

## NOTICE OF PUBLIC HEARING

The Arkansas Racing Commission will meet on December 10, 2020, at 11:00 a.m. in the Commission office located at 1515 West Seventh Street, Suite 500, Little Rock, Arkansas, to consider the adoption of the following rule changes:

(1) Thoroughbred Rule 1217C Prohibited Practices; Extracorporeal Shock Wave Therapy; Radial Pulse Wave Therapy. Proposed amendment (i) to prohibit shockwave therapy and other similar treatments on horses on the grounds of Oaklawn; (ii) to prohibit equipment for shockwave and other similar treatments in the stable area at Oaklawn; and (iii) to prohibit horses that have received such treatments from racing at Oaklawn for a period of thirty (30) days after the treatment.

(2) Thoroughbred Rule 1217D(5). Proposed amendment to prohibit the use of Clenbuterol or any other beta-2 agonist within sixty (60) days of a race.

(3) Thoroughbred Rule 1217E Furosemide as a permitted foreign substance. Proposed amendment to reduce the permitted dosage of furosemide from 500 to 250 milligrams, unless authorized by the commission veterinarian; and sets the testing threshold for furosemide at 50 nanograms if the dosage is 250 milligrams.

(4) Thoroughbred Rule 1217E - Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule. Proposed amendment to classify different prohibited drugs according to their seriousness and provides recommended penalties for owners and trainers that have horses that test positive for the presence of a prohibited drug.

(5) Thoroughbred Rule 1232. Proposed amendment (i) to reduce maximum level of Lasix administration to 250 milligrams unless the official veterinarian approves a dose of up to 500 milligrams; and (ii) to allow Oaklawn to write (A) Lasix-free 3-year old races as necessary for the race participants to be eligible to accumulate Kentucky Derby and Kentucky Oaks points, and (B) Lasix-free stakes races as necessary for such stakes races to remain eligible for graded status.

(6) Thoroughbred Rule 1236. Proposed amendment to authorize the Commission to collect and test horse hair for drugs and prohibited substances in addition to saliva, urine and blood.

(7) Thoroughbred Rule 1245(A). Proposed amendment to govern eligibility of horses testing positive for certain drugs named in this rule; also adds clenbuterol and the beta-2 agonists to the list of drugs tested for prior to a race.

(8) Thoroughbred Rule 1272. Proposed new rule to regulate corticosteroid and intra-articular injections and makes a horse ineligible to race for a period of fourteen (14) days following an intra-articular injection; also requires the trainer to maintain a complete record of all intra-articular joint injections.

(9) Thoroughbred Rule 2099.1(a)(4). Proposed amendment to require a horse which has not run for a period of six (6) months or more to be examined and approved for racing by the trainer's practicing veterinarian, where formerly, the Commission veterinarian performed these duties; also sets out the required number of work outs prior to entering a race for horses that have not raced in six (6) months or more,

(10) Thoroughbred Rule 2133. Proposed new rule to require trainers and veterinarians to keep records of all medical treatments administered to horses; also requires records of treatments to horses to be available to the Commission veterinarian upon request.

(11) Thoroughbred Rule 2163. Proposed amendment to amend and further define the permitted use of a riding crop and define the only permissible riding crops as 360 Gentle Touch (360 GT) riding crop, Pro-Cush riding crop, or other similar riding crops approved by the Stewards; also adds exercise riders to the list of persons required to wear safety vests when riding horses at Oaklawn.

(12) Thoroughbred Rule 2212. Proposed amendment to allow entries coupled because of common ties, i.e., ownership or trainers, to race in the same race if approved by Racing Secretary and Stewards; also establishes a procedure for a starting preference in races that overfill.

(13) Thoroughbred Rule 2225. Proposed amendment to require horses to be stabled on the grounds of Oaklawn for at least seventy-two (72) hours prior to a race. If a horse has not been stabled on the Oaklawn grounds for seventy-two (72) hours, it cannot start a race unless the owner / trainer gets the permission of the Racing Secretary.

(14) Thoroughbred Rule 2236. Proposed amendment to allow a horse to enter a race if it is on the official starter's or veterinarian's list; horses remain ineligible to start a race if they are on the starter's or veterinarian's list at race time. Under the amended rule, a horse can enter a race while on the starter's or veterinarian's list but cannot start if the horse is not removed from the list prior to the race.

(15) Thoroughbred Rule 2263(A). Proposed amendment to govern eligibility of horses testing positive for certain drugs named in the rule; adds clenbuterol and the beta-2 agonists to the list of drugs tested for prior to a race. Any horse testing positive for clenbuterol and the other listed drugs shall not be eligible to start a race at Oaklawn until it subsequently tests negative for such substance in a form and substance acceptable to the Stewards.

