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November 22, 2013

To Whom It May Concern:

The New York State Gaming Commission (“Commission”) has proposed a series of 10 amendments to its harness drug rules that would create per se thresholds for 24 drugs and medications, make it a rule violation if the Commission’s laboratory can detect by testing race-day samples the administration of any other substances that could affect race performance (i.e., affect a horse’s body organ systems), and modify the Commission’s rules that restrict the administration of all drugs and other substances within various periods of time before a horse’s next race. The proposed amendments would generally restrict the administration close to race day of drugs and medications to harness race horses to 24 drugs that have been identified as having widely accepted beneficial effects, providing for sufficient treatment to ensure good veterinary care, and capable of being regulated by means of known laboratory thresholds.

These amendments were proposed at the November 4, 2013 meeting of the Commission and will be published in the December 4, 2013 *State Register*. The full text of each rule proposal and a discussion of each proposal will appear in such issue of the *State Register*. In addition, you may obtain a copy of such materials before they are published by requesting a copy from me.

The proposed amendments would renumber the current 9 NYCRR 4120.3 and adopt a new 9 NYCRR 4120.3 containing per se thresholds. Seven separate proposals together contain the thresholds for all 24 drugs. Separating the proposed regulation into several proposals will better enable the Commission to consider aspects of the overall proposal separately (e.g., the threshold for clenbuterol is a separate proposal and may be considered separately). Another separate proposal in this set of proposals would establish a threshold of zero for other drugs and substances. Amendments to 9 NYCRR 4120.2 would increase some restricted time periods (e.g., clenbuterol, flunixin, some corticosteroids), decrease others (e.g., dantrolene, detomidine) and establish special provisions for administrations of methylprednisolone acetate (“Depo Medrol”) and of corticosteroids not among the five included in the 24 specified drugs.

The Commission has scheduled a rulemaking Public Hearing from 10:30 a.m. to 3:30 p.m. on Tuesday, January 21, 2014 in its sixth floor board room at One Broadway Center, Schenectady. Contact me if you wish to be scheduled to participate in such hearing. You may also provide your written comments on this proposed rulemaking to me, Kristen M. Buckley, at the New York State Gaming Commission, One Broadway Center, Schenectady, NY 12305, or gamingrules@gaming.ny.gov, by January 26, 2014.

Very truly yours,

A handwritten signature in blue ink that reads "Kristen M. Buckley".

Kristen M. Buckley,
Acting Secretary to the Commission