

(e) Where any licensee is suspended pursuant to this section, said penalty may be appealed to the Commission and a hearing requested.

(f) The hearings before both the Commission's representative and the Commission itself shall be *de novo* proceedings.

(g) Where the suspension is immediate under (a) above, the licensee may seek a stay of said suspension pending a resolution of the charge or charges and/or the Final Decision of the Commission. Any such request shall be in writing and shall be addressed to the Executive Director (or his or her designee) and the Commission.

1. Such a request may be denied by the Commission, Executive Director, or his or her designee, where to grant the same would be adverse to the best interests of racing or inimical to the public in preserving the integrity of the sport and in preserving public confidence in the sport.

Amended by R.1978 d.275, effective August 9, 1978.  
See: 10 N.J.R. 169(b), 10 N.J.R. 404(b).

Added text concerning the administration of medication to control bleeding for thoroughbred and harness racing.

Repealed by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Administering medication" recodified to N.J.A.C. 13:70-14A.2.

New Rule, R.1991 d.266, effective May 20, 1991.  
See: 23 N.J.R. 673(a), 23 N.J.R. 1683(c).

#### 13:70-14.18 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Medication; specimens" recodified to N.J.A.C. 13:70-14A.6.

#### 13:70-14.19 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Protecting horses against drug administering" recodified to N.J.A.C. 13:70-14A.7.

#### 13:70-14.20 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section recodified to N.J.A.C. 13:70-14A.3.

#### 13:70-14.21 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Procedure following positive chemical analysis" recodified to N.J.A.C. 13:70-14A.12.

#### 13:70-14.22 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Second offense" recodified to N.J.A.C. 13:70-14A.8.

#### 13:70-14.23 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.  
See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Suspensions; eligibility of horses" recodified to N.J.A.C. 13:70-14A.9.

#### 13:70-14.24 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).  
Section was "Suspension; personnel."

#### 13:70-14.25 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Narcotics conviction; denial of license" recodified to N.J.A.C. 13:70-14.26.

#### 13:70-14.26 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Cooperation with other agencies; violation of law" recodified to N.J.A.C. 13:70-14.13.

#### 13:70-14.27 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Fraud; disqualification" recodified to N.J.A.C. 13:70-14.14.

#### 13:70-14.28 (Reserved)

Repealed by R.1979 d.497, effective January 1, 1980.

See: 11 N.J.R. 579(a), 12 N.J.R. 91(b).

Section "Post-race blood tests" recodified to N.J.A.C. 13:70-14.11.

#### 13:70-14.29 (Reserved)

Repealed by R.1977 d.331, effective August 29, 1977.

See: 9 N.J.R. 345(b), 9 N.J.R. 487(a).

Section "State Police; responsibilities" recodified to N.J.A.C. 13:71-23.21.

## SUBCHAPTER 14A. MEDICATION AND TESTING PROCEDURES

### 13:70-14A.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, are as follows:

1. Articles meeting the definition of drug as set forth in N.J.A.C. 13:70-2.1;

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. 13:70-14A.9, 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.125, effective March 7, 1994.  
See: 25 N.J.R. 3099(a), 26 N.J.R. 136(a).

Amended by R.1995 d.295, effective June 5, 1995.  
See: 26 N.J.R. 1955(a), 27 N.J.R. 2243(a).

#### Case Notes

Violation by presence of Butazolidin in blood noted (also cited as former N.J.A.C. 13:70-14.17). State v. Dolce, 178 N.J.Super. 275, 428 A.2d 947 (App.Div.1981).

#### 13:70-14A.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, 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.

(b) Every owner, or his authorized agent, or trainer or any horse entered to race at any licensed racetrack shall immediately submit the said horse to any veterinarian designated by the Commission, for examination and/or testing whenever so requested by the Commission, Stewards, State Veterinarians, or Associate State Veterinarians.

#### 13:70-14A.3 Pre-race testing program

(a) All horses entered to start in any race where parimutuel wagering is conducted shall be subject to a pre-race blood and/or urine test.

(b) Such horses shall be tested in their respective barn area on the grounds of the permitholder on the day of the race at such time as designated by the Commission and shall be under the care of a duly licensed attendant designated by the trainer of the horse.

(c) A licensed veterinarian approved by the Commission shall be the only person allowed to draw blood for testing. A quantity of 20 cubic centimeters or such amount as the veterinarian may designate shall be extracted from each horse for testing purposes.