(16) Thoroughbred Rule 2434. Proposed amendment to provide for testing for clenbuterol and beta-2 agonists in claimed horses. If a horse tests positive for clenbuterol or other beta-2 agonists after a claim, the successful claiming owner may void the claim under this amended rule.

Any persons wishing to speak for or against any of the above-proposed rule changes should appear at the meeting on December 10, 2020, and they will be given the opportunity to express their views. Persons wishing to submit written comments on the above-proposed rule changes should send them to the Arkansas Racing Commission, P.O. Box 3076, Little Rock, Arkansas 72203, prior to the close of business on Monday, December 7, 2020. Copies of the complete text of the proposed rule changes can be obtained from the Racing Commission office during normal business hours and from the Secretary of State's office.

## Thoroughbred Rule 1217C Amendment Summary

This amendment proposes (i) to prohibit shockwave therapy and other similar treatments on horses on the grounds of Oaklawn; (ii) to prohibit equipment for shockwave and other similar treatments in the stable area at Oaklawn; and (iii) to prohibit horses that have received such treatments from racing at Oaklawn for a period of thirty (30) days after the treatment.

### Thoroughbred Rule 1217C Mark Up

#### (C) Prohibited Practices - Extracorporeal Shock Wave Therapy ~~or~~ Radial Pulse Wave Therapy and Similar Treatments

- (a) The use of Extracorporeal Shock Wave Therapy ~~or~~ Radial Pulse Wave Therapy or similar treatments shall not be permitted ~~unless the following conditions are met;~~ on horses on the grounds of Oaklawn.
- ~~(a) — Any treated horse shall not be permitted to race for a minimum of 10 days following treatment;~~
- ~~(b) — The use of (b) Equipment used to Extracorporeal Shock Wave Therapy ~~or~~ Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission; or similar treatments shall not be allowed in the stable area at Oaklawn.~~
- (c) Any horse treated with Extracorporeal Shock Wave Therapy ~~or~~ Radial Pulse Wave Therapy ~~machines on the association grounds must be registered with and approved by the Commission or its designee before use;~~ or similar treatments shall not be permitted to race at Oaklawn for a minimum of thirty (30) days following such treatment. Any such treatments on horses racing at Oaklawn must be performed by licensed veterinarians, or otherwise in accordance with applicable laws, and regulations of the applicable governmental regulatory agency, of the State where such treatments take place.
- (d) All Extracorporeal Shock Wave Therapy ~~or~~ Radial Pulse Wave Therapy and similar treatments on horses racing at Oaklawn must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

## Thoroughbred Rule 1217D.(5) Amendment Summary

This amendment prohibits the use of Clenbuterol or any other beta-2 agonist within sixty (60) days of a race.

### **Thoroughbred Rule 1217D.(5) Mark Up**

(5) The ~~use of clenbuterol in thoroughbreds shall be permitted under the following conditions: Not to exceed one hundred forty (140) picograms per milliliter clenbuterol in urine or the limit of detection (LOD) in serum or plasma~~administration of clenbuterol or any other beta-2 agonist to a horse within the sixty (60) day period immediately preceding a race in which the horse participates at Oaklawn is prohibited. ~~of clenbuterol or any other B2 agonist to a horse within the sixty (60) day period immediately preceding a race in which the horse participates at Oaklawn is prohibited.~~ The presence of clenbuterol ~~shall not exceed the limit of detection (LOD) in~~or any other beta-2 agonist in a horse's urine, serum, plasma, or hair at a level of detection indicating use within said sixty (60) day period shall be a violation of this rule.

## **Thoroughbred Rule 1217E Amendment Summary**

This amendment reduces the permitted dosage of furosemide from 500 to 250 milligrams, unless authorized by the commission veterinarian; and sets the testing threshold for furosemide at 50 nanograms if the dosage is 250 milligrams.

### **Thoroughbred Rule 1217E Mark Up**

#### **E. Furosemide as a permitted foreign substance**

[Except as otherwise provided in Rule 1232\(5\):](#)

Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the commission veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the commission veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list, the following process must be followed:

- (1) After the horse's licensed trainer and practicing veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.
- (2) The form must be received by the commission veterinarian or his/her designee by the proper time deadlines so as to ensure public notification.
- (3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and practicing veterinarian submit a written request to remove the horse from the list. The request must be made to the commission veterinarian or his/her designee, on the proper form, no later than the time of entry.
- (4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the commission veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.
- (5) Furosemide shall only be administered on association grounds.

