

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

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2010 JUN -7 PM 12:35

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Racing Commission TITLE NUMBER: 178

RULE TYPE: Legislative CITE AUTHORITY: WV Code 19-23-2(a), 19-23-3(17), 19-23-6,
19-23-8, 19-23-9, 19-23-13, 19-23-13b, 19-23-15

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Thoroughbred Racing

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

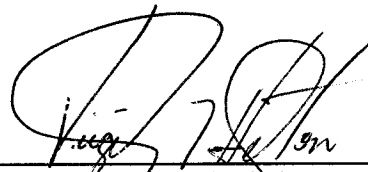
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 8, 2010 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Racing Commission

106 Dee Drive

Charleston, West Virginia 25311

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

BRIEF SUMMARY OF PROPOSAL
THOROUGHBRED RACING 178 CSR 1

This proposed rule is intended to repeal and replace the existing Thoroughbred Racing rule promulgated by the West Virginia Racing Commission. This proposed rule is a complete re-write of the Thoroughbred Racing rule that is the culmination of approximately seven months' worth of work by a constituent committee appointed by the Racing Commission. The existing Thoroughbred Racing rule is outdated, poorly organized, and, in some instances, poorly worded.

In November 2009, the Racing Commission appointed a committee to work with its legal counsel from the Attorney General's Office to re-write this rule. The committee members were: Kelli Talbott, Deputy Attorney General; Danny Wright, Chief Steward – Charles Town; Jim O'Brien, Chief Steward – Mountaineer; Erich Zimny, Director of Racing Operations – Charles Town; Rose Mary Williams, Director of Racing – Mountaineer; Leonard Hale, Executive Director – Charles Town Horsemen's Benevolence and Protective Association (HBPA); Maria Catignani, Executive Director – Mountaineer HBPA; Dr. James Casey, D.V.M. – West Virginia Thoroughbred Breeders Association; and, Jeff Johnston, Regional Manager – Jockeys' Guild.

In May 2010, the committee's work resulted in a recommendation to the Racing Commission to re-write the rule and the proposed re-write was submitted for the Commission's consideration. The Commission voted to adopt the committee's proposed re-write and now files this proposed rule for public comment.

The highlights of the re-write of the rule are as follows:

- Complete reorganization of the rule in a format that is more user-friendly; that mirrors the Association of Racing Commissioners International (RCI) Model Rule; and, that makes logical sense.

- Major re-write of medication rule that governs the medicating of thoroughbreds; the testing of thoroughbreds; and the penalties for violation of medication rules. The re-write adopts substantial portions of the RCI Model Rule pertaining to medication. The highlights of the changes to the medication rule are:

- thresholds for anabolic and/or androgenic steroids;
- a revision of the "lasix" rule (lasix is a medication given to horses who exhibit bleeding through the nose that is commonly induced by exercise);
- the adoption of the RCI's classification system for medications and substances;

■ a schedule of penalty guidelines to be imposed upon a finding of a medication rule violation; and

■ provisions that pertain to possible environmental contaminants and other substances that horses may be inadvertently exposed to that may affect testing.

•A rule changes that requires pre-race examinations of horses scheduled to race. This rule change will require the hiring of two additional veterinarians, one at each track.

•A rule changes that requires that all three stewards at each track be Commission employees. This change will require the hiring of two additional stewards, one at each track.

•A rule change that requires the hiring of a security officer by the Racing Commission at each track.

•A rule changes that adopts the Kentucky Racing Commission's rule that allows and regulates jockey advertising.

•A re-write of the rules pertaining to the racing officials that are integral to the running of the race.

•A re-write of the due process/hearing rules that pertain to stewards' hearings and Commission hearings.

•A rule change that raises the maximum fine that can be issued for rule violations from \$1,000.00 per case to \$5,000.00 per rule violation.

•A rule change that raises the minimum age for issuance of an occupational permit from sixteen to eighteen.

•A modest increase in permit fees for every category of permit issued by the Commission.

•An increase in the jockey mount fees that must be paid to jockeys for riding horses in a race and a proviso that allows the majority of the jockeys and a majority of the horsemen at a track to reach special agreements regarding mount fees.

STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE

178 CSR 1 Thoroughbred Racing

This proposed Legislative Rule re-writes the rules governing thoroughbred racing at the horse racetracks in the State of West Virginia. The current rule is outdated, poorly organized, poorly worded, and has not kept pace with current developments in the thoroughbred racing industry.

The constituents in the horse racing industry support the Racing Commission's decision to improve the rules of thoroughbred racing by updating the rules. To develop the proposed rule, the Racing Commission appointed a constituent committee from the horse racing industry in this State to work with its legal counsel from the Attorney General's Office. The proposed rule is the culmination of seven months of committee meetings and discussions and represents the committee's and the Racing Commission's vision of what is in the best interest of the thoroughbred racing industry.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Thoroughbred, 178 CSR 1

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Racing Commission

Address: 106 Dee Drive, Suite 2
Charleston, WV 25311

Phone Number: 304-558-2150 Email: racing@wvnet.edu

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

This proposed rule will cause the addition of six (6) positions to the Commission's payroll: Two (2) Stewards, two (2) Security Officers and two (2) Veterinarians.

This proposed rule also includes an increase in the annual occupational permit fees.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	630,120.00		630,120.00
Personal Services	354,000.00		354,000.00
Current Expenses	159,300.00		159,300.00
Repairs & Alterations			
Assets			
Other	116,820.00		116,820.00
2. Estimated Total Revenues	583,688.00		583,688.00

Rule Title: Thoroughbred Racing, 178 CSR 1

Rule Title:

Thoroughbred, 178 CSR 1

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Under this proposed rule, the Racing Commission will need to hire two (2) Stewards, two (2) Security Officers and two (2) Veterinarians. The estimated fiscal impact including salaries, benefits and operating expenses for the additional 6 employees is \$630,120.00. The Racing Commission has funds available in the General Administrative Fund and the Administrative and Promotion Fund for the West Virginia Thoroughbred Breeders' Development Fund for Fiscal Years 2011 and 2012 to incur the cost of the additional employees. Beyond Fiscal Year 2012, the Racing Commission will need additional administrative funds made available to comply with the rule.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

As noted in the Fiscal Note Summary, this proposed rule creates an additional six (6) positions to the Commission's payroll, but also includes an increase to the annual occupational permit fee. Currently, however, the Racing Commission is required to deposit all fees and fines into a "relief fund" which is devoted to "hospitalization, medical care, and funeral expenses" incurred by permit holders who suffer injury or death while engaging in their occupation. W. Va. Code § 19-23-14. Any balance in this relief fund in excess of five-thousand dollars (\$5,000.00) is mandated to be deposited into the general revenue fund of this state. Id. However, it is crucial to note that the Commission can only make payment from this relief fund in the rare situation where there is no insurance policy covering the injury or death. Id.

Therefore, the Racing Commission is not currently able to utilize the revenue generated by its own permit fees. In order to do so, which will become necessary to assist in funding the additional positions created by this rule, the Commission plans to seek an amendment to West Virginia Code § 19-23-14. Allowing the Racing Commission to keep the fees imposed at the Thoroughbred tracks would increase revenue by \$583,688.00.

Also, the Racing Commission intends to seek changes to the statutes pertaining to the Thoroughbred Development Fund which would provide an additional \$700,000.00 in revenue to the Commission to assist in paying for the positions.

Date:

June 7, 2010

Signature of Agency Head or Authorized Representative

Joe E. Smith

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TITLE 178
LEGISLATIVE RULE
RACING COMMISSION

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
THOROUGHBRED RACING

§178-1-1. General.

1.1. Scope. -- This rule regulates the conduct of thoroughbred racing in this state and the administration of the West Virginia Thoroughbred Development Fund.

1.2. Authority. -- W. Va. Code §§ 19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b and 19-23-15.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal of Former Rule. -- This rule repeals and replaces W. Va. 178 CSR 1, Racing Commission, Thoroughbred Racing, filed April 6, 2007 and effective April 6, 2007.

PART 1. DEFINITIONS

§178-1-2. Definitions. As used in this rule and unless the context clearly requires a different meaning, the following terms shall have the meaning ascribed in this section.

2.1. "Accredited thoroughbred horse" means a horse that is foaled in West Virginia or sired by an accredited West Virginia sire.

2.2. "Accredited West Virginia sire" means a sire that is permanently domiciled in West Virginia, stands a full season in West Virginia, and is registered with the West Virginia Thoroughbred Breeders Association.

2.3. "Adjunct medication" means Aminocaproic acid, Tranexamic acid, Carbazochrome and no other medications.

2.4. "Age" means the age of a thoroughbred, which is reckoned as beginning on the first day of January in the year in which it is foaled.

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

2.6. "Also-Eligible" pertains to:

2.6.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; or

2.6.b. in a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

2.7. "Appeal" means a request for the Racing Commission or its designee to hold a hearing and review any decisions or rulings of the stewards.

2.8. "Applicant" means any racing association making application for a license or any person making application for a permit.

2.9. "Arrears" means all moneys due for entrance fees (including jockeys' fees), fines, subscriptions for stakes, purchase money in claiming or selling races and also any default in money incident to the rules.

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2.10. "Association" or "racing association" means any individual, partnership, firm, association, corporation or other entity or organization of whatever character or description licensed by the Racing Commission to conduct horse racing and pari-mutuel wagering.

2.11. "Association grounds" means 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 and any other areas under the jurisdiction of the Racing Commission.

2.12. "Authorized agent" means a person appointed by an owner or a partnership to act as his or her representative by the execution of a notarized document signed by the owner and filed with the Racing Commission.

2.13. "Betting interest" means one or more horses in a pari-mutuel wagering contest which is identified by a single program number for wagering purposes.

2.14. "Bleeder" means a horse, which has demonstrated external evidence of exercise, induced pulmonary hemorrhage (epistaxis, or bleeding from one or both nostrils) and/or the existence of hemorrhage into the trachea post-exercise as observed upon endoscopic examination or determined by laboratory methods.

2.15. "Bleeder list" means a tabulation of all horses designated as bleeders to be maintained by the Racing Commission veterinarian(s).

2.16. "Bookmaking" means a form of gambling that is not authorized by law in which chances are sold to individuals who may win a

part or all of the pool depending on the outcome of the event for which the pool is made.

2.17. "Breakage" means the net pool minus payout.

2.18. "Bred" means the place of a horse's birth.

2.19. "Breeder" means the owner of the horse's dam at the time of foaling.

2.20. "Breeder of an accredited West Virginia horse" means the owner of the foal at the time it was born in West Virginia.

2.21. "Chairman" means the chairman of the Racing Commission.

2.22. "Claiming race" means a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with this rule.

2.23. "Clear and convincing evidence" means evidence which results in a reasonable certainty of the truth of the ultimate fact in controversy.

2.24. "Commission" means the West Virginia Racing Commission.

2.25. "Commissioner" means a member of the West Virginia Racing Commission.

2.26. "Complaint" means all signed, written complaints made to the Racing Commission or any of its representatives.

2.27. "Conditions" means qualifications that determine a horse's eligibility to be entered in a race.

2.28. "Coupled Entry" means two or more contestants in a contest that are treated as a

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single betting interest for pari-mutuel wagering purposes.

2.29. "Course" means the track over which horses race.

2.30. "Day" means a twenty-four (24) hour period ending at midnight.

2.31. "Dead heat" means the finish of a race in which the noses of two or more horses reach the finish line at the same time.

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

2.33. "De novo" means a new hearing or a hearing for the second time conducted in the same or a similar manner in which the matter was originally heard and with a review of the previous hearing.

2.34. "Draw" means the process of selecting thoroughbreds and determining by lot their post or starting gate positions for a race in a manner to ensure compliance with the conditions of the rules of racing.

2.35. "Entry" means:

2.35.a. a horse eligible for and entered in a race; or

2.35.b. two (2) or more horses entered in the same race, which have common ties of ownership, lease or training.

2.36. "Flat Race" means races in which horses mounted by jockeys run over a course on which no jumps or other obstacles are placed.

2.37. "Fund" means the West Virginia thoroughbred development fund established under the provisions of West Virginia Code § 19-23-13b.

2.38. A "Handicap" means a race in which the weights to be carried by the horses are assigned by the racing secretary for the purpose of equalizing their chances of winning for all horses entered.

2.39. "Handle" means the total amount of all pari-mutuel wagering sales less refunds and cancellations.

2.40. "Horse" means an equine registered to race including and designated as a mare, filly, stallion, colt, ridgeling or gelding.

2.41. "Horse racing" means any type of equine racing, including, but not limited to thoroughbred racing and harness racing, involving pari-mutuel wagering.

2.42. "Horse race meeting" means the whole period of time ending on December 31st for which the Racing Commission requires a license.

2.43. "Inquiry" means an investigation by the stewards of potential interference in a contest prior to declaring the result of that contest official.

2.44. "Jockey" means a professional rider issued an occupational permit to ride in races.

2.45. "Legitimate breakage" means the percentage left over in the division of a pool.

2.46. "License" means an authorization by the Racing Commission to an association to conduct horse racing with pari-mutuel wagering at a specified location.

2.47. "Licensee" means any racing association holding a license required by the provisions of West Virginia Code §§ 19-23-1 *et seq.* and this rule.

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2.48. "Maiden" means a horse, which has never, in any country, won an official flat race published in the reports, records and/or statistics of the Daily Racing Form, Equibase or other recognized publications, other than in a match or private sweepstakes. A maiden which has been disqualified after having finished first is still to be considered a maiden.

2.49. "Maiden race" means a contest restricted to nonwinners.

2.50. "Match" means a race between two or more horses under conditions agreed to by their owners.

2.51. "Meet" means the specified periods and dates within a race meeting, during which an association is authorized by the Racing Commission to conduct racing and/or pari-mutuel wagering.

2.52. "Meeting" means the specified periods and dates each year during which an association is authorized by the Racing Commission to conduct racing and/or pari-mutuel wagering.

2.53. "Milkshaking" or "biocarbonate loading" means a bicarbonate or other alkalizing substance administered to a horse that elevates the horse's bicarbonate level or pH level above those existing naturally in the untreated horse at normal physiological concentrations as determined by the Commission, regardless of the means of administration.

2.54. "Month" means a calendar month.

2.55. "Mutuel Field" means a single betting interest involving more than one (1) horse which is formed when the number of horses starting a race exceeds the numbering capacity of the totalizator and where all horses

of a higher number are grouped in the mutuel field.

2.56. "Nerved" means any horse on which a neurectomy has been performed.

2.57. "No contest" means a race canceled for any reason by the stewards.

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

2.59. "Objection" means a verbal claim of foul in a race lodged with the stewards or their designee by the horse's jockey, trainer, owner or the owner's authorized agent before the stewards declare the race official.

2.60. "Official order of finish" means the order of finish of the horses in a contest as declared official by the stewards.

2.61. "Official starter" means the official responsible for dispatching the horses for a race.

2.62. "Official running time" means the elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

2.63. "Off time" means 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 race.

2.64. "Outstanding ticket" means a winning or a refundable pari-mutuel ticket, which was not cashed during the performance for which it was issued; also known as "outs".

2.65. "Overnight" means a contest for which the entries are closed at a time set by the association's racing secretary.

2.66. "Owner" means a person who holds any title, right or interests whole or partial in a horse, including the lessee and lessor of a horse. An interest in the winnings only of a horse shall not constitute ownership.

2.67. "Owner of an accredited West Virginia horse" means the owner at the time the horse earned designated purses to qualify for a restricted purse supplement.

2.68. "Owner of an accredited West Virginia sire" means the owner of record at the time the offspring is conceived.

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

2.70. "Pari-mutuel" means a mutuel or collective pool that can be divided among those who have contributed their wagers to one central pool. The odds of these wagers are to be reckoned in accordance with the collective amounts wagered upon each horse running in a horse race relative to the amount wagered on each horse in each pool with the total to be divided among the first three (3) contestants on the basis of the number of wagers.

2.71. "Pari-mutuel clerk" means any employee of a licensed racing association, who is responsible for the collection of wagers, the distribution of moneys for winning pari-mutuel tickets, verification of the validity of pari-mutuel tickets and accounting for pari-mutuel funds.

2.72. "Patron" means a member of the public present on the grounds of an association during a meeting for the purpose of wagering or to observe racing.

2.73. "Performance" means a schedule of races run consecutively as one program.

2.74. "Permit" or "occupational permit" means a permit required by West Virginia Code § 19-23-2(a) and this rule for those who are involved in or employed by those involved in racing or operating a licensed racetrack or those operating concessions for or under authority from any association.

2.75. "Permit holder" or occupational permit holder" means any individual holding a permit or occupational permit required by West Virginia Code § 19-23-2(a) and this rule.

2.76. "Person" means any individual, partnership, firm, association, corporation or other entity or organization of whatever character or description.

2.77. "Pool" means a combination of interests in a joint wagering enterprise or a stake in the enterprise.

2.78. "Post position" means the pre-assigned position from which a horse will leave the starting gate.

2.79. "Post time" means the time set for the arrival at the starting point of the horses in a contest. Post time shall be shown at a reasonable time before the race on a clock device provided specifically for this purpose, and shall be prominently displayed and clearly readable from the grandstand.

2.80. "Preponderance of evidence" means evidence which is of a greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

2.81. "Primary Testing Laboratory" means a laboratory selected by the Racing Commission employing official chemists who are members in good standing with the Association of Official Racing Chemists.

2.82. "Private sweepstake" means a contest to which no money or other prize is added and which has not at any time been advertised either by publication, or by circular, or entry blank, or in any other way.

2.83. "Program" means the published listing of all contests and contestants for a specific performance.

2.84. "Prospective licensee" means any association which has applied or intends to apply to become a "licensee" as defined under the provisions of West Virginia Code §§ 19-23-1 *et seq.*

2.85. "Protest" means a written complaint made to the stewards concerning a horse entered in a race in which the questioned horse is entered;

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

2.87. "Purse race" means a race for money or other prize to which the owners of the horses engaged do not contribute.

2.88. "Race" means a stake, a purse, a sweepstake, a private sweepstakes, a match or overnight event, but does not include a steeplechase or hurdle race.

2.89. "Race day" means a calendar day during a race meeting in which pari-mutuel wagering is conducted on live racing.

2.90. "Racing official" means the officials of a race meeting set forth in section 6 of this rule and any other person and/or position designated by the Racing Commission.

2.91. "Raiser of an accredited West Virginia horse" means the owner of the yearling at the time it finished twelve (12) consecutive months of verifiable residence in the state.

During the period, the raiser shall be granted one (1) month of grace for his or her horse to be shipped to and from thoroughbred sales where the horse is officially entered in the sales catalogue of a recognized thoroughbred sales company. Prior to the horse being shipped out of the state for sales, the raiser shall notify the Racing Commission of his or her intentions.

2.92. "Random testing" means testing permit holders for alcohol or controlled substances, or collecting specimens or samples from thoroughbreds, in a manner that assures that all affected individuals or horses have an equal probability of being selected for testing.

2.93. "Reasonable cause/reasonable suspicion testing" means testing permit holders for alcohol or controlled substances, or collecting specimens or samples from thoroughbreds, based on the reasonable belief of the stewards that a permit holder has alcohol or a controlled substance in his or her system, or that a thoroughbred has a drug, medication or other prohibited substance in its system that may constitute a violation of this rule.

2.94. "Recognized meeting" means:

2.94.a. a meeting held under license of the Racing Commission; or

2.94.b. a meeting held in this or any other country under the sanction of a Commission or turf authority whose jurisdiction over the Racing Commission recognizes racing of any nature, and which gives effect to sentences imposed by the Racing Commission upon those guilty of racing rule violations.

2.95. "Restricted area" means an enclosed portion of the association's ground where access is limited to an occupational permit holder.

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2.96. "Result" means that part of the official order of finish used to determine the pari-mutuel payout of pools for each individual contest.

2.97. "Ruled-off" means the act of the stewards disallowing a person to enter or remain upon the premises of any or all licensed racetracks and/or simulcast facilities.

2.98. "Scratch" means the act of withdrawing an entered horse from a contest after the closing of entries.

2.99. "Scratch time" means the deadline for withdrawal of entries from a scheduled performance.

2.100. "Simulcast" means the transmission and/or reception for pari-mutuel wagering purposes of a live horse racing contest conducted at a licensed racetrack other than where the pari-mutuel wager is placed.

2.101. "Simulcast race day" means a day during a race meeting in which pari-mutuel wagering is conducted on races being conducted at a location other than the racetrack where the wager is placed.

2.102. "Sponging" means the use of a sponge or other objects that are used to interfere with the respiratory system of a horse.

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

2.104. "Stakes race" means a contest in which nomination, entry and/or starting fees are assessed and contribute to the purse, unless it is a guaranteed purse or an invitational. No overnight race shall be considered a stakes race.

2.105. "Starter" means a horse which becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

2.106. "Steward" means a duly appointed racing official with powers and duties specified by West Virginia Code §§ 19-23-1 *et seq.* and/or this rule.

2.107. "Sweepstake" means a race in which the entrance fee, subscription and/or other contribution of three (3) or more owners are distributed according to the conditions of the race. The race is still a sweepstake when money or any other prize is added, but no overnight race, whatever its conditions, shall be considered to be a sweepstake.

2.108. "Tailed" means the restraining of an unruly horse in the starting gate by manually raising his tail.

2.109. "Tonged" means the restraining of an unruly horse in the starting gate by clamping his ear with a set of tongs.

2.110. "Thoroughbred race or thoroughbred racing" means that form of horse racing in which each horse participating in that race is a thoroughbred (i.e., meeting the requirements of and registered with "The Jockey Club") and is mounted by a jockey.

2.111. "To the dime" means that wagers will be figured and paid to the dime.

2.112. "Touting" means soliciting or providing unauthorized wagering tips on horses for a profit in races under the jurisdiction of the Racing Commission. Touting is not authorized or permitted with the exception that this will not apply to authorized tip sheets specified in the rule.

2.113. "Walkover" means a race in which only one (1) horse starts or in which all the starters are owned by the same interest.

2.114. "Week" means a calendar week.

2.115. "Weigh in" means the act of a jockey weighing himself or herself in the presence of the clerk of scales after a race.

2.116. "Weigh out" means the act of a jockey weighing himself or herself in the presence of the clerk of scales prior to a race.

2.117. "Weight for Age" means a race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year without penalties or allowances.

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

2.119. "Year" means a calendar year.

PART 2. GENERAL AUTHORITY

§178-1-3. General Authority of the Racing Commission.

3.1. This rule and any amendments or additions to this rule apply to all persons, firms, associations, partnerships, or corporations holding, conducting, participating in or observing a meeting.

3.2. The laws of the state of West Virginia and this rule promulgated by the Racing Commission supersede the conditions of a race or the regulations of a racing association.

3.3. The jurisdiction of the Racing Commission over matters related to subjects

covered by the laws of this state governing racing or the rules of the Racing Commission is continuous throughout the year.

§178-1-4. Power Of Entry.

4.1. Members of the Racing Commission, the stewards, and the Racing Commission's designated employees and representatives have the right of full and complete entry to any and all parts of the grounds of a racing association licensed to conduct thoroughbred racing.

4.2. Members of the Racing Commission, the stewards, and the Racing Commission's designated employees and representatives may permit and direct any individual to enter in or upon the stables, rooms, trailers, vehicles or any other place within the grounds of a racing association licensed to conduct thoroughbred racing.

§178-1-5. Racing Commission personnel. The following provisions apply to the employment of certain personnel by the Racing Commission to assist it, the stewards, the Racing Commission veterinarians and other Racing Commission employees and representatives in fulfilling their regulatory duties and obligations:

5.1. Security Officer. The Racing Commission shall employ a security officer at each licensed racetrack. The security officer's duties shall include:

5.1.a. working with and/or at the direction of the stewards and/or the Racing Commission veterinarian(s) and/or the Racing Commission to investigate and inquire into any alleged violations of this rule or the laws of this state governing racing;

5.1.b. working with and/or at the direction of the stewards and/or the Racing Commission to review and evaluate applications

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for occupational permits or licenses, and any information submitted or gathered in connection with such applications;

5.1.c. determining, or assisting the Racing Commission and/or the stewards in determining, that all persons participating in racing that are required to hold an occupational permit have such a permit;

5.1.d. inspecting the association's restricted areas, including, but not limited to, the test barn, the barn/stable area, the wagering area, the paddock, and the jockeys' room, to determine if proper security measures are in effect, to ensure that the integrity of these areas are preserved and protected, and to ensure that all personnel having access to the restricted areas hold occupational permits or other proper credentials;

5.1.e. working with and assisting all Racing Commission employees and representatives in the performance of their duties to ensure the enforcement of this rule and the laws of this state governing racing, and to ensure that the integrity of racing is preserved and protected; and

5.1.f. any other duties that may be assigned by the Racing Commission.

5.2. Investigator(s). The Racing Commission may employ one (1) or more persons as investigators at each licensed racetrack. The duties and responsibilities of the investigator(s) shall be fixed by the Racing Commission, but may include working in connection with the Racing Commission security officer in the performance of his or her duties.

5.3. License Clerks. The Racing Commission shall employ a minimum of two (2) persons as license clerks at each licensed

racetrack. The license clerks' duties shall include:

5.3.a. distributing applications for occupational permits;

5.3.b. assisting in the review of applications for occupational permits;

5.3.c. maintaining records and data on each individual who applies for and/or is issued an occupational permit;

5.3.d. collecting fees and fines imposed by the stewards and/or the Racing Commission and reporting to the Racing Commission the amount of such fines and fees collected;

5.3.e. depositing fines and fees collected in accordance with Racing Commission policy and procedure;

5.3.f. assisting the stewards in the performance of their duties and responsibilities; and

5.3.g. any other duties that may be assigned by the Racing Commission.

5.4. Director of Audits and Auditors of Pari-Mutuel Wagering. The Racing Commission shall employ a director of audits in accordance with West Virginia Code § 19-23-5(b) and a minimum of one (1) auditor of pari-mutuel wagering to be stationed at each licensed racetrack. The director of audits and the auditors of pari-mutuel wagering shall be certified public accountants or experienced accountants. The duties and responsibilities of the director of audits and the auditors of pari-mutuel wagering shall be fixed by the Racing Commission. The following provisions apply to the director of audits and the auditors of pari-mutuel wagering:

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5.4.a. The director of audits and the auditors of pari-mutuel wagering shall have free access to the space or enclosure where the pari-mutuel system of wagering is conducted or calculated at any horse race meeting for the purpose of ascertaining whether or not the licensee is deducting and retaining only a pari-mutuel commission as provided in the West Virginia Code, and is otherwise complying with the other provisions of the West Virginia Code relating to the pari-mutuel system.

5.4.b. The director of audits and the auditors of pari-mutuel wagering shall have full and free access to all records and papers maintained or generated pertaining to the pari-mutuel system of wagering at licensed racetracks and shall make a written report to the Racing Commission as to whether or not the licensee has deducted and retained any pari-mutuel commission in excess of that permitted under the West Virginia Code or has otherwise failed to comply with the provisions of those sections of the Code pertaining to the pari-mutuel system.

5.4.c. Copies of all pari-mutuel work sheets are to be turned over by the association to the auditor of pari-mutuel wagering immediately after each race.

5.4.d. At the end of each race day, the association shall produce a consolidated report showing detailed figures of the pari-mutuel handle, pari-mutuel commission and breakage to the auditor of pari-mutuel wagering. The association shall also provide the auditor of pari-mutuel wagering a report of pari-mutuel tickets paid at the end of each race day.

5.4.e. At the end of each race day, every signed complaint made by any patron, with reference to transactions with the association's pari-mutuel clerks, shall be reported by the association on printed complaint

forms and furnished to the auditor of pari-mutuel wagering.

5.4.f. A totalisator report shall be maintained by the association that reflects all errors, commonly called shorts or overs, made by the association's pari-mutuel clerks. The report shall detail the name of the clerk, his or her working place, and the amount involved. At the end of each meet, this report shall be provided to the auditor of pari-mutuel wagering.

5.4.g. In accordance with West Virginia Code § 19-23-13, all moneys held by any licensee for the payment of outstanding and unredeemed pari-mutuel tickets, if not claimed within ninety (90) days after the close of the horse race meeting in connection with which the tickets were issued, shall be turned over by the licensee to the director of audits within fifteen (15) days after the expiration of the ninety (90) day period. The licensee shall give any information requested by the Racing Commission and/or the director of audits concerning outstanding and unredeemed tickets including, but not limited to:

5.4.g.1. the "outs" ledger enumerating all outstanding pari-mutuel tickets at the end of the ninety (90) day period;

5.4.g.2. a statement accompanying the "outs" ledger setting forth the dollar amount of the redeemed tickets in the ninety (90) day period;

5.4.g.3. a statement accompanying the "outs" ledger setting forth the quantity and amount of each denomination redeemed during the ninety (90) day period; and

5.4.g.4. a statement verifying that the redeemed amount was subtracted from the "outs" balance which existed at the close of the meeting with the remaining balance to be included in the

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remittance of the association in settlement of the "outs" account for the meeting.

5.4.h. The association shall provide a work area for the exclusive use of the auditor of pari-mutuel wagering that is subject to the approval of the Racing Commission. This work area shall:

5.4.h.1. be located within or adjacent to the totalisator room with desk and chair facilities;

5.4.h.2. permit direct view or view by closed circuit television of the totalisator facilities within the totalisator room, such as control desk consoles, inside totalisator board or closed circuit television monitors of the outside totalisator board whichever is used, and printers;

5.4.h.3. include space for locking file cabinets within the work area or other proper storage facilities to be supplied by the association;

5.4.h.4. include an audio listening device for the public address system being used by the association so that announcements made on the address system can be heard intelligibly in the work area; and

5.4.h.5. include power outlets to operate electronic equipment.

5.4.i. Purging of pari-mutuel tickets shall be done in the presence of the auditor of pari-mutuel wagering, a totalisator representative, and an association representative and may only be done after the association provides two (2) weeks' prior notice to the director of audits.

§178-1-6. Ejection/Exclusion.

6.1. Any person ejected by the stewards or the association from the grounds of an association shall be denied admission to the grounds until permission for his or her reentry has been obtained from the association and the Racing Commission. However, all occupational permit holders who are ejected have the right of appeal to the Racing Commission.

6.2. The stewards or the association have the power to suspend or exclude from the stands and grounds persons acting improperly or whose behavior is otherwise objectionable. The stewards shall enforce the suspension or exclusion.

6.3. When a person is excluded from a racetrack or is suspended, he or she is not qualified, whether acting as agent or otherwise, to subscribe for, to enter, or run any horse in any race either in his or her own name or in that of any other person until the stewards rescind their penalty.

PART 3. RACING OFFICIALS

§178-1-7. General Provisions.

7.1. **Racing Officials.** Officials of a race meeting, unless otherwise approved by the Racing Commission, are as follows: Three (3) stewards, three (3) placing judges, clerk of scales, starter, timer, paddock judge, Racing Commission veterinarian(s), association's racing secretary and assistants, horse identifier, clocker and jockey room custodian.

7.2. **Eligibility.** To qualify as a racing official, the appointee shall be:

7.2.a. of good character and reputation;

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7.2.b. experienced in thoroughbred racing;

7.2.c. familiar with the duties of the position and with the Commission's rules of thoroughbred racing;

7.2.d. mentally and physically able to perform the duties of the job; and

7.2.e. in good standing and not under suspension or ineligible in any racing jurisdiction.

7.3. Approval and Issuance of Permits. The following provisions apply to the approval and issuance of permits to racing officials:

7.3.a. The Racing Commission, in its sole discretion, may determine the eligibility of a racing official and, in its discretion, may approve or disapprove any racing official for an occupational permit.

7.3.b. The association may designate persons to fill the positions of racing officials and request that they be approved for the position by the Racing Commission. No person shall be approved by the Racing Commission as a steward, placing judge, or other racing official unless he or she has taken and satisfactorily passed a yearly optical examination.

7.3.c. Unless prior written approval is obtained from the Racing Commission, no person shall be approved as a racing official of any racetrack who is an officer of that racetrack or who has any financial interest in that track, or who has any financial interest in any jockey or horses running on the track except that a racing official may have an interest in one or more horses as a breeder.

7.4. Prohibited Practices. While serving in an official capacity, racing officials and their assistants shall not:

7.4.a. participate in the sale or purchase, or ownership of any thoroughbred racing at the meeting;

7.4.b. sell or solicit horse insurance on any thoroughbred racing at the meeting;

7.4.c. be the holder of an occupational permit in any other capacity without permission of the Racing Commission, or in case of an emergency, the permission of the stewards;

7.4.d. directly or indirectly wager on the outcome of any race under the jurisdiction of the Racing Commission; or

7.4.e. consume or be under the influence of alcohol or any prohibited substances while performing official duties.

7.5. Report of Violations. Racing officials and their assistants shall report immediately to the stewards every violation of these rules and of the laws of this state governing racing.

7.6. Complaints Against Racing Officials. The following provisions apply to the filing and disposition of complaints against racing officials:

7.6.a. Complaints against any steward shall be made in writing to the Racing Commission and shall be signed by the complainant.

7.6.b. Any complaint against a racing official other than a steward shall be made to the stewards in writing and shall be signed by the complainant. All such complaints

shall be reported to the Racing Commission by the stewards, together with a report of the action taken or the recommendation of the stewards.

7.6.c. A racing official may be held responsible by the stewards or the Racing Commission for the actions of their assistants.

7.7. Appointment of Racing Officials.

All racing officials shall be appointed by the association holding the meeting, with the exception of the Racing Commission veterinarian(s) and the stewards, who shall be appointed by the Racing Commission. All association appointments, however, are subject to the approval of the Racing Commission, which reserves the right to demand a change of personnel for what the Racing Commission, in its sole discretion, considers sufficient reason. The successor to the replaced official is also subject to the approval of the Racing Commission.

7.8. Appointment of Substitute Racing Officials. When a vacancy occurs among the racing officials other than the stewards and the Racing Commission veterinarian(s), and when the association has not or is unable to fill a vacancy before the post time of the first race of the day, or when a vacancy occurs during the running of the races, the stewards shall fill the vacancy immediately.

§178-1-8. Stewards.

8.1. Appointment. There shall be three (3) stewards appointed by the Racing Commission for each race meeting. One (1) of the three (3) stewards shall be appointed by the Racing Commission to the position of chief steward. In the event that a steward is temporarily incapacitated or for some reason cannot serve, the Racing Commission or chief steward shall deputize someone experienced in

thoroughbred racing to serve for him or her in his or her absence.

8.2. Accreditation and Continuing Education. The following provisions apply to the accreditation and continuing education requirements of the stewards:

8.2.a. To qualify for appointment as a steward, the appointee shall meet the experience, education and examination requirements necessary to be accredited by the Racing Officials Accreditation Program (ROAP) in association with, but not limited to, the University of Arizona and the University of Louisville, and shall be in good standing with all racing jurisdictions.

8.2.b. The stewards shall attend and participate in any continuing education courses and training related to thoroughbred racing directed by the Racing Commission.

8.3. General Authority. The following provisions pertain to the general authority of the stewards:

8.3.a. The stewards are strictly responsible to the Racing Commission for the conduct of all meetings in every detail, directly or indirectly, pertaining to the racing law and rules of the Racing Commission.

8.3.b. The stewards have general supervision and authority over all occupational permit holders or licensees and other persons attendant to horses and/or on the association grounds.

8.3.c. In their discretion and where fraud is suspected, the stewards shall have the authority to mandate the selection of another jockey to ride a thoroughbred.

8.3.d. A majority vote of the stewards shall decide any question to which the authority of the stewards extends.

8.3.e. When the stewards determine, after conferring with the association's management, representatives of the horsemen, jockeys, and the track superintendent, that races cannot be run, then the stewards shall cancel such races.

8.3.f. The stewards may demand for inspection any permit holder's papers, and documents with respect to a contract between a jockey and his or her employer or employers, and all documents of an agreement, or the credentials of an authorized agent.

8.3.g. The stewards may call on any person in whose name a horse is entered to produce proof that the horse entered is not the property, either wholly or in part, of any person who is disqualified, and to produce proof of the extent of his or her interest or property in the horse. If proof is not given to their satisfaction, the stewards may declare or eliminate the horse from the race.

8.3.h. The stewards may interpret this rule and decide all questions of racing not specifically covered by this rule.

8.4. Period of Authority. The stewards' jurisdiction to act in any matter occurring during the race meeting extends after the conclusion of the meeting.

8.5. Disciplinary action. The following provisions pertain to disciplinary action by the stewards:

8.5.a. The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into the matters.

8.5.b. The stewards shall have authority to charge any permit holder for a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules.

8.5.c. The stewards may issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses and the production of documents or other evidence related to any investigation or hearing.

8.5.d. The stewards may at any time inspect permit documents, license documents, registration papers, and any other documents related to racing.

8.5.e. The stewards have the power to administer oaths and examine witnesses.

8.5.f. The stewards shall consult with the Racing Commission veterinarian(s) to determine the nature and seriousness of a laboratory finding or an alleged medication violation.

8.5.g. The stewards may impose one of the following penalties or any combination of two or more of the following penalties on a permit holder for a violation of these rules:

8.5.g.1. issue a reprimand;

8.5.g.2. assess a fine not to exceed five thousand dollars (\$5,000.00) per violation;

8.5.g.3. require forfeiture or redistribution of purse or award;

8.5.g.4. place a permit holder on probation;

8.5.g.5. suspend a permit or racing privileges for an indefinite or fixed period;

8.5.g.6. revoke a permit; or

8.5.g.7. exclude from grounds under the jurisdiction of the Racing Commission.

8.5.h. No racing official other than the stewards may impose disciplinary action against a permit holder. The starter may recommend disciplinary action to the stewards.

8.5.i. The stewards shall submit a copy of every ruling to the Racing Commission.

8.5.j. If the stewards determine that a ruling was issued in error, any disciplinary action imposed in connection with such ruling may be rescinded by the stewards.

8.5.k. A stewards' ruling shall not prevent the Racing Commission from modifying the penalty or penalties imposed.

8.5.l. The stewards may refer any matter to the Racing Commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude Racing Commission action in any matter.

8.5.m. Purses, prizes, awards, and trophies shall be redistributed if the stewards or Racing Commission order a change in the official order of finish.

8.5.n. All fines imposed by the stewards shall be paid to the Racing Commission within seven (7) calendar days after the ruling is issued, unless otherwise ordered by the stewards.

8.5.o. No person shall assume or pay, directly or indirectly, a fine imposed by the stewards or the Racing Commission upon another person.

