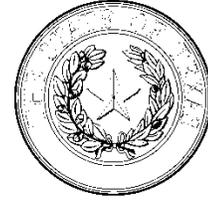


TEXAS RACING COMMISSION

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



COMMITTEE ON OUT OF COMPETITION TESTING

Tuesday, November 1, 2016
10:30 a.m.
Retama Park
1 Retama Parkway
Selma, TX 78154

Agenda

The Committee will discuss the following requests for new rules and rule amendments.

- Proposal to Establish Out of Competition Drug Prohibitions and Testing Program. This proposal would prohibit the use of the following drugs or substances at any time: Class 1, 2 and 3 drugs that carry a Class A penalty; blood doping substances; gene doping substances; clenbuterol; and androgenic-anabolic steroids. It would also authorize the Commission to conduct out-of-competition drug testing to ensure compliance.
- Proposal to Prohibit Paper/Program Trainers. This proposal would prohibit the practice of listing one person as the trainer of a horse when the horse is actually under the control of and trained by another person who may or may not hold a current trainer's license in any jurisdiction.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

Date of Request: 10/24/16

***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

Contact Information:

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

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission
(Name of Organization)

Proposed Change to (if known): Chapter: _____ Rule: _____

Proposed Addition to (if known): Chapter: 319 Rule: 365

Other Rules Affected by Proposal (if any): Chapter: 319 Rule: 304

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA §§3.02, 3.16

A. Brief Description of the Issue

With the present use of modern, but prohibited, training additives such as gene doping and blood doping substances, as well as the use of androgenic-anabolic steroids and substances with similar effects, the Commission should adopt Out of Competition Testing rules to allow it to implement a testing program to detect and deter these prohibited practices.

B. Discussion of the Issue and Problem

A horse's performance benefits from the use of prohibited gene and blood doping substances and androgenic-anabolic steroidal substances, even when use of those substances ends far enough in advance of a race that the test laboratory is unable to detect them in a post-race sample.

A number of jurisdictions have enacted Out of Competition Testing Rules to allow them to test for these substances. However, the jurisdictions' rules are not uniform and ARCI is evaluating its Model Rule for modernization.

C. Possible Solutions and Impact

The attached proposal for new Rule 319.365 is based largely on rules adopted by New Mexico, Kentucky, ARCI, and a draft proposal that is being considered by the CHRB. Copies of these are attached.

The proposal prohibits blood doping, gene doping, androgenic-anabolic steroids, and clenbuterol. It provides the Commission with broad authority to conduct such testing and requires the owner and trainer of a selected horse to cooperate. It provides that trainers may use steroids and clenbuterol for therapeutic reasons as long as the subject horse is first placed on the veterinarian's list and that the horse must test clear before it is removed from the list. It also provides for split sample testing in the same manner as for post-race tests.

The proposal also amends Rule 319.304, Penalties on Positive Test, to address the consequences of a positive out of competition test.

D. Support or Opposition

A prior version of this proposal was discussed at the Rules Committee's meeting on September 27, 2016. After discussion among the Committee's members and the industry's representatives, the Committee recommended that the Commission's Chairman create a Committee on Out of Competition Testing to further consider the proposal and that Commission Aber be appointed its Chair. At the Commission's meeting on October 11, 2016, Chairman Pablos followed the Rules Committee's recommendation.

E. Proposal

See next page.

CHAPTER 319. VETERINARY DRUG PRACTICES AND DRUG TESTING

SUBCHAPTER D. DRUG TESTING

DIVISION 3. PROVISIONS FOR HORSES

1 Sec. 319.365. Out of Competition Testing

2 (a) A horse that is entered in a race or is on a nomination list
3 in Texas is subject to testing for the substances listed in this
4 section without advance notice.

5 (b) Horses to be tested may be selected at random, with probable
6 cause, or as determined by the stewards, the commission
7 veterinarian or the executive secretary.

8 (c) The commission veterinarian, or any veterinarian or
9 veterinary technician authorized by the commission to collect a
10 sample for testing pursuant to this section, may at any time
11 take a urine, blood or hair sample from a horse for this
12 purpose.

13 (d) It is a violation of this section for a sample taken from a
14 horse pursuant to this section to test positive for any of the
15 following, in any concentration:

16 (1) Class 1, 2 or 3 drugs that carry a Class "A" penalty in
17 the executive secretary's classification for prohibited drugs,
18 chemicals, and other substances under §319.304 (relating to
19 Penalties on Positive Test);

20 (2) blood doping agents including, but not limited to
21 erthropoietin, darbepoetin, oxyglobin, Hempure, aransep or any
22 substance that abnormally enhances the oxygenation of body
23 tissues;

24 (3) gene doping agents or the non-therapeutic use of genes,
25 genetic elements, and/or cells that have the capacity to enhance
26 athletic performance or produce analgesia;

27 (4) clenbuterol present in a sample from a horse not on the
28 veterinarian's list at the time the sample was taken; and

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1 (5) androgenic-anabolic steroids present in a sample from a
2 horse not on the veterinarian's list at the time the sample was
3 taken.

4 (e) The commission may require any horse selected for testing to
5 be brought promptly to a racetrack under the jurisdiction of the
6 commission or at a time and place designated by the commission,
7 unless the trainer or owner provides verification sufficient to
8 the commission of an extenuating circumstance that makes it
9 impossible. The commission, if requested and in its discretion,
10 may permit the owner or trainer instead to present a selected
11 horse for sampling where the horse is stabled or located in
12 Texas. If a selected horse is out-of-state, the commission may
13 arrange for a sampling by the racing commission or other
14 designated person in the jurisdiction where the horse is
15 located.

16 (f) Any owner or trainer of a selected horse who does not comply
17 with this section or cooperate with the commission veterinarian
18 regarding the procurement of samples under this section may be
19 subject to disciplinary action in accordance with the penalty
20 schedule promulgated by the executive secretary under §319.304
21 (relating to Penalties on Positive Test.)

