



NOTICE OF MEETING and AGENDA
March 14, 2013 Meeting

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Thursday, March 14, 2013
1:00 p.m.
Division of Insurance
1000 Washington Street
1st Floor, Meeting Room 1-E
Boston, Massachusetts

PUBLIC MEETING - #58

1. Call to order
2. Approval of Minutes
 - a. March 12, 2013 Meeting
3. Administration
 - a. Master schedule
 - i. Category 2 Licensing Schedule
4. IEB Report
 - a. Investigations status report
 - b. Qualifier status review
5. Public Education and Information
 - a. Report from the Ombudsman
 - i. Regional Planning Agencies discussion
 - b. Preparation for Region C discussion
6. Regulation Update
 - a. Review of draft regulations
 - b. Schedule update
7. Racing Division
 - a. Administrative update
 - b. Proposed changes to 205 CMR 3.00 and 4.00 - VOTE to adopt as emergency rules
 - c. Tentative decision and motion for reconsideration for occupational licensee heard on 1/16/13
8. Research Agenda



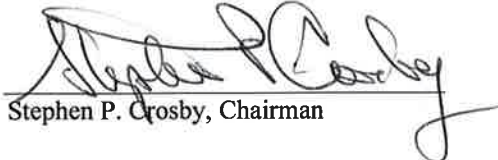
Massachusetts Gaming Commission

9. Evaluation Criteria

10. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting

I certify that on this date, this Notice was posted as “Gaming Commission Meeting” at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us, brian.gosselin@state.ma.us.

3/11/13
(date)


Stephen P. Crosby, Chairman

Date Posted to Website: March 11, 2013 at 4:00 p.m.



Massachusetts Gaming Commission



The Commonwealth of Massachusetts
Massachusetts Gaming Commission

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 Boston, Massachusetts 02109

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CHAIRMAN

STEPHEN P. CROSBY

COMMISSIONERS

GAYLE CAMERON

JAMES F. MCHUGH

BRUCE W. STEBBINS

ENRIQUE ZUNIGA

MEMORANDUM

TO: Massachusetts Gaming Commission
 FROM: John S. Ziemba, Ombudsman
 DATE: March 12, 2013
 RE: Regional Planning Agencies

As you are aware, the Commission asked me to determine how Regional Planning Agencies (“RPAs”) could potentially help advise potential surrounding communities. After numerous conversations with RPAs, host communities, applicants and potential surrounding communities, I am recommending that the Commission work with RPAs to provide technical and advisory services to potential surrounding communities. The RPA assistance could be an invaluable service to communities that need to determine potential positive and negative impacts to their communities and how to address those impacts. The RPA assistance could also be an extremely efficient way of providing advice to multiple communities that may have many same or similar questions. RPA assistance could be a streamlined method to evaluate impacts compared to a situation where numerous communities may need to first request funding for advisory services from applicants and then arrange for and procure such services.

As each applicant is responsible for addressing impacts within their region in their respective application to the Commission, I recommend that the RPA assistance should be provided in those areas where an applicant chooses to utilize the services of the RPAs. Pursuant to the Gaming Act and the Commission’s draft regulations, applicants could alternatively engage potential surrounding communities without the assistance of RPAs. Regardless of whether or not applicants choose to use the services of RPAs, potential surrounding communities have significant rights that the statute and Commission’s proposed regulations provide to potential surrounding communities. Notably, communities have rights under the Commission’s proposed regulations to petition the Commission to be designated as a surrounding community, and to petition the Commission to require applicants to provide involuntary disbursements for technical

assistance funding. As potential surrounding communities have such options, it is recommended that RPA assistance should also be voluntary for potential surrounding communities.

Below please find a summary of potential assistance that RPA could provide on surrounding community issues.

Concept Scope Abstract:

The scope of work may entail three (3) broad categories of assistance, as outlined below. This process is designed to be flexible. As noted, the decision to embark on this process is at the discretion of the project proponent, which may choose to utilize the services of the RPAs for all, some or none of the proposed work.

Prior to the start of services, the RPAs will work with each host community and each project proponent to further refine the tasks below and to prepare an initial plan for how and when meetings will occur to ensure that they will meet the needs of the particular circumstance. Host communities are an important part of the process as the impact studies they are conducting would need to be reviewed by the RPAs. This initial plan does not preclude changes that may be needed as the process proceeds. It is anticipated that processes related to category 2 (slots-only) facilities will be less complex and less time consuming than those for category 1 (resort casinos).

If the proponent elects to follow this process, they will deposit sufficient funds into escrow with the Commission. Thereafter, the Commission will enter into a contract with the RPAs to proceed with this outreach, analysis and agreement preparation. Payments to the RPAs will be based upon actual hours performed; any funds remaining in escrow at the end of the process will be returned to the project proponent.

Task 1: Convener: The RPAs will organize up to two regional informational forums per region, followed by a series of meetings of a task force for each proposed gaming facility. The potential surrounding communities will be invited to participate in the task force meetings; host communities will be invited to attend these meetings, and the project proponent will be invited to attend the task force meetings as needed to present information.

Task 2: Technical Analysis and Assistance: The RPAs, with the potential assistance of consultants on key tasks, will undertake review of the potential development impacts on surrounding communities in a gaming facility's region, as well as mitigation options, related to each potential gaming facility. Ideally, this "peer review" will consist of a technical review of the proponent-identified surrounding community impacts of the proposed gaming facility. However, in cases where the project proponent has not yet provided to the Commission or the public the information related to these development impacts, the RPAs, after consultation with the host community and project proponent, may need to undertake initial analysis of impacts in order to provide guidance to the potential surrounding communities. The goals of the RPA assistance are to provide potential surrounding communities with the information necessary to

understand the existence of, lack of, and degree of impacts, to prepare agreements between the project proponents and surrounding communities relating to mitigating any impacts, and to provide feedback to the project proponent, host community, and potential surrounding communities regarding impacts and issues that should be addressed by the project proponent in the RFA-2 proposal to the Commission.

Task 3: Agreements: The RPAs will facilitate discussion related to language for the agreement(s) between the proponent and potential surrounding communities, with assistance of outside legal counsel, if necessary.

Note that the timing of the process is also flexible, to a degree. The process can move forward either concurrently with or after the host community agreements are completed. However, in order to afford affected communities ample opportunity to identify and address priority issues and concerns in concert with the applicable casino proponents(s) in advance of the filing of the Phase 2 applications with the Commission (which must include the surrounding community agreements), it is anticipated that this process must be well underway by June 2013 for category 1 applicants, and earlier for category 2 applicants (dates to be determined upon the Commission's final determination of an application date). Some meetings, such as an orientation session on the state's process and deadlines, may occur earlier based on discussions between the RPAs, host community, and project proponent.

Issues/Recommendations

Below are some issues/recommendations that deserve consideration by the Commission:

- A recommendation that the utilization of RPA assistance should be voluntary for communities and applicants.
- A recommendation that the process not overly restrict the participation of communities by allowing communities to self-identify for initial participation while making it clear that such participation will not likely result in surrounding community status in all cases.
- A recommendation that the final result of the process should be flexible and that the applicants will need to determine how they will address any impacts on the region, and on communities that applicants determine not to be surrounding communities.
- A recommendation that the timing of assistance should be flexible, but must allow sufficient time for potential surrounding communities to understand impacts.

Massachusetts Gaming Commission

MEMORANDUM

Date: March 14, 2013

To: Commissioners

From: Jennifer Durenberger, Director of Racing JD

Re: Recommendation regarding proposed "Phase I" changes to 205 CMR 3.00 and 4.00

Recommendation: That the Gaming Commission approves the attached proposed changes to 205 CMR 3.00 and 4.00, with the amendments noted below, as emergency regulations.

M.G.L. c.128A section 9B adds an additional step to the Gaming Commission's rule-making process – a filing of the proposed changes with the clerk of the senate and review by the joint committee on government regulations. This step occurs subsequent to the general rule-making process and, unless disapproved by a majority of both branches of the general court, extends the effective date of our proposed changes by 60 days post-filing.

The provision specifically references the ability of the Commission to adopt emergency rules or regulations to protect the health or safety of the public, participants, or animals. I recommend that the Commission approves these rules on an emergency basis because of the following:

- These rules have gone through the regular rule-making process, with its safeguards of public comment period and public hearing;
- It is disruptive to the public and to participants to have rules regarding medication and veterinary practices take effect during the middle of a racemeet; and
- The live racing season is set to begin at Plainridge Racecourse on April 15, prior to the date these rules would take effect under section 9B.

At the end of this document, please find a copy of the memo provided to the Commission at the public hearing regarding these rules, held February 25th, 2013, referencing public comments received to date and comments received from the Secretary of the Commonwealth. At that meeting, additional comment was heard from Plainridge Racecourse to amend a change it had previously requested (written comment attached).

Regarding the Racing Division's recommendations for proposed changes to 205 CMR 3.00 and 4.00 (rules governing harness horse racing and horse racing, respectively), we note the following:

- Both chapters will be reprinted in their entirety with all references to "Racing Commission," etc., to be replaced with "Gaming Commission."
 - The Forewords of both chapters (the first paragraph of 205 CMR 3.01 and 4.01) will be reprinted to appropriately cite the Commission's enabling statute.
- Both chapters will be reprinted in their entirety with all references to live dog racing removed.
- Both chapters will be reprinted in their entirety using gender-neutral pronouns.
- In both chapters, where the phrase "Commission Veterinarian" appears, such phrase will be replaced with "Official Veterinarian."
- In both chapters, where a phrase such as "in accordance with these rules" or other similar language appears, such phrase will be replaced with the appropriate reference (e.g. "in accordance with 205 CMR 3.00," etc.)
- As with any document this size, several typos, grammatical, and formatting errors have been uncovered along the way. These will be corrected.

In addition to incorporating the amendments of the Secretary of the Commonwealth, we recommend making the following incorporations to the initial proposed changes:

3.11 (22): General Rules

Printed for each racing day shall be a program compiled by the Program Director which shall contain the names of the horses that are to run in the races for that day, these names to appear in the order of their post positions, the said position to be designated by numerals placed at the left and in line with the name of the horses in each race, which shall also be prominently displayed on each horse. The program shall also contain, in addition to the horse's name, its sex, color, age, sire and dam; the owner's name and address; the name of the trainer; the driver's name, date of birth, and colors; class and/or sub group of race; ~~at least six~~ **as many** performance lines of the current or preceding year ~~if the horse has started six times at the gait~~ **as the USTA deems appropriate**; and an indication if the driver is racing with a provisional license, and any other useful information approved by the judges.

Comment: See submission of Plainridge Racecourse, dated February 25, 2013

3.12(6): Judges

The Judges shall require all horses not showing a satisfactory racing line during the previous 45 **30** days to go a qualifying mile in a race before the Judges. **The Association may request a waiver from this requirement.**

Comment: The existing requirement is 30 days. A period of 45 days was proposed in the consensus document submitted by Plainridge Racecourse, the Harness Horsemen's Association of New England, and the Standardbred Owners of Massachusetts. The Racing Division notes that, while several other jurisdictions utilize a 45-day requirement, the 30-day requirement best protects the betting public. A provision to provide a process for the Association to request a waiver under circumstances that warrant consideration is added.

3.15: Owners

...(5) No owner shall move or permit to be moved any of his horses from the grounds of an Association without ~~written~~ permission of the Association.

Comment: A more practical application of the existing rule.

3.25: Official Veterinarian, General Authority

The official veterinarian shall:

...(e) place horses on the ~~Bleeder~~ Furosemide List and remove horses from the ~~Bleeder~~ Furosemide List...

Comment: Existing language from the harness medication and veterinary practices chapter (chapter 25) of the Model Rules of Racing, from which this provision was copied, does not appear to have been updated to reflect the recent industry move toward the creation of both a "bleeder list" and a "furosemide list." The Racing Division recommends the change here and will bring this to the attention of the RCI.

3.28(4): Prohibited Practices

The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(a) Any treated horse shall not be permitted to race or ~~breeze~~ qualify for a minimum of ten days following treatment....

Comment: Existing language from the harness medication and veterinary practices chapter (chapter 25) of the Model Rules of Racing does not appear to have been updated to reflect the recent addition of timed workouts to the rule. The Racing Division recommends the change here, representing the difference in terminology between timed workouts in flat racing ("breezes") and harness racing ("qualifiers") and will bring this to the attention of the RCI.

3.29: Medications and Prohibited Substances

C. Medication Restrictions

(1) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

(a) Drugs or medications for which no acceptable threshold concentration has been established;

~~(b) Controlled therapeutic medications in excess of established threshold concentrations as set forth in the ARCI Controlled Therapeutic Medication Schedule as listed at the time of the violation;~~

~~(e)~~ (b) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

~~(d)~~ (c) Substances foreign to a horse at concentrations that cause interference with testing procedures....

Comment: This provision functioned as a placeholder, as the rule was at one-time on-track for a potential adoption early this year. The RCI has not yet adopted the rule. The provision will likely re-appear in future proposed changes to 205 CMR 3.00.

3.29: Medications and Prohibited Substances

F. Furosemide.

... (3) 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 may be performed. ~~when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010.~~

Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma....

Comment: The Commission-approved laboratory notes that this requirement is a creature of an earlier time, and that quantitation of furosemide is currently done on all blood samples. This eliminates the need for the additional, labor-intensive step of testing urine specific gravity on all urine samples.

4.52: Medications and Prohibited Substances

C. Medication Restrictions

(1) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

(a) Drugs or medications for which no acceptable threshold concentration has been established;

~~(b) Controlled therapeutic medications in excess of established threshold concentrations as set forth in the ARCI Controlled Therapeutic Medication Schedule as listed at the time of the violation;~~

~~(e)~~ (b) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

~~(d)~~ (c) Substances foreign to a horse at concentrations that cause interference with testing procedures....

Comment: This provision functioned as a placeholder, as the rule was at one-time on-track for a potential adoption early this year. The RCI has not yet adopted the rule. The provision will likely re-appear in future proposed changes to 205 CMR 4.00.

4.52: Medications and Prohibited Substances

F. Furosemide.

... (3) 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 may be performed. ~~when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010.~~

Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma....

Comment: The Commission-approved laboratory notes that this requirement is a creature of an earlier time, and that quantitation of furosemide is currently done on all blood samples. This eliminates the need for the additional, labor-intensive step of testing urine specific gravity on all urine samples.

***Written Public Comments
Received***

***Proposed Changes to 205 CMR 3.00 and 4.00
Rules Governing
Harness Horse Racing
And Running Horse Racing***

***Massachusetts Gaming Commission,
Racing Division***

March 14, 2013



*Ourway Realty, LLC
301 Washington Street
Plainville, MA 02762
Phone: 508-643-2500
Fax: 508-643-4487*

February 25, 2013

Massachusetts Gaming Commission
Racing Division
84 State St., Suite 720
Boston, MA 02109

Re; Proposed Rule Change 205 CMR 3.11 (23)

Dear Commissioners,

With regard to 205 CMR 3.11 (23), the proposed change in number is (22), specifically the language "at least six performance lines" is problematic from a data standpoint for a one page format with fields larger than eight entries. When the field size is nine or more the amount of performance lines provided by the United States Trotting Association our program data provider is five. A suggested solution is to change from six to five or language suggesting whenever possible at least six performance lines.

Plainridge Racecourse strives to provide as much information possible to our customers and horsemen and we will always include as much data as possible.

Respectfully submitted,

Steve O'Toole
General Manager

SOT/lc

"Committed to Excellence in Harness Racing"

***Written Public Comments
Received***

***Proposed Changes to 205 CMR 3.00 and 4.00
Rules Governing
Harness Horse Racing
and
Running Horse Racing***

***Massachusetts Gaming Commission,
Racing Division
February 25, 2013***

Durenberger, Jennifer (MGC)

From: mgccomments (MGC)
Sent: Friday, February 22, 2013 9:15 AM
To: Durenberger, Jennifer (MGC)
Subject: FW: "Racing Regulations"

From: Haydon, Jamie S. [<mailto:jhaydon@jockeyclub.com>]
Sent: Thursday, February 21, 2013 11:39 AM
To: mgccomments (MGC)
Cc: Cuzzo, Theresa; Iuliano, Matt
Subject: "Racing Regulations"

February 22, 2013

Massachusetts Gaming Commission, Racing Division
84 State Street, Suite 720
Boston, MA 02109

Dear MGC Racing Division:

On behalf of The Jockey Club, I would like to take this opportunity to commend the Racing Division of the Massachusetts Gaming Commission on the comprehensive modifications proposed to the rules of racing. We support your proposed changes to 205 CMR 4.00: Horse Racing that would:

- Eliminate the race day administration of phenylbutazone while establishing a rule prohibiting stacking
- Define and establish a limited controlled therapeutic medications with thresholds and withdrawal times
- Adopt Association of Racing Commissioners International Model Rules and Uniform Guidelines
- Eliminate of traction devices
- Define veterinarian responsibilities, practices and duties
- Establish and define prohibited practices
- Establish thresholds for anabolic steroids and TCO2
- Establish a rule for Out of Competition testing
- Provide rules for pre-race inspection of horses and postmortem examinations
- Provide the commission the ability to freeze samples

The Jockey Club has been a leading advocate for medication reform in our industry. In 2008, the Thoroughbred Safety Committee was formed as a standing committee of The Jockey Club and has since issued 15 recommendations, many of which pertained to medication. All of them are available at <http://jockeyclub.com/tsc.asp>.

Working closely with the Association of Racing Commissioners International, the Racing Medication & Testing Consortium, regulators from individual racing commissions, veterinarians, trainers, breeders, owners, track operators and bettors, The Jockey Club published the Reformed Racing Medication Rules in August 2011. These rules have been endorsed by the American Quarter Horse Association, Thoroughbred Owners and Breeders Association, The Jockeys' Guild. The Thoroughbred Racing Associations have also endorsed the content of the rules.

The Reformed Rules feature a new categorization of medications, more clearly defined regulatory limits and dramatically remodeled penalties and we are encouraging all Thoroughbred racing jurisdictions to implement them in order to improve the integrity of the sport and enhance the safety of its athletes.

In 2012, The Jockey Club and the Thoroughbred Owners and Breeders Association launched the Clean Horse Racing advocacy website. It features news, videos, scientific studies and commentary in support of medication-free racing, as well as several action-oriented sections that enable industry participants to pledge their support for clean racing by contacting state racing commissions and signing petitions regarding medication reform.

If you have not done so already, I hope you will take a look at both of them.
http://jockeyclub.com/pdfs/reformed_rules.pdf and <http://cleanhorseracing.org/>.

I can assure you that the safety of your athletes and the integrity of your competition will be enhanced if the new and amended regulations are adopted in Massachusetts.

The Jockey Club continues to encourage other racing jurisdictions to make necessary reforms, as you are doing, and we would be glad to visit Massachusetts at any time to make a presentation and discuss our wide-ranging medication reform efforts.

Please don't hesitate to contact me at any time if you have questions, comments or suggestions or would like more information about any of this.

Thank you.

Sincerely,

Matt Iuliano
Executive Vice President & Executive Director
The Jockey Club
cc: Members, The Jockey Club Thoroughbred Safety Committee



February 22, 2013

Dr. Jennifer Durenberger
Director of Racing
Racing Division
Massachusetts Gaming Commission
84 State Street, Suite 720
Boston, MA 02109

Re: Proposed Regulatory Changes Affecting Racing

Dear Dr. Durenberger:

I write to you today in response to the Racing Division of the Massachusetts Gaming Commission's (the "Racing Division") request for public comment on the proposed regulatory changes affecting racing. Suffolk Downs has a long history of supporting an enhanced regulatory framework with the Racing Division's predecessor, the Massachusetts Racing Commission.

