

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

### 13:71-7.18 Multiple ownership; applications

(a) Multiple ownership applications shall, among other things, set forth the following:

1. The name and address of each and every person having any interest in the horse or horses involved;
2. The relative proportions of such interests;
3. To whom the winnings are payable;
4. In whose name the horse or horses shall race;
5. With whom the power of entry and declaration shall rest;
6. The terms of any contingency, lease or any other arrangement.

### 13:71-7.19 Alteration in a multiple ownership

Any alteration in a recorded multiple ownership registration, to be effective, must be reported in writing to the Racing Commission and be signed by all the partners.

### 13:71-7.20 Liability

All the parties to any multiple ownership shall be jointly and severally liable for all stakes, forfeits and other obligations.

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

### 13:71-7.21 Employment application blank

(a) Every person employed at any harness race track or by any concessionaire thereof must fill out an employment or license application, which must contain a statement of permanent residence and the following questions: Have you ever been convicted of a crime? ... ruled off? ... set down for other than the usual driving infractions? ... Suspended or otherwise debarred from participating in racing by any racing organization, commission of other recognized turf authority in the United States or elsewhere? ... Has an indictment or information been returned or complaint made against you by the United States or any state, charging sale use of possession or narcotics? ... State full details.

(b) All such employment application records must be kept by any harness race track association or by any concessionaire for a period of two years, and must be made available for inspection by the New Jersey Racing Commission, if so requested.

### 13:71-7.22 Nonresident defined

(a) Any person who has voted within two years in any state other than New Jersey since casting his last vote in

New Jersey, or who has made representation within two years that he is a citizen or resident of a state other than New Jersey shall be considered not a resident of New Jersey.

(b) The Commission shall make decision of the citizenship and residence of each employee under the laws of the State of New Jersey and the rules, regulations and conditions of the Commission which shall be binding upon the employees and the race track association.

#### Case Notes

Finding that no domiciliary ownership or control requirements were in existence on day of race; horse not disqualified from "owned and bred" race; owner was New Jersey domiciliary on race date (also cited as N.J.A.C. 13:71-7.11). *Bunny Stables v. New Jersey Racing Commission*, 3 N.J.A.R. 148 (1981).

### 13:71-7.23 (Reserved)

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

### 13:71-7.24 Loss of identification card

All persons who have in their possession an identification card issued by the New Jersey Racing Commission and lose same are subject to a fine of not less than \$2.00 or more than \$10.00, to be paid before a duplicate card can be issued.

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

Maximum and minimum fines established, change from fine of \$1.00.

### 13:71-7.25 Application for driver's license

(a) Every person desiring to drive a harness horse at a race meeting licensed by the Commission shall be required to obtain a license from the Commission. Such application shall be on forms provided by the Commission; applications may be filed at any Commission office. Such license shall be presented to the clerk of the course before driving.

(b) Every applicant for a license to drive a harness horse at a race meeting licensed by the Commission shall, in addition to any other requirements mentioned herein:

1. Be at least 16 years of age;
2. Submit evidence of good moral character;
3. Have a minimum of 20-40 vision in one eye, corrected, according to certification by a licensed optometrist, or ophthalmologist. All drivers must be examined at least biannually by one of the aforementioned doctors. A proof of such examination must be submitted with the license application;
4. Furnish a completed application form;
5. When requested, submit evidence of physical and mental ability and/or submit to a physical examination;

6. When requested, submit to a written examination at a designated time and place to determine his qualification to drive and his knowledge of racing and the rules;

7. Submit evidence of ability to drive in a race and, if a new applicant, this must include the equivalent of one year's experience.

(c) Any applicant who has complied with the requirements of (a) and (b) above, may be eligible for a license in New Jersey in the following categories:

1. (F)(Fair) A license valid for fair meetings. Drivers holding a license valid for fairs only who have driven at fairs must demonstrate an ability to drive satisfactorily before they will be granted a (Q) license valid for qualifying races.

