

or is intended to compete in New Jersey in the calendar year of the request), for out-of-competition testing. The State Steward may, in his or her discretion, and for good cause shown, extend these time frames for a trainer's requested production of the horse at a permitted New Jersey racetrack. In the event of the failure of any licensed New Jersey trainer or agent thereof to timely produce a racehorse for out-of-competition testing at a permitted racetrack facility as requested by the State Steward, or in connection with the Racing Commission's appearance on a premises subject to its jurisdiction for such purpose, the penalties set forth in (e) below shall be imposed upon the trainer and any responsible person where said failure to produce the horse is due to non-cooperation. Also, in the event of such non-production of a horse due the non-cooperation of the trainer and any other responsible person, the ineligibility restrictions as to the racehorse subject of the request for production, as set forth in (f) below, shall be imposed.

(c) In the event of a positive test for the presence of Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agent, as a result of out-of-competition testing, the following actions shall be taken by the Racing Commission Board of Judges:

1. The Racing Commission State Steward shall be notified, and upon such notification, the State Steward shall authorize a search of the New Jersey premises occupied by the stable pursuant to N.J.A.C. 13:71-23.5;

2. The State Steward shall cause the horse to be immediately placed on the Steward's list pursuant to N.J.A.C. 13:71-16.8 (thereby rendering the horse ineligible to compete), pending the conduct of a hearing by the Board of Judges;

3. The owner and trainer of the horse shall be notified in writing by the Board of Judges, by personal service or by mail sent to the address listed in their respective applications on file with the Racing Commission, of the initial out-of-competition testing result and of the horse's placement on the Steward's list pending the conduct of a hearing by the Board of Judges. The writing shall further set forth, in a designated space, the date it was mailed or personally served by the Board of Judges; and

4. The Board of Judges shall schedule a hearing, by written notice to the trainer and any other responsible person, which hearing notice sets forth the alleged violations of the Racing Commission's rules, as well as the date and time of the hearing. The hearing notice may be incorporated into the written notice provided pursuant to (c)3 above. Where the owner of the horse is not a subject of the hearing, the owner shall be provided a copy of the notice of hearing as an interested party. The written notice of hearing shall be by personal service or by mail sent to the address listed in their respective applications on file with the Racing Commission.

(d) In the event a violation of this section is determined, following the conduct of a hearing by the Board of Judges pursuant to (c)4 above, the trainer of the horse subject of the violation shall, within five days of the issuance of the related ruling, provide the State Steward with \$2,000 as reimbursement to the Racing Commission for the administrative and testing costs associated with the initial positive test. In the event the positive test result finding is appealed, and in the event such appeal results in a final determination that no violation was committed, the \$2,000 shall then be returned to the trainer.

(e) In the event a violation of this section is determined, following the conduct of a hearing by the Board of Judges pursuant to (c)4 above, the license of the trainer, as the absolute insurer of the horse pursuant to N.J.A.C. 13:71-23.6, and any other responsible person, shall be suspended by the Board of Judges for 10 years for a first violation. In addition, said trainer and any other responsible person shall be fined \$50,000 for a first violation, and shall be prohibited from appearing upon or at any premises subject to the Racing Commission's jurisdiction for the 10-year license suspension period. For a second violation, the penalty of license revocation shall be imposed. A person whose license has been revoked, as a result of a violation of this section, shall permanently be prohibited from licensure in any capacity and from appearing upon or at any premises subject to the jurisdiction of the Racing Commission. Where a violation of this section is determined, the ineligibility period as to the horse, as set forth in (f) below, shall also be imposed by the Board of Judges. Such ineligibility period shall be calculated to begin running on the date the horse was placed on the Steward's list pursuant to (c)2 above. Where no violation is determined, as a result of the conduct of a hearing by the Board of Judges, the horse shall be promptly removed from the Steward's list and shall then be eligible to compete in racing.

