

## TEXAS RACING COMMISSION

P. O. Box 12080 ★ Austin, TX 78711-2080  
8505 Cross Park ★ Austin, TX 78754-4552  
(512) 833-6699 ★ Fax (512) 833-6907



# COMMITTEE ON RULES

Tuesday, May 20, 2014  
11:00 a.m.  
Texas Animal Health Commission  
2105 Kramer Lane  
Austin, Texas 78758

## Agenda

The Committee will accept comments in response to the publication of the following rule proposals in the April 25, 2014, edition of the *Texas Register*:

**A. Proposal to Amend Rule 309.355, Grading System**

This proposal would permit a greyhound association to require a kennel owner to furnish a minimum of 15% of the active greyhounds for 660-yard or longer races.

**B. Proposal to Amend Rule 311.2, Application Procedure**

This proposal would credit certain military service towards the experience requirements of occupational licenses.

**C. Proposal to Amend Rule 313.110, Coupled Entries**

This proposal would permit the uncoupling of horses in certain stakes races.

The Committee will discuss the following requests for rule amendments:

**D. Proposal for New Rule 309.13, Temporary License to Conduct Racing**

This proposal would establish conditions and standards for the granting of a temporary license under Texas Racing Act § 6.15, Racing at Temporary Location.

**E. Proposal to Amend Rule 319.364, Testing for Androgenic-Anabolic Steroids**

This proposal would remove the specific threshold levels for Androgenic-Anabolic Steroids from Rule 319.364 and allow the executive director to specify those levels. This change is consistent with the treatment of other permissible therapeutic medications under Rule 319.3, Medication Restricted.

The public will be given an opportunity to address the Committee and identify any potential subjects that it would like placed on the agenda for discussion at a future Committee meeting.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: March 7 2014

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
8505 Cross Park Drive, Suite 110  
Austin, TX 78754-4552  
Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.state.tx.us](mailto:info@txrc.state.tx.us)

**Contact Information:**

Name:	Sally Briggs	Phone(s):	409/9869500
E-mail address:	sbriggs@gulfgreyhound.com	Fax number:	409/9869700
Mailing address:			

Check appropriate box(s)

Personal Submission *OR*

Submission on behalf of Gulf Greyhound Park/Texas Greyhound Assn.  
(Name of Organization)

If known, Proposed Change to Chapter: Chapter: 309 Rule: 355(n)

If known, Proposed Addition to Chapter: Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

If known, Other Rules Affected by Proposal: Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

#### A. Brief Description of the Issue

There is a current rule in the Texas Rules of Racing (Section 309.355 (n)) which states *"An association may not require a kennel owner to furnish a greyhound of a specific grade or for a specific distance."*

#### B. Discussion of the Issue and Problem

With our current situation, one major problem is the lack of longer distance races that Gulf Greyhound Park can provide to the betting public due to the rule as stated. When looking at a daily race performance, a majority of the races are from the same 550-yard distance and when compared to other greyhound racetracks around the country, the lack of variety can be classified as "boring" and Gulf Greyhound Park loses the attraction of our product. Throughout the years, many top 660-yard distance greyhounds have been forced to leave in order to compete at other racetracks because Gulf Greyhound Park was unable to create any races which also hurts our kennel operators, the greyhound owners that want to try to keep their greyhounds in the state of Texas and once again our live racing product.

#### C. Possible Solutions and Impact

Gulf Greyhound Park and the Texas Greyhound Association would like to change the wording of this rule in order to create more variety of the greyhound races. With the addition of a requirement for each kennel owner to provide a minimum of 15% of the active list of greyhounds for the specific distance of 660-yard or longer races, this will allow Gulf Greyhound Park the capability of competing with other racetracks by providing races over different distances. Historically, the mutuel handle on longer distance races is higher and the addition of the purse money provided by these longer distance races will benefit the kennel owners, as well as the greyhound owners, allowing them the opportunity to keep their greyhounds in the state of Texas and providing Gulf Greyhound Park a more viable product to compete with other racetracks.

#### D. Support or Opposition

There have been many discussions between Gulf Greyhound Park, the Texas Greyhound Association, the Texas Racing Commission Judges at Gulf Greyhound Park and many of the trainers currently in the Gulf Greyhound Park kennel compound. The general consensus is that all parties involved are in agreement with the change of this rule to require a minimum number of five longer distance greyhounds.

#### E. Proposal

The new rule would state *"An Association may require a kennel owner to furnish a minimum of 15% of the active list of greyhounds for 660-yard or longer races. The Association may reduce the active list and available starts until the kennel complies with the rule."*

CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER D. GREYHOUND RACETRACKS

DIVISION 1. OPERATIONS

1 **Sec. 309.355. Grading System**

2 (a)-(m) (No change.)

3 (n) An association may require a kennel owner to furnish a  
4 minimum of 15% of the active list of greyhounds for 660-yard or  
5 longer races. The association may reduce the active list and  
6 available starts until the kennel complies with the rule. [~~An~~  
7 ~~association may not require a kennel owner to furnish a~~  
8 ~~greyhound of a specific grade or for a specific distance.]~~

9 (o) (No change.)

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

1/14/2014

Date of Request: \_\_\_\_\_

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

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Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.texas.gov](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	TRC Staff	Phone(s):	512-833-6699
E-mail address:		Fax number:	512-833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(s)

Personal Submission *OR*

Submission on behalf of TRC Staff  
(Name of Organization)

If known, Proposed Change to Chapter: Chapter: 311 Rule: 2

If known, Proposed Addition to Chapter: Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

If known, Other Rules Affected by Proposal: Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

### **A. Brief Description of the Issue**

Senate Bill 162 (83<sup>rd</sup> Legislature, Regular Session) amends the Occupations Code to require a state agency that issues a license to establish an expedited license procedure for a qualified military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to Texas licensing requirements. The bill provides for the term of an expedited license and requires the agency to determine the requirements for renewing the license.

The bill requires a state licensing agency, with respect to an applicant who is a military service member or military veteran, to credit verified military service, training, or education toward licensing requirements, with certain exceptions, including examination requirements. The bill requires state agencies to adopt rules necessary to credit the service, training, or education of service members or veterans towards licensing requirements.

### **B. Discussion of the Issue and Problem**

Regarding the licensing of military spouse applicants, the Commission's processes already provide for the prompt licensing of those who hold substantially equivalent licenses in other jurisdictions. Staff has been unable to identify an opportunity to further expedite the licensing procedure.

