form of horse racing in which the
8 horses are mounted by jockeys;

9 (4) "Horse race meeting" means the whole period of time for which a license is required by
10 the provisions of section one of this article;

11 (5) "Dog racing" means any type of dog racing, including, but not limited to, greyhound
12 racing;

13 (6) "Purse" means any purse, stake or award for which a horse or dog race is run;

14 (7) "Racing association" or "person" means any individual, partnership, firm, association,
15 corporation or other entity or organization of whatever character or description;

16 (8) "Applicant" means any racing association making application for a license under the

17 provisions of this article or any person making application for a permit under the provisions of this
18 article or any person making application for a construction permit under the provisions of this
19 article;

20 (9) "License" means the license required by the provisions of section one of this article;

21 (10) "Permit" means the permit required by the provisions of section two of this article;

22 (11) "Construction permit" means the construction permit required by the provisions of
23 section eighteen of this article;

24 (12) "Licensee" means any racing association holding a license required by the provisions
25 of section one of this article and issued under the provisions of this article;

26 (13) "Permit holder" means any person holding a permit required by the provisions of
27 section two of this article and issued under the provisions of this article;

28 (14) "Construction permit holder" means any person holding a construction permit required
29 by the provisions of section 18 of this article and issued under the provisions of this article;

30 (15) "Hold or conduct" includes "assist, aid or abet in holding or conducting";

31 (16) "Racing commission" means the West Virginia Racing Commission;

32 (17) "Stewards" means the steward or stewards representing the Racing Commission, the
33 steward or stewards representing a licensee and any other steward or stewards whose duty it is to
34 supervise any horse or dog race meeting, all as may be provided by reasonable rules of the
35 Racing Commission which rules shall specify the number of stewards to be appointed, the method
36 and manner of their appointment and their powers, authority and duties;

37 (18) "Pari-mutuel" means a mutuel or collective pool that can be divided among those who
38 have contributed their wagers to one central agency, the odds to be reckoned in accordance to the
39 collective amounts wagered upon each contestant running in a horse or dog race upon which the
40 pool is made, but the total to be divided among the first three contestants on the basis of the
41 number of wagers on these;

42 (19) "Pari-mutuel clerk" means any employee of a licensed racing association who is

43 responsible for the collection of wagers, the distribution of moneys for winning pari-mutuel tickets,
44 verification of the validity of pari-mutuel tickets and accounting for pari-mutuel funds;

45 (20) "Pool" means a combination of interests in a joint wagering enterprise or a stake in
46 such enterprise;

47 (21) "Legitimate breakage" is the percentage left over in the division of a pool;

48 (22) "To the dime" means that wagers shall be figured and paid to the dime;

49 (23) "Code" means the Code of West Virginia, 1931, as heretofore and hereinafter
50 amended;

51 (24) "Accredited thoroughbred horse" means a thoroughbred horse that is registered with
52 the West Virginia Thoroughbred Breeders Association and that is:

53 (A) Foaled in West Virginia; or

54 (B) Sired by an accredited West Virginia sire; or

55 (C) As a yearling, finished twelve consecutive months of verifiable residence in the state,
56 except for 30 days' grace: (i) For the horse to be shipped to and from horse sales where the horse
57 is officially entered in the sales catalogue of a recognized thoroughbred sales company, or

58 (ii) For obtaining veterinary services, documented by veterinary reports;

59 (25) "Accredited West Virginia sire" is a sire that is permanently domiciled in West Virginia,
60 stands a full season in West Virginia and is registered with West Virginia Thoroughbred Breeders
61 Association;

62 (26) "Breeder of an accredited West Virginia horse" is the owner of the foal at the time it
63 was born in West Virginia;

64 (27) "Raiser of an accredited West Virginia horse" is the owner of the yearling at the time it
65 finished twelve consecutive months of verifiable residence in the state. During the period, the
66 raiser will be granted one month of grace for his or her horse to be shipped to and from
67 thoroughbred sales where the horse is officially entered in the sales catalogue of a recognized
68 thoroughbred sales company. In the event the yearling was born in another state and transported

69 to this state, this definition does not apply after the December 31, 2007, to any pari-mutuel racing
70 facility located in Jefferson County nor shall it apply after the December 31, 2012, and thereafter to
71 any pari-mutuel racing facility located in Hancock County. Prior to the horse being shipped out of
72 the state for sales, the raiser must notify the Racing Commission of his or her intentions;