2. (Q)(Qualifying) A license valid for fairs and a license for qualifying races at pari-mutuel meetings with the approval of the Presiding Judge. The Presiding Judge shall make a report to the United States Trotting Association relating to the performance of such a driver in a qualifying race. Drivers holding a qualifying license must demonstrate an ability to drive satisfactorily before a Presiding Judge before they will be granted a (P) Provisional license.

3. (P)(Provisional) A license valid for fairs and for pari-mutuel meetings subject to satisfactory performance and with the permission of the Racing Association. In cases where drivers are Provisional (P), it shall be noted on the program. Drivers holding a provisional license will not be considered for advancement to an "A" (full) license until he or she has qualified in one of the three following categories:

i. Had at least one year's driving experience while holding a "P" (Provisional) license plus 25 satisfactory pari-mutuel starts in the calendar year prior to application;

ii. Or had less than one year's driving experience while holding a "P" (Provisional) license but with at least 50 satisfactory pari-mutuel starts and the written approval from a licensed pari-mutuel Presiding Judge.

iii. Or made 25 satisfactory starts at extended pari-mutuel or Grand Circuit meetings in the two calendar year period preceding date of application provided he or she has had at least 50 satisfactory fair starts.

iv. In all cases, an individual must have demonstrated professional competence at all times and a Presiding Judge, licensed by a Racing Commission, must have submitted a satisfactory written report certifying to such performance.

4. (A) (Full) A full license for all meetings.

5. (V) (Probationary) A Probationary license indicating that the driver has been guilty of rule violations and has been warned against repetition of such violations.

(d) In the event any person is involved in an accident on the track, the Commission may order such person to submit to a physical examination and such examination must be completed within 30 days from such request, or his license may be suspended until compliance therewith.

Amended by R.1976 d.125, effective April 22, 1976.

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

Amended by R.1984 d.214, effective June 4, 1984.

See: 16 N.J.R. 691(a), 16 N.J.R. 1361(b).

Section substantially amended.

Amended by R.1990 d.126, effective February 20, 1990.

See: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

(a)1 deleted.

### 13:71-7.26 Requirements; farms or licensed tracks

(a) No horse may start in any race wherein pari-mutuel wagering is conducted unless stabled on the grounds of a racing association licensed by the Commission or at a farm or training facility licensed by the Commission. Nothing in this rule shall prohibit any horse stabled outside the State of New Jersey from vanning to any racing association to start.

(b) A license shall not be issued to any farm or training center not in compliance with the following requirements:

1. All box stalls shall be properly ventilated and measure approximately 10 feet by 10 feet or larger.

2. Arrangements for the disposal of manure and other refuse shall be made in compliance with appropriate State and municipal health codes and/or ordinances.

3. Adequate spraying and/or fogging equipment must be available.

4. Any farm or training center that is placed under quarantine by the New Jersey Department of Agriculture shall have their license immediately suspended. Any facility whose license is so suspended, shall be afforded the right of appeal as provided for in N.J.A.C. 13:71-3.

(c) Any farm or training center making application for licensure as an off-track stabling facility shall pay a \$50.00 annual license fee and be liable to inspection by the employees of the Commission and shall be required to provide unrestricted access to all stabling facilities to the employees and agent of the Commission upon demand.

(d) Any horse in training or entered to start stabled on such a farm or training center must be under the care and custody of a licensed trainer. It shall be the responsibility of the trainer to insure that only individuals licensed by the Commission are employed in any capacity of caretaker, groom or other attendant with respect to the care-custody and training of such a horse. Nothing in this section shall be deemed to apply to brood mares, foals, weanlings, yearlings, stallions or other horses not in training.

(e) It shall be the responsibility of the farm manager or training center manager to complete and file all reports required of him by the Commission. It shall similarly be the responsibility of the trainer to complete and file all reports required of him by the Commission, including, but not limited to, the Equine Fatality Report (see: N.J.A.C. 13:71-20.24).

