

Summary

Rule 1219(A) Cumulative Penalty for Multiple Violations

In the past, the Arkansas Racing Commission has not had a cumulative penalty for multiple violations of its medication rules. Rule 1219(A) was proposed to increase the punishment for those trainers who repeatedly violate the Arkansas Racing Commission medication rules. The rule uses the categories of drugs approved by Racing Commissioners International and as defined in Rule 1217. The rule provides that if a trainer is guilty of multiple violations involving a category 1 or 2 substance, he/she can be suspended for a period of up to one year if three violations occur within a two-year period. It is the hope of the ARC that this rule be a deterrent to trainers who have been habitually negligent or intentionally violated the medication rules of the Commission.

CUMULATIVE PENALTY FOR MULTIPLE VIOLATIONS

Rule 1219-A. In addition to any other penalties prescribed in the rules and regulations adopted by the Commission, any trainer found by ruling of the Stewards, and affirmed by the Commission, to have violated Rule 1233 with respect to a horse in an Arkansas race, on three (3) or more separate occasions within a two (2) year period (determined on the basis of the date the race occurred), involving any category (1, 2, 3, 4 or higher) substance (as defined in Rule 1217), may be suspended by the Stewards or Commission for up to ninety (90) days. If the violation involves a category 1, 2 or 3 substance (as defined in Rule 1217), on three (3) or more such separate occasions within the two (2) year period, the trainer may be suspended by the Stewards or Commission for up to one hundred eighty (180) days, and if the violation involves a category 1 or 2 substance (as defined in Rule 1217), on three (3) or more such separate occasions within the two (2) year period, the trainer may be suspended by the Stewards or Commission for up to one (1) year. In the event the Stewards or Commission find that a series of multiple violations occurring before test results were communicated, or otherwise reasonably available, to the trainer, were caused by the same circumstance, the Stewards or Commission may treat such finding as a single violation, solely for purposes of this rule. This rule shall become effective beginning for violations occurring with respect to horses in races taking place after the effective date of enactment of this rule.

Summary

Rule 1232(C). Phenylbutazone (Bute)

Bute is a medication that is almost universally used on race horses. In the past the Arkansas Racing Commission had a policy of not fining or suspending an owner or trainer for Bute levels under 5.0 micrograms. The Commission fined or suspended owners and trainers for positive tests for Bute levels over 5.1 micrograms on a graduated basis. The Commission has decided to institute that policy to a rule and has increased the fines for Bute positives in excess of 5.1 micrograms. In the past, a Bute positive under 5.0 micrograms was given a warning on the first offense, a \$100 fine on the second offense, and a \$250 fine on the third offense. These penalties have been eliminated.

1232(C). Phenylbutazone (Bute)

The owner, trainer, or other licensees associated with any horse testing positive for Phenylbutazone ("Bute") and/or Oxyphenbutazone shall be subject to the following penalties for the levels of Bute detected:

5.1 - 10 micrograms:

1st offense	- - -	\$500 fine
2nd offense	---	\$1,000 fine, suspension and loss of purse
3rd offense	---	\$2,500 fine, suspension and loss of purse

Over 10.1 micrograms:

1st offense	---	\$1,000 fine, suspension and loss of purse
2nd offense	---	\$2,500 fine, suspension and loss of purse

Mark-up

1232 (C) Phenylbutazone (Bute)

The owner, trainer or other licensees associated with any horse testing positive for Phenylbutazone ("Bute") and/or Oxyphenbutazone shall be subject to the following penalties for the levels of Bute detected:

~~3-5 micrograms:~~

1st offense	-----	warning
2nd offense	-----	\$100 fine
3rd offense	-----	\$250 fine

5.1 - 10 micrograms:

1st offense	---	\$500 fine
2nd offense	---	\$1,000 fine, suspension and loss of purse
3rd offense	---	\$2,500 fine, suspension and loss of purse

Over 10.1 micrograms:

1st offense	---	\$1,000 fine, suspension and loss of purse
2nd offense	---	\$2,500 fine, suspension and loss of purse

Summary

Rule 2426 Claiming.