22 (g) Cooperation with the commission veterinarian, or any state-
23 licensed veterinarian or state-licensed veterinary technician
24 authorized by the commission, includes:

25 (1) assisting in the immediate location and identification
26 of the horse selected for out of competition testing;

27 (2) if the horse is not on an association's or training
28 center's grounds, providing a stall or safe location to collect
29 the samples; and

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1 (3) providing assistance to the veterinarian in properly
2 procuring the samples.

3 (h) Veterinarian's List. A horse may be administered a drug
4 identified in paragraph (d)(4) or (d)(5) of this section if it
5 is placed on the veterinarian's list for not less than 30 days
6 after the last administration of the drug and the following
7 conditions are satisfied:

8 (1) the drug is prescribed by a practicing veterinarian
9 licensed by the Commission and is administered as prescribed;

10 (2) within 24 hours of initial administration, the
11 diagnosis justifying the prescribed drug, the dosage, the
12 expected duration of treatment, the name of the horse and the
13 name of the trainer is submitted to the commission veterinarian
14 on a form prescribed by the executive secretary;

15 (3) the drug is approved by the FDA for use in horses;

16 (4) the horse must be presented to the test barn once
17 eligible to be removed from the veterinarian's list for the
18 commission veterinarian to obtain blood and/or urine;

19 (5) the collected samples must test negative for the
20 prescribed substance and any other substance identified in
21 subsection (d) of this section;

22 (6) the costs of testing to request removal from the
23 veterinarian's list, including applicable shipping costs, shall
24 be borne by the person requesting the test and must be paid in
25 full at the time of shipment; and

26 (7) horses placed on the veterinarian's list for the
27 therapeutic use of any substance identified in paragraphs (d)(4)
28 and (d)(5) of this section are subject to out of competition
29 testing to ensure:

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1 (A) that the concentration of the prescribed drug
2 found is within the range expected for the recognized
3 therapeutic dose of the drug; and

4 (B) that no other substances listed in this section
5 are present.

6 (i) Samples collected under this section will be sent to the
7 Texas Veterinary Medical Diagnostic Laboratory or to another
8 laboratory selected by the Commission after consultation with
9 the Texas Veterinary Medical Diagnostic Laboratory.

10 (j) Split samples will be collected and processed for all tests
11 in this section in accordance with §319.362 (relating to Split
12 Specimen).

CHAPTER 319. VETERINARY DRUG PRACTICES AND DRUG TESTING

SUBCHAPTER D. DRUG TESTING

DIVISION 1. GENERAL PROVISIONS

1 Sec. 319.304. Penalties on Positive Test

2 (a) On a finding by the stewards or racing judges that a test
3 specimen from a race animal that participated in a race contains
4 a prohibited drug, chemical, or other substance, the stewards or
5 racing judges may:

6 (1) disqualify the animal and order the purse
7 redistributed;

8 (2) declare the race animal ineligible to race for a period
9 of time; and

10 (3) impose penalties authorized by Chapter 307 of this
11 title (relating to Practice and Procedure) on:

12 (A) the animal's trainer or kennel owner;

13 (B) any other person responsible for the care and
14 custody of the animal; and

15 (C) all individuals determined to have administered or
16 to have attempted, caused, or conspired to administer the
17 prohibited drug, chemical, or other substance. [~~and~~]

18 (b) On a finding by the stewards or racing judges that a test
19 specimen that was collected under Section 309.365 (relating to
20 Out of Competition Testing) from a race animal contains a drug,
21 chemical, or other substance prohibited under that Section, the
22 stewards or racing judges:

23 (1) shall declare the race animal ineligible to race for a
24 period of 60 days from the date of the ruling;

25 (2) shall disqualify the animal and order the purse
26 redistributed from any races that the animal competed in from
27 the date of the sample collection through the date of the
28 ruling; and

CHAPTER 319. VETERINARY DRUG PRACTICES AND DRUG TESTING

SUBCHAPTER D. DRUG TESTING

DIVISION 1. GENERAL PROVISIONS

1 (3) may impose penalties authorized by Chapter 307 of this
2 title (relating to Practice and Procedure) on:

3 (A) the animal's trainer;

4 (B) any other person responsible for the care and
5 custody of the animal; and

6 (C) all individuals determined to have administered or
7 to have attempted, caused, or conspired to administer the
8 prohibited drug, chemical, or other substance.

9 (c)[(b)] The executive secretary may promulgate a classification
10 for prohibited drugs, chemicals, and other substances and a
11 schedule for recommended disciplinary action for use by
12 stewards, racing judges, and the Commission in assessing
13 penalties for various violations under this chapter.