(f) Failure to comply with the requirements in this section shall subject the offending party to the penalties provided for in N.J.A.C. 13:71-2.3. Further, violation of this section may subject the offending party to suspension, revocation or denial of the farm license and/or declaration of ineligibility for stables or horses involved.

New Rule, R.1984 d.214, effective June 4, 1984.

See: 16 N.J.R. 691(a), 16 N.J.R. 1361(b).

Repealed.

New Rule, R.1985 d.637, effective December 16, 1985 (operative January 1, 1986).

See: 17 N.J.R. 1393(b), 17 N.J.R. 2996(c).

Amended by R.1993 d.52, effective January 19, 1993.

See: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).

Revised (c).

### 13:71-7.27 Trainers; application for license

An applicant for a license as trainer must be at least 18 years of age and satisfy the Commission that he possesses the necessary qualifications, both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a trainer in the preparation, training, entering and managing the horses for racing. The system of qualification employed by the United States Trotting Association may be accepted as evidence of the necessary experience.

### 13:71-7.28 Grooms; application for license

An applicant for a license as a groom must satisfy the commission that he possesses the necessary qualifications, both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a groom. Applicants between the ages of 16 and 18 years of age must submit New Jersey "working papers" together with their application. No license shall be issued to applicants under 16 years of age.

### 13:71-7.29 Suspension or revocation of drivers—trainers or grooms licenses

(a) The license of any driver, trainer or groom may be suspended, revoked or money fine may be imposed, at any time for:

1. Failure to obey the instructions of a racing official;
2. Failure to drive in a race when programmed, unless excused by the presiding judge;

3. Appearing in the paddock in an unfit condition to perform his duties;

4. Fighting;

5. Assault upon any other person;

6. Offensive or profane language;

7. Smoking while on the race track in silks and during actual racing hours;

8. Warming up a horse without silks at any time after the admission gates are open;

9. Disturbing the peace;

10. Refusal to take a breathalyzer test when directed by the presiding judge;

11. Refusal, when requested by the commission, to submit evidence of physical and mental ability and/or to submit to a physical examination;

12. Failure to participate in post parade, unless specifically excused by presiding judge;

13. Any other act or conduct detrimental to the sport;

14. Violation of any rule of the commission;

15. Falsifying or misrepresenting answers on the application for license.

16. The length of suspension of a driver may be increased up to and including an indefinite suspension by the New Jersey Racing Commission if said driver is guilty of the same infractions of the rules of racing two times or more during any calendar year.

Amended by R.1976 d.125, effective April 22, 1976.

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

#### Case Notes

Trainer's offensive behavior warrants suspension and fine. *Milici v. New Jersey Racing Commission*, 97 N.J.A.R.2d (RAC) 10.

Suspended trainer was denied a new trainer's license. *Temming v. New Jersey Racing Commission*, 94 N.J.A.R.2d (RAC) 51.

### 13:71-7.30 Owners' application for license

(a) Every owner desiring to enter a harness horse at a race meeting licensed by the commission shall be required to obtain a license from the commission.

1. No person shall have more than one trainer, training his horse or horses in which he has any interest, at any one track in New Jersey, at the same time, without the written consent of the New Jersey Racing Commission. When a horse is shipped in for one particular race, this ruling may be waived in writing by the New Jersey Racing Commission or its representatives.

(b) Such application shall be on forms provided by the commission. "Owner" includes sole owner, part owner or lessee of a horse.

Amended by R.1976 d.125, effective April 22, 1976.

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

### 13:71-7.31 Qualification for owner's license

(a) Every applicant for a license as an owner in addition to any other requirements mentioned herein shall:

1. Be at least 18 years of age unless a parent or legal guardian expressly assumes responsibility for an applicant who is under 18 years of age;
2. Submit evidence of good moral character; and
3. Furnish a completed application form.

