

13:71-5.17 Ejected personnel; readmission; notice

Any person ejected from the grounds of an association shall be denied admission to said grounds until permission for his reentering has been obtained from the official issuing the ejection order. Notification of such permission for reentry shall be filed with the Racing Commission.

13:71-5.18 Age limits

Any child under 18 years of age must be accompanied by an adult, parent or guardian to be admitted to any race track enclosure as a spectator during the hours when the running of races is being conducted. No person under the age of 18 shall be permitted to wager or in any manner participate in any pari-mutuel pool or system.

Amended by R.1978 d.353, effective October 2, 1978. See: 10 N.J.R. 349(b), 10 N.J.R. 510(b). Amended by R.1989 d.546, effective November 6, 1989. See: 21 N.J.R. 1972(b), 21 N.J.R. 3476(a).

Deleted "daytime" to describe race track. Deleted text regarding requirement that children (12-16) must be accompanied by an adult to be admitted to nighttime races. Amended by R.1993 d.485, effective October 4, 1993. See: 25 N.J.R. 2648(a), 25 N.J.R. 4600(d).

13:71-5.19 Weekly reports on employees

(a) Each harness race track association and each concessionaire shall make weekly detailed reports and deliver such reports to the Racing Commission, of all employees (including racing officials) actually engaged during the past week, stating the name, department, license number (if license is required) and position therein, and "yes" or "no" to indicate whether a resident of New Jersey, under columns so entitled. Such lists shall be compiled by departments, and if any employee is engaged in two departments, a notation opposite his name shall so state.

(b) The weekly reports of each department shall have the following endorsement signed by the department manager:

1. The above list of employees and information contained therein is a complete report of all employees engaged in my department for the week ending, \_\_\_\_\_ 19\_\_\_\_. None of the above names appears on the security guide list for the year 19 \_\_\_\_\_. As indicated on the above list, the number of employees is as follows:

Residents .....  
Nonresidents .....  
Exemptions requested .....  
Department Manager.

13:71-5.20 State Police; reports

When the State Police in the normal performance of their duties at an association meeting determine any defect in the administrative or operational security measures necessary to properly protect the grounds, they shall report the circumstances in writing to the Executive Director of the Racing Commission with a copy to the director of security. The director of security shall respond in writing to the Racing

Commission with a copy to the State Police, without undue delay, of the action taken thereon.

R.1977 d.331, effective August 29, 1977. See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

SUBCHAPTER 6. ASSOCIATIONS

13:71-6.1 Employee compensation insurance

(a) Associations are required to carry adequate compensation insurance covering all persons in their employ.

(b) Every owner and trainer shall establish a horsemen's bookkeeper account at each track association where horses he or she owns or trains have been or will be entered to race. Every trainer shall deposit sufficient funds in his or her horsemen's bookkeeper account to be used exclusively to pay the amount assessed by the Board prior to its due date. In the case of trainers:

- 1. The cost of assessment for multiple starts shall be paid into the horsemen's bookkeeper account prior to the first start.
- 2. The cost of assessment per start shall be paid into the horsemen's bookkeeper account prior to each start.

(c) No trainer shall be allowed to enter a horse without first paying the cost of assessment into the horsemen's bookkeeper account. Any owner or trainer failing to comply with this rule shall be subject to suspension, fine or other penalty as determined by the Racing Commission.

(d) All concessionaires shall carry workers' compensation insurance covering all employees and shall provide adequate proof of compliance which shall be in the form of:

- 1. A certificate of insurance, valid for the year through December 31 (for which licensing is sought), issued by an insurance company authorized to do business in the State of New Jersey.
  - i. A certificate, if offered and found not to be valid, may result in penalties provided in N.J.A.C. 13:71-2.3 up to and including revocation of license of the person who submitted the certificate; or
- 2. Proof of payment of the required premium entitling an individual or entity to participate in a workmen's compensation insurance group program.
  - i. Any group or organization sponsoring such a program shall guarantee worker's compensation coverage for those eligible individuals or entities which pay the required premium. A copy of the worker's compensation insurance group program and eligibility requirements shall be filed by the sponsoring group or organization with the New Jersey Racing Commission each year.