SUPPLEMENTAL REFERENCE MATERIALS FOR
OUT OF COMPETITION TESTING

New Mexico Rule 16.2.6.9. MEDICATIONS AND PROHIBITED SUBSTANCES

K. OUT OF COMPETITION TESTING:

- (1) A horse may be subject to out of competition testing without advance notice if the horse is:
- (a) on the grounds of a racetrack or training center under the jurisdiction of the commission;
 - (b) under the care or control of a trainer or owner licensed by the commission; or
 - (c) any horse whose papers are filed in the racing office; or
 - (d) has been nominated to a stakes race.
- (2) This rule applies to prohibited substances, practices and procedures as follows:
- (a) penalty class A drugs as listed with the association of racing commissioners international “uniform classification guidelines for foreign substances and recommended penalties and model rule” and incorporated by reference under 15.2.6.9 NMAC;
 - (b) blood doping agents including, but not limited to, erythropoietin (EP), darbepoetin, oxyglobin, hempure, aranasep or any substance that abnormally enhances the oxygenation of body tissues;
 - (c) gene doping agents or the non-therapeutic use of genes, genetic elements, or cells that have the capacity to enhance athletic performance or produce analgesia.
 - (d) clenbuterol present in a sample in a horse not previously placed on the veterinarian’s list pursuant to Paragraph (9) of Subsection D of 15.2.6.9 NMAC; and
 - (e) androgenic-anabolic steroids present in a sample in a horse not previously placed on the veterinarian’s list pursuant to Paragraph (9) of Subsection D of 15.2.6.9 NMAC.
- (3) The penalty for a positive test resulting from an out of competition sample will be determined by the penalty class of the drug listed in the association of racing commissioners international “uniform classification guidelines for foreign substances and recommended penalties and model rule” and incorporated by reference under 15.2.6.9 NMAC. Positive tests for substances identified under Paragraph (5) of Subsection D of 15.2.6.9 NMAC will be placed on the steward’s list as per the conditions set forth in that subsection.
- (4) Horses to be tested may be selected at random, with probable cause or as determined by the commission or an agent of the commission.
- (5) The commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time take a urine, blood or hair sample from a horse for this purpose.
- (6) Split samples shall be collected in accordance with Subsection B of 15.2.6.10 NMAC and shall be secured and made available for further testing in accordance with Subsection D of 15.2.6.10 NMAC.
- (7) All horses selected for testing must be presented to the commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, at the time designated, unless the trainer or owner provides verification of an extenuating circumstance that makes it impossible. Penalties for violations of this subsection include:
- (a) any horse not presented for testing upon notification absent extenuating circumstances will be placed immediately on the steward’s list for a minimum of 60 days and shall be subject to all the requirements set forth in Paragraph (7) of Subsection D of 15.2.6.9 NMAC; and
 - (b) the licensed trainer of a horse not presented for testing absent extenuating circumstances shall be 180 days.
- (8) Any licensee who does not comply with the rule or the commission veterinarian for a sample may be subject to disciplinary action.
- (9) Cooperation with the commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, includes:
- (a) assisting in the immediate location and identification of the horse selected for out of competition testing; and
 - (b) assisting the veterinarian in properly procuring the samples.
- (10) Out of competition samples will be sent to the official laboratory of the commission, or another laboratory as designated by the commission, with reports made in accordance with the provisions of the medication rules and the penalty provisions therefore.

810 KAR 1:110. Out-of-competition testing.

RELATES TO: KRS 230.215, 230.230, 230.240, 230.260, 230.290, 230.300, 230.310, 230.320, 230.370

STATUTORY AUTHORITY: KRS 230.215, 230.240, 230.260, 230.320, 230.370

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) grants the commission the authority to regulate conditions under which thoroughbred racing and pari-mutuel wagering thereon shall be conducted in Kentucky and charges it to, "promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth so as to encourage the improvement of the breeds of horses in the Commonwealth, to regulate and maintain horse racing at horse race meetings in the Commonwealth of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled horse racing practices, and to regulate and maintain horse racing at race meetings in the Commonwealth so as to dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of horse racing in the Commonwealth." KRS 230.240(2) requires the commission to promulgate administrative regulations restricting or prohibiting the administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. This administrative regulation establishes new sampling and testing procedures for substances prohibited by this administrative regulation, and establishes penalties for individuals who are found to be in violation of this administrative regulation.

Section 1. Definitions. (1) "Actionable finding" means a determination by the commission that a substance described in Section 2 of this administrative regulation was present in a horse based on:

(a) The commission's review of a report of finding issued by the commission laboratory and its review of split sample analysis results; or

(b) The commission's review of a report of finding issued by the commission laboratory for which an owner and trainer have waived their right to have a split sample analysis performed.

(2) "Sample" means that portion of a specimen subjected to testing by the commission laboratory.

(3) "Sampling" means the act of collecting a specimen from a horse.

(4) "Specimen" means a sample of blood, urine, or other biologic matter taken or drawn from a horse for chemical testing.

Section 2. Prohibited Substances and Practices. (1) The following shall be a violation of this administrative regulation:

(a) The presence in, or administration to, a horse, at any time, of blood doping agents including: erythropoietin, darbepoetin, hemoglobin-based oxygen carriers, or any other substance that enhances the oxygenation of equine body tissue;

(b) The nontherapeutic administration to, a horse, at any time, of whole blood or packed red blood cells;

(c) The presence in, or administration to, a horse, at any time, of naturally produced venoms, synthetic analogues of venoms, derivatives of venoms or synthetic analogues of derivatives of venoms;

(d) The presence in, or administration to, a horse, at any time, of growth hormones;

(e) The possession of erythropoietin, darbepoetin, hemoglobin-based oxygen carriers, naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, synthetic analogues of derivatives of venoms, or growth hormones on the grounds of a licensed association or a training facility under the jurisdiction of the commission; and

(f) The possession at any time of whole blood or packed red blood cells on the grounds of a licensed association or a training facility under the jurisdiction of the commission by anyone other than a licensed veterinarian rendering emergency treatment to a horse located on the grounds of the association or training facility. The attending veterinarian shall notify the commission veterinarian of the intent to administer whole blood or packed red blood cells prior to his or her collection or possession of the whole blood or packed red blood cells.

(2) The use of a hyperbaric oxygen chamber shall not be a violation of this administrative regulation.

Section 3. Out-of-Competition Testing. (1) Any horse eligible to race in Kentucky shall be subject to testing without advance notice for the substances specified in Section 2 of this administrative regulation. A horse is presumed eligible to race in Kentucky if:

(a) It is under the care, custody, or control of a trainer licensed by the commission;

(b) It is owned by an owner licensed by the commission;

(c) It is nominated to a race at an association licensed pursuant to KRS 230.300;

(d) It has raced at an association licensed pursuant to KRS 230.300 within the previous twelve (12) calendar months;

(e) It is stabled on the grounds of an association licensed pursuant to KRS 230.300 or a training facility subject to the jurisdiction of the commission; or

(f) It is nominated to participate in the Kentucky Thoroughbred Development Fund.

(2) A horse subject to testing under subsection (1) of this section may be designated for testing by the executive director, the chief state steward, or their respective designee.

(3) A horse designated for testing under this section shall be subject to testing for the substances described in Section 2 of this administrative regulation.

(4) An owner, trainer, or any authorized designee shall fully cooperate with the commission veterinarian, or his or her designee, by:

(a) Locating and identifying any horse designated for out-of-competition testing;

(b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and

(c) Observing the collection of the specimen.

1. If the owner, trainer or their authorized designee, is not available to observe the collection of the specimen, the collection

shall be deferred until the trainer, owner, or their authorized designee, becomes reasonably available, but the collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received.