73 (28) The "owner of an accredited West Virginia sire" is the owner of record at the time the
74 offspring is conceived;

75 (29) The "owner of an accredited West Virginia horse" means the owner at the time the
76 horse earned designated purses to qualify for restricted purse supplements provided in section
77 13b of this article;

78 (30) "Registered greyhound owner" means an owner of a greyhound that is registered with
79 the National Greyhound Association;

80 (31) "Fund" means the West Virginia Thoroughbred Development Fund established in
81 section 13(b) of this article; and

82 (32) "Regular purse" means both regular purses and stakes purses.

83 (33) "West Virginia Certified Thoroughbred" means a thoroughbred horse that :

84 (A) Is registered with the West Virginia Thoroughbred Breeds Association; and

85 (B) Prior to its three year-old year finished six consecutive months of verifiable residence in
86 the state, except for 30 days' grace:

87 (i) For the horse to be shipped to and from horse sales where the horse is officially entered
88 in the sales catalogue of a recognized thoroughbred sales company, or

89 (ii) For obtaining veterinary services, documented by veterinary reports.

90 (C) Is subject to an affidavit, certification, or audit/inspection by the WV Thoroughbred
91 Breeders Association.

92 (D) Is ineligible to participate in WV Accredited Stakes Races or WV Breeders Classics.

93 (E) Is ineligible for the West Virginia Thoroughbred Fund.

§19-23-13b. West Virginia Thoroughbred Development Fund; distribution; restricted races;

nonrestricted purse supplements; preference for West Virginia accredited thoroughbreds; West Virginia certified thoroughbred horses.

1 (a) The Racing Commission shall deposit moneys required to be withheld by an
2 association or licensee in subsection 9(b) of this article in a banking institution of its choice in a
3 special account to be known as West Virginia Racing Commission Special Account – West
4 Virginia Thoroughbred Development Fund: *Provided*, That after the West Virginia Lottery
5 Commission has divided moneys between the West Virginia Thoroughbred Development Fund
6 and the West Virginia Greyhound Breeding Development Fund, pursuant to the provisions of
7 sections §29-22-10 and §29-22-10b, the Racing Commission shall, beginning October 1, 2005,
8 deposit the remaining moneys required to be withheld from an association or licensee designated
9 to the Thoroughbred Development Fund under the provisions of subsection (b), section nine of this
10 article, subdivision (3), subsection (e), 12(b) of this article, subsection (b), section 12(c) of this
11 article, paragraph (B), subdivision (3), subsection (b), section 13(c) of this article and sections §29-
12 22A-10 and §29-22A-10b of this code into accounts for each thoroughbred racetrack licensee with
13 a banking institution of its choice with a separate account for each association or licensee. Each
14 separate account shall be a special account to be known as West Virginia Racing Commission
15 Special Account – West Virginia Thoroughbred Development Fund and shall name the licensee
16 for which the special account has been established: *Provided, however*, That the Racing
17 Commission shall deposit all moneys paid into the Thoroughbred Development Fund by a
18 thoroughbred racetrack licensee that did not participate in the Thoroughbred Development Fund
19 for at least four consecutive calendar years prior to December 31, 1992, from July 8, 2005, until
20 the effective date of the amendment to this section passed during the fourth extraordinary session
21 of the 77th Legislature shall be paid into the purse fund of that thoroughbred racetrack licensee:
22 *Provided further*, That the moneys paid into the Thoroughbred Development Fund by a
23 thoroughbred racetrack licensee that did not participate in the Thoroughbred Development Fund
24 for at least four consecutive calendar years prior to December 31, 1992, shall be transferred into

25 that licensee's purse fund until April 1, 2006. Notice of the amount, date and place of the deposits
26 shall be given by the Racing Commission, in writing, to the State Treasurer. The purpose of the
27 funds is to promote better breeding and racing of thoroughbred horses in the state through awards
28 and purses for accredited breeders/raisers, sire owners and thoroughbred race horse owners:
29 *Provided*, That five percent of the deposits required to be withheld by an association or licensee in
30 subsection (b), section nine of this article shall be placed in a special revenue account hereby
31 continued in the State Treasury called the Administration and Promotion Account: *Provided*,
32 *however*, That four and one-half percent of the deposits into the Thoroughbred Development Fund
33 shall be placed in the Administration and Promotion Account, except that of this percentage, no
34 more than \$305,000 shall be placed in the account in any year.