8.5.p. The stewards have the authority to fine or suspend persons guilty of violating the written policies, rules or regulations of the association. Such written policies must be filed with the stewards and displayed in the association's racing secretary's office. Any written policies, rules or regulations of the association that conflict with this rule or the laws of this state governing racing are null and void.

8.6. Stewards' Presence. The following provisions apply to the presence of the stewards:

8.6.a. On each racing day, and those days when there is no racing but where entries are being taken for the next succeeding day of racing, one (1) or more stewards shall be on duty from the time the association's racing secretary's office opens until the entries are closed.

8.6.b. Three (3) stewards shall be present in the stewards' stand during the running of each race.

8.7. Order of Finish for Pari-Mutuel Wagering. The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool.

8.8. Cancel Wagering. The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a pari-mutuel pool for a race or races, if such action is

necessary to protect the integrity of pari-mutuel wagering.

8.9. Records and Reports. The stewards shall maintain a log of the stewards' official activities. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the stewards on all interviews, investigations and rulings made by the stewards. The log shall be available at all times for inspection by the Racing Commission or its designees and by anyone appealing a stewards' ruling to the Racing Commission.

8.10. Stewards' List. The following provisions apply to the stewards's list:

8.10.a. The stewards shall maintain a stewards' list which shall be posted in the office of association's racing secretary. The stewards' list shall contain a list of the thoroughbreds which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that endangers the health or safety of other participants in racing.

8.10.b. The stewards may place a thoroughbred on the stewards' list when there exists a question as to the exact identification or ownership of the thoroughbred.

8.10.c. A thoroughbred which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the thoroughbred can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing.

8.10.d. A thoroughbred which has been placed on the stewards' list because of questions as to the exact identification or ownership of the thoroughbred, may be removed

from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

§178-1-9. Racing Secretary.

9.1. General Authority. The following provisions apply to the general authority of the association's racing secretary:

9.1.a. The association's racing secretary or his or her assistants, shall discharge all the duties of his or her office, expressed or implied that are required by this rule, and he or she shall report to the stewards in writing all violations of this rule.

9.1.b. The association's racing secretary shall maintain a complete record of all races.

9.1.c. The association's racing secretary shall receive all entries and declarations, and he or she, or any other person designated by the association, shall receive all stakes, entrance moneys and fees incident to the meeting within fourteen (14) days after the conclusion of the meeting, and shall disburse all receipts of money to any person that is to receive any money.

9.2. Certificates. The racing secretary or his designees shall be responsible for receiving, inspecting and safeguarding the foal and health certificates, Coggins, and other documents of eligibility, for all horses competing at the track or stabled on the grounds.

9.3. Allocation of Stalls. The racing secretary or his designee shall assign stall applicants such stabling as is deemed proper and maintain a record of arrivals and departures of all horses stabled on association grounds.

9.4. Conditions. The following provisions apply to the association's racing

secretary's authority over the conditions of races:

9.4.a. The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the Racing Commission and posted in the racing secretary's office.

9.4.b. For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race.

9.4.c. Winnings during the year shall be calculated by the racing secretary from the preceding January 1, unless otherwise prescribed by the conditions of the race.

9.5. Daily Program. The following provisions apply to the association's racing secretary's duties and responsibilities regarding the daily program:

9.5.a. The association's racing secretary shall compile an official program for each racing day which shall contain the names of the thoroughbreds which are to run in each race together with their respective post positions, age, color, sex, breeding, jockey, owners or stable name, racing colors, weight carried, conditions of the race, the order in which each race shall be run, the distance to be run and the claiming price if applicable.

9.5.b. The association's racing secretary shall publish on the program any information and notices to the public as the Racing Commission may direct.

9.5.c. The association's racing secretary is responsible for any error in the program excluding printing errors corrected on the proof, but not corrected by the printer.

9.5.d. The advertising in the program shall not pertain to wagering facilities outside the enclosure or selections or recommendations by tipsters and/or those sponsoring off track daily selection cards, unless approved by the Racing Commission.

9.6. Stakes and Entrance Money Records. The association's racing secretary shall be the caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting.

§178-1-10. Horsemen's Bookkeeper.

10.1. General Authority. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described in this section and maintain any other records and accounts and perform any other duties prescribed by the association and the Racing Commission.

10.2. Records. The following provisions apply to the records maintained by the horsemen's bookkeeper:

10.2.a. The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each thoroughbred owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account.

10.2.b. The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents.

10.2.c. All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association.

10.2.d. All records of the horsemen's bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the Racing Commission at any time.

10.2.e. The association licensee is subject to disciplinary action by the Racing Commission for any violations of or non-compliance with the provisions of this rule.

10.3. Payment of Purses. The following provisions apply to the payment of purses:

10.3.a. The horsemen's bookkeeper shall receive, maintain and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into his/her possession in accordance with the provisions of Racing Commission rules.

10.3.b. The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

10.3.c. The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees and purchase money in claiming races, along with all applicable taxes, upon request, within forty-eight (48) hours of receipt of notification that all tests with respect to such races have cleared the drug testing laboratory(ies) of the official chemist(s) as reported by the stewards or the Racing Commission, except that minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratory(ies).

10.3.d. In the event a protest or appeal has been filed with the stewards or the

Racing Commission, the horsemen's bookkeeper shall disburse the purse within forty-eight (48) hours of receipt of a dismissal or a final order disposing of such protest or appeal.

10.4. Holder of claim against thoroughbred. The holder of a claim whether it is a mortgage, a bill of sale or lien of any kind against a thoroughbred, shall file the claim with the horsemen's bookkeeper prior to the time the thoroughbred starts. The holder of a claim who fails to do so forfeits his or her rights in the winnings of the thoroughbred prior to the time his or her claim is properly filed.

10.5. Outstanding accounts. Owners having unpaid jockey or other fees at the close of a race meeting, shall be billed by the horsemen's bookkeeper within twenty (20) days of the close of their race meet, with a duplicate copy of a bill to the trainer. All owners must pay their accounts within thirty (30) days from billing dates. At the expiration of the thirty (30) day period, the association shall notify the Racing Commission or the stewards, in writing, of all delinquent accounts, at which time all owners with outstanding accounts may have their occupational permits suspended by the stewards until the fees are paid.

§178-1-11. Paddock Judge.

11.1. General Authority. The paddock judge shall:

11.1.a. supervise the assembly of thoroughbreds in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;

11.1.b. maintain a written record of all equipment, inspect all equipment of each thoroughbred saddled, and report any change thereof to the stewards;

11.1.c. prohibit any change of equipment without the approval of the stewards;

11.1.d. ensure that the saddling of all thoroughbreds is orderly, open to public view, free from public interference, and that thoroughbreds are mounted at the same time, and leave the paddock for the post in proper sequence;

11.1.e. supervise paddock schooling of all thoroughbreds approved for such by the stewards;

11.1.f. report to the stewards any observed cruelty to a thoroughbred;

11.1.g. ensure that only properly authorized persons are permitted in the paddock; and

11.1.h. report to the stewards any unusual or illegal activities.

11.2. Paddock Judge's List. The following provisions apply to the paddock judge's list:

11.2.a. The paddock judge shall maintain a list of thoroughbreds which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing. The owner, trainer or their designee shall be verbally notified by the paddock judge if his or horse is placed on the paddock judge's list.

11.2.b. Upon request, the paddock judge shall provide a copy of the list to the stewards.

11.2.c. To be removed from the paddock judge's list, a thoroughbred must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the

stewards that the thoroughbred is capable of performing safely in the paddock.

§178-1-12. Horse Identifier.

12.1. General Authority. The horse identifier shall:

12.1.a. when required, ensure the safekeeping of registration certificates held at the racetrack for thoroughbreds stabled and/or racing on association grounds;

12.1.b. inspect documents of ownership, registration or breeding necessary to ensure the proper identification of each thoroughbred scheduled to compete at a race meeting;

12.1.c. examine every starter in the paddock for sex, color, markings and lip tattoo, microchip (ISO 11784), freeze brand or other identification method approved by the appropriate breed registry and the Racing Commission for comparison with its registration certificate to verify the thoroughbred's identity; and,

12.1.d. supervise the tattooing, microchip implanting, freeze branding or other method of identification approved by the appropriate breed registry and the Racing Commission for identification of any thoroughbred located on association grounds.

12.2. Report of Violations. The identification of thoroughbreds shall be made by the horse identifier who shall report any irregularities to the paddock judge and stewards.

12.3. Fraud or attempted fraud in the identification of a thoroughbred. Any person attempting to establish the identity of a thoroughbred or its ownership is responsible to the same extent as the owner, and shall be

subject to a fine or suspension in the case of fraud or attempted fraud.

§178-1-13. Clerk of Scales.

13.1. General Authority. The clerk of scales shall:

13.1.a. verify the presence of all jockeys in the jockeys' room at the appointed time;

13.1.b. verify that all such jockeys have a current jockey's permit issued by the Racing Commission;

13.1.c. verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;

13.1.d. oversee the security of the jockeys' room including the conduct of the jockeys and their attendants;

13.1.e. promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment, deficiencies in equipment, or conduct;

13.1.f. assist the jockey room custodian;

13.1.g. record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day;

13.1.h. maintain the record of applicable winning races on all apprentice jockey certificates at the meeting;

13.1.i. release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet;

13.1.j. assume the duties of the jockey room custodian in his or her absence;

13.1.k. cause any overweight to be displayed immediately to the public and cause this information to be immediately announced over the public address system by the announcer; and,

13.1.l. use reasonable efforts to verify that safety equipment required to be worn by jockeys is worn.

§178-1-14. Jockey Room Custodian.

14.1. General Authority. The jockey room custodian shall:

14.1.a. maintain order, decorum, and cleanliness in the jockey and scale rooms;

14.1.b. assist the clerk of the scales in the performances of his or her duties;

14.1.c. ascertain that no persons, other than racing officials, members of the Racing Commission or its representatives, representatives of jockeys, and necessary jockey room attendants are admitted to the jockey room on a day of racing without the express permission of the stewards for each time of entry;

14.1.d. oversee the care and storage of all racing colors;

14.1.e. oversee the jockeys' attendants and arrange their rotation among jockeys in the matter of weighing out;

14.1.f. ascertain that any jockey attendant not approved by the stewards and not holding an occupational permit issued by the Racing Commission is permitted to assist any jockey at any time;

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14.1.g. report any irregularities to the stewards that occur in the jockey room;

14.1.h. ascertain that jockeys are neat in appearance and attired in keeping with this rule when they leave the room to ride in a race;

14.1.i. notify the jockeys that it is time to go directly to the paddock and notify the stewards of any jockey not in compliance; and,

14.1.j. ensure that the jockeys' room is properly equipped and inform the stewards and association of any deficiencies.

14.2. Prohibited conduct. The jockey room custodian shall not lend money to any jockey or any other person in the jockey room and shall not sell or exchange raffle tickets. The jockey room custodian shall not be involved in any financial transactions of any kind in the jockey room, with the exception of the buying and selling of racing equipment used by the jockeys.

§178-1-15. Starter.

15.1. General Authority. The starter shall:

15.1.a. have complete jurisdiction over the starting gate, the starting of thoroughbreds and the authority to give orders not in conflict with the rules of racing as may be required to ensure all participants an equal opportunity to a fair start;

15.1.b. appoint and supervise assistant starters who have demonstrated they are adequately trained to safely handle thoroughbreds in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;

15.1.c. ensure that at least one assistant starter is available for each thoroughbred in a race, unless permission is otherwise granted by the stewards;

15.1.d. assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions before post time for the race;

15.1.e. assess the ability of each person applying for a jockey's permit in breaking from the starting gate and working a thoroughbred in the company of other thoroughbreds, and make such assessment known to the stewards;

15.1.f. load thoroughbreds into their positions in the starting gate in alternating sequence, with the thoroughbred assigned to the post closest to the inside rail and the thoroughbred assigned to the post position nearest to the middle of the field being loaded first, and so on, until the field is properly loaded. When there are less than seven (7) thoroughbreds running a race, they may be loaded in the starting gate in the order of their positions beginning from the inside rail. Vicious and unruly horses may be loaded out of sequence in the discretion of the starter; and

15.1.g. assess any thoroughbred that has not run a race within the preceding six (6) months and determine whether or not it can break out of the gate satisfactorily.

15.2. Reloading of thoroughbreds. If a thoroughbred or thoroughbreds break through the gate or unseat his or her rider after part or all of the field is loaded in the gate for the start, and that thoroughbred is not immediately taken in hand by the outrider and brought back for reloading, the starter may unload the remaining thoroughbreds in the gate and reload in their proper order when the runaway thoroughbred is brought back in position for loading.

15.3. Starter's List. No thoroughbred shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all thoroughbreds which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. A thoroughbred on the starter's list shall be refused entry until it has demonstrated to the starter that it has been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter or an assistant. The starter shall provide copies of the starter's list to the stewards and the association's racing secretary, including information pertaining to the thoroughbreds that are schooled sufficiently to be permitted to run.

15.4. Assistant Starters. With respect to an official race, the assistant starters shall not:

15.4.a. handle or take charge of any thoroughbred in the starting gate without the expressed permission of the starter;

15.4.b. impede the start of a race;

15.4.c. apply a whip or other device, with the exception of steward-approved twitches, to assist in loading a thoroughbred into the starting gate;

15.4.d. slap, boot or otherwise dispatch a thoroughbred from the starting gate;

15.4.e. strike or use abusive language to a jockey; or

15.4.f. accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.

15.5. Report Violations. The starter and assistant starters shall report all unauthorized activities to the stewards.

§178-1-16. Timer/Clocker.

16.1. General Authority of the Timer. The following provisions shall apply to the general authority of the timer:

16.1.a. The timer shall accurately record the time elapsed between the start and finish of each race.

16.1.b. The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

16.1.c. At the end of a race, the timer shall post the official running time on the infield totalizator board on instruction by the stewards.

16.1.d. At a racetrack equipped with an appropriate infield totalizator board, the timer shall post the quarter times (splits) for thoroughbred races in fractions as a race is being run.

16.1.e. For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three stopwatches are used by the stewards or their designees.

16.1.f. The timer shall maintain a written record of fractional and finish times of each race and have the same available for inspection by the stewards or the Racing Commission on request.

16.2. General Authority of the Clocker. The following provisions apply to the general authority of the clocker:

16.2.a. The clocker shall be present during training hours at each track on association grounds, which is open for training, to identify each thoroughbred working out and to accurately record the distances and times of each thoroughbred's workout.

16.2.b. Each day, the clocker shall prepare a list of workouts that describes the name of each thoroughbred which worked along with the distance and time of each thoroughbred's workout.

16.2.c. At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the association's racing secretary.

§178-1-17. Placing Judges.

17.1. General Authority. The following provisions apply to the general authority of the placing judges:

17.1.a. The placing judges shall occupy the judges' stand at the time the thoroughbreds pass the finish line and indicate the order of finish of the thoroughbreds. If in doubt of the proper order of finish, they may delay posting the result until after they examine the photo of the finish of the race to determine the positions of the thoroughbreds. Decisions are final, unless an objection to the winner or any thoroughbred officially placed is made and sustained. Nothing in this section prevents the placing judges from correcting any mistake. The correction is subject to confirmation by the stewards before the official result is posted.

17.1.b. The placing judges shall determine the order of finishing of as many thoroughbreds as they consider proper, but never

less than five (5), if five (5) or more are racing. When the placing judges differ on the order of finish the majority governs. The placing judges shall file the finish of each race with the association's racing secretary or his or her assistants and with the Racing Commission.

17.2. Dead Heats. The following provisions apply to dead heats:

17.2.a. In the event the placing judges determine that two or more thoroughbreds finished the race simultaneously and cannot be separated as to their order of finish, a dead heat shall, with the approval of the stewards, be declared.

17.2.b. In the event one or more of the first four (4) finishers of a race are involved in a dead heat, the placing judges shall publically post the results and cause the numbers of the thoroughbred or thoroughbreds involved to be published.

§178-1-18. Racing Commission Veterinarian(s).

18.1. General. The Racing Commission veterinarian(s) shall:

18.1.a. be employed by the Racing Commission;

18.1.b. be a graduate veterinarian and be licensed to practice veterinary medicine in the state of West Virginia;

18.1.c. be qualified to objectively and competently perform the regulatory duties described herein;

18.1.d. refuse employment or payment, directly or indirectly, from any thoroughbred owner or trainer of a thoroughbred racing or intending to race in this jurisdiction

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while employed as a Racing Commission veterinarian;

18.1.e. refrain from directly treating or prescribing for any thoroughbred under his/her jurisdiction except in cases of emergency, accident or injury;

18.1.f. have no employment history or business relationship prior to or during employment as the Racing Commission veterinarian that could constitute a conflict of interest or impede in the performance of official duties.

18.1.g. recommend to the stewards any thoroughbred deemed unsafe to be raced, or a thoroughbred that it would be inhumane to allow to race;

18.1.h. conduct pre-race inspections on all potential starters on race day;

18.1.i. inspect any thoroughbred when there is a question as to the physical condition of such thoroughbred independent of the thoroughbred's entry status;

18.1.j. be present in the paddock during saddling; on the racetrack during the post parade; and, at the starting gate until the thoroughbreds are dispatched from the starting gate for the race;

18.1.k. recommend to the stewards the scratching of any thoroughbred that is, in the opinion of the Racing Commission veterinarian, injured, ill, or otherwise unable to compete due to a medical or health-related condition;

18.1.l. inspect any thoroughbred which appears in physical distress during the race or at the finish of the race; and report such thoroughbred together with his/her

opinion as to the cause of the distress to the stewards;

18.1.m. provide emergency medical care to horses injured racing and effect case transfer to the practicing veterinarian;

18.1.n. be authorized to humanely destroy any thoroughbred deemed to be so seriously injured that it is in the best interests of the thoroughbred to so act;

18.1.o. report to the Racing Commission the names of all thoroughbreds humanely destroyed or which otherwise expire at the meeting or on association grounds and the reasons therefore;

18.1.p. maintain all required records of postmortem examinations performed on thoroughbreds which have died within the jurisdiction of the Racing Commission;

18.1.q. maintain the veterinarians' list of thoroughbreds ineligible to race and cause notification to be provided to a horse's trainer that a horse trained by him or her is on the veterinarians' list;

18.1.r. supervise, control and establish any necessary procedures for the operation of the test barn;

18.1.s. supervise the taking of all specimens for testing according to procedures approved by the Racing Commission;

18.1.t. provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination and assure sample integrity;

18.1.u. provide the stewards with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples.

18.1.v. have jurisdiction over the practicing veterinarians on the association's grounds for the purpose of these rules;

18.1.w. review and consult with the applicants and the stewards/Racing Commission regarding permit applications of practicing veterinarians, veterinary technicians or assistants, vendors of medical supplies and equipment, non-veterinarian health care providers;

18.1.x. cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases; and

18.1.y. keep current and/or update the Jockey Club Equine Injury Database, if the association is a participant in the database.

18.2. Veterinary Technicians. The Racing Commission may employ veterinary technicians registered by the West Virginia Board of Veterinary Medicine or other veterinary assistants qualified to assist the Racing Commission veterinarians. A veterinary technician or veterinary assistant employed by the Racing Commission shall perform all lawful duties and shall act under the direct supervision of the Racing Commission veterinarian(s).

PART 4. ISSUANCE OF LICENSES AND DUTIES OF LICENSEES

§178-1-19. License Required.

19.1. Any individual, partnership, firm, association, corporation or other entity or organization of whatever character or description wishing to obtain a license to conduct a race meeting with pari-mutuel wagering during any calendar year shall file a license application with the Racing Commission on forms prescribed by the Racing Commission.

19.2. Such application shall disclose, but not be limited to, the following:

19.2.a. If the applicant is an individual, the full name and address of the applicant;

19.2.b. If the applicant is a partnership, firm or association, the full name and address of the each partner or member thereof and the name of the partnership, firm or association and its address;

19.2.c. If the applicant is a corporation, its name, the state of its incorporation, its address, the full name and address of each officer and director thereof, and if a foreign corporation, whether it is qualified to do business in the state of West Virginia;

19.2.d. The dates such applicant intends to hold or conduct each horse race meeting during the calendar year;

19.2.e. The location of the horse racetrack, place or enclosure where such applicant proposes to hold or conduct such horse race meeting;

19.2.f. Whether the applicant, any partner, member, officer or director has previously applied for a license under West Virginia Code §§ 19-23-1 *et seq.* or for a similar license in this or any other state, and if so, whether such license was issued or refused, and, if issued, whether it was ever suspended or revoked;

19.2.g. If the applicant is an individual, his or her fingerprints; if the applicant is a partnership, firm or association, the fingerprints of each partner or each member; if the applicant is a corporation, the fingerprints of each officer and director. Such fingerprints shall be provided for examination by the West Virginia State Police Criminal Investigation Bureau and the Federal Bureau of Investigation

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and shall be accompanied by a signed authorization for the release of information by those agencies;

19.2.h. Such other information as the Racing Commission may in its discretion reasonably require, including, but not limited to, satisfactory evidence that the applicant has the ability to pay all taxes due the state, purses, salaries of racing officials and other expenses incident to the horse race meeting for which a license is sought. If satisfactory evidence of ability to pay such expenses and fees cannot be furnished by the applicant, the Racing Commission may require a bond or other adequate security before the license is issued; and

19.2.i. A signed, notarized verification that the information contained on the application is true and accurate. Such verification shall be signed by the individual seeking the license; or, by a partner or member if the applicant is a partnership, firm or association; or, by an officer or director if the applicant is a corporation.

19.3. A license is neither transferrable nor assignable to any other person. The sale of the assets of an association requires the buyer to apply for a racing license from the Racing Commission if the buyer wishes to conduct a horse race meeting with pari-mutuel wagering in this state.

19.4. The Racing Commission shall promptly consider any application for a license. Based upon such application and any other information before it, the Racing Commission shall make and enter an order either approving or denying the application. If an application for a license is approved, the Racing Commission shall issue a license to conduct a horse race meeting, and shall designate on the face of the license the dates upon which the horse race meeting shall be held, the location of the horse

racetrack, place or enclosure where the horse race meeting is to be held, and other information as the Racing Commission shall consider proper.

19.5. The Racing Commission may deny an application for a license or may suspend, revoke or otherwise discipline a license if it finds that the applicant or the licensee:

19.5.a. Has knowingly made a false statement of material fact in the application or has knowingly failed to disclose any information called for in the application;

19.5.b. Is or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in this or any other state;

19.5.c. Is or has been convicted, within ten years prior to the date of the application, of an offense which under the laws of this state, of any other state or of the United States of America, shall constitute a felony or a crime involving moral turpitude;

19.5.d. Has failed to comply with West Virginia Code §§ 19-23-1 *et seq.* or any rules of the Racing Commission;

19.5.e. Has had a license to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state;

19.5.f. Has defaulted in the payment of any obligation or debt due to the state of West Virginia under West Virginia Code §§ 19-23-1 *et seq.*

19.5.g. Is, if a corporation, neither incorporated under the laws of this state nor qualified to do business in this state; or

19.5.h. Has failed to furnish a bond or other adequate security, if the same is

required by the Racing Commission under West Virginia Code § 19-23-7(b) and this rule.

19.6. In issuing licenses for horse race meetings at the various horse racetracks in this state, the Racing Commission shall consider the horse racing circuits with which the horse racetracks in this state are associated or contiguous to, and shall also consider dates which are calculated to increase the tax revenues accruing from horse racing.

19.7. If a horse racetrack, place or enclosure specified on the face of the license as the licensee's location for horse racing becomes unsuitable because of flood, fire, or other catastrophe, or cannot be used for any reason, the Racing Commission may, upon application, authorize the horse race meeting, or any remaining portion thereof, to be conducted at any other racetrack, place or enclosure available for that purpose, provided that the owner of the racetrack, place or enclosure willingly consents to the use thereof.

§178-1-20. General Duty.

20.1. An association, its officers, directors, officials and employees shall abide by and enforce the laws of this state governing racing and the rules and orders of the Commission and stewards and failure to do so may result in the imposition of disciplinary action against the association's license and/or against the occupational permit held by an officer, director, official and/or employee of the association.

20.2. No individual who has a direct or indirect financial interest of twenty percent (20%) or more in a partnership, firm, association, corporation or other entity or organization of whatever character or description licensed by the Racing Commission to conduct horse racing and pari-mutuel wagering shall race or permit, or cause to be

raced, any horse in which he or she has an interest, either direct or indirect, at any meeting where racing is conducted under the license.

20.3. If the association is a corporation, it shall, upon request, provide a list of all stockholders or shareholders to the Racing Commission.

20.4. Thirty (30) days before conducting a stakes race, each association shall submit to the Racing Commission the conditions for all stakes races it proposes to hold, together with the stake, purse or reward, all of which are subject to the approval of the Racing Commission.

§178-1-21. Financial Requirements.

21.1. Insurer of the Race Meeting.
The following provisions apply to the association's duty as insurer of each race meeting:

21.1.a. The association shall maintain, in an approved depository, the amounts deducted from the pari-mutuel handles for purse distribution as specified by the provisions of West Virginia Code § 19-23-10 and this rule.

21.1.b. An association is obligated as part of its duties to ensure that the amounts retained from the pari-mutuel handles are distributed according to the West Virginia Code and Racing Commission rules.

21.1.c. An association shall ensure that all purse monies, disbursements and appropriate nomination race monies are available to make timely distribution in accordance with the West Virginia Code, Racing Commission rules, association rules and race conditions.

21.1.d. The association shall provide proof of liability insurance coverage upon request of the Racing Commission.

22.2. Financial Reports. Each licensee shall file audited financial statements on or before the 30th of April of each year, unless otherwise authorized by the Racing Commission. These financial statements will cover all income and disbursements relating directly and indirectly to horse racing activities in the state, including, but not limited to, the following: concessions, programs, parking, pari-mutuel wagering, and breakage. The financial statements shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by the report of an independent certified public accountant. If the association is a corporation, it shall provide the Racing Commission with a copy of its annual audited, consolidated financial statements contained in the corporation's annual report to its shareholders and, if applicable, as submitted to the United States Securities and Exchange Commission.

§178-1-23. Facilities and Equipment.

23.1. Facilities and Equipment for Patrons and Permit Holders. The following provisions apply to the facilities and equipment that an association must provide for patrons and permit holders:

23.1.a. The association shall provide equipment for fingerprinting and photographing all occupational permit holders and shall provide the necessary equipment to coat the occupational permit in plastic with the picture of the permit holder.

23.1.b. The association shall furnish and maintain at least one (1) ambulance for the exclusive use of persons, staffed with at least two (2) emergency medical technicians, one of whom shall be a certified paramedic, at

any time the racetrack is open for live racing or exercising. If the ambulance is being used to transport an individual, the association may not conduct a race or be open for training until the ambulance is replaced, and ready for immediate duty, to be placed at a readily available location to the racing strip, so that no time may be lost in answering calls. Unless otherwise approved by the Racing Commission or the stewards, an ambulance shall follow the mounted horses at a safe distance during the running of the race.

23.1.c. The association shall equip and maintain at its racetrack at least one (1) first aid room provided with adequate beds and equipped with first aid appliances and material as approved by the Racing Commission. Each association shall meet minimum staffing requirements of emergency service personnel during all racing hours and employ an emergency medical technician and an individual trained in cardiopulmonary resuscitation. Additionally, each association shall employ a paramedic and/or a registered nurse during all racing hours.

23.1.d. The association shall ensure that the public areas of the association grounds are designed and maintained for the safety of the patrons and occupational permit holders and are accessible to persons with disabilities as required by state and federal law.

23.1.e. The association shall provide a supply of free drinking water.

23.1.f. The association shall maintain adequate restroom facilities on association grounds and ensure the safety and cleanliness of the restroom facilities at all times.

23.1.g. The association shall designate an office and suitable parking spaces for the exclusive use of the Racing Commission, its employees and representatives. The association shall offer sufficient office space for

private consultation and necessary office equipment. The office shall be equipped with a telephone and shall also have sufficient space for secure, locked storage for Racing Commission records and supplies. The key to such storage shall be available only to the Racing Commission and/or the stewards. The association shall also provide sufficient office space for the Racing Commission license clerk(s), investigator(s), security officer(s) and any other Racing Commission personnel, as requested by the Racing Commission.

23.1.h. Any racing association contemplating a change of any kind pertaining to the racing strip, the erection of new buildings, stands or other structures, on the grounds of the association which are to be used as a part of the facilities for conducting a race meeting, shall notify the Racing Commission in writing before any changes are made.

23.2. Officials' Stands. Stands for placing judges, clockers, timers, and stewards shall be maintained in positions commanding an uninterrupted view of the entire racing strip and shall be appropriately maintained and furnished. The stands are subject to approval by the Racing Commission.

23.3. Audio and Visual Equipment. The following provisions apply to the audio and visual equipment required for racing:

23.3.a. The association shall provide and maintain in good working order a communication system between the stewards' stand; office of the association's racing secretary; tote room; jockeys' room; paddock; test barn; starting gate; clocker's/timer's stand; Racing Commission veterinarian(s); track announcer; location of the ambulances (equine and human); and other locations and persons designated by the Commission.

23.3.b. A camera or electronic photofinish device selected by the association conducting the meeting shall be approved by the Racing Commission and shall be used to make photographs or images of the horses at the finish to assist the placing judges in determining their positions as exclusively indicated by the noses of the horses. On request by the Racing Commission, the association shall provide, without cost, photographs or images of a finish to the Commission or its representatives. Finish photographs or images of each race shall be maintained by the association for not less than one (1) month after the end of the race meeting, or such other period as may be requested by the stewards or the Racing Commission.

23.3.c. The association shall install and use a video recording system approved by the Racing Commission with not fewer than three (3) cameras operating from positions designated by the Racing Commission to provide clear panoramic and head-on views and recordings of each race from start to finish. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the stewards' stand. On request by the Racing Commission, the association shall provide, without cost, a copy of the video recording of each race to the Commission or its representatives. Video recordings made during each race shall be retained by the association for not less than one (1) month after the end of the race meeting, or such other period as may be requested by the stewards or the Racing Commission.

23.3.d. On all racetracks, the official photographer for the association shall be required to hold an occupational permit issued by the Racing Commission. In all cases when a still picture is taken by the official photographer, he or she shall direct his or her camera at a point away from the finish line unless otherwise

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approved by the stewards or the Racing Commission. No photographer, other than the official photographer, shall be permitted on the racetrack, unless permission is granted by the stewards or the Racing Commission; and then only for pictures that are specifically requested and in places as are approved by the stewards or the Racing Commission.

23.4. Rails. The following provisions to the rails required for racing:

23.4.a. Racetracks, including turf tracks, shall have inside and outside rails, including gap rails, designed, constructed and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the Racing Commission prior to the first race meeting at the track.

23.4.b. All potential obstructions shall be set back a minimum of ten (10) feet from the back of the inside rail. All existing obstructions, shall be moved, back a minimum of ten (10) feet from the back of the rail and/or padded, as directed by the Racing Commission.

23.5. Starting Gates. Each racing association shall provide and maintain at least two operable padded starting gates on every race day of its meeting. Each association shall use every reasonable endeavor to have in attendance whenever the gates are in use, one or more individuals who are skilled and qualified to maintain the gates in good working order, and be available for periodic inspections of the starting gates as may be required by the Racing Commission.

23.6. Distance Markers. The following provisions apply to the distance markers required for racing:

23.6.a. An association shall provide starting point markers and distance

poles in a size and position that is clearly seen from the stewards' stand.

23.6.b. The starting point markers and distance poles must be marked as follows:

23.6.b.1. 1/4 POLES --
Red and White;

23.6.b.2. 1/8 POLES --
Green and White; and

23.6.b.3. 1/16 POLES
-- Black and White.

23.7. Lighting. The following provisions apply to the lighting required for racing:

23.7.a. An association shall provide lighting for the racetrack and the patron facilities that is adequate to ensure the safety and security of the patrons, permit holders and horses. The association shall also provide lighting to ensure the proper operation of video recording and photofinish equipment.

23.7.b. If an association conducts racing at night, the association shall maintain a backup lighting system that is sufficient to ensure the safety of race participants and patrons.

23.7.c. An association shall provide adequate lighting in the stable areas as required by the Racing Commission.

23.8. Equine Ambulance. The following provisions apply to the equine ambulance required for racing:

23.8.a. An association shall provide an equine ambulance staffed by trained personnel on association grounds on each day that the racetrack is open for racing or training.

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23.8.b. The ambulance must be properly ventilated and kept at an entrance to the racing strip when not in use.

23.8.c. The ambulance must be a covered vehicle that is low to the ground and large enough to accommodate a horse in distress. The ambulance must be able to:

23.8.c.1. navigate on the racetrack during all weather conditions; and

23.8.c.2. transport a horse off the association grounds.

23.8.d. The ambulance must be equipped with:

23.8.d.1. large, portable screens to shield a horse from public view;

23.8.d.2. ramps to facilitate loading a horse;

23.8.d.3. adequate means of loading a horse that is down;

23.8.d.4. a padded interior;

23.8.d.5. a movable partition to initially provide more room to load a horse and to later restrict a horse's movement;

23.8.d.6. a shielded area for the person who is attending to the horse; and

23.8.d.7. an adequate area for the storage of water and veterinary drugs and equipment.

23.8.e. An association may not conduct a race unless an equine ambulance or a substitute approved by a Racing Commission veterinarian is readily available.

23.8.f. The equine ambulance, its supplies and attendants and the operating procedures for the equine ambulance must be approved by a Racing Commission veterinarian.

23.9. Barns. The following provisions apply to the barn area required for racing:

23.9.a. Each barn shall be numbered and each and every stall in the barn shall be numbered and a record of each designation filed with the association's racing secretary.

23.9.b. All used bedding and manure shall be removed from the stalls daily and shall be deposited at a place designated by the association. The association shall remove or cause to be removed all bedding and manure from the stable area.

23.10. Test Barn. The following provisions apply to the test barn required for racing:

23.10.a. The association shall provide a suitable building, approved by the Racing Commission, for a test barn. The test barn shall be under the supervision of the Racing Commission veterinarian(s), for the purpose of collecting specimens for any test required by the Racing Commission.

23.10.b. The test barn shall be equipped with:

23.10.b.1. a walk area that is large enough to accommodate four (4) horses;

23.10.b.2. at least four (4) enclosed stalls that permit observation of the specimen collection process and provide for the protection of collection personnel;

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23.10.b.3. facilities and equipment for the collection, identification, and storage of specimens;

23.10.b.4. a wash rack or wash stall that is large enough to accommodate two (2) horses at the same time;

23.10.b.5. hot and cold running water;

23.10.b.6. equipment for washing and cooling horses;

23.10.b.7. clean water buckets for each horse; and

23.10.b.8. any other items required by the Racing Commission.

23.10.c. The test barn shall be kept locked at all times when not in use. The only persons authorized to have keys shall be the racetrack general manager or his or her designee and the Racing Commission veterinarian(s) and their designees.

§178-1-24. Operations.

24.1. Security. The following provisions apply to the security required on association grounds:

24.1.a. An association conducting a race meeting shall maintain security controls over its grounds.

24.1.b. An association shall establish a system or method of issuing credentials or passes to restrict access to its restricted areas, which includes but is not limited to the stable area and paddock, and to ensure that all participants at its race meeting hold permits as required by this rule.

24.1.c. An association shall prevent access to and shall remove or cause to be removed from its restricted areas, which includes but is not limited to the stable area and paddock, any person who does not have an occupational permit, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized.

24.1.d. Upon request, a written report shall be made to the Racing Commission or the stewards by the director of the security department at each race track, which details any and all occurrences or incidents on association grounds. This report shall include the name of all persons involved in the occurrences or incidents and the circumstances of the occurrences or incidents.

24.1.e. It is the responsibility of the racing association conducting a meeting under a license issued by the Racing Commission to assure that all persons under the age of sixteen (16) years are properly supervised by an adult when admitted to the association grounds. Persons under the age of eighteen (18) years may not be admitted in a restricted area without the written permission of the stewards, except in case of an emergency. Violation of this rule may result in a fine or other discipline against a licensee and/or occupational permit holder when warranted in the discretion of the stewards and/or the Racing Commission.

24.2. Fire Prevention. The following provisions apply to fire prevention on association grounds:

24.2.a. An association shall develop and implement a program for fire prevention on association grounds. An association shall instruct employees working on association grounds of the procedures for fire prevention.

24.2.b. No person shall:

24.2.b.1. smoke in stalls, feed rooms, under shed rows or in any other "no smoking" area of the association's grounds as identified by the association or the Racing Commission;

24.2.b.2. burn open fires or oil and gas lamps in the stable area;

24.2.b.3. leave unattended any electrical appliance that is plugged-in to an electrical outlet, with the exception of a fan approved by the association;

24.2.b.4. permit horses to come within reach of electrical outlets or cords;

24.2.b.5. store flammable materials such as cleaning fluids or solvents in the stable area; or

24.2.b.6. lock a stall which is occupied by a horse.

24.3. Performances. The following provisions apply to performances:

24.3.a. The minimum number of races per day at all licensed racetracks shall be eight (8), the maximum number of races per day shall be ten (10), unless otherwise authorized by the Racing Commission.

24.3.b. The Racing Commission shall approve the post time for the first race of each race day. Each race after the first race of each race day shall be run at intervals to be approved by the Racing Commission. In the event of an emergency, the stewards may approve the alteration of the post time for the first race of each race day and the intervals at which other races shall be run.

PART 5. ISSUANCE OF PERMITS AND DUTIES OF PERMIT HOLDERS

§178-1-25. General Provisions Applicable to All Permit Applicants and Permit Holders.

25.1. Permit Required. The following provisions apply to permit requirements:

25.1.a. Racing participants and personnel; racing officials (excluding those employed by the Racing Commission); and, persons employed by the association or employed by a person or concern contracting with or approved by the association or Commission to provide a service or commodity on association grounds, shall have a valid occupational permit issued by the Racing Commission, unless otherwise specifically exempt from this requirement.

25.1.b. Applicants for occupational permits shall file a completed application on a form prescribed by the Racing Commission with the license clerk stationed at the racetrack. Applications shall be reviewed by the stewards who may issue or deny the permit; hold the application for further investigation; or, refer it to the Racing Commission for a determination.

25.1.c. The Racing Commission may designate categories of permit applications that require a determination of issuance or denial by the Commission and not the stewards. The Racing Commission may require, however, that the stewards provide a recommendation as to the issuance or denial of any such permit application.

25.1.d. Applicants for occupational permits may be required to provide fingerprints for examination by the West Virginia State Police Criminal Investigation Bureau and the Federal Bureau of Investigation.