Suffolk Downs applauds the steps taken by the Racing Division to adopt the latest Association of Racing Commissioners International's model rules. The proposed changes will bring Massachusetts racing to the forefront of the industry in the areas of safety, testing, veterinary practices, and integrity.

The proposed regulatory changes come at an opportune time for the Massachusetts racing industry due to the advent of commercial gaming. As the Racing Division is aware, under the Massachusetts Gaming Act gaming revenues and license fees will soon be used to enhance purses through the Race Horse Development Fund. It is essential that the Commonwealth have in place an enhanced regulatory framework in advance of these purse increases. By doing so, the Racing Division will protect the integrity and safety of racing in the Commonwealth for years to come.

If you have any questions please feel free to contact me.

Sincerely,


Chip Tuttle (6, CAB)

Plainridge Racecourse
301 Washington St.
Plainville, MA 02762

HHAofNE
PO Box 1811
Plainville, MA 02762

SOM, Inc.
PO Box 1682
Plainville, MA 02762

January 5, 2012

Jennifer Durenberger
Director of Racing
Massachusetts Gaming Commission
84 State St., Suite
Boston, MA

Dear Jennifer,

Adopting new and amended rules and regulations for harness racing in Massachusetts is a task we endorse and welcome. We are grateful for the Commissions willingness to let us participate in the advancement of fair and comprehensive rules and regulations crafted for today's harness racing environment. A small group of Massachusetts harness racing leaders, supported by industry participants and experts, have spent considerable time and effort studying the current regulating CMR 3.00 Harness Racing and the proposed adoption of the ARCI Model Rules Chapter 25.

The group consists of; Steve O'Toole – Plainridge Racecourse General Manager supported by Paul Verrette – Race Secretary and Mike Duggan – Association Veterinarian; Mike Perpall – Harness Horsemen's Association of New England President, James Hardy – HHAof NE Vice-President, Frank Antonacci – HHAofNE Director supported by the HHAofNE Board of Directors; Ed Nowak – Standardbred Owners of Massachusetts, Inc. President, Nancy Longobardi – SOM, Inc. Secretary/Treasurer, supported by the SOM, Inc. Board of Directors.

We have appreciated the opportunity to meet with you and felt at this time we should memorialize our thoughts. Enclosed you will find a report from this group which contains comment and recommendations for changing and adopting a new or amended CMR 3.00 Harness Racing. In making the recommendations contained in the report, the group is united in concept and has taken into consideration the safety and well being of all participants both human and equine, the fans and wagering public, integrity, public perception, fairness, sensibility and practicality of the rules.

We hope you find our efforts helpful and we are more than willing to meet with you for any further discussion of this matter.

Steve O'Toole, Mike Perpall, James Hardy,
Frank Antonacci, Ed Nowak, Nancy Longobardi

PLAINRIDGE



HHAofNE



SOM, Inc.



**Report to Massachusetts
Gaming Commission
Racing Division**

**Director of Racing
Dr. Jennifer Durenberger**

CMR 3.00 Harness Racing

**ARCI Model Rule
Chapter 25**

**Comments and Recommendations on
New or Amended Rules and Regulations**

January 5, 2013

Report to Massachusetts Gaming Commission / Racing Division

Comments and Recommendations on Proposed Rule Changes

2

Massachusetts Harness Racing Industry Leaders

This group of Harness Racing Industry Leaders was formed to make comments and recommendations to the Massachusetts Gaming Commission / Racing Division on the matter of regulation changes for CMR 3.00 Harness Racing.



Profiles

Steve O'Toole is General Manager at Plainridge Racecourse (PRC), drawing on over 30 years experience in every aspect of harness racing with supporting input from Race Secretary Paul Verrette and Association Veterinarian Mike Duggan.

Mike Perpall is a retired businessman, horse owner and trainer, he is the President of the Harness Horsemen's Association of New England (HHANE), duly organized to represent the horse owners, trainers, drivers, grooms and others participating in harness racing in Massachusetts at Plainridge Racecourse. James Hardy is a local accomplished trainer/driver and he is Vice-President of HHANE and Vice-President of SOM. Frank Antonacci is a trainer/driver for his family owned Lindy Farms of Connecticut, an industry staple in major stakes events across the country, he is a Director of HHANE. A nine member Board of Directors supports HHANE.

Ed Nowak is a retired businessman, horse owner and breeder, he is the President of the Standardbred Owners of Massachusetts, Inc. (SOM), the duly organized representative group of standardbred breeders in Massachusetts authorized to administer the Massachusetts Standardbred Breeding Program. Nancy Longobardi is a trainer and breeder, as the Secretary/Treasurer of SOM she is the administrator of the breeding program. A seven member Board of Directors supports SOM.

In making the recommendations contained in this report, this group is united in concept and has taken into consideration the safety and well being of all participants both human and equine, the fans and wagering publics interests, public perception, integrity, fairness, sensibility, and practicality of the rules.

Report to Massachusetts Gaming Commission / Racing Division

Comments and Recommendations on Proposed Rule Changes

Summary

Much of the regulation in CMR 3.00 Harness Racing is outdated due to the ever-changing environment of harness racing and the neglect to keep the regulation current with the needs of today's sport. It is agreed by all that tighter regulation regarding medication is needed, at the same time the regulation in place for the administration of Furosemide for example, is tighter now than that proposed in the ARCI Model Rule Chapter 25. A comprehensive comparison was made in every aspect of proposed changes and what was considered to be the best responsible rule language is recommended, at all times keeping in mind the safety and well being of all participants both human and equine, the fans and wagering public's interests, public perception, integrity, fairness, sensibility and practicality of the rules.

It is highly recommended that the Commission perform pre-race blood gas testing and include the language in ARCI Model Rule Chapter 11 for Alkalinizing Substances. It is a most common practice in harness racing environments for the Commissions to administer the TCO₂ testing, it would be considered a best practice for the Massachusetts Gaming Commission / Racing Division to adopt this regulation and implement TCO₂ testing in 2013.

Problematic areas arise by changing the delicate balance of an all-encompassing chapter of rules. By proposing changes to one section, it inadvertently creates conflicting language in other sections, while other sections become affected by redundancy. This was taken into consideration and recommendations are made with the pre-existing understanding that CMR 3.19 Urine, Other Tests and Examinations will be replaced entirely by a majority of ARCI Model Rule Chapter 25.

Some of the recommended changes are purely a sensible and practical alternative to rules that are either no longer enforceable, outdated, impractical or immaterial due to the ever evolving racing environment, change in racing schedules, association premises and trainers stabling preferences off association grounds, to name a few.

Adopting the ARCI Model Rule Chapter 25 in its entirety or by reference is not recommended. Although it is considered to be a stronger regulation, there is some weak language that has been identified and a stronger regulation is recommended.

All recommendations have been carefully considered and are offered as a collaborative effort to better the racing product and public confidence in our sport, keeping in mind the best interests of all involved.

Report to Massachusetts Gaming Commission / Racing Division

Comments and Recommendations on Proposed Rule Changes

Comments and Recommendations on ARCI Model Rule Chapter 25

The comments and recommendations that follow are based on the premise that ARCI Model Rule Chapter 25 will be adopted in some form that will replace CMR 3.19 Urine, Other Tests and Examinations. Following are the recommendations for ARCI Model Rule Chapter 25;

1. ARCI-025-010 B. (5), it is recommended; that horses on furosemide be present on association grounds at least four (4) hours prior to post time for the race which it is entered for the legal administration of furosemide and all others must be present on association grounds prior to the time prescribed to be present in the race paddock for the race entered.
**This is recommended as a practical and sensible matter and it is the practice in most harness racing jurisdictions.*
2. ARCI-025-015 (4), it is recommended; that Extracorporeal Shock Wave or Radial Pulse Wave Therapy be allowed on shoulders, backs, the torso and hindquarters of horses closer than 10 days prior to a race.
** Veterinary practitioners have advised using this method, as a therapeutic practice on the described areas will have no adverse affect of the function of the horse when used closer to an event.*
3. ARCI-025-020 F. Furosemide (1), it is recommended; to add language similar to that of section G. Bleeder List (5) which would provide for; a horse which has been placed on a Furosemide List in another jurisdiction shall be placed on the Furosemide List in this jurisdiction. A notation on the horse's electronic eligibility certificate of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.
**As a practical and sensible matter and a way to uniformly identify horses eligible to the Furosemide List coming from other jurisdictions, this is the practice in most harness racing jurisdictions.*
4. ARCI-025-020 F. Furosemide (1), it is recommended; that there is an added restriction on the use of furosemide on two year olds, stating that no two year old shall be administered furosemide or put on the Furosemide List.
**For the health and welfare of young horses. The current CMR 3.19 (26) should be included in proposed changes.*
5. ARCI-025-020 F. Furosemide (2)(e) & (3)(e), it is recommended; the furosemide dosage administered shall not exceed 250 mg nor be less than 100 mg.
**For the health and welfare of all horses, it has been concluded that 500 mg. is too large a dose of Furosemide to be administered, the larger doses of furosemide tax the racing animal and may interfere with TCO₂ testing as a dosage as high as 500 mg. tends to dehydrate. The current high dosage in CMR 3.19 (23) is sufficient.*
7. The Massachusetts Gaming Commission / Racing Division should absolutely consider the adoption of rules pertaining to Alkalinizing Substances and the implementation of pre-race blood gas TCO₂ testing. Rules similar to those in ARCI Model Rule Chapter 11 ARCI-011-020 K. Alkalinizing Substances should be incorporated into any new medication rule proposal for harness racing.
**Currently Plainridge Racecourse runs and maintains a testing program for TCO₂.*
**While the horsemen want a TCO₂ testing system in place, the horsemen would prefer a system controlled by the commission with the appropriate safeguards in place and appropriate due process, penalties, recordings and reciprocity.*
**While Plainridge Racecourse has fairly operated the system for TCO₂ testing for the past decade, the penalties are not part of an official ruling and PRC is more than willing to stop their testing if and when the commission initiates a TCO₂ program.*
**Even if the commission does not plan to immediately establish a TCO₂ testing program, the rules for Alkalinizing Substances should be incorporated in any rule change proposals to be used if and when a testing program is established.*

Report to Massachusetts Gaming Commission / Racing Division

Comments and Recommendations on Proposed Rule Changes

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8. ARCI-025-023 Testing A. Reporting To The Test Barn (4), it is recommended; that the age be set at 16 to be consistent with the CMR.
**The minimum age placed on persons being present in the test barn area at 18 years of age yet CMR 3:14 (13) allows grooms to be licensed at 16 years of age and the association may employ persons 16 per CMR 3.13: (1).*
9. ARCI-025-023 Testing B. Sample Collection (2), consistent with recommendation #7 above it is recommended; to add the provision for TCO₂ similar to ARCI-011-023 B. (2)(d) Split samples collected for simultaneous determination of TCO₂ levels shall be collected and shipped in accordance with C. of this rule.

Also consistent with recommendation #7 it is recommended; to insert a rule similar to ARCI-011-023 Testing C. Alkalinizing Substance.
10. ARCI-025-030 Physical Inspection of Horses B. Veterinarians List (5), it is recommended; to not include RCI Class IV substance in this rule.

Report to Massachusetts Gaming Commission / Racing Division

Comments and Recommendations on Proposed Rule Changes

Comments and Recommendations on CMR 3.00 Harness Racing

The comments and recommendations that follow are based on the premise that ARCI Model Rule Chapter 25 will be adopted in some form that will replace CMR 3.19 Urine, Other Tests and Examinations. Following are the recommendations for CMR 3.00 Harness Racing;

1. 3.04: Stables Names, Registration Fees, Restrictions, etc. (5), it is recommended; to strike in its entirety.
**Outdated rule that is too restrictive and is not practical in todays racing environment. Many partnerships are formed and stable names formed between multiple owners.*
2. 3.05: Authorized Agent: Licenses, Filing Instruments, etc. it is recommended; this license should be offered for a nominal fee and this section should be utilized more.
**The authorized agent license should have a nominal fee attached and anyone doing business for another should be required to secure this license. This practice has not been used in recent years.*
3. 3.06: Corporations (1)(b), it is recommended; to strike in its entirety.
**Outdated rule that is too limiting and restrictive and is not practical.*
4. 3.07: Corrupt Practices (1), it is recommended; strike the words "or dog".
**Not relevant.*
5. 3.07: Corrupt Practices (5), it is recommended; strike the word "declaring" and insert in its place the word "scratching".
**In harness racing terms, declaring is the term used to enter into an event. The purpose of this rule is to keep someone from influencing a scratch in a race.*
6. 3.09: Drivers (2), it is recommended; strike the words "designated by the Judges".
**Not practical for the Judges to impose.*
7. 3.10: Forfeitures And Suspensions (4), it is recommended; strike the word "not".
**To counter the ability to participate in any way while serving a suspension. For integrity, public perception and public confidence.*
8. 3.10: Forfeitures And Suspensions (6), it is recommended; strike the words "Massachusetts Racing Days" and insert in its place the words "consecutive calendar days".
**Sensible and practical.*
9. 3.11: General Rules (10), it is recommended; insert the word "full" before the word "suspension".
**To restrictive if read literally.*
10. 3.11: General Rules (23) it is recommended; insert the words "at least" before the word six and add at the end of the paragraph "and any other useful information approved by the Judges".
**More program information given to the public is in the best interest of racing and public confidence.*
11. 3:12: Judges (6), it is recommended; strike the number "30" and insert in its place the number "45".
**The industry as a whole is moving toward this standard as horses are racing less on a year-to-year basis.*
12. 3:12: Judges (9), it is recommended; to provide language that does not lead one to believe the judges need only to be present at the finish of each race. This rule should read that the judges shall occupy the judges stand from the time the post parade is formed for each race and remain in the judges stand until the race is made official and then describe the duties placed upon the judges for the placings.
**Although it may be implied that the judges watch each race in its entirety, a strict reading of this rule leaves the impression the judges need not be present for the entire race as long they are present at the finish of each race.*

Report to Massachusetts Gaming Commission / Racing Division

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13. 3:12 Judges (19), it is recommended; add at the beginning of the paragraph, "With the exception of a medication violation as provided for in 3.19,"
**Eliminates conflicting language with the proposed changes and possible suspensions and fines for positive tests, and it gives the judges a range to fine or suspend for other rule infractions.*
14. 3.13: Licensee: Duties, Obligations, etc. (11), it is recommended; to provide a provision in this paragraph as a means to accommodate visitors into the barn area and paddock area.
**Affording access to restricted areas with the proper procedures instills public confidence and creates the possibilities of a much-needed awareness to the industry.*
15. 3.14: Licenses, Registrations and Fees For Participating in Racing (11), it is recommended; strike the word "enter".
**To restrictive and burdensome on the applicant as well as the Commission.*
16. 3.14: Licenses, Registrations and Fees For Participating in Racing (12), it is recommended; strike the entire paragraph.
**3.14: (11) puts the responsibility on the applicant to file the proper application for licensure before participating, the applicant should not have to bear the responsibility of predicting the will and timing of the licensing process. This rule is in direct conflict with CMR 3.21 (3), which permits participation pending action on an application.*
17. 3.14: Licenses, Registrations and Fees For Participating in Racing, it is recommended; to add a provision for temporary licensure of owners accompanied by full payment of the owner license fee, such temporary owner license to expire in 30 days and subject to fine or suspense at that time if the fully completed owner application has not been filed.
**This is a practice in most jurisdictions and it affords a reasonable amount of time to file for those unavailable or not physically able to file at the time of initial participation.*
18. 3.15: Owners (3), it is recommended; strike the entire paragraph.
**Conflicts with proposed changes in ARCI Model Rule Chapter 25.*
19. 3.15: Owners (10), 3.21: Trainers (16), 3.22: Veterinarians (6), it is recommended; strike the words "Commonwealth of Massachusetts" and insert in its place "jurisdiction in which the Veterinarian is practicing".
**This rule is outdated, unenforceable and is too restrictive regarding treatment of horses that are located in other jurisdictions prior to coming to Massachusetts to race and those coming specifically to race from another state.*
20. 3.21: Trainers (6) & (7), it is recommended; to strike the entire paragraphs.
**The proposed ARCI Model Rule Chapter 25 defines trainer responsibility, this language is outdated and naming another licensed trainer sets in motion circumstances that may inadvertently trigger questionable, mitigating or aggravating circumstances. The trainer responsibility as defined should stand-alone.*
21. 3.21: Trainers (14), it is recommended; strike the paragraph in its entirety.
**Conflicts with the proposed ARCI Model Rule Chapter 25.*
22. 3.23: Claiming Races (3) Claiming Procedure (e) Opening of Claim Box, it is recommended; add at the beginning of paragraph the words "Other than to announce to the public that a claim has been entered on a particular horse in the post parade of that claiming race,"
**This is a common practice in the industry and instills public confidence by giving sufficient information on a particular race.*

Report to Massachusetts Gaming Commission / Racing Division

Comments and Recommendations on Proposed Rule Changes

Areas of Concern / Clarification

With regard to the following areas of concern, clarification is needed in order to properly comment on these particular topics.

1. **ARCI-025-010 Veterinary Practices C. (1)**, clarification on what will determine a location under the jurisdiction of the Commission.
2. **ARCI-025-015 Prohibited Practices (2)**, clarification as to the extent of certain every day supplements and other topical ointments and liniments.
3. **ARCI-025-020 Medications and Prohibited Substances E. (NSAIDS) (2)**, clarification of the responsibilities regarding this rule.

***Proposed Changes to 205 CMR 3.00 and 4.00
Rules Governing
Harness Horse Racing
and
Running Horse Racing***

***Massachusetts Gaming Commission,
Racing Division
January 31, 2013***

205 CMR 3.00: Harness Horse Racing

- 3.01: Foreword
- 3.02: Definitions
- 3.03: Appeal to the Commission
- 3.04: Stable Names, Registration Fees, Restrictions, etc.
- 3.05: Authorized Agent: Licenses, Filing Instrument, etc.
- 3.06: Corporations
- 3.07: Corrupt Practices
- 3.08: Dead Heats
- 3.09: Drivers
- 3.10: Forfeitures and Suspensions
- 3.11: General Rules
- 3.12: Judges
- 3.13: Licensee: Duties, Obligations, etc.
- 3.14: Licenses, Registrations and Fees for Participants in Racing
- 3.15: Owners
- 3.16: Paddock Judge
- 3.17: Patrol Judges
- 3.18: Racing Officials
- 3.19: ~~Urine, Other Tests and Examinations~~ **repealed**
- 3.20: Stable Employees
- 3.21: Trainers
- 3.22: ~~Veterinarians~~ **repealed**
- 3.23: Claiming Races

- 3.24: **Practicing Veterinarians**
- 3.25: **Official Veterinarian**
- 3.26: **Racing Veterinarian**
- 3.27: **Veterinary Practices**
- 3.28: **Prohibited Practices**
- 3.29: **Medications and Prohibited Substances**
- 3.30: **Out of Competition Testing for Blood and/or Gene Doping Agents**
- 3.31: **Physical Inspection of Horses**
- 3.32: **Testing**
- 3.33: **Postmortem Examinations**

3.02: Definitions

The following definitions and interpretations shall apply in 205 CMR 3.00 unless the text otherwise require:

Administer or Administration is the introduction of a substance into the body of a horse.

Arrears includes all monies due for entrance, forfeits, fees, forfeitures, subscriptions, stake, and also any default in money incident to the Rules.

Authorized Agent is a person appointed by a written instrument signed by the owner and filed in accordance with 205 CMR 3.05. (See Section under "Authorized Agent".)

Associated Person is the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person would give the appearance that such other person or entity would care for or train a racing animal or perform veterinarian service on a racing animal for the benefit, credit, reputation, or satisfaction of the inactive person.