Regarding the licensing of service members and veterans, the Commission's occupational licenses don't require any specific training, education or experience requirements. Trainers and assistant trainers must pass written and practical examinations, and exercise riders, pony persons, jockeys and assistant jockeys must pass practical exams. The Commission will grant other licenses immediately, subject to a subsequent criminal background check.

The Commission may comply with the requirements of SB 162 through a simple rule amendment.

### **C. Possible Solutions and Impact**

Amend Rule 311.2, Application Procedure, to specify that military service members and military veterans will receive credit toward any experience requirements for a license as appropriate for the particular license type and the military service member or veteran's specific experience.

### **D. Support or Opposition**

Staff does not anticipate opposition to this change. At its meeting on April 8, 2014, the Commission approved the publication of this proposal in the *Texas Register* for public comment. To date, staff has not received any comments in response to the publication.

### **E. Proposal**

See next page.

CHAPTER 311. OTHER LICENSES

SUBCHAPTER A. LICENSING PROVISIONS

DIVISION 1. OCCUPATIONAL LICENSES

1 **Sec. 311.2. Application Procedure**

2 (a)-(e) (No change.)

3 (f) Credit for Military Service. Military service members and  
4 military veterans, as defined in Texas Occupations Code, Chapter  
5 55, will receive credit toward any experience requirements for a  
6 license as appropriate for the particular license type and the  
7 specific experience of the military service member or veteran.

OCCUPATIONS CODE

TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING

CHAPTER 55. LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

Sec. 55.001. DEFINITIONS. In this chapter:

- (1) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business.
- (1-a) "Military service member" means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.
- (1-b) "Military spouse" means a person who is married to a military service member who is currently on active duty.
- (1-c) "Military veteran" means a person who has served in the army, navy, air force, marine corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces.
- (2) "State agency" means a department, board, bureau, commission, committee, division, office, council, or agency of the state.

Sec. 55.002. EXEMPTION FROM PENALTY FOR FAILURE TO RENEW LICENSE. A state agency that issues a license shall adopt rules to exempt an individual who holds a license issued by the agency from any increased fee or other penalty imposed by the agency for failing to renew the license in a timely manner if the individual establishes to the satisfaction of the agency that the individual failed to renew the license in a timely manner because the individual was on active duty in the United States armed forces serving outside this state.

Sec. 55.003. EXTENSION OF CERTAIN DEADLINES FOR ACTIVE DUTY MILITARY PERSONNEL. A person who holds a license, is a member of the state military forces or a reserve component of the armed forces of the United States, and is ordered to active duty by proper authority is entitled to an additional amount of time, equal to the total number of years or parts of years that the person serves on active duty, to complete:

- (1) any continuing education requirements; and
- (2) any other requirement related to the renewal of the person's license.

Sec. 55.004. ALTERNATIVE LICENSE PROCEDURE FOR MILITARY SPOUSE. (a) A state agency that issues a license shall adopt rules for the issuance of the license to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States and:

- (1) holds a current license issued by another state that has licensing requirements that are substantially equivalent to the requirements for the license; or
- (2) within the five years preceding the application date held the license in this state that expired while the applicant lived in another state for at least six months.

(b) Rules adopted under this section must include provisions to allow alternative demonstrations of competency to meet the requirements for obtaining the license.

(c) The executive director of a state agency may issue a license by endorsement in the same manner as the Texas Commission of Licensing and Regulation under Section 51.404 to an applicant described by Subsection (a).

Sec. 55.005. EXPEDITED LICENSE PROCEDURE FOR MILITARY SPOUSES. (a) A state agency that issues a license shall, as soon as practicable after a military spouse files an application for a license:

(1) process the application; and

(2) issue a license to a qualified military spouse applicant who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the licensing requirements in this state.

(b) A license issued under this section may not be a provisional license and must confer the same rights, privileges, and responsibilities as a license not issued under this section.

Sec. 55.006. RENEWAL OF EXPEDITED LICENSE ISSUED TO MILITARY SPOUSE.

(a) As soon as practicable after a state agency issues a license under Section 55.005, the state agency shall determine the requirements for the license holder to renew the license.

(b) The state agency shall notify the license holder of the requirements for renewing the license in writing or by electronic means.

(c) A license issued under Section 55.005 has the term established by law or state agency rule, or a term of 12 months from the date the license is issued, whichever term is longer.

Sec. 55.007. LICENSE ELIGIBILITY REQUIREMENTS FOR APPLICANTS WITH MILITARY EXPERIENCE. (a) Notwithstanding any other law, a state agency that issues a license shall, with respect to an applicant who is a military service member or military veteran, credit verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency.

(b) The state agency shall adopt rules necessary to implement this section.

(c) Rules adopted under this section may not apply to an applicant who:

(1) holds a restricted license issued by another jurisdiction; or

(2) has an unacceptable criminal history according to the law applicable to the state agency.

# TEXAS RACING COMMISSION

## COMMITTEE ON RULES

Date of Request: 1/13/2014

### *Request for Proposed Change to an Existing Rule or Addition of a New Rule to the Rules of Racing*

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
 8505 Cross Park Drive, Suite 110  
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 Phone: 512/833-6699 Fax: 512-833-6907  
 email: [info@txrc.state.tx.us](mailto:info@txrc.state.tx.us)

#### Contact Information:

Name:	Rob Werstler	Phone(s):	512-458-5202
E-mail address:	rwerstler@tqha.com	Fax number:	512-458-1713
Mailing address:	706 W. 11 <sup>th</sup> St Elgin, TX 78621		

Personal Submission *OR*

Submission on behalf of Texas Quarter Horse Association  
(Name of Organization)

If known, Proposed Change to Chapter: \_\_\_\_\_, Rule \_\_\_\_\_

If known, Proposed Addition to Chapter: 313.110

If known, Other Rules Affected by Proposal: \_\_\_\_\_

#### A. Brief Description of the Issue

To allow Quarter Horses entered in a race that are owned in whole or in part by the same individual or entity or if the trainer owns an interest in either horse to run as separate betting interests in stakes races with purses in excess of \$100,000.

#### B. Discussion of the Issue and Problem

*Provide background on the issue to build context. Address the following:*

- *What specific problems or concerns are involved in this issue?*
- *Who does the issue affect?*
- *What existing model rules relate to this issue?*

- *Provide relevant quantitative or statistical information if possible.*

It is not uncommon to have multiple horses with common ownership racing in stakes races where trial races determine horses that will compete in the final. In a race that should have ten betting interests we many times only have six or seven betting interests because two or more horses have common ownership. This affects the amount of money wagered on these races which are the best betting races.

