

13:70-14A.15 Post-race blood gas testing program; pre-race guarded quarantine

(a) Where a trainer, during any 12-month period, has had any single horse under his or her custody, care and control test equal to or in excess of the total carbon dioxide level (TCO₂) set forth in N.J.A.C. 13:70-14A.14(a), and where the level of TCO₂ has not been determined as physiologically normal for the horse in such instance pursuant to N.J.A.C. 13:70-14A.14(c), that horse subsequently scheduled to participate in a race under the custody, care and control of said trainer shall be placed under pre-race guarded quarantine. The track association sponsoring the race shall make such pre-race guarded quarantine available, at the sole expense of the trainer, for a length of time to be determined by the stewards but in no event less than six hours prior to the start of the first race of the program.

1. Any pre-race guarded quarantine required by this subsection shall continue as to the affected horse for six months following the date of the order of quarantine, regardless of whether the horse is transferred to a new bona fide trainer.

(b) Where a trainer, during any 12-month period, has had any horse or horses under his or her custody, care and control test equal to or in excess of TCO₂ level set forth in N.J.A.C. 13:70-14A.14 on two occasions, and where the said level of TCO₂ has not been determined as physiologically normal for the horse in either of such instance, all horses subsequently scheduled to participate in a race under the custody, care and control of that trainer shall be placed under pre-race guarded quarantine. The track association sponsoring the race shall make such pre-race guarded quarantine available, at the sole expense of the trainer, for a length of time to be determined by the stewards but in no event less than six hours prior to the start of the first race of the program.

1. Any pre-race guarded quarantine required by this subsection shall continue as to the affected trainer for eight months following the date of the second order of quarantine of a horse or horses under his or her custody, care and control. However, if during the eight-month period any additional horse under the custody, care and control of the trainer is determined to have an excessive TCO₂ level in accord with N.J.A.C. 13:70-14A.14, and where the level of TCO₂ has not been determined as physiologically normal for the horse, the stewards shall order that the eight-month pre-race guarded quarantine period as to all of the trainer's horses be extended for a length of time which they deem appropriate. Any horses under the custody, care and control of the trainer at the time the trainer experienced the excessive TCO₂ level, which are transferred to a new bona fide trainer (with the exception of the particular horse or horses which experienced the excessive TCO₂ level), shall not be subject to such pre-race quarantine once under the custody, care and control of the new trainer. However, the trainer whose horse actually experienced the excessive TCO₂ level who is subject of the pre-race quarantine order

for all of his or her horses shall be required to have all of his or her horses submit to pre-race quarantine for the period ordered, regardless of when said trainer acquired or acquires his or her horses, which pre-race quarantine shall not be imposed at the same time the trainer is serving the license suspension imposed pursuant to N.J.A.C. 13:70-14A.14(b)1.

(c) Where a single horse, during any 12-month period, is determined to have an excessive TCO₂ level in accord with N.J.A.C. 13:70-14A.14, and where the level of TCO₂ has not been determined as physiologically normal for the horse, the horse shall be placed under pre-race guarded quarantine even where the horse has been transferred to a new trainer. The track association sponsoring the race shall make such pre-race guarded quarantine available, at the sole expense of the current trainer, for a length of time to be determined by the stewards but in no event less than six hours prior to the start of the first race of the program.

1. Any pre-race guarded quarantine required by this subsection shall continue as to the affected horse for six months following the date of the order of quarantine. However, where during the pendency of such six-month period the horse is under the custody, care and control of the new trainer and the horse is again determined to exhibit an excessive TCO₂ level in accord with N.J.A.C. 13:70-14A.14, and where the level of TCO₂ has not been determined as physiologically normal for said horse, the stewards shall order that the six-month pre-race guarded quarantine period for the horse be extended for a length of time which they deem appropriate. Where such an event, during any 12-month period, constitutes the second incident of any horse or horses under the custody, care and control of the current trainer of said horse exhibiting an excessive TCO₂ level in accord with the procedures set forth in N.J.A.C. 13:70-14A.14, the provisions of (b) above shall apply as to that current trainer.

New Rule, R.2007 d.330, effective October 15, 2007.
See: 39 N.J.R. 2596(a), 39 N.J.R. 4415(a).