Association. Any person or persons, associations, or corporations licensed by the Commission to conduct harness horse racing within the Commonwealth of Massachusetts for any stake, purse or reward.

Assumed Name. Shall be a name other than the given name or legal name of an individual. Assumed names shall include but shall not be confined to racing, stable names, farm names, association, corporations, partnerships (when the actual legal names of the partners are not used), Nom de Course, etc.

Bleeder is a horse which has demonstrated external evidence of exercise induced pulmonary hemorrhage.

Bleeder List is a tabulation of all bleeders to be maintained by the Commission.

Breeder of a horse is the owner of its dam at the time of foaling.

Breeding Place is the place of horse's conception.

Calendar Day is 24 hours ending at midnight.

Controlled Therapeutic Medication is any medication approved by the Association of Racing Commissioners International for which the regulatory analyte concentration in the sample(s) may not exceed specified regulatory limits published herein.

Declaration shall mean the naming of a particular horse to a particular race as a starter.

Ejected shall mean the removal from the grounds of an Association.

Entry shall mean according to the requirements of the text:

- (a) a horse made eligible to run in a race,
- (b) two or more horses which are entered or run in a race owned by the same owner or trained by the same trainer.

Equipment. As applied to a horse shall mean harness, hobbles, bits, shadow rolls, blinkers, poles, tongue straps, bandages, boots, toe weights, gaiting straps, shoes, head numbers, saddle numbers, sulkies, whips, spurs, etcetera.

Field. When the individual horses competing in a race exceed the numbering capacity of the Tote, the highest numbered horses within the capacity of the Tote, and all horses of a higher number shall be grouped together and called the "Field."

Forfeit shall mean money due because of an error, fault, neglect of duty, breach of contract, or a penalty.

Forfeiture shall mean any money imposed as a penalty by the Judges or Starter of the meeting.

Furosemide List means a tabulation of all horses eligible to participate in a race with furosemide in its system.

Inactive Person is any person whose license has been suspended for more than 30 days; whose license has expired or been revoked; or whose license application has been denied.

Judges shall mean the Judges of the meeting or their duly appointed deputies.

Law or Laws shall mean M.G.L. c. 128 A (being the general laws pertaining to horse racing) together with any and all amendments thereto.

Licensee shall mean any Association receiving a license from the Commonwealth of Massachusetts to conduct harness horse racing.

Medication is any substance or metabolite capable of exerting a pharmacological effect on the horse's system with an accepted use in the diagnosis, cure, treatment or prevention of a veterinary medical condition.

Meeting. Whole consecutive period for which license to race has been granted to any one Association by the Commission.

Month is a calendar month.

Nominator is the person in whose name a horse is entered for a race.

Owner includes sole owner, part owner or lessee of a horse. An interest only in the winnings of a horse does not constitute part ownership.

Place in racing shall mean first, second, third or fourth position at the finish of a race and in that order is called "Win," "Place," "Show" and "Fourth."

Post Position is the position assigned to the horse at the start of the race.

Post Time is the time set for the arrival at the starting point of the horses in a race and must be shown a reasonable time prior to the race on a clock device, provided for that purpose, prominently displaced and clearly readable from the grandstand.

Race. A contest between horses for purse, stakes, premium, wager for money or admission fees on any course and in the presence of a judge or judges.

Recognized Meeting shall be any meeting wherever held under the sanction of the United States Trotting Association having reciprocal relations with the Massachusetts State Racing Commission for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

Rule Off shall mean the act of debarring from the grounds of an Association and denying all racing privileges.

Rules shall mean all the rules and Regulations herein prescribed in the current rules of the U.S.T.A. and 205 CMR 3.00 and any amendments or additions thereto.

Race Day means any period of 24 hours beginning at midnight and included in the period of a race meeting and in the matter of penalties the word "day" means a "race day."

Scratch shall mean the act of withdrawing an entered horse from a race after the closing of overnight entries.

Scratch Time shall mean the time set by the Association for the closing of applications for permission to withdraw from races of that day.

Subscription shall mean the act of nominating to a stake race.

Suspended shall mean that any privilege granted to a licensee of the Commission by the officials of a racing meeting or by the Commission has been withdrawn.

Starter. A horse is a "starter" for a race when the Starter dispatches the horses with the word "Go."

Tote or Tote Board shall mean the totalisator.

Year shall mean a calendar year.

3.07: Corrupt Practices

(1) No person shall influence, induce or conspire or connive with or attempt to do so, any owner, trainer, jockey, agent, driver, groom or other person associated with or interested in or having charge of or access to any horse ~~or dog~~ entered or to be entered in a race for the purpose of fraudulently affecting the ultimate result of such race.

(2) No person shall give, offer, or promise, directly or indirectly, either in his own behalf or in behalf of another, any bribe, gift or gratuity in any form, for the purpose of influencing the result of a race, or which would tend to do so, to any of the following:

- (a) racing officials or their assistants,
- (b) owners, trainers, drivers, or their agents,
- (c) any other person having duties in connection with a race or with the care of a race horse,
- (d) any other person.

(3) No racing official or his assistant, no owner, trainer, driver, agent, no person having charge of or access to any horse, nor any other person shall accept or offer to accept on his own behalf or on behalf of another, any bribe, gift or gratuity in any form to influence the result of a race or which would tend to do so.

(4) No person shall willfully enter, or cause to be entered, or start a horse that he knows or believes to be ineligible or disqualified.

(5) No person shall offer or receive money or any other benefit for ~~declaring~~ scratching an entry from a race.

(6) No person shall conspire with any other person for the commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing nor shall he commit such act on his own account.

(7) No person shall solicit bets on the grounds of an Association.

(8) No electrical or mechanical device or other expedient designed to increase or decrease the speed of a horse (or that would tend to do so), other than a whip, without having a whip spur attached thereto, shall be possessed by anyone or applied by anyone to a horse at any time on the grounds of an Association, during a meeting whether in a race or otherwise.

(9) No person shall tamper or attempt to tamper with any horse or equipment in such a way as to affect his speed in a race, nor shall he counsel or in any way aid or abet any such tampering.

3.09: Drivers

(1) Every driver shall, at the request of the Judges, undergo a physical examination ~~by such physician or physicians as may be designated by the Judges of the meeting~~ to determine his fitness to drive. The report of such examination duly signed by the examining physician shall be filed with the Judges ~~and forwarded to the Commission.~~

(2) All drivers, ~~as a condition precedent to receiving a license from the Commission,~~ **shall, at the request of the Judges,** be required to take an eye test. ~~Said test shall be given by an eye physician or a licensed optometrist designated by the Judges. The reports of such examination, duly signed by the designated eye physician or optometrist shall be filed promptly with the Commission. If a driver has been so tested within one year and presents evidence of such a test to the Judges, the Judges may waive 205 CMR 3.09(2).~~ **The report of such examination duly signed by the examining physician or optometrist shall be filed with the Judges.**

3.10: Forfeitures and Suspensions

(1) No racing official other than the Judges and the Starter shall have the right to impose a forfeiture or suspension.

(2) The Judges may not rescind a forfeiture, except with the approval of the Commission.

(3) A racing official imposing a forfeiture or suspension shall report it promptly to the Clerk of Course in writing.

(4) ~~Suspension of husband shall not extend to the wife and vice versa.~~ **No entry in any race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry; except that, if the license of a driver has been suspended for a routine driving offense, the judges may waive this rule.**

(5) All forfeitures shall be paid to the Racing Commission within 48 hours after imposition.

(6) Suspensions shall be for **consecutive calendar days.** ~~Massachusetts Racing Days.~~

(7) Any Official, Owner, Trainer or any person licensed by the Massachusetts State Racing Commission who shall obtain food, feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or others whether they be licensed or not, and fails to pay the fair market value to the person or persons from whom said services or supplies are obtained shall be guilty of conduct detrimental to the best interest of racing and may be suspended at the discretion of the Judges or the Commission, however, neither the Association nor the Massachusetts State Racing Commission shall be obligated to collect debts from horsemen or other personnel licensed by the Commission.

3.11: General Rules

- (1) The definitions and interpretations of racing terms, heretofore set forth as well as 205 CMR 3.01: Foreword, are to be considered in connection with 205 CMR 3.00 and as part of them.
- (2) All owners and trainers of horses and their stable employees are subject to the Laws of the Commonwealth of Massachusetts and 205 CMR immediately upon acceptance and occupancy of stabling accommodations from or approved by an Association or upon making entry to run on its track.
- (3) Owners, trainers and stable employees shall abide by said Laws and 205 CMR and accept the decision of the Judges on any and all questions to which their authority extends, subject to their right of appeal to the Commission.
- (4) Every person participating in and every patron of a licensed Race Meeting shall abide by said Laws and Rules, and accept the Judges' decisions on any and all questions to which their authority extends, subject to the right of appeal to the Commission.
- (5) Every person who drives a horse on a track licensed by the Commission, whether exercising, warming up or driving in a race shall wear a protective helmet of a type approved by the Judges.
- (6) For the period of two hours before post time of the first race of the day and until the racing program of the day has been completed, every person who drives a horse on a track licensed by the Commission, whether warming up for a race or driving in a race shall wear his registered colors, which must be distinguishable at all times.
- (7) No person shall use improper, profane or indecent language to a racing official.
- (8) No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of the Association.
- (9) Any person, who participates in an unrecognized meeting anywhere, either as a racing official or as an owner, trainer or driver, may be adjudged guilty of conduct detrimental to racing.
- (10) No person or horse ruled off, or under full suspension by the United States Trotting Association shall be admitted to the grounds of any Association.
- (11) No person, other than an official of the Commission, shall be allowed in the Judges' Stand; the space occupied by the Clerk of Course; the Timers Stand; and the space occupied by the Program Director and his assistants for the period from ½ hour before post time of the first race of the day until the last race has been declared "official" unless permission is obtained from the Judges for each entry. Associations shall take such steps as are necessary to assist the Judges in carrying out the provisions of 205 CMR 3.11(11).

(12) Any person who has been convicted by any court anywhere for illegal possession, sale or giving away of narcotics may be ruled off.

(13) If any owner, trainer, driver, stable employee, or other person solicit bets from the public by correspondence or other methods, to be made on any horse which is to run on a track in Massachusetts, such person or persons shall be ruled off.

(14) When a person is ruled off a course or suspended, every horse owned in whole or part by him shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescinding of his owner's penalty or his transfer through bona fide sale to an ownership acceptable to the Judges.

(15) When a person is suspended by the Judges of the meeting "from driving only" the ruling of the Judges shall state whether or not the person suspended shall have the privilege of the paddock during the period of his suspension.

(16) When a person is ruled off a course or suspended, any horse which is under his care, management, training or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty or by the placement of the horse in the hand of a licensed trainer and the approval of the transfer by the Judges.

(17) When a person is ruled off a course or suspended, he shall not be qualified, whether acting as agent or otherwise to subscribe for or to enter or run any horse in any race either in his own name or in that of any other person until the rescinding of that person's penalty.

~~(18) It shall be the duty of the trainer of any horse that is not stabled on the grounds of the Association but has been allotted a stall previous to the time of entry to have his horse in the allotted stall at least three hours previous to post time of the first race of the day on which the horse is to race.~~

~~(19)~~ (18) Any horse that has been the subject of fraudulent practice may be disqualified.

~~(20)~~ (19) When a person is ruled off for any fraudulent practice in relation to a particular horse, wholly or partly belonging to him, he shall return all money or prizes that such horse has fraudulently won.

~~(21)~~ (20) Violators of any rule will be subject to ejection from the grounds, and/or to forfeiture, suspension or ruling off.

~~(22)~~ (21) Complaints against a racing official other than a judge or his assistant shall be made to the judges in writing and be signed by the complainant. Complaints against a judge shall be made in writing to the Commission and be signed by the complainant.

~~(23)~~ (22) Printed for each racing day shall be a program compiled by the Program Director which shall contain the names of the horses that are to run in the races for that day, these names to

appear in the order of their post positions, the said position to be designated by numerals placed at the left and in line with the name of the horses in each race, which shall also be prominently displayed on each horse. The program shall also contain, in addition to the horse's name, its sex, color, age, sire and dam; the owner's name and address; the name of the trainer; the driver's name, date of birth, and colors; class and/or sub group of race; **at least six** performance lines of the current or preceding year if the horse has started six times at the gait; ~~and~~ an indication if the driver is racing with a provisional license, **and any other useful information approved by the judges.**

~~(24)~~ (23) Before a horse may go an official time workout before the Judges, he must first be posted in the entry room of the Association as being classified in the preferred or invitational category at the current meeting in progress.

~~(25)~~ (24) Every Racing Association, the Commission or Judges investigating for violations of the law or rules and regulations of racing adopted by the Commission shall have the right to permit persons authorized by any of them to search the person, or enter and search the building, stables, room, vehicles or other places within the grounds of the Association or at other places where horses which are eligible to race are kept together with the personal property and effects contained therein. Every licensed person or person permitted to pursue his/her occupation or employment within the grounds or any Association by accepting his/her license or such permission does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages that he/she may have by virtue of any action taken under 205 CMR 3.00.

~~(26)~~ (25) No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his/her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

3.12: Judges

(1) The Judges shall have the power to interpret 205 CMR 3.00 and to decide all questions not specifically covered by them, such decisions to be reported to the Commission within 24 hours.

(2) In matters pertaining to racing, the orders of the Judges supersede the orders of the officers and directors of the Association.

(3) The Judges shall have general supervision over owners, trainers, drivers, grooms and other persons attendant on horses, and also over all the other officials of the meeting.

(4) During each racing day the Judges of the meeting shall be at the office building on the grounds of the Association where the racing meeting is being held not later than one hour before post time of the first race of the day to exercise the authority and perform the duties imposed on the Judges by the Rules of Racing.

- (5) At least one Judge shall occupy the Judges' Stand during the running of all qualifying races and non wagering races.
- (6) The Judges shall require all horses not showing a satisfactory racing line during the previous ~~30~~ 45 days to go a qualifying mile in a race before the Judges.
- (7) All questions pertaining to the conduct of the meeting shall be determined by a majority of the Judges.
- (8) No hearing shall be held on 205 CMR 3.00 following the last race of any day during the racing meeting, unless by special permission of the Commission. 205 CMR 3.12(8) shall not apply on the last day of any racing meeting.
- (9) The Judges shall occupy the Judges Stand ~~at the time the horses pass the winning post in each and every race~~ from the time the post parade is formed for each race until the race is made official, and their duty shall be to place and record five horses or as many more as they think proper in the order of their finish in each race.
- (10) The Judges shall properly display the numbers of the first four horses in each race in the order of their finish.
- (11) When the Judges differ in their placing the majority shall prevail.
- (12) The Judges shall make public their decision as promptly as possible.
- (13) If it is considered advisable to consult a picture from the finish camera, the Judges shall post, without waiting for a picture, such placements as are in their opinion unquestionable, and after consulting the picture, make the other placements.
- (14) The Judges may call for a picture from the photo finish camera to aid them in arriving at a decision. However, in all cases the camera is merely an aid and the decision of the Judges shall be final.
- (15) In determining the places of the horses at the finish of a race, the Judges shall consider only the relative position of the respective noses of such horses.
- (16) After the finish of the race all drivers shall report to the Judges' Stand. The Judges shall not declare the race official until each driver has had an opportunity to file a protest as to what occurred in the race.
- (17) There shall be no alteration of placement after the sign "Official" has been purposely displayed, except as in provided in 205 CMR 6.00: Pari mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing.

(18) The Judges shall each day file with the Commission a copy of the official placement of the first five horses in each race of that day and shall supply to the other officials such information in respect to the racing as the Association may require.

(19) The Judges may suspend for no greater period ~~than ten days beyond the close of the meeting~~ than 180 days anyone whom they have authority to supervise, or they may impose a forfeiture, not exceeding \$3,000.00. All such suspensions and forfeitures must be reported to the Commission. If the punishment to be imposed is not in the opinion of the Judges sufficient, they shall so report to the Commission.

3.14: Licenses, Registrations and Fees for Participants in Racing

(1) The following persons shall be required to take out a license from the Commission, and pay the current applicable annual fee: Driver, Trainer, Owner, Authorized Agent, Stable Employees, Veterinarian, Blacksmith, Vendors and Racing Officials.

(2) The fee shall accompany each application for license or registration. They expire December 31 of the year of issue, except stable employees whose license expire on March 31.

(3) All applications for license and registrations to participate in racing shall be made to the Commission on forms supplied by the Commission. Any person making any false or misleading statements on an application for license or registration may be denied such a license or registration or may be assessed a fine, suspension or both. If already in possession of a license, said license may be revoked.

(4) Such application shall be submitted first to the Judges. In considering each application for a license the Judges may require the applicant, as well as his endorsers, to appear before them and show that said applicant is qualified in every respect to receive the license requested. Ability as well as integrity must be clearly shown by the applicant in order to receive the Judges' recommendation for the granting of the license.

(5) Before recommending any application for a license it shall be the duty of the Judges, individually and collectively, to ascertain if the applicant is qualified as to ability, integrity and right to the license applied for. And further, no application for a license shall be recommended by the Judges if the applicant's previous conduct in Massachusetts or elsewhere is considered to have been objectionable, obnoxious or detrimental to the best interest of racing.

(6) No application for a license or registration shall be recommended by the Judges and no license or registration will be issued by the Commission unless satisfactory evidence first is presented to the Judges that the person so applying will participate in the meeting over which the Judges have supervision.

(7) The Commission may refuse to license any applicant who has been refused a license by any other State Racing Commission, the United States Trotting Association or turf governing body.

(8) The Commission may refuse to license any applicant whose previous conduct in Massachusetts or elsewhere in connection with horse racing is considered by the Commission to have been objectionable, obnoxious or detrimental to the best interest of racing.

(9) The Commission may also revoke any license if the holder of the same has violated any rule or regulation of the Commission governing his conduct in connection with horse racing, or where such conduct is objectionable, obnoxious or detrimental to the best interest of racing.

(10) All licenses granted shall be subject to the conditions set forth in the application therefor and the Commission shall have full discretion to suspend or revoke the same for any infraction of the conditions of the application of license and 205 CMR 3.00.

(11) No owner, trainer or agent shall ~~enter or start~~ a horse unless all licenses and registrations required by 205 CMR 3.14(1) have been filed. Violators of 205 CMR 3.14(11) may be subject to suspension or a forfeiture.

~~(12) No owner, trainer or agent shall enter or start a horse until he has ascertained that each license or registration filed as required by 205 CMR 3.14(1) has been approved. Violators of 205 CMR 3.14(12) may be subject to suspension or forfeiture.~~

~~(13)~~ (12) No application, except a license for ownership, will be considered for or granted to a person under 16 years of age. If younger than 18 years of age, an applicant for an owner's license shall submit a notarized affidavit from his/her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual and other obligations relating to the applicant's participation in racing within the Commonwealth of Massachusetts.

~~(14)~~ (13) When an ownership is in the name of both husband and wife, both shall be licensed.

(14) Temporary Owner Licenses may be issued to Trainers acting as agents for their owners or to authorized agents representing their owners. Temporary licenses will be valid for a period of 30 days from date of approval. Every Temporary Owner's License must be followed by an application from the owner received by the Commission prior to the expiration of the 30-day Temporary Owner's License. Failure to do so will result in an imposition by the Judges of a fine against the trainer or authorized agent. No horse will be allowed to race after the expiration of the Temporary Owner's License until a permanent owner's license is granted.

3.15: Owners

(1) Each owner holding a beneficial interest of 20% or more in a horse must obtain a license from the Commission. If the owners are husband and wife and their total beneficial interest is 20% or more in a horse, then they must each obtain a license from the Commission.