### **C. Possible Solutions and Impact**

*Provide possible recommendations to solve the problem. Include details on each proposed solution such as:*

- *What solution does this proposal provide?*
- *How will the solution fix the problem?*
- *How will the change affect any entities or stakeholders?*
- *How will you or your organization be affected by the proposed change?*
- *What are the benefits of the proposed change?*
- *What are the possible drawbacks of the proposed change?*
- *Identify possible fiscal impact of the recommended change.*

Allow the Stewards to have the discretion to allow same owner entries to race as uncoupled entries in Quarter Horse stakes races with purses of at least \$100,000

### **D. Support or Opposition**

*Please identify any affected stakeholder groups that expressed support or opposition. (These stakeholders may include the racetracks, breed registries, owners, kennel owners, trainers, jockeys, veterinarians, or others.)*

- *For those stakeholder groups that have expressed an opinion, please list the points on which they agree or disagree, and the arguments they have expressed.*
- *Are there any affected stakeholder groups that have not been consulted on this proposal?*
- *Please submit any formal letters of support or opposition by stakeholder groups.*

### **E. Proposal**

*Provide rule language you are proposing. If you are proposing that current rule language be eliminated, please ~~strikeout~~ the language to be deleted. Please show new language with underlined text.*

Add section (c) The stewards may allow same owner/trainer entries to race as uncoupled entries in Quarter Horse Stakes races in excess of \$100,000



TEXAS  
THOROUGHBRED  
ASSOCIATION

2014 FEB 20 PM 1:03

TEXAS RACING  
COMMISSION

February 19, 2014

TRC Rules Committee, c/o Chuck Trout  
Texas Racing Commission  
8505 Cross Park Drive, Suite 110  
Austin, TX 78754-4552

Dear Commissioners,

During the January 29, 2014 meeting of the Texas Thoroughbred Association Board of Directors, the members reviewed the proposal by the Texas Quarter Horse Association to amend Rule 313.110 and voted to request a similar change for Thoroughbreds.

It is not uncommon to have multiple horses with common ownership racing in stakes races. Field sizes have already been negatively impacted by the declines in foal crops, and coupled entries may significantly reduce the amount wagered on these races.

After conversation with Class 1 track representatives who expressed their support for a change, we would like to propose the following language:

**CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING**  
**SUBCHAPTER B. ENTRIES, SCRATCHES, AND ALLOWANCES**  
**DIVISION 1. ENTRIES**

**Sec. 313.110 Coupled Entries**

- (a) Not more than two horses that have common interests through ownership, training, or lease may be entered in an overnight race, unless the race is divided.
- (b) If two horses entered in an overnight race of any purse value or a stakes race in which the value of the purse is less than \$50,000 are owned in whole or in part by the same individual or entity, the entry shall be coupled as a single wagering interest.
- (c) In a Thoroughbred stakes race with a purse of at least \$50,000 the stewards may allow two or more horses entered and owned in whole or in part by the same individual or entity to race as an uncoupled entry.

Thank you for your consideration of this issue, and please do not hesitate to contact me if you have any questions.

Respectfully,

*Mary Ruyle*

Mary Ruyle  
Executive Director



Mark Fenner  
General Counsel  
Texas Racing Commission  
P.O. Box 12080  
Austin, TX 78711

Dear Mark,

I would like to amend my rule change request for rule 313.110 to read:

(c) In stakes races with a purse of at least \$50,000 the stewards may allow two or more horses owned in whole or in part by the same individual or entity to race as separate wagering interests.

I have spoken to Mary Ruyle with the TTA and she supports this amendment.

I plan to attend the March 21 Rules Committee meeting.

Sincerely,

Rob Werstler  
Director of Racing

A handwritten signature in black ink that reads 'Rob Werstler'. The signature is written in a cursive, flowing style.

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING  
SUBCHAPTER B. ENTRIES, SCRATCHES, AND ALLOWANCES  
DIVISION 1. ENTRIES

1 **Sec. 313.110 Coupled Entries**

2 (a) Not more than two horses that have common interests through  
3 ownership, training, or lease may be entered in an overnight  
4 race, unless the race is divided.

5 (b) Except as provided by subsection (c), if [~~If~~] two horses  
6 entered in a race are owned in whole or in part by the same  
7 individual or entity, the entry shall be coupled as a single  
8 wagering interest.

9 (c) In stakes races with a purse of at least \$50,000, the  
10 stewards may allow two or more horses owned in whole or in part  
11 by the same individual or entity to race as separate wagering  
12 interests.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: May 13, 2014

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

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email: [info@txrc.texas.gov](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	Brian C. Newby	Phone(s):	817 877-2825
E-mail address:	bnewby@canteyhanger.com	Fax number:	817 878-2807
Mailing address:	600 West 6 <sup>th</sup> Street, Suite 300, Fort Worth, Texas 76102		

Check appropriate box(s)

<input type="checkbox"/>	Personal Submission <i>OR</i>
<input checked="" type="checkbox"/>	Submission on behalf of <u>Saddle Brook Park, LLC</u> (Name of Organization)

<input type="checkbox"/>	If known, Proposed Change to Chapter:	Chapter: _____	Rule: _____
<input checked="" type="checkbox"/>	If known, Proposed Addition to Chapter:	Chapter: <u>309</u>	Rule: <u>309.13</u>
<input type="checkbox"/>	If known, Other Rules Affected by Proposal:	Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____
		Chapter: _____	Rule: _____

## A. Brief Description of the Issue

### Renewal of a Temporary License Prior to its Expiration

According to § 6.15 of the Texas Racing Act, after an association has been granted a license to operate a racetrack and before the completion of construction at the designated place for which the license was issued, the commission may, on application by the association, issue a temporary license that permits the association to conduct races at a location in the same county. The originally granted temporary license allows an association to hold races at a location in the same county for a period of two years. The Act specifies that “after a temporary license has **expired**, no individual, corporation, or association, nor any individual belonging to a corporation or association which has been granted a temporary license, **may get an extension** of the temporary license or a new temporary license.” (emphasis added). A careful reading of the Act clearly shows the Texas legislature gave the Texas Racing Commission (“the Commission”) the authority to set the conditions and standards for issuance of a temporary license. Because the Act only specifies that a temporary license may not be renewed *after it has expired*, the language of the Act reserves the authority for the Commission to renew a license prior to its expiration.