If fingerprints are required to be provided by an applicant, the applicant shall provide a signed authorization for the release of information by those agencies.

25.1.e. The fees that shall be paid to the Racing Commission for occupational permits issued effective for calendar year 2012 and thereafter are set forth in table 178-1 A at the end of this rule.

25.1.f. An occupational permit is neither transferable nor assignable to any other person.

25.1.g. The Racing Commission shall not grant an occupational permit to anyone under eighteen (18) years of age. An applicant may be required to submit a certified copy of his or her birth certificate in connection with his or her application for a permit.

25.1.h. The filing of an application for a permit shall authorize the Racing Commission to investigate criminal and employment records, to engage in interviews to determine the applicant's character and qualifications and to verify information provided by the applicant.

25.2. Consent to Search and Seizure.
The following provisions apply to permit holders' consent to search and seizure as a condition of holding a permit:

25.2.a. Members of the Racing Commission, the stewards, the Racing Commission veterinarians, the Racing Commission security officer and Racing Commission investigators have the right to inspect and search any person on association grounds who has been granted an occupational permit by the Racing Commission, as well as any stables, rooms, trailers, vehicles or other places or things within the association grounds.

25.2.b. Members of the Racing Commission, the stewards, the Racing Commission veterinarian(s), the Racing Commission security officer and Racing Commission investigators have the right to seize any prohibited medication, drugs, paraphernalia or devices.

25.2.c. By accepting an occupational permit, all permit holders are deemed to consent to the search and seizure provided for by this section.

25.3. Substance Abuse/Addiction.

25.3.a. All permit holders shall be deemed to be exercising the privileges of their permit, and shall be subject to the requirements of this subsection when engaged in activities that could affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas or other areas of the association grounds.

25.3.b. It shall be a violation to exercise the privileges granted by a permit issued by the Racing Commission if the permit holder:

25.3.b.1. Is engaged in the illegal sale or distribution of alcohol or a controlled substance;

25.3.b.2. Possesses, without a valid prescription, a controlled substance;

25.3.b.3. Is addicted, having been determined to be so by a professional evaluation, to alcohol or other drugs and is not engaged in an abstinence-based program of recovery acceptable to the Racing Commission;

25.3.b.4. Has in his or her possession on association grounds any

equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance;

25.3.b.5. Refuses to submit to urine or drug testing, when notified that such testing is based on a random drug testing procedure; is based on reasonable suspicion that the person is using drugs or alcohol; or, is based on the permit holder's acting as if in an impaired condition; or

25.3.b.6. Presently has drugs (controlled substances) or alcohol in his or her body. With regard to alcohol, the results of a breathalyzer test showing a reading of more than .05 percent of alcohol in the blood shall be the criterion for a finding of alcohol present in the body. With regard to other controlled substances, presence of the drug in any quantity measured by the testing instrument establishes the presence of the drug for purposes of this paragraph.

25.3.c. At its discretion, the Racing Commission and/or the stewards may conduct random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack.

25.3.d. When conducted, random drug testing shall apply, equally, to all permit holders who are, at the time of the random testing, exercising the privileges of their permit in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas or other areas of the association grounds.

25.3.e. No notice need be given as to the onset or cessation of random testing.

25.3.f. When a specimen or sample is collected from a permit holder for testing under this subsection, a sufficient sample shall be collected, when possible, to ensure a quantity for a the split sample so that a permit holder may request an independent analysis of the specimen or sample.

25.3.g. The Racing Commission and/or the stewards shall provide for a secure chain of custody for the sample to be made available to the permit holder.

25.3.h. All costs of initial testing under this subsection shall be at the expense of the racing association. However, should the results of a test come back positive, the costs of the test may be assessed against the permit holder, upon approval by the stewards. All costs for the testing of a specimen or sample portion made available for the permit holder shall be the financial responsibility of the requesting person.

25.3.i. If a permit holder refuses to submit to urine or drug testing under this subsection or if a permit holder tests positive, his or her permit may be summarily suspended at the discretion of the stewards and/or may be subject to other disciplinary action in accordance with this rule.

25.3.j. A permit holder who is a first time violator under this subsection shall be required to undergo a professional assessment before the stewards and/or the Racing Commission determine whether or not the permit holder's condition is such that he or she may hold a permit and participate in racing. In the discretion of the stewards and/or the Racing Commission, a first time violator may be required to produce a negative test result; may be required to submit to further testing; and/or

may be required to successfully complete a certified drug/alcohol rehabilitation program as a condition of holding a permit and participating in racing.

25.3.k. A permit holder who is a second time violator under this subsection shall be subject to suspension. The permit holder may not apply for reinstatement of his or her permit until such time as he or she has successfully completed a certified drug/alcohol rehabilitation program and has otherwise satisfied the Racing Commission and/or the stewards that he or she is fit to hold a permit.

25.3.l. A permit holder who is a third time violator under this subsection may be subject to revocation and may be deemed ineligible to apply for reinstatement of his or her permit for a period of time determined by the stewards and/or the Racing Commission. The Racing Commission and/or the stewards may determine what, if any, conditions a third time violator is required to meet in order to be considered for reinstatement of his or her permit.

25.4. Employer Responsibility. The following provisions apply to the responsibility of employers who are occupational permit holders:

25.4.a. The responsibility of obtaining an occupational permit for an employee rests with the employer. Employment of an individual without reporting the employment to the stewards and immediately obtaining an occupational permit for the employee may subject the employer's occupational permit to fine, suspension or other discipline.

25.4.b. No occupational permit holder may have in his or her employment, in any capacity, any employee less than eighteen (18) years of age.

25.5. Workers' Compensation. The following provisions apply to workers' compensation coverage for occupational permit holders who are employers:

25.5.a. All occupational permit holders who are employers shall carry workers' compensation insurance covering their employees, unless exempted by state law.

25.5.b. Occupational permit holders shall produce proof of coverage in the state of West Virginia or, if applicable, a letter of exemption from the West Virginia Insurance Commissioner or a notarized affidavit attesting that they have no employees, at the time of application for an occupational permit and may be required to produce proof of coverage or a letter of exemption or affidavit upon the request of the association or the stewards.

25.6. Financial Responsibility. The following provisions apply to the financial responsibility of occupational permit holders:

25.6.a. Applicants for occupational permits may be required to submit satisfactory evidence of financial responsibility.

25.6.b. After an occupational permit has been issued, the applicant shall maintain a record of financial responsibility during the period for which an occupational permit is issued.

25.7. Duration of Permit. The following provisions apply to the duration of occupational permits:

25.7.a. Every occupational permit is for one (1) year and expires on December 31 of each year, unless otherwise approved by the stewards or the Racing Commission.

25.7.b. An occupational permit holder who has been suspended and subsequently reinstated after the expiration of his or her occupational permit may not pursue his or her vocation until the stewards or the Racing Commission grants a new occupational permit.

25.8. Conflict of Interest. The stewards or the Racing Commission may deny, suspend or revoke an occupational permit if a conflict of interest exists or could exist as a result of the issuance or holding of the permit.

25.9. Permit Restrictions, Limitations and Conditions. The stewards or the Racing Commission may restrict, limit or impose any condition or conditions on an occupational permit that they consider necessary in their discretion to protect the best interests and integrity of racing.

25.10. Permit Denial. When the denial of an occupational permit has been ordered by the Racing Commission, the Racing Commission shall report the reasons for the denial to the applicant and shall further report the denial to the Association of Racing Commissioners International, Inc., so that other racing jurisdictions may be informed of the denial.

25.11. Grounds for Denial, Suspension or Revocation of Permit. The Racing Commission and/or the stewards may, in their discretion, refuse to issue or renew an occupational permit to an applicant, or may in their discretion suspend, revoke, or impose other disciplinary measures upon an occupational permit issued pursuant to this rule, if the applicant or permit holder:

25.11.a. has been convicted of a crime in any jurisdiction. In considering the conviction, the Racing Commission and/or the stewards shall examine:

25.11.a.1. the nexus, or relationship, between the crime committed and the qualifications, functions or duties necessary to engage in an occupation in the racing industry;

25.11.a.2. the nature and seriousness of the conduct;

25.11.a.3. the individual's conduct since the events leading to the conviction;

25.11.a.4. the individual's age and maturity at the time of the offense;

25.11.a.5. the amount of time that has elapsed since the conviction;

25.11.a.6. whether the conviction represented an isolated event;

25.11.a.7. whether the individual demonstrates any consciousness of wrongdoing or remorse regarding the wrongfulness of his or her conduct; and

25.11.a.8. any other factor the Racing Commission deems relevant to its inquiry.

25.11.b. has engaged in bookmaking and/or touting;

25.11.c. has demonstrated financial irresponsibility by having a judgment issued against him or her for failure to pay a debt owed as a result of obtaining feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or herself or others;

25.11.d. has engaged in any fraud or misrepresentation in connection with racing or breeding;

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25.11.e. has violated or attempted to violate any law, rule, ruling or order with respect to racing in West Virginia or any other jurisdiction;

25.11.f. has disturbed the peace on association grounds;

25.11.g. has used profane, indecent or vulgar language to any racing official;

0 25.11.h. has written, issued, made or presented a check in payment for a permit fee, fine, nomination, entry or other racing fee or assessment when the individual knew or should have known that the check would be refused for payment by the bank upon which it was written, or that the account upon which the check was written did not contain sufficient funds for payment of the check, or that the check was written on a closed account or nonexistent account;

25.11.i. has allowed another to use his or her occupational permit or other racing credential for the purpose of transferring any of the benefits pertaining to the permit or credential;

25.11.j. has had an occupational permit refused, denied, suspended, revoked or otherwise disciplined by any other racing jurisdiction;

25.11.k. has failed to disclose or has falsely stated any information required in the application for a permit;

25.11.l. is unqualified to perform the duties required by the holding of the permit;

25.11.m. is ineligible for employment pursuant to federal or state law because of age or citizenship or is otherwise ineligible pursuant to the provisions of this rule;

25.11.n. accepts or offers, directly or indirectly, any bribe, gift or gratuity in any form, which may influence the result of a race; or

25.11.o. has violated any provision of this rule and/or the provisions of West Virginia Code §§ 19-23-1 *et seq.*

25.12. Badges. All occupational permit holders shall be issued a badge or credential by the association; shall visibly display their badge or credential at all times in restricted areas; and, are responsible for the safekeeping of their badge or credential. The association shall not issue duplicate badges or credentials except upon payment of a fee of five dollars (\$5.00).

25.13. Safety Equipment. The following provisions apply to the safety equipment required for occupational permit holders:

25.13.a. Any permit holder mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. The permit holder is responsible for providing sufficient evidence that his/her helmet meets or exceeds one of the following safety standards: American Society for Testing and Materials (ASTM 1163); UK Standar

25.13.b. Any person mounted on a horse or stable pony on the association racing surface, all assistant starters and anyone handling a horse in a starting gate must wear a safety vest at all times. The safety vest must comply with or exceed one of the following minimum standards: British Equestrian Trade Association (BETA): 2000 Level 1; Euro Norm (EN) 13158: 2000 Level 1; American Society for Testing and Materials (ASTM) F2681-08; Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or, Australian Racing Board (ARB) Standard 1.1998.

25.14. Knowledge of Rules. The following provisions apply to the responsibility of permit holders to be knowledgeable of the Racing Commission's rules and to report violations of such rules:

25.14.a. A permit holder shall be knowledgeable of the rules of the Racing Commission; and by acceptance of a permit, agrees to abide by such rules.

25.14.b. A permit holder shall report to the Racing Commission or the stewards any knowledge he or she has that a violation of the Commission's rules has occurred or may occur.

§178-1-26. Owners.

26.1. Permit Requirements for Owners. The following provisions apply to the permit requirements for owners:

26.1.a. Each person who has an ownership or beneficial interest in a horse is required to hold an occupational permit issued by the Racing Commission.

26.1.b. All owners of horses and their employees are subject to the permit requirements of this rule immediately upon acceptance or occupancy of stabling accommodations from an association or upon making an entry to run on an association's racetrack. Every owner who races and/or stables his or her horses on the association's racetrack shall notify the association and the stewards of the names of his or her employees.

26.1.c. An applicant for an owner's permit shall own or lease a horse which is eligible to race and under the care of a trainer holding a permit issued by the Racing Commission. An owner shall notify the stewards of a change in trainer of his or her

horse and shall obtain a notarized transfer certificate.

26.2. Permit Requirements for Multiple Owners. The following provisions apply to the permit requirements for multiple owners:

26.2.a. If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other association or entity, each shareholder, member or partner shall hold a permit as required by this rule.

26.2.b. Each partnership, corporation, limited liability company, syndicate or other association or entity shall disclose to the Racing Commission all owners, unless otherwise required by the Racing Commission.

26.2.c. An application for joint ownership of a horse shall include a designation of a managing owner, a business address, the percentage of each owner's beneficial interest and any other information required by the Racing Commission. Receipt of any correspondence, notice or order at the business address provided shall constitute official notice to all persons involved in the ownership of the horse.

26.2.d. A written, notarized appointment of a managing owner or authorized agent shall be filed with the Racing Commission.

26.3. Partnerships. The following provisions apply to owner-partnerships:

26.3.a. Each and every partner, including spouses, shall obtain an owner's occupational permit to allow the partnership to act on the racetracks of West Virginia and they shall complete proper partnership forms.

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26.3.b. A partnership shall appoint an authorized agent to represent it in all matters, and only the authorized agent shall withdraw money or sign claims for that partnership. A written instrument delegating specific powers to the authorized agent shall be signed by all members of the partnership and shall be notarized.

26.3.c. Partnership forms shall, among other things, set forth the following:

26.3.c.1. the name and address of every person having an interest in the horse or horses involved;

26.3.c.2. any interest greater than or equal to ten percent (10%);

26.3.c.3. to whom race winnings are payable;

26.3.c.4. in whose name the horse or horses shall run;

26.3.c.5. with whom the power to enter a horse in a race and the power to make a declaration rests; and

26.3.c.6. the terms of any contingency, lease or any other arrangement.

26.3.d. All partnership forms shall be signed by all partners or by their authorized agent.

26.3.e. In case of an emergency, authority to sign declarations of partnerships may be electronically communicated to the Racing Commission.

26.3.f. The part owner of any horse cannot assign his or her share, or any part of it, without the written consent of the other

partners. The consent shall be filed with the Racing Commission and the association's racing secretary.

26.3.g. Any alteration in a recorded partnership's registration must be reported in writing by the partnership or its authorized agent and must contain the notarized signatures of each and every partner.

26.3.h. All partners in a partnership are jointly and severally liable for all stakes, fees, and other obligations.

26.3.i. For claiming purposes, if a horse is owned by more than one (1) owner the total ownership shall be considered a single entity.

26.4. Stable Name Registration. Owners and lessees holding an occupational permit may adopt a stable name subject to the approval of the Racing Commission. The following provisions apply to stable name registration:

26.4.a. The applicant shall identify all persons using the stable name. Changes shall be reported immediately to the Racing Commission.

26.4.b. A person who has registered a stable name may cancel it upon written notice to the Racing Commission.

26.4.c. A stable name may be changed by registering a new stable name.

26.4.d. A stable name which has been registered by any other person will not be approved by the Racing Commission.

26.4.e. A stable name shall be clearly distinguishable from other registered stable names.

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26.4.f. The stable name and the name of the owner shall be published in the program.

26.4.g. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase "*et al.*".

26.4.h. All persons using a stable name shall comply with all rules regarding issuance of permits to owners.

26.5. Racing Colors. The following provisions apply to racing colors:

26.5.a. Owners or trainers shall provide racing colors which may be subject to the approval of the Racing Commission except at racetracks where colors are furnished by the association. Racing colors shall be registered with the association's racing secretary. The stewards may authorize a temporary substitution of racing colors when necessary.

26.5.b. The racing colors to be worn by each jockey in a race shall be described in the program, and any change shall be announced to the public prior to the commencement of the race.

26.6. Transfer of Ownership. The following provisions apply to transfer of ownership:

26.6.a. If a horse is transferred by private sale or at public auction, the written acknowledgment of both parties is necessary to prove the fact that the horse was transferred with its engagements. The transfer of a horse under any circumstances to a non-eligible person shall not give that person the privilege of racing the horse.

26.6.b. No horse entered in a race may be sold or transferred until after the

race in which the horse is entered has been run unless otherwise permitted by the stewards.

26.6.c. When a horse is sold with its engagements transferred, valid subscriptions, entries or rights of entry continue to exist with the surviving partners of a duly registered partnership in the event of the death of a partner, provided that the subscriptions, entries or rights of entry were made prior to the partner's death.

26.6.d. No person shall make or receive the transfer of a horse or engagement for the purpose of evading disqualification.

26.6.e. As long as an owner is in arrears with the horsemen's bookkeeper, no engagements can be transferred or accepted by him or her. No horse can be entered by an owner or under an owner's subscription until the owner is no longer in arrears.

26.6.f. When a seller fails to withdraw a horse from a race, when the engagement for that race is not sold or transferred with the horse, the purchaser may not start the horse or receive the stakes if the horse wins.

26.6.g. If a horse is sold or transferred with its engagements or any part of them, the seller cannot withdraw the horse from any engagements.

26.6.h. If a horse is sold to a disqualified person, the horse's racing engagements are void as of the date of sale.

26.6.i. If the ownership of a horse is changed through claiming or transfers, the association's racing secretary shall transfer the original registration certificate to the new owner or update the records of the new owner.

26.6.j. Any transfer of ownership or change of a trainer in a stake, handicap, futurity or other special event must occur at least thirty (30) days before the event unless the transferor and transferee can satisfy the board of stewards that the transfer of ownership or change of a trainer was, in fact, an arms length transaction and not for the purpose of evading the coupling rules or any other rule of racing.

26.7. Death of Owner. Subscriptions and all entries or rights of entry under them become void on the death of a subscriber, except in the case of a surviving partnership or except upon the approval of the stewards when the personal representative of an estate requests in writing that the benefits accrue to the estate of the decedent subscriber for the privilege of transfer, and agrees to assume any and all obligations incident to the original entries.

§178-1-27. Trainers.

27.1. Permit Requirement for Trainers. The following provisions apply to the permit requirements for trainers:

27.1.a. A trainer shall obtain an occupational permit from the Racing Commission and shall list on his or her occupational permit application the names of all owners or part owners of the horses he or she trains.

27.1.b. An applicant for a trainer's occupational permit who has not previously held a trainer's permit shall provide the following or undergo the following in connection with his or her application so that the Racing Commission and/or the stewards may determine whether or not the applicant is qualified to hold a trainer's permit:

27.1.b.1. evidence that the applicant held a permit in another racing

occupation in the state of West Virginia for three (3) consecutive years; or

27.1.b.2. evidence that the applicant held a permit in another racing occupation in another state for four (4) consecutive years; and

27.1.b.3. statements from two (2) reputable persons in the racing industry attesting to the person's character and qualifications; and

27.1.b.4. a written and/or oral examination administered by the stewards.

27.2. Trainer Responsibility as to the Condition of the Horse. As further set forth in subdivision 52.1.a. of this rule, the trainer is responsible as an absolute insurer of the condition of the horses he or she enters in an official workout or a race regardless of any act of a third party.

27.3. Other Trainer Responsibilities. In addition to the responsibilities set forth in section 52 of this rule, the following provisions apply to trainers holding an occupational permit in this state:

27.3.a. No trainer shall harbor, engage, retain, or employ any person not holding an occupational permit. Each trainer is responsible for ensuring that persons under his or her supervision or employment hold an occupational permit.

27.3.b. Each trainer shall register with the association's racing secretary and the association's security department every person under his or her supervision or employment.

27.3.c. Each trainer is responsible for the condition and contents of

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stalls, tack rooms, feed rooms, sleeping rooms and other areas which have been assigned by the association.

27.4.d. Each trainer is responsible for the disclosure of the true and entire ownership of each horse in his or her care, custody or control and immediately reporting any change in ownership to the stewards for approval and to the association's racing secretary for recording.

27.4.e. Each trainer is responsible for representing an owner in making entries, declarations, scratches and in all other matters pertaining to racing.

27.4.f. Each trainer is responsible for ensuring that horses are entered as to eligibility and weight or other allowances claimed.

27.4.g. Each trainer is responsible for presenting his or her horse and being present in the paddock at least twenty (20) minutes before post time or at a time otherwise appointed before the race in which the horse is entered.

27.4.h. Each trainer is responsible for personally attending to his or her horses in the paddock and supervising the saddling thereof, unless excused by the stewards.

27.4.i. Each trainer is responsible for ensuring that the correct horse is sent to the paddock for saddling.

27.4.j. Each trainer is responsible for being present following the running of the race to attend his or her horse or for delegating such responsibility to an employee holding an occupational permit or to the owner.

27.4.k. Each trainer is responsible for registering with the association's racing secretary the name, age, sex, breeding and ownership of all horses under his or her custody, care or control.

27.4.l. No trainer shall utilize stalls on association grounds unless such stalls have been assigned to him or her by the association's racing secretary.

27.4.m. Each trainer is responsible for instructing the jockey to give his or her best effort during a race and that each horse shall be ridden to win.

27.4.n. No trainer shall have in his or her custody, care or control any horse owned, in whole or in part, by a disqualified person.

27.4.o. Each trainer is responsible for notifying horse owners upon the revocation or suspension of his or her trainer's permit. Upon application by the owner, the stewards may approve the transfer of the owner's horses to the care of another trainer holding an occupational permit, and upon an approved transfer, the horses may be entered to race. Upon transfer of the horse(s), the inactive trainer shall not be involved in any arrangements related to the care, custody or control of the horse(s) and shall not benefit financially or in any way from the training of the horse(s).

27.4.p. No trainer shall accept or offer, directly or indirectly, any bribe, gift or gratuity in any form, which may influence the result of a race.

27.4.q. No trainer shall move or permit to be moved any horse or horses under his or her custody, care or control into or out of the association's grounds without permission from the the association's racing secretary or his designee.

27.4.r. No trainer shall withdraw any money from the horsemen's bookkeeper, either in his or her own name or that of an owner, nor may he or she contract obligations against the account of any owner or part owner, unless the trainer is the authorized agent of the owner or part owner; has been granted such authority as the authorized agent, and has an occupational permit allowing him or her to act as an authorized agent.

27.4.s. No trainer shall employ a jockey for the purpose of preventing him or her from riding in any race.

27.5. Restrictions on Wagering. Each trainer shall refrain from wagering on his or her horse or horses to win or finish first in combination with other horses in a race in which the trainer is participating.

§178-1-28. Owners' Authorized Agents.

28.1. Permits required. The following provisions apply to the permit requirements for owners' authorized agents:

28.1.a. Each authorized agent shall obtain an occupational permit from the Racing Commission.

28.1.b. An application for a permit shall be filed for each owner represented.

28.1.c. A written instrument signed by the owner shall accompany the authorized agent's application for a permit and shall clearly set forth the delegated powers of the authorized agent. The owners' signature shall be acknowledged before a notary public.

28.1.d. If the written instrument is a power of attorney it shall be filed with the Racing Commission and attached to the application.

28.1.e. An owner wishing to make changes to the written instrument shall do so in writing in a signed, notarized statement.

28.1.f. The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the Commission whereupon the authorized agent's permit shall not be valid.

28.2. Powers and Duties. The following provisions apply to the powers and duties of owners' authorized agents:

28.2.a. An authorized agent holding an occupational permit may perform on behalf of an owner-principal holding an occupational permit all acts as relate to racing, as specified in the agency appointment, that could be performed by an owner-principal if such owner-principal were present.

28.2.b. In executing any document on behalf of an owner -principal, the authorized agent shall clearly identify the authorized agent and the owner-principal.

28.2.c. When an authorized agent enters a claim for the account of an owner-principal, the name of the owner-principal for whom the claim is being made and the name of the authorized agent shall appear on the claim slip or card.

28.2.d. Authorized agents are responsible for disclosure of the true and entire ownership of each horse for which they have authority. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.

§178-1-29. Jockeys.

29.1. Eligibility. The following provisions apply to the eligibility of jockeys for permits and for racing:

29.1.a. A jockey shall obtain an occupational permit from the Racing Commission, and the Racing Commission shall not issue an occupational permit to any jockey under eighteen (18) years of age.

29.1.b. A jockey shall pass a physical examination given within the previous twelve (12) months by a licensed physician affirming fitness to participate as a jockey. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.

29.1.c. An applicant for an occupational permit to act as a jockey shall show competence by evidence of the holding of other racing permits and/or the demonstration of riding ability, which may include the riding of ten (10) or more races under a temporary occupational permit issued by the stewards. The stewards and/or the Racing Commission may consult representatives of the jockeys and the horsemen, the starter, and any other racing personnel that they deem appropriate in determining the competence and ability of an individual applying for an occupational permit to act as a jockey.

29.1.d. A jockey who is serving a suspension of ten (10) race days or less may ride in designated races during the suspension if:

29.1.d.1. the race has been specified as a designated race by the association's racing secretary before the inception of the race meeting at the association; or

29.1.d.2. the race has been approved as a designated race by the stewards officiating at the meeting; and

29.1.d.3. the jockey is named no later than the time set for the close of entries for the race; and

29.1.d.4. the jockey agrees to serve an additional race day of suspension in place of the race day on which the jockey rides in a designated race.

29.1.d.5. Reciprocity of this rule applies only to those states, which have adopted the designated race rule.

29.1.e. The suspension of a jockey for a riding interference or other riding offense begins on the second race day after the ruling, unless otherwise ordered by the stewards. A suspension for all other offenses begins immediately after the ruling.

29.1.f. A jockey temporarily suspended may exercise or gallop horses until the racetrack closes for the morning.

29.2. Apprentice Jockeys. The following provisions apply to apprentice jockeys:

29.2.a. Jockey apprentices shall obtain an occupational permit from the Racing Commission and shall comply with the provisions of this section relating to jockeys, except those that are in conflict with this subsection specifically relating to apprentices.

29.2.b. An application for an occupational permit to act as an apprentice jockey shall be accompanied by:

29.2.b.1. an original, notarized contract between the apprentice and his or her employer, if a contract has been entered into;

29.2.b.2. written proof of at least one (1) year of service with a racing stable;

29.2.b.3. a certificate of proficiency from the starter; and

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29.2.b.4. a birth certificate or satisfactory evidence of the date of birth.

29.2.c. Any person eighteen (18) years of age or older who has not been previously issued an occupational permit as a jockey in this or any other country, and who meets the eligibility requirements, may be granted an apprentice certificate. The certificate shall be subject to the approval and jurisdiction of the Racing Commission.

29.2.d. Apprentice contracts entered into and apprentice certificates issued in the state of West Virginia shall be made on forms approved by the Racing Commission and completed originals of these documents shall be on file with the stewards.

29.2.e. Any and all amendments to an apprentice contract shall be made in writing, shall be notarized, and the original amendments shall be filed with the stewards. Copies of the amendments shall be retained by the parties to the contract.

29.2.f. All apprentice contracts, wherever entered into, shall be approved by and filed with the stewards.

29.2.g. If an apprentice contract is transferred, that transfer shall be approved by and filed with the stewards by both the transferor and the transferee.

29.2.h. No person may enter into a contract in West Virginia with an apprentice jockey unless he or she is the owner or trainer of a stable of horses, which would, in the opinion of the stewards, warrant his or her employment of an apprentice.

29.2.i. All engagements for an apprentice jockey to ride, other than those for his or her contract employer, shall be made by

himself or herself, his or her agent, or his or her contract employer, who may act as his or her agent without an agent occupational permit. However, the person making the engagements is responsible for the proper maintenance of the apprentice's engagement book.

29.2.j. A duly certified apprentice jockey may claim the following weight allowances in all overnight races, except stakes and handicaps:

29.2.j.1. Ten (10) pounds allowance beginning with the first mount and continuing until he or she has ridden five (5) winners;

29.2.j.2. A seven (7) pounds allowance until the apprentice has ridden an additional thirty-five (35) winners; and

29.2.j.3. If an apprentice has ridden a total of forty (40) winners prior to the end of a period of one (1) year from the date of riding his or her fifth winner, he or she shall have an allowance of five (5) pounds until the end of that year.

29.2.k. If after one (1) year from the date of the fifth winning mount, the apprentice jockey has not ridden forty (40) winners, the applicable weight allowance shall continue for one (1) more year or until the fortieth winner, whichever comes first. But in no event may a weight allowance be claimed for more than two (2) years from the date of the fifth winning mount, unless an extension has been granted pursuant to this rule.

29.2.l. After the completion of the conditions set forth in subdivisions 29.2.j. and 29.2.k., an apprentice jockey may claim an allowance of three (3) pounds for a period of one (1) year when riding horses owned or trained by his or her original contract employer, if the contract has not been transferred or sold

since he or she rode his or her first winner. The holder of the contract at the time the apprentice rides his or her first winner is considered the original contract employer.

29.2.m. An apprentice allowance shall be claimed at the time of entry and shall not be waived except by consent of the stewards.

29.2.n. The stewards shall not consider any race, unless reported in the Daily Racing Form or an equivalent publication, in determining a jockey's right to the apprentice allowance.

29.2.o. An apprentice jockey who loses his or her apprentice allowance for any reason shall obtain a jockey occupational permit before being permitted to ride again.

29.2.p. The stewards may extend the weight allowance of an apprentice jockey when, in the discretion of the stewards, an apprentice jockey cannot continue riding due to:

29.2.p.1. physical disablement or illness;

29.2.p.2. military service;

29.2.p.3. attendance in an institution of secondary or higher education;

29.2.p.4. restriction on racing; or

29.2.p.5. other valid reasons.

29.2.q. To qualify for an extension, an apprentice jockey shall have been rendered unable to ride for a period of not less than seven (7) consecutive days during the

period in which he or she was entitled to an apprentice allowance. Under exceptional circumstances, the stewards may consider total days lost collectively. An apprentice applying for an extension must produce documentation to the stewards verifying the time lost.

29.2.r. An apprentice may petition one of the racing jurisdictions in which he or she has been issued an occupational permit for an extension of the time for claiming apprentice weight allowances. The apprentice is bound by the decision of the jurisdiction that is petitioned.

29.2.s. The stewards may take jurisdiction of an application for extension of an apprentice allowance in cases where the application is based upon a claim of physical injuries or restrictions on racing which occurred at racetracks licensed by the Racing Commission.

29.3. Jockey Responsibility. The following provisions apply to a jockey's responsibility:

29.3.a. A jockey shall give a best effort during a race, and each horse shall be ridden to win. A jockey shall not ease up on or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money.

29.3.b. A jockey shall faithfully fulfill all engagements in respect to racing.

29.3.c. Any jockey who fails to fulfill an engagement in a race may not accept another mount in that race

29.3.d. A jockey shall not ride or agree to ride in any race without the consent of the owner to whom he or she is under contract.

29.3.e. A jockey may not ride in any race against a horse of his or her contract employer unless his or her mount and his or her contract employer's horse are both in the hands of the same trainer.

29.3.f. A jockey may have no more than one (1) agent.

29.3.g. All engagements to ride, other than those for his or her contract employer, shall be made by him or her or his or her agent. The person making the engagements is responsible for the proper maintenance of the jockey's engagement book.

29.3.h. A jockey shall not have an attendant other than those provided by the association. If a jockey cannot find an available attendant, the clerk of scales shall assign one. A jockey may care for his or her own equipment.

29.3.i. A fine shall be paid by the jockey himself or herself and any other permit holder paying the fine is subject to discipline by the stewards.

29.4. Jockey Betting. No jockey shall make a wager on any race, nor accept the promise or token of any wager with respect to the race in which he or she is riding, except through or from the owner or trainer of the horse he or she rides, and then only on that horse.

29.5. Jockey's Spouse. A jockey shall not compete or ride in any race against a horse which is owned, trained or ridden by the jockey's spouse.

29.6. Jockey Mount Fees. The following provisions apply to jockey mount fees:

29.6.a. The organization representing the majority of the horsemen and the organization representing the majority of the

jockeys at each racetrack may negotiate and reach agreements specifying the mount fees to be paid to the jockeys at each racetrack. Any agreement reached shall be filed with the Racing Commission thirty (30) days prior to the start of the race meeting. In the absence of such an agreement, the jockey mount fees shall be as set forth in table 178-1 B at the end of this rule.

29.6.b. The owner of the horse shall pay the jockey riding fees to the horsemen's bookkeeper.

29.6.c. If any owner or trainer engages two (2) or more jockeys for the same race, he or she shall pay the losing fee for each engaged jockey not riding in the race, as well as the appropriate fee to the jockey who does ride.

29.6.d. A jockey fee shall be considered earned when the clerk of scales weighs out the jockey. The fee shall not be considered earned if the jockey, of his or her own free will, takes himself or herself off of the horse he or she is engaged to ride and when injury to the horse or rider is not involved. The stewards are vested with the authority to interpret and apply this subdivision and to determine whether or not a jockey fee is or is not earned based upon the facts and circumstances presented in a particular instance.

29.6.e. In a dead heat, the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise, the owners of the horses involved shall pay their equal share of fees.

§178-1-30. Jockey Agents.

30.1. Eligibility. The following provisions apply to the eligibility of jockey agents:

30.1.a. An applicant for a permit as a jockey agent shall:

30.1.a.1. provide written proof of agency with at least one (1) jockey holding a permit issued by the Racing Commission;

30.1.a.2. demonstrate to the stewards that he or she has a contract for agency with at least one (1) jockey who has been issued a permit by the Racing Commission; and

30.1.a.3. be qualified, as determined by the stewards, by reason of experience, background and knowledge. A jockey agent's permit from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or both of the following:

30.1.a.3.A. a written examination; or

30.1.a.3.B. an interview or oral examination.

30.1.a.4. Applicants not previously issued a permit as a jockey agent shall be required to pass a written and oral examination.

30.1.b. A jockey agent may not hold an occupational permit in any other capacity as long as he or she holds an agent's occupational permit, unless the stewards approve the additional occupational permit. A jockey agent or his or her spouse shall not be the owner or trainer of any race horse nor shall he or she have any interest in the ownership of a horse.

30.2. Limit on Contracts. A jockey agent may serve as agent for no more than two journeymen jockeys, or one journeyman jockey and one apprentice jockey.

30.3. Responsibilities. The following provisions apply to jockey agent responsibilities:

30.3.a. A jockey agent shall not make or assist in making engagements for a jockey other than those the agent is issued a permit to represent.

30.3.b. A jockey agent shall file written proof of all agencies and changes of agencies with the stewards.

30.3.c. A jockey agent shall notify the stewards, in writing, prior to withdrawing from representation of a jockey and shall submit to the stewards a list of any unfulfilled engagements made for the jockey.

30.3.d. All persons permitted to make riding engagements shall maintain current and accurate records of all engagements made, such records being subject to examination by the stewards at any time.

30.4. Prohibited Areas. A jockey agent is prohibited from entering the jockey room, winner's circle, racing strip, paddock or saddling enclosure during the hours of racing, unless permitted by the stewards.

30.5. Agent Withdrawal. The following provisions apply to jockey agent withdrawal:

30.5.a. When any jockey agent withdraws from representation of a jockey, the jockey agent shall immediately notify the stewards and shall submit to the stewards a list of any unfulfilled engagements made for the jockey.

30.5.b. A jockey agent shall not be permitted to withdraw from the representation of any jockey unless written notice to the stewards has been provided.

§178-1-31. Blacksmiths.

31.1. An applicant for an occupational permit to act as a blacksmith shall be qualified, as determined by the stewards, by reason of experience, background and knowledge of blacksmithing. A permit to act as a blacksmith from another jurisdiction, having been issued within a prior period as determined by the stewards, may be accepted as evidence of experience and qualifications.

31.2. An applicant for an occupational permit to act as a blacksmith who has not been previously issued a permit in this or any other state shall:

31.2.a. provide written statements from two (2) reputable persons attesting that the applicant is personally known to them; that the applicant is of good character and reputation; and that the applicant is capable of engaging in the vocation of blacksmith;

31.2.b. pass a test conducted by a panel appointed by the stewards in which the applicant:

31.2.b.1. undergoes a written or oral examination regarding horse shoes and horse shoeing;

31.2.b.2. demonstrates that he or she can shoe a horse with racing plates; and

31.2.b.3. demonstrates that he or she can fit a steel stock shoe to a pattern provided by the panel, for the application of a bar to be added.

31.2.c. The panel appointed by the stewards to conduct the test shall consist of a veterinarian, a trainer and a blacksmith, all holding occupational permits issued by the Racing Commission.

31.2.d. The applicant shall have his or her own tools necessary to complete the examination.

31.2.e. If the applicant fails the test, he or she may retake it after a period of six (6) months.

31.2.f. The stewards may exempt an applicant from the test requirement if the applicant can produce a certificate or other verification that he or she has graduated from an accredited blacksmith school.

§178-1-32. Practicing Veterinarians.

32.1. Eligibility. An applicant for a permit as a practicing veterinarian shall be qualified and licensed to practice veterinary medicine in the state of West Virginia and be otherwise qualified to be issued a permit to participate in racing. An application for a practicing veterinarian permit from the Racing Commission must be accompanied by a copy of the applicant's current license to practice veterinary medicine in the state of West Virginia.

32.2. Responsibility. The following provisions apply to the responsibilities of practicing veterinarians:

32.2.a. 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 this rule.

32.2.b. All practicing veterinarians shall promptly notify the Racing Commission veterinarian(s) of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge.

32.3. Restrictions on Wagering. 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 thirty (30) days.

§178-1-33. Tip Sheet Vendor.

33.1. Any person granted an occupational permit as a tip sheet vendor shall comply with the following:

33.1.a. Only one (1) version of a tip sheet for use at any one (1) racetrack on any given race day may be published and sold by a tip sheet vendor holding an occupational permit.

33.1.b. To ensure fair conditions for the wagering public, a tip sheet vendor may not use the same facilities to produce a tip sheet that is used by another tip sheet vendor at the same racetrack.

PART 6. CLAIMING RACING

§178-1-34. General Provisions.

34.1. A person entering a horse in a claiming race warrants that the title to such horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the horsemen's bookkeeper. A person may not claim ownership in a horse after the horse has run in a claiming race in the name of another person who, at the time of the race, had peaceable and undisputed possession of the horse.

34.2. Every horse claimed shall run in the interest and for the account of the owner who entered it in the race, but title to the claimed horse is vested in the successful claimant from

the time the horse becomes a starter. The successful claimant shall become the owner of the horse, whether it is alive or dead, sound or unsound, or injured during the race or after the race.