3. A certificate of compliance with this rule, issued by an insurance company authorized to do business in the State of New Jersey, must be on file with the race secretary.

(e) Compliance with this rule shall be a requirement for relicensure.

(f) Prior to the commencement of any construction, alteration, change or improvement by a permit holder of any building, structure or physical layout at, about or within its licensed premises or track enclosure by a permit holder, plans and specifications regarding such construction, alteration, change or improvement must be reviewed and approved by the Racing Commission.

(g) Each association shall file a complete financial statement with the Commission on or before February 15 of the calendar year following the association's last meeting.

As amended, R.1982 d.109, effective April 5, 1982.  
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

(g) deleted.

Amended by R.1987 d.43, effective January 5, 1987.  
See: 18 N.J.R. 2117(a), 19 N.J.R. 138(b).

Deleted text from (d) "before a license is issued".

Amended by R.1990 d.573, effective November 19, 1990.

See: 22 N.J.R. 1717(a), 22 N.J.R. 3500(a).

Added (b), requiring proof of adequate worker compensation coverage.

Amended by R.2000 d.35, effective January 18, 2000.

See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

Rewrote (b) through (e).

#### Case Notes

Workers' compensation policy stating that it covered all workplaces in state unless horse stable-insured had other insurance or was self-insured for such workplaces provided coverage for injury sustained by horse trainer during training session at in-state facility. N.J.S.A. 34:15-87. Lohmeyer v. Frontier Ins. Co., 294 N.J.Super. 547, 683 A.2d 1169 (A.D. 1996).

#### 13:71-6.2 Judge's stand

The judge's stand shall be so located and constructed as to afford to the officials thereupon, an unobstructed view of the entire track and no obstruction shall be permitted upon the track or the centerfield which shall obscure the official's vision of any portion of the track during the race.

#### 13:71-6.3 Bona Fide contests

All races shall be bona fide contests with the winner receiving the largest share of the purse and the balance of the purse distribution made according to the order of finish. No hippodroming or other arrangement for equal distribution of the purse money among the contestants is permitted.

#### 13:71-6.4 Default in payment of premiums

(a) Any association that defaults in the payment of a premium that has been raced for shall together with its officers be penalized. No deduction, voluntary or involuntary, may be made from any purse or stake or futurity other than for payments to be made to the owners, nominators or breeders of money winning horses and organizations or promotion expenses stipulated for stakes and futurities.

(b) Other than a stake or futurity as covered in (a) above, no association may enter into any agreement with any organization requiring a deduction from the purse payable to owners of money winning horses, unless such agreement provides that a deduction may be made only from those owners entitled to winnings who have expressly consented to the deduction or unless provided by law.

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

(b): added "or unless provided by law."

#### 13:71-6.5 (Reserved)

As amended, R.1982 d.109, effective April 5, 1982.

See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

#### 13:71-6.6 (Reserved)

As amended, R.1982 d.109, effective April 5, 1982.

See: 14 N.J.R. 820(a), 14 N.J.R. 347(a).

#### 13:71-6.7 Awards

Except as herein stated, no association shall advertise to pay any awards other than to the owners, nominators or breeders of money winning horses. Awards may be made to drivers of horses breaking or equaling track or world records, or to leading drivers at meetings.

#### 13:71-6.8 Paddock

(a) Every association shall provide a paddock or receiving barn containing a minimum of 80 stalls or such number as the Commission may designate.

(b) The paddock or receiving barn must be completely enclosed with a man tight fence and all openings through said fence shall be policed so as to exclude unauthorized personnel therefrom.

#### 13:71-6.9 Photo finish; head numbers; saddle pads; starting gate

At all associations, a photo finish, head numbers saddle pads and a starting gate must be used. Whenever the judges use a photograph to determine the order of finish, it shall be posted for public inspection. Photo finish equipment shall not be acceptable unless it is of a type approved by the Commission.

#### 13:71-6.10 Interference with race officials.

Although associations are obligated to supervise their meetings, their interference with the proper performance of duties of any official is prohibited.

#### 13:71-6.11 Driver's stand

Each association shall provide a stand located conveniently to the gate through which the horses enter the race track from the paddock or receiving barn, for the use of drivers scheduled to race. The location of the stand shall permit a clear and adequate view of the race course.