(6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

(7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed ~~five~~two hundred ~~fifty~~ (~~500~~250) milligrams and no less than one hundred fifty (150) milligrams; provided, with approval of the official veterinarian, a dose of up to five hundred (500) milligrams may be administered. Administration of furosemide shall take place in the horse's stall or a specific location otherwise designated by the commission

(9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The Daily Racing Form, Equibase, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(10) The test level of furosemide under this rule shall not be in excess of ~~one hundred~~ fifty (50) nanograms per milliliter of serum or plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010); provided, if the official veterinarian shall have approved a dose of up to 500 milligrams of furosemide, the test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of serum or plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood serum or plasma only. Split sample testing shall be quantitative and be performed on blood serum or plasma only.

## **Thoroughbred Rule 1217E Amendment Summary**

### **Thoroughbred Rule 1217 - Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule**

This rule classifies different prohibited drugs according to their seriousness and provides recommended penalties for owners and trainers that have horses that test positive for the presence of a prohibited drug. This rule was drafted by the Association of Racing Commissioners International, Inc., and is used by many other racing jurisdictions in an attempt to have uniform medication rules and punishment for violators. The Arkansas Racing Commission adopted the January 2014 version as a new Racing Commission rule. The 2020 version of the ARCI Guidelines contains new drugs and reclassifies some existing drugs. This proposed amendment merely amends an existing rule by updating the classification of drugs and recommended penalties so that the Arkansas Racing Commission has the current ARCI model rule.

Attached is a detailed summary from RCI.

## **Thoroughbred Rule 1232 Amendment Summary**

This amendment proposes (i) to reduce maximum level of Lasix administration to 250 milligrams unless the official veterinarian approves a dose of up to 500 milligrams; and (ii) to allow Oaklawn to write (A) Lasix-free 3-year old races as necessary for the race participants to be eligible to accumulate Kentucky Derby and Kentucky Oaks points, and (B) Lasix-free stakes races as necessary for such stakes races to remain eligible for graded status.

### **Thoroughbred Rule 1232 Mark Up**

#### **1232. MEDICATION: FUROSEMIDE (LASIX)**

- (1) ~~Furosemide~~ Except as otherwise provided in subsection (5) of this Rule 1232, furosemide may be administered intravenously to a horse, which is entered to compete in a race, in accordance with this Rule 1232, Rule 1232(A), and Subsection E. of Rule 1217 of the Appendix to these Rules. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's List or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the Furosemide List. In order for a horse to be placed on the Furosemide List the following process must be followed.
  - (a) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the Furosemide List.
  - (b) The form must be received by the official veterinarian or his/her designee by the proper time deadlines so as to ensure public notification.
  - (c) A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his/her designee, on the proper form, no later than the time of entry.
  - (d) After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.
- (2) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is utilized:

- (a) Furosemide shall be administered at the direction of the official veterinarian no less than four hours prior to post time for the race for which the horse is entered.
  - (b) A horse qualified for furosemide administration must be brought to the detention barn within time to comply with the four-hour administration requirement specified above.
  - (c) The dose administered shall not exceed ~~500~~ 250 mg. nor be less than 150 mg; provided, with approval of the official veterinarian, a dose of up to 500 mg. may be administered.
  - (d) Furosemide shall be administered by a single, intravenous injection.
  - (e) After treatment, the horse shall be required by the Commission to remain in the detention barn in the care, custody and control of its trainer or the trainer's designated representative under association and/or Commission security supervision until called to the saddling paddock.
- (3) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:
- (a) Furosemide shall be administered no less than four hours prior to post time for the race for which the horse is entered.
  - (b) The furosemide dosage administered shall not exceed ~~500~~ 250 mg. nor be less than 150 mg; provided, with approval of the official veterinarian, a dose of up to 500 mg. may be administered.
  - (c) Furosemide shall be administered by a single, intravenous injection.
  - (d) The trainer of the treated horse shall cause to be delivered to the official veterinarian no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the Commission:
    - (i) The name of the horse, racetrack name, the date and time the furosemide was administered to the entered horse;
    - (ii) The dosage amount of furosemide administered to the entered horse; and
    - (iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.
- (4) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.
- (a) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide in serum or plasma shall be performed;

- (b) Quantitation of furosemide in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 50 nanograms of furosemide per milliliter of serum or plasma, or 100 nanograms of furosemide per milliliter of serum or plasma if the official veterinarian has approved a dose of up to 500 mg. of furosemide.

(5) The franchise holder may prohibit the administration of furosemide to horses entered in the following races, by so stating in the conditions of the race:

(a) a stakes race, including races designated as graded stakes by the American Graded Stakes Committee of the Thoroughbred Owners and Breeders Association or its successor, as necessary for the stakes race to remain eligible for graded status; and

(b) races for horses three (3) years of age, as necessary for horses participating in the race to be entitled to accumulate points based on their performance in the race for eligibility ranking to run in the Kentucky Derby and Kentucky Oaks.