34.3. For claiming purposes, if a horse is owned by more than one (1) owner, the total ownership shall be considered as a single entity.

34.4. The stewards shall decide any questions arising under this section; shall pass upon all claims; and, may, in their discretion, declare any claim void.

§178-1-35. Claiming of Horses.

35.1. Any horse starting in a claiming race is subject to be claimed for its entered price by any:

35.1.a. occupational permit holder in good standing;

35.1.b. holder of a valid claim certificate; or

35.1.c. an authorized agent holding an occupational permit acting on behalf of an eligible claimant.

§178-1-36. Claim Certificate.

36.1. An applicant for a claim certificate shall submit to the stewards:

36.1.a. an application for an owner's occupational permit and the required fee; and

36.1.b. the name of a trainer holding an occupational permit, or person eligible to hold a trainer's occupational permit, who will assume the care and responsibility for any horse claimed;

36.2. The stewards shall issue a claim certificate upon satisfactory evidence that the applicant is eligible for an owner's occupational permit.

§178-1-37. Prohibitions.

37.1. A person shall not claim more than one (1) horse in a race, nor shall a person submit more than one (1) claim for the same horse.

37.2. An authorized agent, although representing more than one eligible claimant, shall not submit more than one claim in any race.

37.3. A trainer, even though eligible to make a claim, shall not submit a claim in the same race in which the owner of horses trained by him or her has submitted a claim. If this occurs, the stewards shall declare the trainer's claim void.

37.4. When a stable consists of horses owned by more than one (1) owner, but trained by the same trainer, not more than one (1) claim may be entered on behalf of the stable in any race. If more than one (1) claim is entered, the owners shall compete by lot for the claim.

37.5. When a stable consists of horses owned by more than one (1) owner, but trained by the same trainer, the owners are not eligible to claim from that trainer's stable.

37.6. A person shall not offer or enter into an agreement to claim, or attempt to prevent another person from claiming, a horse in a claiming race.

37.7. Owners and trainers running horses in a claiming race shall not collude or make any agreement for the protection of their horses.

37.8. Any person making a false affidavit in connection with the filing of a claim pursuant to the procedures set forth in section 38 of this rule, may be summarily suspended by the stewards or may be subject to other disciplinary action by the stewards and/or the Racing Commission.

§178-1-38. Procedure for Claiming.

38.1. The claiming price of each horse in a claiming race shall be printed on the official program and all claims for a horse shall be for the amount designated in the official program, plus all transfer fees and applicable taxes.

38.2. To make a valid claim for a horse, an eligible person shall:

38.2.a. deposit with the horsemen's bookkeeper an amount equal to the amount of the claim, plus all transfer fees and applicable taxes, unless at the time of making the claim the person has an unencumbered amount equal to the amount of the claim to his or her credit with the horsemen's bookkeeper;

38.2.b. accurately complete a written claim on a form approved by the stewards and which shall include an affidavit in which the claimant certifies that he or she is claiming the horse for his or her own account or as an authorized agent, and not for any other person;

38.2.c. identify the horse to be claimed by the spelling of its name as spelled on the official program;

38.2.d. place the completed claim form inside a sealed envelope approved by the stewards which shall have no identification marked on it other than the number of the race in which the claim is being made;

38.2.e. have the time of day that the claim is entered stamped on the envelope; and

38.2.f. have the envelope deposited in the locked claim box no later than ten (10) minutes prior to post time of the race for which the claim is entered.

38.3. After a claim has been deposited in the claim box, it is irrevocable by the claimant.

38.4. Officials and employees of the association shall not provide any information as to the filing of claims until after the race has been run, except as is necessary for processing of the claim.

38.5. If more than one claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their designee.

38.6. Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed.

38.7. All horses claimed in other states and racing in the state of West Virginia are subject to the conditions of the claiming rule in the state where the claim was made.

§178-1-39. Transfer of Claimed Horses.

39.1. Upon a successful claim, the stewards shall issue an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the stewards and the association's racing secretary. Upon notification by the stewards, the horsemen's bookkeeper shall immediately debit

the claimant's account for the claiming price, applicable taxes and transfer fees.

39.2. A person shall not refuse to deliver a properly claimed horse to the successful claimant. If a person refuses to deliver a properly claimed horse, the stewards may prevent the horse claimed from racing, and may prevent all other horses owned or trained by that person from racing, until delivery is made.

39.3. Transfer of possession of a claimed horse shall take place immediately after the race has been run by the delivery of the horse to the claimant in the paddock, unless otherwise directed by the stewards. However, if the horse is required to be taken to the test barn for post-race testing, the original trainer or his/her designee shall maintain physical custody of the claimed horse; shall observe the testing procedure; shall sign the official form as witness to the taking of the specimen; and, shall, upon the release of the horse by the Racing Commission veterinarian or his or her designee, transfer possession of the claimed horse to the claimant. The successful claimant or his or her designee may also accompany the horse to the test barn for post-race testing.

39.4. When a horse is claimed out of a claiming race, the horse's engagements are transferred, with the horse, to the claimant.

39.5. Any horse claimed shall not be sold or transferred, wholly or in part thereof, to anyone for thirty (30) days except in another claiming race. The horse shall not remain in the same barn or under the control or management of its former owner or trainer for thirty (30) days, unless reclaimed, nor shall it race outside of the state of West Virginia for a period of sixty (60) days, except for stakes races and special events, or unless special permission is granted by the stewards.

PART 7. RULES OF THE RACE

§178-1-40. Entries and Nominations.

40.1. Entries. The following provisions apply to entries:

40.1.a. A horse shall not be qualified to start in any race unless the horse has been entered and continues to qualify for the race in which it has been entered.

40.1.b. No person shall willfully enter, or cause to be entered, or start a horse in a race, when he or she knows or believes the horse to be ineligible or disqualified.

40.1.c. A person who does not have an interest in a horse that is at least equal to the ownership interest of any other individual owner may not enter the horse in a race as the owner.

40.1.d. One or more of the owners of a horse may make joint subscriptions and entries. However, each owner is jointly and separately liable for all fees.

40.1.e. Maidens two (2) years old and up may start in West Virginia.

40.1.f. A horse must be eligible at the time of starting.

40.1.g. No horse owned by a partnership shall be permitted to enter or to start until the owners have complied with rules for the registration of the partnership as set forth in subsection 26.3. of this rule.

40.1.h. If the association's racing secretary receives an entry from any disqualified person or a disqualified horse, the entry is void and any money paid for that entry shall be returned if the disqualification is

disclosed forty-five (45) or more minutes before post time for the race. Otherwise, any money shall be paid to the winner.

40.1.i. The association's racing secretary shall not accept an entry from spouses while either is disqualified from racing. For the purpose of this rule, spouses shall be considered as one.

40.2. Procedure. The following provisions apply to the procedure for entries:

40.2.a. For all races, the association's racing secretary or his or her assistants are authorized to receive entries.

40.2.b. Entries shall be made in writing, by telephone, by facsimile or by electronic means approved by the Racing Commission. Each association shall provide blank forms on which written entries may be made. Upon the request of the association's racing secretary or the stewards, any entry not made in writing shall be confirmed in writing.

40.2.c. A signed entry blank is prima facie evidence that the contents of the entry blank express the desires and intent of the person making entry.

40.2.d. When a horse is entered, it must be clearly identified by stating its age, sex, name, color, and the names of its sire and dam.

40.2.e. The stewards may refuse an entry of any person, or the transfer of any entry, with notice and the reason given.

40.2.f. The entry of a horse shall be in the name of his or her valid owner.

40.2.g. The association's racing secretary shall immediately compile and

conspicuously display the number of entries upon the closing of all overnight races.

40.2.h. Alterations shall not be made in any entry after closing of entries, except correction of errors approved by the stewards.

40.3. Coupled Entries. The following provisions apply to coupled entries:

40.3.a. Two (2) or more horses which are entered in a race shall be joined as a mutuel entry and constitute one (1) betting interest if they are owned or leased in whole or in part by the same owner or are trained by a trainer who owns or leases any interest in any of the other horses in a race, except that such entries may be uncoupled in stakes races, futurities or other special events.

40.3.b. No more than two (2) horses having common ties through ownership or training may be entered in an overnight race. Under no circumstances may both horses of a coupled entry start to the exclusion of a single entry. When making a coupled entry, a preference for one (1) of the horses must be made.

40.3.c. In the event of disqualification of any part of a coupled entry, it shall be in the discretion of the stewards whether the disqualification shall extend to all or any other part of the coupled entry.

40.3.d. In a stakes race, futurity or other special event, any two (2) or more horses entered that are owned in whole or in part by the same owner or trained by the same trainer shall be given an equal draw according to the eligibility conditions of the race.

40.3.e. In any race ordered split by the association's racing secretary into two (2) or more divisions, horses coupled pursuant subdivisions 40.3.a. and 40.3.b. of this

subsection shall be seeded in separate divisions and uncoupled.

40.4. Closings. The following provisions apply to the closing of entries:

40.4.a. The association's racing secretary shall close all entries at an advertised time with no entry accepted thereafter. The association's racing secretary, however, may postpone closing or filling of overnight races.

40.4.b. For futurity races, if a horse is not named through the entry box at the published time of closing, the horse shall be denied entry.

40.4.c. No races shall be drawn until all races comprising the racing card have been filled.

40.5. Number of Starters in a Race. The following provisions apply to the number of starters in a race:

40.5.a. The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of starters may be further limited by the number of horses which, in the opinion of the stewards, can be afforded a safe, fair and equal start.

40.5.b. If, due to racetrack limitations the number of entries to any purse race is in excess of the number of horses that may be permitted to start, the horses for the race and their post or starting gate positions, shall be determined by the preference system or the conditions of the race. The same methods shall be employed in determining the horses and post or starting positions in split races.

40.6. Split or Divided Races. The association's racing secretary may split or divide any overnight race.

40.7. Post Positions. The manner of selecting positions of horses at the starting gate shall be determined by lot by the association's racing secretary or his or her designee, in public, at the close of the entries. The horses drawn are entitled to the position at the starting gate corresponding to the number drawn.

40.8. Also-Eligible List. The following provisions apply to the also-eligible list:

40.8.a. If the number of entries for a race exceeds the number of horses permitted to start, the association's racing secretary may create and post an also-eligible list.

40.8.b. If any horse is scratched from a race for which an also-eligible list was created, a replacement horse shall be drawn from the also-eligible list into the race in order of preference.

40.8.c. Any owner or trainer of a horse on the also-eligible list who does not wish to start the horse in such race shall so notify the association's racing secretary prior to scratch time for the race, thereby forfeiting any preference to which the horse may have been entitled.

40.8.d. A horse which draws into a straightaway race from the also-eligible list shall start from the post position vacated by the scratched horse. In the event more than one horse is scratched, post positions of horses drawing in from the also-eligible list shall be determined by public lot.

40.8.e. A horse which draws into a non-straightaway race from the also-

eligible list shall start from the outermost post position. In the event more than one horse is scratched, post positions of horses drawing in from the also-eligible list shall be determined by public lot.

40.8.f. If a horse is on the also-eligible list and is selected on a subsequent race day, the horse is an automatic scratch or elimination from the eligible list the first day.

40.9. Preferred List. The association's racing secretary shall maintain a list of entered horses eliminated from starting by a surplus of entries, and these horses shall constitute a preferred list and have preference. The manner in which the preferred list shall be maintained and all rules governing such list shall be the responsibility of the association's racing secretary. Such rules must be submitted to the Racing Commission thirty (30) days prior to the commencement of the race meeting and are subject to the approval of the Commission.

§178-1-41. Naming of Riders.

41.1. Owners and/or trainers shall name their jockeys no later than scratch time of that race.

41.2. Any change of a jockey after scratch time of a race must be sanctioned by the stewards and shall be promptly and publicly displayed and announced.

§178-1-42. Declarations and Scratches.

42.1. Declarations. The following provisions apply to declarations:

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

42.1.b. The declaration of a horse from a race is irrevocable.

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42.1.c. If the miscarriage of any declaration by mail or otherwise is alleged, satisfactory proof of the miscarriage is required of the complainant. Otherwise, the declaration shall not be accepted.

42.2. Scratches. The following provisions apply to scratches:

42.2.a. A scratch is the act of withdrawing an entered horse from a contest after the closing of entries.

42.2.b. A scratch of a horse from a race is irrevocable.

42.2.c. No horse shall be considered to be scratched from a race until the trainer or his or her designee notifies the association's racing secretary within the prescribed time period established by the association.

42.2.d. Scratches from stakes races shall close four (4) hours before post time for that race, unless otherwise approved by the stewards.

42.2.e. No horse in an overnight race shall be scratched without the approval of the stewards.

42.2.f. A recommendation from a Racing Commission veterinarian to scratch a horse shall be given to the stewards and shall be used only as an aid in determining whether a scratch shall be approved.

§178-1-43. Weights.

43.1. Allowances. The following provisions apply to weight allowances:

43.1.a. Weight allowance must be claimed at time of entry and shall not be

waived after the posting of entries, except by consent of the stewards.

43.1.b. A horse shall start with only the allowance of weight to which it is entitled at time of starting, regardless of its allowance at time of entry.

43.1.c. Horses not entitled to the first weight allowance in a race shall not be entitled to any subsequent allowance specified in the conditions.

43.1.d. Claim of weight allowance to which a horse is not entitled shall not disqualify it unless protest is made in writing and lodged with the stewards at least one (1) hour before post time for that race.

43.1.e. A horse shall not be given a weight allowance for failure to finish second or lower in any race.

43.1.f. No horse shall receive allowance of weight nor be relieved extra weight for having been beaten in one (1) or more races, but this rule shall not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or a race of a specified value.

43.1.g. Except in handicap races which expressly provide otherwise, two (2) year old fillies shall be allowed three (3) pounds, and fillies and mares, three (3) years old and upward, shall be allowed five (5) pounds before September 1 and three (3) pounds thereafter in races where competing against male horses.

43.2. Penalties. The following provisions apply to weight penalties:

43.2.a. Weight penalties are obligatory.

43.2.b. Horses incurring weight penalties for a race shall not be entitled to any weight allowance for that race.

43.2.c. No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.

43.2.d. Penalties incurred and allowances due in steeplechase or hurdle races shall not apply to races on the flat, and vice versa.

43.2.e. The reports, records and statistics as published by Daily Racing Form, Equibase or other recognized publications shall be considered official in determining eligibility, allowances and penalties, but may be corrected.

43.2.f. For determining weight penalties and allowances for horses that have previously won or placed in Graded or Group races, penalties in the race conditions will only apply to Graded or Group races in Part 1 countries as recognized in the international Catalogue Standards (ICS) book.

43.2.g. When a race is in dispute, both the horse that finished first and any other horse involved in the dispute are subject to all penalties attached to the winner of that race until the matter is decided.

43.3. Scale of Weights. The following provisions apply to the scale of weights:

43.3.a. With the exception of apprentices, no jockey shall be assigned a weight of less than one hundred eighteen (118) pounds.

43.3.b. A notice shall be included in the daily program that lists the weight to be carried by each horse as established by the association's racing secretary and that notifies the public that jockeys may carry approximately three (3)

pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, the public shall be notified in the daily program that upon the stewards' approval, jockeys may weigh in with an additional three (3) pounds for inclement weather gear.

§178-1-44. Workouts.

44.1. Requirements. Any horse which has not raced for a period of sixty (60) days shall have one (1) published workout, or a workout certified by the clocker, to be announced over the public address system prior to the horse starting.

44.2. Identification. The following provisions apply to the identification requirements for workouts:

44.2.a. An occupational permit holder exercising a horse in a workout shall identify the horse at the request of the clocker.

44.2.b. An occupational permit holder exercising a horse in a workout shall, upon request of the clocker, identify the distance the horse is to be worked and the point on the track where the workout will start.

44.2.c. An occupational permit holder wishing to exercise a horse on the racing strip between races shall obtain permission from the stewards and the track superintendent. When a horse is being warmed up or exercised between races, a public announcement shall be made giving the name of the horse and explaining its presence on the racing strip.

§178-1-45. Horses Ineligible. A horse is ineligible to start in a race when:

45.1. its breed registration certificate is not on file with the association's racing secretary

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one-half (½) hour before post time for the first race; the stewards may waive this requirement if the information contained on the registration certificate is otherwise available and the horse is otherwise correctly identified to the stewards' satisfaction;

45.2. its name has been changed and it has not been issued a new registration certificate by the appropriate breed registry;

45.3. it is not fully identified and is tattooed on the inside of the upper lip, is microchipped with a unique microchip (ISO 11784), freeze brand or identified by any other method approved by the appropriate breed registry and the Racing Commission;

45.4. the owner of the horse is in financial arrears; except with the approval of the association's racing secretary or the stewards;

45.5. it is owned in whole or in part by an undisclosed person or interest;

45.6. it is not in sound racing condition;

45.7. it has been trachea tubed to artificially assist breathing;

45.8. it has been nerved; except as provided for in this rule;

45.9. it has impaired eyesight in both eyes, as determined by a Racing Commission veterinarian;

45.10. it is thirteen (13) years of age or older;

45.11. it is owned by an owner and/or supervised by a trainer who do not hold occupational permits issued by the Racing Commission;

45.12. it is owned, in whole or in part, or is under the care and control of a person who is excluded by the stewards or the association or suspended by the stewards; provided that, when the person has been reinstated to the racetrack by the association or the stewards, or the person's suspension has been rescinded or has expired, or the horse has been transferred through a bona fide sale to an owner acceptable to and approved by the stewards or the Racing Commission, the horse may be eligible to start in a race;

45.13. at the time of starting of the race it is on the stewards' list, the paddock judge's list, the starter's list, the veterinarians' list or the bleeder list;

45.14. it has been removed from starting due to sickness or physical disability and therefore is ineligible to start for a minimum of ten (10) calendar days, exclusive of the day of the horse's removal; provided that at the expiration of the minimum ten (10) day period, the stewards may allow a horse to start in a race if the entry is accompanied by a written certificate of fitness from a Racing Commission veterinarian;

45.15. if the horse is a mare who is or who may be in foal, unless full information as to services or breeding has been filed with the association's racing secretary and the owner's practicing veterinarian has given approval; provided that if a mare who is or who may be in foal is permitted to start in a race under this subsection, the breeding information and the practicing veterinarian's approval shall be conspicuously posted in the association's racing secretary's office and if the mare is claimed, the original owner shall supply the stallion service certificate to the new owner that has claimed the horse; and

45.16. there is no current negative test certificate for Equine Infectious Anemia (EIA)

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attached to its breed registration certificate or proof of a negative test certificate is not otherwise available.

§178-1-46. Running of the Race.

46.1. Equipment. The following provisions apply to the equipment used in connection with the running of a race:

46.1.a. All riding crops are subject to approval and enforcement by the stewards and inspection by the clerk of scales and shall meet the following requirements:

46.1.a.1. Riding crops shall have a shaft and a flap and will be allowed in racing and training, only as follows:

46.1.a.1.A. Maximum weight of eight ounces;

46.1.a.1.B. Maximum length, including flap, of thirty (30) inches;

46.1.a.1.C. Minimum diameter of the shaft of one-half (½) inch; and

46.1.a.1.D. Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material.

46.1.a.2. The flap is the only allowable attachment to the shaft and must meet these specifications:

46.1.a.2.A. Length beyond the end of the shaft a maximum of one (1) inch;

46.1.a.2.B. Width a minimum of eight-tenths (0.8) of an

inch and a maximum of one and six-tenths (1.6) inches;

46.1.a.2.C. No reinforcement or additions beyond the end of the shaft;

46.1.a.2.D. No binding within seven (7) inches of the end of the shaft; and

46.1.a.2.E. Shock absorbing characteristics similar to those of the contact area of the shaft.

46.1.b. No bridle shall exceed two (2) pounds.

46.1.c. The use of plastic bridles and/or reins is prohibited unless they are steel reinforced.

46.1.d. The starter shall give permission to add blinkers to a horse's equipment or to discontinue the use of blinkers.

46.1.e. Riding crops and/or blinkers may be used on two (2) year olds as well as other first time starters if schooled or reviewed by the starter with the riding crops and/or blinkers, and approved by the starter and the stewards before time of entry.

46.1.f. A horse's tongue may be tied down with clean bandages, gauze or tongue strap. Under no circumstances shall the material to be used as a tongue-tie be furnished by anyone other than the trainer of the horse on which it is to be used. No employee of the association may tie the tongue, replace, or repair a tongue-tie.

46.1.g. The stewards or their designee may give permission during the current meeting for any change of equipment from that which a horse carried in its previous race.

46.1.h. A horse starting in a race shall not be shod with ordinary or training shoes, nor shall the horse run without shoes unless by permission of the stewards and after announcement to the public.

46.1.i. Horseshoes on which the trailing portion of the shoe is turned down are prohibited at licensed racetracks in West Virginia.

46.2. Racing Numbers. The following provisions apply to racing numbers:

46.2.a. Each horse shall carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program.

46.2.b. A jockey shall wear a number on his or her right arm and this number and the saddle cloth number shall correspond to the number of the horse in the official program.

46.2.c. In the case of a coupled entry that includes more than one horse, each horse in the entry shall carry the same number, with a different distinguishing letter following the number. As an example, two horses in the same entry shall appear in the official program as 1 and 1A.

46.2.d. Each horse in the mutuel field shall carry a separate number or may carry the same number with a distinguishing letter following the number.

46.3. Jockey Requirements. The following provisions apply to requirements imposed upon jockeys in connection with the running of a race:

46.3.a. In riding a race, a jockey shall be neat in appearance and the judgment of the stewards controls in this regard. A jockey shall dress in jockey attire including,

cap, jacket white or light breeches and top boots. A jockey's first name and/or middle name and/or surname, or initials representing the first letters of the jockey's first name and/or middle name and/or surname, may be printed on the side of a jockey's breeches in black lettering not to exceed thirty-two (32) square inches. The names(s) or initials on a jockey's breeches must be those of the jockey wearing the breeches.

46.3.b. A jockey must wear a safety vest when riding in an official race. The safety vest must comply with or exceed one of the following minimum standards: British Equestrian Trade Association (BETA): 2000 Level 1; Euro Norm (EN) 13158: 2000 Level 1; American Society for Testing and Materials (ASTM) F2681-08; Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or, Australian Racing Board (ARB) Standard 1.1998.

46.3.c. A jockey must wear a safety helmet when riding in an official race. A jockey is responsible for providing sufficient evidence that his/her helmet meets or exceeds one of the following safety standards: American Society for Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015); or, Australian/New Zealand Standard (AS/NZ 3838).

46.3.d. A jockey shall wear the colors of the owner or owners of the horse he or she is riding, unless otherwise approved by the stewards and a jockey shall have a number on the saddlecloth of his mount corresponding to the number of the horse as exhibited in the official program.

46.4. Jockey Advertising. The following provisions apply to jockey advertising:

46.4.a. A jockey shall not wear advertising or promotional material of any kind

(whether for a nonprofit or for-profit entity) on clothing within one (1) hour of or during a race, unless:

46.4.a.1. The material advertises or promotes the Jockey's Guild in the form of the picture of a jockey's boot or the picture of a wheelchair, with no additional picture or logo;

46.4.a.2. The material is the Permanently Disabled Jockey's Fund logo, with no additional picture or logo; or

46.4.a.3. The picture or logo has previously been approved by the current owner, the association, and the stewards under the process set forth in this subsection, and this approval is reflected in the Racing Commission's official records; and

46.4.a.4. The material complies with the size restrictions of subparagraphs 46.4.b.2.A., 46.4.b.2.B. and 46.4.b.2.C. of this subsection; or the following criteria are met:

46.4.a.4.A. The material meets the advertising standards listed in subdivision 46.4.b. of this subsection; and

46.4.a.4.B. The jockey obtains the written approval established in subdivision 46.4.d. of this subsection.

46.4.b. Advertising or promotional material displayed on jockey clothing shall:

46.4.b.1. Not compete with, conflict with, or infringe upon sponsorship agreements applicable to the racing association race or to the race meet in progress; and

46.4.b.2. Comply with the following size restrictions;

46.4.b.2.A. A maximum of thirty-two (32) square inches on each thigh of the pants on the outer side between the hip and knee and ten (10) square inches on the rear of the pant at the waistline at the base of the spine;

46.4.b.2.B. A maximum of twenty-four (24) square inches on boots and leggings on the outside of each nearest the top of the boot; and

46.4.b.2.C. A maximum of six (6) square inches on the front center of the neck area (on a turtleneck or other undergarment).

46.4.c. A sponsorship shall not be permitted by a person or entity whose message, business reputation, or ongoing business activity may be considered as obscene or indecent to a reasonable person.

46.4.d. For advertising or promotional material addressed in subparagraphs 46.4.a.4.A. and 46.4.a.4.B. of this subsection, approval in writing of all three (3) of the following shall be required:

46.4.d.1. The managing owner of the horse, or the owner's authorized agent;

46.4.d.2. The licensed racing association, which shall grant approval if it reasonably determines the material meets the standards in paragraph 46.4.b.1. of this subsection; and

46.4.d.3. The stewards, who shall grant approval if they reasonably determine the material meets the standards in paragraph 46.4.b.2. and subdivision 46.4.c. of this subsection.

46.4.e. Written approval for advertising and promotional material shall be evidenced by completion and return of the "Request to Wear Advertising and Promotional Materials" set forth in table 178-1 C at the end of this rule. The form shall be completed and submitted to the stewards not later than a time designated by the stewards.

46.4.f. As a condition for approval of advertising or promotional material, either the owners, the stewards, or the licensed racing association may require a personal viewing of the proposed material as it is to be displayed, to determine that the requirements of this subsection are met.

46.4.g. This rule shall not prohibit the sponsor of a licensed racing association race or race meeting from displaying advertising or promotional material on an association saddlecloth if it does not interfere with the clear visibility of the number of the horse.

46.4.h. Advertising content other than that approved in this rule shall not be permitted.

46.5. Weighing Out. The following provisions apply to weighing out:

46.5.a. The clerk of the scales shall weigh out each jockey for his or her respective horses in each race not less than twenty (20) minutes before the time fixed for the race, unless otherwise authorized by the stewards. In case of substitution of a rider after the original rider has been weighed out, the substitute rider shall be weighed out as promptly as possible and the name of the substitute and his or her weight publicly announced and displayed.

46.5.b. Every jockey who is to ride shall report and weigh out at the appointed

time, unless excused by the stewards. Every jockey who has an engagement to ride in a stakes race shall report into the jockey room no later than one (1) hour before post time of that race, unless permission is granted to do otherwise by the stewards. Jockeys shall not leave the jockey room, except to view the races from a point approved by the stewards or to ride in a race, unless permission is granted by the stewards.

46.5.c. No jockey may carry overweight in excess of two (2) pounds without the consent of the owner or trainer and no jockey shall be allowed to ride more than five (5) pounds overweight.

46.5.d. Any overweight shall be declared by a jockey to the clerk of scales at the time appointed in advance of a race. The clerk of scales shall report to the stewards any failure on the part of any jockey to comply with this subdivision.

46.5.e. The clerk shall have all jockey overweights displayed and/or announced publicly and any change in the amount of an overweight after the jockey's declaration pursuant to subdivision 46.5.d., shall be displayed and/or announced publicly.

46.5.f. If any underweight is discovered after wagering has commenced and before the actual start of the race, the horse shall be returned to the paddock and the weight shall be corrected and announced publicly.

46.5.g. The association shall provide the only attendants who may assist jockeys in weighing out. The attendants must hold an occupational permit issued by the Racing Commission.

46.5.h. A jockey's weight shall include his or her clothing, boots, saddle and its attachments and any other equipment except the

bridle, bit, blinkers, goggles, number cloth and safety equipment including helmet, vest, overgirth, reins and breast collar.

46.5.i. A jockey shall ride a race with the same clothing, boots, saddle and its attachments, and any other equipment not excepted from the jockey's weight under subdivision 46.5.h., that the jockey had on or had in his or her possession when the jockey weighed out for that race.

46.5.j. Upon the stewards' approval, jockeys may be allowed up to three (3) pounds more than published weights for inclement weather clothing and equipment.

46.6. Paddock to Post. The following provisions apply to paddock to post activities:

46.6.a. Horses shall be in the paddock at least twenty (20) minutes before post time unless otherwise authorized by the stewards.

46.6.b. Every horse shall be saddled by his or her trainer in the paddock unless permission has been granted by the stewards to saddle elsewhere.

46.6.c. The post parade shall not exceed twelve (12) minutes, except in cases of unavoidable delay. Horses shall be allowed to break formation and canter, warm up, or go as they please to the post, unless otherwise directed by the stewards. Horses shall start without unnecessary delay once they have reached the post.

46.6.d. After the horses enter the racing strip, no jockey shall dismount and no horse shall be made available to the care of an attendant without the consent of the stewards or the starter. The horse shall be free of all hands other than those of the jockey, assistant starter or

Racing Commission veterinarian before the starter releases the barrier.

46.6.e. If a jockey is injured on the way to the starting gate so as to require another jockey for his or her replacement, the horse shall be taken to the paddock and remounted with a replacement jockey who shall ride over the uncompleted portion of the route of the parade to the starting gate.

46.6.f. If a jockey is thrown from the horse on the way from the paddock to the starting gate, he or she shall remount the horse, return to the point where the he or she was thrown and then proceed over the route of the parade to the starting gate. A horse shall carry his or her assigned weight from paddock to starting gate and from starting gate to finish.

46.6.g. In case of an accident occurring to a jockey, to his or her horse, or equipment, the stewards or the starter may permit the jockey to dismount. The stewards may permit the horse to be cared for during the delay and may permit all jockeys to dismount, and all other horses to be cared for during the delay.

46.6.h. If a horse leaves the racing strip while moving from paddock to starting gate, the horse shall be returned to the racing strip at the nearest practical point to that at which the horse left the racing strip. The horse shall complete his parade to the starting gate from the point at which the horse left the racing strip.

46.6.i. No person shall willfully delay the arrival of a horse at the starting gate.

46.6.j. No person, other than the rider, starter, or assistant starter shall be permitted to assist a horse in obtaining a start.

46.6.k. The starter shall load thoroughbreds into their positions in the starting gate in alternating sequence, with the thoroughbred assigned to the post closest to the inside rail and the thoroughbred assigned to the post position nearest to the middle of the field being loaded first, and so on, until the field is properly loaded. When there are less than seven (7) thoroughbreds running a race, they may be loaded in the starting gate in the order of their positions beginning from the inside rail. Vicious and unruly horses may be loaded out of sequence in the discretion of the starter.

46.7. Post to Finish.

46.7.a. The following provisions apply to the start of a race:

46.7.a.1. The starter is responsible for assuring that each participant receives a fair start.

46.7.a.2. If, for any reason, the doors in front of any stall in a mechanical or electrically operated gate fails to open, thereby preventing a horse from starting when the starter dispatches the field, the entire amount wagered on the affected horse shall be refunded: Provided, that the horse is not part of an entry or part of a mutuel field.

46.7.b. The following provisions apply to interference, jostling or striking:

46.7.b.1. A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horse in the race.

46.7.b.2. No jockey shall carelessly or willfully jostle, strike or touch another jockey or another jockey's horse or equipment.

46.7.b.3. No jockey shall unnecessarily cause his or her horse to shorten its stride or engage in other actions so as to give the appearance of having suffered a foul.

46.7.c. The following provisions apply to maintaining a straight course:

46.7.c.1. When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul.

46.7.c.2. The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

46.7.c.3. If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible and his or her occupational permit may be disciplined.

46.7.c.4. In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

46.7.d. The following provisions apply to disqualification:

46.7.d.1. When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

46.7.d.2. If a horse is disqualified for a foul, any horse or horses in the same race owned or trained by the same interests, whether coupled or uncoupled may also be disqualified.

46.7.d.3. Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse.

46.7.d.4. Should the stewards determine that there is more than one incident of interference in a race where disqualification is warranted, the stewards shall deal with the incidents in the order in which the incident occurs during the race from start to finish; except in the case where the same horses are involved in multiple incidents. Once a horse has been disqualified, it should remain placed behind the horse with which it interfered. The stewards shall make a conscious effort to place and maintain as placed, every and all horses placed behind others for interference.

46.7.e. All horses shall be ridden out past the finish line in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win.

46.7.f. The following provisions apply to the use of a riding crop:

46.7.f.1. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

46.7.f.2. No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.

46.7.f.3. Riding crops may be used on two (2) year olds, as well as other first time starters, if schooled or reviewed by the starter with the riding crop and approved by the starter and the stewards before the time of entry.

46.7.f.4. The riding crop shall only be used for safety, correction and encouragement.

46.7.f.5. All riders should comply with the following when using a riding crop:

46.7.f.5.A. Showing the horse the riding crop and giving it time to respond before hitting it;

46.7.f.5.B. Having used the riding crop, giving the horse a chance to respond before using it again;

46.7.f.5.C. Using the riding crop in rhythm with the horse's stride.

46.7.f.6. Prohibited use of the riding crop includes, but is not limited to, striking a horse:

46.7.f.6.A. on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;

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46.7.f.6.B. during the post parade or after the finish of the race except when necessary to control the horse;

46.7.f.6.C. excessively or brutally causing welts or breaks in the skin;

46.7.f.6.D. when the horse is clearly out of the race or has obtained its maximum placing;

46.7.f.6.E. persistently even though the horse is showing no response under the riding crop; or

46.7.f.6.F. striking another rider or horse.

46.7.f.7. After the race, horses may be subject to inspection by a Racing Commission veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings shall be reported to the stewards.

46.7.f.8. The giving of instructions by any permit holder that if obeyed would lead to a violation of this subdivision may result in disciplinary action also being taken against the permit holder who gave such instructions.

46.7.g. If a horse leaves the racing strip after the start, the stewards shall disqualify the horse.

46.7.h. If a horse becomes incapacitated during the running of the race or is otherwise unable to finish, best efforts shall be made to dismount, unsaddle and remove the horse from the racing strip without passing the public stands. Further, the horse shall not be euthanized on the racing strip in the direct view of the public unless authorized by a Racing Commission veterinarian or his or her designee.

46.7.i. If a horse is in distress, it shall remain on the racing strip until a Racing Commission veterinarian and the equine ambulance arrive and remove the horse.

46.7.j. During the running of the race, the stewards shall exclude all unauthorized persons from the racing strip.

46.7.k. The following provisions apply to the order of finish:

46.7.k.1. The official order of finish shall be decided by the placing judges with the aid the photo finish system, and in the absence of the photo finish film record, the video replay. The photo finish and video replay are only aids in the stewards' decision. The decision of the stewards shall be final in all cases.

46.7.k.2. The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.

46.7.l. The following provisions apply to returning after the finish:

46.7.l.1. After a race has been run, the jockey shall ride promptly to the place designated by the stewards, dismount and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.

46.7.l.2. If a jockey is prevented from riding to the designated unsaddling area because of an accident or illness to the jockey or the horse, the jockey may walk or be transported to the scales, or may be excused from weighing in by the stewards.

46.7.m. The following provisions apply to unsaddling:

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46.7.m.1. Only persons authorized by the stewards may assist the jockey with unsaddling the horse after the race.

46.7.m.2. No one shall place a covering over a horse before it is unsaddled and the jockey has removed the equipment that is to be included in his or her weight.

46.7.n. The following provisions apply to weighing in:

46.7.n.1. A jockey shall weigh in at no less than the same weight at which he or she weighed out, and if under that weight, and after consideration of mitigating circumstances by the stewards, his or her mount may be disqualified from any portion of the purse money.

46.7.n.2. In the event of such disqualification, all monies wagered on the horse shall be refunded unless the race has been declared official.

46.7.n.3. A jockey's weight shall include clothing, boots, saddle and its attachments and any other equipment except the bridle, bit, blinkers, number cloth and over-girth, reins and breast collar.

46.7.n.4. Upon approval of the stewards, jockeys may be allowed up to three (3) pounds more than published weights to account for inclement weather clothing and equipment.

46.7.n.5. The post-race weight of a jockey includes any sweat, dirt and mud that may have accumulated on the jockey, jockey's clothing, jockey's safety equipment and over-girth. This accounts for additional weight depending on specific equipment, as well as weather, track and racing conditions.

46.7.o. The following provisions apply to dead heats:

46.7.o.1. When two (2) or more horses run a dead heat, the results of the dead heat are final.

46.7.o.2. The owners of the horses in a dead heat shall divide equally the purse money involved.

46.7.o.3. If a dead heat is for first place, each horse shall be considered a winner of the amount received according to paragraph 46.7.o.2 of this subdivision.

46.7.o.4. When a dead heat is run for second place and an objection is made and sustained as to the winner of the race, the horses which run the dead heat for second place shall be considered to have run a dead heat for first place.

46.7.o.5. Owners shall divide equally all moneys and other prizes and if no agreement can be reached as to which of them shall receive a cup, plate or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

46.7.o.6. In case of a dead heat for win, each of the horses involved is a winner for the purpose of this subdivision.

§178-1-47. Protests, Objections and Inquiries.

47.1. Stewards to Inquire. The following provisions apply to inquiries by the stewards:

47.1.a. The stewards shall take cognizance of foul riding and may entertain reports from other racing officials, regardless of whether or not a formal complaint is made. The stewards shall not consider a complaint which

comes from any person other than the jockey, trainer or owner of the horse interfered with.

47.1.b. In determining the extent of disqualification, the stewards in their discretion may:

47.1.b.1. declare null and void a track record set or equalled by a disqualified horse, or any horses coupled with it as an entry;

47.1.b.2. affirm the placing judges' order of finish and hold the jockey responsible if, in the stewards' opinion, the foul riding did not affect the order of finish; or

47.1.b.3. disqualify the offending horse and hold the jockey blameless if in the stewards' opinion the interference to another horse in a race was not the result of an intentional foul or careless riding on the part of a jockey.

47.2. Race Objections. The following provisions apply to race objections:

47.2.a. An objection following the running of any race must be made to the stewards before the race is declared official.

47.2.b. The stewards shall make all findings of fact as to all matters occurring during and incident to the running of a race; shall determine all objections and inquiries, and shall determine the extent of disqualification, if any, of horses in the race.

47.2.c. If a jockey wishes to object to a happening in a race, he or she must notify the clerk of scales immediately upon his or her arrival at the scales for weighing-in. However, when the Quick Official is being used the jockey shall notify the outrider that is equipped with a two-way radio for

communication with the stewards, that the jockey wishes to claim foul or put a "hold" on the race. The jockey may either claim foul or put the race on hold. The jockey shall then proceed to the clerk of scales and contact the stewards upon dismounting.