13:70-14A.16 Post-race blood gas testing program; punishment for failure to cooperate

In the event any owner, trainer, licensed representative of same, or any person subject to the jurisdiction of the Racing Commission, fails to cooperate in connection with the blood gas testing program authorized pursuant to N.J.A.C. 13:70-14A.14, or with regard to any procedures set forth in N.J.A.C. 13:70-14A.4(a) and (b), or otherwise set forth in or implemented pursuant to N.J.A.C. 13:70-14A.14 or 14A.15, in addition to ordering the relief set forth in N.J.A.C. 13:70-14A.14, the stewards may, consistent with this chapter, impose fines or suspensions, or both, on the non-cooperating person. In determining the length of such suspension or amount of the fine, the stewards may consider prior violations of N.J.A.C. 13:70-14A.14, 14A.15, or this section.

New Rule, R.2007 d.330, effective October 15, 2007.
See: 39 N.J.R. 2596(a), 39 N.J.R. 4415(a).

13:70-14A.17 Anabolic steroids

(a) The administration of anabolic steroids to horses that race shall be a prohibited practice except as authorized in (c) below.

(b) Any horse entered to start at a permitted race meet may be subjected to a blood and urine test in order to identify the presence and/or levels of anabolic steroids.

(c) Tests results identifying the presence of boldenone, nandrolone, stanozolol and testosterone shall not constitute a violation of this section if the level of these permitted anabolic steroids test at or below the following level in blood plasma:

- Boldenone - 200 picograms/milliliter (200 pg/mL);
- Nandrolone - 200 picograms/milliliter (200 pg/mL);
 - Intact Male Horses: 500 picograms/milliliter (500 pg/mL);
 - All Other Horses: 200 picograms/milliliter (500 pg/mL);
- Stanozolol - 200 picograms/milliliter (200 pg/mL);
- Testosterone-
 - Intact Male Horses: 2,000 picograms/milliliter (2,000 pg/mL);
 - All Other Horses: 200 picograms/milliliter (200 pg/mL).

For the purposes of this section, "intact male horse" shall mean a male horse that has not been gelded.

(d) Any blood samples containing one of the four anabolic steroids listed in (c) above that quantitatively measures above the threshold levels shall constitute a violation of this section. Any samples identifying the presence of more than one of the four permitted anabolic steroids shall constitute a violation of this section regardless of the levels identified in the sample. Any samples identifying the presence of one of the four permitted anabolic steroids, even if it tests at or below the threshold level, shall constitute a violation of this section if the samples also indicate the presence of any other anabolic steroid.

(e) The split sample testing procedures set forth in N.J.A.C. 13:70-14A.4 in connection with urine samples shall be extended to apply to blood and/or urine samples taken in connection with testing for anabolic steroids.

(f) The trainer is the absolute insurer of the condition of all horses within his or her care and custody. For a first violation of this section, the trainer's license shall be suspended for a 45-day period, he or she shall be ordered to pay an \$1,000 fine and be denied the privileges of all grounds subject to the jurisdiction of the Commission during the suspension period. For a second violation of this section, the trainer's license shall be suspended for a 90-day period, he or she shall be ordered to pay a \$2,500 fine and be denied the privileges of all grounds subject to the jurisdiction of the Commission during the suspension period. For a third violation of this section, the trainer's license shall be permanently revoked and he or she shall be permanently denied the privileges of all grounds subject to the jurisdiction of the Commission.

(g) In addition to the liability of the trainer, any person licensed in any capacity by the Commission who is involved in the administration of anabolic steroids to a horse who tests in violation to this section shall be subject to penalties up to or equal to the penalties set forth in (f) above for trainers. Persons not licensed by the Commission who have been involved in the administration of anabolic steroids to a horse who tests in violation of this section shall be subject to penalties as determined by the Commission.

(h) Upon determining that a violation of this section occurred, the tested horse shall be disqualified from the race and denied the purse money, which shall be redistributed in accordance with N.J.A.C. 13:70-14A.7(b). The horse shall be declared ineligible to compete in any race in New Jersey for a period of at least 30 days after the date upon which the samples violating this section were taken. After the 30-day disqualification has been completed, no horse shall be allowed to enter a race or race until such time as the owner or trainer makes the horse available to the Commission for retesting and the samples taken are in compliance with this section. The trainer or owner who submits the horse for retesting shall bear all costs, as determined by the Executive Director, that are related to the collection and testing of the samples taken.