2. If the collection does not occur within the time provided for in this subsection, any horse that is designated for testing may be barred from racing in Kentucky and placed on the veterinarian's list, 810 KAR 1:018, Section 18, and the steward's list, for a period of 180 days and the owner and trainer of the horse may be subject to the penalties described in Section 8 of this administrative regulation.

(5) If the owner, trainer, or any authorized designee fails to cooperate or otherwise prevents a horse from being tested, the horse designated for testing shall be barred from racing in Kentucky and placed on the veterinarian's list, 810 KAR 1:018, Section 18, and the steward's list, for 180 days, and the individual or individuals responsible for the failure to cooperate or prevention of the horse from being tested shall be subject to the penalties described in Section 8 of this administrative regulation.

(6) A horse that is barred from racing in Kentucky and placed on the Veterinarian's List and the Steward's List pursuant to subsection (5) or (6) of this section shall remain barred from racing and shall remain on the veterinarian's list and the steward's list:

(a) Upon sale or transfer of the horse to another owner or trainer until the expiration of 180 days; and

(b) Until the horse is determined by the commission to test negative for any substance described in Section 2 of this administrative regulation and is approved for racing by the commission veterinarian and the chief state steward.

Section 4. Specimen Collection. (1) A specimen shall be collected from any horse designated by the executive director, the chief state steward, or their designee, whether the horse is located in Kentucky or in another jurisdiction.

(2) If a designated horse is located in another jurisdiction, the executive director or commission veterinarian may select a veterinarian from another racing commission or regulatory entity to collect the specimen.

(3) If specimen collection occurs at a licensed association or training facility under the jurisdiction of the commission, the commission veterinarian, or his or her designee, may collect a specimen from a horse designated for testing at any time.

(4) If specimen collection occurs at a location other than the grounds of a licensed association or a training facility under the jurisdiction of the commission, the commission veterinarian, or his or her designee, shall collect the specimen between the hours of 7 a.m. and 6 p.m., prevailing time, and shall notify the owner, trainer, or any other person exercising care, custody, or control of the horse before arriving to collect the specimen.

(5) A licensed association or training facility under the jurisdiction of the commission at which a horse designated for testing is located shall cooperate fully in the collection of the specimen.

Section 5. Minimum and split samples. The commission veterinarian shall determine minimum and split sample requirements as set forth at 810 KAR 1:018, Section 11.

Section 6. Sample Storage and Testing. (1) Any out of competition sample collected pursuant to this administrative regulation shall be stored in a temperature controlled unit at a secure location chosen by the commission until the sample is submitted for testing. The samples shall be secured under conditions established by the commission veterinarian in accordance with 810 KAR 1:018, Section 11.

(2) The commission is the owner of an out of competition specimen.

(3) The sample may be submitted to the commission laboratory for testing on the same date the specimen is collected or on a subsequent date.

(4) A written chain of custody protocol shall be made available to the owner and trainer upon request.

(5) A trainer or owner of a horse receiving notice of a report of finding from the commission may request that a split sample corresponding to the portion of the sample tested by the commission laboratory be sent to a split sample laboratory which has documented its proficiency in detecting the substance associated with the report of finding and has been approved by the commission.

(6) Split samples shall be subject to 810 KAR 1:018, Section 12, and the chain of custody of any split sample shall be maintained in accordance with 810 KAR 1:018, Section 13.

(7) The cost of testing the split sample under subsections (5) and (6) of this section, including shipping, shall be borne by the owner or trainer requesting the test.

Section 7. Steps After Actionable Finding or Any Other Violation of this Administrative Regulation. If there is an actionable finding, or any other violation of this administrative regulation, the following steps shall be taken:

(1)(a) Within five (5) business days of receipt of notification of an actionable finding, the commission shall notify the owner and trainer in writing of the actionable finding and shall schedule a stewards' hearing within fourteen (14) calendar days of notification by the commission to the owner and trainer. The hearing may be continued if the stewards determine a continuation is necessary to accommodate the parties; and

(b) The commission shall cause the subject horse to be immediately placed on the Veterinarian's List, 810 KAR 1:018, Section 18, and the Steward's List, thereby rendering the horse ineligible to compete, pending the conduct of the hearing described in subsection (1)(a) of this section and the issuance of a steward's order; and

(2) Within thirty (30) days of the commission's discovery of any violation of this administrative regulation other than an actionable finding, the commission shall notify the owner and trainer in writing of the violation and shall schedule a stewards' hearing within fourteen (14) calendar days of notification by the commission to the owner and trainer. The hearing may be continued if the stewards determine a continuation is necessary to accommodate the parties.

Section 8. Penalty. A trainer, owner, or any other individual who violates this administrative regulation shall be subject to the

following penalties:

(1) For a first offense:

(a) A revocation of the individual's license for a period of five (5) to ten (10) years;

(b) A fine of up to \$50,000;

(c) The forfeiture of any purse money earned at a licensed association by a horse in which the presence of a substance described in Section 2 of this administrative regulation was detected, between the time that the specimen was collected and the commission's determination of an actionable finding; and

(d) Any individual who has his or her license revoked for a violation of this administrative regulation shall go before the license review committee before being eligible for a new license.

(2) For a second offense:

(a) Permanent revocation of the individual's license; and

(b) The forfeiture of any purse money earned at a licensed association by a horse in which the presence of a substance described in Section 2 of this administrative regulation was detected, between the time that the specimen was collected and the commission's determination of an actionable finding.

(3) Upon a violation of this administrative regulation, the horse in which the presence of a substance described in Section 2 of this administrative regulation was detected shall be barred from racing in Kentucky and placed on the veterinarian's list, 810 KAR 1:018, Section 18, and the steward's list, for a period of 180 days and shall remain barred from racing in Kentucky until the horse is determined by the commission to test negative for any substance described in Section 2 of this administrative regulation and is approved for racing by the commission veterinarian and the chief state steward.