**1232(A). LASIX Administration - 2015**

(a) The Commission Veterinarian shall designate the veterinarians (each referred to herein as a "**Designated LASIX Veterinarian**") authorized to administer LASIX (furosemide) as independent contractors to horses on the grounds of the franchise holder not less than four (4) hours before the published post time for the race in which the horse is entered to run. The number of veterinarians designated by the Commission Veterinarian as Designated LASIX Veterinarians shall not be more than the number reasonably necessary, in the reasonable judgment of the Commission Veterinarian, to appropriately and efficiently administer LASIX (furosemide) on a timely basis to horses on the grounds of the franchise holder as contemplated by this rule. A Designated LASIX Veterinarian must be a veterinarian licensed and in good standing to practice veterinary medicine under the laws of Arkansas, have sufficient experience, reasonably satisfactory to the Commission Veterinarian, performing veterinary services for horses, including administration of LASIX (furosemide), and have a current malpractice insurance policy in effect with coverage customary for veterinarians performing veterinary services on the grounds of the franchise holder (and shall provide to the Commission Veterinarian a customary certificate of insurance in a form acceptable to the Commission Veterinarian).

(b) A Designated LASIX Veterinarian may not perform other veterinary services on the grounds of the franchise holder, or for any horse entered or expected to be entered to race at Oaklawn during the then current racing season, except (i) administration of LASIX (furosemide) as contemplated by this rule, (ii) assisting as independent contractors in pre-race exams with consent of the Commission Veterinarian, or (iii) to address emergency situations.

(c) The fee charged by the Designated LASIX Veterinarians for LASIX (furosemide) administration shall not exceed the fair market fee for such services. The fees charged by the Designated LASIX Veterinarians for LASIX (furosemide) administration shall be billed to applicable horse owner's account with the Horsemen's Bookkeeper and paid through the Horsemen's Bookkeeper.

(d) Except as otherwise provided in subsection (e) of this rule, no veterinarian or other person, except a Designated LASIX Veterinarian, may administer LASIX (furosemide) to any horse on the day the horse is scheduled to race prior to the running of the race, or after 6:00 p.m. on the day immediately before such race day.

(e) In the event of a shortage or other unavailability of a sufficient number of Designated LASIX Veterinarians to appropriately and efficiently administer LASIX (furosemide) on a timely basis to horses on the grounds of the franchise holder as contemplated by this rule, the Commission or Stewards may authorize any licensed veterinarian to administer LASIX (furosemide) to horses under this rule and other applicable rules of the Commission.

### **Thoroughbred Rule 1236 Amendment Summary**

Currently, the Arkansas Racing Commission tests blood, urine and saliva of horses at Oaklawn Park. This amendment authorizes the Commission to collect and test horse hair for drugs and prohibited substances.

### **Thoroughbred Rule 1236 Mark Up**

**1236.** If after a race a sample of [hair](#), saliva or other excretions or body fluids is to be taken by the Commission Veterinarian from a horse that has competed in the race, nothing shall be administered or given in any manner whatsoever to the said horse (except with the permission of and in the presence of the Track Veterinarian or Commission Veterinarian) until the Commission Veterinarian obtains the sample.

## **Thoroughbred Rule 1245(A) Amendment Summary**

This amendment governs eligibility of horses testing positive for certain drugs named in this rule; also adds clenbuterol and the beta-2 agonists to the list of drugs tested for prior to a race. Any horse testing positive for clenbuterol and the other listed drugs shall not be eligible to start a race at Oaklawn until it subsequently tests negative for such substance in a form and substance acceptable to the Stewards.

### **Thoroughbred Rule 1245(A) Mark Up**

#### **1245(A)**

(a) Any horse exhibiting a positive response to a test for the presence of [clenbuterol or other beta-2 agonists, or](#) any antibodies of any blood doping agent, including, but not limited to, Erythropoietin, Darbepoetin, Oxyglobin and Hemopure, (a “Blood Doping Agent”) shall be ineligible to start or race until the owner or trainer, at his or her own expense, provides proof, in a form and substance acceptable to the Stewards, of a subsequent negative test result for [the presence of clenbuterol or other beta-2 agonists and](#) antibodies of Blood Doping Agents from a laboratory approved by the Commission, provided any such test sample and test must be obtained and conducted under collection and test procedures acceptable to the Commission Veterinarian. The [beta-2 agonists and](#) Blood Doping Agents to be tested for shall include [clenbuterol](#), Erythropoietin, Darbepoetin, Oxyglobin, Hemopure and such other [beta-2 agonists and](#) blood doping agents determined from time to time by the Commission Veterinarian.

