

Rule 4043.XX THOROUGHBRED

Rule 4120.XX HARNESS

Out of Competition Testing.

(a) Any horse on the grounds of a racetrack under the jurisdiction of the Board or stabled off track grounds is subject to testing without advance notice for blood doping, gene doping, protein and peptide-based drugs, including toxins and venoms, and other drugs and substances while under the care or control of a trainer or owner licensed by the Board.

(b) Horses to be tested shall be selected at the discretion of the State steward or judges or any designee of the Board.

(c) The State steward or judges or any designee of the Board may require any horse of a licensed trainer or owner to be brought to a track under the jurisdiction of the Board for out of competition testing. The trainer is responsible to have the horse or horses available at the designated time and location.

(d) A Board veterinarian or any licensed veterinarian authorized by the State steward or judges or any designee of the Board may at any time take a urine or blood sample from a horse for out of competition testing.

(e) Prohibited substances are:

(1) blood doping agents including, but not limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues;

(2) gene doping agents or the nontherapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia;

(3) protein and peptide-based drugs, including toxins and venoms.

(f) The presence of any substance at anytime described in subsections (1), (2) or (3) of subdivision (e) is a violation of this rule for which the horse may be declared ineligible to participate until the horse has tested negative for the identified substance, and for which the trainer shall be responsible pursuant to Board Rule XXXX.X [Thoroughbred or Harness Trainer Responsibility].

(g) The trainer, owner, and/or their designees and any licensed or franchised racing corporation shall cooperate with the Board and its representatives/designees by:

(1) assisting in the immediate location and identification of the horse selected for out of competition testing;

(2) providing a stall or safe location to collect the samples;

(3) assisting in properly procuring the samples; and

(4) obeying any instruction necessary to accomplish the provisions of this rule.

The failure or refusal to cooperate in the above by any licensee or other person shall subject the licensee or person to penalties, including license suspension or revocation, the

imposition of a fine and exclusion from tracks or facilities
subject to the jurisdiction of the Board.

(h) In the absence of extraordinary mitigating circumstances, a
minimum penalty of a ten (10) year suspension will be assessed
for any violation of subdivision (f).

(i) An application to the Board for an occupational license
shall be deemed to be constitute consent for access to any off-
track premises on which horses owned and/or trained by the
individual applicant are stabled. The applicant shall take any
steps necessary to authorize access by Board representatives to
such off-track premises.