**13:71-6.12 Paddock rules**

Horses must be in the paddock at the time prescribed by the presiding judge, but in any event not less than one hour but not more than two hours prior to post time of the race in which the horse is to compete unless required to be in the paddock pursuant to N.J.A.C. 13:71-23. Except for warm-up trips, no horse shall leave the paddock until called to the post.

As amended, R.1982 d.109, effective April 5, 1982.  
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).  
"Unless . . . N.J.A.C. 13:71-23" added.

**13:71-6.13 Admission to paddock**

(a) The persons entitled to admission to the paddock are as follows:

1. Owners of horses competing on the date of the race and whose horses are in the paddock;
2. Trainers of horses competing on the date of the race and whose horses are in the paddock;
3. Drivers of horses competing on the date of the race and whose horses are in the paddock;
4. Grooms and caretakers of horses competing on the date of the race and whose horses are in the paddock;
5. Officials whose duties require their presence in the paddock or receiving barn;
6. Such other persons as are authorized by the Commission.

**13:71-6.14 Leaving of paddock**

No driver, groom or caretaker, once admitted to the paddock or receiving barn, shall leave the same other than to warm up said horse until such race, or races, for which he was admitted is contested; provided however, that in the event of an emergency, trainers or grooms may leave the paddock but only with the permission of the paddock judge in which case the paddock judge shall maintain a written record thereof. Such record shall be delivered to the presiding judge. A trainer may leave the paddock before his horse completes its engagement, but may not return to the paddock unless approval by the presiding judge has been given.

Amended by R.1988 d.402, effective August 15, 1988.  
See: 20 N.J.R. 1175(a), 20 N.J.R. 2071(b).  
Added text "A trainer may . . ."

**13:71-6.15 Returning to paddock**

No person except an owner, who has another horse racing in a later race, or an official, shall return to the paddock until all races of that program shall have been completed.

**13:71-6.16 Two members of a stable admitted to paddock on one day**

No more than two members of a registered stable, other than the driver, shall be entitled to admission to the pad-

dock on any one racing day, except by permission of the presiding judge.

**13:71-6.17 Blacksmith provided by association**

During racing hours each association shall provide the services of a blacksmith within the paddock.

**13:71-6.18 Extra equipment provided**

During racing hours each association shall provide suitable extra equipment as may be necessary for the conduct of racing without unnecessary delay.

**13:71-6.19 (Reserved)**

As amended, R.1982 d.109, effective April 5, 1982.  
See: 13 N.J.R. 820(a), 14 N.J.R. 347(a).

**13:71-6.20 Supervision of the paddock**

The paddock at all times shall be under the supervision of the paddock judge.

**13:71-6.21 Required time drivers should be present in paddock prior to race**

Drivers shall be in the paddock at least one hour before post time for the races in which they are scheduled to drive.

**13:71-6.22 Post parade from paddock**

Fifteen minutes before the post time for a heat or dash, the paddock judge shall cause all horses entered in such heat or dash to be formed in a parade line. Such horses shall be attended by their drivers unless specifically excused by the paddock judge. All horses in a heat or race shall parade from the paddock upon the track and before the grandstand not later than five minutes before post time. A horse failing to parade without being excused by the judges may be scratched from the race or its driver or trainer may be penalized. Drivers shall not engage in conversation during the post parade.

**13:71-6.23 Ambulances**

Each association shall maintain and furnish at least one adequate ambulance for the exclusive use of horses and a separate ambulance for the exclusive use of persons upon the plant grounds.

**13:71-6.24 Track entrance; Coggins test requirement for horses, ponies or equine mascot**

(a) No horse shall enter the grounds of any track association absent presentation of a valid certificate of a negative Coggins test. Said certificate shall:

1. Identify the horse by tattoo number;
2. Indicate said test was performed within one year prior to the date of presentation to the racing secretary;
3. Indicate said test was conducted by a laboratory approved by the United States Department of Agriculture; and
4. Be attached to the appropriate foal certificate.