(4) Upon a violation of this administrative regulation, the horse in which the presence of a substance described in Section 2 of this administrative regulation was detected remains subject to the requirements of subsection (3) of this section:

(a) Upon sale or transfer of the horse to another owner or trainer before the expiration of 180 days; and

(b) Until the horse is determined by the commission to test negative for any substance described in Section 2 of this administrative regulation and is approved for racing by the commission veterinarian and the chief state steward.

(5) The penalties established by this administrative regulation shall supersede any set forth in 810 KAR 1:028.

(6) The provisions of 810 KAR 1:018, Section 15 regarding a trainer's responsibility, shall apply to this administrative regulation.

(7) The chief state steward and the commission shall consider any mitigating or aggravating circumstances when assessing penalties pursuant to this administrative regulation.

Section 9. Postrace Testing. The commission may conduct postrace testing for the substances described in Section 2 of this administrative regulation in accordance with 810 KAR 1:130. If there is an actionable finding for the presence of any of the substances described in Section 2 of this administrative regulation as a result of postrace testing, the provisions of Sections 7 and 8 of this administrative regulation shall apply. (37 Ky.R. 1125; 1716; 2011; eff. 3-4-2011.)

ARCI-011-022 Out of Competition Testing for Blood and/or Gene Doping Agents

- (1) Any horse on the grounds at a racetrack or training center under the jurisdiction of the commission; or under the care or control of trainer or owner licensed by the commission is subject to testing for blood and/or gene doping agents without advance notice. This rule does not apply to therapeutic medications approved by the FDA for use in the horse.
- (2) Horses to be tested may be selected at random, with probable cause, or as determined by the commission;
- (3) The Commission Veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time, take a urine, blood or hair sample from a horse for this purpose.
- (4) Prohibited substances, practices and procedures are defined as:
 - (a) Blood doping agents including, but not limited to Erthropoietin (EPO), Darbepoetin, Oxyglobin, Hempure, Aransep or any substance that abnormally enhances the oxygenation of body tissues.
 - (b) Gene doping agents or the non-therapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia.
- (5) Cooperation with the Commission Veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, includes:
 - (a) Assisting in the immediate location and identification of the horse selected
 - (b) for out of competition testing;
 - (c) Providing a stall or safe location to collect the samples;
 - (d) Assisting the veterinarian in properly procuring the samples;
 - (e) Split samples will be collected as per PMRMR-025-023-C.
- (6) Out of competition samples will be sent to the official laboratory of the commission, or other laboratory as designated by the commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof.

DISCUSSION REGARDING THE EXPANSION OF
OUT OF COMPETITION TESTING
INCLUDING A BAN ON
ANABOLIC STEROIDS

Medication and Track Safety Committee Meeting
March 16, 2016

BACKGROUND

Out-of-competition testing (OOCT) has become a key element of human anti-doping programs. There are a number of drugs which can be used well before completion to enhance athletic performance which are no longer detectable in post-race testing. Erythropoiesis-stimulating agents such as Epogen and anabolic steroids in general are the most commonly cited examples. The California Horse Racing Board (CHRB) has one of the more robust OOCT programs in United States horse racing. The CHRB's OOCT program has used long-existing regulations, not specifically written for OOCT testing to conduct its program. Board Rule 1858, Test Sample Required, is fairly broad in granting the CHRB access to horses within the official racing and training inclosures. It does not address access to those horses outside of CHRB inclosures as is commonly seen with Quarter Horses and Standardbreds. OOCT testing for Breeders' Cup races and for major stakes often relies on the cooperation of local racing jurisdictions under their local authority. In addition, the CHRB is limited in what action can be taken based on OOCT findings. Board Rule 1866, Veterinarian's List, specifies a very narrow list of just seven substances that are prohibited at all times. The World Anti-doping Agency (WADA), which oversees human sport drug testing, produces an expansive list of substance prohibited at all times. The Racing Medication and Testing Consortium (RMTC) is an industry group consisting of 23 racing industry stakeholders and organizations that represent Thoroughbred, Standardbred, American Quarter Horse and Arabian racing. The organization works to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and protect the interests of the racing public. California based organizations which are members are The Stronach Group (Santa Anita & Golden Gate Fields), Del Mar Turf Club, Oak Tree, Thoroughbred Owners of California and California Thoroughbred Trainers. The RMTC appointed a sub-committee chaired by UCD-SVM/ CHRB equine Medical Director Dr. Rick Arthur to develop a comprehensive OOCT program for horse racing. In Late February, 2016, the RMTC voted unanimously to recommend to send the Association of Racing Commissioners International (RCI) the expanded and more comprehensive OOCT model rule for horse racing that was developed. The recommended model rule addresses sampling procedures and defines what substances are prohibited in a Prohibited Substance List. The Prohibited Substance List is modeled on the WADA Prohibited Substances List-taking into account substances unique to horses' health under specified conditions.

RECOMMENDATION

This item is presented for Committee discussion.

Out of Competition Testing (Draft Model Rule)

1. Prohibited Substances and Practices - the following shall be deemed a violation of this section:
 - a. The presence of any substance prohibited pursuant to the then current Prohibited Substance List at the time of sampling;
 - b. The possession or use of:
 - i. erythropoietin, darbopoetin, hemoglobin-based oxygen carriers;
 - ii. naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, synthetic analogues of derivatives of venoms; and
 - iii. growth hormones, or beta-2 agonists that are not subject to regulatory thresholds (*e.g.*, ractopamine/zilpaterol)
 on the grounds of a licensed facility under the regulatory authority's jurisdiction; and
 - c. The possession at any time of whole blood or packed red blood cells on the grounds of a licensed facility under the regulatory authority's jurisdiction by anyone other than a licensed veterinarian or a technician under the direct supervision of the veterinarian rendering emergency treatment to a horse on the licensed facility grounds. The attending veterinarian shall notify the commission veterinarian of the intent to administer whole blood or packed red blood cells prior to his or her collection or possession of the whole blood or packed red blood cells.