(i) The Commission shall commence testing for anabolic steroids pursuant to this section April 19, 2010. In recognition of the amount of time that horsemen may need to "wash out" their horses in order to return their metabolisms to the range of normal, the imposition of the penalties set forth in (f) and (g) above will begin on August 18, 2010, with the following exception. Any horse which tests in violation of the terms of this section between April 19, 2010 and August 17, 2010, shall be disqualified from the race and denied the purse money, which shall be redistributed consistent with N.J.A.C. 13:70-14A.7(b). Consistent with (h) above, a horse that tests in violation of this section during the "wash out" period, shall be declared ineligible to compete in any race in New Jersey for a period of at least 30 days after the date upon which the samples were taken. After the 30-day disqualification has been completed, no horse shall be allowed to enter a race until such time as the owner or trainer makes the horse available to the Commission for retesting and the samples taken are in compliance with this section. The trainer or owner who submits the horse for retesting shall bear all costs, as determined by the Executive Director, that are related to the collection and testing of the samples taken.

(j) The trainer of a horse that was claimed outside of the State of New Jersey or purchased in a private sale in any state may request that the claimed horse be tested for the presence of anabolic steroids prior to entering that horse to race in New Jersey. The trainer who requests such testing shall bear all costs, as determined by the Executive Director, that are related to the collection and testing of the blood sample consistent with (h) and (i) above. A horse that tests in violation of this section shall be declared ineligible to compete in any race in New Jersey for a period of at least 30 days

after the date upon which the samples were taken. After the 30-day disqualification has been completed, the horse shall not be allowed to compete until such time as the trainer makes the horse available to the Commission for retesting and the samples taken are in compliance with this section. Any trainer who fails to request this testing prior to entering a horse claimed outside of the State of New Jersey or purchased in a private sale to race and the horse tests positive for the presence of anabolic steroids in violation of this section, the trainer shall be liable for all penalties set forth in this section.

New Rule, R.2010 d.058, effective April 19, 2010.
See: 41 N.J.R. 3382(a), 42 N.J.R. 798(a).

SUBCHAPTER 15. RACING OFFICIALS

13:70-15.1 List of racing officials

(a) The racing officials shall include:

1. Three stewards, appointed by the Racing Commission and paid by the Association;
2. Three placing judges;
3. Clerk of the scales;
4. Three or more patrol judges;
5. Starter;
6. Paddock Judge;
7. Racing secretary, who may also be the handicapper;
8. Timer;
9. State Veterinarian and two or more Associate State Veterinarians;
10. A mutuel manager, general manager and all other managers and persons having administrative responsibility;
11. Chief State Veterinarian; and
12. Horse identifier.

As amended, R.1976 d.125, eff. April 22, 1976.
See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

As amended, R.1978 d.133, eff. April 19, 1983.
See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

As amended, R.1978 d.269, eff. August 1, 1978.
See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

As amended, R.1982 d.183, eff. June 21, 1982.
See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

(a)12 added.

Amended by R.1990 d.127, effective February 20, 1990.
See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Change from one to all three stewards to be appointed by Racing Commission.

Administrative Correction in (a)1.

See: 24 N.J.R. 2063(b).

13:70-15.2 Appointment

The stewards, a State Veterinarian and Associate State Veterinarians, and a supervisor of mutuels shall be appointed by the Racing Commission. One of the duly appointed State

Veterinarians shall also be designated by the Racing Commission as the Chief State Veterinarian and shall so serve at the pleasure of the Racing Commission. All other racing officials listed in N.J.A.C. 13:70-15.1 shall be appointed by the association, subject to the approval of the Commission.

As amended, R.1978 d.133, eff. April 19, 1978.

See: 10 N.J.R. 18(a), 10 N.J.R. 261(a).

As amended, R.1978 d.269, eff. August 1, 1978.