An applicant for license must pay all application fees as set forth in § 6.15 of the Texas Racing Act. Saddle Brook has paid all annual licensing fees in a timely manner since the original Class II license was granted in October 2012. This includes a \$230,000 fee for 2013 (paid in advance) and the monthly fees for 2014, paid monthly, which will total \$230,000 - not an insignificant ongoing financial investment. Additionally, wagering on simulcast races conducted by Saddle Brook has generated approximately \$5 million in total handle since December 2012, generating over \$250,000 in combined purse money and breeder’s awards for our state’s horsemen. This incremental wagering handle and revenue for the industry is being generated from a region of the state whose residents have no other viable in-state access to watch and wager on pari-mutuel racing.

*There is no prohibition against renewing a temporary license prior to its expiration in the Act or the Rules.* As such, the Commission has the power to renew a temporary license prior to its expiration. In considering whether to renew a temporary license, the Commission should apply the factors it uses to determine whether a license holder has taken actions to demonstrate good faith efforts to conduct live racing. These factors include the following criteria:

- (1) presently conducting pre-opening simulcasting;**
- (2) simulcasting or live racing is imminent...**

*See 16 Tex. Admin. Code § 309.51.*

Saddle Brook is presently conducting simulcasting and has demonstrated its good faith efforts to conduct live racing. As it has consistently set forth to the Commission, Saddle Brook intends to conduct live racing as soon as it is economically feasible to finance and construct its track. Therefore, in consideration of these factors, the Commission should renew Saddle Brook’s temporary license prior to its expiration in October 2014.

## **B. Discussion of the Issue and Problem**

*Provide background on the issue to build context. Address the following:*

- *What specific problems or concerns are involved in this issue?*
- *Who does the issue affect?*
- *What existing model rules relate to this issue?*
- *Provide relevant quantitative or statistical information if possible.*

### **The State of Racing in Texas**

The current state of racing in Texas is no mystery to those in the industry and to state officials, including members of the Commission. As you know, the 81<sup>st</sup> Legislature passed House Concurrent Resolution 252 (HCR 252) calling for a study of the horse and greyhound racing industry in Texas. Although the measure was vetoed by Governor Perry, the Commission nonetheless conducted the study and filed a report to the Governor, Lieutenant Governor and Speaker of the House of Representatives on January 13, 2011. The report, entitled *The Study of the Current State of Horse and Greyhound Racing in Texas and Industry Recommendations for Improvement*, indicated the Texas racing industry has suffered decline in virtually every measurable category. The report noted that several tracks have shut down, some Class 1 and 2 tracks had ceased operations for live racing and the success of out-of-state race tracks fueled the loss of purse money to nearby states. The report also noted that New Mexico has five race tracks, Oklahoma has three race tracks and Louisiana has four race tracks, all of which also have slot machines. In addition, the states have some form of casino gambling. With the tremendous draw of racing away from the state of Texas, coupled with illegal gaming and internet wagering, Texas lost its position to its neighboring states as a leader in the pari-mutuel racing industry. For example, in 1998, total handle at Texas pari-mutuel tracks stood at over \$477 million. By 2013, per the *2013 Annual Report* of the Commission, the totals had declined to \$316 million, and are declining still today. Annual purse money for Texas owners, breeders and trainers has declined from approximately \$40 million in 1998, to less than \$27 million in 2013. As the industry suffers decline, breeding operations, training and veterinarians continue to leave the state for greener pastures in states with higher purses and greater breeding incentives.

Saddle Brook began simulcasting in December 2012. As a licensed, yet unbuilt track, Saddle Brook must contend with the need to secure reasonable financing for the construction of a \$10 to \$20 million dollar horse race facility in an era of declining revenues. An increase in the time period for pre-opening simulcast was proposed during the 83<sup>rd</sup> legislative session by Senator Kel Seliger, favorably passed by the Senate Finance Committee, approved by the full Senate and passed out of the House Licensing and Administration Committee. Senate Bill 1340 was a simple change to the Act to allow licensed, but unbuilt horse tracks, to offer pre-opening simulcasting for a period not to exceed six years (4 year extension) before they began live racing. SB 1340 had the support of the Texas-based American Quarter Horse Association, Texas Quarter Horse Association, Texas HORSE, Texas Thoroughbred Association, and Texas Horsemen's Partnership. SB 1340's inevitable final passage into law became a victim of the time constraints experienced at the end of the legislative session.

The Texas Racing Commission has the authority to designate a race track license as an active license or an inactive license under Section 6.0601 of the Texas Racing Act:

I:\GENERAL LITIGATION\BNEWBY\Saddle Brook Jockey (106527)\RuleChangeProposal 05 13 14.doc; O:\Cmsn-Cmtes&WrkgGrps\Rules

## Sec. 6.0601. Designation Of Active And Inactive Racetrack Licenses

(a) The commission shall designate each racetrack license as an active license or an inactive license. The commission may change the designation of a racetrack license as appropriate.

(b) The commission shall designate a racetrack license as an active license if the license holder:

- (1) holds live racing events at the racetrack; or
- (2) makes good faith efforts to conduct live racing.

...

(e) An active license is effective until the license is designated as an inactive license or is surrendered, suspended, or revoked under this Act.

As an active–other license holder, Saddle Brook effectively holds that status of license until it is surrendered, suspended, revoked, or changed to inactive by the Commission, and is required to comply with the Act and the Rules. Approval of the proposed renewal process will not run afoul of statutory license designation. Continuing a licensee’s status is also addressed in the current rules.

### RULE §309.1 Racetrack Licenses

...

*(b) Duration of License. The Commission may suspend, revoke or change the designation of a license in accordance with the Act and these rules. By agreement with the Commission, an association may voluntarily surrender a racetrack license for suspension or revocation.*

*(c) Conditions.*

*(1) Except as otherwise provided by this section, a license issued by the Commission is a privilege, not a right, and is conditioned on the licensee's compliance with the Act and the Rules.*

*(2) If the Act or a rule is amended, the continued holding of a license is conditioned on the licensee's compliance with the Act or rule as amended. ...*

Being an active-other license holder comes with a number of specific requirements that must be met by Saddle Brook and the Commission continues to have its oversight.