2. Horses Eligible for Out-of-Competition Testing: Any horse eligible to race in the jurisdiction shall be subject to testing without advance notice. A horse is presumed eligible to race in the jurisdiction if:
 - a. It is under care, custody, or control of a licensed trainer;
 - b. It is owned by a licensed owner;
 - c. It is nominated to race at a licensed premises;
 - d. It has raced at a licensed premises within the jurisdiction within the previous 12 months;
 - e. It is stabled on a licensed premises or training facility; or
 - f. It is nominated to the state thoroughbred development, breeder's award fund, or Standardbred state sires stakes.

Horses eligible for testing pursuant to the above qualifications may be selected by the stewards, the Executive Director, the Equine Medical Director/State Veterinarian, a designee of any of the foregoing, or as otherwise authorized by regulation within the jurisdiction.

3. Sampling Location and Procedures:

Upon request of a representative of the racing jurisdiction trainers, owners, or their specified designee shall provide the location of their horses eligible for Out-of-Competition testing.

The trainer, owner, or specified designee shall make the horse available for Out-of-Competition testing as follows:

- a. Licensed Facilities
 - i. Trainers, owners, or their specified designees must make the horse available as soon as practical upon request of a regulatory authority representative if the horse is located at a licensed facility.
- b. Off-Track Stabling Facilities or Other Locations
 - i. If the horse is not located at a licensed facility:
 - 1. the trainer, owner, or their specified designees shall make the horse available as soon as practical upon arrival of regulatory authority representatives at the off-track stabling facility or other location at which the horse is located; or
 - 2. The trainer, owner, or their specified designees shall bring the horse to a licensed facility within 24 hours of receiving notification of out of competition sampling, or
 - 3. The trainer, owner, or their specified designees may bring the horse to another location that is acceptable to the commission for such sampling to occur.
 - ii. If collecting at a site other than a licensed racetrack or training facility – sampling can only occur during standard business hours but not earlier than 6 a.m. nor later than 6 p.m. Under this subsection, the veterinarian collecting the samples or his/her designee must notify the owner/trainer/individual exercising care and control of horse a minimum of 1 hour prior to arrival.

4. Persons to Collect Samples

- a. Horses Located in the Requesting Jurisdiction
 - i. Samples shall be collected under the direction of the official veterinarian, the Equine Medical Director, a person designated by the official veterinarian, or a person designated by the racing authority. Any individual directing the collection of samples shall be licensed by the Racing Commission.
- b. Horses Located Outside of the Requesting Jurisdiction
 - i. If the horse is located outside the jurisdiction, the racing authority may request that the sampling be completed by a veterinarian who is:
 - 1. Licensed to practice by the veterinary medical board in the state in which the sampling is to occur; and
 - 2. Authorized by the requesting racing authority to perform sampling.
 - ii. Such authorization shall be provided by the executive director, equine medical director/state veterinarian, stewards, or their respective designees.

5. Samples and Sample Handling

- a. Samples to be collected: blood, urine, hair, or other biological official test samples may be collected.
- b. The trainer, owner, or their designee shall witness the sample collection including sealing sample collection containers. The chain of custody for the sample (including a split sample

where appropriate) must be maintained and available for inspection by the trainer, owner, or their designee. The chain of custody record will be available for inspection where a complaint or regulatory action occurs as a result of the out of competition test.

6. Penalties

- a. Willful failure to make a horse available for sampling or other willfully deceptive acts or interference in the sampling process shall carry a minimum penalty equivalent to a Class A penalty for the first violation. License revocation shall occur for second offense. A horse that is not produced for out of competition testing shall be placed on the Veterinarian's List for a minimum of 6 months.
- b. Penalties for a finding of a prohibited drug or substance:
 - i. The penalty for a finding for a drug or substance prohibited at all times on the Prohibited List in an Out-of-Competition Testing sample shall apply in the same manner as to a scheduled race.
 - ii. Penalties for a finding of a prohibited drug or substance are subject to inclusion in the Multiple Medication Violation Penalty Point System.
- c. Persons eligible to receive penalties:
 - i. The trainer of record of a licensed horse;
 - ii. The owner of record of a licensed horse if the horse is not under the care, custody, or control of a licensed trainer; and
 - iii. If a horse had not been in the care, custody, and control of a licensed trainer for the seven days prior to Out-of-Competition testing the owner and trainer shall be equally liable.

**TEXAS RACING COMMISSION
COMMITTEE ON RULES**

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.

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

Contact Information:

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

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission
(Name of Organization)

Proposed Change to (if known): Chapter: 311 Rule: 104

Proposed Addition to (if known): Chapter: _____ Rule: _____

Other Rules Affected by Proposal (if any): Chapter: 301 Rule: 1

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Chapter: _____ Rule: _____

Statutory Authority for Proposed Change: TRA §§3.02, 7.04

A. Brief Description of the Issue

This proposal would address the practice of listing one person in the program as the trainer of a horse when the horse is actually under the control of and trained by another person who may or may not hold a trainer's license in any jurisdiction.

B. Discussion of the Issue and Problem

A paper or program trainer is the person who is listed on the program as the trainer of a horse that has been in the care, custody and training of someone else, who is frequently a person whose license has been suspended or revoked or is not qualified for licensure.

Owners and trainers may use a program trainer to avoid the consequences of a positive drug test. If a program trainer is suspended, the owner or actual trainer will replace the trainer with another program trainer. Suspended trainers will also use program trainers in an effort to avoid the consequences of their own suspensions and continue collecting the financial rewards of training and racing.

The wagering public, which uses trainers' records for handicapping purposes, are defrauded when the program does not accurately reflect the name and history of the actual trainer.

C. Possible Solutions and Impact

The proposal would modify the definition of a Paper/Program Trainer as found in ARCI's Model Rules. It would also make the practices of utilizing a program trainer and of acting as a program trainer as being inconsistent with maintaining the honesty and integrity of racing under §307.7 (relating to Ejection and Exclusion) and as a detrimental practice under §311.6 (relating to Denial, Suspension and Revocation of Licenses.) This will allow the Commission to exclude program trainers from racetracks and allow the stewards to fine and suspend, or even revoke, the licenses of program trainers.

D. Support or Opposition

Unknown at this time.

E. Proposal

See next page.