(b) Where a horse is owned jointly by two or more parties, all parties must comply with (a)1, 2 and 3 above.

(c) Where a horse is owned by a corporation, all officers, directors and persons owning more than five percent of the capital stock must comply with (a)1, 2 and 3 above.

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

At (c) change from 10 percent ownership to 5 percent ownership.

### 13:71-7.32 Suspension or revocation of owner's license

(a) The license of any owner may be suspended, revoked or a money fine may be imposed for:

1. Failure to obey the instructions of a racing official;
2. Failure to race his horse when programmed, unless excused by the presiding judge;
3. Misconduct or acts detrimental to the sport;
4. Violation of any rule of the Commission;
5. Falsifying or misrepresenting answers on an application for an owner's license.

### 13:71-7.33 Reinstatement of owner's license

A license may be reinstated by the Commission, in its discretion, upon application and upon such terms as the Commission may prescribe.

### 13:71-7.34 Reinstatement of license of driver, trainer and groom

A license may be reinstated by the Commission, in its discretion, upon application and upon such terms as the Commission may prescribe.

### 13:71-7.35 Badges

(a) All licensed personnel who enter the stable area of any track under the jurisdiction of the New Jersey Racing Commission in any capacity whatsoever shall wear upon their outside apparel in a prominent position the authorized badges containing picture identification supplied by the Commission. This rule shall also apply to State, track, veterinarian personnel, as well as the vendors and suppliers authorized in the stable area, and the badges shall be readily available and produced by such personnel upon request of track security, county and city police, State police, Commission inspectors and stewards at said request. Failure to comply with this rule will result in a \$5.00 fine for the first offense; \$10.00 fine for the second; \$25.00 for the third; and ejection from the grounds upon the fourth offense.

1. All persons working in or about the licensed premises shall be required to be licensed in their appropriate category by the New Jersey Racing Commission.

(b) Any person losing his identification license will be subject to a fine of not less than \$2.00 or more than \$10.00. The amount of fine to be determined by the New Jersey Racing Commission.

Amended by R.1976 d.125, effective April 22, 1976.  
Sec: 8 N.J.R. 47(b), 8 N.J.R. 308(a).

Amended by R.1982 d.109, effective April 5, 1982.

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

"HTS" was "TRPB".

Amended by R.1990 d.126, effective February 20, 1990.

Sec: 21 N.J.R. 3861(a), 22 N.J.R. 667(a).

"Police" changed to "security" and reference to HTS deleted in (a).

Amended by R.1993 d.52, effective January 19, 1993.

Sec: 24 N.J.R. 4023(a), 25 N.J.R. 314(b).

Revised (a)1.

### 13:71-7.36 Written agreements between owners and trainers

A written agreement between owners and trainers shall be filed at the time they enter a partnership or stable name on any horse. The trainer shall be responsible for filing the written agreement with the New Jersey Racing Commission and the clerk of course at the track where said horse or horses participate within 72 hours.

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

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

### 13:71-7.37 Collection and dissemination of Social Security numbers

(a) The Racing Commission may request Social Security numbers to be furnished for use in determining an applicant's eligibility for licensure especially as it relates to credit checks, background checks or other such investigations, including those relative to open claiming. No application shall be denied for failure to comply with such request provided that a person may be required to submit such other information as the Commission may require in order to determine an applicant's eligibility for licensure.

(b) Any form used by the Commission to request submission of a Social Security number shall include the following:

1. A statement as to whether provision of a Social Security number is mandatory or voluntary;
2. A citation of the rule (which in the case of a request for voluntary submission shall be this section) that authorizes the Commission to request the Social Security number; and
3. A statement that the Commission will use Social Security numbers as a secondary internal identifier for the following purposes: Credit checks, background checks and other such investigations.