(b) In the event that a horse arrives at a track association without a valid certificate of a negative Coggins test, the horse will be permitted to be stabled in an area designated by the State Veterinarian. A certificate must be presented to the Racing Secretary within 12 hours or a new certificate must be obtained as soon as possible. The State Veterinarian shall be notified immediately if any horse enters the grounds under these conditions.

(c) In the case of any pony or equine mascot, evidence of a negative Coggins test, together with a photograph of the animal, must be filed with the racing secretary.

(d) The racing secretary shall be responsible for ensuring compliance with this rule. Violation of this rule may subject the racing secretary and/or track association to penalties, provided for in these rules and regulations.

(e) This rule does not affect eligibility to race or claims. However, the trainer of a horse which races in violation of this rule without evidence of a negative Coggins test and/or a vaccination for equine encephalitis, is subject to penalties provided for in these rules.

R.1976 d.125, eff. April 22, 1976.

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

As amended, R.1983 d.13, effective February 7, 1983.

See: 14 N.J.R. 1147(a), 15 N.J.R. 158(c).

Deleted old text and added new text.

Amended by R.1986 d.415, effective October 6, 1986.

See: 18 N.J.R. 402(b), 18 N.J.R. 1448(b), 18 N.J.R. 2055(a).

New Rule was proposed at 18 N.J.R. 402(b).

Amendments to the new rule were proposed at 18 N.J.R. 1448(b), and adopted at 18 N.J.R. 2055(a).

### 13:71-6.25 Ownership approval

No person shall in any manner become the owner or holder, directly or indirectly, of any shares of stock or certificates or other evidence of ownership comprising a five percent or greater interest in any association or corporation which has been or shall be granted a permit to hold or conduct a horse race meeting without first obtaining the approval of the New Jersey Racing Commission pursuant to these rules and regulations. For purposes of this section "person" shall be construed to include the spouse and/or children of any such applicant and compliance with this section shall be required of all such persons holding any interest whatsoever whenever the total interest held by such persons as an aggregate exceeds the five percent requirement. Failure to comply with this regulation shall subject the applicant to disqualification and the permit holder to the penalties and sanctions provided by law.

R.1984 d.44, effective February 21, 1984.

See: 15 N.J.R. 1928(b), 16 N.J.R. 378(a).

### 13:71-6.26 Annual listing of shareholders

Racing associations shall file on an annual basis with the commission a list of all persons possessing directly or indirectly any shares of stock or certificates or other evidence of ownership of any interest in any association or corporation. Said filing shall take place prior to June 1 of each calendar year.

R.1984 d.44, effective February 21, 1984.

See: 15 N.J.R. 1928(a), 16 N.J.R. 378(a).

### 13:71-6.27 Application forms; approval

Approval may only be given to such persons who make application therefor on the form prescribed by the New Jersey Racing Commission and only when such application is filed with the Director of the Racing Commission properly completed and executed in all respects.

New Rule, R.1984 d.44, effective February 21, 1984.

See: 15 N.J.R. 1928(a), N.J.R. 378(a).

### 13:71-6.28 Investigation

The commission may investigate the applicant or any person named in the application, with respect to such person's criminal record, subversive activities record and any other reports concerning such persons, in order to determine whether the applicant or a person for whom ownership is directly or beneficially to be held has not been convicted of a crime of moral turpitude, has not violated any rules and regulations previously or presently prescribed by the New Jersey Racing Commission, and who possesses sufficient moral responsibility so as not to be detrimental to the best interests of racing in New Jersey.

New Rule, R.1984 d.44, effective February 21, 1984.

See: 15 N.J.R. 1928(a), 16 N.J.R. 378(a).

### 13:71-6.29 Review of application approval

Applications may be approved, after due consideration by the Executive Director of the Racing Commission to whom such power is delegated, but the New Jersey Racing Commission may, in its discretion, review any such findings made by the Executive Director to determine whether any applicant merits approval.

New Rule, R.1984 d.44, effective February 21, 1984.

See: 15 N.J.R. 1928(b), 16 N.J.R. 378(a).