CHAPTER 311. OTHER LICENSES

SUBCHAPTER B. SPECIFIC LICENSES

1 **Sec. 311.104. Trainers**

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

3 (1) No licensee shall act as a program trainer, nor shall any
4 owner list a program trainer on the official race program or
5 entry form. Any licensee found to be acting as a program
6 trainer and any owner who listed a program trainer is
7 responsible for all violations occurring from participation of
8 any horse or greyhound entered or raced by the licensee.
9 Further, the Commission recognizes that identification of the
10 correct trainer in the program is an important handicapping tool
11 used by the wagering public. Therefore, the Commission
12 identifies the practices of utilizing a program trainer and of
13 acting as a program trainer as being inconsistent with
14 maintaining the honesty and integrity of racing under §307.7
15 (relating to Ejection and Exclusion) and as a detrimental
16 practice under §311.6 (relating to Denial, Suspension and
17 Revocation of Licenses.)

CHAPTER 301. DEFINITIONS

1 (51) Paper/Program Trainer--a licensed trainer who solely
2 for the purposes of the official race program is identified as
3 the trainer of a horse that is actually under the control of and
4 trained by another person who may or may not hold a current
5 trainer's license in any jurisdiction.

6 (52) [~~48~~] Patron--an individual present on association
7 grounds during a race meeting who is eligible to wager on the
8 racing.

9 (53) [~~49~~] Pecuniary interest--includes a beneficial
10 ownership interest in an association, but does not include bona
11 fide indebtedness or a debt instrument of an association.

12 (54) [~~50~~] Performance--the schedule of horse or greyhound
13 races run consecutively as one program. A greyhound performance
14 consists of fifteen or fewer races unless approved by the
15 executive secretary.

16 (55) [~~51~~] Photofinish--the system of recording pictures
17 or images of the finish of a race to assist in determining the
18 order of finish.

19 (56) [~~52~~] Place--to finish second in a race.

20 (57) [~~53~~] Post position--the position assigned to a horse
21 or greyhound in the starting gate or box.

22 (58) [~~54~~] Post time--the time set for the arrival at the
23 starting gate or boxes by the horses or greyhounds in a race.

24 (59) [~~55~~] Purse--the cash portion of the prize for a
25 race.

26 (60) [~~56~~] Race date--a date on which an association is
27 authorized by the Commission to conduct races.

28 (61) [~~57~~] Race day--a day in which a numerical majority
29 of scheduled races is conducted and is a part of the
30 association's allocated race days.

SUPPLEMENTAL REFERENCE MATERIALS FOR
PROGRAM TRAINER RULE



The Association of Racing Commissioners International's Model Rules of Racing

Version 6.2

which the regulatory analyte concentration in samples may not exceed specified regulatory limits published herein.²

- (64) **Program** is the published listing of all contests and contestants for a specific performance.
- (65) **Paper/Program Trainer** is a licensed trainer who solely for the purposes of the official race program is identified as the trainer of a horse that is actually under the control of and trained by another person who may or may not hold a current trainer's license in any jurisdiction. For any given horse an individual cannot be the trainer and the program trainer at the same time.³
- (66) **Purse** is the total dollar amount for which a race is contested.
- (67) **Race** is a contest between contestants at a licensed meeting.
- (68) **Race Day** - A day during a race meeting when pari-mutuel wagering is conducted on live racing.
- (69) **Random Testing** is a strategy for testing for alcohol or controlled substances not based on a reasonable belief that an individual has drugs or alcohol in his/ her system that assures that all affected individuals have an equal probability of being selected for testing.
- (70) **Reasonable Cause/Reasonable Suspicion Testing** is a strategy for testing for alcohol or controlled substances based on an official's having good reason to believe that a licensee has alcohol or controlled substances in his/her system.
- (71) **Regulatory Analyte** is an analyte or substance identified and, where appropriate, quantified in a specified matrix for regulatory purposes.
- (72) **Regulatory Limit** is the concentration of a specified regulatory analyte that has been defined and published by the Racing Medication and Testing Consortium and adopted by the commission such that exceeding the specified concentration is either an overage or a positive test.
- (73) **Restricted Area** is an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access.

² EDE issue deferred

³ Please see ARCI-008-010 General Provisions (Q) Relationships with Inactive Persons, Prohibited.

- (k) demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused;
 - (l) is ineligible for employment pursuant to federal or state law because of age or citizenship; or
 - (m) has violated any of the alcohol or substance abuse provisions outlined in Sec. H of this rule.
- (2) A license suspension or revocation shall be reported in writing to the applicant and the Association of Racing Commissioners International, Inc. whereby other member racing jurisdictions shall be advised.

Q. Relationships with Inactive Persons, Prohibited

- (1) A person shall not train a horse or practice veterinary medicine for the benefit, credit, reputation, or satisfaction of an inactive person. This prohibition shall not prevent the partners in a veterinary practice from providing services to horses as long as the inactive person does not receive a pecuniary benefit from those services.
- (2) An associated person of an inactive person shall not:
 - (a) Assume the inactive person's responsibilities at a location under the jurisdiction of the commission;
 - (b) Complete an entry form for a race on behalf of or for the inactive person or an owner or customer for whom the inactive person has worked; or
 - (c) Pay or advance an entry fee for on behalf of the inactive person or owner or customer for whom the inactive person has worked.
- (3) An associated person who assumes the responsibility for the care, custody, or control of an unsuspended horse owned (fully or partially), leased, or trained by an inactive person shall not:
 - (a) Be paid a salary directly or indirectly by or on behalf of the inactive person;
 - (b) Receive a bonus or any other form of compensation in cash, property, or other remuneration or consideration from the inactive person;
 - (c) Make a payment or give remuneration or other compensation or consideration to the inactive person or associated person; or
 - (d) Train or perform veterinarian work for the inactive person or an owner or customer of the inactive person at a location under the jurisdiction of the Authority.
- (4) A person who is responsible for the care, training, or veterinarian services provided to a horse formerly under the care, training, or veterinarian services of an inactive person shall:

- (a) Bill customers directly on his or her bill form for any services rendered at or in connection with any race meeting;
- (b) Maintain a personal checking account totally separate from and independent of that of the inactive person to be used to pay expenses of and deposit income from an owner or client of the inactive person;
- (c) Not use the services, directly or indirectly, of current employees of the inactive person; and
- (d) Pay bills related to the care, training, and racing of the horse from a separate and independent checking account. Copies of the invoices for such expenses shall be retained for not less than six (6) months after the date of the reinstatement of the license of the inactive person or the expiration of the suspension of the inactive person's license.

