

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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Location and Time of Public Meeting \_\_\_\_\_

## **Thoroughbred Rule 2434 Amendment Summary**

This amendment provides for testing for clenbuterol and beta-2 agonists in claimed horses. If a horse tests positive for clenbuterol or other beta-2 agonists after a claim, the successful claiming owner may void the claim under this amended rule.

### **Thoroughbred Rule 2434 Mark Up**

#### **2434.**

(a) Claims are irrevocable except as otherwise provided in subsection (e) of this Rule.

(b) At the time of filing the claim form, claimants shall have the right to designate on the claim form a request for a post-race test of the claimed horse for beta-2 agonists, anabolic steroids and blood doping agents determined from time to time by the Commission Veterinarian, including, but not limited to, clenbuterol, Erythropoietin, Darbepoetin, Oxyglobin and Hemopure, (a "Blood Doping Agent"). In the event a request for the post-race test for beta-2 agonists, anabolic steroids and Blood Doping Agents is marked on the successful claimant's claim form, the claimed horse shall be taken to the test barn immediately after the race, a blood , urine and/or hair sample shall be ~~drawn~~ obtained from the horse by the Commission Veterinarian or Commission Veterinarian's assistant, and the sample shall be submitted to a Commission- approved laboratory to test for the presence of beta-2 agonists, anabolic steroids and Blood Doping Agent antibodies. The blood- , urine or hair sample shall be taken, contained and submitted to the Commission-approved laboratory in accordance with the rules and procedures, including split samples, applicable to other post-race tests for foreign substances. The beta-2 agonists, anabolic steroids and Blood Doping Agents to be tested for shall include clenbuterol, Erythropoietin, Darbepoetin, Oxyglobin, Hemopure and such other beta-2 agonists, anabolic steroids and blood doping agents determined from time to time by the Commission Veterinarian.

(c) The successful claimant shall be responsible for paying the cost for the test for beta-2 agonists, anabolic steroids and Blood Doping Agents. This cost shall be posted by the Commission Veterinarian and shall be deducted from the successful claimant's account with the horsemen's bookkeeper.

(d) If for any reason the claimed horse is unable to go to the test barn following the race, the Commission Veterinarian or Commission Veterinarian's Assistant will make reasonable efforts to reach the horse and ~~draw~~ obtain a blood- , urine and/or hair sample for testing. If for any reason the Commission Veterinarian or Commission Veterinarian's Assistant is unable or otherwise fails to ~~draw~~ obtain a blood- , urine or hair sample, the successful claimant's right to revoke the claim under this Rule shall be forfeited.

(e) The successful claimant shall have the right to void the claim if the Stewards determine that the blood- , urine or hair sample from the claimed horse exhibited a positive response to the ~~antibody~~ test for any beta-2 agonist, anabolic steroid or Blood Doping Agent under the testing guidelines established by the Commission Veterinarian ~~or for anabolic steroids;~~

provided, any such revocation of the claim must be submitted in writing to the Stewards within the forty-eight (48) hour period after the Stewards' decision on the positive test result is made public, as set forth below.

(f) Once the Stewards' determination of the positive test result for [beta-2 agonists](#), anabolic steroids and a Blood Doping Agent is made public, the successful claimant shall have forty-eight (48) hours thereafter to exercise his or her right to revoke the claim. Such revocation must be in writing and must be submitted to the Stewards within said forty-eight (48) hour time period. If no such revocation is received by the Stewards within the designated forty-eight (48) hour time period, the successful claimant shall forfeit the right to revoke the claim.

(g) If the successful claimant revokes the claim in accordance with this Rule, the Stewards shall order that (i) the horse be returned promptly to the former owner from whom the horse was claimed, and (ii) the claim money be returned promptly to the claimant revoking the claim, regardless of any appeals, hearings or other delays of any type.

(h) The successful claimant shall be responsible for all expenses for the care and maintenance of the horse from the time the horse is transferred to the claimant until the time the horse is returned to the prior owner following revocation of the claim in accordance with this Rule.

(i) In the event a claimed horse suffers a fatality during the running of the race (or on the race track after the running of the race and before control of the horse is transferred to the claimant), or the horse is otherwise removed from the race track in the horse ambulance, the claim shall be declared void by the Board of Stewards unless the claimant notifies the Board of Stewards within fifteen (15) minutes after the race is declared official that the claimant desires for the claim to remain in effect. Any such notice must be provided within said fifteen (15) minute period by the claimant-owner or the claimant-owner's trainer, or by a representative thereof designated in writing for this purpose by the claimant-owner or claimant-owner's trainer to the Board of Stewards prior to the running of the race with respect to which the claim was submitted.

(j) In the event a claimed horse suffers an injury during the running of the race (or on the race track after the running of the race and before control of the horse is transferred to the claimant), but the horse is not removed from the race track in the horse ambulance (i) pursuant to instructions from the Association Veterinarian, (ii) contrary to instructions from the Association Veterinarian, (iii) because of unavailability of a horse ambulance, or (iv) because of other extenuating circumstances (e.g., horse is injured in the race, loses jockey, and runs loose off the track), the Board of Stewards may, after consultation with the Association Veterinarian, declare the claim void unless the claimant notifies the Board of Stewards within fifteen (15) minutes after the race is declared official that the claimant desires for the claim to remain in effect. Any such notice must be provided within said fifteen (15) minute period by the claimant- owner or the claimant-owner's trainer, or by a representative thereof designated in writing for this purpose by the claimant-owner or claimant-owner's trainer to the Board of Stewards prior to e race with respect to which the claim was submitted.