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NYS Gaming Commission proposes sweeping new regulations in wake of PETA investigation into Trainer Steve Asmussen's Stable

Investigation finds four of PETA's 14 allegations sustained; issues \$10,000 fine for administering Thyroxine within 48 hours of racing

The New York State Gaming Commission today announced it will pursue sweeping equine drug medication regulations in the wake of its investigation into allegations advanced by the People for the Ethical Treatment of Animals (PETA) in regard to the practices of Thoroughbred Trainer Steven M. Asmussen, his assistant Scott A. Blasi and others during the 2013 Saratoga Race Course Meet.

The draft regulations, which are being released for industry comment in advance of rulemaking, will uphold New York's status as the leading equine drug regulator in the country, adding another initiative to its arsenal of industry-leading rules and practices to ensure humane care for horses and the highest possible integrity in racing. Primarily, the rules mandate:

- No drug may be given to a horse except as an actual medical therapy.
- All metabolism-modifying drugs will be tightly controlled.
- Veterinarians may renew prescriptions based on only their medical judgment.
- The unnecessary use of any substance that abnormally affects a horse will be prohibited.
- Trainers must keep a log of all dispensed medicines administered by the stable.

The draft rules also include strong protections and increased scrutiny for horses experiencing exercise-induced pulmonary hemorrhage (EIPH).

"While the troubling allegations of the PETA investigation were largely unfounded, our extensive review and other considerations have prompted the Commission to put forth substantial changes to further combat the entrenched drug culture in horse racing," said Commission Executive Director Robert Williams. "We recognize PETA for playing a role in bringing about changes necessary to make Thoroughbred racing safer and fairer for all."

In 2014 via three separate communications, PETA presented 14 allegations against the Asmussen Stable, including but not limited to:

- The Stable improperly raced horses with Lasix.
- A jockey employed by the Stable raced with an electrical shocking device.
- The Stable trained and raced horses through injuries, exhaustion and pain.
- The Stable subjected horses to performance-enhancing and pain-masking drugs
- The Stable misused a thyroid supplement in violation of Commission rules.
- The Stable repeatedly violated labor laws.

The Commission staff's investigation was comprehensive and far-reaching. It included interviews with dozens of individuals, close scrutiny of detailed training and veterinary records and more than seven hours of recorded video, and review of thousands of pages of additional material. Ultimately, the Commission found that four of PETA's complaints were sustained:

- Veterinarian Joseph F. Migliacci allowed partially completed furosemide eligibility forms to be completed by third-parties in his presence.
- Asmussen used synthetic thyroxine on the animals under his care.
- Thyroxine was administered unlawfully, within 48 hours of racing.
- Thyroxine was administered without evidence of medical necessity.

PETA's more serious, remaining 10 allegations were unfounded.

The Commission is issuing a \$10,000 fine to Asmussen for administering Thyroxine to horses within 48 hours of racing in violation of Commission rule 4043.2(e)(9). While other PETA allegations were sustained, not all represented regulatory violations.

Commission staff, with assistance from the Association of Racing Commissioners International (ARCI), has formulated a set of specific regulatory recommendations that address many of the concerns raised by PETA.

Furosemide:

- A horse that visibly bleeds from its nostrils (epistaxis) should be removed from racing and placed on the veterinarian's list by explicit rule.
- Serious EIPH episodes should be disclosed to subsequent owners.
- Periodic endoscopic examinations should be required for horses with significant EIPH.

Metabolism:

- Drugs that regulate metabolism (e.g. Thyroxine, among others) should not be permitted within 30 days of racing.
- Possession of drugs to regulate metabolism (e.g. Thyroxine, among others) should be restricted at the racetrack.

Overmedication:

- No drug or other substance that could abnormally affect a horse should be administered unless in the course of reasonable, good-faith care of the horse.
- Trainers should be required to keep an administration log of dispensed medicines.
- Veterinarians should renew prescriptions based only on their own medical judgment.
- No drug may be administered except to treat a diagnosed medical disorder or as a generally accepted preventative medical practice.

The Commission acknowledges the work of the ARCI Drug Testing Standards and Practices Committee in the assistance of drafting these recommended regulations.

The labor violations alleged by PETA were referred to appropriate New York State and federal agencies with jurisdiction over labor matters. The Commission reserves the right to examine occupational character and fitness of Asmussen and Blasi dependent on the outcome of any investigation or litigation regarding these allegations.

[The Staff Report in Regard to Allegations Advanced by PETA in regard to practices of KDE Equine, LLC et al.](#) includes a detailed analysis and finding of each allegation, conclusions, recommendations, and full text of all proposed regulations. The report also includes a detailed overview of EIPH and a transcript and analysis of the public video that PETA released and its unfounded allegations of animal abuse and widespread drug misuse by the Asmussen stable.

The report also includes correspondence from PETA and supplemental evidence provided to the Commission, as well as the text of the federal lawsuit against Asmussen's stable regarding labor law violations.

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