R. License Restrictions, Limitations and Conditions

The Commission or its designee, for cause, may restrict, limit or place conditions on any license.

S. Duration of License

- (1) Licenses expire December 31 or are valid for such other period as permitted by the Commission.
- (2) A license is valid only under the condition that the licensee remains eligible to hold such license.

T. Changes in Application Information

During the period for which a license has been issued, the licensee shall report to the Commission changes in information provided on the license applications as to current legal name, marital status, permanent address, criminal convictions, license suspensions of 10 days or more or license revocations or fines of \$500 or more in other jurisdictions.

U. Temporary Licenses

The Commission may establish provisions for temporary licenses or may permit applicants to participate in racing pending action on an application.

V. More Than One License

More than one license to participate in flat racing may be granted to a person except when prohibited by these rules due to a potential conflict of interest.

2015 ROAP Points of Emphasis

1. Program Trainers

The Oklahoma Horse Racing Commission definition:

"Program Trainer is a licensed trainer who, for the purposes of the official race program, is identified as the trainer of a horse and is acting on behalf of another individual that is either licensed or not licensed; cannot be licensed; is prohibited from racing for any reason; or is attempting to assume the appearance of being the trainer of a horse that he/she does not have in his/her care, custody or control, or which is under the control of and/or trained by the licensed or unlicensed individual."

Applicable ARCI Model Rules are attached at the end of this document in "Resources." These rules can be utilized to address the issue of program trainers. Unless there are comparable rules in your jurisdiction, these rules should be considered for adoption.

Through the coordinated efforts of the Stewards and commission investigators with the cooperation and assistance of track management, program trainers should be able to be investigated, rule violations alleged, subjected to a Stewards' hearing, and properly sanctioned with a fine and/or license suspension.

1. At the initial licensing process for a trainer make sure the applicant has thoroughly completed the license application form. Do not allow the term "on file". Then check the trainer's ARCI licensing and rulings history to substantiate his/her previous licenses and rulings listed on the application. If the information provided on the application is incomplete or falsified, you have a potential rule violation that could result in license denial.
2. Check the trainer's record on Equibase. If he or she does not have a fairly significant record of starts, wins, horses in the money and earnings in the last five years, the Stewards may want to require the applicant to take a trainer's test. Of course, if that applicant has never been a trainer, he has to take the test. The Stewards should utilize the National Trainer's Test available through ROAP as a resource in creating the trainer's test. All applicants should have 2-3 licensed trainers and at least one licensed owner who are willing to be sponsors.
3. Review the list of horses the trainer claims he will be training if granted a license. Check the last several starts of each to see who have been training the horse and who the last recorded owner was. Contact that owner of each horse and ascertain through a series of questions if the applicant is the actual trainer of the horse. If there is a significant question, the Stewards may have just cause not to license the applicant.
4. In the case of a suspended trainer transferring his horses to this trainer, he must have the approval of the Stewards who can thoroughly investigate the situation and request cooperation from the owners to establish this is a legitimate transfer before they approve the transfer.
5. In the course of routine security patrols of the barn area, check the trainer's shedrow to see who is working for him. Make sure the grooms have badges and correspond to the trainer's badge list. Verify that the trainer was listed on the groom's license applications, and that the trainer signed the groom's application. This trainer should be included at least once in the occasional barn searches.
6. Monitor deposits and withdrawals from the trainer's horsemen's bookkeeper account and the accounts of his owners.
7. If the trainer's staff is paid by check and they cash their checks at the racetrack, have whoever okays and initials the checks keep a list of grooms' checks he should be monitoring for possible payment by someone other than the trainer for whom the groom works.

8. Check with the trainer's veterinarian to see who is being billed and who is giving or okaying the vet med administration instructions.
9. Closely monitor who enters the horses, and if it is a jockey agent, inquire from whom the agent is getting the authorization and instructions.
10. Have security or the safety steward check out the trainer's shedrow on race days when he has an in-today horse to see who is present in the barn by checking names and license badges.
11. Make sure that the trainer saddles his horses in the saddling paddock and be cognizant of other people in the saddling paddock stall with the trainer.
12. Get copies of all win pictures and have security watch for who is close by the winner's circle, especially if there is a suspended or ineligible person the Stewards think is the actual trainer. Check to see who orders the win pictures, and if they are mailed, to whom.
13. If the horses are shipping in from off the grounds, monitor who comes in with the horses on race day and from where the horses are coming. If the horses have been at a licensed training facility, utilize the same barn patrol protocols for the trainer's shedrow as in #4 above.

All of these steps can help determine who the actual trainer is of specific horses, and if there is a program trainer involved. Of course, informants can be helpful, as the barn area licensees usually think they know who the actual trainers are. If you have probable cause to suit your commission legal staff, you can subpoena the owners for the trainer's bill and records of payment. In the case where the trainer only has one owner of all the horses, the investigation may become more complicated with the owner and trainer conspiring to protect the actual trainer. In these cases and the case where the trainer is the owner of all the horses, the track can consider refusing stalls and the right to enter.

There are other incidences of program training such as a groom who is the owner and/or trainer of a horse which races under the name of the trainer for whom the groom works. There is also the case when the horse or horses trained and/or owned by another trainer in another jurisdiction, are sent to a local trainer who is training the horse or horses on an extended basis, not just shipping in for a race, stake or trials, and then shipping out. There should be an assistant trainer for the trainer in another jurisdiction for these horses. These other incidences are not quite as serious as a program trainer training for a suspended or ineligible trainer, but this is program training all the same as the actual trainer of the horse is not listed on the program.