47.3. Protests. The following provisions apply to protests:

47.3.a. A protest shall be made in writing, signed by the complainant and filed with the stewards before post time of the race in question.

47.3.b. A protest, except a protest involving fraud, may be filed only by the owner or his or her authorized agent, the trainer, or the jockey of a horse engaged in the race in which the protest is made or by a racing official of the meeting.

47.3.c. Any person may make a protest involving fraud.

47.3.d. If a claimed horse has had a posterior digital neurectomy and has not complied with the requirements of paragraph 52.1.b.9. of this rule, the claimant has forty-eight (48) hours from the start of the race from which the horse was claimed to file a protest which shall be supported by an affidavit made by a practicing veterinarian holding an occupational permit and a Racing Commission veterinarian.

47.3.e. Anyone who protests against a horse engaged in a race and who files the protest with the stewards not less than sixty (60) minutes before post time, shall receive immediate consideration. The stewards shall disqualify the horse from starting when there is no proof provided within thirty (30) minutes of post time that the horse is qualified to start.

47.3.f. A protest against the scheduled distance of a race shall be made at

least thirty (30) minutes before post time for that race.

47.3.g. A protest may not be withdrawn unless a request to withdraw is submitted in writing and is approved by the stewards.

47.3.h. No person shall make a frivolous protest.

47.3.i. The stewards shall keep a record of all protests and complaints and any action taken on the protests and complaints.

PART 8. EQUINE VETERINARY PRACTICES, HEALTH AND MEDICATION

§178-1-48. Equine Health.

48.1. General. All horses that move onto a West Virginia racetrack from another state or country must comply with all applicable rules of the West Virginia Commissioner of Agriculture and with the applicable rules of the United States Department of Agriculture.

48.2. Equine Infectious Anemia (EIA). The following provisions apply to equine infectious anemia (EIA):

48.2.a. No horse shall be permitted on the grounds of a racing association in this state unless the horse has had a negative Coggins test for EIA.

48.2.b. A person designated by the racing association, must review official test papers of each horse at the time of entry on the grounds of the racing association to ensure that all horses negative for EIA.

48.2.c. All horses being moved interstate must have been tested for EIA with a negative result within twelve (12) months prior

to start in a race held under the jurisdiction of the Racing Commission.

48.2.d. All horses not moved interstate must have been tested for EIA with a negative result within twelve (12) months prior to start in a race held under the jurisdiction of the Racing Commission.

48.2.e. Should a horse at a racetrack in this state test positive for EIA, notification shall be sent to the West Virginia Commissioner of Agriculture within twenty-four (24) hours after the results of the test are known. Copies of the notification sent to the Commissioner of Agriculture shall be simultaneously provided to the stewards and the association.

48.2.f. Once a positive EIA test is received for a horse at a racetrack in this state, the rules and procedures of the Commissioner of Agriculture govern the handling and movement of infected and exposed horses at the track.

48.3. Euthanasia. No horse shall be euthanized on the grounds of an association until the horse has been observed by a Racing Commission veterinarian. If an emergency arises, a practicing veterinarian attending to the horse may euthanize the horse and shall subsequently notify a Racing Commission veterinarian.

§178-1-49. Veterinary Practices.

49.1. Veterinarians under Authority of Racing Commission Veterinarian(s). Veterinarians issued an occupational permit by the Racing Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the Racing Commission veterinarian(s) and the stewards. The Racing Commission veterinarian(s) may recommend to the stewards or the Racing Commission the discipline that

may be imposed upon a veterinarian who violates this rule.

49.2. Treatment Restrictions. The following provisions apply to treatment restrictions:

49.2.a. Except as otherwise provided in this subsection, no person other than a veterinarian licensed to practice veterinary medicine in the state of West Virginia and holding an occupational permit issued by the Racing Commission shall possess or administer to a horse a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) at any location under the jurisdiction of the Racing Commission.

49.2.b. 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:

49.2.b.1. A recognized non-injectable nutritional supplement or other substance approved by a Racing Commission veterinarian;

49.2.b.2. A non-injectable substance on the direction or by prescription of a veterinarian licensed to practice veterinary medicine in the state of West Virginia and holding an occupational permit issued by the Racing Commission; or

49.2.b.3. A non-injectable non-prescription medication or substance.

49.2.c. No person, other than a veterinarian licensed to practice veterinary medicine in the state of West Virginia and holding an occupational permit issued by the

Racing Commission shall possess a hypodermic needle, syringe or injectable of any kind on association grounds, unless otherwise approved by the stewards or the Racing Commission. At any location under the jurisdiction of the Racing Commission, veterinarians may use only one-time disposable needles, and shall dispose of them in a manner approved by the Racing Commission veterinarian(s). If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Racing Commission, that person may request permission of the stewards and/or the Commission to have a syringe. Such a request shall be in writing and shall be accompanied by a statement from a licensed physician explaining why it is necessary for the person to possess a syringe. If permission is granted to any person to have a syringe at any location under the Racing Commission's jurisdiction, the stewards and/or the Commission may impose conditions and/or restrictions in connection with such approval.

49.2.d. Practicing veterinarians shall not have contact with an entered horse on a race day except for the administration of furosemide (lasix®) under the guidelines set forth subsection 50.7. of this rule unless approved by a Racing Commission veterinarian.

49.3. Veterinarians' Reports. Every veterinarian who treats a racehorse at any location under the jurisdiction of the Racing Commission shall record in writing 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 a Racing Commission veterinarian(s). The veterinarian treating the racehorse shall sign each written record of treatment and shall provide such treatment records to the stewards and/or the Racing Commission veterinarian(s) upon request. Any veterinarian who falsifies any treatment record

or who fails to maintain treatment records may be disciplined by the stewards or the Racing Commission.

49.4. Prohibited Practices. The following are prohibited practices:

49.4.a. 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 recognized analytical method has not been developed to detect and confirm the administration of such substance; or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or the use of which may adversely affect the integrity of racing; or

49.4.b. The possession or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the Racing Commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in humans or animals is forbidden without prior permission of the Racing Commission or a Racing Commission veterinarian. This rule shall not restrict the recognized off-label use of any FDA approved medication, and the term "substance" shall not include biological products routinely used in veterinary or medical practice such as vaccines, plasma, and hormones and related substances, and, as such, their possession and use is permitted.

49.4.c. The possession and/or use of blood doping agents, including but not limited to those listed below, on the premises of a facility under the jurisdiction of the Racing Commission is forbidden:

49.4.c.1. Erythropoietin;

49.4.c.2. Darbepoetin;

49.4.c.3. Oxyglobin®;

and

49.4.c.4. Hemopure®.

49.4.d. The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted on horses racing in this state and extracorporeal shock wave therapy or radial pulse wave therapy equipment shall be prohibited on association grounds.

49.4.e. The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within twenty-four (24) hours prior to the post time of a race in which the horse is entered is prohibited without the prior permission of a Racing Commission veterinarian or his or her designee.

§178 -1-50. Medications and Prohibited Substances.

50.1. General. Upon a finding of a violation of this medication and prohibited substances rule, the stewards shall consider the classification level of the violation as listed in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International (RCI) (revised January 2010), set forth in table 178-1 D at the end of this rule. Imposition of penalties and disciplinary action by the stewards for a violation of this medication and prohibited substances rule shall be consistent with the penalty guidelines set forth in table 178-1 E at the end of this rule. The stewards may also consult with a Racing Commission veterinarian to determine if the violation was a result of the administration of a therapeutic medication as documented in a veterinarian's treatment record per subsection 49.3. The stewards may also consult with the laboratory director or other individuals to determine the seriousness of the laboratory

finding or the medication violation. Penalties for all medication and drug violations shall be investigated, reviewed and determined on a case by case basis. As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the permit holder and aggravating factors, which may increase the penalty beyond the minimum. Factors that may be considered are:

50.1.a. The past record of the trainer, veterinarian and/or owner in drug cases;

50.1.b. The potential of the drug(s) to influence a horse's racing performance;

50.1.c. The legal availability of the drug;

50.1.d. Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;

50.1.e. The steps taken by the trainer to safeguard the horse;

50.1.f. The probability of environmental contamination or inadvertent exposure due to human drug use;

50.1.g. The purse of the race;

50.1.h. Whether the drug found was one for which the horse was receiving a treatment as documented by the treating veterinarian's treatment records;

50.1.i. Whether there was any suspicious betting pattern in the race,

50.1.j. Whether the trainer was acting under the advice of a veterinarian licensed to practice in West Virginia and holding an

occupational permit issued by the Racing Commission; and

50.1.k. Any other factors deemed relevant by the stewards.

50.2. Uniform Classification Guidelines. The following outline describes the types of substances placed in each category of the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International (RCI) (revised January 2010), set forth in table 178-1 D at the end of this rule. The Guidelines shall be publicly posted in the offices of the Racing Commission veterinarian(s) and the association's racing secretary.

50.2.a. Class 1. Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and United States Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a race is very high.

50.2.b. Class 2. Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racehorse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse. The following groups of drugs are in this class:

50.2.b.1. Opiate partial agonists, or agonist-antagonists;

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50.2.b.2. Non-opiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;

50.2.b.3. Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);

50.2.b.4. Drugs with prominent CNS depressant action;

50.2.b.5. Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;

50.2.b.6. Muscle blocking drugs which have a direct neuromuscular blocking action;

50.2.b.7. Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and

50.2.b.8. Snake venoms and other biologic substances, which may be used as nerve blocking agents.

50.2.c. Class 3. Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racehorse. The following groups of drugs are in this class:

50.2.c.1. Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);

50.2.c.2. A local anesthetic which has nerve blocking potential

but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);

50.2.c.3. Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;

50.2.c.4. Primary vasodilating/hypotensive agents; and

50.2.c.5. Potent diuretics affecting renal function and body fluid composition.

50.2.d. Class 4. This category is comprised primarily of therapeutic medications routinely used in racehorses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

50.2.d.1. Non-opiate drugs which have a mild central analgesic effect;

50.2.d.2. Drugs affecting the autonomic nervous system which do not have prominent CNS, cardiovascular or respiratory effects;

50.2.d.3. Drugs used solely as topical vasoconstrictors or decongestants;

50.2.d.4. Drugs used as gastrointestinal antispasmodics;

50.2.d.5. Drugs used to void the urinary bladder;

50.2.d.6. Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs;

50.2.d.7. Antihistamines which do not have a significant CNS depressant

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effect (This does not include H1 blocking agents, which are listed in Class 5);

5 0 . 2 . d . 8 .

Mineralocorticoid drugs;

50.2.d.9. Skeletal

muscle relaxants;

50.2.d.10. Anti-

inflammatory drugs--those that may reduce pain as a consequence of their anti-inflammatory actions, which include:

5 0 . 2 . d . 1 0 . A .

Non-Steroidal Anti-Inflammatory Drugs (NSAIDs);

5 0 . 2 . d . 1 0 . B .

Corticosteroids (glucocorticoids); and

5 0 . 2 . d . 1 0 . C .

Miscellaneous anti-inflammatory agents.

50.2.d.11. Anabolic

and/or androgenic steroids and other drugs;

50.2.d.12. Less potent

diuretics;

50.2.d.13. Cardiac

glycosides and antiarrhythmics including:

5 0 . 2 . d . 1 3 . A .

Cardiac glycosides;

5 0 . 2 . d . 1 3 . B .

Antiarrhythmic agents (exclusive of lidocaine, bretylium and propranolol); and

5 0 . 2 . d . 1 3 . C .

Miscellaneous cardiotonic drugs.

50.2.d.14. Topical

Anesthetics--agents not available in injectable formulations;

5 0 . 2 . d . 1 5 .

Antidiarrheal agents; and

5 0 . 2 . d . 1 6 .

Miscellaneous drugs including:

5 0 . 2 . d . 1 6 . A .

Expectorants with little or no other pharmacologic action;

5 0 . 2 . d . 1 6 . B .

Stomachics; and

5 0 . 2 . d . 1 6 . C .

Mucolytic agents.

50.2.e. Class 5. Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents, which have very localized action only, such as anti-ulcer drugs and certain anti-allergenic drugs. The anticoagulant drugs are also included.

50.3. Penalties. The following provisions apply to penalties for violations of this medication and prohibited substance rule:

50.3.a. Upon a finding that an occupational permit holder is in violation of this medication and prohibited substance rule, the stewards or the Racing Commission may, in their discretion, issue a reprimand or warning, assess a fine, require forfeiture or redistribution of a purse or award, place a permit holder on probation, suspend a permit or racing privileges, revoke a permit, exclude the permit holder from grounds under the jurisdiction of the Racing Commission, or impose any combination of these penalties.

50.3.b. 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.

50.3.c. The stewards or the Racing Commission shall use the penalty guidelines set forth in table 178-1 E at the end of this rule as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International (RCI) (revised January 2010), set forth in table 178-1 D at the end of this rule.

50.3.d. If a practicing veterinarian is administering or prescribing a drug not listed in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International (RCI) (revised January 2010), set forth in table 178-1 D at the end of this rule, the identity of the drug shall be forwarded to a Racing Commission veterinarian(s) to be forwarded to the Racing Medication and Testing Consortium (RMTC) for classification.

50.3.e. Any drug or metabolite thereof found to be present in a pre- or post-race sample which is not classified in the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International (RCI) (revised January 2010), set forth in table 178-1 D at the end of this rule shall be assumed to be a Class 1 drug and the trainer and owner shall be subject to those penalties for Class 1 drug violations as set forth in table 178-1 D at the end of this rule, unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium (RMTC).

50.3.f. Any Racing Commission permit holder, including practicing veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth in table 178-1 D at the end of this rule for trainers holding occupational permits.

50.3.g. The owner, veterinarian or any other party holding an occupational permit involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition, their presence may be required at any and all hearings relative to the case.

50.3.h. Any practicing veterinarian found to be involved in the administration of any Class 1 drug may be referred to the West Virginia Board of Veterinary Medicine for consideration of disciplinary action against the veterinarian's license to practice in the state of West Virginia. This is in addition to any penalties issued by the stewards or the Racing Commission against the practicing veterinarian's occupational permit.

50.3.i. Any person who the stewards or the Racing Commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency.

50.3.j. Administrative action taken by the stewards or the Racing Commission in no way prohibits a prosecution for criminal acts committed, nor does a potential criminal prosecution stall administrative action by the stewards or the Commission.

50.3.k. Procedures shall be established by the stewards to ensure that a trainer holding an occupational permit is not able to benefit financially during the period for

which he or she has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to family members holding occupational permits.

50.4. Medication Restrictions. The following provisions apply to medication restrictions:

50.4.a. A finding by a Racing 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:

50.4.a.1. Drugs or medications for which no acceptable threshold concentration has been established;

50.4.a.2. Therapeutic medications in excess of established threshold concentrations;

50.4.a.3. Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

50.4.a.4. Substances foreign to a horse at concentrations that cause interference with testing procedures.

50.4.b. Except as otherwise provided by this rule, 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 rule during the twenty-four (24) hour period before post time for the race in which the horse is entered.

50.5. Medical Labeling. The following provisions apply to medical labeling:

50.5.a. No person on association grounds where horses are lodged or kept, excluding practicing 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.

50.5.b. 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:

50.5.b.1. The name of the product;

50.5.b.2. The name, address and telephone number of the veterinarian prescribing or dispensing the product;

50.5.b.3. The name of each patient (horse) for whom the product is intended/prescribed;

50.5.b.4. The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

50.5.b.5. The name of the person (trainer) to whom the product was dispensed.

50.6. Phenylbutazone. The use of phenylbutazone shall be permitted not to exceed the serum or plasma threshold concentration of 5 micrograms per milliliter (of phenylbutazone or its metabolite oxyphenylbutazone) which is consistent with administration by a single intravenous injection at least twenty-four (24) hours before the post time for the race in which the horse is entered. Phenylbutazone shall not be administered within twenty-four (24) hours before post time for the race in which the horse is entered. Any horse to which phenylbutazone has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of a Racing Commission veterinarian or the stewards to determine the quantitative level and/or the presence of other drugs which may be present in the blood or urine sample(s).

50.7. Furosemide (Lasix®). The following provisions apply to furosemide (lasix®):

50.7.a. The administration of furosemide (lasix®) to a horse is permissible if:

50.7.a.1. The administration is recommended by a practicing veterinarian holding an occupational permit issued by the Racing Commission;

50.7.a.2. The recommendation is submitted to a Racing Commission veterinarian in writing; and

50.7.a.3. The trainer declares the use of furosemide (lasix®) at the time of entry.

50.7.b. The administration of the adjunct medications described in this subsection is permissible if there is compliance with the provisions of this subsection.

50.7.c. A Racing Commission veterinarian is responsible for maintaining up-

to-date records of horses which are permitted to use furosemide (lasix®), and these records shall be available for inspection during the horse of operation of the racetrack.

50.7.d. Race day administration of furosemide (lasix®) is permitted as follows:

50.7.d.1. A horse scheduled to race that is permitted to use furosemide (lasix®) shall be administered furosemide (lasix®) by a veterinarian holding a permit issued by the Racing Commission before the running of the race unless, under subdivision 50.7.h. of this rule, the horse has been declared off of furosemide (lasix®) by its owner or trainer.

50.7.d.2. As indicated by post-race quantitation, a horse may not carry in its body at the time of the running of a race more than 100 nanograms of furosemide (lasix®) per milliliter of plasma.

50.7.e. The practicing veterinarian who administers furosemide (lasix®) to a horse scheduled to race shall prepare a written certification indicating:

50.7.e.1. That furosemide (lasix®) was administered; and

50.7.e.2. If applicable, each adjunct medication that was administered.

50.7.f. The written certification set forth in subdivision 50.7.e. of this rule shall be in the possession of a designated Commission representative at least one (1) hour before the horse is scheduled to race.

50.7.g. The stewards shall order a horse scratched if the written certification set forth in subdivision 50.7.e. is not received in a timely manner.

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50.7.h. The following provisions apply to racing off of furosemide (lasix®):

50.7.h.1. A horse on the furosemide (lasix®) program that races without furosemide (lasix®) in any jurisdiction which permits the use of furosemide (lasix®) may not be eligible for its use for a period of sixty (60) days.

50.7.h.2. To become eligible after sixty (60) days, the horse shall have been observed to have bled by a Racing Commission veterinarian either:

50.7.h.2.A. Externally; or

50.7.h.2.B. By endoscopic examination.

50.7.i. The following provisions apply to program notice requirements for horses on furosemide (lasix®):

50.7.i.1. Of the horses scheduled to race, the official program shall denote the horses which have been administered:

50.7.i.1.A. Furosemide (lasix®);

50.7.i.1.B. Furosemide (lasix®) for the first time; and

50.7.i.1.C. Furosemide (lasix®) and one or more adjunct medications.

50.7.i.2. If the official program contains past performance lines, each past performance line shall indicate if the horse was administered;

50.7.i.2.A. Furosemide (lasix®); or

50.7.i.2.B. Furosemide (lasix®) and an adjunct medication.

50.7.j. The following provisions apply to adjunct medications:

50.7.j.1. The following medications may be administered to a horse in conjunction with furosemide (lasix®):

50.7.j.1.A. Aminocaproic acid;

50.7.j.1.B. Tranexamic acid; and

50.7.j.1.C. Carbazochrome.

50.7.j.2. If a horse is to receive one or more adjunct medications as described in paragraph 50.7.j.1. of this rule:

50.7.j.2.A. The trainer of the horse, at the time of entry, shall declare the use of adjunct medication; and

50.7.j.2.B. The veterinarian who administers an adjunct medication shall report each specific adjunct medication administered on the same form used to report the administration of furosemide (lasix®) as required by subdivision 50.7.e. of this rule.

50.8. Bleeder List. The following provisions apply to the bleeder list:

50.8.a. A 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 within the last two (2) years shall be

maintained by the Racing Commission veterinarian(s) and the list shall be published in the association's racing secretary's office.

50.8.b. A first time bleeder shall be placed on the veterinarian's list and remain on the list for a minimum of ten (10) calendar days. A second time bleeder shall be placed on the veterinarians' list and remain on the list for a minimum of forty-five (45) calendar days. A bleeder in these categories is automatically released from the list after the expiration of these time periods. A horse that bleeds three (3) times, within a twelve (12) month period shall be barred from further racing in West Virginia for a period of one (1) year.

50.9. Anti-Ulcer Medications. The following anti-ulcer medications are permitted to be administered, at the stated dosage, up to twenty-four (24) hours prior to the race in which the horse is entered:

50.9.a. Cimetidine (Tagamet®) – 8-20 mg/kg PO BID-TID;

50.9.b. Omeprazole (Gastrogard®) – 2.2 grams PO SID; and

50.9.c. Ranitidine (Zantac®) – 8 mg/kg PO BID.

50.10. Environmental Contaminants and Substances of Human Use. The following provisions apply to environmental contaminants and substances of human use:

50.10.a. It is recognized that there are substances that can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases. It is also recognized that there are drugs of human

use and addiction and which could be found in the horse due to its close association with humans. Therefore, if an owner/trainer wishes to contest a positive test by presenting a defense that the test is the result of environmental contamination or inadvertent exposure due to human drug use, he or she must prove such defense by a preponderance of evidence presented in a hearing. If an owner/trainer proves such defense by a preponderance of evidence, it may be considered as a mitigating factor in any disciplinary action taken against the affected owner/trainer.

50.10.b. Although caffeine may be found in a horse due to environmental contamination/inadvertent exposure, no sample or specimen shall exceed the level of 100 nanograms per milliliter of serum or plasma when tested post race.

50.11. Androgenic-Anabolic Steroids (AAS). The following provisions apply to androgenic-anabolic steroids (AAS):

50.11.a. 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.

50.11.b. 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):

50.11.b.1. 16 β -hydroxystanozolol (metabolite of stanozolol (Winstrol)) – 1 ng/ml in urine for all horses regardless of sex;

50.11.b.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;

50.11.b.3. Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester):

50.11.b.3.A. In geldings - 1 ng/ml in urine

50.11.b.3.B. In fillies and mares – 1 ng/ml in urine

50.11.b.4. Testosterone

50.11.b.4.A. In geldings – 20 ng/ml in urine

50.11.b.4.B. In fillies and mares – 55 ng/ml in urine

50.11.c. Any other anabolic steroids are prohibited in racing horses.

50.11.d. If a test on a horse exceeds the above-referenced urine thresholds for Boldenone, Nandrolone or Testosterone and the owner/trainer of the horse desires to have further testing to determine whether or not there is reliable proof that the amount found in the horse is naturally occurring, the owner/trainer may request that such testing be undertaken and the owner shall bear the costs of the additional testing.

50.11.e. Post-race urine samples must have the sex of the horse identified to the laboratory.

50.11.f. 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. After the concentration has

fallen below the designated threshold for the administrated AAS, the horse is eligible to be removed from the list.

50.12. 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:

50.12.a. The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum or a base excess level of 10.0 millimoles, and;

50.12.b. 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, or a base excess level of 10.4 millimoles per liter of plasma/serum.

50.13. Out of Competition Testing for Blood and/or Gene Doping Agents. The following provisions apply to out of competition testing for blood an/or gene doping agents:

50.13.a. Any horse on the grounds at a racetrack under the jurisdiction of the Racing Commission; or under the care or control of trainer or owner holding an occupational permit issued by the Racing Commission is subject to testing for blood and/or gene doping agents without advance notice. This rule does not apply to therapeutic medications approved by the FDA for use in the horse; the recognized off-label use of any FDA approved medication; and, biological products routinely used in veterinary or medical practice such as vaccines, plasma, and hormones and related substances.

50.13.b. Horses to be tested may be selected at random, with probable cause,

or as determined by the Racing Commission or the stewards.

50.13.c. A Racing Commission veterinarian, or any practicing veterinarian holding an occupational permit or a licensed veterinary technician authorized by the Racing Commission, may at any time, take a urine, blood or hair sample from a horse for this purpose.

50.13.d. Prohibited substances, practices and procedures are defined as:

50.13.d.1. Blood doping agents including, but not limited to Erthropoietin (EPO), Darbepoetin, Oxyglobin, Hempure, Aransep or any substance that abnormally enhances the oxygenation of body tissues.

50.13.d.1. 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.

50.13.e. Cooperation with the Racing Commission veterinarian, or any practicing veterinarian or licensed veterinary technician authorized by the Racing Commission, includes:

50.13.e.1. Assisting in the immediate location and identification of the horse selected for out of competition testing;

50.13.e.2. Providing a stall or safe location to collect the samples;

50.13.e.3. Assisting the veterinarian in properly procuring the samples;

50.13.e.4. Split samples will be collected as set forth in this rule.

50.13.f. Out of competition samples will be sent to the official laboratory of the Racing Commission, or other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof.

50.14. American Graded Stakes Races. For any race in this state that has been issued a grade by the American Graded Stakes Committee, the drug testing protocol established by the American Graded Stakes Committee shall be followed. The association shall notify the Racing Commission and the stewards upon the issuance of a grade for a race by the American Graded Stakes Committee to ensure that the drug testing protocol is administered and enforced. A copy of the drug testing protocol shall be published in the office of the association's racing secretary.

§178-1-51. Testing.

51.1. Reporting to the Test Barn. The following provisions apply to reporting to the test barn:

51.1.a. The official winning horse and any other horse ordered by the stewards shall be taken immediately after a race to the test barn to provide specimens of urine, blood or other bodily substances or tissues at the direction of a Racing Commission veterinarian.

51.1.b. After each race, security personnel shall maintain uninterrupted observation of the horse or horses to be tested from the unsaddling area and/or the racetrack to the test barn.

51.1.c. The stewards or a Racing Commission veterinarian(s) may require at any time that any horse be sent to the test barn to provide specimens of urine, blood or other bodily substances or tissues, as well as for an

examination for sponging, and any other examination as may be directed by the stewards or a Racing Commission veterinarian.

51.1.d. The stewards or a Racing Commission veterinarian may also require any horse stabled at a racetrack to provide specimens of urine, blood or other bodily substances or tissues.

51.1.e. A Racing Commission veterinarian or the stewards may authorize a horse to return to its barn under security for the purpose of collecting specimens.

51.1.f. A security guard shall monitor access to the test barn during its operation. The security guard shall require all persons entering the test barn to sign in and sign out on a log to be maintained at the test barn.

51.1.g. No more than two (2) persons shall accompany the horse into the test barn. Such persons must hold occupational permits issued by the Racing Commission and must have a legitimate reason for being in the test barn area. No horse or persons accompanying it shall be permitted to leave the test barn until the specimens have been obtained or until they have been otherwise excused by a Racing Commission veterinarian.

51.1.h. Once any person accompanying a horse into the test barn has departed the test barn, he or she shall not be permitted to reenter, unless reentering to attend to a different horse. This prohibition does not apply to the trainer of a horse in the test barn, the Racing Commission veterinarian(s), practicing veterinarians attending to horses in the test barn, or other Racing Commission personnel.

51.1.i. All veterinary technicians or assistants collecting specimens shall remain in the test barn after the arrival of

the first horse until they have completed their duties, unless excused by a Racing Commission veterinarian.

51.1.j. Random or extra testing may be required by the stewards or the Commission at any time on any horse on association grounds.

51.2. Official chemists. The following provisions apply to official chemists:

51.2.a. The official chemists selected by the Racing Commission to engage in either primary or split post-race specimen or sample analysis shall be members in good standing of the Association of Official Racing Chemists and shall make all reports directly to the secretary of the Racing Commission and the chief steward at the appropriate racetrack.

51.2.b. In order for a chemist to be selected by the Racing Commission to engage in split post-race specimen or sample analysis, it shall establish reasonable fees for split sample testing based on its actual cost of testing.

51.2.c. A split sample testing laboratory shall be a member in good standing of the Association of Official Racing Chemists and approved by the Racing Commission.

51.2.d. The chemist shall utilize only the thin layer chromatography (TLC) screening process to test for the presence of Class 4 and 5 medications in specimens taken from racehorses except when thresholds of a Class 4 or 5 medication are established in this rule. Once a specimen has been identified as suspicious for a Class 4 or 5 medication by the TLC screening process, the specimen shall be sent for confirmation by and through additional testing methods. All other medications not classified by this rule as a Class 4 or 5 agent shall be subject to all forms of testing available.

51.3. Specimen Collection. The following provisions apply to specimen collection:

51.3.a. Specimen collection shall be done in accordance with the guidelines and instructions provided by a Racing Commission veterinarian.

51.3.b. The Racing Commission veterinarian shall determine a minimum specimen requirement for the primary official chemist.

51.3.c. If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory and the results of tests performed on the specimen shall be considered prima facie evidence of the condition of the horse.

51.3.d. If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

51.3.e. If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

51.3.f. A Racing Commission veterinarian shall retain the part of the specimen that is not sent to the primary testing laboratory.

51.3.g. All blood and urine specimens shall be frozen. The racing association shall pay all laboratory expenses for blood and urine analysis. In the event that the laboratory analysis of blood or urine specimen reveals the presence of a prohibited substance in

violation of this rule, the association may assess the laboratory expenses against the horsemen's bookkeeper's account of the owner of the horse.

51.3.h. Specimens of other bodily substances or tissues may be collected and forwarded to an official chemist by a Racing Commission veterinarian or his or her designee. The Racing Commission shall pay all laboratory expenses for analysis of such bodily substances or tissues. In the event that the laboratory analysis of a bodily substance or tissue reveals the presence of a prohibited substance in violation of these rules, the Racing Commission may assess the laboratory expenses against the horsemen's bookkeeper's account of the owner of the horse.

51.3.i. Any specimen collected from a horse, and all reports of any testing of these specimens, is the property of the Racing Commission.

51.3.j. The owner, trainer, or other authorized representative shall be present when a specimen is taken from his or her horse. The owner, trainer or other authorized representative shall remain until the specimen is sealed and shall sign the official form as witness to the taking of the specimen. Failing to be present when taking any specimen or refusal to allow the taking of any specimen by any means shall subject the person or persons guilty of violating this rule to summary suspension of their occupational permit by the stewards.

51.3.k. All specimens taken by or under direction of the Racing Commission veterinarian or other authorized representative of the Racing Commission shall be delivered to an official chemist for analysis. Each specimen shall be marked and bear any information that is essential to its proper analysis. However, the identity of the horse from which the specimen was taken or the identity of its owner, trainer, jockey or stable shall not be revealed to the

official chemist or his or her staff. The container of each specimen shall be sealed as soon as the specimen is placed in it.

51.3.l. Blood samples shall be split in a manner that minimizes hemolysis. Blood samples shall be mixed and centrifuge and the plasma separated and stored frozen.

51.3.m. If the split sample testing laboratory determines that there is insufficient sample volume to make a specific identification of the sample contents, or if events beyond the control of the Racing Commission or its representatives prevents the split sample from being tested, then the results of tests performed by the primary laboratory shall be considered prima facie evidence of the condition of the horse.

51.3.n. If the results of the initial test on a specimen are negative, a Racing Commission veterinarian may discard the retained part of the specimen upon receipt of the negative result. If the result of the initial test on a specimen is positive, a Racing Commission veterinarian may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the retained part be sent for split testing.

51.3.o. The official chemist of the primary testing laboratory shall reveal the identity of the drug or drug metabolites to the split sample laboratory. Communication between the primary and split laboratory is limited to the exchange of the analytical method and the threshold level used to confirm the drug's identity.

51.3.p. The results of all tests performed by the primary testing laboratory are confidential and shall only be communicated to the chief steward, who shall notify the trainer in a timely manner.

51.3.q. A Racing Commission veterinarian, the stewards or authorized representatives of the Racing Commission may take samples of any medications or other materials suspected of containing improper medication or drugs which may be found in the stables or elsewhere on association grounds, or in the possession of any person connected with racing. A Racing Commission veterinarian shall deliver the sample of any medication or other materials suspected of containing improper medication to an official chemist for analysis under the same conditions as are prescribed for analysis of other specimens. The stewards may retain the sample.

51.3.r. No action shall be taken by the stewards on the report of an official chemist unless and until the medication or drug has been properly identified along with the identity of the horse from which the specimen was taken; nor until such time as an official report signed by the chemist has been received by the chief steward at the appropriate racetrack.

51.4. Alkalinizing Substances. The following provisions apply to the testing for alkalinizing substances:

51.4.a. The stewards or a Racing Commission veterinarian may, at their discretion and at any time, order the collection of specimens from any horse present on association grounds for determination of serum or plasma pH or concentration of bicarbonate, carbon dioxide, or electrolytes.

51.4.b. Pre-race specimen collection and pre-race testing may be done at a time and manner directed by a Racing Commission veterinarian.

51.4.c. Pre-race specimen collection and post-race testing may be done at a time and manner directed by a Racing Commission veterinarian. Pre-race specimens

collected for post-race testing may be ordered by a Racing Commission veterinarian not to be frozen to ensure effective and reliable testing.

51.4.d. Post-race specimen collection and post-race testing may be done at a time and manner directed by a Racing Commission veterinarian.

51.4.e. If a specimen is collected post-race, it shall be taken from the horse within one (1) hour after racing.

51.4.f. Subsection 51.3 of this rule pertaining to specimen collection and subsection 51.5 of this rule pertaining to storage and shipment of split samples shall not apply to specimens collected for the testing for alkalizing substances.

51.5. Storage and Shipment of Split Samples. The following provisions apply to the storage and shipment of split samples:

51.5.a. Split samples obtained from the horse shall be secured by a Racing Commission veterinarian and made available for further testing in accordance with the following procedures:

51.5.a.1. A Racing Commission veterinarian shall secure a split sample in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until the time that specimens are packed and secured for shipment to the primary laboratory. The Racing Commission veterinarian shall store the split sample in a freezer at a secure location approved by the Racing Commission;

51.5.a.2. 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; and

51.5.a.3. A Racing Commission veterinarian shall immediately report any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage to the stewards or a designated Racing Commission representative.

51.5.b. A trainer or owner of a horse, after notification that a written report from a primary laboratory states that a prohibited substance or illegal level of a permitted substance has been found in a specimen obtained pursuant to this rule, may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent for testing by a testing laboratory that is identified on the list of approved laboratories maintained by the Racing Commission.

51.5.c. Prior to shipment, the representative of the Racing Commission shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to the chief steward and arrangements for payment satisfactory to the split sample laboratory.

51.5.d. The request shall be made in writing and delivered to the stewards not later than seventy-two (72) hours after the trainer of the horse receives written notice of the findings of the primary laboratory. A Racing Commission veterinarian shall ship any requested split samples within seven (7) business days of the request.

51.5.e. The trainer or owner may elect to waive his or her right to testing of a split sample. If a trainer desires to waive the right to test the split sample, he or she shall procure prior written authorization from his or her owner to waive that right.

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51.5.f. The owner or trainer of a horse who submits a specimen for drug testing shall be present or have a representative present at the time that the retained part of the specimen is prepared for storage.

51.5.g. The owner or trainer of a horse who submits a specimen for testing to a split sample laboratory shall, if requested by the laboratory, execute a hold harmless agreement for the split sample laboratory and shall execute an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing. The agreements shall remain in the hands of the chief steward of the racetrack at which the positive result was reported.

51.5.h. The owner or trainer requesting testing of a split sample is responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place of shipping designated by a Racing Commission veterinarian constitutes a waiver of all rights to split sample testing.

51.5.i. Prior to opening the split sample freezer, the Racing Commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and any other information received by a Racing Commission veterinarian. The representative of the Racing Commission shall fully complete the form during the retrieval, packaging, and shipment of the split sample. The split sample chain of custody form shall contain:

51.5.i.1. the date and time the sample is removed from the split sample freezer;

51.5.i.2. the sample number;

51.5.i.3. the address where the split sample is to be sent;

51.5.i.4. the name of the carrier and the address where the sample is to be taken for shipment;

51.5.i.5. verification of retrieval of the split sample from the freezer;

51.5.i.6. verification of each specific step of the split sample packaging in accordance with the recommended procedure;

51.5.i.7. verification of the address of the split sample laboratory on the split sample package;

51.5.i.8. verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and

51.5.i.9. the date and time custody of the sample is transferred to the carrier.

51.5.j. A Racing Commission representative, in the presence of the owner or trainer, or his or her designee, shall remove a split sample from the split sample freezer.

51.5.k. The Racing Commission representative shall pack the split sample for shipment in the presence of the owner, or trainer, or designee in accordance with the packaging procedures set forth in this rule. A form shall be signed by both the owner or trainer or his or her designee and the Racing 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.

51.5.l. The package containing the split sample shall be transported to the location where custody is transferred to the delivery carrier charged with delivery of the

package to the Racing Commission approved laboratory selected by the owner, trainer or their designee.

51.5.m. The owner or trainer or designee and the Racing 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.

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

51.5.o. The owner, trainer or their designee shall not correspond with the split sample testing laboratory, once the sample has been shipped to the laboratory.

51.5.p. The split sample laboratory shall send a confidential written report on the result of its tests to the chief steward.

51.5.q. No action shall be taken against the trainer or owner if the results of the split sample testing are negative or, in the instance of quantitative levels of permitted medications, where the confirmed levels are within the permitted levels.

51.5.r. No hearing shall be held concerning the allegations against the trainer or owner, nor shall purse redistribution take place, until split sample testing has been completed and the results of the primary testing laboratory have been confirmed.

51.5.s. The owner or trainer shall be notified in writing of the results of the

primary and split sample testing laboratories when confirmation of positives exists. When quantitative levels of permitted medications exceed the permitted levels, the level of the confirming laboratory, if lower than the primary laboratory report, shall be used as the basis for a violation and penalty.

§178-1-52. Trainer Responsibility.

52.1. The following provisions apply to the responsibilities of the trainer as they specifically relate to the health and well being of horses in her or her care, custody or control:

52.1.a. The trainer is the absolute insurer of and responsible for the condition of the horses he or she enters in an official workout or a race, regardless of the acts of third parties. If testing or analysis of urine, blood or other bodily substances or tissues prove positive showing the presence of any prohibited drug, medication or substance, the trainer of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined. In addition, the owner of the horse, the foreman in charge of the horse, the groom and any other person shown to have had the care, or attendance of the horse may be fined, suspended, have his or her occupational permit revoked, be prohibited access to all grounds under the jurisdiction of the Racing Commission, or may be otherwise disciplined.

