

Version 5.7 to 5.8 ARCI Board of Directors 7/31/2014 Amended ARCI-011-020(E) to reflect Class 1-3 NSAID Stacking Penalties  
Version 5.7 to 5.8 ARCI Board of Directors 7/31/2014 Amended ARCI-011-020(H) in relation to Environmental Contaminants and Substances of Human Abuse  
Version 5.8 to 5.9 ARCI Board 12/12/2014 Amended ARCI-011-020(E)(1(c)(C)(i) Class 3 Anti-Stacking Violations  
Version 5.8 to 5.9 ARCI Board 12/12/2014 Added ARCI-011-020(K) Compounded Medications on Association Grounds  
Version 5.9 to 6.0 ARCI Board of Directors 7/16/2015 Amended ARCI-011-020(B) Penalties  
Version 6.1 to 6.2 ARCI Meeting of the Members 3/24/2016 Amended ARCI-011-020 (D) Medical Labeling  
Version 6.3 to 7.0, ARCI Board 12/09/2016; amended points assessed by penalty class, suspension length as determined by point totals (allowed for discretion in penalty length), and time required for point expiration.

### **ARCI-011-022 Out of Competition Testing**

(1) *Out-of-competition testing authorized.* The commission may at a reasonable time on any date take blood, urine or other biologic samples as authorized by commission rules from a horse to enhance the ability of the commission to enforce its medication and anti-doping rules, *e.g.*, the Prohibited List pursuant to ARCI-011-015. The commission shall own such samples. This rule authorizes only the collection and testing of samples and does not independently make impermissible the administration to or presence in any horse of any drug or other substance. A race day prohibition or restriction of a substance by a commission rule is not applicable to an out-of-competition test unless there is an attempt to race the horse in a manner that violates such rule.

(2) *Horses eligible to be tested.* Any horse that has been engaging in activities related to competing in horse racing in the jurisdiction may be tested. This includes without limitation any horses that are training outside the jurisdiction to participate in racing in the jurisdiction and all horses that are training in the jurisdiction, but excludes weanlings, yearlings and horses no longer engaged in horse racing (*e.g.*, retired broodmares).

- (a) A horse is presumed eligible for out-of-competition testing if:
- (i) It is on the grounds at a racetrack or training center under the jurisdiction of the commission;
  - (ii) It is under the care or control of a trainer licensed by the commission;
  - (iii) It is owned by an owner licensed by the commission;
  - (iv) It is entered or nominated to race at a premises licensed by the commission;
  - (v) It has raced within the previous 12 months at a premises licensed by the commission; or
  - (vi) It is nominated to a program based on racing in the jurisdiction, including without limitation a state thoroughbred development, breeder's award fund, or standardbred state sires stakes.

(b) Such presumptions are conclusive in the absence of evidence that a horse is not engaged in activities related to competing in horse racing in the jurisdiction.

*(3) Selection of horses to be tested.*

(a) Horses shall be selected for sampling by a commission Veterinarian, Executive Director, Equine Medical Director, Steward or Presiding Judge or a designee of any of the foregoing.

(b) Horses may be selected to be tested at random, for cause, or as otherwise determined in the discretion of the commission.

(c) Collectors shall for suspicion-less collections of samples abide by a plan that has been approved by a supervisor not in the field and identifies specific horses or provides neutral and objective criteria to follow in the field to determine which horses to sample. Such a supervisor may consider input from persons in the field during the operation of the plan and select additional horses to be sampled.

*(4) Cooperation with the commission*

(a) Licensees of the commission are required to cooperate and comply fully with the provisions of this rule.

(b) Persons who apply for and are granted a trainer or owner license shall be deemed to have given their consent for access at such premises as their horse may be found for the purpose of commission representatives collecting out-of-competition samples. Licensees shall take any steps necessary to authorize access by commission representatives at such premises.

(c) No other person shall knowingly interfere with or obstruct a sampling.

*(5) General procedure for collecting samples*

(a) Samples shall be taken under the supervision and direction of a person who is employed or designated by the commission. All blood samples shall be collected by a veterinarian licensed in the state where the sample is collected, or by a veterinary technician who is acting under appropriate supervision of the veterinarian.

(b) Upon request of a representative of the commission, the trainer, owner, or their specified designee shall provide the location of their horses eligible for out-of-competition testing.

(c) The commission need not provide advance notice before arriving at any location, whether or not licensed by the commission, to collect samples.

(d) The trainer, owner, or their specified designee shall cooperate with the person who takes samples for the commission, which cooperation shall include without limitation:

(i) Assist in the immediate location and identification of the horse;

(ii) Make the horse available as soon as practical upon arrival of the person who is responsible for collecting the samples;

(iii) Provide a stall or other safe location to collect the samples;

(iv) Assist the person who is collecting samples in properly procuring the samples; and

(v) Witness the taking of samples including sealing of sample collection containers.