### RULE §309.51 reads in part:

*(2) "Active-Other" means the license holder has applied for and received pending live race dates under §303.41 of this title (relating to Allocation of Race Dates), and taken the following actions to demonstrate good faith efforts to conduct live racing:*

*(A) is presently conducting pre-opening simulcasting;*

*(B) has demonstrated that the conduct of simulcast or live racing is imminent. Factors the Commission may consider include, but are not limited to, the license holder's:*

- (i) securing sufficient financial commitments to fund construction of the racetrack facility;*
- (ii) securing the real property of the designated racetrack location for which the racetrack license was granted, either by purchase or through a long-term lease of 20 years or more;*
- (iii) entering into contracts for the construction of the simulcasting and racetrack facilities;*

*(iv) securing Commission approval of the racing facility's construction plans;*

*(v) securing permits and utilities necessary for the construction of the racing facilities;*

*(vi) beginning and sustaining construction of the simulcasting or live racing facilities; and  
(vii) providing to the Commission a construction and operations management schedule demonstrating that simulcasting is imminent and that the facilities will be ready to conduct live racing by the beginning of the approved live race dates; or*

*(C) voluntarily providing a bond under subsection (e) of this section to ensure that the license holder conducts pre-opening simulcasting and completes the pending allocated live race dates*

Saddle Brook has been consistent in its position that to be viable in today's horse racing industry, a license holder must be able to prove to potential lenders a reliable and steady revenue stream, from pre-opening simulcasting, in order to secure financing for the construction of a \$10-20 million live racing facility. Saddle Brook has shown a record of success to the Commission and the industry. If racing is to survive, a license renewal must be put in place to allow sufficient time for an Active-Other license holder to show stable revenues and the ability to repay the financial outlays of banks or other investors.

### **C. Possible Solutions and Impact**

*Provide possible recommendations to solve the problem. Include details on each proposed solution such as:*

- *What solution does this proposal provide?*
- *How will the solution fix the problem?*
- *How will the change affect any entities or stakeholders?*
- *How will you or your organization be affected by the proposed change?*
- *What are the benefits of the proposed change?*
- *What are the possible drawbacks of the proposed change?*
- *Identify possible fiscal impact of the recommended change.*

It is important to the horse racing and breeding industry to continue license holder presence in the Panhandle of Texas. Saddle Brook has been an outstanding Active-Other license holder, experienced, financially viable and willing to work with the Commission to find solutions to issues that are in the best interest of the industry. Allowing a renewal of the license will allow Saddle Brook to continue increasing simulcast revenues while continuing support for purses and breeders awards. Such a renewal will **not** be an expansion of wagering from the current status of legal pari-mutuel wagering in this state. This ability to renew would also positively affect the following entities: (1) Any Active-Other license holder(s) which meet the Commission's criteria for renewal, and be a positive step to ensuring the viability of racing in the state; (2) the Commission, through continued support by licensing fees; and (3) the Texas horse racing and breeding industries through the continued contributions to breeder awards and purses. A reduction of Active-Other license holders will have the opposite effect and continue the declining status of racing in the state.

### **D. Support or Opposition**

*Please identify any affected stakeholder groups that expressed support or opposition. (These stakeholders may include the racetracks, breed registries, owners, kennel owners, trainers, jockeys, veterinarians, or others.)*

- *For those stakeholder groups that have expressed an opinion, please list the points on which they agree or disagree, and the arguments they have expressed.*
- *Are there any affected stakeholder groups that have not been consulted on this proposal?*
- *Please submit any formal letters of support or opposition by stakeholder groups.*

**Please see Attachments A-C for stakeholder support.**

## **E. Proposal**

*Provide rule language you are proposing. If you are proposing that current rule language be eliminated, please strikeout the language to be deleted. Please show new language with underlined text.*

### **309.13. Temporary License to Conduct Racing.**

(a) Issuance of Temporary License. Upon written application by an association, the Commission may issue the association a temporary license to conduct racing at a location other than the designated location if:

- (1) the association currently holds a valid racing license from the Commission;
- (2) the association has not completed construction of its facilities at its designated location;
- (3) the temporary location is located within the same county as the designated location;
- (4) the conduct of racing at the temporary location complies with all zoning laws;
- (5) the association owes no outstanding debts to the Commission for fees or bonds;
- (6) the Commission has granted future live race dates to the association; and
- (7) the Commission finds that issuing the temporary license is in the public interest.

(b) Form of Written Application. An association's written application for a temporary license shall include:

- (1) a description of the association's existing facilities at its designated location;
- (2) a description and site map of the proposed temporary location;
- (3) plans or schematic drawings of the proposed temporary facilities, including parking and any proposed improvements;
- (3) a management and business plan describing the association's strategy for funding and completing construction of its permanent facility within two years;
- (4) financial statements reflecting the assets and liabilities of the association;
- (5) a map and inventory reflecting the current residential, commercial, industrial, religious and government uses for all property within one-half mile of the proposed temporary location;
- (6) resumes and required background disclosure forms for all key management personnel; and
- (7) any other information required by the Commission.

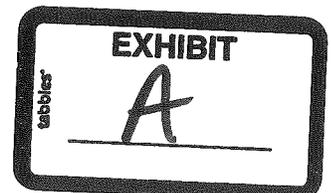
(c) Expiration of Temporary License. Except as provided in subsection (d) of this section, a temporary license expires two years after the date of issuance of the temporary license to the association or on the completion of the permanent facility, whichever occurs first.

(d) Extension of Temporary License. Before the expiration of a temporary license, the Commission may grant an association a two-year extension of the temporary license. To request an extension, the association must submit a request in writing that includes a detailed management and business plan. Any such request filed prior to January 1, 2015, must be submitted no later than thirty (30) days before the expiration of the temporary license. Any such request filed on or after January 1, 2015, must be filed no later than one hundred eighty (180) days prior to the expiration of the temporary license. The timely filing of a request shall extend the temporary license until the Commission acts to either extend or refuses to extend the temporary license. If the Commission approves an extension of the temporary license, the association shall make a progress report to the Commission after one year of the extension.



Date: May 17, 2013  
For: Representative Tracy King  
Re: Letter of Horse Industry Support for SB 1340

Following is a 2-page letter of horse industry support for SB 1340 that has been signed by officials of Texas Arabian Breeders Association, Texas Paint Horse Breeders Association, Texas Quarter Horse Association, Texas Thoroughbred Association, Texas Horsemen's Partnership, American Quarter Horse Association and American Paint Horse Association.



**Senate Bill 1340****Author: Senator Kel Seliger****House Sponsor: Representative Tracy King****To Whom It May Concern:**

Several bills were filed this session that had the potential to sustain, and to varying degrees, revitalize the struggling Texas horse industry. SB 1340 is now our last opportunity to do so.

