

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Racing Commission

Department Department of Finance and Administration

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Statutory Authority for Promulgating Rules Ark. Code Ann. § 23-110-204

Rule Title: Thoroughbred Rule 1245(A) Horses Testing Positive

Intended Effective Date

(Check One)

| | | |
|---|---------------------------------------|----------------------|
| <input type="checkbox"/> Emergency (ACA 25-15-204) | Legal Notice Published | 11-01-20 to 11-03-20 |
| <input type="checkbox"/> 10 Days After Filing (ACA 25-15-204) | Final Date for Public Comment | 12-07-20 |
| <input checked="" type="checkbox"/> Other <u>01-22-2021</u> (Must be more than 10 days after filing date.) | Reviewed by Legislative Council | 12-16-20 |
| | Adopted by State Agency | 12-10-20 |

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Byron Freeland bfreeland@mwlaw.com 12-22-20
Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Byron Freeland
Signature
501-688-8810 bfreeland@mwlaw.com
Phone Number E-mail Address
Attorney for Arkansas Racing Commission
Title
12-22-20
Date

Thoroughbred Rule 1245(A)

1245(A)

(a) Any horse exhibiting a positive response to a test for the presence of clenbuterol or other beta-2 agonists, or any antibodies of any blood doping agent, including, but not limited to, Erythropoietin, Darbepoetin, Oxyglobin and Hemopure, (a "Blood Doping Agent") shall be ineligible to start or race until the owner or trainer, at his or her own expense, provides proof, in a form and substance acceptable to the Stewards, of a subsequent negative test result for the presence of clenbuterol or other beta-2 agonists and antibodies of Blood Doping Agents from a laboratory approved by the Commission, provided any such test sample and test must be obtained and conducted under collection and test procedures acceptable to the Commission Veterinarian. The beta-2 agonists and Blood Doping Agents to be tested for shall include clenbuterol, Erythropoietin, Darbepoetin, Oxyglobin, Hemopure and such other beta-2 agonists and blood doping agents determined from time to time by the Commission Veterinarian.

(b) Notwithstanding any inconsistent provision of these Rules, the trainer of the horse shall not be subject to application of the trainer's responsibility penalty based solely on a finding by the laboratory that the beta-2 agonist or Blood Doping Agent first detected in the initial positive test remains present in the horse in a subsequent sample taken from that horse for purposes of any subsequent test for beta-2 agonists and Blood Doping Agents performed on the horse in an effort to determine the horse's re-eligibility to start and race again pursuant to subsection (a) of this Rule.