See: 10 N.J.R. 259(a), 10 N.J.R. 403(c).

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Change from one to all three stewards to be appointed by Racing Commission.

13:70-15.3 Submission of names of officials

At least 30 days prior to the first day of a race meeting, the association must submit in writing to the Racing Commission the names of those officials listed in section 1 of this subchapter and must furnish a resume of their qualifications. No racing official shall be approved to act until he has been approved by the Racing Commission.

As amended, R.1976, d.125, effective April 22, 1976.

See: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

13:70-15.4 Certificates; vision

All persons approved in the capacity of steward, placing and/or patrol judge, starter and clerk of the scales must submit annually a certificate from a recognized oculist or optometrist to the effect that their vision in both eyes is 20/20 or corrected to that figure.

13:70-15.5 Weekly compensation

The compensation to be paid to those officials appointed by the Racing Commission shall be determined by the commission and shall be paid by the association on a weekly basis.

13:70-15.6 Horse ownership or interest; officials

No one interested in the result of a race, either because of ownership of any horse entered or of its sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race.

13:70-15.7 Restrictions

(a) No racing official or his assistants shall, at the meeting:

1. Wager money or any other chattel of value on any race;
2. Accept directly or indirectly any gratuity, reward or favor in connection with racing;
3. Sell or buy, for himself or another, any thoroughbred horse;
4. Write or solicit insurance on any horse;

5. Buy or sell any contract upon any jockey or jockey apprentice for himself or another.

13:70-15.8 Report of violations

Each racing official and his assistants shall report to the stewards all observed violations of the rules.

SUBCHAPTER 16. STEWARDS

13:70-16.1 Qualifications

Before being appointed or approved by the Racing Commission to serve in the capacity of steward, an applicant shall have been employed as steward, racing secretary, assistant racing secretary, starter, placing judge, patrol judge, paddock judge or clerk of the scales at a recognized meet or meetings for a period of not less than 60 racing days per year, during at least three of the five preceding calendar years; provided however, that if no applicant possesses the foregoing qualifications, whenever possible, the person or persons appointed or approved as steward should have had prior experience in some other branch of racing, such as owner, trainer, jockey, breeder or such other related experience as the Commissioner may deem sufficient.

Amended by R.1990 d.127, effective February 20, 1990.

See: 21 N.J.R. 3856(b), 22 N.J.R. 663(b).

Deleted reference to racing board.

13:70-16.2 Powers of stewards

The stewards shall have the power to determine all questions arising with reference to racing; and shall decide, in conformity with fairness and the established usage of the turf, all questions not specifically covered by the rules.

13:70-16.3 Steward's orders

In matters pertaining to racing, the orders of the stewards supersede the orders of the officers and directors of the association.

13:70-16.4 Governing conduct

The stewards shall have the power and it shall be their duty to regulate and govern the conduct of all racing officials and of all owners, trainers, jockeys, grooms and all other persons attendant on horses during, before, and after races, unless the power and the duty is vested in the Racing Commission.

13:70-16.5 Entries and declarations

All entries and declarations shall be under the supervision of the stewards.

13:70-16.6 Authority; extent

All questions pertaining to which their authority extends shall be determined by the majority vote of the stewards.

13:70-16.7 Punishment for violations

The stewards shall have the power to punish for violation of the rules any person subject to their control and in their discretion to impose fines or suspensions, or both, for infractions. The stewards may consider the prior record of any licensee for similar violations of the rules of this Commission or other racing commission or turf governing body in determining the extent of punishment to be imposed.

As amended, R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

13:70-16.8 Fines

The stewards may not impose a fine in excess of \$5,000. If it is deemed necessary that a larger fine be imposed, the stewards shall so recommend to the Racing Commission.

As amended, R.1982 d.183, effective June 21, 1982.

See: 14 N.J.R. 91(a), 14 N.J.R. 661(a).

“\$500.00” was “\$250.00”.

Amended by R.2004 d.154, effective April 19, 2004.

See: 35 N.J.R. 4181(a), 36 N.J.R. 1951(b).

Increased the maximum fine amount from \$500.00 to \$5000.00.

13:70-16.9 Suspensions and disqualifications

The stewards may suspend a person or disqualify a horse.