(b) Notwithstanding any inconsistent provision of these Rules, the trainer of the horse shall not be subject to application of the trainer’s responsibility penalty based solely on a finding by the laboratory that the [beta-2 agonist or](#) Blood Doping Agent first detected in the initial positive test remains present in the horse in a subsequent sample taken from that horse for purposes of any subsequent test for [beta-2 agonists and](#) Blood Doping Agents performed on the horse in an effort to determine the horse's re-eligibility to start and race again pursuant to subsection (a) of this Rule.

## **Thoroughbred Rule 1272 Amendment Summary**

This new rule regulates corticosteroid and intra-articular injections and makes a horse ineligible to race for a period of fourteen (14) days following an intra-articular injection. It also requires the trainer to maintain a complete record of all intra-articular joint injections.

### **Thoroughbred Rule 1272 Mark Up**

#### **1272. Intra-Articular Joint Injections**

A. The use of intra-articular joint injections shall be governed by the following conditions:

- (1) No prescription drug may be administered except as prescribed by an attending veterinarian.
- (2) A treated horse shall be established as ineligible to race for a period of fourteen (14) days following an intra-articular injection;
  - (a) For the purpose of counting number of days a horse is ineligible to run following an intra-articular injection, the date of the injection is the first day.
  - (b) The horse is eligible to race on the 15<sup>th</sup> day.

B. Trainers or their designee shall maintain complete records of all corticosteroid and intra-articular injections for all horses in his or her control. Complete records of corticosteroid and intra-articular injections include:

- (1) The date of injection;
- (2) The name of the veterinarian performing the injection;
- (3) The articular space(s) or structure(s) injected;
- (4) The medication or biologicals used to inject each articular space; and
- (5) The dose in milligrams of each injection used.

C. The information outlined in Rule 1272B must be submitted to the official veterinarian within forty-eight (48) hours following an intra-articular injection.

## **Thoroughbred Rule 2099.1(a)(4) Amendment Summary**

This amendment requires a horse which has not run for a period of six (6) months or more to be examined and approved for racing by the trainer's practicing veterinarian; formerly, the Commission veterinarian performed these duties. It also sets out the required number of work outs prior to entering a race for horses that have not raced in six (6) months or more.

### **Thoroughbred Rule 2099.1(a)(4) Mark Up**

#### **2099.1 (a) . . .**

(4) A horse which has not started for a period of six (6) months or more prior to a race day must have at least three (3) officially published timed workouts, two (2) of which must be within ~~30~~ thirty (30) days of the race and one (1) of which must be at a distance of four (4) furlongs or more. A horse which has not started for a period of six (6) months or more must also undergo a physical examination by ~~a regulatory~~ the trainer's practicing veterinarian ~~and be approved~~, and the trainer's practicing veterinarian must approve the horse for racing in writing ~~by~~ to the ~~regulatory official~~ veterinarian prior to being entered in a race. The workouts must have occurred at a pari-mutuel horse racing facility or a recognized horse training facility approved by the Stewards.

## Thoroughbred Rule 2133 Amendment Summary

This new rule requires trainers and veterinarians to keep records of all medical treatments administered to horses. Records of treatments to horses shall be available to the Commission veterinarian upon request.

### **Thoroughbred Rule 2133 Mark Up**

#### **2133. Treatment Records**

A. Each trainer shall be responsible for keeping a record of all treatments for every horse in his or her control. The treatment shall be recorded within forty-eight (48) hours of administration.

(1) Treatment, for the purposes of Subsection A of this Rule 2133, means any medication or procedure containing a medication administered to a horse by a trainer licensed by the Racing Commission or the trainer's designee, or by any other person with the trainer's knowledge, other than a veterinarian licensed by the Racing Commission.

(2) Trainer Treatment Records must include the following information:

- (a) The name of the horse (or, if unnamed, the registered name of the dam and year of foaling);
- (b) The generic name of the drug (e.g. phenylbutazone, methocarbamol);
- (c) The name and address of the prescribing veterinarian;
- (d) The brand name of the drug if a non-generic is used;
- (e) The date of the treatment;
- (f) The route of administration;
- (g) The dosage administered;
- (h) The approximate time (to the nearest hour) of each treatment;
- (i) The first and last name of the individual that administered the treatment; and
- (j) The treating veterinarian shall sign or initial the treatment log on the first day a horse receives a prescription medication.

(3) Trainer Treatment Records shall be maintained electronically or on paper.

(4) The Trainer Treatment Records shall be made available for inspection upon request by the Racing Commission or Commission Veterinarian.

B. Veterinarians licensed by the Racing Commission shall maintain treatment records with respect to horses under their care that race at Oaklawn in accordance with applicable veterinary practice professional standards in the veterinary practice profession, and shall make such records available for review by the Commission Veterinarian or his or her designee upon request for informational purposes in connection with the conduct pre-race exams.