(2) An owner shall not enter or start a horse that:
(a) is not in serviceably sound racing condition;
(b) has been trachea tubed;

- (c) has been nerved at or above the ankle;
- (d) has been nerved or had cryosurgery performed on a nerve, except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race;
- (e) is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision.
- (f) does not comply with the rules regarding Coggins Test.

~~(3) A horse placed on the Veterinarian's List for bleeding must remain on said list for a minimum of ten calendar days. A horse placed on the Veterinarian's List for bleeding a second time shall remain on said list for 30 calendar days and must have a satisfactory work if the horse bled while racing on bleeder medication. A horse placed on the Veterinarian's List for bleeding a third time shall remain on said list for a minimum of 30 days and shall only be removed at the discretion of the Association Veterinarian after a satisfactory work. A horse that bleeds a fourth time within a 12-month period, is barred from further racing in Massachusetts. The second through fourth times as outlined above shall mean the visual bleeding during or following a race.~~

(4) (3) If an owner changes trainers, he must notify the Racing Secretary and the Judges and in no instance shall an owner have more than one trainer on the grounds of the Association without the approval of the Board of Judges.

(5) (4) No owner shall accept, directly or indirectly, any bribe, gift or gratuity in any form that might influence the result of any race, or tend to do so.

(6) (5) No owner shall move or permit to be moved any of his horses from the grounds of an Association without written permission of the Association.

(7) (6) The owner and/or trainer shall see to it that a report is made promptly to the Judges and/or the ~~Track Official~~ Veterinarian of any and all sickness of his horses that have been declared to race.

(8) (7) No stable may have in its employment in any capacity any employee under 16 years of age, except as may be permitted by the applicable laws of the Commonwealth of Massachusetts.

(9) (8) The owner thereof shall register the personnel of every stable and changes with the Association on whose track their horses are racing or stabled, and shall be available at all times to representatives of the Commission.

~~(10) No owner or trainer shall employ a Veterinarian who has not been duly licensed in accordance with the laws of the Commonwealth of Massachusetts. Any duly licensed Veterinarian desiring to practice at a race track licensed by the Commission shall be approved by the licensee conducting the meeting and shall list his name with the Judges. The licensee shall warn off all unlicensed Veterinarians.~~

3.19: Urine, Other Tests and Examinations (repealed)

~~(1) No person shall administer or cause to be administered any drug, internally or externally by injection, drench or otherwise, to any horse for the purpose of retarding, stimulating or in any other manner affecting the speed of such horse in or in connection with a race conducted under the provisions of 205 CMR 3.00.~~

~~(2) The trainer, groom and any other person having charge, custody, or care of the horse, are obligated to properly protect the horse and guard it against such actual or attempted administration. If the Judges shall find that any such person has failed to exercise proper protection and guarding of the horse, they shall impose such penalty and take such other action as they may deem proper under any of the rules of racing.~~

~~(3) A blood and urine specimen shall be taken and tested from any horse or horses that may be designated by the Judges and/or the Commission for analysis. The specimens shall be collected under the direction and supervision of the Commission's representatives. Such specimens as may be collected shall be tested by the Racing Chemist at the Racing Commission Laboratory who is hereby designated as the official chemist of the Massachusetts State Racing Commission or a laboratory designated by the Commission.~~

~~(4) The owner, trainer or his groom or other authorized representative shall be present in the testing enclosure when saliva, urine or other specimen is taken from his horse and shall remain until the sample tag is attached to the specimen container. Said tag shall be signed by the owner, trainer or their representative, as witness to the taking of the specimen.~~

~~(5) Willful failure to be present at or a refusal to allow the taking of any such specimen or refusal to sign the specimen tag to the taking of a specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or persons guilty thereof to immediate suspension by the Judges of the meeting and the matter shall be referred to the Commission for such further penalty as in its discretion it may determine.~~

~~(6) The representatives of the Commission may take for analysis samples of any medicine or other materials suspected of containing improper medication or drugs which could affect the racing conditions of a horse in a race, which may be found in the stable area or elsewhere on the track or in the possession of any person connected with racing on such tracks.~~

~~(7) When a horse is claimed, said horse shall be brought to the State Testing Area by the previous owner, trainer or agent and said owner, trainer or agent shall remain with horse until a urine specimen or other sample or test is obtained and said owner, trainer or agent shall sign all necessary documents.~~

~~(8) If the Judges find that as a result of an analysis of a post race blood or urine specimen taken from a horse, that any medication, drug, narcotic, anesthetic, analgesic, tranquilizer or stimulant has been administered to a horse before a race, which is of such a character as could affect the racing condition of the horse in such race, the Judges shall impose such penalty and take such other action as they deem proper under any of the Rules of Racing against every person found by~~

~~them to have administered, attempted to administer, caused to be administered, caused an attempt to administer or conspired with another to administer such medication, drug, etc., and against every trainer responsible to protect and guard such horse against such administration.~~

~~(9) The owner or owners of a horse so found to have received such administration shall be denied, or shall promptly return any portion of the purse or sweepstakes and any trophy in such race, and the same shall be disqualified; the eligibility of other horses which ran in such race and which have started in a subsequent race before announcement of such disqualification shall not be in any way affected.~~

~~(10) Any portion of the purse, if not already paid which is to be redistributed in accordance with 205 CMR 3.19(9) shall be held until the Commission approves such re distribution. 205 CMR 3.19(9) shall apply only to the amount involved on the disqualified horse and shall not prevent payment due other horses in the race pending approval by the Commission.~~

~~(11) Every owner of any horse or horses or his authorized agent or trainer shall immediately, whenever requested by the Commission, submit any horse or horses of which he is the owner, authorized agent or trainer, to any Veterinary Surgeon designated by the Commission for such examination or tests as said Veterinarian may deem advisable.~~

~~(12) Any test or examination made by the veterinarian designated by the Commission may be witnessed by the Commission or by any of its representatives and by the owner or his authorized agent or by the trainer of the horse or horses so examined or tested.~~

~~(13) No person within the grounds of a racing association where horses are lodged or kept shall have in or upon the premises which he occupies or has the right to occupy, or in his personal property or effect, any hypodermic instrument which may be used for injection into a horse of any medication prohibited by 205 CMR 3.00. Every racing association upon the grounds of which race horses are lodged or kept, is required to use all reasonable efforts to prevent the violation of 205 CMR 3.19(13). Every racing association, the Commission and the Judges or any of them, shall have the right to authorize a person or persons to enter, search and inspect the buildings, stables, rooms or other places within the grounds of such association, or at other places where horses which are eligible to race are kept, together with the personal property and the effects contained therein. Every licensed person and persons permitted to pursue his occupation or employment within the grounds of the Association, by accepting his license or such permission, shall consent to such search and to seizure of any hypodermic instrument and anything apparently intended to be used in connection therewith.~~

~~(14) Any owner or trainer once having been suspended for violation of 205 CMR 3.19(8) and thereafter another analysis of the secretion from a horse as above provided or as provided by any other racing commission of any horse owned or trained by the said owner or trainer shows that a drug, narcotic, depressant, stimulant or local anesthetic has been administered or that any electrical, mechanical or other appliance has been used, which in the opinion of the Judges, is of such character as could affect the racing condition of the horse in such a race, the same shall be considered a second offense, and said owner or trainer may be ruled off all tracks in Massachusetts.~~

~~(15) Any person found guilty by the Commission of any participation in or knowledge of the fact that any drug, narcotic, stimulant, depressant, local anesthetic or any electrical, mechanical or other appliance has been used which, in the opinion of the Judges is of such character as could affect the racing condition of such a horse in a race, may be ruled off all tracks in Massachusetts.~~

~~(16) Every association and all officials and employees thereof shall give every possible aid and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States Government or with the Commonwealth of Massachusetts, who may be investigating or prosecuting any such person they may suspect of being guilty of possessing any drug, narcotic, stimulant, depressant or local anesthetic, hypodermic syringes or hypodermic needles, batteries used to stimulate horses or other similar appliances.~~

~~(17) Controlled Medication Program; Phenylbutazone (Bute).~~

~~(a) A horse may receive phenylbutazone up to and including the day of the race.~~

~~(b) The quantitative analysis which is performed on the urine sample of a horse may not exceed 165 micrograms of phenylbutazone and/or its metabolites per milliliter of urine and must contain at least trace levels of phenylbutazone and/or its metabolites as determined by the methods in current use by the official chemist.~~

~~(c) A trainer upon the prescription of a licensed Veterinarian may perform the oral administration of phenylbutazone. A licensed Veterinarian must administer phenylbutazone that is injected.~~

~~(d) Each horse receiving phenylbutazone must be on a Request for Phenylbutazone Use form, which is provided by the Commission. This form contains the date of request, the name of the horse, the name of the trainer and the name of the Veterinarian. This form must be received at the Commission Office on the grounds of the racing plant, no later than noon, 48 hours prior to said horse's next start and must be signed by the trainer.~~

~~(e) Once a Request for Phenylbutazone Use form is filed, said horse shall remain on Phenylbutazone. The filing of one form for each horse is sufficient for the remainder of the meet, unless the horse is removed from the Phenylbutazone program. No entry may be accepted unless it is indicated on the entry form that said horse is on or off Phenylbutazone.~~

~~(f) The Phenylbutazone Removal form provided by the Commission must be filed for any horse that no longer requires Phenylbutazone. This form must be signed by the trainer and must be received at the Commission Office on the grounds of the racing plant, no later than noon, 48 hours prior to the horse's next start.~~

~~(g) Once a horse is removed from the Phenylbutazone program, said horse must remain off Phenylbutazone for a period of 20 days, the date of filing being the first day.~~

~~(h) If any horse of the Phenylbutazone program changes hands either by sale, claim or otherwise, it shall be the responsibility of the new trainer to contact the Racing Commission and fill out a new application to continue said horse on the phenylbutazone program, or file a removal form.~~

~~(i) Two year olds are not allowed on the Phenylbutazone program.~~

~~(18) Nothing herein contained under 205 CMR 3.19(1) through 3.19(17) shall alter or diminish the power of the Commission to review or originate action in any case covered by said 205 CMR 3.19(1) through 3.19(17).~~

~~(19) Bleeder Medication Program. Any horse that bleeds from the lungs as a result of exercise induced pulmonary hemorrhaging, or are suspected of bleeding by his own trainer may be given an endoscopic examination. The endoscopic examination must be done by the Commission or Association Veterinarian or in the presence of a Commission or Association Veterinarian. Such examination shall take place within two hours.~~

~~(a) Post Race in a Test Barn (if space available) or in the Paddock.~~

~~(b) Post Training exercise in the Test Barn.~~

~~(20) Restriction from Racing Following Bleeding. A horse which bleeds based on the criteria outlined in 205-CMR 3.19(19) shall be placed on the Bleeder Medication Program and restricted from racing at any facility under the jurisdiction of this Commission based on a 12 month period starting from the first EIPH (Exercise Induced Pulmonary Hemorrhaging) as follows:~~

~~(a) First time ten days~~

~~(b) Second time 30 days on bleeder list and a satisfactory workout if the horse bled after racing on bleeder medication.~~

~~(c) Third time a minimum of 30 days on Vets list to be removed at the discretion of the Association Veterinarian after a satisfactory workout.~~

~~(d) Fourth time barred for life.~~

~~A list of bleeders shall be posted in the Racing Secretary's office so that other trainers may be aware of bleeders status for claiming purpose, which shall also appear in the daily program. An updated list of bleeders will be forward by the Racing Secretary to the Commission Office in Boston.~~

~~(21) Removal From the Bleeder Program. A horse may be removed from the Bleeder Program upon request of the owner or trainer. A Lasix Removal Form provided by the Judges must be filed for any horse that is removed from the Bleeder Program. This form must be received at the Judge's office no later than 48 hours prior to the horse's next start. Any horse so removed may re-qualify for the Bleeder Program as provided for in 205-CMR 3.19(19)~~

~~(22) Entries. It is the responsibility of the person who enters a horse to provide the Racing Secretary with bleeder medication status of the horse on the entry blank and also provide the Veterinary Office with a "bleeder" certificate if racing from out of state. For any other jurisdictions, a certification or letter from a Commission Veterinarian of that jurisdiction certifying the horse as a known bleeder may be accepted to place the horse on the Massachusetts Bleeder Program.~~

~~In the absence of such a letter, and in the event confirmation cannot be made, the trainer may be allowed to file an affidavit with the Stewards that the horse has raced on bleeder medication in the jurisdiction from which it was shipped and accepts the responsibility to provide documentation from the State Veterinarian of that jurisdiction that the horse in question is a known bleeder and is receiving bleeder medication. Such documentation shall be supplied within 14 days of the date such affidavit is executed. In the absence of either a certification of an affidavit, the horse shall be scratched if it received bleeder medication under the Massachusetts Program prior to the race for which it was entered.~~

~~In the event an affidavit is filed in lieu of certification, any purse earned by that horse shall be~~

held for up to 30 days. If the appropriate documentation is not provided within 14 days to substantiate the affidavit, the matter shall be referred to the Judges.

~~(23) Bleeder Medication.~~

~~(a) All horses on the bleeder program shall be administered Lasix by a practicing Veterinarian. No less than 3cc (150 milligrams) and no more than 5cc (250 milligrams) intravenously not nearer than four hours prior to advertised post time of the race that the horse is entered into.~~

~~(b) It shall be the responsibility of the practicing veterinarian to maintain a record of Lasix administrations that shall contain: the name of the horse, date, time, dosage and signature of trainer. A copy shall be filed with a state steward or judge on a daily basis.~~

~~(24) Bleeder Certification Form. Shall be the type and form of that which shall be available at the Commission office.~~

~~(25) Trainers must make their own arrangements to have their horses scoped by a Veterinarian of their choice in the presence of the Commission or Association Veterinarian.~~

~~(26) Two year olds are not allowed on the Bleeder Program.~~

~~(27) The Racing Commission may randomly take samples in the Test Barn from horses on the bleeder program before they receive Lasix.~~

~~(28) Androgenic anabolic Steroids. No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.~~

~~(a) Concentrations of these AAS shall not exceed the following urine threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):~~

~~1. 16 β hydroxystanozolol (metabolite of stanozolol (Winstrol)) 1 ng/ml in urine for all horses regardless of sex.~~

~~2. Boldenone ((Equipoise[®] is the undecylenate ester of boldenone) In male horses other than geldings; 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.~~

~~3. Nandrolone (Durabolin[®] is the phenylpropionate ester and Deca-Durabolin[®] is the decanoate ester) In geldings 1 ng/ml in urine; in fillies and mares 1 ng/ml in urine.~~

~~4. Testosterone:~~

~~a. In geldings 20 ng/ml in urine~~

~~b. In fillies and mares 55 ng/ml in urine~~

~~(b) Any other anabolic steroids are prohibited in racing horses.~~

~~(c) Post race urine samples must have the sex of the horse identified to the laboratory.~~

~~(d) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. Once the concentration is below the designated threshold the horse is eligible to be removed from the list~~

3.21: Trainers

- (1) Each trainer must obtain a license from the Commission.
- (2) No trainer shall practice his profession except under his own name.
- (3) The Judges may permit a trainer to act pending action on his applications.
- (4) A licensed trainer may represent the owner in the matter of entries and declarations.
- (5) A trainer shall have his horse in the paddock at the time appointed.
- (6) A trainer shall attend his horse in the paddock, unless he has obtained the permission of the Judges. ~~a Judge to send another licensed trainer as a substitute.~~
- (7) The trainer shall be responsible for and be the absolute insurer of the condition of the horses he enters regardless of the acts of third parties.
- (8) Each trainer shall register with the Racing Secretary every person in his employ.
- (9) A trainer shall not have in charge or under his supervision any horse owned, in whole or part by a disqualified person.
- (10) No trainer shall accept, directly or indirectly, any bribe, gift or gratuity in any form that might influence the result of any race or which would tend to do so.
- (11) No trainer shall move or permit to be moved any horse or horses in his care from the grounds of an Association without permission from the Association.
- (12) A trainer shall not enter or start a horse that:
 - (a) is not in serviceably sound racing condition;
 - (b) has been trachea tubed;
 - (c) has been nerved at or above the ankle;
 - (d) has been nerved or had cryosurgery performed on a nerve, except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race;
 - (e) is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision.
 - (f) does not comply with the rules regarding Coggins Test.

(13) The trainer and/or owner shall see to it that a report is made promptly to the Judges and/or the ~~Track~~ Official Veterinarian of any and all sickness of his horses that have been declared to race.

~~(14) Any trainer who injects, gives, or uses or administers any drug or medicines of any kind whatsoever, or who authorizes, allows or permits any other person to give, inject or administer any drugs of any kind whatsoever to a horse within 48 hours prior to the running of a horse in a race, must give notice to the Judges of the use, injection or administering of said drugs or medicines prior to the running of said race. Any trainer failing to give such notice may be suspended or his license revoked.~~

~~(15)~~ (14) Trainers of said horses entered in the first and second races shall inspect the condition of their horse 1½ hours before post time of the first race of the day on which entered to race. If any horse is found, through accident or otherwise, to be unfit to race, the trainer shall report the fact to the Judges one hour before post time of the first race of the day.

~~(16) No owner or trainer shall employ a Veterinarian who has not been duly licensed in accordance with the laws of the Commonwealth of Massachusetts. Any duly licensed Veterinarian desiring to practice at a race track licensed by the Commission shall be approved by the licensee conducting the meeting and shall list his name with the Judges. The licensee shall warn off all unlicensed Veterinarians.~~

3.22: Veterinarians (repealed)

~~(1) Each veterinarian practicing at a racetrack must secure a license from the Racing Commission as outlined in 205-CMR 3.14(1). The veterinarian must be a graduate Veterinary Surgeon in good standing and licensed to practice under the laws of the Commonwealth of Massachusetts.~~

~~Every licensed veterinarian licensed by the Massachusetts State Racing Commission shall keep a written record of his practice concerning horse participating at a Harness Track in the state where performed at a licensed track or elsewhere which shall disclose:~~

- ~~(a) the name of the horse;~~
- ~~(b) the type of treatment prescribed for and medicine administered to the horse;~~
- ~~(c) the date of such treatment.~~

~~Every licensed Veterinarian shall produce such written records when requested by an official of the State Racing Commission.~~

~~Veterinarians licensed by the Commission to practice their profession by the Commission shall not be eligible to hold an owner or trainer license at tracks under the jurisdiction of the Commission.~~

~~(2) The Paddock Veterinarian shall be responsible for determining the fitness of each entry before race time.~~

~~The Paddock Veterinarian may conduct any part of a physical examination considered necessary to establish an entry's fitness.~~

~~The Paddock Veterinarian shall observe the horse in motion before it races.~~

~~The groom should be available at any time to remove bandages or make any harness or tack equipment available for inspection as the Paddock Veterinarian directs.~~

~~Any unsoundness or illness that in the opinion of the Paddock Veterinarian disqualifies the entry from racing shall be promptly reported to the judges.~~

~~The Paddock Veterinarian may place a horse on a veterinarian's list if the horse shows signs of illness or lameness during or after a race.~~

~~(3) The Paddock Veterinarian shall be present in the paddock during the course of the entire racing card for that day. The Paddock Veterinarian shall examine any horse or horses as requested by the judges and report the results of that examination as rapidly as possible to the judges. The Trainer shall make the entry available for such examination.~~

~~(4) In either of the aforementioned cases, stated in 205 CMR 3.22(2) and 3.22(3) the Judges shall determine whether or not the horses shall be permitted to start; if not permitted to start, the horse automatically goes on the Veterinarian's List, and thereafter shall not be permitted to enter until the Veterinarian notifies the Racing Secretary and the Judges that the horse is again fit to compete.~~

~~(5) The Paddock Veterinarian shall be attendant on the Judges at scratch time and shall examine such horse or horses as they request, and make report to the Judges as promptly as possible.~~

~~(6) No owner or trainer shall employ a Veterinarian who has not been duly licensed in accordance with the laws of the Commonwealth of Massachusetts. Any duly licensed Veterinarian desiring to practice at a race track licensed by the Commission shall be approved by the licensee conducting the meeting and shall list his name with the Judges. The licensee shall warn off all unlicensed Veterinarians.~~

~~(7) Veterinarians approved to practice on the property of a licensee as provided by 205 CMR 3.22(6), as adopted by the Commission shall not be eligible to participate in racing as an owner, trainer or driver at any harness horse racing meeting conducted on the property of said licensee.~~

~~(8) Veterinarians are prohibited from disposing of any hypodermic syringes or needles in the stable area or on the grounds of an Association.~~

Practicing Veterinarians

A. Eligibility

An applicant for a license as practicing veterinarian shall be qualified and licensed to practice veterinary medicine in this jurisdiction and be otherwise qualified to be issued a license to participate in racing. An application for a practicing veterinarian license from the Commission must be accompanied by a copy of the applicant's current license to practice veterinary medicine.