(f) In the event a violation of this section is determined, following the conduct of a hearing by the Board of Judges pursuant to (c)4 above, a horse determined to test positive for the presence of Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agent shall be ineligible to compete in racing in this State for a period of 120 days. Following said 120 day period of ineligibility, the horse which tested positive shall continue to be ineligible to compete in racing in this State until: following a written request to the Racing Commission State Steward by the owner or trainer of the horse and the production of that horse for testing (at cost to the requesting party and at a location determined by the State Steward) accompanied by a \$2,000 payment for administrative and testing costs payable to the Racing Commission, the horse is determined by the Racing Commission to test negative for the presence of Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agents; and said horse is determined by the Racing Commission to test negative for elevated titers of anti-recombinant human EPO antibody, pursuant to the testing methodology set forth at N.J.A.C. 13:71-23.14(b). Where such testing results in a determination

that the horse either tests positive for presence of Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agent, or for elevated titers of anti-recombinant human EPO antibody, the owner or trainer may not request that the horse be retested until 21 days following the date of the last positive retest as reported to the Racing Commission by the Racing Commission's Equine Testing Laboratory. In the event of any such retest, and subject to payment of the requisite administrative and testing costs (that is, \$2,000) to the Racing Commission, the horse shall be retested for the presence of Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agents, and for elevated titers of anti-recombinant human EPO antibody.

(g) A horse which tests positive for the presence of Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agent, as a result of out-of-competition testing, remains subject to the requirements of (f) above despite its being sold, or otherwise transferred.

(h) The split sample testing provisions of N.J.A.C. 13:71-23.4(d), which is limited to where testing is conducted on a horse's urine sample, shall not be applicable to the out-of-competition testing authorized pursuant to this section.

(i) Nothing contained in this section shall be construed to disallow the Racing Commission to conduct post-race blood testing (that is, sampling of a horse's blood on race day following the race, for testing on that same date or on a subsequent date) for Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agents, pursuant to post-race testing otherwise authorized by this chapter. See N.J.A.C. 13:71-23.4. In the event of a positive test for the presence of Erythropoietin (Epogen, EPO), DarbEPO, or other blood doping agent, as a result of post-race testing, the procedures set forth in (c) above, as well as the provisions of (d) through (f) above, shall apply and the penalties, testing costs and horse ineligibility criteria set forth in this section shall therefore be imposed. In the event of such a positive, determined as a result of post-race testing, any purse won by the offending horse would be forfeited pursuant to N.J.A.C. 13:71-23.7.

New Rule, R.2007 d.334, effective October 15, 2007.
See: 39 N.J.R. 2603(a), 39 N.J.R. 4420(b).

13:71-23.16 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 ana-

bolic 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 (200 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. 13:71-23.4 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. 13:71-23.7(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. 13:71-23.7(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.059, effective April 19, 2010.
See: 41 N.J.R. 3384(a), 42 N.J.R. 804(a).

SUBCHAPTER 24. AUTHORIZED AGENTS

13:71-24.1 License

Each authorized agent must obtain a license from the Racing Commission.

13:71-24.2 License application

Application for a license must be filed for each owner represented.

13:71-24.3 Powers of attorney

If the written instrument is a power of attorney, it shall be filed permanently with the Racing Secretary. If, however, the powers are properly delegated by the owner on the application form for a license, then said application shall be in duplicate and one copy filed permanently with the Racing Secretary.

13:71-24.4 Changes

Any change must be in writing and filed as above provided.

13:71-24.5 License fees

The fee for each license shall be \$50.00 as set forth in N.J.A.C. 13:71-7.1. If an agent represents more than one owner, a separate written instrument shall be filed for each owner and the fee paid in each case.

Amended by R.1990 d.126, effective February 20, 1990.
See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

Fee increased from \$10.00 to \$25.00.
Amended by R.1993 d.52, effective January 19, 1993.
See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).

Revised text.

13:71-24.6 Owner's revocations

Owner's revocations must be filed in writing with the Racing Commission and with the Racing Secretary.

13:71-24.7 Appointment of subagents

An authorized agent may appoint a subagent only when authorized to do so by the above written instrument and, to be effective, notice of such appointment must be given immediately in writing to the Racing Commission and the Racing Secretary. Application for a license must be filed for each subagency so created.

SUBCHAPTER 25. VENDORS

13:71-25.1 Licenses

All persons, including the employees and agents thereof, who engage in the profession or business of selling, at retail or wholesale, or otherwise disposing thereof, of any kind of merchandise, equipment, drugs or medication for animals or humans, or pharmaceutical horse food or nutrient of any kind, providing that such substances, or the sale or disposition thereof is not otherwise prohibited by law, shall be licensed by and be subject to the jurisdiction of the Racing Commission. All applicants for vendor license shall be recommended by the security officer of the track where application for license is made.

13:71-25.2 Labelling drugs and medication

All drugs, medications, pharmaceutical products and any other substances of a similar nature possessed or used within the grounds of a racing association shall at all times bear appropriate labelling displaying the contents thereof.

SUBCHAPTER 26. ILLEGAL PRACTICES

13:71-26.1 Bribes, gifts and gratuities

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