## **Thoroughbred Rule 2163 Amendment Summary**

This amendment amends and further defines the permitted use of a riding crop and defines the only permissible riding crops as 360 Gentle Touch (360 GT) riding crop, Pro-Cush riding crop, or other similar riding crops approved by the Stewards. The amendment also adds exercise riders to the list of persons required to wear safety vests when riding horses at Oaklawn.

### **Thoroughbred Rule 2163 Mark Up**

**2163.** (a) All jockeys, exercise persons, outriders and other persons riding horses on the grounds of Oaklawn Park shall at all times while mounted on a horse wear appropriate protective headgear and have their chin straps fastened. This rule shall apply from the time the stable is open for training until it is closed after the race meeting, and shall be enforced by all trainers. The protective headgear must meet any of the following standards:

- (1) American Society for testing and Materials (ASTM 1163);
- (2) UK Standards (EN 1384 and PAS 015);
- (3) Australian/New Zealand Standards (AS/NZ 3838).

(b) No jockey (including apprentice jockeys) or exercise rider shall be allowed to ride in any race or exercise horses on the grounds of Oaklawn Park without a safety vest. The safety vest shall provide a minimum shock absorbing protection of five (5), as defined by the British Equestrian Trade Association (BETA). The safety vest must meet one of the following standards:

- (1) British Equestrian Trade Association (BETA) 2000, level 2;
- (2) Euro Norris (EN) 121.58 Level 1;
- (3) American Society for Testing Materials (ASTM) (F2681-08);
- (4) Show and Allied Trade Research Association (SATRA) (Jockey Vest Document M6 Issue 2);
- (5) Australian Racing Board (ARM) (Standard 11998).

The safety vest shall weigh no more than two (2) pounds and shall not be included in a jockey's weight when weighing out to race. If a jockey fails to wear a safety vest in the running of any race, the jockey's horse shall be disqualified. The Stewards or Racing Commission may levy additional penalties or fines against the jockey or trainer.

(c)(1) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only for safety, correction and encouragement;

- (2) All riders shall comply with the following when using a riding crop:

- (a) Showing the horse the riding crop and giving it time to respond before hitting it;
  - (b) Having used the riding crop, giving the horse a chance to respond before using it again;
  - (c) Using the riding crop in rhythm with the horse's stride.
- (3) Prohibited uses of the riding crop include but are not limited to ~~striking a horse~~:
- (a) ~~On~~ Striking a horse on the head, flanks or any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;
  - (b) ~~During~~ Striking a horse during the post parade or after the finish of the race, ~~or before or after a workout~~, except when necessary to control the horse;
  - (c) ~~Excessively~~ Striking a horse excessively or brutally causing welts or breaks in the skin;
  - (d) ~~When~~ Striking a horse when the horse clearly is out of the race or has obtained its maximum placing;
  - (e) Persistently hitting the horse even though the horse is showing no response under the riding crop, or
  - (f) Striking another rider or horse.
- (4) All riding crops are subject to inspection and approval of the Stewards and Clerk of Scales. The only permissible riding crop for use during racing shall be the 360 Gentle Touch (360 GT) riding crop, Pro-Cush riding crop, or other similar riding crops approved by the Stewards.
- (5) Use of a riding crop during workouts shall be permissible so long as such use does not violate subsections (c)(2) or (3) of this Rule.
- ~~(5)~~(6) Riding crops shall have a shaft and flap and weigh a maximum of eight (8) ounces; have a maximum length, including flap, of 30 inches; a minimum shaft diameter of one-half inch and the shaft contact area must be smooth with no protrusions or raised surface and covered by shock absorbing material that gives a compression factors of at least one-millimeter throughout its circumference.
- ~~(6)~~(7) The flap is the only allowable attachment to the shaft and the length must not be more than one inch beyond the end of the shaft, a minimum width of 0.8 inch and a maximum of 1.6 inches, no reinforcements or additions beyond the end of the shaft, and shock absorbing characteristics similar to those of the contact area of shaft.

## **Thoroughbred Rule 2212 Amendment Summary**

This amendment allows entries coupled because of common ties, i.e., ownership or trainers, to race in the same race if approved by Racing Secretary and Stewards. It also establishes a procedure for a starting preference in races that overfill.