### 13:71-6.30 Application denials; notice

When an applicant, after due consideration, cannot be approved for reasons expressed in N.J.S.A. 5:5-22 et seq., as amended and supplemented, or if, in the opinion of the New Jersey Racing Commission, approval of such person will be detrimental to the best interests of racing in New Jersey, or if an applicant will hold ownership for another whose interest is beneficial, indirect or otherwise and the indirect or beneficial owner could not qualify, to hold direct ownership for reasons expressed herein, the Commission may disapprove such applicant by notifying by registered mail the Secretary of the association or corporation licensed to conduct a horse race meeting. Such disapproved person may request, and the Commission shall hold, a hearing which request and hearing shall be made and had as provided for in N.J.S.A. 5:5-22 et seq.

New Rule, R.1984 d.44, effective February 21, 1984.  
See: 15 N.J.R. 192(a), 16 N.J.R. 378(a).

**13:71-6.31 Horsemen's bookkeeper account**

(a) Each track association shall establish a horsemen's bookkeeper account to hold monies deposited by standard-bred owners and trainers. The horsemen's bookkeeper shall maintain a record of each account crediting such account, as applicable, with all earnings, awards or deposits. The horsemen's bookkeeper shall also deduct payments as directed by the account holder or his or her authorized agent and collect assessments for the cost of workers' compensation insurance coverage pursuant to this chapter and the rules promulgated by the New Jersey Horse Racing Injury Compensation Board set forth at N.J.A.C. 13:70A-1.1, et seq.

(b) No trainer shall be allowed to enter a horse without first paying the cost of assessment into the horsemen's bookkeeper account.

(c) In the case of trainers, the horsemen's bookkeeper at each racetrack in New Jersey shall record the number of starts at the racetrack where he or she is employed for every horse of each trainer and provide this information to the New Jersey Racing Commission to be forwarded to the New Jersey Horse Racing Injury Compensation Board.

(d) The horsemen's bookkeeper at each racetrack in New Jersey shall transmit on a weekly basis all monies collected for the cost of workers' compensation insurance or self-

insurance coverage to the New Jersey Racing Commission, which shall deposit these monies in a separate account for the use of the Board.

New Rule, R.2000 d.35, effective January 18, 2000.  
See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

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**SUBCHAPTER 7. LICENSING**

**13:71-7.1 Persons required to have licenses; fingerprints and photographs**

(a) The following persons shall be required to take out a license from the New Jersey Racing Commission and the annual fee therefor shall be as follows:

- |                             |         |
|-----------------------------|---------|
| 1. Driver/Trainer:          | \$50.00 |
| 2. Owner:                   | \$50.00 |
| 3. Pari-Mutuel Employee:    | \$25.00 |
| 4. Stable Employee:         | \$ 5.00 |
| 5. Stable Name:             | \$50.00 |
| 6. Starter:                 | \$10.00 |
| 7. Plater:                  | \$20.00 |
| 8. Timer:                   | \$10.00 |
| 9. Vendor:                  | \$50.00 |
| 10. Identification License: | \$10.00 |
| 11. Authorized Agent:       | \$50.00 |
| 12. Veterinarians:          | \$50.00 |

**13:71-21.4 Placing system**

If the placing system is specified in the conditions, the purse shall be distributed according to the standing of the horses in the summary. In order to share in the purse distribution, each horse must complete the race and compete in each heat to which he is eligible. A horse must win two heats to be declared the race winner and such horse shall stand first in the summary. In deciding the rank of the horses order than the race winner, a horse that has been placed first in one heat shall be ranked better than any other horse making a dead heat for first or any other horse that has been placed second any number of heats; a horse that has been placed second in one heat shall be ranked better than any other horse that has been placed third any number of heats, and so forth; for example, a horse finishing, 3-6 would be ranked ahead of another horse finishing 4-4. A horse finishing in a dead heat would be ranked below another horse finishing in the same position and not in a dead heat. If there be any premium for which no horse has maintained a position, it shall go to the race winner, but the number of premiums awarded need not exceed the number of horses that started in the race. Unless otherwise specified in the conditions, the money shall be divided 50 percent, 25 percent, 15 percent and 10 percent.