(d) Should the forensic analysis of such sample be classified as suspicious for any drug, or substance foreign to the natural horse except as expressly permitted by these rules and regulations, the horse shall be scratched.

(e) Should the forensic analysis of such sample be classified as positive for any drug, or substance foreign to the natural horse, the horse shall be scratched and placed on the Steward's list for seven days.

(f) The entry of a horse shall constitute permission for a veterinarian appointed by the New Jersey Racing Commission to obtain biological samples, and consent to the scratching of the horse from the race in the event such test is positive or suspicious.

(c) The association shall warn off all unlicensed veterinarians.

### 13:70-19.41 Veterinary reports

Upon the request of the Commission, a practicing veterinarian shall furnish the original treatment record(s) and copies of all pertinent objective data and papers, along with a key to any codes, abbreviations and non-English words appearing on such record, data and papers, to the Racing Commission or any duly authorized investigators. A veterinarian shall respond to the Commission's request in full within 24 hours of notification. Failure to comply with the foregoing may subject the practitioner to disciplinary action by the stewards.

Amended by R.1982 d.183, effective June 21, 1982.

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

Section substantially amended.

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

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

Administrative correction.

Amended by R.2003 d.257, effective July 7, 2003.

See: 34 N.J.R. 3923(a), 35 N.J.R. 2941(a).

Rewrote the section.

### 13:70-19.42 Medical equipment and supplies

(a) Veterinarians are required to keep under lock and within their complete control at all times, all medical equipment and supplies.

(b) Veterinarians are further required to remove from the track associations premises all needles and syringes and any other equipment that might be reused.

(c) Any veterinarian found guilty of violating this rule will be subject to fine and/or suspension by the stewards.

### 13:70-19.43 Veterinarians during racing hours

The racing association will be responsible to provide the services of a licensed veterinary practitioner for the period of one-half hour prior to the post time of the first race until one-half hour after the conclusion of the last race on the racing program.

New Rule, R.1976 d.125, effective April 22, 1976.

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

Repealed by R.1983 d.295, effective August 1, 1983.

See: 15 N.J.R. 685(a), 15 N.J.R. 1256(a).

Section was "Bleeding and known bleeders."

New Rule, R.1991 d.260, effective May 20, 1991.

See: 23 N.J.R. 674(b), 23 N.J.R. 1684(b).

for qualifications as may be prescribed by the stewards and/or the Racing Commission.

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

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

"Such" changed to "oral, written and barn" tests.

### 13:70-20.2 Trainer representing owner

A licensed trainer may represent the owner in the matter of entries, declarations and the employment of jockeys.

### 13:70-20.3 Trainer's actions pending application approval

The stewards may permit a trainer to conduct business pending action on his or her application.

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

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

Non-sexist language added.

### 13:70-20.4 Trainer and unlicensed owners

A trainer who represents an unlicensed owner may be permitted to file a temporary application, supplying as much information about the owner as possible.

### 13:70-20.5 Presence of trainer

A trainer shall have his horse in the paddock at the time appointed, and shall be present to supervise its saddling, unless he has obtained permission from the stewards to be represented by a substitute.

### 13:70-20.6 Absence of trainer; substitutes

When a trainer is to be absent from his or her stable or the grounds where his or her horses are racing, for a period of more than two racing days and horses are entered or are to be entered, he or she must provide a licensed trainer or his or her assistant trainer to assume the complete responsibility of the horses he or she is entering or running. Such licensed trainer shall sign in the presence of the stewards a form furnished by the Racing Commission accepting complete responsibility for the said horses being entered and running.

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

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

Non-sexist language added.

### 13:70-20.7 Trainer responsibilities; horses

A trainer is responsible for the condition of a horse trained by him.

#### Case Notes

Commission rules intended to place absolute responsibility upon the trainer in situations in which a horse has been administered a drug; trainer's suspension proper and not violative of due process, despite no finding of trainer's knowledge of drug or negligence. *Dare v. State*, 159 N.J.Super. 533, 388 A.2d 984 (App.Div.1978).

Trainer's responsibility as absolute insurer of horse's condition justifies suspension even where someone with personal vendetta against

## SUBCHAPTER 20. TRAINERS

### 13:70-20.1 Trainer's license

Each trainer must obtain a license from the Racing Commission. Trainers not previously licensed in New Jersey may be required to submit to oral, written and barn tests

trainer may have administered illegal substance to horse. *New Jersey Racing Commission v. Hirst*, 96 N.J.A.R.2d (RAC) 17.