## Case Notes

Rule cited as example of Commission's reliance on conventional law enforcement services; denial of groom's license held arbitrary as the Rehabilitated Convicted Offender Act applies to Commission's licensing function (citing former N.J.A.C. 13:71-23.17). *Maietta v. New Jersey Racing Commission*, 183 N.J.Super. 397, 444 A.2d 55 (App.Div. 1982), affirmed 93 N.J. 1, 495 A.2d 295 (1983).

**13:71-23.6 Trainers**

(a) A trainer shall be the absolute insurer of and is responsible for the condition of a horse within his care and custody.

(b) A trainer shall not enter or start a horse that has in its body any drug or substance foreign to the natural horse except as otherwise provided for in these rules and regulations.

(c) A trainer has the duty to be familiar with the medication rules of this Commission and with any drug or substances foreign to the natural horse administered to said horse at his direction or while in his care and custody.

(d) The trainer, owner, veterinarian, groom or other person charged with the custody, care and responsibility of a horse are all obligated to protect and guard the horse against administration of any drug or substances foreign to the natural horse, except as otherwise provided for in these rules and regulations by any unauthorized individual, and the administration of any unauthorized drug or substance foreign to the natural horse by any person.

## 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).

Trainer who set own period of suspension without proper authorization must serve additional suspension. *Riegle v. New Jersey Racing Commission*, 97 N.J.A.R.2d (RAC) 2.

Licenses of four trainers whose horses tested positive for fenspiride were suspended for 18 months for first occurrence and 12 months for each subsequent occurrence. *New Jersey Racing Commission v. Elliot*, 96 N.J.A.R.2d (RAC) 31.

The Racing Commission has decided, through rulemaking, to exercise strict control over the use of narcotics. *Maietta v. New Jersey Racing Commission*, 93 N.J. 1, 459 A.2d 295 (1983).

Horse trainers were properly suspended for unknowingly giving horses feed containing caffeine. *Capone v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 22.

Horse trainer; race horses; suspension. *DeVitis v. New Jersey Racing Commission*, 94 N.J.A.R.2d (RAC) 55.

Trainer suspended after the horse was discovered to have a foreign substance in its system. *New Jersey Racing Commission v. Janis Gianforte*, 94 N.J.A.R.2d (RAC) 49.

Trainer violated responsibility rule; illegal drug. *New Jersey Racing Commission v. Rubin*, 94 N.J.A.R.2d (RAC) 17.

Post-race test finding of buprenorphine; trainer suspended. *Caltagione v. New Jersey Racing Commission*, 92 N.J.A.R.2d (RAC) 7.

**13:71-23.7 Penalties**

(a) Should the judges determine that any person or persons have violated any section of this subchapter, they may punish the offending party consistent with the penalties provided for in these rules and regulations.

(b) In addition thereto, the judges may penalize the owner of any horse, or any entry of which said horse is a part, that has started in any race with any drug or substance foreign to the natural horse in its body by disqualification and denial of any part of the purse with redistribution of purse moneys as in the case of a disqualification.

(c) Any individual suspended or disciplined in any fashion for a second or subsequent violation of N.J.A.C. 13:71-23.6(a), (b), (d) or any comparable rule of any other racing commission or turf governing body may be deemed a repetitive offender. A second or subsequent violation of N.J.A.C. 13:71-23.6 may constitute grounds for further disciplinary action by the Commission.

(d) Horses owned wholly or in part by persons suspended for violation of N.J.A.C. 13:71-23.6(a), (b) or (d) are ineligible to start during the period of such suspension, unless sold to a bona fide purchaser. Horses trained by a person suspended for such a violation, wherein the trainer does not have an ownership interest, are automatically eligible to start when placed in the hands of a licensed trainer approved by the judges.

(See N.J.A.C. 13:71-3 for rules concerning appeals.)