(e) The management and employees of a licensed racetrack or training facility at which a horse may be located shall cooperate fully with a person who is authorized to take samples. The person who collects samples for the commission may require that the collection be done at a specified location on such premises.

(f) The commission, if requested and in its sole discretion, may permit the trainer, owner, or their specified designee to present a horse that is located in the jurisdiction, but not at a racetrack or training center licensed by the commission, to be sampled at a time and location designated by the commission.

*(6) Procedure for collecting samples from horses located outside the jurisdiction*

(a) The commission may arrange for the sampling of an out-of-state horse by the racing commission or other designated person in the jurisdiction where the horse is located. Such racing commission or other designated person shall follow the relevant provisions of this rule, including paragraph (a) of subdivision five of this rule.

(b) The test results shall be made available, for its regulatory use, to each jurisdiction that has participated in the process of collecting any out-of-competition sample, subject to any restrictions on public disclosure of test results that apply to the commission that selected the horse for sampling.

(c) The commission, if requested and in its sole discretion, may permit the trainer or owner instead to transport the horse into its jurisdiction for sampling at a time and place designated by the commission.

*(7) Additional procedures*

- (a) The person who takes samples for the commission shall provide identification and disclose the purpose of the sampling to the trainer or designated attendant of the horse.
- (b) A written protocol for the collection of samples shall be made generally available.
- (c) An owner or trainer does not consent to a search of the premises by making a horse that is not located at a racetrack or training center available for sampling.
- (d) If the trainer or other custodian of a selected horse refuses or declines to make the horse available for sampling and the managing owner has previously provided the commission with a means for the commission to give immediate notification to the managing owner in such situation, then the commission shall attempt to notify the managing owner and the eligibility of the horse shall be preserved if the managing owner is able to make the horse available for immediate sampling. The commission is not required to make repeated attempts to notify the managing owner.
- (e) The chain of custody record for the sample (including a split sample where appropriate) shall be maintained and made available to the trainer, owner, or their designee when a complaint results from an out-of-competition test.

*(8) Analysis of collected samples*

- (a) The commission may have out-of-competition samples tested to produce information that may enhance the ability of the commission to enforce its medication and anti-doping rules.
- (b) Split sample rules and procedures for post-race testing shall apply to out-of-competition testing.
- (c) The commission may use any remaining sample for research and investigation.

*(9) Penalties for non-cooperation*

- (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 of a one year license suspension and referral to the commission in addition to any other authorized penalties.
- (b) A selected horse that is not made available for out-of-competition sampling shall be placed on the Steward's List. The horse shall remain on the Steward's List for a

minimum of 180 days unless the owner can establish extraordinary mitigating circumstances.

(c) A selected horse that is presumed eligible for out-of-competition testing shall be placed on the Steward's list and be ineligible to race in the jurisdiction for 180 days if the horse is not sampled because the trainer, owner or their designee asserts that the horse is not engaged in activities related to competing in horse racing in the jurisdiction. This restriction shall not apply if the trainer, owner or their designee instead permits voluntarily an immediate collection of such samples from the horse.

(10) Responsible Persons

- (a) The trainer of the horse is responsible for the condition of a horse sampled for an out-of-competition test while on the grounds of a licensed training facility or racetrack.
- (b) If the horse is sampled while not on the grounds of a licensed training facility or racetrack, then the owner shall be presumed to be the responsible person unless the owner can establish, by substantial evidence, that another licensed person had accepted the responsibility for the care, custody, and control of the horse, making such person the responsible person.
- (c) If a horse sampled for an out-of-competition test was claimed, sold, or otherwise transferred during the time the substance giving rise to the positive test may have been administered, then the Commission shall investigate to determine, by a preponderance of the evidence, the identity of the responsible person at the time such substance may have been administered.
- (d) If the Commission cannot determine a responsible person, then the Commission may deem the owner responsible and may place the horse on the veterinarian's list for such time as is necessary to protect the integrity of racing.
- (e) A claimed horse is ineligible to be subjected to out-of-competition testing in the 48 hours post claim unless the horse was subjected to post race testing.

Adopted Version 4.1 ARCI 4/26/07

Version 6.3 to 7.0, ARCI Board of Directors, 12/09/2016; ARCI-011-022, Amended section title

Version 6.3 to 7.0, ARCI Board of Directors, 12/09/2016, ARCI-011-022, Amended subsections (1) through (6), added subsections (7), (8), and (9)

Version 8.1 to 8.2, ARCI Board of Directors, 12/08/2017, ARCI-011-022, Added subsection (10) "Responsible Persons."

**ARCI-011-023 Testing**

**A. Reporting to the Test Barn**

- (1) The official winning horse and any other horse ordered by the Commission and/or the stewards shall be taken to the test barn to have a blood and urine samples taken at the direction of the official veterinarian.
- (2) Random or extra testing may be required by the stewards or the Commission at any time on any horse on association grounds.