**13:71-21.5 Two in three**

In a two in three race, a horse must win two heats to win the race, and there shall be ten percent set aside for the race winner. The purse shall be divided and awarded according to the finish in each of the first two or three heats, as the case may be. If the race is unfinished at the end of the third heat, all but the heat winners or horses making a dead heat for first shall be ruled out. The fourth heat, when required, shall be raced for the ten percent set aside for the winner. If there be any third or fourth premiums, and so forth for which no horse has maintained a specific place, the premium therefor shall go to the winner of that heat, but the number of premiums distributed need not exceed the number of horses starting in the race. Where, in a two-year-old race, there are two heat winners and they have made a dead heat in the third heat, the race shall be declared finished and the colt standing best in the summary shall be awarded the ten per cent; if the two heat winners made a dead heat and stand the same in the summary, the ten per cent shall be divided equally between them.

**13:71-21.6 Computation and payment of purses**

(a) Any racing association which has an agreement with the horsemen to pay purses of an established percentage of the association's share of the revenue obtained from the money wagered, shall each post a statement of the previous week's handle, the proposed allotment to horsemen and the amount of purses paid. Such posting shall be on the bulletin board in the entry room.

(b) Any association sponsoring stakes races or early closing events may withhold, during any current meeting, an amount sufficient to compensate the association for the cost of such races and events. However, in no event shall the money due the horsemen in purses above that amount be allowed to exceed \$20,000.

**13:71-21.7 Delivering of winnings to owners**

Winnings from horses shall not be delivered to any owner until the owner has first been duly licensed by the Commission for the current season.

**13:71-21.8 Deductions from winnings**

(a) All purses contested for shall be distributed according to the conditions of the race. Deductions from the purse, either voluntary or involuntary, shall be made only as set forth herein. Deductions shall be made for payment to the owners and to collect the amount calculated by the New Jersey Horse Racing Injury Compensation Board, which shall not exceed three percent of gross overnight purses paid to owners, as assessments for the cost of workers' compensation insurance coverage pursuant to N.J.A.C. 13:70-3.46 and the rules of the New Jersey Horse Racing Injury Compensation Board set forth at N.J.A.C. 13:70A-1.1 et seq. Deductions from purses may also be made to pay the organization and promotion expenses stipulated for stake and futurities.

1. The horsemen's bookkeeper at each racetrack in New Jersey shall transmit on a weekly basis all assessments collected for the cost of workers' compensation insurance or self-insurance coverage to the New Jersey Racing Commission, which shall deposit these monies in a separate account for the use of the New Jersey Horse Racing Injury Compensation Board.

(b) Five percent of the owners' payment shall be deducted and paid to the driver, and five percent of the owners' payment shall be deducted and paid to the trainer. In instances where the trainer is employed by a training stable, the payment shall be made to the training stable.

Amended by R.1978 d.354, effective January 1, 1979.

See: 10 N.J.R. 348(b), 10 N.J.R. 510(c).

Amended by R.1987 d.464, effective January 20, 1987.

See: 18 N.J.R. 1516(a), 19 N.J.R. 237(a).

Substantially amended.

Amended by R.1997 d.50, effective February 3, 1997.

See: 28 N.J.R. 4737(a), 29 N.J.R. 448(a).

In (a), inserted text "the New Jersey Horse Racing ... N.J.S.A. 34:15-129 et seq.;" and added (a)1.

Administrative correction.

See: 31 N.J.R. 1204(b).

Amended by R.2000 d.35, effective January 18, 2000.

See: 31 N.J.R. 3050(a), 32 N.J.R. 322(a).

Rewrote the section.

**13:71-21.9 Forfeits; drivers' fees**

In the event that a purse is forfeited through a subsequent ruling of the officials and/or Racing Commission after the result has been made official, the drivers shall be allowed

such fees as are consistent with section 8 of this subchapter and with the revised order of finish.

R.1978 d.354, eff. January 1, 1979.  
See: 10 N.J.R. 348(b), 10 N.J.R. 510(c).

## SUBCHAPTER 22. RADIOS, RECEIVERS AND TRANSMITTERS

### 13:71-22.1 Telephone

All public telephones at the race track may remain open during the race day, with the approval of the Commission.

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

"Track police" changed to "track security".  
Repeal and New Rule, R.1990 d.535, effective November 5, 1990.  
See: 22 N.J.R. 2403(b), 22 N.J.R. 3385(d).