52.1.b. The trainer is responsible for:

52.1.b.1. maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

52.1.b.2. keeping all hay, grain and other feed covered and in a sanitary manner;

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52.1.b.3. ensuring that fire prevention rules are strictly observed in the assigned stable area;

52.1.b.4. the proper identity, custody, care, health, condition and safety of horses in his or her charge;

52.1.b.5. ensuring that at the time of arrival at locations under the jurisdiction of the Commission a valid health certificate and a valid negative Equine Infectious Anemia (EIA) test certificate accompany each horse and which, where applicable, shall be filed with the association's racing secretary;

52.1.b.6. having each horse in his or her care that is racing, or is stabled on association grounds, tested for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence of the negative test results with the association's racing secretary;

52.1.b.7. using the services of those veterinarians holding an occupational permit issued by the Racing Commission to attend horses that are on association grounds;

52.1.b.8. immediately reporting the alteration of the sex of a horse to the horse identifier and the association's racing secretary no later than at the time of entry so that the information may be recorded on the foal certificate;

52.1.b.9. promptly reporting to the association's racing secretary and a Racing Commission veterinarian when a posterior digital neurectomy (heel nerving) is performed and ensuring that such fact is designated on its certificate of registration;

52.1.b.10. promptly notifying a Racing Commission veterinarian of

any reportable disease and any unusual incidence of a communicable illness in any horse in his or her charge;

52.1.b.11. promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the Racing Commission to the stewards and a Racing Commission veterinarian and compliance with subsection 53.2. of this rule governing racing soundness examinations;

52.1.b.12. maintaining a knowledge of the medication record and status of all horses in his or her care;

52.1.b.13. immediately reporting to the stewards and a Racing Commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care or control has received any prohibited drugs or medication;

52.1.b.14. ensuring the fitness of a horse to perform creditably at the distance entered;

52.1.b.15. ensuring that every horse he/she has entered to race is present at its assigned stall for a pre-race soundness inspection;

52.1.b.16. ensuring that his or her horses are properly shod, bandaged and equipped; and

52.1.b.17. attending the collection of a specimen of urine, blood or other bodily substances or tissue or delegating such responsibility to an employee holding an occupational permit or to the owner.

§178-1-53. Physical Inspection of Horses.

53.1. Assessment of Racing Condition. The stewards may order an

examination at any time of any horse entered for a race or which has run in a race.

53.2. Racing Soundness Examinations. The following provisions apply to racing soundness examinations:

53.2.a. A thoroughbred which suffers a breakdown on the race track, in training or in competition, and is euthanized, and every other thoroughbred which expires while stabled on a racetrack under the jurisdiction of the Racing Commission, may, in the discretion of a Racing Commission veterinarian, undergo an examination at a time and place acceptable to a Racing Commission veterinarian to determine the injury or sickness which resulted in euthanasia or death.

53.2.b. The examination allowed under this subsection will be conducted by a practicing veterinarian employed by the owner or his trainer in the presence of and in consultation with a Racing Commission veterinarian.

53.2.c. Test specimens may be obtained from the expired or euthanized thoroughbred upon which the examination is conducted and may be sent to an official chemist approved by the Racing Commission for testing for foreign substances and natural substances at abnormal levels. When practical, specimens should be procured prior to euthanasia.

53.2.d. The owner of the deceased thoroughbred shall make payment of charges due the practicing veterinarian employed by him to conduct the examination. The services of the Racing Commission veterinarian and the laboratory testing shall be made available by the Racing Commission without charge to the owner.

53.2.e. A record of an examination shall be filed with the Racing

Commission by the owner's practicing veterinarian within seventy-two (72) hours of the death and shall be submitted on a form supplied by the Racing Commission.

53.2.f. Each owner and trainer shall accept the responsibility for the examination provided for in this subsection as a requisite for maintaining the occupational permit issued by the Racing Commission.

§178-1-54. Isolation/Quarantine.

54.1. In case of any illness or unusual symptoms of illness in a horse which may be considered to be contagious, a Racing Commission veterinarian and/or the Commissioner of Agriculture have the authority to determine whether or not it is necessary to isolate or quarantine a horse. The decision of the Racing Commission veterinarian and/or the Commissioner of Agriculture with reference to the necessity of isolating any horse is binding upon the trainer and owner of the horse.

54.2. The reasonable cost and expense of isolation, including boarding and medical care, shall be borne by the owner or trainer of the horse during the period of isolation.

54.3. In the event of the positive diagnosis of any infectious disease, the diagnosed horse shall remain isolated and quarantined for a period of time determined by the Racing Commission veterinarian and/or the Commissioner of Agriculture.

54.4. No horse shall be removed from quarantine without permission of a Racing Commission veterinarian and/or the Commissioner of Agriculture.

54.5. The Racing Commission veterinarian shall immediately report all quarantines and removal from quarantines to the stewards.

PART 9. DUE PROCESS AND HEARINGS.

§178-1-55. Proceedings by the Stewards.

55.1. Rights of Permit Holder. A permit holder who is the subject of a disciplinary hearing conducted by the stewards is entitled to:

55.1.a. proper notice of all charges;

55.1.b. confront the evidence presented, including:

55.1.b.1. the right to counsel at the permit holder's expense;

55.1.b.2. the right to examine all evidence presented against him or her;

55.1.b.3. the right to present a defense;

55.1.b.4. the right to call witnesses;

55.1.b.5. the right to cross-examine witnesses; and

55.1.b.6. the right to waive any of the above rights.

55.2. Complaints. On their own motion or on receipt of a written complaint from a racing official or any other person regarding the actions of a permit holder, the stewards may conduct an investigation and, if warranted, a disciplinary hearing regarding the permit holder's actions.

55.3. Summary Suspension. The following provisions apply to summary suspension:

55.3.a. If the stewards determine that a permit holder's actions constitute an immediate danger to the public health, safety or welfare, the stewards may summarily suspend a permit pending a hearing.

55.3.b. A permit holder whose permit has been summarily suspended is entitled to a hearing on the summary suspension not later than ten (10) days after the permit was summarily suspended. The permit holder may waive his or her right to a hearing on the summary suspension within the ten (10) day limit.

55.3.c. The stewards shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on the summary suspension, the sole issue is whether the permit holder's permit should remain suspended pending a final disciplinary hearing and a ruling on the merits of the alleged misconduct. However, the hearing on the summary suspension and the hearing on the merits of the alleged misconduct may be consolidated in the discretion of the stewards.

55.3.d. A disciplinary hearing on the merits of the alleged misconduct giving rise to a summary suspension shall be conducted in accordance with this rule.

55.4. Notice. The following provisions apply to notice:

55.4.a. Except as provided by subsection 53.3. regarding summary suspensions, and except in cases involving a riding infraction, the stewards shall provide written notice at least three (3) days before the hearing to the permit holder who is the subject of the disciplinary hearing. A permit holder may waive his or her right to such notice by executing a written waiver.

55.4.b. Notice given under this subsection shall include:

55.4.b.1. a statement of the time, place and nature of the hearing;

55.4.b.2. a statement of the legal authority and jurisdiction under which the hearing is to be held;

55.4.b.3. a reference to the particular sections of the statutes or rules involved;

55.4.b.4. a short, plain description of the alleged conduct that has given rise to the disciplinary hearing; and

55.4.b.5. a statement summarizing the rights of the permit holder as outlined in subsection 55.1 of this section.

55.4.c. If possible, the stewards or their designee shall hand deliver the written notice of disciplinary hearing to the permit holder who is the subject of the hearing. If hand delivery is not possible, the stewards shall mail the notice to the permit holder's last known address, as found in the Racing Commission's permit files, by certified mail, return receipt requested. If the disciplinary hearing involves an alleged medication violation that could result in the disqualification of a horse, the stewards shall provide notice of the hearing to the owner, managing owner or lessee of the horse in the manner provided in this subsection.

55.4.d. Nonappearance of a summoned permit holder after adequate notice shall be deemed as an admission of the charges set forth in the notice of hearing and a waiver of the right to a hearing before the stewards.

55.5. Continuances. The following provisions apply to continuances:

55.5.a. Upon receipt of a notice, a permit holder may request a continuance of the hearing.

55.5.b. The stewards may grant a continuance of any hearing for good cause shown.

55.5.c. The stewards may at any time order a continuance on their own motion.

55.6. Evidence. The following provisions apply to evidence:

55.6.a. All hearings shall be conducted by no less than a majority of the stewards.

55.6.b. Each witness at a disciplinary hearing conducted by the stewards shall be sworn by the stewards.

55.6.c. The stewards shall allow a full presentation of evidence and are not bound by the technical rules of evidence. However, the stewards may disallow evidence that is irrelevant or unduly repetitive of other evidence. The stewards shall have the authority to determine, in their sole discretion, the weight and credibility of any evidence and/or testimony. The stewards may admit hearsay evidence if the stewards determine the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by West Virginia law apply in hearings before the stewards.

55.6.d. The burden of proof is on the stewards to show, by a preponderance of the evidence, that the permit holder has violated or is responsible for a violation of a statute or a Racing Commission rule. However, the burden is on the permit holder to prove by a preponderance of the evidence any defense that he or she may present.

55.6.e. Except for hearings involving alleged riding infractions, all hearings shall be recorded. A copy of the recording or a transcript of the recording shall be provided to the permit holder or any interested person upon request. The cost of providing a copy of the recording or a transcript of the recording may be assessed against the requesting party in the discretion of the stewards.

55.7. Representation. A permit holder who is the subject of a disciplinary hearing before the stewards may represent himself or herself; may be represented by a lay representative of any racing trade organization to which he or she is a member; or, may be represented by legal counsel licensed to practice law in the State of West Virginia. Attorneys who are not licensed to practice law in the state of West Virginia must comply with Rule 8.0, Admission Pro Hac Vice, of the West Virginia Rules for Admission to the Practice of Law, before representing any permit holder in disciplinary matters pending before the stewards. Representation of a permit holder includes any communication with the stewards on behalf of the permit holder; the filing or making of motions or any other written or oral requests on behalf of a permit holder; and, appearing before the stewards on behalf of a permit holder.

55.8. Rulings. The following provisions apply to rulings:

55.8.a. The issues at a disciplinary hearing shall be decided by a majority vote of the stewards. If the vote is not unanimous, the dissenting steward shall include with the record of the hearing a written statement of the reason(s) for the dissent.

55.8.b. A ruling by the stewards must be on a form prescribed by the Racing Commission and shall include:

55.8.b.1. the full name, social security number, date of birth, last record address, permit type and permit number of the person who is the subject of the hearing;

55.8.b.2. a statement of the charges against the permit holder, including a reference to the specific section of the statutes or rules that the permit holder is found to have violated;

55.8.b.3. the date of the hearing and the date the ruling was issued;

55.8.b.4. the penalty imposed;

55.8.b.5. any changes in the order of finish or purse distribution;

55.8.b.6. information on the permit holder's right to appeal the ruling to the Racing Commission; and

55.8.b.7. other information required by the Racing Commission.

55.8.c. A ruling shall be signed by all three stewards. However, in the event that the ruling is not unanimous, the ruling shall be signed by a majority of the stewards with the dissenting steward noting the reasons for his or her dissent.

55.8.d. If possible, the stewards or their designee shall hand deliver a copy of the ruling to the permit holder who is the subject of the ruling. If hand delivery is not possible, the stewards shall mail the ruling to the permit holder's last known address, as found in the Racing Commission's permit files, by certified mail, return receipt requested. A copy of the ruling shall be submitted to the NAPRA or RCI Ruling Database, and if the ruling includes the disqualification of a horse, the stewards shall

provide a copy of the ruling to the owner of the horse, the horsemen's bookkeeper, and the appropriate past performance service(s).

55.8.e. All fines imposed by the stewards shall be paid to the Racing Commission within seven (7) calendar days after the ruling is issued, unless otherwise ordered by the stewards.

55.9. Effect of Rulings. The following provisions apply to the effect of rulings:

55.9.a. Rulings against a permit holder apply to another person if continued participation in an activity by the other person would circumvent the intent of the ruling by permitting the person to serve, in essence, as a substitute for the ineligible permit holder.

55.9.b. The transfer of a horse to avoid application of a Racing Commission rule or ruling by the stewards is prohibited.

55.10. Appeals. The following provisions apply to appeals:

55.10.a. A permit holder aggrieved by a ruling of the stewards may appeal to the Commission. A person who fails to file an appeal by the deadline and in the form required by this subsection waives the right to appeal.

55.10.b. An appeal under this section must be filed with the Commission's racing secretary at the Racing Commission's principal office not later than twenty (20) days after the stewards ruling is received by the permit holder.

55.10.c. An appeal shall be in writing on a form prescribed by the Racing Commission. The appeal shall include:

55.10.c.1. the name, address, telephone number and signature of the person making the appeal;

55.10.c.2. a statement of the basis of the appeal; and

55.10.c.3. a sworn, notarized statement that the appealing party has a good faith belief that the appeal is meritorious and is not taken merely to delay the penalty imposed the stewards.

55.10.d. A permit holder who appeals shall pay security for costs in the amount of one hundred dollars (\$100.00). This security fee shall be paid to the Racing Commission at the same time the appeal is filed. In the event that the Racing Commission determines that one hundred dollar (\$100.00) security fee is insufficient to cover the anticipated costs of holding the appeal hearing, the permit holder may be required to pay an additional security for costs specified by the Racing Commission. Such additional security fee shall be deposited with the Racing Commission within ten (10) days after notification. If a permit holder substantially prevails in an appeal hearing before the Racing Commission, the Commission may order a refund of all or part of any security fee paid by a permit holder. If a permit holder does not substantially prevail in an appeal hearing before the Racing Commission, the Commission may assess the costs of hearing incurred in excess of the one hundred dollar (\$100.00) security fee.

55.10.e. On notification by the Racing Commission that an appeal has been filed, the stewards shall forward to the Commission the record of the stewards' proceeding on which the appeal is based.

55.10.f. If a person against whom a fine has been assessed files an appeal of the ruling that assesses the fine, the person shall

pay the fine in accordance with this rule, unless the ruling is stayed in accordance with this rule. If the fine is paid before disposition of the appeal and the appeal is resolved in favor of the permit holder, the Commission shall refund the amount of the fine.

55.11. Stays. The following provisions apply to stays:

55.11.a. A person who has been disciplined by a ruling of the stewards may apply for a stay to the Racing Commission or to the member of the Commission designated to rule upon stay requests.

55.11.b. An application for a stay must be filed with the Commission's racing secretary at the Racing Commission's principal office not later than the deadline for filing an appeal.

55.11.c. An application for a stay must be in writing on a form prescribed by the Racing Commission and shall include:

55.11.c.1. the name, address, telephone number and signature of the person requesting the stay;

55.11.c.2. a statement of the justification for the stay; and

55.11.c.3. a sworn, notarized statement that party requesting the stay has a good faith belief that the stay request is meritorious and is not taken merely to delay the penalty imposed the stewards.

55.11.d. The Racing Commission or the member of the Commission designated to rule upon stay requests may grant a stay for cause. Rulings on stay requests shall be issued in writing to the person requesting the stay. The Racing Commission or the member of the Commission designated to rule upon stay

requests may rescind a stay granted under this subsection for reasonable cause.

55.11.e. The fact that a stay is granted is not a presumption that the ruling issued by the stewards is invalid.

§178-1-56. Proceedings by the Commission.

56.1. Rights of Permit Holder, Licensee or Other Person. The following provisions apply to the rights of a permit holder, licensee or other person:

56.1.a. A permit holder who is the subject of a disciplinary hearing who has filed an appeal to the Racing Commission from a stewards' ruling; or a licensee who is the subject of a disciplinary hearing before the Racing Commission; or, any other person under the jurisdiction of the Racing Commission who seeks relief from the Racing Commission, is entitled to:

56.1.a.1. proper notice of all charges;

56.1.a.2. confront the evidence presented, including:

56.1.a.2.A. the right to counsel at the permit holder's/licensee's/person's expense;

56.1.a.2.B. the right to examine all evidence presented against him, her or it;

56.1.a.2.C. the right to present a defense;

56.1.a.2.D. the right to call witnesses;

56.1.a.2.E. the right to cross-examine witnesses; and

56.1.a.2.F. the right to waive any of the above rights.

56.2. Notice. The following provisions apply to notice:

56.2.a. Upon receipt of a written appeal by a permit holder, the Racing Commission shall set a time and place for the appeal hearing not less than ten (10) nor more than thirty (30) days after receipt of the appeal. The permit holder may waive his or her right to a hearing within the above-referenced time frame by executing a written waiver. The Commission may grant an extension of the above-referenced time frame for hearing for good cause shown.

56.2.b. In any disciplinary matter instituted by the Racing Commission against a licensee, the Racing Commission shall provide no less than (10) days notice of the hearing.

56.2.c. The Racing Commission shall serve a notice of hearing by certified mail, return receipt requested, to the person's last known address, as found in the Commission's permit or licensing files, or by personal service.

56.2.d. A notice of hearing shall include:

56.2.d.1. statement of time, place and nature of the hearing;

56.2.d.2. statement of the legal authority and jurisdiction under which the hearing is to be held;

56.2.d.3. reference to the particular sections of the statutes and rules involved;

56.2.d.4. short, plain statement of the matters asserted; and

56.2.d.5. any other statement required by law.

56.2.e. A party to the proceeding may move to postpone the hearing. The motion must be in writing; must set forth the specific grounds on which it is sought; and, must be filed with the Racing Commission before the date set for the hearing. If the Racing Commission or a hearing examiner appointed by the Racing Commission grants the motion for postponement, the Commission shall cause new notice to be issued.

56.2.f. After a hearing has begun, the Racing Commission or a hearing examiner appointed by the Racing Commission may grant a continuance on oral or written motion, without issuing new notice, by announcing the date, time and place for reconvening the hearing before recessing the hearing.

56.2.g. If a party to a proceeding before the Racing Commission fails to appear after adequate notice, the Commission may deem the charges set forth in the notice of hearing as admitted by the non-appearing party and may dismiss the proceedings before the Commission.

56.3. Subpoenas, Subpoenas Duces Tecum and Oaths or Affirmations. The following provisions apply to subpoenas, subpoenas duces tecum and oaths or affirmations:

56.3.a. Any member of the Racing Commission or a hearing examiner appointed by the Racing Commission may issue subpoenas to compel the testimony of witnesses and subpoenas duces tecum to compel the

production of documents, books, records, papers and other items.

56.3.b. Any party requesting the issuance of subpoenas or subpoenas duces tecum shall be responsible for proper service and payment of fees for the attendance and travel of witnesses in accordance with the requirements of West Virginia Code § 29A-5-1(b).

56.3.c. Any member of the Racing Commission or a hearing examiner appointed by the Racing Commission may administer oaths or affirmations to witnesses appearing before the Racing Commission.

56.4. Reporters and Transcripts. The following provisions apply to reporters and transcripts:

56.4.a. The Racing Commission shall engage a court reporter to make a record of the hearing. The Commission may allocate the costs of the reporter and any transcript produced among the parties.

56.4.b. If a person requests a transcript of the record, the Racing Commission may assess the costs of preparing the transcript to the person.

56.5. Nature of Hearings. The following provisions describe the nature of hearings:

56.5.a. A hearing on an appeal by a permit holder from a decision of the stewards shall be de novo. The Racing Commission shall have the burden of proving by a preponderance of the evidence that the permit holder has violated or is responsible for a violation of a statute or a Commission rule. However, upon appeal by a permit holder of a decision of the stewards regarding a disqualification during the running of the race,

the appeal hearing before the Racing Commission shall not be de novo and the burden shall be on the permit holder to prove by clear and convincing evidence that the stewards committed plain error in their decision. In the event that a permit holder appeals a stewards' decision regarding a disqualification during the running of the race and does not prevail, he or she shall be assessed interest on any purse which may be held during the pendency of the appeal. Such assessment shall be collected by the Racing Commission and paid to the owner of the horse who moves up in the finish of the race as a result of the stewards' disqualification decision. The rate of interest shall be three (3) percentage points above the Fifth Federal Reserve District secondary discount rate in effect on the second day of January of the year in which the assessment is entered. Provided, that the rate of interest shall not exceed eleven (11) percent per annum or be less than seven (7) percent per annum. In addition, pursuant to the provisions of subdivision 55.10.d. of this rule, the Commission may assess the costs of the hearing incurred in excess of the one hundred dollar (\$100.00) security fee against the appealing permit holder.

56.5.b. The Racing Commission may reject, affirm, or modify any penalty or disciplinary action imposed by the stewards.

56.5.c. In any hearing on a disciplinary matter instituted by the Racing Commission against a licensee, the Commission shall have the burden of proving by a preponderance of the evidence that the licensee has violated or is responsible for a violation of a statute or a Commission rule.

56.5.d. All hearings before the Racing Commission are open to the public. However, witnesses may be excluded or sequestered.

56.6. Conducting of Hearings. The following provisions apply to the conducting of hearings:

56.6.a. A quorum of the Racing Commission and/or a hearing examiner appointed by the Racing Commission who is licensed to practice law in the state of West Virginia shall conduct and preside over Commission hearings.

56.6.b. The Racing Commission or its appointed hearing examiner may:

56.6.b.1. issue subpoenas and subpoenas duces tecum;

56.6.b.2. administer oaths or affirmations;

56.6.b.3. receive evidence;

56.6.b.4. rule on the admissibility of evidence;

56.6.b.5. examine witnesses;

56.6.b.6. set reasonable times within which a party may present evidence and within which a witness may testify;

56.6.b.7. permit and limit oral argument;

56.6.b.8. issue orders and findings of fact and conclusions of law;

56.6.b.9. require written arguments to be filed by the parties;

56.6.b.10. take notice of any and all judicially cognizable facts;

56.6.b.11. regulate the course of the hearing; and

56.6.b.12. perform other duties necessary to a fair and proper hearing.

56.7. Evidence. The following provisions apply to evidence:

56.7.a. All testimony of witnesses before the Racing Commission must be given under oath or affirmation. The Racing Commission or its appointed hearing examiner may limit the number of witnesses and may exclude all irrelevant, immaterial or unduly repetitious evidence.

56.7.b. The Racing Commission and/or its appointed hearing examiner shall allow a full presentation of evidence and are not bound by the technical rules of evidence. The Racing Commission and/or its appointed hearing examiner shall have the authority to determine, in their sole discretion, the weight and credibility of any evidence and/or testimony. The Racing Commission and/or its appointed hearing examiner may admit hearsay evidence if it is determined that the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by West Virginia law apply in hearings before the Racing Commission.

56.8. Representation. A person who is the subject of a hearing before the Racing Commission may represent himself or herself or may be represented by legal counsel licensed to practice law in the state of West Virginia. Attorneys who are not licensed to practice law in the State of West Virginia must comply with Rule 8.0, Admission Pro Hac Vice, of the West Virginia Rules for Admission to the Practice of Law, before representing any party involved in a matter before the Racing Commission.

Representation of a party includes any communication with the Racing Commission or its agents on behalf of the permit holder, the filing or making of motions or any other written or oral requests on behalf of a party, and, appearing before the Racing Commission or its appointed hearing examiner on behalf of a party.

56.9. Decisions. The following provisions apply to decisions:

56.9.a. If a hearing is conducted by a hearing examiner appointed by the Racing Commission, he or she shall issue a written recommended decision containing proposed findings of fact and conclusions of law to the Commission. The hearing examiner shall mail a copy of his recommended decision to all parties to the proceeding.

56.9.b. Upon receipt of a recommended decision from an appointed hearing examiner, the Commission shall consider and vote upon the recommendation in a meeting noticed in accordance with the West Virginia Open Governmental Proceedings Act, West Virginia Code §§ 6-9A-1 *et seq.* The Commission may:

56.9.b.1. adopt or modify the recommended decision, in whole or in part;

56.9.b.2. decline to adopt the recommended decision, in whole or in part;

56.9.b.3. remand the proceeding for further examination by the hearing examiner; or

56.9.b.4. direct the hearing examiner to give further consideration to the proceeding with or without reopening the hearing.

56.9.c. If the Racing Commission modifies or declines to adopt a recommended decision of an appointed hearing examiner, either in whole or in part, it shall issue a reasoned, articulate explanation and a recitation of the underlying evidence or other matters upon which it bases its decision and particularized findings of fact and conclusions of law that support its decision.

56.9.d. If a hearing is conducted by a quorum of the Racing Commission it shall issue a written decision containing proposed findings of fact and conclusions of law.

56.10. Orders. The following provisions apply to orders:

56.10.a. The Racing Commission shall issue a final order in all matters heard before it. The Commission's order shall be in writing and shall be signed by the Chairman.

56.10.b. The Racing Commission shall serve a copy of a final order upon all parties to the proceeding by certified mail, return receipt requested, or by personal service.

56.10.c. A final order of the Racing Commission takes effect on the date the order is entered, unless otherwise stated in the order.

56.10.d. The Racing Commission shall submit copies of all final orders to the NAPRA or RCI Ruling Database.

§178-1-57. Rulings In Other Jurisdictions.

57.1. Reciprocity. The Racing Commission and the stewards shall honor rulings, decisions and final orders from other

racing jurisdictions regarding permit or license suspensions, revocations, and eligibility.

57.2. Appeals of Reciprocal Rulings.

Persons subject to rulings, decisions and final orders in other racing jurisdictions shall have the right to request a hearing before the Racing Commission to show cause why such ruling should not be enforced in West Virginia. Any request for such hearing must clearly set forth in writing the reasons for the appeal.

**PART 10. WEST VIRGINIA
T H O R O U G H B R E D
DEVELOPMENT FUND.**

§178-1-58. Eligibility.

58.1. A copy of The Jockey Club certificate of foal registration shall be attached to the West Virginia bred or sired registration form as a requirement to participate in the West Virginia thoroughbred development fund.

58.2. Non-resident owners who are foaling mares in West Virginia and are not breeding back to West Virginia sires shall complete an affidavit to be supplied by the Racing Commission.

58.3. All West Virginia bred, sired or raised horses shall be registered with the West Virginia thoroughbred breeders association to be eligible to participate in any phase of the West Virginia thoroughbred development fund.

§178-1-59. Accredited Race Fund.

59.1. To qualify for the West Virginia accredited race fund, the breeders must qualify under one of the following:

59.1.a. The breeder of the West Virginia bred foal is a West Virginia resident;

59.1.b. The breeder of the West Virginia bred foal is not a West Virginia resident, but keeps his or her breeding stock in West Virginia year-round, or

59.1.c. The breeder of the West Virginia bred foal is not a West Virginia resident and does not qualify under subdivision 59.1.b. above, but either the sire of the West Virginia bred foal is a West Virginia stallion, or the mare is covered by a West Virginia stallion following the birth of that West Virginia bred foal.

178CSR1

TABLE 178-1 A

OCCUPATIONAL PERMIT FEES
 (Effective for calendar year 2012 and thereafter)

Stable Name	\$40.00
Corporation	\$40.00
Vendor	\$40.00
Owner (with registration of colors)	\$30.00
Owner-Trainer (same person)	\$60.00
Trainer	\$30.00
Assistant Trainer	\$30.00
Jockey	\$30.00
Apprentice Jockey	\$20.00
Jockey Agent	\$20.00
Practicing Veterinarian	\$30.00
Veterinarian's Assistant	\$20.00
Blacksmith	\$30.00
Authorized Agent (must apply for permit and pay permit fee for each person represented)	\$20.00
Mutuel Employee	\$20.00
Photographers, totalizator, film patrol	\$20.00
Stable Foreman	\$20.00
Starter	\$30.00
Assistant Starter	\$20.00
Association Racing Secretary	\$30.00
Association Assistant Racing Secretary	\$30.00
Paddock Judge	\$20.00

178CSR1

TABLE 178-1 A
continued

OCCUPATIONAL PERMIT FEES
(Effective for calendar year 2012 and thereafter)

Horsemen's Bookkeeper	\$20.00
Clerk of Scales	\$20.00
Clocker	\$20.00
Timer	\$20.00
Horse Identifier	\$20.00
Jockey Room Custodian	\$20.00
Placing Judge	\$20.00
Outrider	\$20.00
Stable Hand	\$20.00
Concession	\$20.00
Maintenance	\$20.00
Groom	\$20.00
Admission	\$20.00
Pony Riders	\$20.00
Parking	\$20.00
Security	\$20.00
Exercise Rider	\$20.00
Video Lottery employees	\$20.00
Others not specified	\$20.00

178CSR1

TABLE 178-1 B

JOCKEY MOUNT FEES

Purse	Winning Mount	Second Place Mount	Third Place Mount	Fourth Place Mount	Losing Mount
Up to \$5,999.00	10% of Win Purse	\$65.00	\$60.00	\$55.00	\$50.00
\$6,000.00 to \$7,799.00	10% of Win Purse	\$75.00	\$70.00	\$65.00	\$60.00
\$7,800.00 to \$9,999.00	10% of Win Purse	5% of Place Purse (\$78.00-\$99.00)	\$75.00	\$70.00	\$65.00
\$10,000.00 to \$17,999.00	10% of Win Purse	5% of Place Purse (\$100.00-\$149.99)	\$85.00	\$80.00	\$75.00
\$18,000.00 to \$24,999.00	10% of Win Purse	5% of Place Purse (\$150.00-\$249.99)	5% of Show Purse (\$90.00-\$124.99)	\$85.00	\$80.00
\$25,000.00 to \$49,999.00	10% of Win Purse	5% of Place Purse (\$250.00-\$499.99)	5% of Show Purse (\$125.00-\$249.99)	\$95.00	\$85.00
\$50,000.00 to \$74,999.00	10% of Win Purse	5% of Place Purse (\$500.00-\$749.99)	5% of Show Purse (\$250.00-\$374.99)	\$100.00	\$90.00
\$75,000.00 and up	10% of Win Purse	5% of Place Purse (\$750.00 and up)	5% of Show Purse (\$375.00 and up)	5% of Fourth Purse (\$187.50 and up)	\$105.00

178CSR1

TABLE 178-1 C

REQUEST TO WEAR ADVERTISING AND PROMOTIONAL MATERIAL

DATE OF ENTRY _____

DATE OF RACE _____

RACETRACK: CHARLES TOWN MOUNTAINEER

RACE NUMBER _____

NAME OF RACE (STAKES IF APPLICABLE) _____

DESCRIPTION OF MATERIAL TO BE WORN: (Use a separate sheet if necessary)

NAME OF ADVERTISER, PROMOTIONAL BRAND OR SPONSOR:

NAME OF JOCKEY WEARING THE MATERIAL: _____

Signature of the Jockey or Agent

Date

Title (if applicable)

APPROVAL OF OWNER OR DULY AUTHORIZED AGENT

Signature

Date

Title

178CSR1

TABLE 178-1 C
continued

REQUEST TO WEAR ADVERTISING AND PROMOTIONAL MATERIAL

APPROVAL OF LICENSED RACING ASSOCIATION

Signature

Date

Title

APPROVAL OF THE STEWARDS

Signature

Date

Signature

Date

Signature

Date

TABLE 178-1 D

Uniform Classification Guidelines of Foreign Substances

Association of Racing
Commissioners International (RCI)
(revised January 2010)

**Association of Racing Commissioners International, Inc.
Drug Testing Standards and Practices Program
Model Rules Guidelines**



Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule

Revised January 2010

**Association of Racing Commissioners International, Inc.
Uniform Classification Guidelines for Foreign Substances**

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Recommended Penalties and Model Rule 37

Preamble to the Uniform Classification Guidelines of Foreign Substances

The Preamble to the Uniform Classification Guidelines was approved by the RCI Drug Testing and Quality Assurance Program Committee (now the Drug Testing Standards and Practices Program Committee) on August 26, 1991. Minor revisions to the Preamble were made by the Drug Classification subcommittee (now the Veterinary Pharmacologists Subcommittee) on September 3, 1991.

"The Uniform Classification Guidelines printed on the following pages are intended to assist stewards, hearing officers and racing commissioners in evaluating the seriousness of alleged violations of medication and prohibited substance rules in racing jurisdictions. Practicing equine veterinarians, state veterinarians, and equine pharmacologists are available and should be consulted to explain the pharmacological effects of the drugs listed in each class prior to any decisions with respect to penalties to be imposed. The ranking of drugs is based on their pharmacology, their ability to influence the outcome of a race, whether or not they have legitimate therapeutic uses in the racing horse, or other evidence that they may be used improperly. These classes of drugs are intended only as guidelines and should be employed only to assist persons adjudicating facts and opinions in understanding the seriousness of the alleged offenses. The facts of each case are always different and there may be mitigating circumstances which should always be considered. These drug classifications will be reviewed frequently and new drugs will be added when appropriate."

Notes Regarding Classification Guidelines

- Where the use of a drug is specifically permitted by a jurisdiction, then the jurisdiction's rule supersedes these penalty guidelines.
- Regulators should be aware that a laboratory report may identify a drug only by the name of its metabolite. The metabolite might not be listed here, but the parent compound may be.
- These classes of drugs are intended only as guidelines and should be employed only to assist persons adjudicating facts and opinions in understanding the seriousness of the alleged offenses.
- The facts of each case are different and there may be mitigating circumstances that should be considered.
- These drug classifications will be reviewed periodically. New drugs will be added or some drugs may be reclassified when appropriate.

Classification Criteria

The RCI Drug Classification Scheme is based on 1) pharmacology, 2) drug use patterns, and 3) the appropriateness of a drug for use in the racing horse. Categorization is decided using the following general guidelines:

- **Pharmacology.** Drugs that are known to be potent stimulants or depressants are placed in higher classes, while those that have (or would be expected to have) little effect on the outcome of a race are placed in lower classes.
- **Drug Use Patterns.** Some consideration is given to placement of drugs based on practical experience with their use and the nature of positive tests. For example, procaine positives have in the past been associated primarily with the administration of procaine penicillin, and this has been taken into consideration in the placement of procaine into Class 3 instead of Class 2 with other injectable local anesthetics.
- **Appropriateness of Drug Use.** Drugs that clearly are intended for use in equine therapeutics are placed in lower classes. Drugs that clearly are not intended for use in the horse are placed in higher classes, particularly if they might affect the outcome of a race. Drugs that are recognized as legitimately useful in equine therapeutics but could affect the outcome of a race are placed in the middle or higher classes.

The list includes most drugs that have been reported as detected by racing authority laboratories in the United States, Canada, the United Kingdom and other Association of Official Racing Chemists (AORC) laboratories, but does not include those which would seem to have no effect on the performance of the horse or drug detectability. For example, it does not include antibiotics, sulfonamides, vitamins, anthelmintics, or pangamic acid, all of which have been reported.

The list contains many drugs that have never been reported as detected. Usually, these are representatives of chemical classes that have the potential for producing an effect, and in many cases, for which at least one drug in that chemical class has been reported.

Most drugs have numerous effects, and each was judged on an individual basis. There are instances where there is a rather fine distinction between drugs in one category and those in the next. This is a reflection of a nearly continuous spectrum of effects from the most innocuous drug on the list to the drug that is the most offensive.

Classification Definitions

- **Class 1:** Stimulant and depressant drugs that have the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Many of these agents are Drug Enforcement Agency (DEA) schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids and psychoactive drugs, amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylenetetrazol. Though not used as therapeutic agents, all DEA Schedule 1 agents are included in Class 1 because they are potent stimulant or depressant substances with psychotropic and often habituating actions.
- **Class 2:** Drugs that have a high potential to affect performance, but less of a potential than drugs in Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse. Drugs in this class include: psychotropic drugs, certain nervous system and cardiovascular system stimulants, depressants, and neuromuscular blocking agents. Injectable local anesthetics are included in this class because of their high potential for abuse as nerve blocking agents.
- **Class 3:** Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2. Drugs in this class include bronchodilators, anabolic steroids and other drugs with primary effects on the autonomic nervous system, procaine, antihistamines with sedative properties and the high-ceiling diuretics.
- **Class 4:** This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3. Drugs in this class includes less potent diuretics; corticosteroids; antihistamines and skeletal muscle relaxants without prominent central nervous system (CNS) effects; expectorants and mucolytics; hemostatics; cardiac glycosides and anti-arrhythmics; topical anesthetics; antidiarrheals and mild analgesics. This class also includes the non-steroidal anti-inflammatory drugs (NSAIDs), at concentrations greater than established limits.
- **Class 5:** This class includes those therapeutic medications for which concentration limits have been established by the racing jurisdictions as well as certain miscellaneous agents such as dimethylsulfoxide (DMSO) and other medications as determined by the regulatory bodies. Included specifically are agents that have very localized actions only, such as anti-ulcer drugs, and certain anti-allergic drugs. The anticoagulant drugs are also included.

Drug Classification Scheme

- **Class 1:** Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines, and all DEA Schedule I substances (see <http://www.usdoj.gov/dea/pubs/scheduling.html>), and many DEA Schedule II drugs. Also found in this class are drugs that are potent stimulants of the CNS. Drugs in this class have no generally accepted medical use in the racing horse and their pharmacologic potential for altering the performance of a racing horse is very high.
- **Class 2:** Drugs placed in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racing horse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racing horse. The following groups of drugs are placed in this class:
 - A. Opiate partial agonists, or agonist-antagonists.
 - B. Non-opiate psychotropic drugs. These drugs may have stimulant, depressant, analgesic or neuroleptic effects.
 - C. Miscellaneous drugs, which might have a stimulant effect on the CNS.
 - D. Drugs with prominent CNS depressant action.
 - E. Anti-depressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects.
 - F. Muscle blocking drugs - those that have a direct neuromuscular blocking action.
 - G. Local anesthetics that have a reasonable potential for use as nerve-blocking agents (except procaine).
 - H. Snake venoms and other biologic substances that may be used as nerve-blocking agents.
- **Class 3:** Drugs placed in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a racing horse. The following groups of drugs are placed in this class:
 - A. Drugs affecting the autonomic nervous system that do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects. Bronchodilators are included in this class.
 - B. A local anesthetic that has nerve-blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine).
 - C. Miscellaneous drugs with mild sedative action, such as the sleep-inducing antihistamines.
 - D. Primary vasodilating/hypotensive agents.
 - E. Potent diuretics affecting renal function and body fluid composition.
 - F. Anabolic and/or androgenic steroids and other drugs.