35 (b) The Racing Commission is authorized to expend the moneys deposited in the
36 administration and promotion account at times and in amounts as the commission determines to
37 be necessary for purposes of administering and promoting the thoroughbred development
38 program: *Provided*, That during any fiscal year in which the commission anticipates spending any
39 money from the account, the commission shall submit to the executive department during the
40 budget preparation period prior to the Legislature convening before that fiscal year for inclusion in
41 the executive budget document and budget bill the recommended expenditures, as well as
42 requests of appropriations for the purpose of administration and promotion of the program. The
43 commission shall make an annual report to the Legislature on the status of the administration and
44 promotion account, including the previous year's expenditures and projected expenditures for the
45 next year.

46 (c) The fund or funds and the account or accounts established in subsection (a) of this
47 section shall operate on an annual basis.

48 (d) Funds in the Thoroughbred Development Fund or funds in the separate accounts for
49 each association or licensee as provided in subsection (a) of this section shall be expended for
50 awards and purses except as otherwise provided in this section. Annually, the first \$800,000 shall

51 be available for distribution for a minimum of 14 accredited stakes races at a racetrack which has
52 participated in the West Virginia Thoroughbred Development Fund for a period of more than four
53 consecutive calendar years prior to December 31, 1992. The weights for all accredited stakes
54 races shall be weight for age. One of the stakes races shall be the West Virginia Futurity and the
55 second shall be the Frank Gall Memorial Stakes. For the purpose of participating in the West
56 Virginia Futurity only, all mares, starting with the breeding season beginning February 1 through
57 July 31, 2004, and each successive breeding season thereafter, shall be bred back that year to an
58 accredited West Virginia stallion only which is registered with the West Virginia Thoroughbred
59 Breeders Association. The accredited stake races shall be chosen by the committee set forth in
60 subsection (f) of this section.

61 (e) Awards and purses shall be distributed as follows:

62 (1) The breeders/raisers of accredited thoroughbred horses that earn a purse at a
63 participating West Virginia meet shall receive a bonus award calculated at the end of the year as a
64 percentage of the fund dedicated to the breeders/raisers, which shall be 60 percent of the fund
65 available for distribution in any one year. The total amount available for the breeders'/raisers'
66 awards shall be distributed according to the ratio of purses earned by an accredited race horse to
67 the total amount earned in the participating races by all accredited race horses for that year as a
68 percentage of the fund dedicated to the breeders/raisers. However, no breeder/raiser may receive
69 from the fund dedicated to breeders'/raisers' awards an amount in excess of the earnings of the
70 accredited horse at West Virginia meets. In addition, should a horse's breeder and raiser qualify
71 for the same award on the same horse, they will each be awarded one half of the proceeds. The
72 bonus referred to in this subdivision may only be paid on the first \$100,000 of any purse and not on
73 any amounts in excess of the first \$100,000.

74 (2) The owner of an accredited West Virginia sire of an accredited thoroughbred horse that
75 earns a purse in any race at a participating West Virginia meet shall receive a bonus award
76 calculated at the end of the year as a percentage of the fund dedicated to sire owners, which shall

77 be 15 percent of the fund available for distribution in any one year. The total amount available for
78 the sire owners' awards shall be distributed according to the ratio of purses earned by the progeny
79 of accredited West Virginia stallions in the participating races for a particular stallion to the total
80 purses earned by the progeny of all accredited West Virginia stallions in the participating races.
81 However, no sire owner may receive from the fund dedicated to sire owners an amount in excess
82 of 35 percent of the accredited earnings for each sire. The bonus referred to in this subdivision
83 shall only be paid on the first \$100,000 of any purse and not on any amounts in excess of the first
84 \$100,000.

85 (3) The owner of an accredited thoroughbred horse that earns a purse in any participating
86 race at a West Virginia meet shall receive a restricted purse supplement award calculated at the
87 end of the year, which shall be 25 percent of the fund available for distribution in any one year,
88 based on the ratio of the earnings in the races of a particular race horse to the total amount earned
89 by all accredited race horses in the participating races during that year as a percentage of the fund
90 dedicated to purse supplements. However, the owners may not receive from the fund dedicated to
91 purse supplements an amount in excess of 35 percent of the total accredited earnings for each
92 accredited race horse. The bonus referred to in this subdivision shall only be paid on the first
93 \$100,000 of any purse and not on any amounts in excess of the first \$100,000.