In recent years claiming at Oaklawn Park has increased dramatically, and near the end of the racing meet it had become difficult to fill races at Oaklawn, in part because of the number of horses claimed. These claimed horses were typically removed to other tracks or were ineligible to run after being claimed, leading to a shortage of horses. The rule is necessary to maintain an adequate supply of horses at Oaklawn Park, and to insure that claiming remains available as an option for new owners.

The proposed amendments to Rule 2426 makes it more difficult for owners and trainers who have not participated in the Oaklawn meet to claim horses at Oaklawn. The rule requires owners to be participants in the Oaklawn race meet in order to be able to claim. However, the rule still allows claiming authorizations to be issued to those persons who have never participated in racing before or are not currently licensed as owners or trainers.

CLAIMING

2426. In Claiming Races on the flat, any horse is subject to claim by any owner in good standing or by a person who has been issued a "claiming authorization". However, no owner may claim a horse at Oaklawn unless that owner (either individually or through co-ownership, partnership, limited liability company, corporation or other entity in which the owner owns an equity interest) either (i) has had an "official start" in a prior race at Oaklawn during the current race meet or (ii) was an "official starter" in the race in which the claim is submitted. For example, if an owner (who has not previously had an "official start" in a prior race at Oaklawn during the current race meet) owns in whole or in part Horse A entered in an Oaklawn race, the owner may, if otherwise in compliance with applicable rules, submit a claim for another horse in the race, but that claim shall be void if Horse A fails to become an "official starter" in the race.

CLAIMING AUTHORIZATION:

(a) The Stewards or their appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

(1) meets all requirements for the issuance of an owner's license;

(2) is not presently involved, and does not have a spouse presently involved, as an owner of a horse in thoroughbred racing;

(3) has an agreement with a licensed trainer to take charge of, care for and train any horse claimed pursuant to the claiming authorization (and the holder of a claiming authorization and the trainer shall each promptly notify the Stewards in writing if such agreement is terminated before a horse is successfully claimed);

(4) has at least the amount of the claim on deposit or credited with the horsemen's bookkeeper; and

(5) is not a thoroughbred horse trainer licensed as such in any jurisdiction.

(b) The claiming authorization shall be valid for the calendar year in which it is issued or until such time as the person to whom the authorization was issued becomes a horse owner, either through use of the claiming authorization or through private purchase.

(c) The same fee charged for an owner's license shall be payable to the Board by the applicant prior to issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the

grandstand, clubhouse, or other spectator facility at prices less than those charged the general public.

(d) An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended or revoked.

Mark-up

CLAIMING

2426. In Claiming Races on the flat, any horse is subject to claim by any owner in good standing or by a person who has been issued a "claiming authorization". However, no owner may claim a horse at Oaklawn unless that owner (either individually or through co-ownership, partnership, limited liability company, corporation or other entity in which the owner owns an equity interest) either (i) has had an "official start" in a prior race at Oaklawn during the current race meet or (ii) was an "official starter" in the race in which the claim is submitted. For example, if an owner (who has not previously had an "official start" in a prior race at Oaklawn during the current race meet) owns in whole or in part Horse A entered in an Oaklawn race, the owner may, if otherwise in compliance with applicable rules, submit a claim for another horse in the race, but that claim shall be void if Horse A fails to become an "official starter" in the race.

CLAIMING AUTHORIZATION:

(a) The Stewards or their appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

(1) meets all requirements for the issuance of an owner's license, except that the applicant need not own a horse or have any previous experience in racing;

(2) is not presently involved, and does not have a spouse presently involved, as an owner of a horse in thoroughbred racing;

(3) has an agreement with a licensed trainer to take charge of, care for and train any horse claimed pursuant to the claiming authorization (and the holder of a claiming authorization and the trainer shall each promptly notify the Stewards in writing if such agreement is terminated before a horse is successfully claimed); and

(4) has at least the amount of the claim on deposit or credited with the horsemen's bookkeeper; and

(5) is not a thoroughbred horse trainer licensed as such in any jurisdiction.

(b) The claiming authorization shall be valid for the calendar year in which it is issued or until such time as the person to whom the authorization was issued becomes a horse owner, either through use of the claiming authorization or through private purchase.

(c) The same fee charged for an owner's license shall be payable to the Board by the applicant prior to issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public.

(d) An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended or revoked.

~~(e) A holder of a claiming authorization who has not previously been granted an owner's license will be issued an owner's license without payment of any additional fees.~~