- **Class 4:** Drugs in this category comprise primarily therapeutic medications routinely used in racehorses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:
 - A. Non-opiate drugs that have a mild central antipyretic effect.
 - B. Drugs affecting the autonomic nervous system that do not have prominent CNS, cardiovascular, or respiratory effects:
 1. Drugs used solely as topical vasoconstrictors or decongestants.
 2. Drugs used as gastrointestinal antispasmodics.
 3. Drugs used to void the urinary bladder.
 4. Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.
 - C. Antihistamines that do not have a significant CNS depressant effect. This does not include the H2 blocking agents, which are in Class 5.
 - D. Mineralocorticoid drugs.
 - E. Skeletal muscle relaxants.
 - F. Anti-inflammatory drugs. These drugs may reduce pain as a consequence of their anti-inflammatory action.
 1. Non-steroidal anti-inflammatory drugs (NSAIDs). (Aspirin-like drugs).
 2. Corticosteroids (glucocorticoids).
 3. Miscellaneous anti-inflammatory agents.
 - G. Less potent diuretics.
 - H. Cardiac glycosides and antiarrhythmic agents.
 1. Cardiac glycosides.
 2. Antiarrhythmic agents (exclusive of lidocaine, bretylium, and propranolol).
 3. Miscellaneous cardiotoxic drugs.
 - I. Topical Anesthetics - agents not available in injectable formulations.
 - J. Antidiarrheal drugs.
 - K. Miscellaneous drugs:
 1. Expectorants with little or no other pharmacologic action.
 2. Stomachics.
 3. Mucolytic agents.
- **Class 5:** Drugs in this category are therapeutic medications for which concentration limits have been established by the racing jurisdictions as well as certain miscellaneous agents. Included specifically are agents that have very localized actions only, such as anti-ulcer drugs, and certain antiallergic drugs. The anticoagulant drugs are also included.

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Acebutolol	Sectral	3	2-Aminoheptane	Tuamine	4
Acecarbromal		2	Aminophylline	Aminophyllin, etc.	3
Acenocoumarol		5	Aminopyrine		4
Acepromazine	Atrovet, Notensil, PromAce®	3	Amisometradine	Rolictron	4
Acetaminophen (Paracetamol)	Tylenol, Tempra, etc.	4	Amisulpride	Solian	2
Acetanilid		4	Amitraz	Mitaban	3
Acetazolamide	Diamox, Vetamox	4	Amitriptyline	Elavil, Amitril, Endep	2
Acetophenazine	Tindal	2	Amlodipine	Ammivin, Norvasc	4
Acetophenetidin (Phenacetin)		4	Amobarbital	Amytal	2
Acetylsalicylic acid (Aspirin)		4	Amoxapine	Asendin	2
Aclomethasone	Aclovate	4	Amperozide		2
Adinazolam		2	Amphetamine		1
Adrenochrome		4	Amrinone		4
monosemicarbazone salicylate		4	Amyl nitrite		3
Albuterol (Salbutamol)	Proventil, Ventolin	3	Anileridine	Leritine	1
Alclofenac		2	Anilopam	Anisine	2
Alcuronium	Alloferin	2	Anisindione		5
Aldosterone	Aldocortin, Electro cortin	4	Anisotropine	Valpin	4
Alfentanil	Alfenta	1	Antipyrine		4
Almotriptan	Axert	3	Apazone (Azapropazone)	Rheumox	4
Alphaprodine	Nisentil	2	Apomorphine		1
Alpidem	Anaxyl	2	Aprindine		4
Alprazolam	Xanax	2	Aprobarbital	Alurate	2
Alprenolol		3	Arecoline		3
Althesin	Saffan	2	Arformoterol		3
Ambenonium	Mytelase, Myeuran	3	Articaine	Septocaine; Ultracaine, etc.	2
Ambroxol	Ambriol, etc.	4	Atenolol	Tenormin	3
Amcinonide	Cyclocort	4	Atomoxetine	Strattera	2
Amiloride	Moduretic; Midamor	4	Atracurium	Tracrium	2
Aminocaproic acid	Amicar, Caprocid	4	Atropine		3
Amiodarone		4			

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Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Azacylonol	Frenque	2	Bolasterone		
Azaperone	Stresnil, Suicalm, Fentaz (with Fentanyl)	2	Boldenone	Equipoise	3
Baclofen	Lioresal	4	Boldione		3
Barbital	Veronal	2	Bretylum	Bretylol	3
Barbiturates		2	Brimonidine	Alphagan	2
Beclomethasone	Propaderm	4	Bromazepam	Lexotan, Lectopam	2
Bemegride	Megimide, Mikedimide	2	Bromfenac	Duract	3
Benazeprilat, Benazepril and MIC-tab	Lotrel, Lotensin	3	Bromhexine	Olelor, etc.	4
Bendroflumethiazide	Naturetin	4	Bromisovalum	Diffucord, etc.	2
Benoxaprofen		2	Bromocriptine	Parfodel	2
Benoxinate	Dorsacaine	4	Bromodiphenhydramine		3
Benperidol	Anquil	2	Bromperidol	Bromidol	2
Bentazepam	Tiadipona	2	Brompheniramine	Dimetane, Disomer	4
Benzactizine	Depral, Bronchodilleten	2	Brotizolam		2
Benzocaine		4	Budesonide	Pulmacort, Rhinocort	4
Benzocetamine		2	Bufexamac		3
Benzodiazepines		2	Bumetanide	Bumex	3
Benzphetamine	Didrex	2	Bupivacaine	Marcaine	2
Benzthiazide		4	Buprenorphine	Temgesic	2
Benztropine	Cogentin	2	Bupropion	Wellbutrin	2
Benzylpiperazine (BZP)		1	Buspiron	Buspar	2
Bepiridil	Bepadin	4	Butabarbital (Secbutobarbitone)	Butacaps, Butasol, etc.	2
Betamethasone	Betasone, etc.	4	Butacaine	Butyn	4
Betaxolol	Kerlone	3	Butalbital (Talbutal)	Florinal	2
Bethanechol	Urecholine, Duvoid	4	Butamben (butyl aminobenzoate)	Butesin	4
Bethanidine	Esbatal	3	Butanilcaine	Hostacain	2
Biperiden	Akineton	3	Butaperazine	Repoise	2
Biperperone		2	Butoctamide	Listomin	2
Bisoprolol	Zebeta, Bisobloc, etc.	3	Butorphanol	Stadol, Torbugesic	3
Bitolterol	Effectin	3	Butoxycaine	Stadacain	4
			N-Butylscopolamine		3

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Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Caffeine		2	Chlorhexidol		2
Calusterone	Methosorb	3	Chlormerodrin	Neohydrin	4
Camazepam	Paxor	2	Chlormezanone	Trancopal	2
Camphor		4	Chloroform		2
Candesartan	Atcand	3	Chlorophenesin	Maolate	4
Captodiame	Covatine	2	Chloroprocaine	Nesacaine	2
Captopril	Capolen	3	Chloroquine	Avlocor	4
Carazolol	Carbacel, Conduction	3	Chlorothiazide	Diuril	4
Carbachol	Lentin, Doryl	3	Chlorpheniramine	Chlortrimton, etc.	4
Carbamezapine	Tegretol	3	Chlorproethazine	Newiplege	2
Carbidopa + levodopa	Sinemet	2	Chlorpromazine	Thorazine, Largactil	2
Carbinoxamine	Clistin	3	Chlorprothixene	Taractan	2
Carbromol	Mifudorm	2	Chlorthalidone	Hydroton	4
Carfentanil		1	Chlorzoxazone	Paraflex	4
Carisoprodol	Rela, Soma	2	Ciclesonide		4
Carphenazine	Proketazine	2	Cilostazol	Pletal	5
Carpiramine	Prazinil	2	Cimeterol		3
Carprofen	Rimacyl	4	Cimetidine	Tagamet	5
Carteolol	Cartrol	3	Cinchocaine	Nupercaine	4
Carticaine (see articaine)	Septocaine; Ultracaine, etc.	2	Citalopram	Celex	2
Carvedilol	Coreg	3	Clanobutin		4
Cathinone (khat, kat, qat, quat, chat, catha, Abyssinian tea, African tea)		1	Clemastine	Tavist	3
Celecoxib	Celebrex	3	Clenbuterol	Ventipulmin	3
Cetirizine	Zyrtec	4	Clibucaine	Batrax	4
Chloral betaine	Beta-Chlor	2	Clidinium	Quarezan, Clindex, etc.	3
Chloral hydrate	Nactec, Oridrate, etc.	2	Clobazam	Urbanyl	2
Chloraldehyde (chloral)		2	Clobetasol	Temovate	4
Chloralose (Alpha-Chloralose)		2	Clocapramine		2
Chlordiazepoxide	Librium	2	Clocortolone	Cloderm	4
		2	Clofenamide		4
		2	Clomethiazole (Chlormethiazole)		2

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Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Clomipramine	Anafranil	2	Decamethonium	Syncurine	2
Clonazepam	Klonopin	2	Dehydrochloromethyltestosterone		3
Clonidine	Catapres	3	Dembroxol (Dembrexine)	Sputolysin	4
Clorazepate	Tranxene	2	Demoxepam		2
Clormecaine	Placacid	4	Deoxycorticosterone	Per cortin, DOCA, Descotone, Dorcostrin	4
Clostebol		3	DeraΔcoxib	Deremaxx	3
Clothiapine	Enterman	2	Desipramine	Norpromine, Pertofrane	2
Clotiazepam	Trecalmo, Rize	2	Desonite	Des Owen	4
Clozapolam	Enadel, Sepazon, Tolestán	2	Desoximetason	Topicort	4
Clozapine	Clozaril, Leponex	2	Desoxymethyltestosterone		3
α-Cobratoxin		1	Detomidine	Dormosedan	3
Cocaine		1	Dexamethasone	Azium, etc.	4
Codeine		1	Dextromethorphan		4
Colchicine		4	Dextromoramide		4
Conorphone		2	Dextromoramide	Palium, Narcolo	1
Corticaline	Ultracain	2	Dextropropoxyphene	Darvon	3
Cortisone	Cortone, etc.	4	Dezocine	Dalgin	2
Cromolyn	Intel	5	Diamorphine		1
Crotetamide		2	Diazepam	Valium	2
Cyamemazine	Tercian	2	Diazoxide	Proglycem	3
Cyclandelate	Cyclospasmol	3	Dibucaine	Nupercainal, Cinchocaine	4
Cyclizine	Merazine	4	Dichloralphenazone	Febenol, Isocom	2
Cyclobarbitol	Phanodorm	2	Dichlorphenamide	Daramide	4
Cyclobenzaprine	Flexeril	4	Diclofenac	Voltaren, Voltarol	4
Cyclomethylcaine	Surfacaine	4	Dicumarol	Dicumarol	5
Cyclothiazide	Anhydron, Renazide	4	Diethylpropion	Tepanil, etc.	2
Cycrimine	Pagitane	3	Diethylthiambutene	Thematon	2
Cyproheptadine	Perfactin	4	Diflorasone	Florone, Maxiflor	4
Danazol	Danocrine	3	Difluortolone	Flu-Cortinest, etc.	4
Dantrolene	Dantrium	4	Diflunisal		3
Darbepoetin	Aranesp	2	Digitoxin	Crystodigin	4
			Digoxin	Lanoxin	4

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Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Dihydrocodeine	Parcodin	2	Edrophonium	Tensilon	3
Dihydroergotamine		4	Eletripan	Relpax	3
Dilorzepam	Briantum	2	Eltanac		4
Diltiazem	Cardizem	4	Enalapril (metabolite enalaprilat)	Vasotec	3
Dimefline		3	Enciprazine		2
Dimethisoquin	Quotane	4	Endorphins		1
Dimethylsulfoxide (DMSO)	Domoso	5	Enkephalins		1
Dimethylsulphone (MSM)		5	Ephedrine		2
Diphenadione		5	Epibatidine		2
Diphenhydramine	Benadryl	3	Epinephrine		2
Diphenoxylate	Difenoxin, Lomotil	4	Ergoloid mesylates (dihydroergocornine mesylate, dihydroergocristine mesylate, and dihydroergocryptine mesylate)		2
Diprenorphine	M50/50	2	Ergonovine	Ergotrate	4
Dipyridamole	Persantine	3	Ergotamine	Gynergen, Cafegot, etc.	4
Dipyrrone	Novin, Methampyrone	4	Erithryl tetranitrate	Cardiate	3
Disopyramide	Norpace	4	Erythropoietin(EPO)	Epogen, Procrit, etc.	2
Divalproex	Depakote	3	Esmolol	Brevibloc	3
Dixyrazine	Esucos	2	Esomeprazole	Nexium	5
Dobutamine	Dobutrex	3	Estazolam	Domnamid, Eurodin, Nuctalon	2
Dopamine	Intropin	2	Etamiphylline		3
Donepezil	Aricept	1	Etanercept	Enbrel	4
Doxacurium	Nuromax	2	Ethacrynic acid	Edecrin	3
Doxapram	Dopram	2	Ethamivan		2
Doxazosin		3	Ethanol		2
Doxefazepam	Doxans	2	Ethchlorvynol	Placidyl	2
Doxepin	Adapin, Sinequan	2	Ethinamate	Valmid	2
Doxylamine	Decapryn	3	Ethioheptazine	Zactane	4
Dromostanolone	Drolban	3	Ethiopropazine	Parsidol	2
Droperidol	Inapsine, Droleptan, Innovar-Vet (with Fentanyl)	2	Ethosuximide	Zarontin	3
Duloxetine		2			
Dyclonine	Dyclone	4			
Dyphylline		3			

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Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Ethotoin	Peganone	4	Fluanisone	Sedalande	2
Ethoxzolamide	Cardrase, Ethamide	4	Flucinolone	Synalar, etc.	4
Ethylaminobenzoate (Benzocaine)	Semets, etc.	4	Fludiazepam	Erispam	2
Ethylestrenol	Maxibolin, Organon	3	Fludrocortisone	Alforone, etc.	4
Ethylisobutrazine	Diquel	2	Flufenamic acid		3
Ethylmorphine	Dionin	1	Flumethasone	Flucort, etc.	4
Ethylnorepinephrine	Bronkephrine	3	Flumethiazide	Ademol	4
Etidocaine	Duranest	2	Flunarizine	Sibelium	4
Etifoxin	Stresam	2	Flunisolide	Bronilide, etc.	4
Etizolam	Depas, Pasaden	2	Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm	2
Etodolac	Lodine	3	Flunixin	Banamine	4
Etdroxizine	Indunox	2	Fluocinolone	Synalar	4
Etomidate		2	Fluocinonide	Licon, Lidex	4
Etorphine HCl	M99	1	Fluopromazine	Psyquil, Siquil	2
Famotidine	Gaster, etc.	5	Fluoresone	Caducid	2
Felbamate	Felbatol	3	Fluorometholone	FML	4
Felodipine	Plendil	4	Fluoroprednisolone	Preddef-2X	4
Fenarbamate	Tymium	2	Fluoxetine	Prozac	2
Fenbufen	Cincopal	3	Fluoxymesterone	Halotestin	3
Fenclozic acid	Myalex	2	Flupenthixol	Depixol, Fluanxol	2
Fenfluramine	Pondimin	2	Fluphenazine	Prolixin, Permitil, Anatenzol, etc.	2
Fenoldopam	Corlopam	3	Flupirtine	Katadolone	3
Fenopropfen	Nalfon	3	Fluprednisolone	Alphadrol	4
Fenoterol	Berotec	3	Flurandrenolide	Cordran	4
Fenspiride	Respiride, Respan, etc	3	Flurazepam	Dalmane	2
Fentanyl	Sublimaze	1	Flurbiprofen	Froben	3
Fentiazac		3	Fluspirilene	Imap, Redeptin	2
Fexofenadine	Allegra	4	Fluticasone	Flixonase, Flutide	4
Firocoxib		4	Flutoprazepam	Restas	2
Flecainide	Idalon	4	Fluvoxamine	Dumirox, Faverin, etc.	2
Floctafenine	Idalon, Idarac	4	Formebolone		3

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Formoterol	Altram	3	Hydrochlorothiazide	Hydrochloriluril	4
Fosinopril, metabolite, Fosinoprilat	Monopril	3	Hydrocodone (dihydrocodienone)	Hycodan	1
Fosphenytoin	Cerebyx	3	Hydrocortisone (Cortisol)	Cortef, etc.	4
Furazabol		3	Hydroflumethiazide	Saluron	4
Furosemide	Lasix	N/A	Hydromorphone	Dilaudid	1
Gabapentin	Neurontin	4	Hydroxyamphetamine	Paradrine	1
Galantamine	Reminyl	2	4-Hydroxytestosterone		3
Gallamine	Flaxedil	2	Hydroxyzine	Atarax	2
Gepirone		2	Ibomal	Noctal	2
Gestrinone		3	Ibuprofen	Motrin, Advil, Nurpin, etc.	4
Glutethimide	Doriden	2	Ibutilide	Corvert	3
Glycopyrrolate	Robinul	3	Iloprost	Ventavis	3
Guafenesin (glycerol guaiacolate)	Gecolate	4	Imipramine	Imavate, Presamine, Tofranil	2
Guanadrel	Hylorel	3	Indomethacin	Indocin	3
Guanethidine	Ismelin	3	Infliximab	Remicade	4
Guanabenz	Wyntensin	3	Ipratropium		3
Halazepam	Paxipam	2	Irbesarten	Avapro	3
Halcinonide	Halog	4	Isapirone		2
Halobetasol	Ultravate	4	Isocarboxazid	Marplan	2
Haloperidol	Haldol	2	Isoetharine	Bronkosol	3
Haloxazolam	Somelin	2	Isoflupredone	Predef	4
Hemoglobin glutamers	Oxyglobin Hemopure	2	Isomethadone		2
Heptaminol	Corofundol	3	Isometheptene	Octin, Octon	4
Heroin		1	Isopropamide	Darbid	4
Hexafluorenum	Myalexen	2	Isoproterenol	Isoprel	2
Hexobarbital	Evipal	2	Isosorbide dinitrate	Isordil	3
Hexocyclium	Tral	4	Isoxicam	Maxicam	2
Hexylcaine	Cyclaine	4	Isoxsuprine	Vasodilan	4
Homatropine	Homapin	3	Isradipine	DynaCirc	4
Homophenazine	Pelivichthol	2	Kebugzone		3
Hydralazine	Aprisoline	3	Ketamine	Ketalar, Ketaset, Vetalar	2

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Ketazolam	Anxon, Laftram, Solatran, Loftran	2	Meclizine	Antivert, Bonine	4
Ketoprofen	Orudis	4	Meclofenamic acid	Arquel	4
Ketorolac	Toradol	3	Meclofenoxate	Lucidril, etc.	2
Labetalol	Normodyne	3	Medazepam	Nobrium, etc.	2
Lamotrigine	Lamictal	3	Medetomidine	Dormitor	3
Lansoprazole		5	Mecryson	Medrusar, etc.	4
Lenperone	Elanone-V	2	Mefenamic acid	Ponstel	3
Lefosteine	Viscotol, Visiotal	4	Meloxicam	Mobic	4
Levamisole		2	Melperone	Euperpan	2
Levobunolol	Betagan	3	Memantine	Namenda	2
Levomethorphan		2	Meparfynol	Oblivon	2
Levorphanol	Levo-Dremoran	1	Mepazine	Pacatal	2
Lidocaine	Xylocaine	2	Mepenzolate	Canfil	3
Lisinopril	Prinivil, Zestril	3	Meperidine	Demerol	1
Lithium	Lithizine, Durallith, etc.	2	Mephenesin	Tolserol	4
Lobeline		2	Mephenoqualone	Control, etc.	2
Lofentanil		1	Mephentermine	Wyamine	1
Loflazepate, Ethyl	Victan	2	Mephénytoin	Mesantoin	2
Loperamide	Imodium	2	Mephobarbital	Mebaral	2
Loprazolam	Dormonort, Havlane	2	(Methylphenobarbital)		
Lorazepam	Claritin	4	Mepivacaine	Carbocaine	2
Lorazepam	Ativan	2	Meprobamate	Equanil, Miltown	2
Lormetazepam	Noctamid	2	Meralluride	Mercuhydrin	4
Losartan	Hyzaar	3	Merbaphen	Novasural	4
Loxapine	Laxitane	2	Mercaptopmerin	Thiomerin	4
Mabuterol		3	Mercumailin	Cumertilin	4
Maprotiline	Ludiomil	2	Mersalyl	Salyrgan	4
Mazindol	Sanorex	1	Mesalamine	Asacol	5
Mebutamate	Axiten, Dormate, Capla	2	Mesoridazine	Serenitil	2
Mecamylamine	Inversine	3	Mestanoione		3
			Mesterolone		3
			Metaclozepam	Talis	2

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Metaproterenol	Alupent, Metaprel	3	Methyldopa	Aldomet	3
Metaraminol	Aramine	1	Methylergonovine	Methergine	4
Metaxalone	Skelaxin	4	Methylnortestosterone		3
Metazocine		2	Methylphenidate	Ritalin	1
Metenolone		3	Methylprednisolone	Medrol	4
Methacholine		3	Methyltestosterone	Metandren	3
Methadone	Dolophine	1	Methyl-1-testosterone		3
Methamphetamine	Desoxyn	1	Methypyrrolon	Noludar	2
Methandienone		3	Methysergide	Sansert	4
Methandriol	Probolc	3	Metamide		4
Methandrostenolone	Dianabol	3	Metoclopramide	Reglan	4
Methanthelene	Banthine	3	Metocurine	Metubine	2
Methapyrilene	Histadyl, etc.	4	Metolazone		3
Methaqualone	Quaalude	1	Metomidate	Hypnodil	2
Metharbital	Gemonil	2	Metopon (methylidihydromorphinone)		1
Methasterone		3	Metoprolol	Lopressor	3
Methazolamide	Naptazane	4	Mexazolam	Melex	2
Methcathinone		1	Mexilitine	Mexillil	4
Methdilazine	Tacaryl	4	Mibefradil	Posicor	3
Methixene	Trest	3	Milbolerone		3
Methocarbamol	Robaxin	4	Midazolam	Versed	2
Methohexital	Brevital	2	Midodrine	Pro-Amiline	3
Methotrexate	Folex, Nexate, etc.	4	Milrinone		4
Methotrimeprazine	Levoprome, Neurocil, etc.	2	Minoxidil	Loniten	3
Methoxamine	Vasoxyl	3	Mirtazepine	Remeron	2
Methoxyphenamine	Orthoxide	3	Misoprostel	Cytotec	5
Methscopolamine	Pamine	4	Mivacurium	Mivacron	2
Methsuximide	Celontin	3	Modafinil	Provigil	2
Methylatropine		3	Moexipril (metabolite, moexiprilat)	Uniretic	3
Methylchlorothiazide	Enduron	4	Molindone	Moban	2
Methyldienolone		3	Mometasone	Ellocon	4

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Montelukast	Singulair	4	19-Norandrostenedione		3
Moperone	Luvatron	2	Norbolethone		3
Morphine		1	Norclosterbol		3
Mosaprimine		2	Nordiazepam	Calmday, Nordaz, etc.	2
Muscarine		3	Norepinephrine		2
Nabumetone	Anthraxan, Relafen, Reliflex	3	Norethandrolone		3
Nadolol	Corgard	3	Nortestosterone		4
Naepaine	Amylsine	4	Nortriptyline	Aventyl, Pamelor	2
Nalbuphine	Nubain	2	Nylidrine	Aridin	3
Nalorphine	Nalline, Lethidrone	2	Olanzepine	Zyprexa	2
Naloxone	Narcan	3	Olmesartan	Benicar	3
Naltrexone	Revia	3	Olsalazine	Dipentum	4
Nandrolone	Nandrolin, Laurabolin, Durabolin	3	Omeprazole	Prilosec, Losec	5
Naphazoline	Privine	4	Orphenadrine	Norflex	4
Naproxen	Equiproxen, Naprosyn	4	Oxabolone		3
Naratriptan	Amerge	3	Oxandrolone	Anavar	3
Nebivolol		3	Oxaprozin	Daypro, Deflam	4
Nedocromil	Tilade	5	Oxazepam	Serax	2
Nefazodone	Serzone	2	Oxazolam	Serenal	2
Nefopam		3	Oxcarbazepine	Trileptal	3
Neostigmine	Prostigmine	3	Oxlofrine (hydroxyephedrine)		2
Nicardipine	Cardine	4	Oxprenolol	Trasicor	3
Nifedipine	Procardia	4	Oxycodone	Percodan	1
Niflumic acid	Nifluril	3	Oxymesterone		3
Nikethamide	Coramine	1	Oxymetazoline	Afrin	4
Nimesulide		3	Oxymetholone	Adroyd, Anadrol	3
Nimetazepam	Erimin	2	Oxymorphone	Numorphan	1
Nimodipine	Nemotop	4	Oxyperitine	Fort, Integrin	2
Nitrazepam	Mogadon	2	Oxyphenbutazone	Tandearil	4
Nitroglycerin		3	Oxyphenyclimine	Daricon	4
Nizatidine	Axid	5	Oxyphenonium	Antrenyl	4
19-Norandrostenediol		3	Paliperidone		2
			Pancuronium	Pavulon	2

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Pantoprazole	Protonix	5	Phenobarbital	Luminal	2
Papaverine	Pavagen, etc.	3	Phenoxybenzamine	Dibenzyline	3
Paraldehyde	Paral	2	Phenprocoumon	Liquamar	5
Paramethadione	Paradione	3	Phensuximide	Milontin	4
Paramethasone	Haldrone	4	Phentermine	Iomamin	2
Pargyline	Eutonyl	3	Phentolamine	Regitine	3
Paroxetine	Paxil, Seroxat	2	Phenylbutazone	Butazolidin	4
Pemoline	Cylert	1	Phenylephrine	Isophrin, Neo-Synephrine	3
Penbutolol	Levitol	3	Phenylpropanolamine	Propadrine	3
Penfluridol	Cyperon	2	Phenytol	Dilantin	4
Pentaerythritol tetranitrate	Duotrate	3	Physostigmine	Eserine	3
Pentazocine	Talwin	3	Picrotoxin		1
Pentobarbital	Nembutal	2	Pimindine	Alvodine, Cimadon	2
Pentoxifyline	Trental, Vazofirin	4	Pimozide	Orap	2
Pentyleneetetrazol	Metrazol, Nioric	1	Pinazepam	Domar	2
Perazine	Taxilan	2	Pindolol	Viskin	3
Perfluorodecolin		2	Pipamperone	Dipiperon	2
Perfluorodecahydronophthalene		2	Pipecuronium	Arduan	2
Perfluoroethylbromide		2	Pipequaline		2
Perfluorotripropylamine		2	Piperacetazine	Psymod, Guide	2
Perfluorocarbons		2	Piperocaine	Metycaine	2
Peticiazine	Alodept, etc.	2	Pipotiazine	Lonseren, Piportil	2
Perindopril	Biprel	3	Pipradrol	Dataril, Gerondyl, etc.	2
Perlapine	Hypnodin	2	Piquindone		2
Perphenazine	Trilafon	2	Pirbuterol	Maxair	3
Phenacemide	Phenurone	4	Pirenzapine	Gastrozepin	5
Phenaglycodol	Acalo, Alcamid, etc.	2	Piretanide	Arelix, Tauliz	3
Phenazocine	Narphen	1	Piritramide		1
Phencyclidine (PCP)	Sernylan	1	Piroxicam	Feldene	3
Phendimetrazine	Bontril, etc.	1	Polyethylene glycol		5
Phenelzine	Nardelzine, Nardil	2	Polythiazide	Renese	4
Phenindione	Hedulin	5	Pramoxine	Tronothaine	4
Phenmetrazine	Preludin	1	Prazepam	Verstran, Centrax	2

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Prazosin	Minipress	3	Pyrihydione	Hybersulfan, Sonodor	2
Prednisolone	Delta-Cortef, etc.	4	Quazipam	Doral	2
Prednisone	Meticorten, etc.	4	Quetiapine	Seroquel	2
Prilocaine	Citanest	2	Quinbolone		3
Primidone	Mysoline	3	Quinapril, metabolite	Quinaprilat	3
Probenecid		4	Quinidine	Quinidex, Quinicardine	4
Procainamide	Pronestyl	4	Rabeprazole	Aciphex	5
Procaine		3	Racemethorphan		2
Procatrol	Pro Air	3	Racemorphan		2
Prochlorperazine	Darbazine, Compazine	2	Raclopride		2
Procyclidine	Kemadrin	3	Racopamine	Raylean	3
Promazine	Sparine	3	Ramipril, metabolite	Ramiprilat	3
Promethazine	Phenergan	3	Ranitidine	Altace	3
Propafenone	Rythmol	4	Ranitidine	Zantac	5
Propanidid		2	Remifentanyl	Ultiva	1
Propranolol		2	Remoxipride	Roxiam	2
Propranolol	Pro-Banthine	3	Reserpine	Serpasil	2
Propylthiouracil	Ophthaine	4	Rilmazafone		2
Propylthiouracil	Karsivan	3	Risperidone		2
Propylthiouracil	Largon	2	Ritanserif		2
Propylthiouracil	Tranvet	2	Ritodrine	Yutopar	3
Propylthiouracil		2	Rivastigmine	Exelon	3
Propylthiouracil	Diprivan, Disoprivan	2	RizatRIPTAN	Maxalt	3
Propylthiouracil	Ravocaine	2	Rocuronium	Zemuron	2
Propylthiouracil	Inderal	3	Rofecoxib	Vioxx	2
Propylthiouracil	Benzedrex	4	Romifidine	Sedivet	2
Propylthiouracil		3	Ropivacaine	Naropin	2
Propylthiouracil	Dominal	2	Salicylamide		4
Propylthiouracil	Ventaire	3	Salicylate		4
Propylthiouracil	Concordin, Triptil	2	Salmeterol		3
Propylthiouracil	Axeen, Centralgol	2	Scopolamine (Hyoscine)	Triptone	3
Propylthiouracil	Cenafed, Novafed	3	Secobarbital (Quinalbarbitone)	Seconal	2
Propylthiouracil	Mestinon, Regonol	3	Selegiline	Eldepryl, Jumex, etc.	2
Propylthiouracil	Neonergan, Equihist	3	Sertraline	Lustral, Zoloft	2

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Sibutramine	Meridia	3	Testolactone	Testiac	3
Sildenafil	Viagra	3	Testosterone		3
Snake Venoms		2	Tetrabenazine	Nitomax	2
Somatropin	Nutropin	2	Tetracaine	Pontocaine	2
Somatrem	Protropin	2	Tetrahydrogestrinone		3
Sotalol	Betapace, Sotacor	3	Tetrahydrozoline	Tyzine	4
Spiclomazine		2	Tetrazepam	Musaril, Myolastin	2
Spiroperone		2	Thebaine		2
Spirapril, metabolite Spiraprilat	Renomax	3	Theobromine		4
Spironolactone	Aldactone	4	Theophylline	Aqualphyllin, etc.	3
Stanozolol	Winstrol-V	3	Thialbarbital	Kemithal	2
Stenbolone		3	Thiamylal	Surital	2
Strychnine		1	Thiethylperazine	Torecan	2
Succinylcholine	Sucostrin, Quelin, etc.	2	Thiopental	Pentothal	2
Sufentanil	Sufenta	1	Thiopropazate	Dartal	2
Sulfasalazine	Azulfidine, Azaline	4	Thiopropazine	Majeptil	2
Sulfondiethylmethane		2	Thioridazine	Mellaril	2
Sulfonmethane		2	Thiosalicylate		4
Sulfordiazine	Inofal	2	Thiothixene	Navane	2
Sulindac	Clinoril	3	Thiphenamil	Trocinate	4
Sulpiride	Aiglonyl, Sulpitil	2	Tiaprside	Italprid, Luxoben, etc.	2
Sultopride	Barnetil	2	Tiaprofenic acid	Surgam	3
Sumatriptan	Imitrex	3	Tiletamine	Component of Telazol	2
Tadalafil	Cialis	3	Timperone	Tolopelon	2
Talbutal	Lotusate	2	Timolol	Blocardin	3
Tandospirone		2	Tocainide	Tonocard	4
Telmisartan	Micardis	3	Tofisopam	Grandaxin, Seriel	2
Temazepam	Restoril	2	Tolazoline	Priscoline	3
Tenoxicam	Alganex, etc.	3	Tolmetin	Tolectin	3
Tepoxalin		3	Topirimate	Topamax	2
Terazosin	Hytrin	3	Torsemide (Torasemide)	Demadex	3
Terbutaline	Brethine, Bricanyl	3	Tramadol	Ultram	2
Terfenadine	Seldane, Triludan	4	Trandolapril (and metabolite,	Tarka	3

Alphabetical List

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
trandolaprilat)			Valsartan	Diovan	3
Tranexamic acid		4	Vardenafil	Levitra	3
Tranylcypromine	Parnate	2	Vedaprofen		4
Trazodone	Desyrel	2	Venlafaxine	Effexor	2
Trenbolone	Finoplix	3	Verapamil	Accional, Verapril	2
Tretoquinol	Inolin	2	Verapamil	Calan, Isoptin	4
Triamcinolone	Vetalog, etc.	4	Vercuronium	Norcuron	2
Triamterene	Dyrenium	4	Viloxazine	Catrol, Vivalan, etc.	2
Triazolam	Halcion	2	Vinbarbital	Delvinol	2
Tribromethanol		2	Vinybital	Optanox, Speda	2
Tricaine methanesulfonate	Finquel	2	Warfarin	Coumadin, Coufarin	5
Trichloroethanol	Naqua, Naquasone	4	Xylazine	Rompun, Bay Va 1470	3
Trichloroethylene		2	Xylometazoline	Otrivin	4
Triclofos	Trilene, Trimar	2	Yohimbine		2
Tridihexethyl	Triclos	2	Zafirlukast	Accolate	4
Trifluomeprazine	Pathilon	4	Zaleplon	Sonata	2
Trifluoperazine	Nortran	2	Zeranol	Ralgro	4
Trifluoperidol	Stelazine	2	Ziconotide		1
Triflupromazine	Triperidol	2	Zileuton	Zyflo	4
Trihexylphenidyl	Vetame, Vesprin	2	Ziprasidone	Geodon	2
Trimepazine	Artane	3	Zolazepam		2
Trimethadione	Temaril	4	Zolmitriptan	Zomig	3
Trimethaphan	Tridione	3	Zolpidem	Ambien, Stilnox	2
Trimipramine	Afonad	3	Zomepirac	Zomax	2
Tripelennamine	Surmontil	2	Zonisamide	Zonegran	3
Tripolidine	PBZ	3	Zopiclone	Imovan	2
Tubocurarine (Curare)	Actidil	4	Zotepine	Lodopin	2
Tybamate	Metubin	2	Zuclopenthixol	Ciatyl, Cesordinol	2
Urethane	Benvil, Nospan, etc.	2	Δ-1-androstene-3, 17-diol		3
Valdecoxib		2	Δ-1-androstene-3, 17-dione		3
Valerenic acid		2	Δ-1-dihydrotestosterone		3
Valnoctamide	Nirvanyl	2			

Listing By Classification

Class 1: Stimulant and depressant drugs that have the highest potential to affect performance and that have no generally accepted medical use in the racing horse. Many of these agents are Drug Enforcement Agency (DEA) Schedule II substances. These include the following drugs and their metabolites: Opiates, opium derivatives, synthetic opioids, psychoactive drugs, all DEA Schedule I* substances (see <http://www.usdoj.gov/dea/pubs/scheduling.html>), amphetamines and amphetamine-like drugs as well as related drugs, including but not limited to apomorphine, nikethamide, mazindol, pemoline, and pentylenetetrazol.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Alfentanil	Alfenta	1	Hydroxyamphetamine	Paradrine	1
Amphetamine		1	Levorphanol	Levo-Dremoran	1
Anileridine	Leritine	1	Lofentanil		1
Apomorphine		1	Mazindol	Sanorex	1
Benzylpiperazine (BZP)		1	Meperidine	Demerol	1
Carfentanil		1	Mephentermine	Wyamine	1
Cathinone		1	Metaraminol	Aramine	1
α-Cobratoxin		1	Methadone	Dolophine	1
Cocaine		1	Methamphetamine	Desoxyn	1
Codeine		1	Methaqualone	Quaalude	1
DEA Schedule 1 (all)*			Methcathinone		1
Dextromoramide	Palfium, Narcolo	1	Methylphenidate	Ritalin	1
Diamorphine		1	Melopon (methyldihydromorphinone)		1
Donepezil	Aricept	1	Morphine		1
Endorphins		1	Nikethamide	Coramine	1
Enkephalins		1	Oxycodone	Percodan	1
Ethylmorphine	Dionin	1	Oxymorphone	Numorphan	1
Etorphine HCl	M99	1	Pemoline	Cylert	1
Fentanyl	Sublimaze	1	Pentylenetetrazol	Metrazol, Nioric	1
Heroin		1	Phenazocine	Narphen	1
Hydrocodone (dihydrocodienone)	Hydcoane	1	Phencyclidine (PCP)	Sernylan	1
Hydromorphone	Dilaudid	1	Phendimetrazine	Bontril, etc.	1
			Phenmetrazine	Preludin	1

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Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Picrotoxin		1			
Piritramide		1			
Remifentanyl	Ultiva	1			
Strychnine		1			
Sufentanyl	Sufenta	1			
Ziconotide		1			

Listing by Classification

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Acetophenazine	Tindal	2	Benzazepam	Tiadipona	2
Adinazolam		2	Benzactizine	Deprol, Bronchodilietten	2
Alclofenac		2	Benzocetamine		2
Alcuronium	Alloferin	2	Benzodiazepines		2
Alphaprodine	Nisentil	2	Benzphetamine	Didrex	2
Alpidem	Anaxyl	2	Benztropine	Cogentin	2
Alprazolam	Xanax	2	Biriperone		2
Althesin	Saffan	2	Brimonidine		2
Amisulpride	Solian	2	Bromazepam	Lexotan, Lectopam	2
Amitriptyline	Elavil, Amitril, Endep	2	Bromisovalum	Diffucord, etc.	2
Amobarbital	Amytal	2	Bromocriptine	Parbodel	2
Amoxapine	Asendin	2	Bromperidol	Bromidol	2
Amperozide		2	Brotizolam	Brotocol	2
Anilopam	Anisine	2	Bupivacaine	Marcaine	2
Aprobarbital	Alurate	2	Buprenorphine	Temgesic	2
Articaine	Septocaine; Ultracaine, etc.	2	Buspirone	Buspar	2
Atomoxetine	Strattera	2	Buspropion	Wellbutrin	2
Atracurium	Tracrium	2	Butabarbital	Butacaps, Butasol, etc.	2
Azacylonol	Frenque	2	Butalbital (Talbutal)	Fiorinal	2
Azaperone	Stresnil, Suicalm, Fentaz	2	Butanilcaine	Hostacain	2
Barbital	Veronal	2	Butaperazine	Repoise	2
Barbiturates		2	Butocetamide	Listomin	2
Bemegride	Megimide, Mikedimide	2	Caffeine		2
Benoxaprofen		2	Camazepam	Paxor	2
Benperidol	Anquil	2	Captodiamine	Covatine	2
			Carbidopa + levodopa	Sinemet	2