### 13:70-20.8 Registering horses

A trainer shall register with the Racing Secretary all the horses in his charge, giving the name, age, sex, color, breeding and ownership of each.

### 13:70-20.9 Registering employees

A trainer shall register with the backstretch security every person in his or her employ, and it shall be his or her duty to see to it that his or her employees obtain licenses from the Commission. Trainers employing or harboring unlicensed or disqualified personnel may be subject to disciplinary action.

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

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

"Racing Commission" changed to "backstretch security" and non-sexist language added.

#### Case Notes

Disciplinary regulation governing failure by licensed trainer to register suspended jockey as employee and employment of disqualified person did not violate equal protection. *Wendling v. New Jersey Racing Com'n*, 279 N.J.Super. 477, 653 A.2d 582 (A.D.1995).

Fine of \$500 was not excessive. *Wendling v. New Jersey Racing Com'n*, 279 N.J.Super. 477, 653 A.2d 582 (A.D.1995).

State racing commission had authority to discipline licensed trainer despite claimed application of exemption. *Wendling v. New Jersey Racing Com'n*, 279 N.J.Super. 477, 653 A.2d 582 (A.D.1995).

### 13:70-20.10 Horses owned by disqualified persons

A trainer shall not have under his supervision any horse owned, in whole or in part by a disqualified person; nor shall he assume responsibility for horses not under his active care and supervision, except as stated in section 6 of this subchapter.

### 13:70-20.11 Limitations on entering or starting

(a) A trainer shall not enter or start a horse that:

1. Is not in serviceable, sound racing condition;
2. Is on the stewards, starters or veterinarians list in any racing jurisdiction;
3. Is not in compliance with N.J.A.C. 13:70-14A.1;
4. Is blind, or has seriously impaired vision in both eyes;
5. Is a chronic known bleeder.

(b) Blocking of nerve functions via surgical neurectomy, cryogenic techniques, or any other desensitizing means, whether permanent or temporary, is defined as "nerving" and is subject to the following restrictions in New Jersey:

1. Only posterior digital "nerving" will be permitted on horses to be raced. The procedure must be performed posterior to the first phalanx at a level below the base of the sesamoid bones.

2. Horses that are "nerved" above the area specified in this subsection will not be permitted to race in New Jersey.

3. It shall be the responsibility of the trainer to report all "nerved" horses to the State Veterinarian or Associate State Veterinarian.

4. A list of all "nerved" horses shall be posted on the bulletin board at the entry room by the State Veterinarian.

Amended by R.1988 d.77, effective February 16, 1988.

See: 19 N.J.R. 1788(a), 20 N.J.R. 405(a).

Deleted (a)7 and added subsection (b).

Amended by R.1994 d.130, effective March 7, 1994.

See: 25 N.J.R. 3101(a), 26 N.J.R. 1238(a).

#### Case Notes

Commission rules intended to place absolute responsibility upon the trainer in situations which a horse has been administered a drug; trainer's suspension proper and not violative of due process, despite no finding of trainer's knowledge of drug or negligence. *Dare v. State*, 159 N.J.Super. 533, 388 A.2d 984 (App.Div.1978).

### 13:70-20.12 Licensed under legal name only

No trainer may be licensed as trainer other than in his legal name.

### 13:70-20.13 Trainer commissions

(a) A trainer's commission, in the absence of a contract between the owner and trainer addressing such fees or providing for no such fees, shall be 10 percent of an owner's share of winning purse to be deducted from an owner's account at the horsemen's bookkeeper's office. It shall be the responsibility of the owner to furnish the horsemen's bookkeeper, at the horsemen's bookkeeper's office, with written evidence of any existing contract concerning commission fees between said owner and trainer. Following receipt of such written evidence of an existing contract from the owner, the horsemen's bookkeeper shall not cause any deduction to be made from the owner's share of winning purse.

(b) In the event the owner fails to provide the horsemen's bookkeeper's office with written evidence of any existing contract for commission fees between said owner and trainer, pursuant to (a) above, the owner may in writing certify to the horsemen's bookkeeper that a genuine and meritorious dispute exists with the trainer concerning commission fees due. In such case, the horsemen's bookkeeper shall not cause any deductions to be made from the owner's account on behalf of the trainer.