

ADVISORY

To: All New York Licensed Trainers and Veterinarians

From: Dr. Scott E. Palmer, Equine Medical Director

Date: March 17, 2020

NYSGC Directive for Thoroughbred Horses Linked to Alleged Drug Violations

Transferred or Potentially Implicated Horses

1. The NYS Gaming Commission (Commission) has summarily suspended Thoroughbred trainers who have been indicted for alleged equine drug-related criminal activity. All Thoroughbred horses under custody of such trainers as of the date of the announcement of the indictment (March 9, 2020) are placed on the Stewards' List for a minimum of 30 days.
2. All such horses placed on the Stewards' List shall submit to hair testing for prohibited and impermissible substances. Hair sampling shall be as directed by the Commission and will be conducted by a Commission veterinarian (or a designee of the Commission) a minimum of 30 days after the date such criminal charges were disclosed. If the hair sample contains prohibited or other impermissible substances, the horse will remain on the Stewards' List. The Commission's current expectation is that the results of the hair testing will be made available within 4 weeks of sampling. Please be advised that due to the characteristics of currently known testing procedures and the number of substances to be investigated, this testing requirement will likely result in the horse remaining on the Stewards' list for a minimum of 60 days.
3. Any horse placed on the Stewards' List must pass an Official Work to be removed from the list. The testing for the Official Work will include blood and urine testing. If the blood and/or urine sample contain substances that are not permitted in a horse for removal from the Stewards' List, the horse will remain on the list.
4. A horse on the Stewards' List shall be made available for examinations and out-of-competition testing at all times while on the Stewards' List. If the horse resides in New York, the horse's location must be available to the Commission or track veterinarian upon request. The Commission's out of-competition testing rule will apply. See 9 NYCRR § 4012.5.
5. The owner and prior owners of a horse so placed on the Stewards' List shall provide to the Commission copies of veterinarian billing records for treatments of the horse while it was owned by such person from December 1, 2019 to date. The Commission may require further documentation or information, as the facts and circumstances in regard to a horse may warrant.
6. Owners shall pay for all testing required under this Commission Directive.

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Claimed or Otherwise Transferred Horses

1. All horses claimed, sold or otherwise transferred from a summarily suspended, indicted trainer in the 60 days prior to the date of the announcement of the indictment are placed on the Stewards' List and subject to items 2-4 of the Transferred or Potentially Implicated Horses section of this Commission Directive, except that hair sampling may occur after 30 days have passed since the horse arrived at the new trainer's barn.
2. Horses may not enter a race again until the requirements of this Commission Directive are satisfied.
3. Any horse that tests positive for a prohibited substance may be returned by the claimant or new owner to the prior owner for a period of 10 days after learning of the positive test result. See 9 NYCRR §§ 4012.5(c) and 4043.12(f).

Time frames set forth may be extended or additional testing required based upon further information or test results.

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