This bill is simply an extension of an existing authority previously granted by the legislature. It changes one word in the current Texas Racing Act, extending the time period from 2 years up to 6 years, for licensed but yet unbuilt racetracks to offer pre-opening simulcasting. The bill does not expand the footprint of gaming, does not authorize new forms of gaming or authorize any new racetrack locations. SB 1340 does not provide any mechanism to allow a currently licensed racetrack to move its location outside of the county in which it is currently licensed.

Pre-opening simulcasting provides exposure for the sport in new areas, with opportunities for fan education and development prior to the conduct of live racing. It is also a means whereby owners and breeders who cannot travel to a distant racetrack may watch and wager on their horses.

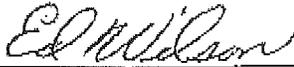
It also generates purse money and breed incentive awards, not only for racing at that particular track when it becomes fully operational, but funds that can be transferred to other racetracks for immediate use and benefit of the industry.

With the ability to offer pre-opening simulcasting for a number of years, these unbuilt tracks can prove a consistent, reliable revenue stream to potential lenders.

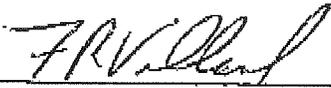
While this legislation will not immediately enable us to be competitive at the level we would like, it will be a step toward that goal.

For all these reasons, SB 1340 as passed by the Texas Senate and then by the House Committee on Licensing and Administrative Procedures, and now presented for consideration by the Texas House of Representatives has the full support of the Texas Arabian Breeders Association, the Texas Paint Horse Association, the Texas Quarter Horse Association, the Texas Thoroughbred Association, the Texas Horsemen's Partnership and the Texas-based American Quarter Horse Association and American Paint Horse Association, as evidenced by the signatures below.

SB 1340 as passed by the Texas Senate, the House Committee on Licensing and Administrative Procedures, and now presented for consideration by the Texas House of Representatives has the full support of:



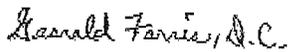
Texas Arabian Breeders Association



Texas Paint Horse Breeders Association



Texas Quarter Horse Association



Texas Thoroughbred Association



Texas Horsemen's Partnership



American Quarter Horse Association



American Paint Horse Association

**From:** Texas Thoroughbred Association [<mailto:denis@texasthoroughbred.ccsend.com>] **On Behalf Of**  
Texas Thoroughbred Association  
**Sent:** Friday, May 17, 2013 3:35 PM  
**To:** [jeff@jeffhooper.net](mailto:jeff@jeffhooper.net)  
**Subject:** URGENT - Contact Your Representative Now!

## Texas Thoroughbred Association May 17, 2013

### TTA Member Alert

**Your immediate action is needed!** SB 1340 (Seliger), now carried by Representative Tracy King in the House, was voted favorably out of the House Licensing and Administrative Procedures Committee and should advance for consideration on the House floor early next week.

Please contact your personal State Representative as soon as possible, to ask for his/her support of this bill. Be sure to thank the member for his/her time and emphasize that this measure will generate funds vital to the horse racing and breeding industry.

This bill extends the time authorized in the Texas Racing Act for a licensed but yet unbuilt racetrack to offer pre-opening simulcasting from 2 years to 6 years, generating several million dollars in incremental purse money and breeders awards each year. SB 1340 is a pro-business, economic development bill that also helps agriculture and the Texas horse industry by allowing us to move toward competitiveness with our neighboring states.

TALKING POINTS ARE ATTACHED HERE: [SB 1340](#)

**Given the short time period, this bill is likely our only hope to pass beneficial legislation in this session. Thank you!**





[Forward email](#)



*Try it FREE today.*

This email was sent to [jeff@jeffhooper.net](mailto:jeff@jeffhooper.net) by [maryr@texasoroughbred.com](mailto:maryr@texasoroughbred.com) |  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).  
Texas Thoroughbred Association | 1016 La Posada, Suite 130 | Austin | TX | 78752

-----Original Message-----

From: Mary Ruyle [mailto:maryr@texasoroughbred.com]

Sent: Friday, May 17, 2013 3:09 PM

To: tracy.king@house.state.tx.us; sam.bacarissee@house.state.tx.us; kel.seliger@senate.state.tx.us;  
chris.munson@senate.state.tx.us

Cc: 'Tommy'; 'Jeff Hooper'; 'Val Clark'; 'Rob Werstler'; hbpa@aol.com; 'Ed Wilson'; panchov@gvlaw.net;  
billys@apha.com; wstutz@aqha.org; Jackie Rich; janjhaynes@aol.com; jthays0606@aol.com; Gearald Farris;  
rlewis7752@aol.com

Subject: Letter of Support for SB 1340

Gentlemen,

Attached you will find a letter of horse industry support for SB 1340. This letter can help to be a major part of a compelling case to the Governor's office.

Please note that the Texas horse industry is requesting support for SB 1340 AS CURRENTLY WRITTEN.

Our Texas horse racing industry desperately needs the purse money and Accredited Texas-Bred Awards monies that SB 1340 will help to generate.

The bill as written is limited to licensed Texas racetracks that have gone through a rigorous licensing procedure and remain in good standing with the Texas Racing Commission, and continue to pay their \$235,000 per year annual license renewal fees. Only tracks that exercise good faith in making progress toward the construction and use of a live racing facility (and that have gone through the process of being granted live race dates by the Racing Commission) can utilize the simulcasting privileges.

Your efforts to pass this beneficial legislation are deeply appreciated by all involved in the Texas horse industry. Please let us know of anything we can do to help.

Thank you,

Mary Ruyle  
Executive Director  
Texas Thoroughbred Association  
PO Box 14967  
Austin, TX 78761  
512.458.6133  
512.453.5919 fax  
[maryr@texasoroughbred.com](mailto:maryr@texasoroughbred.com)



CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER A. RACETRACK LICENSES

DIVISION 1. GENERAL PROVISIONS

1 309.13. Temporary License to Conduct Racing.

2 (a) Issuance of Temporary License. Upon written application by  
3 an association, the Commission may issue the association a  
4 temporary license to conduct racing at a location other than the  
5 designated location if:

6 (1) the association currently holds a valid racing license  
7 from the Commission;

8 (2) the association has not completed construction of its  
9 facilities at its designated location;

10 (3) the temporary location is located within the same  
11 county as the designated location;

12 (4) the conduct of racing at the temporary location  
13 complies with all zoning laws;

14 (5) the association owes no outstanding debts to the  
15 Commission for fees or bonds;

16 (6) the Commission has granted future live race dates to  
17 the association; and

18 (7) the Commission finds that issuing the temporary  
19 license is in the public interest.