B. Responsibility

- (1) All practicing veterinarians administering drugs, medications or other substances shall be responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with rules in 205 CMR 3.00.
- (2) All practicing veterinarians shall promptly notify the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge.
- (3) All veterinarians shall file individual remittance certificates with individual blood samples when testing for equine infectious anemia. Upon receipt from an approved testing laboratory, the certificates shall be returned to the trainer whose responsibility it shall be to safeguard said certificate and surrender same to a new owner and/ or trainer in cases of claims, sales or transfers. All veterinarians shall notify the State Veterinarian immediately upon receipt of a positive report.

C. Restrictions

- (1) A practicing veterinarian shall not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.
- (2) Veterinarians licensed by the Commission to practice their profession by the Commission to practice their profession shall not be eligible to hold an owner, trainer, or driver license at tracks under the jurisdiction of the Commission.

3.25: Official Veterinarian

General Authority

The official veterinarian shall:

- (1) be employed by the Commission;
- (2) be a graduate veterinarian and be licensed to practice in this jurisdiction;
- (3) recommend to the judges any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;
- (4) place horses on the Veterinarian's List, when necessary, and remove horses from the Veterinarian's List;
- (5) place horses on the Bleeder List and remove horses from the Bleeder List;
- (6) maintain a continuing health and racing soundness record of each horse given a racing soundness inspection;
- (7) have the authority to supervise and control the Test Barn;
- (8) supervise the taking of all specimens for testing according to procedures approved by the Commission;
- (9) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;
- (10) have authority and jurisdiction over the racing veterinarian and the practicing licensed veterinarians on the association grounds for the purpose of these rules;
- (11) report to the Commission the names of all horses humanely destroyed or which otherwise expire at the race meeting and the reasons therefore;

- (12) maintain all required records of postmortem necropsy examinations performed on horses which have died on association grounds;
- (13) refrain from directly treating or prescribing for any horse scheduled to participate during the official veterinarian's term of appointment at any recognized race meeting except in cases of emergency, accident or injury;
- (14) refuse employment or payment, directly or indirectly, from any owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the Commission;
- (15) review and make recommendations regarding Commission license applications of practicing veterinarians;
- (16) cooperate with practicing veterinarians and other regulatory agencies regarding medication issues and to take measures to control communicable and/or reportable equine diseases;
- (17) periodically review all horse papers under the jurisdiction of the Commission to ensure that all required test and health certificates are current and properly filed in accordance with these rules;
- (18) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act; and
- (19) provide the judges with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples.

3.26: Racing Veterinarian

- (1) The racing veterinarian(s) shall be employed by the Association.
- (2) The racing veterinarian shall:
 - (a) be directly responsible to the official veterinarian;
 - (b) be a graduate veterinarian and be licensed to practice in this jurisdiction;
 - (c) be available to the racing secretary and/or judges each racing day at a time designated by the judges, to inspect any horses and report on their condition as may be requested by the judges;
 - (d) inspect any horse when there is a question as to the physical condition of such horse;
 - (e) recommend scratching a horse to the judges if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
 - (f) be present in the paddock as required by the official veterinarian;
 - (g) observe each horse in motion during a warm-up mile, during the post parade, during the running of the race, and following the race until the horse has exited the race track;
 - (h) inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with the racing veterinarian's opinion as to the cause of the distress to the judges and to the official veterinarian;

- (i) refrain from directly treating or prescribing for any horse scheduled to participate during racing veterinarian's term of appointment at any recognized race meeting except in cases of emergency, accident or injury;
- (j) refuse employment or payment, directly or indirectly, from any owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the racing veterinarian;
- (k) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act;
- (l) inspect all of the horses in a race prior to their starting and after the finish of a race shall observe the horses upon their leaving the track;
- (m) with approval of the official veterinarian, place horses on the Bleeder List; and
- (n) with approval of the official veterinarian, place horses on or remove them from the Veterinarian's List.

3.27: Veterinary Practices

A. Veterinarians under Authority of Official Veterinarian

Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the official veterinarian and the judges. The official veterinarian shall recommend to the judges or the Commission the discipline that may be imposed upon a veterinarian who violates the rules.

B. Treatment Restrictions

- (1) Only licensed trainers, licensed owners, or their designees shall be permitted to authorize veterinary medical treatment of horses under their care, custody and control at locations under the jurisdiction of the Commission.
- (2) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, or chemical to a horse at any location under the jurisdiction of the Commission.
- (3) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:
 - (a) A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;
 - (b) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or
 - (c) A non-injectable non-prescription medication or substance.
- (4) No person shall possess a hypodermic needle, syringe capable of accepting a needle or injectable of any kind on association grounds, unless otherwise approved by the Commission. At any location under the jurisdiction of the Commission, veterinarians may use only one-time disposable syringe and needle, and shall dispose of both in a manner approved by the Commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person may request permission

of the judges and/or the Commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the judges and/or the Commission.

(5) Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of furosemide under the guidelines set forth in 205 CMR 3.29(F), unless approved by the official veterinarian or his/her designee. Any unauthorized contact may result in the horse being scratched and may result in further disciplinary action by the judges.

(6) Any horse entered for racing must be present on the grounds prior to the scheduled furosemide administration time, or prior to the time prescribed to be present in the race paddock for the race entered.

C. Veterinarians' Reports

(1) Every veterinarian licensed by the Massachusetts State Racing Commission shall keep a written record of his practice when performed on the premises of a facility under the jurisdiction of the Commission which shall disclose:

- (a) the name of the horse;
- (b) the type of treatment prescribed for and medicine administered to the horse;
- (c) the date of such treatment.

(2) Every licensed Veterinarian shall produce such written records when requested by an official of the State Racing Commission.

3.28: Prohibited Practices

The following are considered prohibited practices:

(1) The possession or use of a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which:

- (a) a recognized analytical method has not been developed to detect and confirm the administration of such substance; or
- (b) the use of which may endanger the health and welfare of the horse or endanger the safety of the driver; or
- (c) the use of which may adversely affect the integrity of racing; or,
- (d) no generally accepted use in equine care exists.

(2) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the Commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in (human or animal) is forbidden without prior permission of the official veterinarian or his/her designee.

(3) The possession and/or use of the following substances or of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the Commission is forbidden:

- (a) Aminoimidazole carboxamide ribonucleotide (AICAR)
 - (b) Cobra venom or derivatives thereof
 - (c) Darbepoetin
 - (d) Equine Growth Hormone
 - (e) Erythropoietin (EPO)
 - (f) Hemopure
 - (g) *myo*-Inositol Triphosphate (ITPP)
 - (h) Oxyglobin
 - (i) Snail venoms or derivatives thereof
 - (j) Thymosin beta
- (4) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:
- (a) Any treated horse shall not be permitted to race or breeze for a minimum of 10 days following treatment;
 - (b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission using registered and approved machines;
 - (c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the official veterinarian or his/her designee before use.
 - (d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported within one (1) day to the official veterinarian or his/her designee on the prescribed form. The horse shall be added to a list of ineligible horses.
 - (e) Any person participating in the use of ESWT and/or the possession of ESWT machines in violation of this rule shall be considered to have committed a Prohibited Practice and is subject to a Class A Penalty.
- (5) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his/her designee.

3.29: Medications and Prohibited Substances

A. Aggravating and Mitigating Factors

Upon a finding of a violation of these medication and prohibited substances rules, the judges shall consider the classification level of the violation as listed at the time of the violation in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International and impose penalties and disciplinary measures consistent with the recommendations contained therein. The judges shall also consult with the official veterinarian, laboratory director or other individuals to determine the seriousness or the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (1) The past record of the trainer, veterinarian and owner in drug cases;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The legal availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (7) The purse of the race;
- (8) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (9) Whether there was any suspicious betting pattern in the race, and;
- (10) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

B. Penalties

- (1) In issuing penalties against individuals found guilty of medication and drug violations a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (2) If a licensed veterinarian is administering or prescribing a drug not listed in the RCI *Uniform Classification Guide lines for Foreign Substances*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.

C. Medication Restrictions

- (1) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:
 - (a) Drugs or medications for which no acceptable threshold concentration has been established;
 - (b) Controlled therapeutic medications in excess of established threshold concentrations as set forth in the ARCI Controlled Therapeutic Medication Schedule as listed at the time of the violation;
 - (c) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

(d) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(2) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter during the 24-hour period before post time for the race in which the horse is entered.

D. Medical Labeling

(1) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection.

(2) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (a) The name of the product;
- (b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;
- (c) The name of each patient (horse) for whom the product is intended/prescribed;
- (d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
- (e) The name of the person (trainer) to whom the product was dispensed.

E. Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

(1) The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

- (i) Phenylbutazone – 2 micrograms per milliliter;
- (ii) Flunixin – 20 nanograms per milliliter;
- (iii) Ketoprofen – 10 nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs, in the post-race serum or plasma sample is not permitted.

- (i) A finding of phenylbutazone below a concentration of one-half (.5) microgram per milliliter of blood serum or plasma shall not constitute a violation of this section.

- (ii) A finding of flunixin below a concentration of three (3) nanograms per milliliter of blood serum or plasma shall not constitute a violation of this section.
- (d) The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.
- (2) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

F. Furosemide

- (1) 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 the official veterinarian or his/her designee shall be notified using the prescribed form, that the horse is to be put on the Furosemide List.

(b) The form must be received by the official veterinarian or his/her designee by the time of entry.

(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.

(e) Furosemide shall only be administered on association grounds.

(f) Furosemide shall be the only authorized bleeder medication.

(g) The use of furosemide shall not be permitted in two year olds.

(2) 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 by single intravenous injection 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 250 mg. nor be less than 150 mg.

(c) After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(3) 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 100 nanograms of furosemide per milliliter of serum or plasma.

(4) A horse which has been placed on the Furosemide List in another jurisdiction pursuant to these rules shall be placed on the Furosemide List in this jurisdiction. A notation on the horse's electronic eligibility certificate of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.

G. Bleeder List

- (1) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.
- (2) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the minimum following time periods:
 - (a) First incident – 14 days;
 - (b) Second incident – 30 days;
 - (c) Third incident – 180 days;
 - (d) Fourth incident – barred for racing lifetime.
- (3) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.
- (4) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy.
- (5) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

H. Androgenic-Anabolic Steroids

- (1) No AAS shall be permitted in test sample collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.
- (2) Concentrations of these AAS shall not exceed the following urine threshold concentrations for total (*i.e.*, free drug or metabolite and drug or metabolite liberated from its conjugates):
 - (a) 16 β -hydroxystanozolol (metabolite of stanozolol (Winstrol)) – 1 ng/ml in urine for all horses regardless of sex;
 - (b) Boldenone (Equipoise® is the undecylenate ester of boldenone) in male horses other than geldings – 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.
 - (c) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester)
 - (A) In geldings - 1 ng/ml in urine
 - (B) In fillies and mares – 1 ng/ml in urine
 - (d) Testosterone
 - (A) In geldings – 20 ng/ml in urine
 - (B) In fillies and mares – 55 ng/ml in urine
- (3) Any other anabolic steroids are prohibited in racing horses.
- (4) Post-race urine samples must have the sex of the horse identified to the laboratory.

I. Alkalinizing Substances

The use of agents that elevate the horse's TCO₂ or Base excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited. The following levels also apply to blood gas analysis:

(1) The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum for horses not treated with furosemide and 39.0 millimoles per liter of plasma/serum for horses treated with furosemide and;

(2) The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample for horses not treated with furosemide and 39.0 millimoles per liter of plasma/serum for horses treated with furosemide plus the measurement uncertainty of the laboratory analyzing the sample for horses treated with furosemide.

3.30: Out of Competition Testing for Blood and/or Gene Doping Agents

(1) Any horse on the grounds at a racetrack or training center under the jurisdiction of the commission; or under the care or control of trainer or owner licensed by the commission is subject to testing for blood and/or gene doping agents without advance notice.

(2) Horses to be tested may be selected at random, with probable cause, or as determined by the commission;

(3) The Commission Veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time, take a urine, blood or hair sample from a horse for this purpose.

(4) Prohibited substances, practices and procedures are defined as:

(a) 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.

(b) Gene doping agents or the non-therapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia.

(5) Cooperation with the Commission Veterinarian, or his/her designee, includes assisting in the immediate location and identification of the horse selected and providing a stall or safe location to collect the samples.

(6) Split samples for out of competition testing will be collected as per 205 CMR 3.32(C).

3.31: Physical Inspection of Horses

A. Assessment of Racing Condition

(1) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.

(2) The inspection shall be conducted by the official veterinarian or the racing veterinarian.

(3) The assessment of a horse's racing condition shall include:

(a) Proper identification of each horse inspected;

(b) Clinical observation of each horse in motion during a warm-up mile, during the post parade, during the running of the race, and following the race until the horse has exited the race track;

(c) Visual inspection of the entire horse and assessment of overall condition; and,

(d) Any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian including but not limited to manual palpation and/or manipulation of the limbs.

- (4) The official veterinarian shall maintain a permanent, continuing health and racing soundness record of each horse inspected.
- (5) The official veterinarian is authorized access to any and all horses housed on the association grounds regardless of entry status.
- (6) If, prior to starting, a horse is determined to be unfit for competition, the official veterinarian and/or the racing veterinarian will recommend to the judges the horse be scratched.
- (7) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the Veterinarians' List.

B. Veterinarian's List

- (1) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or any other medical condition. Horses so listed are ineligible to enter to race in any jurisdiction until released by an official veterinarian or racing veterinarian.
- (2) A horse may be removed from the Veterinarian's List when, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the veterinarian's List is resolved and the horse's status is returned to that of racing soundness.
- (3) Horses working to be released from the Veterinarian's List are to be in compliance with 205 CMR 3.00 and are to be subjected to post-work biologic sample collection for laboratory confirmation or compliance. Violations may result in penalties consistent with 205 CMR 3.29(A).
- (4) Horses may be released from the Veterinarian's List only by authorization of the official veterinarian.
- (5) Horses having generated a "positive" post race test for an RCI Class I or II substance shall be required to generate a negative test at the expense of the current owner prior to being entered for the first start following the positive test

3.32: Testing

A. Reporting to the Test Barn

- (1) The official winning horse and any other horse ordered by the Commission and/or the judges shall be taken to the test barn to have blood and urine samples taken at the direction of the official veterinarian.
- (2) Random or extra testing may be required by the judges or the Commission at any time on any horse on association grounds.
- (3) Unless otherwise directed by the judges or the official veterinarian, a horse that is selected for testing must be taken directly to the test barn.
- (4) A security guard shall monitor access to the test barn area during and immediately following each racing performance. All persons who wish to enter the test barn area must be a minimum of 16-years-old, be currently licensed by the Commission, display their Commission identification badge and have a legitimate reason for being in the test barn area.

(5) The owner, trainer or his groom or other authorized representative shall be present in the testing enclosure when a saliva, urine or other specimen is taken from his horse and shall remain until the sample tag is attached to the specimen container. Said tag shall be signed by the owner, trainer or their representative as witnesses to the taking of the specimen.

(6) Willful failure to be present at or a refusal to allow the taking of any such specimen or refusal to sign the specimen tag to the taking of a specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or person guilty thereof to immediate suspension by the judges of the meeting and the matter shall be referred to the Commission for such further penalty as in its discretion it may determine.

B. Testing of Claimed Horses

(1) In the event a horse is claimed, and has been designated for a post race test said claimed horse shall be brought to the State Testing Area by the previous owner, trainer, or agent, and said owner, trainer or agent shall remain with this horse in the testing area until a urine specimen or other sample or test is received from the horse, and said previous owner, trainer or agent shall sign all necessary documents.

(2) Should the analysis of a post race blood, urine or saliva specimen taken from a claimed horse result in a post race positive test, the claimant's trainer shall be promptly notified by the judges and the claimant shall have the option to void said claim. An election to void a claim shall be submitted in writing to the judges by the claimant or his trainer.

C. Split Samples

(1) Split samples shall be secured and made available for further testing in accordance with the following procedures:

(a) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the Commission.

(b) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples. A log shall be maintained that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed.

(c) Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the official veterinarian or a designated Commission representative.

(2) A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a prohibited substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another [referee] laboratory approved by the Commission. The request must be made in writing and delivered to the judges not later than

three (3) business days after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional 48 hours.

(3) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the Commission shall confirm the referee laboratory's willingness to simultaneously provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the Commission, and arrangements for payment satisfactory to the referee laboratory.

(4) Prior to opening the split sample freezer, the Commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample. The split sample chain of custody form requirements are:

- (a) The date and time the sample is removed from the split sample freezer;
- (b) The sample number;
- (c) The address where the split sample is to be sent;
- (d) The name of the carrier and the address where the sample is to be taken for shipment;
- (e) Verification of retrieval of the split sample from the freezer;
- (f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;
- (g) Verification of the address of the referee laboratory on the split sample package;
- (h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and
- (i) The date and time custody of the sample is transferred to the carrier.

(5) A split sample shall be removed from the split sample freezer by a Commission representative in the presence of a representative of the horsemen's association.

(6) The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the Commission, in accordance with the packaging procedures recommended by the Commission. A form shall be signed by both the horsemen's representative and the Commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(7) The package containing the split sample shall be transported in a manner prescribed by the commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the Commission-approved laboratory selected by the owner or trainer.

(8) The owner, trainer or designee and the Commission representative shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(9) The split sample chain of custody verification form shall be completed and signed by the representatives of the Commission and the owner or trainer. A Commission representative shall keep the original and provide a copy for the owner or trainer.

(10) If the split sample does not arrive at the referee laboratory because of an act of God or other condition beyond the control of the Commission, the findings in the original sample shall serve as *prima facie* evidence of any medication violation.

D. Frozen Samples

The commission has the authority to direct the official laboratory to retain and preserve by freezing samples for future analysis. The fact that purse money has been distributed prior to the issuance of a laboratory report from the future analysis of a frozen sample shall not be deemed a finding that no drug substance prohibited by these rules has been administered.

E. Suspicious Substances

The representatives of the Commission may take for analysis samples of any medicine or other materials suspected of containing improper medication or drugs which could affect the racing conditions of a horse in a race, which may be found in the stable area or elsewhere on the track or in the possession of any person connected with racing on such tracks.

3.33: Postmortem Examinations

(1) The Commission may require a postmortem examination of any horse that dies or is euthanized on association grounds.

(2) The Commission may require a postmortem examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.

(3) If a postmortem examination is to be conducted, the Commission shall take possession of the horse upon death for postmortem examination. All shoes shall be left on the horse.