94 (4) In no event may purses earned at a meet held at a track which did not make a
95 contribution to the Thoroughbred Development Fund out of the daily pool on the day the meet was
96 held qualify or count toward eligibility for an award under this subsection.

97 (5) Any balance in the breeders/raisers, sire owners and purse supplement funds after
98 yearly distributions shall first be used to fund the races established in subsection (f) of this section.
99 Any amount not so used shall revert into the general account of the Thoroughbred Development
100 Fund for each racing association or licensee for distribution in the next year.

101 Distribution shall be made on the 15th day of each February for the preceding year's
102 achievements.

103 (f)(1) Each pari-mutuel thoroughbred horse track shall provide at least one restricted race
104 per racing day: *Provided*, That sufficient horses and funds are available. For purposes of the one
105 restricted race required by this subdivision, there are sufficient horses if there are at least seven
106 single betting interests received for the race: *Provided, however*, That, if sufficient horses and
107 funds are available, any thoroughbred horse racetrack whose licensee participated in the
108 Thoroughbred Development Fund for at least four consecutive calendar years prior to December
109 31, 1992, shall provide three restricted races per racing day, at least one of which may be split at
110 the discretion of the racing secretary. For the purposes of a second restricted race there shall be at
111 least seven single betting interests and for purposes of a third restricted race there must be at least
112 nine single betting interests in one of the restricted races run that day. The restricted race required
113 by this section must be included in the first nine races written in the condition book for that racing
114 day. West Virginia Certified thoroughbred horses are also eligible for restricted races under this
115 subsection for purse money only, provided that accredited thoroughbreds shall receive preference
116 over West Virginia Certified thoroughbreds only in the event of an oversubscribed field. The
117 provisions of the amendments enacted in 2026 defining and authorizing West Virginia Certified
118 thoroughbred are effective upon passage.

119 (2) The restricted races established in this subsection shall be administered by a three-
120 member committee at each track consisting of:

121 (A) The racing secretary at each track;

122 (B) A member appointed by the authorized representative of a majority of the owners and
123 trainers at the thoroughbred track; and

124 (C) A member appointed by the West Virginia Thoroughbred Breeders Association.

125 (3) Restricted races shall be funded by each racing association from:

126 (A) Moneys placed in the general purse fund: *Provided*, That a thoroughbred horse
127 racetrack which did not participate in the West Virginia Thoroughbred Development fund for a
128 period of more than four consecutive years prior to December 31, 1992, may fund restricted races

129 in an amount not to exceed \$1,000,000 per year.

130 (B) Moneys as provided in subdivision (5), subsection (e) of this section, which shall be
131 placed in a special fund called the West Virginia Accredited Race Fund.

132 (4) The racing schedules, purse amounts and types of races are subject to the approval of
133 the West Virginia Racing Commission.

134 (g) As used in this section, "West Virginia-bred foal" means a horse that was born in the
135 State of West Virginia.

136 (h) To qualify for the West Virginia Accredited Race Fund, the breeder must qualify under
137 one of the following:

138 (1) The breeder of the West Virginia-bred foal is a West Virginia resident;

139 (2) The breeder of the West Virginia-bred foal is not a West Virginia resident, but keeps his
140 or her breeding stock in West Virginia year round; or

141 (3) The breeder of the West Virginia-bred foal is not a West Virginia resident and does not
142 qualify under subdivision (2) of this subsection, but either the sire of the West Virginia-bred foal is a
143 West Virginia stallion, or the mare is covered only by a West Virginia accredited stallion or stallions
144 before December 31 of the calendar year following the birth of that West Virginia-bred foal.

145 (i) From July 1, 2001, West Virginia accredited thoroughbred horses have preference for
146 entry in all accredited races at a thoroughbred race track at which the licensee participates in the
147 West Virginia Thoroughbred Development Fund.

148 (j) Beginning July 1, 2006, any racing association licensed by the Racing Commission to
149 conduct thoroughbred racing and permitting and conducting pari-mutuel wagering under the
150 provisions of this article must have a West Virginia Thoroughbred Racing Breeders Program.