**13:71-23.8 Administering medication to respiratory bleeders; standards for the administration of phenylbutazone**

(a) The stewards may permit the administration of medication to control respiratory bleeding in animals that:

1. At any time have received a comprehensive cardiopulmonary examination at an approved equine hospital or school of veterinary medicine and as a result thereof are certified as bleeders and therefore are in need of medication in order to race; or

2. Are observed in New Jersey to bleed during the running or driving of a workout or race at a duly licensed New Jersey racetrack, or in the detention barn following such workout or race by a State or Associate State Veterinarian or by a licensed veterinarian at any time on the grounds of a racetrack and have been placed on a veterinarian's list for at least 10 days; or

3. Have been certified as respiratory bleeders in other racing jurisdictions by a veterinarian employed by that

jurisdiction's regulatory body or have been placed on another racing jurisdiction's respiratory bleeder's list.

(b) All horses that are placed on the veterinarian's list shall be required to be treated by a licensed practicing veterinarian in the stall assigned to that horse on the grounds of the Racing Association or in the receiving barn. During this period the horse shall be under the care and custody of a groom or caretaker appointed by the trainer. Furosemide, a diuretic medication that is intended to control respiratory bleeding, shall be administered by a licensed practicing veterinarian and shall be limited to an intravenous dose of 0.50 milligrams (mg) per pound of body weight (1.00 mg per kilogram) or 500 milligrams (10 cubic centimeters (cc)) in a 1,000 pound horse at least four hours prior to race time. Said practicing veterinarian shall make daily reports of all said treatments and file said reports with the State Veterinarian each day.

(c) Post-race urine and blood samples may be taken by or under the supervision of the State Veterinarian from all horses treated with Lasix® (furosemide) to control respiratory bleeding pursuant to the requirements set forth above. In the event a post-race analysis of a blood sample reveals that the concentration of furosemide exceeds a level of 50 nanograms per milliliter of plasma (50 ng/ml) the trainer and/or the practicing veterinarian shall be liable to the penalties as set forth in (e) below.

(d) Any horse having bled in any jurisdiction shall be placed on the veterinarian's list for bleeding and must remain on the list for 10 calendar days, a second time bleeder must remain on the respiratory list for 30 days, and a third time bleeder must remain on the respiratory list for 90 days. A bleeder in the above categories is automatically released from the veterinarian's list after these dates; however, a horse which evidences respiratory bleeding a fourth time is barred from further racing in New Jersey.

(e) Should the stewards determine that any person or persons have violated (c) above, they shall punish the offending party as follows:

1. A trainer and/or veterinarian shall receive a warning for the first time a horse in his or her care shall show a test result in excess of 50 nanograms per milliliter of plasma.
2. A trainer and/or veterinarian shall receive a fine not to exceed \$500.00 for a second time the same horse shows a test result in excess of 50 nanograms per milliliter of plasma.
3. Should the same horse show a test result in excess of 50 nanograms per milliliter of plasma for a third time, the trainer and/or veterinarian shall be suspended, fined or both.

4. Repeated violations of (c) above by a trainer and/or veterinarian for any horse under their care may subject said trainer and/or veterinarian to fine and/or suspension, regardless of whether or not the same horse is involved.

(f) Notwithstanding anything to the contrary herein or in N.J.A.C. 13:71-23.1, no penalty shall be imposed where on the day of the race a horse carries in its body phenylbutazone, as a result of an administration prior to the day of the race, in a quantity of 2.5 micrograms per milliliter or less as determined by post-race testing.

(g) Should the judges or stewards, as appropriate, determine that any trainer or persons have violated (f) above, as a result of an administration prior to the day of the race, they shall punish the offending party as follows:

1. In the event post-race testing determines that any horse carried in its body on the day of the race phenylbutazone in a quantity above 2.5 micrograms per milliliter up to and including 3.0 micrograms per milliliter, the trainer and any other responsible party shall be subject to the following penalties regardless of whether or not the same horse is involved:

- i. First violation of N.J.A.C. 13:71-23.8(g)1—\$250.00 fine;
- ii. Second violation of N.J.A.C. 13:71-23.8(g)1—\$500.00 fine and seven days suspension;
- iii. Third violation of N.J.A.C. 13:71-23.8(g)1—\$500.00 fine, loss of any purse and suspension; and
- iv. Fourth or subsequent violation of N.J.A.C. 13:71-23.8(g)1—such fines, suspensions and/or other penalties allowed by this chapter.