(4) If a postmortem examination is to be conducted, the Commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization. The Commission may submit blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination for analysis. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.

(5) All licensees shall be required to comply with postmortem examination requirements as a condition of licensure. In proceeding with a postmortem examination the Commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.

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4.01: Foreword

The Massachusetts State Racing Commission, hereinafter called the Commission, was created by an act of the Legislature of the Commonwealth of Massachusetts in the year 1934. M.G.L. c. 128A as inserted by St. 1934, c. 374 and amendments states that the Commission shall have full power to prescribe rules, regulations and conditions under which all horse races or horse racing meetings shall be conducted in the Commonwealth.

205 CMR 4.00, as herein prescribed apply to all persons or individuals, associations or corporations, which shall hold or conduct any running horse racing meeting within the Commonwealth of Massachusetts licensed by the Commission, where horse racing shall be permitted for any stake, purse or reward and the definitions here given are to be considered in connection with 205 CMR 4.00 and as a part of it.

All licensees and participants are charged with knowledge of 205 CMR 4.00. No licensee or other persons shall engage in his or her occupation at any Massachusetts running horseracing track without first reading 205 CMR 4.00.

Should any question arise as to the meaning of any rule or regulation, the Commission or its representatives will be available to provide an explanation.

Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe and enforce 205 CMR 4.00. Furthermore; it shall be the duty of each and every officer, director and every official and employee of said licensee to observe and enforce 205 CMR 4.00.

Any and all of 205 CMR 4.00 may be amended, altered, repealed or supplemented by new and additional rules.

The Commission may make exceptions or waive any rule or rules in individual instances as in its judgment it may deem proper.

The Commission may rescind, modify or increase any penalty or decision on infraction of the rules imposed or made by the racing officials.

The laws of the Commonwealth of Massachusetts and 205 CMR 4.00 supersede the conditions of a race, or the regulations of race meeting.

205 CMR 4.00 is supplemented by the State Administrative Procedure Law found in M.G.L. c. 30A. M.G.L. c. 30A provides the procedures that must be followed by all state agencies on such matters as the amending process and the adjudicatory procedure. Under M.G.L. c. 30A any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request.

If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission upon written notice to the Commission within ten days. At such hearing each party shall be given an opportunity to be represented by an attorney, to call and examine witnesses, to introduce exhibits, to cross-examine witnesses who testify and to submit rebuttal evidence. The Commission shall make available upon request an official record of the hearing and a party may request and receive a transcript of such record upon payment to the Commission of the cost of such transcript. The Commission shall provide, in writing, its decision along with findings of fact and conclusions of law.

Any person who does not agree with a final decision of the Commission shall be entitled to judicial review of such decision by filing a petition for review in Superior Court within 30 days after receipt of notice of the final decision of the Commission. The review shall be conducted by the court without a jury and, in most instances, shall be confined to the record.

The rules on pari-mutuel wagering are located in an entirely separate rulebook entitled *205 CMR 6.00 Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing*.

4.02: Definitions

The following definitions and interpretations shall apply in 205 CMR 4.00 unless the text otherwise requires:

Act is the enabling legislation permitting pari-mutuel horse racing in this jurisdiction.

Added Money is the amount added into a stakes by the Association, or by sponsors, state-bred programs or other funds added to those monies gathered by nomination, entry, sustaining and other fees coming from the horsemen.

Administer or Administration is the introduction of a substance into the body of a horse.

Age of a horse foaled in North America shall be reckoned from the first day of January of the year of foaling.

Also Eligible pertains to:

(a) a number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline;

(b) The next preferred non-qualifier for the finals or consolation from a set of elimination trials which will become eligible in the event a finalist is scratched by the stewards for a rule violation or is otherwise eligible if written race conditions permit.

Allowance Race is an overnight race for which eligibility and weight to be carried is determined according to specified conditions that include age, sex, earnings and number of wins.

Appeal is a request for the Commission or its designee to investigate, consider and review any decision or rulings of stewards of a meeting.

Arrears are all monies owed by a licensee, including subscriptions, jockey fees, forfeitures and any default incident to these rules.

Associated Person is the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person would give the appearance that such other person or entity would care for or train a racing animal or perform veterinarian service on a racing animal for the benefit, credit, reputation, or satisfaction of the inactive person.

Association any person or persons, associations, or corporations licensed by the Commission to conduct horse racing within the Commonwealth of Massachusetts for any stake, purse or reward.

Association Grounds is all real property utilized by the Association in the conduct of its race meeting, including the racetrack, grandstand, concession stands, offices, barns, stable area, employee housing facilities and parking lots.

Authorized Agent is a person licensed by the Commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner in whose behalf the agent will act.

Beneficial Interest is profit, benefit or advantage resulting from a contract or the ownership of an estate as distinct from the legal ownership or control. When considered as designation or character of an estate, is such an interest as a devisee, legatee or donee taken solely for his own use or benefit and not as holder of title for use and benefit of another.

Betting Interest is one or more horses in a pari-mutuel contest, which are identified by a single program number for wagering purposes.

Bleeder means a horse which has demonstrated external evidence of exercise induced pulmonary hemorrhage.

Bleeder List is a tabulation of all bleeders to be maintained by the Commission.

Breeder is the owner of the horse's dam at the time of foaling.

Calendar Day is 24 hours ending at midnight.

Cheek Piece is two strips of sheepskin or any other similar material that is attached to the cheek pieces of the bridle.

Claiming Race is a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with the rules.

Commission is the regulatory agency with the authority to regulate racing.

Conditions are qualifications that determine a horse's eligibility to be entered in a race.

Contest is a competitive racing event on which pari-mutuel wagering is conducted.

Contestant is an individual horse participating in a contest.

Controlled Therapeutic Medication is any medication approved by the Association of Racing Commissioners International for which the regulatory analyte concentration in the sample(s) may not exceed specified regulatory limits published herein.

Coupled Entry is two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes (also see "Entry").

Day is a 24-hour period beginning at 12:01 A.M. and ending at 12:00 P.M. midnight.

Dead Heat is the finish of a race in which the noses of two or more horses reach the finish line at the same time.

Declaration is the act of withdrawing an entered horse from a race prior to the closing of entries.

Draw means the process of assigning post positions and the process of selecting contestants in a manner to ensure compliance with the conditions of the rules of racing.

Ejected shall mean the removal from the grounds of an Association and shall apply to both patrons at racing meetings and participants in racing.

Entry is:

(a) a horse made eligible to run in a race;

(b) two or more horses, entered in the same race, which have common ties of ownership, lease or training.

Equipment as applied to a horse, shall mean riding crops, spurs, blinkers, tongue straps, muzzles, hoods, nose-bands, bits, shadow rolls, martingales, breast plates, bandages, boots, plates, etc.

Exhibition Race is a race on which no wagering is permitted.

Financial Interest is an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity; or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have a financial interest.

Flat Race is a race in which horses mounted by jockeys run over a course on which no jumps or other obstacles are placed.

Forfeit is money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the Stewards or the Commission.

Furosemide List means a tabulation of all horses eligible to participate in a race with furosemide in its system.

General Partner shall mean the person or persons having full, exclusive and complete control and discretion of the management of the affairs of a Limited Partnership.

Guest Association is an association which offers licensed pari-mutuel wagering on contests conducted by another association (the host) in either the same state or another jurisdiction.

Handicap is a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.

Horse is any equine (including and designated as a mare, filly, stallion, colt, ridgeling or gelding) registered for racing; specifically, an entire male five years of age or older.

Host Association is the association conducting a licensed pari-mutuel meeting from which authorized contests or entire performances are simulcast.

Inactive Person is any person whose license has been suspended for more than 30 days; whose license has expired or been revoked; or whose license application has been denied.

Inquiry is an investigation by the Stewards of potential interference in a contest prior to declaring the result of said contest official.

Jockey is a professional rider licensed to ride in races.

Law or Laws shall mean M.G.L. c. 128A (being the general laws pertaining to horse racing).

Licensee is any person or entity holding a license from the Commission to engage in racing or a regulated activity.

Limited Partnership shall mean any person holding an interest in a horse, who is not a general partner.

Maiden is a horse that has never won an official or recognized race as defined in breed registry rules.

Maiden Race is a contest restricted to non-winners.

Match Race is a race between two horses under conditions agreed to by their owners.

Medication is any substance or metabolite capable of exerting a pharmacological effect on the horse's system with an accepted use in the diagnosis, cure, treatment or prevention of a veterinary medical condition.

Meeting is the specified period and dates each year during which an association is authorized to conduct racing by approval of the Commission.

Month is a calendar month.

Multiple Ownership shall mean any ownership of a horse by more than one individual.

Mutuel Field is two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

Nomination is the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

Nominator is the person or entity in whose name a horse is nominated for a race or series of races.

Objection is:

(a) a written complaint made to the Stewards concerning a horse entered in a race and filed not later than one hour prior to the scheduled post time of the first race on the day in which the questioned horse is entered:

(b) a verbal claim of foul in a race lodged by the horse's jockey, trainer, owner or the owner's authorized agent before the race is declared official.

Official Order of Finish is the order of finish of the horses in a contest as declared official by the Stewards.

Official Starter is the official responsible for dispatching the horses for a race.

Official Running Time is the elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

Off Time is the moment at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest.

Optional Claiming Race is a contest restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race shall be considered, for the purpose of 205 CMR 4.00, a claiming race. In the case of horses not entered to be claimed, the race shall be considered an allowance race.

Overnight Race is a contest for which entries close at a time set by the racing secretary; also known as "Purse Race."

Owner is a person who holds any title, right or interest, whole or partial in a horse, including the lessee and lessor of a horse.

Paddock is an enclosure in which horses scheduled to compete in a contest are saddled prior to racing.

Pari-Mutuel System is a manual, electro-mechanical, or computerized system and all software (including the totalisator, account betting system and off-site betting equipment) that is used to record bets and transmit wagering data.

Patron is a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

Performance is a schedule of contests conducted on the same day as authorized by the Commission.

Permit is an authorization by the Commission to an association to conduct horse racing with pari-mutuel wagering at a specified location.

Person is any individual, partnership, corporation or other association or entity.

Place in racing shall mean first, second, third, or fourth, and in that order is called "Win," "Place," "Show" and "Fourth".

Post Position is the pre-assigned position from which a horse will leave the starting gate.

Post Time is the scheduled ~~starting time for a contest.~~ time for horses to arrive at the starting gate for a contest.

Prima Facie Evidence is evidence that, until other evidence overcomes its effect, will suffice as proof of fact in issue.

Produce Race is one in which the produce of horses named or described at the time of entry are the contestants.

Program is the published listing of all contests and contestants for a specific performance.

Protest is a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing an act or an owner, trainer, jockey or official prohibited by rules, which, if true, shall exclude that horse/jockey from racing.

Purse is the total cash amount for which a race is contested.

Race is a contest between horses at a licensed meeting.

Race Day means any period of 24 hours beginning at midnight and included in the period of a race meeting -- and in a matter of penalties the word "day" means a "calendar day."

Restricted Area is an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access.

Result is that part of the official order of finish used to determine the pari-mutuel payoff of pools for each individual contest.

Ruled Off shall mean the act of debarring from the grounds of an Association and denying all racing privileges.

Rules shall mean the Rules and Regulations herein prescribed and any amendments or additions thereto.

Scratch is the act of withdrawing an entered horse from a contest after closing of entries.

Scratch Time is the deadline set by the association for withdrawal of entries from a scheduled performance.

Simulcast is the live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

Stable Name is a name used other than the actual legal name of an owner or lessee and registered with the Commission.

Stakes Race is a contest in which nominations, entry and/or starting fees contribute to the purse. **No overnight race shall be considered a stakes race. Special designations or classifications for stakes races such as "Graded Stakes" or "Black Type" shall be determined by the appropriate breed registries or recognized authorities.**

Starter is a horse that becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

Steeplechase Race is a contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

Steward is a duly appointed racing official with powers and duties specified by rules.

Subscription shall mean the act of nomination to a stake race.

Substantial Evidence is a evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.

Suspended shall mean that any privilege granted to a licensee of the Commission by the officials of a racing meeting or by the Commission has been withdrawn.

Traction Device is any modification or isolated device that extends below the ground bearing plane of the horseshoe (e.g. traction nails, toe grabs, turndowns, blocked heels, jar calks, stickers and Memphis bars) or restricts the natural forward slide of the hoof upon impact.

Trial Race is part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest..

Walkover is a race in which only one horse starts or in which all the starters are owned by the same interest. **To claim the purse the horse(s) must start and go the distance of the race.**

Week is a calendar week and/or any seven consecutive days.

Weigh In is the presentation of a jockey to the clerk of scales for weighing after a race.

Weigh Out is the presentation of a jockey to the clerk of scales for weighing prior to a race.

Weight for Age is a race in which a fixed scale is used to assign the weight to be carried by individual horse according to age, sex, distance of the race, and season of the year.

Winner is the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards.

Year is a calendar year.

4.03: Appeal to the Commission

- (1) A final appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission, may be taken to the Commission.
- (2) Such an appeal must be filed in writing at the office of the Commission within ten days of date of said penalty or imposition of said discipline.
- (3) The request shall be signed by the person making it and must set forth his reason for believing he is entitled to a hearing.
- (4) An applicant for a hearing will be heard in person and may be represented by counsel.
- (5) All complaints and requests to the Commission must be in writing, and all papers filed with the Commission shall be the property of the Commission.
- (6) An appeal from a decision of a racing official to the Commission shall not affect such decision until the Commission has acted upon the appeal, **unless otherwise ordered by a court of competent jurisdiction. The Commission may vacate, modify or increase any penalty imposed by the Stewards and said decision of the Commission shall be final.**

4.10: Corrupt Practices

- (1) No person shall influence, induce or conspire or connive with or attempt so to do, any owner, trainer, jockey, agent, driver, groom or other person associated with or interested in or having charge of or access to any horse ~~or dog~~ entered or to be entered in a race for the purpose of fraudulently affecting the ultimate result of such race.
- (2) No person shall willfully enter, or cause to be entered, or start a horse that he knows or believes to be ineligible or disqualified.
- (3) No person shall offer or receive money or any other benefit for declaring **or scratching** an entry from a race.
- (4) No person shall conspire with any other person for the commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing nor shall he/she commit such act on his/her own account.
- (5) No person without proper notice to the Stewards, shall be part owner or trainer of any horse in which a jockey has an interest.
- (6) No person shall make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then only on said horse.
- (7) No person shall offer or give a jockey any money or other benefit in relation to a race, unless said person is the owner or trainer of the horse ridden in said race by said jockey.

- (8) No person shall solicit bets on the grounds of an Association.
- (9) A horse, starting in a race, shall not be shod with ordinary or training shoes.
- (10) Bar plates may be used only with the consent of the Stewards and discontinuance of their use must be obtained from the Stewards.
- (11) No electrical or mechanical device or other expedient designed to increase or decrease the speed of a horse, (or that would tend so to do) other than the ordinary riding crop or spurs, shall be possessed by any one or applied by any one to a horse at any time on the grounds of an Association, during a Meeting whether in a race or otherwise.
- (12) No person shall tamper or attempt to tamper with any horse in such a way as to affect its speed in a race, nor shall be counsel or in any way aid or abet any such tampering.
- (13) No person shall assume or pay, directly or indirectly, a forfeiture imposed upon a jockey.
- (14) No jockey's attendant shall make a bet on any race nor shall he/she place a bet for anyone else.

4.12: Forfeitures and Suspensions

- (1) No racing official other than the Stewards and the Starter shall have the right to impose a forfeiture or suspension.
- (2) The Stewards may not rescind a forfeiture, except with the approval of the Commission.
- (3) A racing official imposing a forfeiture or suspension shall report it promptly to the Racing Commission in writing.
- (4) All forfeitures shall be paid to the Racing Commission within 48 hours after imposition.
- (5) Any official, owner, trainer or any person licensed by the Massachusetts Racing Commission who shall obtain food, feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or others whether they be licensed or not, and fails to pay the fair market value to the person or persons from whom said services or supplies are obtained may be guilty of conduct detrimental to the best interest of racing and may be suspended at the discretion of the Stewards or the Commission, however, neither the Association nor the Massachusetts Racing Commission shall be obligated to collect debts from horsemen or other personnel licensed by the Commission.
- (6) No entry in any race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, the stewards may waive this rule.
- (7) Suspensions shall be for consecutive calendar days.

4.13: General Rules

- (1) The definitions and interpretations of racing terms, heretofore set forth as well as the Foreword are to be considered in connection with 205 CMR 4.00 and as part of them.
- (2) All owners and trainers of horses and their stable employees are subject to the Laws of the Commonwealth of Massachusetts and the Rules promulgated by its Commission immediately upon acceptance and occupancy of stabling accommodations from or approved by an Association or upon making entry to run on its track.
- (3) Owners, trainers and stable employees shall abide by said Laws and Rules and accept the decision of the Stewards on any and all questions to which their authority extends, subject to their right of appeal to the Commission.
- (4) Every person participating in and every patron of a licensed Race Meeting shall abide by said Laws and Rules, and accept the Stewards' decisions on any and all questions to which their authority extends, subject to the right of appeal to the Commission.
- (5) During the running of any racing meeting licensed by this Commission all exercise boys while exercising horses, all pony riders in post parades and association out-riders shall wear a protective helmet and vest of a type approved by the Stewards.
- (6) No person shall use improper, profane or indecent language to a racing official.
- (7) No person shall in any manner, or at any time, disturb the peace or make himself obnoxious on the grounds of an Association.
- (8) No person shall make a handbook or a foreign book on the grounds of an Association.
- (9) No person shall solicit for or bet from a handbook or foreign book on the grounds of an Association.
- (10) No person shall make a bet with a handbook or foreign book on the grounds of an Association.
- (11) Any person, who participates in an unrecognized meeting anywhere, either as a racing official or as an owner, trainer or jockey, may be adjudged guilty of conduct detrimental to racing.
- (12) No person or horse ruled off, or under suspension by any recognized turf authority, trotting association included, shall be admitted to the grounds of any Association. (For exception *see* 205 CMR 4.15(22).)
- (13) No person shall be allowed in the Steward's stand unless previous permission is obtained from the Stewards.

(14) Any person who has been convicted by any court anywhere for illegal possession, sale or giving away of narcotics may be ruled off.

(15) Any person who has been arrested and/or charged with a violation of the law may be suspended until such time as said charge has been adjudged.

(16) If any owner, trainer, jockey, stable employee, or other person solicits bets from the public by correspondence or other methods, to be made on any horse which is to run on a track in Massachusetts, such person or persons shall be ruled off.

(17) When a person is ruled off a course or suspended, every horse owned in whole or in part by him shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescinding of his owner's penalty or his transfer through *bona fide* sale to an ownership acceptable to the Stewards.

(18) When a person is ruled off a course or suspended, any horse which is under his care, management, training or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty or by the placement of the horse in the hand of a licensed trainer and the approval of the transfer by the Stewards.

(19) When a person is ruled off a course or suspended, he shall not be qualified, whether acting as agent or otherwise to subscribe for or to enter or run any horse in any race either in his own name or in that of any other person until the rescinding of that person's penalty.

(20) Any horse that has been the subject of fraudulent practice may be disqualified.

(21) When a person is ruled off for a fraudulent practice in relation to a particular horse, wholly or partly belonging to him, he shall return all money or prizes that such horse has fraudulently won.

(22) Violators of any rule will be subject to ejection from the grounds, and/or to forfeiture, suspension or ruling off.