20 (b) Form of Written Application. An association's written  
21 application for a temporary license shall include:

22 (1) a description of the association's existing facilities  
23 at its designated location;

24 (2) a description and site map of the proposed temporary  
25 location;

26 (3) plans or schematic drawings of the proposed temporary  
27 facilities, including parking and any proposed  
28 improvements;

- 1       (3) a management and business plan describing the  
2       association's strategy for funding and completing  
3       construction of its permanent facility within two years;  
4       (4) financial statements reflecting the assets and  
5       liabilities of the association;  
6       (5) a map and inventory reflecting the current residential,  
7       commercial, industrial, religious and government uses for  
8       all property within one-half mile of the proposed  
9       temporary location;  
10      (6) resumes and required background disclosure forms for  
11      all key management personnel; and  
12      (7) any other information required by the Commission.

13 (c) Expiration of Temporary License. Except as provided in  
14 subsection (d) of this section, a temporary license expires two  
15 years after the date of issuance of the temporary license to the  
16 association or on the completion of the permanent facility,  
17 whichever occurs first.

18 (d) Extension of Temporary License. Before the expiration of a  
19 temporary license, the Commission may grant an association a  
20 one-time, two-year extension of the temporary license. To  
21 request an extension, the association must submit a request in  
22 writing that includes a detailed management and business plan  
23 describing the association's strategy for funding and completing  
24 construction of its permanent facility within the period of the  
25 extension. Any such request filed prior to January 1, 2015,  
26 must be submitted no later than thirty (30) days before the  
27 expiration of the temporary license. Any such request filed on  
28 or after January 1, 2015, must be filed no later than one  
29 hundred eighty (180) days prior to the expiration of the  
30 temporary license. The timely filing of a request shall extend  
31 the temporary license until the Commission acts to either extend  
32 or refuse to extend the temporary license. If the Commission

1 approves an extension of the temporary license, the association  
2 shall make a progress report to the Commission after one year of  
3 the extension.

4 (e) Bond. The Commission may condition the issuance of a  
5 temporary license under subsection (a) of this section or the  
6 extension of a temporary license under subsection (b) of this  
7 section upon the association's submission of a bond under  
8 subsection (e) of Section 309.51 (relating to Designation of  
9 Active and Inactive Racetrack Licenses) of this Chapter.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: May 12, 2014

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
8505 Cross Park Drive, Suite 110  
Austin, TX 78754-4552  
Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.texas.gov](mailto:info@txrc.texas.gov)

**Contact Information:**

Name:	TXRC Staff	Phone(s):	(512) 833-6699
E-mail address:	<a href="mailto:info@txrc.texas.gov">info@txrc.texas.gov</a>	Fax number:	(512) 833-6907
Mailing address:	8505 Cross Park Drive, Suite 110, Austin, Texas 78754		

Check appropriate box(s)

Personal Submission *OR*

Submission on behalf of TXRC Staff  
(Name of Organization)

If known, Proposed Change to Chapter: Chapter: 319 Rule: 364

If known, Proposed Addition to Chapter: Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

If known, Other Rules Affected by Proposal: Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

### **A. Brief Description of the Issue**

Commission Rule 319.364, Testing for Androgenic-Anabolic Steroids, establishes specific urine threshold concentrations for the steroids Winstrol, Boldenone, Nandrolone, and Testosterone. This rule was originally adopted in 2009, and at the time, the Association of Racing Commissioners International (ARCI) had adopted model rules specifying thresholds in urine only. However, at its meeting on December 9, 2013, ARCI adopted revisions to the model rules that eliminated Winstrol as a permissible steroid and establishing thresholds in urine, plasma, and serum for the remaining steroids.

### **B. Discussion of the Issue and Problem**

The Commission recently adopted changes to Rule 319.3, Medication Restricted, that allows the executive director to determine the threshold levels for most permissible therapeutic medications. This change allows the Commission to regulate these medications more effectively by providing the flexibility to adopt ARCI's changes more quickly. The approach taken in Rule 319.364, which establishes specific thresholds by rule, is inconsistent with the approach taken in Rule 319.3.

In addition, the Texas Veterinary Medical Diagnostic Laboratory (TVMDL) has recently expressed interest in conducting tests for steroids using plasma and/or serum, rather than using urine only. TVMDL expressed this interest because testing in plasma or serum is faster and more cost-effective than testing in urine alone.

### **C. Possible Solutions and Impact**

The proposed change would remove the specific thresholds for steroids from Rule 319.364 and allow the executive director to establish thresholds under the authority provided by Rule 319.3. This will provide more flexibility to follow the guidance provided by ARCI through its model rules and its Uniform Classification of Foreign Substances.

As a result of these changes, the list of permissible medications maintained under Rule 319.3 would be modified to add the following language, which is adapted from ARCI Model Rule ARCI-011-020 Medications and Prohibited Substances, Subpart I, Androgenic-Anabolic Steroids.

No Androgenic-Anabolic Steroids (AAS) shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances boldenone, nandrolone, and testosterone at concentrations less than the indicated thresholds.

Concentrations of these AAS shall not exceed the following free (*i.e.*, not conjugated) steroid concentrations in plasma or serum:

(a) Boldenone – A confirmatory threshold not greater than 25 picograms/milliliter for all horses, regardless of sex;

(b) Nandrolone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and geldings; males horses other than geldings shall be tested for Nandrolone in urine;

(c) Testosterone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and gelding.

(3) Total concentrations of these AAS shall not exceed the following total concentrations in urine after hydrolysis of conjugates:

(a) Boldenone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 15 nanograms/milliliter in male horses other than geldings;

(b) Nandrolone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 45 nanograms/milliliter (as 5 $\alpha$ -estrane-3 $\beta$ ,17 $\alpha$ -diol) of urine in male horses other than geldings;

(c) Testosterone – A confirmatory threshold of not greater than 55 nanograms/milliliter of urine in fillies and mares (unless in foal); a confirmatory threshold of not less than 20 nanograms/milliliter in geldings

#### **D. Support or Opposition**

Staff is not aware of any opposition to this proposal. The proposal was discussed at the Rules Committee meeting on March 26, 2014, without opposition.

#### **E. Proposal**

See next page.

CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

SUBCHAPTER D. DRUG TESTING

DIVISION 3. PROVISIONS FOR HORSES

1 **Sec. 319.364. Testing for Androgenic-Anabolic Steroids (AAS).**

2 (a) No androgenic-anabolic steroids shall be permitted in test  
3 samples collected from racing horses except as permitted on the  
4 written list of therapeutic drugs maintained under Section 319.3  
5 (relating to Medication Restricted) of this Chapter. [~~for~~  
6 ~~residues of the major metabolite of stanozolol, nandrolone, and~~  
7 ~~the naturally occurring substances boldenone and testosterone at~~  
8 ~~concentrations less than the indicated thresholds.]~~

9 [~~(b) Concentrations of these androgenic anabolic steroids shall~~  
10 ~~not exceed the following urine threshold concentrations for~~  
11 ~~total (i.e., free drug or metabolite and drug or metabolite~~  
12 ~~liberated from its conjugates):~~]

13 [~~(1) 16 $\beta$ -hydroxystanozolol (metabolite of stanozolol~~  
14 ~~(Winstrol))--1 ng/ml in urine for all horses regardless of sex:]~~

15 [~~(2) Boldenone (Equipoise<sup>®</sup> is the undecylenate ester of~~  
16 ~~boldenone) in male horses other than geldings--15 ng/ml in~~  
17 ~~urine. No boldenone shall be permitted in geldings or female~~  
18 ~~horses.]~~

19 [~~(3) Nandrolone (Durabolin<sup>®</sup> is the phenylpropionate ester~~  
20 ~~and Deca Durabolin<sup>®</sup> is the decanoate ester)]~~

21 [~~(A) In geldings--1 ng/ml in urine]~~

22 [~~(B) In fillies and mares 1 ng/ml in urine]~~

23 [~~(4) Testosterone]~~

24 [~~(A) In geldings--20 ng/ml in urine]~~

25 [~~(B) In fillies and mares 55 ng/ml in urine]~~

26 (b)[(e)] Any other anabolic steroids are prohibited in racing  
27 horses.

28 (c)[(d)] The sex of the horse must be identified to the  
29 laboratory on all pre-race and post-race samples designated for  
30 AAS testing. [~~Post race urine samples must have the sex of the~~  
31 ~~horse identified to the laboratory.]~~

CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

SUBCHAPTER D. DRUG TESTING

DIVISION 3. PROVISIONS FOR HORSES

1 (d)[(e)] If an anabolic steroid has been administered to a horse  
2 in order to assist in its recovery from illness or injury, that  
3 horse may be placed on the Veterinarian's List in order to  
4 monitor the concentration of the drug or metabolite in urine or  
5 blood. [Any horse to which an anabolic steroid has been  
6 administered in order to assist in the recovery from illness or  
7 injury may be placed on the veterinarian's list in order to  
8 monitor the concentration of the drug or metabolite in urine.]  
9 After the concentration has fallen below the designated  
10 threshold for the administered androgenic-anabolic steroids,  
11 the horse is eligible to be removed from the list.

## ARCI Model Rule - Amended Effective December 9, 2013

- (6) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to these rules shall be placed on a Bleeder List in this jurisdiction.

### H. Environmental Contaminants and Substances of Human Use

COMMITTEE NOTE: Consortium says that potential substances identified in this section will be put through the same scientific review process in order to determine whether a threshold concentration can be established.

- (1) The following substances can be environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases:
- (2) The following drugs are recognized as substances of human use and addiction and which could be found in the horse due to its close association with humans:
- (3) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination, including inadvertent exposure due to human drug use, or dietary intake, or is endogenous to the horse, those factors should be considered in mitigation of any disciplinary action taken against the affected trainer. Disciplinary action shall only be taken if test sample results exceed the regulatory thresholds in the most recent version of the ARCI Endogenous, Dietary, or Environmental Substances Schedule.

### I. Androgenic-Anabolic Steroids (AAS)

- (1) No AAS shall be permitted in test samples collected from racing horses except for ~~residues- endogenous concentrations~~ of the ~~major metabolite of stanozolol, nandrolone, and the~~ naturally occurring substances **boldenone, nandrolone,** and testosterone at concentrations less than the indicated thresholds.
- (2) Concentrations of these AAS shall not exceed the following ~~urine free (i.e., not conjugated) steroid concentrations in plasma or serum: threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):~~
  - (a) Boldenone – A confirmatory threshold not greater than 25 picograms/milliliter for all horses, regardless of sex;
  - (b) Nandrolone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and geldings; males horses other than geldings shall be tested for Nandrolone in urine (see (2)(b)(B) below);
  - (a) Testosterone – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and gelding. (Equipoise® is the undecylenate ester of boldenone) in male horses other than geldings: 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses 16β-hydroxystanozolol (metabolite of stanozolol (Winstrol)) – 1 ng/ml in urine for all horses regardless of sex;

~~(b) Boldenone (Equipoise® is the undecylenate ester of boldenone) in male horses other than geldings: 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses;~~

~~(c) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester)~~

~~(A) In geldings—1 ng/ml in urine~~

~~(B)(c) In fillies and mares—1 ng/ml in urine;~~

~~(d) Testosterone~~

~~(A) In geldings—20 ng/ml in urine~~

~~(B) In fillies and mares—55 ng/ml in urine.~~

(3) Total concentrations of these AAS shall not exceed the following total concentrations in urine after hydrolysis of conjugates:

(a) Boldenone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 15 nanograms/milliliter in male horses other than geldings;

(b) Nandrolone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 45 nanograms/milliliter (as 5 $\alpha$ -estrane-3 $\beta$ ,17 $\alpha$ -diol) of urine in male horses other than geldings;

(c) Testosterone – A confirmatory threshold of not greater than 55 nanograms/milliliter of urine in fillies and mares (unless in foal); a confirmatory threshold of not less than 20 nanograms/milliliter in geldings

~~(3) Any other AAS are prohibited in racing horses.~~

(4) Any other AAS are prohibited in racing horses.

~~(4)(5) Post race urine samples must have the sex of the horse identified to the laboratory~~The sex of the horse must be identified to the laboratory on all pre-race and post-race samples designated for AAS testing.

~~(5)(6) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine.~~If an anabolic steroid has been administered to a horse in order to assist in its recovery from illness or injury, that horse may be placed on the Veterinarian's List in order to monitor the concentration of the drug or metabolite in urine or blood. After the concentration has fallen below the designated threshold for the administrated AAS, the horse is eligible to be removed from the list.