Listing by Classification

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Carbromol	Mifudorm	2	Cloxazolam	Enadel, Sepazon, Tolestan	2
Carisoprodol	Soma, Rela	2	Clozapine	Clozaril, Leponex	2
Carphenazine	Proketazine	2	Conorphone		2
Carpipramine	Prazinil	2	Corticaline	Ultracain	2
Carticaine (see articaïne)	Septocaine; Ultracaine, etc.	2	Crotetamide		2
Chloralose (Alpha-Chloralose)		2	Cyamemazine	Tercian	2
Chloral betaine	Beta-Chlor	2	Cyclobarbitol	Phanodorm	2
Chloral hydrate	Nactec, Oridrate, etc.	2	Darbepoetin	Aranesp	2
Chloraldehyde (chloral)		2	Decamethonium	Syncurine	2
Chlordiazepoxide	Librium	2	Demoxepam		2
Chlormezanone	Trancopal	2	Desipramine	Norpromine, Pertofrane	2
Chloroform		2	Dezocine	Dalgan®	2
Chlorhexidol		2	Diazepam	Valium	2
Chlorprocaine	Nesacaine	2	Dichloralphenazone	Febenol, Isocom	2
Chlorproethazine	Newipleg	2	Diethylpropion	Tepanil, etc.	2
Chlorpromazine	Thorazine, Largactil	2	Diethylthiambutene	Themalon	2
Chlorprothixene	Taractan	2	Dihydrocodeine	Parcodin	2
Citalopram	Celex	2	Dilorzepam	Briantum	2
Clobazam	Urbanyl	2	Diprenorphine	M50/50	2
Clocapramine		2	Dixyrazine	Esucos	2
Clomethiazole		2	Dopamine	Intropin	2
Clomipramine	Anafranil	2	Doxacurium	Nuromax	2
Clonazepam	Klonopin	2	Doxapram	Dopram	2
Clorazepate	Tranxene	2	Doxefazepam	Doxans	2
Clothiapine	Enterin	2	Doxepin	Adapin, Sinequan	2
Clotiazepam	Trecalmo, Rize	2	Droperidol	Inapsine, Droleptan.	2

Listing by Classification

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Duloxetine		2	Fludiazepam	Erispam	2
Enciprazine		2	Flunitrazepam	Rohypnol, Narcozep, Darkene, Hypnodorm	2
Ephedrine		2	Flupromazine	Psyquil, Siquil	2
Epibatidine		2	Fluoresone	Caducid	2
Epinephrine		2	Fluoxetine	Prozac	2
Ergolid Mesylates (dihydroergocornine mesylate, dihydroergocristine mesylate and dihydroergocryptine mesylate)		2	Flupenthixol	Depixol, Fluaxol	2
Erythropoietin (EPO)	Epogen, Procrit, etc.	2	Fluphenazine	Prolixin, Permittil, Anatensol,	2
Estazolam	Domnamid, Eurodin,	2	Flurazepam	Dalmane	2
Ethamivan		2	Fluspirilene	Imap, Redeptin	2
Ethanol		2	Flutoprazepam	Restas	2
Ethchlorvynol	Placidyl	2	Fluvoxamine	Dumirox, Faverin, etc.	2
Ethinamate	Valmid	2	Galantamine	Reminyl	2
Ethopropazine	Parsidol	2	Gallamine	Flaxedil	2
Ethylisobutrazine	Diquel	2	Gepirone		2
Etidocaine	Duranest	2	Glutethimide	Doriden	2
Etifoxin	Stresam	2	Halazepam	Paxipam	2
Etizolam	Depas, Pasaden	2	Haloperidol	Haldol	2
Etofroxizine	Indunox	2	Haloxazolam	Somelin	2
Etomidate		2	Hemoglobin glutamers	Oxyglobin, Hemopure	2
Fenarbamate	Tymium	2	Hexafluorenum	Myalexen	2
Fenclozic Acid	Cincopal	2	Hexobarbital	Evipal	2
Fenfluramine	Pondimin	2	Homophenazine	Peivichthol	2
Fluanisone	Sedalande	2	Hydroxyzine	Atarax	2
			Ibomal	Noctal	2
			Imipramine	Imavate, Presamine,	2
			Isapirone		2

Listing by Classification

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Isocarboxazid	Marplan	2	Mephexalone	Control, etc.	2
Isomethadone		2	Mephenytoin	Mesantoin	2
Isoproterenol	Isoprel	2	Mephobarbital	Mebaral	2
Isoxicam	Maxicam	2	Mepivacaine	Carbocaine	2
Ketamine	Ketalar, Ketaset, Vetalar	2	Meprobamate	Equanil, Miltown	2
Ketazolam	Anxon, Laftram, Solatran, Loftran	2	Mesoridazine	Sereniti	2
Lenperone	Elanone-V	2	Metaclozepam	Talis	2
Levamisole		2	Metazocine		2
Levomethorphan		2	Metharbital	Gemonil	2
Lidocaine	Xylocaine	2	Methohexital	Brevital	2
Lithium	Lithizine, Duralith, etc.	2	Methotrimeprazine	Levoprome, Neurocil, etc.	2
Lobeline		2	Methyprylon	Noludar	2
Loflazepate, Ethyl	Victan	2	Metocurine	Metubine	2
Loperamide	Imodium	2	Metomidate	Hypnodil	2
Loprazolam	Dormonort, Havlane	2	Mexazolam	Melex	2
Lorazepam	Ativan	2	Midazolam	Versed	2
Lormetazepam	Noctamid	2	Mirtazepine	Remeron	2
Loxapine	Laxitane	2	Mivacurium	Mivacron	2
Maprotiline	Ludiomil	2	Modafinil	Provigil	2
Mebutamate	Axiten, Dormate, Capla	2	Molindone	Moban	2
Meclofenoxate	Lucidril, etc.	2	Moperone	Luvatren	2
Medazepam	Nobrium, etc.	2	Mosaprimine		2
Melperone	Eunerpan	2	Nalbuphine	Nubain	2
Mementine	Namenda	2	Nalorphine	Nalline, Lethidrone	2
Meparfynol	Oblivon	2	Nefazodone	Serzone	2
Mepazine	Pacatal	2	Nimetazepam	Erimin	2

Listing by Classification

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Nitrazepam	Mogadon	2	Phenobarbital	Luminal	2
Nordiazepam	Calmday, Nordaz, etc.	2	Phentermine	Iomamin	2
Norepinephrine		2	Pimindine	Alvodine, Cimadon	2
Nortriptyline	Aventyl, Pamelor	2	Pimozide	Orap	2
Olanzapine	Zyprexa	2	Pinazepam	Domar	2
Oxazepam	Serax	2	Pipamperone	Dipiperon	2
Oxazolam	Serenal	2	Pipecuronium	Arduan	2
Oxlofrine (hydroxyephedrine)		2	Pipequaline		2
Oxyperitine	Fortit, Integrin	2	Piperacetazine	Psymod, Quide	2
Paliperidone		2	Piperocaine	Metycaine	2
Pancaronium	Pavulon	2	Pipotiazine	Lonseren, Piportil	2
Paraldehyde	Paral	2	Pipradrol	Dataril, Gerondyl, etc.	2
Paroxetine	Paxil, Seroxat	2	Piquindone		2
Penfluridol	Cyperon	2	Prazepam	Verstran, Centrax	2
Pentobarbital	Nembutal	2	Prilocaine	Citanest	2
Perazine	Taxilan	2	Prochlorperazine	Darbazine, Compazine	2
Perfluorodecolin		2	Propanidid		2
Perfluorodecahydronophthalene		2	Propiomazine	Largon	2
Perfluorooctylbromide		2	Propionylpromazine	Tranvet	2
Perfluorotripropylamine		2	Propiram		2
Perfluorocarbons		2	Propofol	Diprivan, Disoprivan	2
Periciazine	Alodept, etc.	2	Propoxycaine	Ravocaine	2
Perlapine	Hypnodin	2	Prothipendyl	Dominal	2
Perphenazine	Trilafon	2	Protriptyline	Concordin, Triptil	2
Phenaglycodol	Acalb, Alcamid, etc.	2	Proxibarbital	Axeen, Centralgol	2
Pheneizine	Nardeizine, Nardil	2	Pyritihidione	Hybersulfan, Sonodor	2

Listing by Classification

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Quazipam	Doral	2	Sulforidazine	Inofal	2
Quetiapine	Seroquel	2	Sulpiride	Aiglonyl, Sulpitol	2
Racemethorphan		2	Sultopride	Barnetil	2
Racemorphan		2	Talbutal	Lotusate	2
Raclopride		2	Tandospirone		2
Remoxipride	Roxiam	2	Temazepam	Restoril	2
Reserpine	Serpasil	2	Tetrabenazine	Nitoman	2
Rilmazafone		2	Tetracaine	Pontocaine	2
Risperidone		2	Tetrazepam	Musaril, Myolastin	2
Ritanserlin		2	Thebaine		2
Rivastigmine	Exelon	2	Thialbarbital	Kemithal	2
Rocuronium	Zemuron	2	Thiamylal	Surital	2
Rofecoxib	Vioxx	2	Thiethylperazine	Torecan	2
Romifidine	Sedivet	2	Thiopental	Pentothal	2
Ropivacaine	Naropin	2	Thiopropazate	Dartal	2
Secobarbital	Seconal	2	Thiopropazine	Majeptil	2
Selegiline	Elderyl, Jumex	2	Thioridazine	Mellaril	2
Sertraline	Lustral, Zoloft	2	Thiothixene	Navane	2
Snake Venoms		2	Tiapride	Italprid, Luxoben, etc.	2
Somatrem	Protropin	2	Tiletamine	Component of Telazol	2
Somatropin	Nutropin	2	Timiperone	Tolopelon	2
Spiclomazine		2	Tofisopam	Grandaxain, Seriel	2
Spiperone		2	Topirimate	Topamax	2
Succinylcholine		2	Tramadol	Ultram	2
Sulfondiethylmethane	Sucostrin, Quelin, etc.	2	Tranylcypromine	Parnate	2
Sulfonmethane		2	Trazodone	Desyrel	2

Listing by Classification

Class 2: Drugs that have a high potential to affect performance, but less of a potential than Class 1. These drugs are 1) not generally accepted as therapeutic agents in racing horses, or 2) they are therapeutic agents that have a high potential for abuse.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Tretoquinol	Inolin	2	Zolazepam		2
Triazolam	Halcion	2	Zolpidem	Ambien, Stilnox	2
Tribromethanol		2	Zomepirac	Zomax	2
Tricaine methanesulfonate	Finquel	2	Zopiclone	Imovan	2
Trichloroethanol		2	Zotepine	Lodopin	2
Trichloroethylene	Trilene, Trimar	2	Zuclopenthixol	Ciatyl, Cesordinol	2
Triclofos	Triclos	2			
Trifluomeprazine	Nortran	2			
Trifluoperazine	Stelazine	2			
Trifluoperidol	Triperidol	2			
Triflupromazine	Velame, Vesprin	2			
Trimipramine	Surmontil	2			
Tubocurarine (Curare)	Metubin	2			
Tybamate	Benvil, Nospan, etc.	2			
Urethane		2			
Valdecocixib		2			
Valnoctamide	Nirvanyl	2			
Venlafaxine	Effexor	2			
Verapipride	Accional, Verapipril	2			
Vercuronium	Norcuron	2			
Viloxazine	Catatrol, Vivalan, etc.	2			
Vinbarbital	Delvinol	2			
Vinylbital	Optanox, Speda	2			
Yohimbine		2			
Zaleplon	Sonata	2			
Ziprasidone	Geodon	2			

Listing by Classification

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Acebutolol	Sectral	3	Brimonidine	Alphagan	3
Acepromazine	Atrovet, Notensil, PromAce®	3	Bromfenac	Duract	3
Albuterol (Salbutamol)	Proventil, Ventolin	3	Bromodiphenhydramine		3
Almotriptan	Axert	3	Bufexamac		3
Alprenolol		3	Bumetanide	Bumex	3
Ambenonium	Mytelase, Myeuran	3	Butorphanol	Stadol, Torbugesic	3
Aminophylline	Aminophyllin, etc.	3	N-Butylscopolamine		3
Amitraz	Mitaban	3	Calusterone		3
Amlodipine	Norvasc	3	Candesartan	Atacand	3
Amyl nitrite		3	Captopril	Capoten	3
Arecoline		3	Carazolol	Carbacel, Conducton	3
Arformoterol		3	Carbachol	Lentin, Doryl	3
Atenolol	Tenormin	3	Carbamazepine	Tegretol	3
Atropine		3	Carbinoxamine	Clistin	3
Benazeprilat, Benazepril and MC-Tab	Lotensin	3	Carteolo	Cartrol	3
Betaxolol	Kerone	3	Carvedilol	Coreg	3
Bethanidine	Esbatal	3	Celecoxib	Celebrex	3
Biperiden	Akineton	3	Cimetrol		3
Bisoprolol	Zebeta, Bisobloc, etc.	3	Clemastine	Tavist	3
Bitolterol	Effectin	3	Clenbuterol	Ventipulmin	3
Bolasterone		3	Clidinium	Quarezan, Clindex, etc.	3
Boldenone	Equipoise	3	Clonidine	Catapres	3
Boldione		3	Clostebol		3
Bretylum	Bretylol	3	Cyclandelate	Cyclospasmol	3
			Cyrimine	Pagitane	3

Listing by Classification

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Danazol	Danocrine	3	Ethacrynic acid	Edecrin	3
Dehydrochloromethyltestosterone		3	Ethosuximide	Zarontin	3
Deracoxib	Deremaxx	3	Ethylestrenol	Maxibolin, Organon	3
Desoxymethyltestosterone		3	Ethylnorepinephrine	Bronkephrine	3
Detomidine	Dormosedan	3	Etodolac	Lodine	3
Dextropropoxyphene	Darvon	3	Felbamate	Felbatol	3
Diazoxide	Proglycem	3	Fenbufen	Cincopal	3
Diflunisal		3	Fenoldopam	Corlopan	3
Dimeflin		3	Fenoprofen	Nalfon	3
Diphenhydramine	Benadryl	3	Fenoterol	Berotec	3
Dipyridamole	Persantine	3	Fenspiride	Respiride, Respan, etc	3
Divalproex	Depakote	3	Fentiazac		3
Dobutamine	Dobutrex	3	Flurbiprofen	Froben	3
Doxazosin		3	Flufenamic Acid		3
Doxylamine	Decapryn	3	Fluoxymesterone	Haltestin	3
Dromostanolone	Drolban	3	Flupirtine	Katadolone	3
Dyphylline		3	Formebolone		3
Edrophonium	Tensilon	3	Formoterol	Altram	3
Eletripan	Relpax	3	Fosinopril, Fosinoprilat	Monopril	3
Enalapril (metabolite enalaprilat)	Vasotec	3	Fosphenytoin	Cerebyx	3
Ergoloid mesylates		3	Furazabol		3
Erithryl tetranitrate	Cardilate	3	Gabapentin	Neurontin	3
Esmolol	Brevibloc	3	Gestrinone		3
Etamiphylline		3	Glycopyrrolate	Robinul	3
			Guanadrel	Hylrel	3

Listing by Classification

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Guanethidine	Ismelin	3	Mepenzolate	Cantil	3
Guanabenz	Wytenzin	3	Mestanolone		3
Heptaminol	Corofundol	3	Mesterolone		3
Homatropine	Homapin	3	Metaproterenol	Alupent, Metaprel	3
Hydralazine	Apresoline	3	Metenolone		3
4-Hydroxytestosterone		3	Methachlorine		3
Ibutilide	Corvert	3	Methandienone		3
Iloprost	Ventavis	3	Methandriol	Probolis	3
Indomethacin	Indocin	3	Methandrostenolone	Dianabol	3
Ipratropium		3	Methantheline	Banthine	3
Irbesarten	Avapro	3	Methasterone		3
Isoetharine	Bronkosol	3	Methixene	Trest	3
Isosorbide dinitrate	Isordil	3	Methoxamine	Vasoxyl	3
Kebugzone		3	Methoxyphenamine	Orthoxide	3
Ketorolac	Toradol	3	Methsuximide	Celontin	3
Labeltalol	Normodyne	3	Methylatropine		3
Lamotrigine	Lamictal	3	Methyldienolone		3
Levobunolol	Betagan	3	Methyldopa	Aldomet	3
Lisinopril	Prinivil, Zestril	3	Methylnor testosterone		3
Losartan	Hyzaar	3	Methyltestosterone	Metandren	3
Mabuterol		3	Methyl-1-testosterone		3
Mecamylamine	Inversine	3	Metolazone		3
Medetomidine	Domitor	3	Metoprolol	Lopressor	3
Mefenamic Acid	Ponstel	3	Mibefradil	Posicor	3
			Mibolerone		3

Listing by Classification

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Mildodrine	Pro-Amiline	3	Oxcarbazepine	Trileptal	3
Minoxidil	Loniten	3	Oxprenolol	Trasicor	3
Moexipril (metabolite moexiprilat)	Uniretic	3	Oxymesterone		3
Muscarine		3	Oxymetholone	Adroyd, Anadrol	3
Nabumetone	Anthraxan, Relafen, Reliflex	3	Papaverine	Pavagen, etc.	3
Nadol	Corgard	3	Paramethadione	Paradione	3
Naloxone	Narcan	3	Pargyline	Eutonyl	3
Naltrexone	Revia	3	Penbutolol	Levatol	3
Nandrolone	Nandrolin, Laurabolin, Durabolin	3	Pentaerythritol tetranitrate	Duotrate	3
Naratriptan	Amerge	3	Pentazocine	Talwin	3
Nebivolol		3	Perindopril	Biprel	3
Nefopam		3	Phenoxybenzamine	Dibenzyline	3
Neostigmine	Prostigmine	3	Phentolamine	Regitine	3
Niflumic Acid	Niffluril	3	Phenylephrine	Isophrin, Neo-Synephrine	3
Nimesulide		3	Phenylpropanolamine	Propadrine	3
Nitroglycerin		3	Physostigmine	Eserine	3
19-Norandrostenediol		3	Pindolol	Viskin	3
19-Norandrostenedione		3	Pirbuterol	Maxair	3
Norbolethone		3	Piracetam	Arelix, Tauliz	3
Norclostebol		3	Piroxicam	Feldene	3
Norethandrolone		3	Prazosin	Minipress	3
Nylidrine	Artidin	3	Primidone	Mysoline	3
Olmesartan	Benicar	3	Procaine		3
Oxabolone		3	Procaterol	Pro Air	3
Oxandrolone	Anavar	3	Procyclidine	Kemadrin	3

Listing by Classification

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Promazine	Sparine	3	Sumatriptan	Imitrex	3
Promethazine	Phenergan	3	Tadalafil	Cialis	3
Propranolol	Pro-Banthane	3	Telmisartan	Micardis	3
Propentofylline	Karsivan	3	Tenoxicam	Alganex, etc.	3
Propranolol	Inderal	3	Tepoxalin		3
Prostanazol		3	Terazosin	Hytrin	3
Protokylol	Ventaire	3	Terbutaline	Brethine, Bricanyl	3
Pseudoephedrine	Cenafed, Novafed	3	Testolactone	Tesiac	3
Pyridostigmine	Mestinon, Regonol	3	Testosterone		3
Pyrilamine	Neoantergan, Equihist	3	Tetrahydrogestrinone		3
Quinapril, Quinaprilat	Accupril	3	Theophylline	Aqualphyllin, etc.	3
Quinbolone		3	Tiaprofenic Acid	Surgam	3
Ractopamine	Raylean	3	Timolol	Blocardrin	3
Ramipril, metabolite Ramiprilat	Altace	3	Tolazoline	Priscoline	3
Ritodrine	Yutopar	3	Tolmetin	Tolectin	3
Rizatriptan	Maxalt	3	Torsemide (Torasemide)	Demadex	3
Salmeterol		3	Trandolapril (and metabolite, Trandolaprilat)	Tarka	3
Scopolamine (Hyoscine)	Triptone	3	Trenbolone	Finoplix	3
Sibutramine	Meridia	3	Trihexyphenidyl	Artane	3
Sildenafil	Viagra	3	Trimethadione	Tridione	3
Sotalol	Betapace, Sotacor	3	Trimethaphan	Arfonad	3
Spirapril, metabolite Spiraprilat	Renomax	3	Tripelennamine	PBZ	3
Stanozolol	Winstrol-V	3	Valerianic acid		3
Stenbolone		3	Valsartan	Diovan	3
Sulindac	Clinoril	3			

Listing by Classification

Class 3: Drugs that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2.

Drug Trade Name(s) Class Drug Trade Name(s) Class

Vardenafil	Levitra	3		
Xylazine	Rompun, Bay Va 1470	3		
Zolmitriptan	Zomig	3		
Zonisamide	Zonegran	3		
Δ-1-androstene-3, 17-diol		3		
Δ-1-androstene-3, 17-dione		3		
Δ-1-dihydrotestosterone		3		

Listing by Classification

Class 4: This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Acetaminophen (Paracetamol)	Tylenol, Tempra, etc.	4	Bendroflumethiazide	Naturetin	4
Acetanilid		4	Benoxinate	Dorsacaine	4
Acetazolamide	Diamox, Vetamox	4	Benzocaine		4
Acetophenetidin (Phenacetin)		4	Benzthiazide		4
Acetylsalicylic acid (Aspirin)		4	Bepiridil	Bepadin	4
Aclomethasone	Aclovate	4	Betamethasone	Betasone, etc.	4
Adrenochrome		4	Bethanechol	Urecholine, Duvoid	4
monosemicarbazone salicylate		4	Bromhexine	Olefor, etc.	4
Aldosterone	Aldocortin, Electrocoffin	4	Brompheniramine	Dimetane, Disomer	4
Ambroxol	Ambril, etc.	4	Budesonide	Pulmacort, Rhinocort	4
Aminonide	Cyclocort	4	Butacaine	Butyn	4
Amiloride	Moduretic; Midamor	4	Butamben (butyl aminobenzoate)	Butesin	4
Aminocaproic acid	Amicar, Caprocid	4	Butoxyacaine	Stadacain	4
Aminodarone		4	Camphor		4
2-Aminoheptaine	Tuamine	4	Carprofen	Rimadyl	4
Aminopyrine		4	Cetirizine	Zyrtec	4
Amisometradine	Rolictron	4	Chlormerodrin	Neohydrin	4
Amlopidine	Norvasc, Armmivin	4	Chlorophenesin	Maolate	4
Amrinone		4	Chloroquine	Avloclor	4
Anisotropine	Valpin	4	Chlorothiazide	Diuril	4
Antipyrine		4	Chlorpheniramine	Chlortriemton, etc.	4
Apazone (Azapropazone)	Rheumox	4	Chlorthalidone	Hydroton	4
Aprindine		4	Chlorzoxazone	Paraflex	4
Baclofen	Lioresal	4	Ciclesonide		4
Beclomethasone	Propaderm	4	Cinchocaine	Nupercaine	4
Benazepril	Lotrel	4	Clanobutin		4

Listing by Classification

Class 4: This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Clibucaine	Batrax	4	Dihydroergotamine		4
Clobetasol	Temovate	4	Diltiazem	Cardizem	4
Clocortolone	Cloderm	4	Dimethisoquin	Quotane	4
Clofenamide	Placacid	4	Diphenoxylate	Difenoxin, Lomotil	4
Clormecaine		4	Dipyrrone	Novin, Methampyrone	4
Colchicine		4	Disopyramide	Norpace	4
Cortisone	Cortone, etc.	4	Dyclonine	Dyclone	4
Cyclizine	Merazine	4	Eitenac		4
Cyclobenzaprine	Flexeril	4	Ergonovine	Ergotrate	4
Cyclomethycaine	Surfacaine	4	Ergotamine	Gynergen, Cafergot, etc.	4
Cyclothiazide	Anhydron, Renazide	4	Etanercept	Enbrel	4
Cyproheptadine	Periactin	4	Ethoheptazine	Zactane	4
Dantrolene	Dantrium	4	Ethotoin	Peganone	4
Dembroxol (Dembrexine)	Sputolysin	4	Ethoxzolamide	Cardrase, Ethamide	4
Deoxycorticosterone	Percortin, DOCA, Descotone, Dorcostrin	4	Ethylaminobenzoate (Benzocaine)	Semets, etc.	4
Desonite	Des Owen	4	Felodipine	Plendil	4
Desoximetasone	Topicort	4	Fexofenadine	Allegra	4
Dexamethasone	Azium, etc.	4	Firocoxib		4
Dextromethorphan		4	Flecainide	Idalon	4
Dibucaine	Nupercainal, Cinchocaine	4	Floctafenine	Idalon, Idarac	4
Dichlorphenamide	Daramide	4	Flucinolone	Synalar, etc.	4
Diclofenac	Voltaren, Voltarol	4	Fludrocortisone	Alforone, etc.	4
Diflorasone	Florone, Maxiflor	4	Flumethasone	Flucort, etc.	4
Diflucortolone	Flu-Cortinest, etc.	4	Flumethiazide	Ademol	4
Digitoxin	Crytodigin	4	Flunarizine	Sibelium	4
Digoxin	Lanoxin	4	Flunisolide	Bronilide, etc.	4

Listing by Classification

Class 4: This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Flunixin	Banamine	4	Medicine	Antivert, Bonine	4
Flucinolone	Synalar	4	Meclofenamic acid	Arquel	4
Fluocinonide	Licon, Lidex	4	Medrysone	Medriusar, etc.	4
Fluorometholone	FML	4	Meloxicam	Mobic	4
Fluoroprednisolone	Preddef-2X	4	Mephesisin	Tolserol	4
Fluprednisolone	Alphadrol	4	Meralluride	Mercuhydrin	4
Flurandrenolide	Cordran	4	Merbaphen	Novasural	4
Fluticasone	Flixonase, Flutide	4	Mercaptopmerin	Thiomertin	4
Guaiifenesin (glycerol guaiacolate)	Gecolate	4	Mercumailiin	Cumertilin	4
Halcinonide	Halog	4	Mersalyl	Salyrgran	4
Halobetasol	Ultravate	4	Metaxalone	Skelaxin	4
Hexocyclium	Tral	4	Methapyrilene	Histadyl, etc.	4
Hexylcaine	Cyclaine	4	Methazolamide	Napazane	4
Hydrochlorthiazide	Hydrodiuril	4	Methidiazine	Tacaryl	4
Hydrocortisone (Cortisol)	Cortef, etc.	4	Methocarbamol	Robaxin	4
Hydroflumethiazide	Saluron	4	Methotrexate	Folex, Nexate, etc.	4
Ibuprofen	Motrin, Advil, Nurpin, etc.	4	Methscopolamine	Pamine	4
Infliximab	Remicade	4	Methylchlorthiazide	Enduron	4
Isoflupredone	Preddef	4	Methylergonovine	Methergine	4
Isometheptene	Octin, Octon	4	Methylprednisolone	Medrol	4
Isopropamide	Darbid	4	Methysergide	Sansert	4
Isoxsuprine	Vasodilan	4	Metamide		4
Isradipine	DynaCirc	4	Metoclopramide	Reglan	4
Ketoprofen	Orudis	4	Mexilitine	Mexill	4
Letosteine	Viscotol, Visiotal	4	Milrinone		4
Loratidine	Claritin	4	Mometasone	Elocon	4

Listing by Classification

Class 4: This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3.

Drug	Trade Name(s)	Class	Drug	Trade Name(s)	Class
Montelukast	Singulair	4	Procainamide	Pronesty	4
Naepaine	Amylsine	4	Propafenone	Rythmol	4
Naphazoline	Privine	4	Proparacaine	Ophthaine	4
Naproxen	Equiproxen, Naprosyn	4	Propylhexedrine	Benzedrex	4
Nicardipine	Cardine	4	Quinidine	Quinidex, Quinicardine	4
Nifedipine	Procardia	4	Salicylamide		4
Nimodipine	Nemotop	4	Salicylate		4
Nortestosterone		4	Spironolactone	Aldactone	4
Olsalazine	Dipentum	4	Sulfasalazine	Azulfidine, Azaline	4
Orphenadrine	Norfex	4	Terfenadine	Seldane, Triludan	4
Oxaprozin	Daypro, Deflam	4	Tetrahydrozoline	Tyzine	4
Oxymetazoline	Afrin	4	Theobromine		4
Oxyphenbutazone	Tandearil	4	Thiosalicylate		4
Oxyphenyclimine	Daricon	4	Thiphenamil	Trocinate	4
Oxyphenonium	Antrenyl	4	Tocainide	Tonocard	4
Paramethasone	Haldrone	4	Tranexamic acid		4
Pentoxyfylline	Trental, Vazofrin	4	Triamcinolone	Vetalog, etc.	4
Phenacemide	Phenurone	4	Triamterene	Dyrenium	4
Phensuximide	Milontin	4	Trichloromethiazide	Naqua, Naquasone	4
Phenylbutazone		4	Tridihexethyl	Pathilon	4
Phenytoin	Dilantin	4	Trimeprazine	Temaril	4
Polythiazide	Renese	4	Tripolidine	Actidil	4
Pramoxine	Tronothaine	4	Tuaminoheptane	Tuamine	4
Prednisolone	Delta-Cortef, etc.	4	Vedaproten		4
Prednisone	Meticorten, etc.	4	Verapamil	Calan, Isoptin	4
Probenecid		4	Xylometazoline	Otrivin	4

Listing by Classification

Class 4: This class includes therapeutic medications that would be expected to have less potential to affect performance than those in Class 3.

Drug Trade Name(s) Class Drug Trade Name(s) Class

Zafirlukast	Accolate	4
Zeranol	Ralgro	4
Zileuton	Zyflo	4

Listing by Classification

Class 5: This class includes those therapeutic medications for which concentration limits have been established by the racing jurisdictions as well as certain miscellaneous agents such as DMSO and other medications as determined by the regulatory bodies.

Drug Trade Name(s) Class Drug Trade Name(s) Class

Anisindione		5		
Cilostazol	Pletal	5		
Cimetidine	Tagamet	5		
Cromolyn	Intel	5		
Dicumarol	Dicumarol	5		
Dimethylsulfoxide (DMSO)	Domoso	5		
Dimethylsulphone (MSM)		5		
Diphenadione		5		
Esomeprazole	Nexium	5		
Famotidine	Gaster, etc.	5		
Lansoprazole		5		
Mesalamine	Asacol	5		
Misoprostel	Cytotec	5		
Nedocromil	Tilade	5		
Nizatidine	Axid	5		
Omeprazole	Prilosec, Losec	5		
Pantoprazole	Protonix	5		
Phenindione	Hedulin	5		
Phenprocoumon	Liquamar	5		
Pirenzapine	Gastrozepin	5		
Polyethylene glycol		5		
Rabeprazole	Aciphex	5		
Ranitidine	Zantac	5		
Warfarin	Coumadin, Coufarin	5		

Non-Classified Substances

<p>Substances that are considered to have no effect on the physiology of a racing animal except to improve nutrition or treat or prevent infections or parasite infestations, are not classified. These Substances normally include antimicrobials, antiparasitic drugs, and nutrients such as vitamins. Examples of such substances include the following:</p> <p>Sulfonamides and trimethoprim</p> <p>Antibiotics:</p> <ul style="list-style-type: none"> Penicillins Cephalosporins Chloramphenicol Aminoglycosides Tetracyclines Nitrofurans Metronidazole <p>Anthelmintics:</p> <ul style="list-style-type: none"> Avermectins Benzimidazoles Piperazines Pyrantel Tetramisole <p>Antifungals</p> <p>Vitamins:</p> <ul style="list-style-type: none"> A, D, E, K, B vitamins Vitamin C <p>Bufotenine</p> <p>1. It is not commercially available in any form.</p>	<p>2. It is a metabolite of 3-methyl-N,N dimethyltryptamine, found in reed canary grass (and potentially other food source plants). It may be found in the urine of horses eating this grass (and potentially other plant foods), and has been reported as a positive finding.</p> <p>Findings of bufotenine in equine urine should not be considered for regulatory action.</p>
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TABLE 178-1 E

**PENALTY GUIDELINES
FOR VIOLATIONS OF
MEDICATION AND
PROHIBITED SUBSTANCES
RULE**

LICENSED TRAINER		
<p>1st Offense</p> <p>Minimum six (6) month suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one (1) year suspension.</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$1,000.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>	<p>2nd LIFETIME offense in any jurisdiction</p> <p>Minimum one (1) year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three (3) year suspension.</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$2,500.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>	<p>3rd LIFETIME Offense in any jurisdiction</p> <p>Minimum three (3) year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a five (5) year suspension.</p> <p style="text-align: center;">AND</p> <p>\$5,000.00 fine</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>

LICENSED OWNER		
<p>1st Offense</p> <p>Disqualification and loss of purse.</p> <p style="text-align: center;">AND</p> <p>Horse may be placed on the veterinarian's list for ninety (90) days and most pass a Commission approved examination before becoming eligible to be entered.</p>	<p>2nd LIFETIME offense in any jurisdiction</p> <p>Disqualification and loss of purse.</p> <p style="text-align: center;">AND</p> <p>Horse shall be placed on the veterinarian's list for one hundred twenty (120) days and most pass a Commission approved examination before becoming eligible to be entered.</p>	<p>3rd LIFETIME Offense in any jurisdiction</p> <p>Disqualification, loss of purse and \$5,000.00 fine.</p> <p style="text-align: center;">AND</p> <p>Horse shall be placed on the veterinarian's list for one hundred eighty (180) days and most pass a Commission approved examination before becoming eligible to be entered.</p> <p style="text-align: center;">AND</p> <p>Referral to the Commission with a recommended minimum suspension of ninety (90) days.</p>

LICENSED TRAINER		
<p>1st Offense (365 day period in any jurisdiction)</p> <p>Minimum ninety (90) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one hundred twenty (120) day suspension.</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$500.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>	<p>2nd offense (365 day period in any jurisdiction)</p> <p>Minimum one hundred twenty (120) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one hundred eight (180) day suspension.</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$1,000.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,500.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>	<p>3rd Offense (365 day period in any jurisdiction)</p> <p>Minimum one hundred eighty (180) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one (1) year suspension.</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$2,500.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>

LICENSED OWNER		
<p>1st Offense (365 day period in any jurisdiction)</p> <p>Disqualification and loss of purse.</p> <p style="text-align: center;">AND</p> <p>Horse must pass a Commission approved examination before becoming eligible to be entered.</p>	<p>2nd offense (365 day period in any jurisdiction)</p> <p>Disqualification and loss of purse.</p> <p style="text-align: center;">AND</p> <p>Horse shall be placed on vet's list for 30 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<p>3rd Offense (365 day period in any jurisdiction)</p> <p>Disqualification, loss of purse and \$5,000.00 fine.</p> <p style="text-align: center;">AND</p> <p>Horse shall be placed on the veterinarian's list for 45 days and must pass a Commission approved examination before becoming eligible to be entered.</p>

LICENSED TRAINER		
1st Offense (365 day period in any jurisdiction)	2nd offense (365 day period in any jurisdiction)	3rd Offense (365 day period in any jurisdiction)
<p>Minimum thirty (30) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a sixty (60) day suspension.</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$250.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$500.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>	<p>Minimum sixty (60) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a ninety (90) day suspension.</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$500.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>	<p>Minimum ninety (90) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one hundred twenty (120) day suspension.</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$1,000.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>

LICENSED OWNER		
1st Offense (365 day period in any jurisdiction)	2nd offense (365 day period in any jurisdiction)	3rd Offense (365 day period in any jurisdiction)
<p>Disqualification and loss of purse.</p> <p style="text-align: center;">AND</p> <p>Horse must pass a Racing Commission approved examination before becoming eligible to be entered.</p>	<p>Disqualification and loss of purse.</p> <p style="text-align: center;">AND</p> <p>Horse must pass a Racing Commission approved examination before becoming eligible to be entered.</p>	<p>Disqualification, loss of purse and \$2,500.00 fine.</p> <p style="text-align: center;">AND</p> <p>Horse must pass a Racing Commission approved examination before becoming eligible to be entered.</p>

LICENSED TRAINER		
<p>1st Offense (365 day period in any jurisdiction)</p> <p>Minimum fifteen (15) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a thirty (30) day suspension.</p> <p style="text-align: center;">AND</p> <p>No Fine.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>	<p>2nd offense (365 day period in any jurisdiction)</p> <p>Minimum thirty (30) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a forty-five (45) day suspension</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$500.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>	<p>3rd Offense (365 day period in any jurisdiction)</p> <p>Minimum forty-five (45) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a sixty (60) day suspension</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$1,000.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,000.00.</p> <p style="text-align: center;">AND</p> <p>May be referred to the Racing Commission for any further action deemed necessary by the Commission.</p>

LICENSED OWNER		
<p>1st Offense (365 day period in any jurisdiction)</p> <p>Disqualification and loss of purse.</p> <p style="text-align: center;">AND</p> <p>Horse must pass a Racing Commission approved examination before becoming eligible to be entered.</p>	<p>2nd offense (365 day period in any jurisdiction)</p> <p>Disqualification and loss of purse.</p> <p style="text-align: center;">AND</p> <p>Horse must pass a Racing Commission approved examination before becoming eligible to be entered.</p>	<p>3rd Offense (365 day period in any jurisdiction)</p> <p>Disqualification, loss of purse and \$1,000.00 fine.</p> <p style="text-align: center;">AND</p> <p>Horse must pass a Racing Commission approved examination before becoming eligible to be entered.</p>

LICENSED TRAINER		
<p>1st Offense (365 day period in any jurisdiction)</p> <p>Minimum fine of \$300.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$500.00.</p>	<p>2nd offense (365 day period in any jurisdiction)</p> <p>Minimum fine of \$500.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000.00.</p>	<p>3rd Offense (365 day period in any jurisdiction)</p> <p>Minimum fifteen (15) day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a thirty (30) day suspension</p> <p style="text-align: center;">AND</p> <p>Minimum fine of \$1,000.00 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,500.00.</p>

LICENSED OWNER		
<p>1st Offense (365 day period in any jurisdiction)</p> <p>Warning.</p>	<p>2nd offense (365 day period in any jurisdiction)</p> <p>Disqualification, loss of purse</p> <p style="text-align: center;">AND</p> <p>If same horse as 1st offense, horse shall be placed on veterinarian's list for fifteen (15) days and must pass Racing Commission approved examination before being eligible to run.</p>	<p>3rd Offense (365 day period) in any jurisdiction</p> <p>Disqualification, loss of purse.</p> <p style="text-align: center;">AND</p> <p>if same horse as 1st & 2nd offense, horse shall be placed on veterinarian's list for thirty (30) days and must pass Racing Commission approved examination before being eligible to run.</p>