(23) No horse will be allowed at a track and no horse shall be entered or permitted to start unless a current, valid health certificate showing that said horse has been examined and found to be free from symptoms of any infections or communicable disease, is on file with the Racing Secretary. The health certificate is valid when it is made by an accredited veterinarian licensed by the State Authority that governs licensing veterinarians in the state where the examination and certificate were made. It is current if it is dated not more than ten days prior to the date the horse described in the certificate arrives at a Massachusetts race track for the first time in a calendar year and any time it is shipped thereafter. A horse requires a new health certificate each time that it is shipped. The certificate shall include the temperature of the horse at the time it was examined. The Association conducting the racing meeting is responsible for compliance with 205 CMR 4.13(23).

(24) The Stewards may suspend for no greater period ~~than ten days beyond the close of the meeting~~ than 180 days anyone whom they have authority to supervise, or they may impose a forfeiture, not exceeding \$3,000.00. All such suspensions and forfeitures must be reported to the Commission. If the punishment so imposed is not in the opinion of the Stewards sufficient, they shall so report to the Commission.

(25) Complaints against racing official (other than a Steward) or his assistant shall be made to the Stewards in writing and be signed by the complainant. Complaints against a Steward shall be made in writing to the Commission and be signed by the complainant.

(26) When a hearing is to be held by the Board of Stewards, the person or persons involved must be properly notified and given the opportunity to hear all of the evidence presented against them. If any summoned or notified party shall fail to appear, an order or ruling may be made against them by default.

(27) Every racing Association, the Commission or the Stewards investigating for violations of the law or the 205 CMR 4.00 adopted by the Commission shall have the right to permit persons authorized by any of them to search the person, or enter and search the buildings, stables, rooms, vehicles or other places within the grounds of the association, or at other places where horses which are eligible to race are kept together with the personal property and effects contained therein. Every licensed person or person permitted to pursue his/her occupation or employment within the grounds of any association by accepting his/her license or such permission does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages that he/she may have by virtue of any action taken under 205 CMR 4.00.

(28) No person shall make false or misleading statements to the Stewards.

(29) No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his/her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

4.32: Urine, Other Tests and Examinations (repealed)

~~(1) No person shall administer or cause to be administered any drug, internally or externally by injection, drench or otherwise, to any horse for the purpose of retarding, stimulating or in any other manner affecting the speed of such horse.~~

~~(2) The trainer, groom and any other person having charge, custody or care of the horse, are obligated to properly protect the horse and guard it against such actual or attempted administration. If the Stewards shall find that any such person has failed to exercise proper protection and guarding of the horse, they shall impose such penalty and take such other action as they may deem proper under any of the rules of racing.~~

~~(3) A blood or urine specimen, or both, may be taken and tested from any horse or horses which may be designated by the Stewards and or the Commission for analysis. The specimens shall be collected under the direction and supervision of the Commission's representatives. Such specimens as may be collected shall be tested by the Racing Chemist at the Racing Commission Laboratory or other Laboratory designated by the Commission.~~

~~(4) The owner, trainer or his groom or other authorized representative shall be present in the testing enclosure when a saliva, urine or other specimen is taken from his horse and shall remain until the sample tag is attached to the specimen container. Said tag shall be signed by the owner, trainer or their representative as witnesses to the taking of the specimen.~~

~~(5) Willful failure to be present at or a refusal to allow the taking of any such specimen or refusal to sign the specimen tag to the taking of a specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or person guilty thereof to immediate suspension by the Stewards of the meeting and the matter shall be referred to the Commission for such further penalty as in its discretion it may determine.~~

~~(6) The representatives of the Commission may take for analysis samples of any medicine or other materials suspected of containing improper medication or drugs which could affect the racing conditions of a horse in a race, which may be found in the stable area or elsewhere on the track or in the possession of any person connected with racing on such tracks.~~

~~(7) In the event a horse is claimed, and has been designated for a post race test said claimed horse shall be brought to the State Testing Area by the previous owner, trainer, or agent, and said owner, trainer or agent shall remain with this horse in the testing area until a urine specimen or other sample or test is received from the horse, and said previous owner, trainer or agent shall sign all necessary documents.~~

~~(8) No person shall enter or start a horse in a race which has been administered any drug, narcotic, anesthetic, stimulant, depressant, tranquilizer or analgesic, which is not provided for elsewhere in these rules and which is of such character as could affect the racing condition of a horse in such race. Should the analysis of a post race blood or urine specimen taken from a horse reveal that any medication, which for the purpose of definition, shall include any drug, narcotic, anesthetic, stimulant, depressant, tranquilizer or analgesic has been administered to a horse before a race, the Stewards shall impose such penalty and such other action as they deem proper under any of the rules of racing against every person found by them to have administered, attempted to administer, caused to be administered, caused an attempt to administer or conspired with another to administer such medication or against every trainer responsible to protect and guard such horse against said administration.~~

~~(9) The owner or owners of a horse so found to have received such administration shall be denied, or shall promptly return any portion of the purse or sweepstakes and any trophy in such race, and the same shall be distributed as in the case of a disqualification. If a horse shall be so disqualified, the eligibility of other horses which ran in such race and which have started in a subsequent race before announcement of such disqualification shall not be in any way affected.~~

~~(10) Any portion of the purse if not already paid which is to be redistributed in accordance with 205 CMR 4.32 shall be held until the Commission approves such redistribution. 205 CMR 4.32 shall apply only to the amount involved on the disqualified horse and shall not prevent payment due other horses in the race pending approval by the Commission.~~

~~(11) Every owner or his authorized agent or trainer of any horse or horses shall immediately, whenever requested by the Commission, submit any horse or horses of which he is the owner, authorized agent or trainer, to any Veterinary Surgeon designated by the Commission for such examination or tests as said Veterinarian may deem advisable.~~

~~(12) Any test or examination made by the veterinarian designated by the Commission may be witnessed by the Commission or by any of its representatives and by the owner or his authorized agent or by the trainer of the horse or horses so examined or tested.~~

~~(13) No person, other than a licensed veterinarian, within the grounds of a Racing Association where horses are lodged or kept shall have in or upon the premises which they occupy or have the right to occupy, or in their personal property or effects, or under their control, any hypodermic instrument which may be used for injection into a horse of any chemical substance, any substance prepared for the purpose of being injected into a horse, or any chemical substance which is prohibited from being dispensed by any Federal or Massachusetts Law without a prescription, unless they are in possession of documentary evidence that a valid prescription has been issued to them for such chemical substance. A prescription shall not be valid unless it contains the name of the horse to be treated and the specific dosage to be administered. Every Racing Association upon the grounds of which racehorses are lodged or kept, is required to use all reasonable efforts to prevent the violation of 205 CMR 4.32(13).~~

~~(14) Any owner or trainer once having been suspended for a violation of 205 CMR 4.32(8), and thereafter another analysis of the secretion from a horse as above provided or as provided by any other racing commission of any horse owned or trained by the said owner or trainer shows that a drug, narcotic, depressant, stimulant or local anesthetic has been administered or that any electrical, mechanical or other appliance has been used, which, in the opinion of the Stewards, is of such character as could affect the racing condition of the horse in such a race, the same shall be considered a second offense, and the said owner or trainer may be ruled off all tracks in Massachusetts.~~

~~(15) Any person found guilty by the Commission of any participation in or knowledge of the fact that any drug, narcotic, stimulant, depressant, local anesthetic or any electrical mechanical or other appliance has been used which, in the opinion of the Stewards is of such a character as could affect the racing condition of such a horse in a race, may be ruled off all tracks in Massachusetts.~~

~~(16) Every association and all officials and employees thereof shall give every possible aid and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States Government or with the Commonwealth of Massachusetts, who may be investigating or prosecuting any such person they may suspect of being guilty of~~

possessing any drug, narcotic, stimulant, depressant, or local anesthetic, hypodermic syringes or hypodermic needles, batteries used to stimulate horses or other similar appliances.

~~(17) Nothing herein contained under 205 CMR 4.32(1) to 4.32(16) inclusive shall alter or diminish the power of the Commission to review or originate action in any case covered by said 205 CMR 4.32(1) through (16) inclusive.~~

~~(18) A horse may receive Phenylbutazone up to and including the day of the race.~~

~~(19) The quantitative analysis which is performed on the urine sample of a horse may not exceed 165 micrograms of phenylbutazone and/or its metabolites per milliliter of urine and must contain at least trace levels of phenylbutazone and/or its metabolites as determined by the methods in current use by the official chemist.~~

~~(20) A trainer upon the prescription of a licensed veterinarian may perform the oral administration of Phenylbutazone. Phenylbutazone that is injected must be administered by a licensed veterinarian.~~

~~(21) Each horse receiving Phenylbutazone must be on a *Request for Phenylbutazone Use Form*, which is provided by the Commission. This form contains the date of request, the name of the horse, the name of the trainer and the name of the veterinarian. This form must be received at the Commission Office on the grounds of the racing plant, 48 hours prior to said horse's next start and must be signed by the trainer.~~

~~(22) Once a *Request for Phenylbutazone Use Form* is filed, said horse shall remain on Phenylbutazone. The filing of one form for each horse is sufficient for the remainder of the meet, unless the horse is removed from the Phenylbutazone program. No entry may be accepted unless it is indicated on the entry form that said horse is on or off Phenylbutazone.~~

~~(23) The *Phenylbutazone Removal Form* provided by the Commission must be filed for any horse that no longer requires Phenylbutazone. This form must be signed by both the Trainer and veterinarian and must be received at the Commission Office on the grounds of the racing plant, no later than noon, 48 hours prior to the horse's next start.~~

~~(24) Once a horse is removed from the Phenylbutazone Program, said horse must remain off Phenylbutazone for a period of 20 days, the date of filing being the first day.~~

~~(25) If any horse on the Phenylbutazone program changes hands either by sale, claim or otherwise, it shall be the responsibility of the new Trainer to contact the Racing Commission and fill out a new application to continue said horse on the Phenylbutazone program, or file a removal form.~~

~~(26) Two-year olds are not allowed on the Phenylbutazone program.~~

~~(27) Should the analysis of a post race blood, urine or saliva specimen taken from a claimed horse result in a post race positive test, the claimant's trainer shall be promptly notified by the~~

Stewards and the claimant shall have the option to void said claim. An election to void a claim shall be submitted in writing to the Stewards by the claimant or his trainer.

~~(28) Bleeder Medication Program. Any horse that bleeds from the lungs as a result of exercise induced pulmonary hemorrhaging, or is suspected of bleeding by his owner or trainer may be given an Endoscopic examination. The Endoscopic examination must be done by the Commission or Association Veterinarian or in the presence of a Commission or Association Veterinarian, or a licensed Massachusetts Steward or Judge officiating at the current race meeting. Such examination shall take place within two hours.~~

~~A horse may be placed on the Bleeder Medication Program if said horse is observed bleeding from one or both nostrils by the Racing Commission Veterinarian or Association Veterinarian.~~

~~(a) during a race~~

~~(b) immediately post race or post exercise on the track, or in the test area.~~

~~A horse who is observed bleeding from one or both nostrils post race or exercise within two hours in the stable area must be confirmed a bleeder by an Endoscopic examination.~~

~~(29) Restriction from Racing Following Bleeding. A horse which bleeds based on the criteria outlined in 205-CMR-4.32(28) shall be restricted from racing at any facility under the jurisdiction of this Commission based on a 12-month period starting from the first EIPH (Exercise Induced Pulmonary Hemorrhaging) as follows:~~

~~(a) 1st time—ten days;~~

~~(b) 2nd time—30 days—On bleeder list and a satisfactory work if the horse bled after racing on bleeder medication;~~

~~(c) 3rd time—a minimum of 30 days on Veterinarians list to be removed at the discretion of the Association Veterinarian after a satisfactory work;~~

~~(d) 4th time—barred for life.~~

~~The 2nd through 4th times above, the visual bleeding shall be during or following a race. A list of bleeders shall be posted in the Racing Secretary's office so that other trainers may be aware of bleeder's status for claiming purposes.~~

~~(30) Removal from Bleeder Program. A horse may be removed from the Bleeder Program upon the request of the owner or trainer. A Lasix Removal Form provided by the Stewards must be filed for any horse that is removed from the Bleeder Program. This form must be received at the Steward's Office no later than 48 hours prior to the horse's next start. Any horse so removed may requalify for the Bleeder Program as provided for in 205-CMR-4.32(28).~~

~~(31) Reinstatement of Bleeder Program.~~

~~(a) Automatic. this would be following EIPH on the track during or following a race. A horse must serve suspension days relative to the number of times bled in a 12-month period;~~

~~(b) Request by trainer or owner. Must serve the appropriate number of days suspension as outlined in 205-CMR 4.32(29).~~

~~(32) Entries. It is the responsibility of the person who enters a horse to provide the Racing Secretary with bleeder medication status of the horse on the entry blank and also provide the veterinary office with a "bleeder" certificate if racing from out of state.~~

~~For any other jurisdictions, a certification or letter from a Commission Veterinarian of that jurisdiction certifying the horse as a known bleeder may be accepted to place the horse on the Massachusetts Bleeder Program.~~

~~In the absence of such a letter and in the event confirmation cannot be made, the trainer may be allowed to file an affidavit with the Stewards that the horse has raced on bleeder medication in the jurisdiction from which it was shipped and accepts the responsibility to provide documentation from the State Veterinarian of that jurisdiction that the horse in question is a known bleeder and is receiving bleeder medication. Such documentation shall be supplied within 14 days of the date such affidavit is executed. Affidavits must be in the type and form required by the Commission office. In the absence of either a certification or an affidavit, the horse shall be scratched if it received bleeder medication under the Massachusetts Bleeder Program prior to the race for which it was entered.~~

~~In the event an affidavit is filed in lieu of certification, any purse earned by that horse shall be held for up to 30 days, after which the matter shall be referred to the Stewards for possible punitive action.~~

~~(33) Bleeder Certification Form. Shall be the type and form, which is available at the Commission office.~~

~~(34) Bleeder Medication.~~

~~(a) All horses on Bleeder Program shall be administered Lasix by a practicing veterinarian no less than 3cc (150 milligrams) and no more than 5cc (250 milligrams) intravenously not nearer than four hours prior to advertised post time of that entered race;~~

~~(b) It shall be the responsibility of the practicing veterinarian to maintain a record of Lasix administrations, which shall contain date, time, dosage, and subject. A copy shall be filed with a State Steward or Judge on a daily basis.~~

~~(35) All horses on the current bleeder's list will be placed automatically on the new list.~~

~~(36) Two year olds are allowed on the Bleeder (Lasix) Program.~~

~~(37) Persons may have in their possession, within the grounds of a Racing Association, hypodermic syringes, needles and chemical substances for use on their own person, provided they are in possession of documentary evidence that a valid prescription for such articles has been issued to them and that they have notified the State Steward:~~

- ~~(a) that they are in possession of such articles;~~
- ~~(b) of the size of the hypodermic syringes and needles;~~
- ~~(c) of the chemical substance to be administered.~~

~~(38) Androgenic anabolic Steroids. No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.~~

~~(a) Concentrations of these AAS shall not exceed the following urine threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):~~

~~1. 16 β -hydroxystanozolol (metabolite of stanozolol (Winstrol))—1 ng/ml in urine for all horses regardless of sex.~~

~~2. Boldenone (Equipoise® is the undecylenate ester of boldenone) in male horses other than geldings; 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.~~

~~3. Nandrolone—(Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) In geldings—1 ng/ml in urine; in fillies and mares—1 ng/ml in urine.~~

~~4. Testosterone:~~

~~a. In geldings—20 ng/ml in urine~~

~~b. In fillies and mares—55 ng/ml in urine~~

~~(b) Any other anabolic steroids are prohibited in racing horses.~~

~~(c) Post-race urine samples must have the sex of the horse identified to the laboratory.~~

~~(d) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. Once the concentration is below the designated threshold the horse is eligible to be removed from the list~~

4.38: Veterinarians (repealed)

~~(1) Each veterinarian practicing at a racetrack must secure a license from the Racing Commission. The veterinarian must be a graduate Veterinary Surgeon in good standing, and licensed to practice under the laws of the Commonwealth of Massachusetts.~~

~~Every licensed veterinarian licensed by the Massachusetts Racing Commission shall keep a written record of his practice concerning horses participating at Thoroughbred race meet in this state where performed at a licensed track or elsewhere which shall disclose:~~

~~(a) The name of the horse treated.~~

~~(b) The type of treatment prescribed for and medicine administered to the horse.~~

~~(c) The date of such treatment.~~

~~Every licensed veterinarian shall produce such written records when requested by an Official of the State Racing Commission.~~

~~Veterinarians licensed by the Commission to practice their profession by the Commission to practice their profession shall not be eligible to hold an owner or trainer license at tracks under the jurisdiction of the Commission.~~

~~(2) Each entry shall be given a pre race examination on the day of the race for which entered. A duly licensed veterinarian employed by the Racing Association at whose track the services are rendered shall give such examination. Said veterinarian shall make such examination as is necessary to determine the entry's fitness to race, and at his discretion may include the following:~~

~~(a) Temperature;~~

~~(b) Rate of pulse and respiration;~~

~~(c) Removal of bandages and palpation of limbs;~~

~~(d) Examination of eyes;~~

~~(e) Locomotion of the horse.~~

~~Any unsoundness, that in the opinion of the examining veterinarian disqualifies an entry from racing, shall be promptly reported to the Stewards. A qualified lay person, under the direct supervision of the examining veterinarian, may be utilized as an aid to the examining veterinarian. Such person may aid in the pre race examination by reporting any unsoundness, that may disqualify an entry from racing, to the examining veterinarian who shall further examine the horse in question and make a final determination.~~

~~(3) A list of nerved horses approved by the track veterinarian for racing shall be conspicuously posted in the Racing Secretary's office.~~

~~(4) A veterinarian shall be present in the paddock before each race, and he shall inspect each entrant. If, in his opinion, any entrant is not in condition to compete in the race, he shall immediately notify the Stewards.~~

~~(5) In either of the aforementioned cases, stated in 205 CMR 4.38(2) and 4.38(4), the Stewards shall determine whether or not the horses shall be permitted to start. If not permitted to start, the horse automatically goes on the Veterinarian's List, and thereafter shall not be permitted to enter until the veterinarian notifies the Racing Secretary and the Stewards that the horse is again fit to compete.~~

~~(6) A horse placed on the Veterinarian's List for bleeding must remain on said list for a minimum of ten calendar days. A horse placed on the Veterinarian's List for bleeding a second time shall remain on said list for 30 calendar days and must have a satisfactory work if the horse bled while racing on bleeder medication. A horse placed on the Veterinarian's List for bleeding a third time shall remain on said list for a minimum of 30 days and shall only be removed at the discretion of the Association Veterinarian after a satisfactory work. A horse that bleeds a fourth time within a 12-month period, is barred from further racing in Massachusetts. The second through fourth times as outlined above shall mean the visual bleeding during or following a race.~~

~~(7) A veterinarian shall be attendant on the Stewards and the Racing Secretary at scratch time each morning and shall examine such horse or horses as they request, and make report to the said racing official as promptly as possible.~~

~~(8) No owner or trainer shall employ a veterinarian who has not been duly licensed in accordance with the law of the Commonwealth of Massachusetts. Any duly licensed veterinarian desiring to practice at a racetrack licensed by the Commission shall be approved by the Association conducting the meeting and shall list his name with the Racing Secretary. The Association shall warn off all unlicensed veterinarians.~~

~~(9) No veterinarian employed by the Commission or by an Association shall be permitted, during the period of his employment, to treat or prescribe for any horse on the grounds or registered to race at the track by which said veterinarian is assigned or employed, for compensation or otherwise, except in case of emergency, at which time the Commission or Association Veterinarian may receive compensation for his services.~~

~~(10) All veterinarians shall file individual remittance certificates with individual blood samples when testing for equine infectious anemia. Upon receipt from an approved testing laboratory, the certificates shall be returned to the trainer whose responsibility it shall be to safeguard said certificate and surrender same to a new owner and/or trainer in cases of claims, sales or transfers. All veterinarians shall notify the State Veterinarian immediately upon receipt of a positive report.~~

4.47: Practicing Veterinarians

A. Eligibility

An applicant for a license as practicing veterinarian shall be qualified and licensed to practice veterinary medicine in this jurisdiction and be otherwise qualified to be issued a license to participate in racing. An application for a practicing veterinarian license from the Commission must be accompanied by a copy of the applicant's current license to practice veterinary medicine.