### **Thoroughbred Rule 2212 Mark Up**

**2212.** “Entry” shall mean according to the requirements of the test:

- (a) A horse made eligible to run in a race.
- (b) Two or more horses that are entered or run in a race and are coupled because of common ties. However, there shall be no coupling because of same owner common ties in stakes races, maiden special weight races, or allowance races (excluding starter allowance races), and each such horse shall run as a separate betting interest. Horses in claiming races with a claiming price of \$20,000 or greater may run as separate betting interests if approved by the Racing Secretary in coordination with the Stewards. Furthermore, in any race where two or more horses owned by different owners but trained by the same trainer are entered to run in the race, the horses may run in said race as separate betting interests if approved by the Racing Secretary in coordination with the Stewards. In races that overfill, the trainer(s) (in accordance with instructions from the owner) must declare a preference of runners with same owner/common ties at time of entry, and same owner/common ties second choice horses shall be least preferred.
- ~~(c) [repealed Oct. 19, 2017]~~

## **Thoroughbred Rule 2225 Amendment Summary**

This amendment requires horses to be stabled on the grounds of Oaklawn for at least seventy-two (72) hours prior to a race. If a horse has not been stabled on the Oaklawn grounds for seventy-two (72) hours, it cannot start a race unless the owner / trainer gets the permission of the Racing Secretary.

## **Thoroughbred Rule 2225 Mark Up**

**2225.** No horse shall be permitted to enter ~~or to start~~ unless stabled on the grounds of the franchise holder, except with the permission of the Racing Secretary. No horse shall be permitted to start unless the horse has been stabled on the grounds of the franchise holder for at least seventy-two (72) hours immediately prior to the race, except with the permission of the Racing Secretary.

### **Thoroughbred Rule 2236 Amendment Summary**

This amendment allows a horse to enter a race if they are on the official starter's or veterinarian's list; horses remain ineligible to start a race if they are on the starter's or veterinarian's list at race time. Under the amended rule, a horse can enter a race while on the starter's or veterinarian's list but cannot start if the horse is not removed from the list prior to the race.

### **Thoroughbred Rule 2236 Mark Up**

**2236.** No horse on the Official Starter's or Veterinarian's List shall be allowed to ~~be entered or~~  
~~to~~ start.

## **Thoroughbred Rule 2263(A) Amendment Summary**

This amendment governs eligibility of horses testing positive for certain drugs named in the rule; adds clenbuterol and the beta-2 agonists to the list of drugs tested for prior to a race. Any horse testing positive for clenbuterol and the other listed drugs shall not be eligible to start a race at Oaklawn until it subsequently tests negative for such substance in a form and substance acceptable to the Stewards.

### **Thoroughbred Rule 2263(A) Mark Up**

#### **2263(A)**

(a) Any horse exhibiting a positive response to a test for the presence of any [clenbuterol or other beta-2 agonists, or](#) antibodies of any blood doping agent, including, but not limited to, Erythropoietin, Darbepoetin, Oxyglobin and Hemopure, (a “Blood Doping Agent”) shall be ineligible to start or race until the owner or trainer, at his or her own expense, provides proof, in a form and substance acceptable to the Stewards, of a subsequent negative test result for [the presence of clenbuterol or other beta-2 agonists and](#) antibodies of Blood Doping Agents from a laboratory approved by the Commission, provided any such test sample and test must be obtained and conducted under collection and test procedures acceptable to the Commission Veterinarian. The [beta-2 agonists and](#) Blood Doping Agents to be tested for shall include [clenbuterol](#), Erythropoietin, Darbepoetin, Oxyglobin, Hemopure and such other [beta-2 agonists and](#) blood doping agents determined from time to time by the Commission Veterinarian.

(b) Notwithstanding any inconsistent provision of these Rules, the trainer of the horse shall not be subject to application of the trainer’s responsibility penalty based solely on a finding by the laboratory that the [beta-2 agonist or](#) Blood Doping Agent first detected in the initial positive test remains present in the horse in a subsequent sample taken from that horse for purposes of any subsequent test for [beta-2 agonists and](#) Blood Doping Agents performed on the horse in an effort to determine the horse’s re-eligibility to start and race again pursuant to subsection (a) of this Rule.

## **Thoroughbred Rule 2434 Amendment Summary**

This amendment provides for testing for clenbuterol and beta-2 agonists in claimed horses. If a horse tests positive for clenbuterol or other beta-2 agonists after a claim, the successful claiming owner may void the claim under this amended rule.

### **Thoroughbred Rule 2434 Mark Up**

#### **2434.**

(a) Claims are irrevocable except as otherwise provided in subsection (e) of this Rule.