Former rule contained radio, receiver and transmitter security requirements.

## SUBCHAPTER 23. MEDICATION AND TESTING PROCEDURES

### 13:71-23.1 Intent of medication rules; general provisions

(a) It shall be the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and racing participants through the prohibition and/or control of all drugs and/or substances foreign to the natural horse. For the purpose of these rules, a drug and/or substance administered to a horse is foreign to the natural horse irrespective of whether the said drug and/or substance is also naturally occurring to the horse.

(b) On the day of the race, irrespective of the date, time and method of administration, no horse entered to start in or participating in any race shall carry in its body any drug and/or substance foreign to the natural horse, excepting external rubs and innocuous compounds as defined in this section and as otherwise provided for in these rules. Examples of drugs and/or substances foreign to the natural horse, and thus prohibited pursuant to this section and these rules are as follows:

1. Articles meeting the definition of drug as set forth in N.J.A.C. 13:71-4.1;
2. Chemical substances;
3. Stimulants;
4. Depressants;
5. Anesthetics;
6. Tranquilizers;

7. Anti-inflammatories;
8. Erythropietin (epogen, EPO);
9. Pain killers;
10. Sodium bicarbonate (baking soda);
11. Confectionery sugar;
12. Stamina builders; and
13. Mixtures, compounds or solutions commonly referred to as "milkshakes" which contain any prohibited drug and/or substance.

(c) Nothing contained in this section, however, shall be construed to prohibit the horse from carrying in its body on the day of the race food products resulting from the normal and proper diet of a horse not containing prohibited drugs and/or substances.

(d) On the day of the race, except as otherwise provided for in these rules, no horse entered to start in or participating in any race shall have administered to it any such drug and/or substance foreign to the natural horse, including as a result of administration of an otherwise permissible external rub or what would otherwise constitute an innocuous compound. In no event, except for the intravenous administration of furosemide (Lasix) pursuant to N.J.A.C. 13:71-23.8, or as may otherwise specifically be authorized by or pursuant to these rules, shall the administration of said excepted items be accomplished intravenously, by injection, by jugging or drenching, or through the use of a syringe or sharp, dose syringe, or tube apparatus. A non-prohibited external rub or innocuous compound as defined in this section shall on the day of the race be administered only by application on the exterior of the horse, except that food constituting the normal and proper diet of a horse not containing prohibited drugs and/or substances may be ingested by means limited to the natural intake of a horse without aid or the assistance of any device or apparatus.

(e) An external rub or innocuous compound is a single substance, mixture of substances or compound which does not contain any of the 13 examples of prohibited items as set forth in (b) above, or additionally, any other substance foreign to the natural horse which alters its normal physiological state.

Amended by R.1994 d.126, effective March 7, 1994.  
See: 25 N.J.R. 3104(a), 26 N.J.R. 1238(c).  
Amended by R.1995 d.296, effective June 5, 1995.  
See: 26 N.J.R. 1956(b), 27 N.J.R. 2244(a).

#### Case Notes

District court would abstain from reaching merits of harness race-horse trainers' applications for stays of orders. *Bongiorno v. Lalomia*, D.N.J.1994, 851 F.Supp. 606, affirmed 39 F.3d 1168.

Fines and suspension of licenses and privileges for extended periods ranging from 30 months to 66 months, based on findings that trainers' horses had tested positive for drugs were not arbitrary, capricious, unreasonable; principles of "trainer responsibility" and "no medication" were clearly established in law and commission had authority to protect integrity of horse racing. *New Jersey Racing Com'n v. Elliot*, 290 N.J.Super. 140, 675 A.2d 243 (A.D.1996).

Rule sets forth the association between the administration of drugs and the need to protect horses from them. *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

**13:71-23.2 Testing**

(a) Any horse entered to start at any licensed race meeting may be subjected to a pre-race and/or post-race blood, and/or urine test, at the direction of the State Veterinarian, the Judges and/or State Steward, in the manner prescribed by the New Jersey Racing Commission. The costs so incurred shall be borne by the track association. The cost to the track association for testing each sample shall be established by the New Jersey Racing Commission.