B. Responsibility

- (1) All practicing veterinarians administering drugs, medications or other substances shall be responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with rules in 205 CMR 4.00.
- (2) All practicing veterinarians shall promptly notify the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge.
- (3) All veterinarians shall file individual remittance certificates with individual blood samples when testing for equine infectious anemia. Upon receipt from an approved testing laboratory, the certificates shall be returned to the trainer whose responsibility it shall be to safeguard said certificate and surrender same to a new owner and/ or trainer in cases of claims, sales or transfers. All veterinarians shall notify the State Veterinarian immediately upon receipt of a positive report.

C. Restrictions

- (1) A practicing veterinarian shall not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.
- (2) Veterinarians licensed by the Commission to practice their profession by the Commission to practice their profession shall not be eligible to hold an owner or trainer license at tracks under the jurisdiction of the Commission.

4.48: Official Veterinarian

A. General

The official veterinarian shall:

- (1) be employed by the Commission;
- (2) be a graduate veterinarian and be licensed to practice in this jurisdiction;
- (3) be qualified to objectively and competently provide the regulatory duties described herein;
- (4) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission;
- (5) refrain from directly treating or prescribing for any horse under his/her jurisdiction except in cases of emergency, accident or injury;

- (6) have no employment history or business relationship prior to employment as the official veterinarian that could constitute a conflict of interest or impede in the performance of official duties.

B. Responsibilities

The official veterinarian shall:

- (1) recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;
- (2) inspect any horse when there is a question as to the physical condition of such horse independent of the horse's entry status;
- (3) recommend to the stewards the scratching of any horse that is, in the opinion of the official veterinarian, injured, ill, or otherwise unable to compete due to a medical or health-related condition;
- (4) provide emergency medical care to horses injured racing and effect case transfer to the practicing veterinarian;
- (5) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act; and
- (6) report to the Commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (7) maintain all required records of postmortem examinations performed on horses which have died within the jurisdiction of the Commission;
- (8) maintain the Veterinarian's List of horses ineligible to race;
- (9) supervise and control the Test Barn;
- (10) supervise the taking of all specimens for testing according to procedures approved by the Commission;
- (11) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination and assure sample integrity;
- (12) provide the stewards with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples.
- (13) have jurisdiction over the practicing licensed veterinarians within the enclosure for the purpose of these rules;
- (14) review and consult with the applicants and the stewards/Commission regarding Commission license applications of practicing veterinarians, veterinary technicians or assistants, vendors of medical supplies and equipment, non-veterinarian health care providers (massage therapists, nutritionists, physical therapists, etc.);
- (15) cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases.

4.49: Racing Veterinarian

- (1) The racing veterinarian(s) shall be employed by the Association.

(2) The racing veterinarian shall:

- (a) be directly responsible to the official veterinarian;
- (b) be a graduate veterinarian and be licensed to practice in the jurisdiction;
- (c) be available to the racing secretary and/or the stewards prior to scratch time each racing day, at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the stewards;
- (d) inspect any horse when there is a question as to the physical condition of such horse;
- (e) conduct soundness inspections on horses participating in races at the meeting;
- (f) recommend scratching a horse to the stewards if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (g) be present in the paddock during saddling, on the racetrack during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (h) inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with his/her opinion as to the cause of the distress to the stewards and to the official veterinarian;
- (i) provide emergency medical care to horses injured racing and effect case transfer to the practicing veterinarian;
- (j) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act;
- (k) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the racing veterinarian;
- (l) refrain from directly treating or prescribing for any horse scheduled to participate during his/her term of appointment at any recognized meeting except in cases of emergency, accident or injury; and
- (m) with approval of the official veterinarian, place horses on the Bleeder List.

4.50: Veterinary Practices

A. Veterinarians under Authority of Official Veterinarian

Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the official veterinarian and the stewards. The official veterinarian shall recommend to the stewards or the Commission the discipline that may be imposed upon a veterinarian who violates the rules.

B. Treatment Restrictions

- (1) Only licensed trainers, licensed owners, or their designees shall be permitted to authorize veterinary medical treatment of horses under their care, custody and control at locations under the jurisdiction of the Commission.
- (2) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, or chemical to a horse at any location under the jurisdiction of the Commission.

(3) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:

(a) A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;

(b) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or

(c) A non-injectable non-prescription medication or substance.

(4) No person shall possess a hypodermic needle, syringe capable of accepting a needle or injectable of any kind on association grounds, unless otherwise approved by the Commission. At any location under the jurisdiction of the Commission, veterinarians may use only one-time disposable syringe and needle, and shall dispose of both in a manner approved by the Commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person may request permission of the stewards and/or the Commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the stewards and/or the Commission.

(5) Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of furosemide under the guidelines set forth in 205 CMR 4.52(F), unless approved by the official veterinarian or his/her designee. Any unauthorized contact may result in the horse being scratched and may result in further disciplinary action by the stewards.

(6) Any horse entered for racing must be present on the grounds prior to the scheduled furosemide administration time, or one hour prior to first post time, whichever is earlier.

C. Veterinarians' Reports

(1) Every veterinarian who treats a racehorse at any location under the jurisdiction of the Commission shall, in writing on the Medication Report Form prescribed by the Commission, report to the official veterinarian or other commission designee at the racetrack where the horse is entered to run or as otherwise specified by the commission, the name of the horse treated, any medication, drug, substance, or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(2) The Medication Report Form shall be signed by the practicing veterinarian.

(3) The Medication Report Form must be filed by the treating veterinarian not later noon the day following treatment. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the Commission, or to the trainer or owner of record at the time of treatment.

(4) A timely and accurate filing of a Medication Report Form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

4.51: Prohibited Practices

The following are considered prohibited practices:

- (1) The possession or use of a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which:
 - (a) a recognized analytical method has not been developed to detect and confirm the administration of such substance; or
 - (b) the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or
 - (c) the use of which may adversely affect the integrity of racing; or,
 - (d) no generally accepted use in equine care exists.
- (2) The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the Commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in (human or animal) is forbidden without prior permission of the official veterinarian or his/her designee..
- (3) The possession and/or use of the following substances or of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the Commission is forbidden:
 - (a) Aminoimidazole carboxamide ribonucleotide (AICAR)
 - (b) Cobra venom or derivatives thereof
 - (c) Darbepoetin
 - (d) Equine Growth Hormone
 - (e) Erythropoietin (EPO)
 - (f) Hemopure
 - (g) *myo*-Inositol Tripyrophosphate (ITPP)
 - (h) Oxyglobin
 - (i) Snail venoms or derivatives thereof
 - (j) Thymosin beta
- (4) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:
 - (a) Any treated horse shall not be permitted to race or breeze for a minimum of 10 days following treatment;
 - (b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission using registered and approved machines;
 - (c) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the official veterinarian or his/her designee before use.
 - (d) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported within one (1) day to the official veterinarian or his/her designee on the prescribed form. The horse shall be added to a list of ineligible horses.

(e) Any person participating in the use of ESWT and/or the possession of ESWT machines in violation of this rule shall be considered to have committed a Prohibited Practice and is subject to a Class A Penalty.

(5) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his/her designee.

4.52: Medications and Prohibited Substances

A. Aggravating and Mitigating Factors

Upon a finding of a violation of these medication and prohibited substances rules, the stewards shall consider the classification level of the violation as listed at the time of the violation in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International and impose penalties and disciplinary measures consistent with the recommendations contained therein. The stewards may consult with the official veterinarian, laboratory director or other individuals to determine the seriousness or the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (1) The past record of the trainer, veterinarian and owner in drug cases;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The legal availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug ;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (7) The purse of the race;
- (8) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (9) Whether there was any suspicious betting pattern in the race, and;
- (10) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

B. Penalties

- (1) In issuing penalties against individuals found guilty of medication and drug violations a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.

(2) If a licensed veterinarian is administering or prescribing a drug not listed in the RCI *Uniform Classification Guide lines for Foreign Substances*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.

C. Medication Restrictions

(1) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

- (a) Drugs or medications for which no acceptable threshold concentration has been established;
- (b) Controlled therapeutic medications in excess of established threshold concentrations as set forth in the ARCI Controlled Therapeutic Medication Schedule as listed at the time of the violation;
- (c) Substances present in the horse in excess of concentrations at which such substances could occur naturally; and
- (d) Substances foreign to a horse at concentrations that cause interference with testing procedures.

(2) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to this chapter during the 24-hour period before post time for the race in which the horse is entered.

D. Medical Labeling

(1) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection.

(2) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (a) The name of the product;
- (b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;
- (c) The name of each patient (horse) for whom the product is intended/prescribed;
- (d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
- (e) The name of the person (trainer) to whom the product was dispensed.

E. Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

(1) The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

(i) Phenylbutazone – 2 micrograms per milliliter;

(ii) Flunixin – 20 nanograms per milliliter;

(iii) Ketoprofen – 10 nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs, in the post-race serum or plasma sample is not permitted.

(i) A finding of phenylbutazone below a concentration of one-half (.5) microgram per milliliter of blood serum or plasma shall not constitute a violation of this section.

(ii) A finding of flunixin below a concentration of three (3) nanograms per milliliter of blood serum or plasma shall not constitute a violation of this section.

(d) The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(2) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

F. Furosemide

(1) 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 the official veterinarian or his/her designee shall be notified using the prescribed form, that the horse is to be put on the Furosemide List.

(b) The form must be received by the official veterinarian or his/her designee by the time of entry.

(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.

(e) Furosemide shall only be administered on association grounds.

(f) Furosemide shall be the only authorized bleeder medication

(2) 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 by single intravenous injection 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 mg. nor be less than 150 mg.

(c) After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(3) 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 100 nanograms of furosemide per milliliter of serum or plasma.

(4) A horse which has been placed on a Furosemide List in another jurisdiction pursuant to these rules shall be placed on a Furosemide List in this jurisdiction. A notation on the horse's foal papers of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.

G. Bleeder List

- (1) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.
- (2) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following minimum time periods:
 - (a) First incident – 14 days;
 - (b) Second incident – 30 days;
 - (c) Third incident – 180 days;
 - (d) Fourth incident – barred for racing lifetime.
- (3) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.
- (4) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by this policy.
- (5) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

H. Androgenic-Anabolic Steroids

- (1) No AAS shall be permitted in test sample collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.
- (2) Concentrations of these AAS shall not exceed the following urine threshold concentrations for total (*i.e.*, free drug or metabolite and drug or metabolite liberated from its conjugates):
 - (a) 16 β -hydroxystanozolol (metabolite of stanozolol (Winstrol)) – 1 ng/ml in urine for all horses regardless of sex;
 - (b) Boldenone (Equipose® is the undecylenate ester of boldenone) in male horses other than geldings – 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.
 - (c) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester)
 - (A) In geldings - 1 ng/ml in urine
 - (B) In fillies and mares – 1 ng/ml in urine
 - (d) Testosterone
 - (A) In geldings – 20 ng/ml in urine
 - (B) In fillies and mares – 55 ng/ml in urine
- (3) Any other anabolic steroids are prohibited in racing horses.
- (4) Post-race urine samples must have the sex of the horse identified to the laboratory.

I. Alkalinizing Substances

The use of agents that elevate the horse's TCO₂ or Base excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited. The following levels also apply to blood gas analysis:

(1) The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum for horses not treated with furosemide and 39.0 millimoles per liter of plasma/serum for horses treated with furosemide and;

(2) The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample for horses not treated with furosemide and 39.0 millimoles per liter of plasma/serum for horses treated with furosemide plus the measurement uncertainty of the laboratory analyzing the sample for horses treated with furosemide.

4.53: Out of Competition Testing for Blood and/or Gene Doping Agents

(1) Any horse on the grounds at a racetrack or training center under the jurisdiction of the commission; or under the care or control of trainer or owner licensed by the commission is subject to testing for blood and/or gene doping agents without advance notice.

(2) Horses to be tested may be selected at random, with probable cause, or as determined by the commission;

(3) The Commission Veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time, take a urine, blood or hair sample from a horse for this purpose.

(4) Prohibited substances, practices and procedures are defined as:

(a) 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.

(b) Gene doping agents or the non-therapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia.

(5) Cooperation with the Commission Veterinarian, or his/her designee, includes assisting in the immediate location and identification of the horse selected and providing a stall or safe location to collect the samples.

(6) Split samples for out of competition testing will be collected as per 205 CMR 4.55(C).

4.54: Physical Inspection of Horses

A. Assessment of Racing Condition

(1) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.

(2) The inspection shall be conducted by the official veterinarian or the racing veterinarian.

(3) The agency or the association employing the examining veterinarian(s) should provide a staffing level of not less than 2 veterinarians.

(4) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian. Horses presented for examination must have bandages removed; the legs must be clean. Prior to examination horses may not be placed in ice nor shall any device or substance be applied that impedes veterinary clinical assessment.

(5) The assessment of a horse's racing condition shall include:

- (a) Proper identification of each horse inspected;
 - (b) Observation of each horse in motion;
 - (c) Manual palpation and passive flexion of both forelimbs;
 - (d) Visual inspection of the entire horse and assessment of overall condition;
 - (e) Clinical observation in the paddock and saddling area, during the parade to post and at the starting gate, during the running of the race, and following the race until the horse has exited the race track; and,
 - (f) Any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian.
- (6) The official veterinarian and/or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.
- (7) The official veterinarian and/or the racing veterinarian are authorized access to any and all horses housed on association grounds regardless of entry status.
- (8) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian will recommend to the Stewards the horse be scratched.
- (9) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the Veterinarian's List.

B. Veterinarian's List

- (1) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or any other medical condition. Horses so listed are ineligible to enter to race in any jurisdiction until released by an official veterinarian or racing veterinarian.
- (2) A horse may be removed from the Veterinarian's List when, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the veterinarian's List is resolved and the horse's status is returned to that of racing soundness.
- (3) Horses working to be released from the Veterinarian's List are to be in compliance with 205 CMR 4.00 and are to be subjected to post-work biologic sample collection for laboratory confirmation or compliance. Violations may result in penalties consistent with 205 CMR 4.52(A).
- (4) Horses may be released from the Veterinarian's List only by authorization of the official veterinarian.
- (5) Horses having generated a "positive" post race test for an RCI Class I or II substance shall be required to generate a negative test at the expense of the current owner prior to being entered for the first start following the positive test

4.55: Testing

A. Reporting to the Test Barn

- (1) The official winning horse and any other horse ordered by the Commission and/or the stewards shall be taken to the test barn to have blood and urine samples taken at the direction of the official veterinarian.

- (2) Random or extra testing may be required by the stewards or the Commission at any time on any horse on association grounds.
- (3) Unless otherwise directed by the stewards or the official veterinarian, a horse that is selected for testing must be taken directly to the test barn.
- (4) A security guard shall monitor access to the test barn area during and immediately following each racing performance. All persons who wish to enter the test barn area must be a minimum of 16-years-old, be currently licensed by the Commission, display their Commission identification badge and have a legitimate reason for being in the test barn area.
- (5) The owner, trainer or his groom or other authorized representative shall be present in the testing enclosure when a saliva, urine or other specimen is taken from his horse and shall remain until the sample tag is attached to the specimen container. Said tag shall be signed by the owner, trainer or their representative as witnesses to the taking of the specimen.
- (6) Willful failure to be present at or a refusal to allow the taking of any such specimen or refusal to sign the specimen tag to the taking of a specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or person guilty thereof to immediate suspension by the Stewards of the meeting and the matter shall be referred to the Commission for such further penalty as in its discretion it may determine.

B. Testing of Claimed Horses

- (1) In the event a horse is claimed, and has been designated for a post race test said claimed horse shall be brought to the State Testing Area by the previous owner, trainer, or agent, and said owner, trainer or agent shall remain with this horse in the testing area until a urine specimen or other sample or test is received from the horse, and said previous owner, trainer or agent shall sign all necessary documents.
- (2) Should the analysis of a post race blood, urine or saliva specimen taken from a claimed horse result in a post race positive test, the claimant's trainer shall be promptly notified by the Stewards and the claimant shall have the option to void said claim. An election to void a claim shall be submitted in writing to the Stewards by the claimant or his trainer.

C. Split Samples

- (1) Split samples shall be secured and made available for further testing in accordance with the following procedures:
 - (a) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the Commission.
 - (b) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples. A log shall be maintained that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples

deposited or removed, the date and time the freezer was opened, and the time the freezer was closed.

(c) Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the official veterinarian or a designated Commission representative.

(2) A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a prohibited substance has been found in a specimen obtained pursuant to these rules may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another [referee] laboratory approved by the Commission. The request must be made in writing and delivered to the stewards not later than three (3) business days after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional 48 hours.

(3) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the Commission shall confirm the referee laboratory's willingness to simultaneously provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the Commission, and arrangements for payment satisfactory to the referee laboratory.

(4) Prior to opening the split sample freezer, the Commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample. The split sample chain of custody form requirements are:

- (a) The date and time the sample is removed from the split sample freezer;
- (b) The sample number;
- (c) The address where the split sample is to be sent;
- (d) The name of the carrier and the address where the sample is to be taken for shipment;
- (e) Verification of retrieval of the split sample from the freezer;
- (f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;
- (g) Verification of the address of the referee laboratory on the split sample package;
- (h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and
- (i) The date and time custody of the sample is transferred to the carrier.

(5) A split sample shall be removed from the split sample freezer by a Commission representative in the presence of a representative of the horsemen's association.

(6) The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the Commission, in accordance with the packaging procedures recommended by the Commission. A form shall be signed by both the horsemen's

representative and the Commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(7) The package containing the split sample shall be transported in a manner prescribed by the commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the Commission-approved laboratory selected by the owner or trainer.

(8) The owner, trainer or designee and the Commission representative shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(9) The split sample chain of custody verification form shall be completed and signed by the representatives of the Commission and the owner or trainer. A Commission representative shall keep the original and provide a copy for the owner or trainer.

(10) If the split sample does not arrive at the referee laboratory because of an act of God or other condition beyond the control of the Commission, the findings in the original sample shall serve as *prima facie* evidence of any medication violation.

D. Frozen Samples

The commission has the authority to direct the official laboratory to retain and preserve by freezing samples for future analysis. The fact that purse money has been distributed prior to the issuance of a laboratory report from the future analysis of a frozen sample shall not be deemed a finding that no drug substance prohibited by these rules has been administered.

E. Suspicious Substances

The representatives of the Commission may take for analysis samples of any medicine or other materials suspected of containing improper medication or drugs which could affect the racing conditions of a horse in a race, which may be found in the stable area or elsewhere on the track or in the possession of any person connected with racing on such tracks.

4.56: Postmortem Examinations

(1) The Commission may require a postmortem examination of any horse that dies or is euthanized on association grounds.

(2) The Commission may require a postmortem examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.

(3) If a postmortem examination is to be conducted, the Commission shall take possession of the horse upon death for postmortem examination. All shoes and equipment on the horse's legs shall be left on the horse.

(4) If a postmortem examination is to be conducted, the Commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization. The Commission may submit blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination for analysis. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.

(5) All licensees shall be required to comply with postmortem examination requirements as a condition of licensure. In proceeding with a postmortem examination the Commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.