2. In the event post-race testing determines that any horse carried in its body on the day of the race phenylbutazone in quantities exceeding 3.0 micrograms per milliliter up to but not including 5.0 micrograms per milliliter, the trainer and any other responsible party shall be subject to the following penalties regardless of whether or not the same horse is involved:

- i. First violation of N.J.A.C. 13:71-23.8(g)2—\$500.00 fine;
- ii. Second violation of N.J.A.C. 13:71-23.8(g)2—\$500.00 fine, loss of any purse and 15 days suspension;
- iii. Third violation of N.J.A.C. 13:71-23.8(g)2—\$500.00 fine, loss of any purse and suspension; and
- iv. Fourth or subsequent violation of N.J.A.C. 13:71-23.8(g)2—such fines, suspensions and/or other penalties allowed by this chapter.

3. In the event post-race testing determines that any horse carried in its body on the day of the race phenylbutazone in a quantity equal to or exceeding 5.0 micrograms per milliliter, the trainer and any other responsible party shall be subject to the following penalties regardless of whether or not the same horse is involved:

i. First violation of N.J.A.C. 13:71-23.8(g)3—\$500.00 fine, loss of purse and 15 day suspension; and

ii. Second or subsequent violations of N.J.A.C. 13:71-23.8(g)3—such fines, suspensions and/or other penalties allowed by this chapter.

Amended by R.1988 d.183, effective April 18, 1988.

See: 20 N.J.R. 250(a), 20 N.J.R. 912(c).

Changed time a second time bleeder must remain on respiratory list from three months to 30 days; added third time bleeder to be kept for three months.

Amended by R.1990 d.486, effective October 1, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1718(a), 22 N.J.R. 3155(a).

Authorizes the administration of medication in assigned stall instead of detention barn and establishes dosage levels and time requirements recommended by the Association of Racing Commissioners International; provides for disciplinary action in the event of excessive drug levels as per post-race testing.

Amended by R.1990 d.575, effective November 19, 1990 (operative January 1, 1991).

See: 22 N.J.R. 1233(c), 22 N.J.R. 3500(b).

Provides for the acceptance of certification of respiratory bleeders from racing commissions in other jurisdictions.

Amended by R.1991 d.264, effective May 20, 1991.

See: 23 N.J.R. 675(c), 23 N.J.R. 1684(e).

Changed "14 calendar days" to "10 calendar days"; changed "three months" to "90 days" in (d).

Amended by R.1992 d.18, effective January 6, 1992.

See: 23 N.J.R. 2919(d), 24 N.J.R. 109(a).

Revised (a)2.

Amended by R.1994 d.128, effective March 7, 1994.

See: 25 N.J.R. 3105(a), 26 N.J.R. 1240(a).

Amended by R.1995 d.297, effective June 5, 1995.

See: 26 N.J.R. 1957(a), 27 N.J.R. 2244(b).

Amended by R.1996 d.445, effective October 7, 1996.

See: 28 N.J.R. 3055(a), 28 N.J.R. 4488(b).

Administrative correction.

See: 29 N.J.R. 448(b).

Amended by R.1997 d.91, effective February 18, 1997.

See: 28 N.J.R. 5057(a), 29 N.J.R. 584(b).

In (a)2, inserted reference to observation by a licensed veterinarian on the racetrack grounds.

Petition for Rulemaking.

See: 35 N.J.R. 1456(c).

#### Case Notes

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).