(b) At the time of filing the claim form, claimants shall have the right to designate on the claim form a request for a post-race test of the claimed horse for beta-2 agonists, anabolic steroids and blood doping agents determined from time to time by the Commission Veterinarian, including, but not limited to, clenbuterol, Erythropoietin, Darbepoetin, Oxyglobin and Hemopure, (a "Blood Doping Agent"). In the event a request for the post-race test for beta-2 agonists, anabolic steroids and Blood Doping Agents is marked on the successful claimant's claim form, the claimed horse shall be taken to the test barn immediately after the race, a blood , urine and/or hair sample shall be ~~drawn~~ obtained from the horse by the Commission Veterinarian or Commission Veterinarian's assistant, and the sample shall be submitted to a Commission- approved laboratory to test for the presence of beta-2 agonists, anabolic steroids and Blood Doping Agent antibodies. The blood- , urine or hair sample shall be taken, contained and submitted to the Commission-approved laboratory in accordance with the rules and procedures, including split samples, applicable to other post-race tests for foreign substances. The beta-2 agonists, anabolic steroids and Blood Doping Agents to be tested for shall include clenbuterol, Erythropoietin, Darbepoetin, Oxyglobin, Hemopure and such other beta-2 agonists, anabolic steroids and blood doping agents determined from time to time by the Commission Veterinarian.

(c) The successful claimant shall be responsible for paying the cost for the test for beta-2 agonists, anabolic steroids and Blood Doping Agents. This cost shall be posted by the Commission Veterinarian and shall be deducted from the successful claimant's account with the horsemen's bookkeeper.

(d) If for any reason the claimed horse is unable to go to the test barn following the race, the Commission Veterinarian or Commission Veterinarian's Assistant will make reasonable efforts to reach the horse and ~~draw~~ obtain a blood- , urine and/or hair sample for testing. If for any reason the Commission Veterinarian or Commission Veterinarian's Assistant is unable or otherwise fails to ~~draw~~ obtain a blood- , urine or hair sample, the successful claimant's right to revoke the claim under this Rule shall be forfeited.

(e) The successful claimant shall have the right to void the claim if the Stewards determine that the blood- , urine or hair sample from the claimed horse exhibited a positive response to the ~~antibody~~ test for any beta-2 agonist, anabolic steroid or Blood Doping Agent under the testing guidelines established by the Commission Veterinarian ~~or for anabolic steroids~~;

provided, any such revocation of the claim must be submitted in writing to the Stewards within the forty-eight (48) hour period after the Stewards' decision on the positive test result is made public, as set forth below.

(f) Once the Stewards' determination of the positive test result for [beta-2 agonists](#), anabolic steroids and a Blood Doping Agent is made public, the successful claimant shall have forty-eight (48) hours thereafter to exercise his or her right to revoke the claim. Such revocation must be in writing and must be submitted to the Stewards within said forty-eight (48) hour time period. If no such revocation is received by the Stewards within the designated forty-eight (48) hour time period, the successful claimant shall forfeit the right to revoke the claim.

(g) If the successful claimant revokes the claim in accordance with this Rule, the Stewards shall order that (i) the horse be returned promptly to the former owner from whom the horse was claimed, and (ii) the claim money be returned promptly to the claimant revoking the claim, regardless of any appeals, hearings or other delays of any type.

(h) The successful claimant shall be responsible for all expenses for the care and maintenance of the horse from the time the horse is transferred to the claimant until the time the horse is returned to the prior owner following revocation of the claim in accordance with this Rule.

(i) In the event a claimed horse suffers a fatality during the running of the race (or on the race track after the running of the race and before control of the horse is transferred to the claimant), or the horse is otherwise removed from the race track in the horse ambulance, the claim shall be declared void by the Board of Stewards unless the claimant notifies the Board of Stewards within fifteen (15) minutes after the race is declared official that the claimant desires for the claim to remain in effect. Any such notice must be provided within said fifteen (15) minute period by the claimant-owner or the claimant-owner's trainer, or by a representative thereof designated in writing for this purpose by the claimant-owner or claimant-owner's trainer to the Board of Stewards prior to the running of the race with respect to which the claim was submitted.

(j) In the event a claimed horse suffers an injury during the running of the race (or on the race track after the running of the race and before control of the horse is transferred to the claimant), but the horse is not removed from the race track in the horse ambulance (i) pursuant to instructions from the Association Veterinarian, (ii) contrary to instructions from the Association Veterinarian, (iii) because of unavailability of a horse ambulance, or (iv) because of other extenuating circumstances (e.g., horse is injured in the race, loses jockey, and runs loose off the track), the Board of Stewards may, after consultation with the Association Veterinarian, declare the claim void unless the claimant notifies the Board of Stewards within fifteen (15) minutes after the race is declared official that the claimant desires for the claim to remain in effect. Any such notice must be provided within said fifteen (15) minute period by the claimant- owner or the claimant-owner's trainer, or by a representative thereof designated in writing for this purpose by the claimant-owner or claimant-owner's trainer to the Board of Stewards prior to e race with respect to which the claim was submitted.