#### 13:71-23.9 Possession of drugs or drug instruments

(a) No person aside from licensed veterinarians shall have in his possession anywhere within the grounds of any association conducting a race meeting, or anywhere within the confines of a racetrack enclosure, or anywhere within the grounds of any licensed off-track stabling facility, any drugs not possessed in accordance with the laws of the State of New Jersey, nor any contraband drug or unauthorized

prescription legend drugs, nor any hypodermic syringes or needles, or any other instrument which may be used for injection, unless the injectable device is possessed for self-administration, and further provided that the individual possessing such device promptly notify the State Steward:

1. That he is in possession of such device; and
2. Of the chemical substance to be administered.

Amended by R.1993 d.261, effective June 21, 1993.

See: 24 N.J.R. 1061(a), 25 N.J.R. 2488(b).

#### Case Notes

Horse trainer's abuse of veterinary practices and drugs resulting in horse's death warranted three-year license suspension. *Glemser v. New Jersey Racing Commission*, 96 N.J.A.R.2d (RAC) 26.

Possession of chondroitin sulphate, an unclassified substance possession of which is not violative of any State or Federal law, does not violate this rule; possession of hypodermic needle and syringe found to be a violation; rule sets forth the association between the administration of drugs and the need to protect horses from them (citing former N.J.A.C. 13:71-23.12). *Gallo v. New Jersey Racing Commission*, 6 N.J.A.R. 381 (1983).

#### 13:71-23.10 Illegal devices

No electrical, mechanical or other appliance or device other than the ordinary whip shall be applied to a horse at any place on the grounds of any licensed racetrack. Any person so offending shall be suspended by the judges and referred to the Commission for license revocation. Possession of any such device anywhere on the grounds of a licensed racetrack may be punished by fine and/or suspension.

#### 13:71-23.11 Narcotics conviction; denial of license

Any person who has been convicted of possession or use of narcotics by any court in the land shall be denied a license or ruled off or both as the Commission may decide.

#### 13:71-23.12 Cooperation with other agencies; violations of law

Every association, all officials and employees thereof, and all persons licensed in any capacity by the Commission shall give every possible cooperation, aid and assistance to any department, bureau, division, officer, agent or inspector, or any other person connected with the United States Government or with the State of New Jersey, who may be investigating or prosecuting any matter involving a violation of any law, or any rules or regulations of the Commission.

#### Case Notes

The Racing Commission has decided, through rulemaking, to exercise strict control over the use of narcotics. *Maietta v. New Jersey Racing Commission*, 93 N.J. 1, 459 A.2d 295 (1983).

**13:71-23.13 State Police; responsibilities**

The enforcement of N.J.S.A. 5:5-71 and other criminal laws of the State of New Jersey shall be the responsibility of the State Police. Investigation pursuant to the enforcement of N.J.S.A. 5:5-71 or other criminal laws of the State shall take precedence over any action taken by the association or the Racing Commission concerning an incident arising from an alleged violation of the provisions of this subchapter. Every association and Racing Commission official and employee shall render full cooperation, aid and assistance in any investigation undertaken for a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal statutes of the State. Further, every association and Racing Commission official and employee, on becoming aware of a reasonably apparent violation of N.J.S.A. 5:5-71 or other criminal laws of the State of New Jersey, shall communicate in writing the circumstances of such immediately to the New Jersey Racing Commission and the State Police who shall evaluate same and take whatever further action is deemed necessary.

**Case Notes**

Finding of entrapment by State Police and dismissal of criminal proceedings against jockey applicant did not prevent the use of incriminating evidence at licensing hearing. *Delguidice v. New Jersey Racing Commission*, 100 N.J. 79, 494 A.2d 1007 (1985).

Rule cited as example of Commission's reliance on conventional law enforcement services; denial of groom's license held arbitrary as the Rehabilitated Convicted Offender Act applies to Commission's licensing function (citing former N.J.A.C. 13:71-23.18). *Maietta v. New Jersey Racing Commission*, 183 N.J.Super. 397, 444 A.2d 55 (App.Div. 1982), affirmed 93 N.J. 1, 459 A.2d 295 (1983).

**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.