

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 45. PROHIBITED PRACTICES AND EQUINE TESTING

325:45-1-11. Trainer responsibility

- (a) The trainer of a horse which is the subject of a substance violation shall be responsible for the substance violation. ~~At the discretion of the Stewards or Commission, a trainer and all other Commission licensed persons shown to have cared for, had custody of, or treated the horse which is the subject of a substance violation may be fined or suspended or both.~~
- (b) If the trainer is or plans to be absent from the enclosure on race day, the trainer may designate another licensed trainer or assistant trainer to be responsible for saddling horses after obtaining the Stewards' approval for the substitution. Designation of ~~an~~ another licensed trainer or assistant trainer shall not relieve the trainer from absolute responsibility for the condition and eligibility of a horse.
- (c) Failure to disclose the actual trainer of a horse participating in a race shall be grounds to disqualify the horse and subject the actual trainer to possible disciplinary action by the Stewards or the Commission.
- (d) Any act or omission by a trainer or a person under the supervision of the trainer which prevents or interferes with the collection of biological samples as described by this Chapter shall be a violation of rules and a cause for disqualification of the horse involved and ~~such~~ other penalties as the Stewards or the Commission deem appropriate.

325:45-1-16. Pre-race and out-of-competition testing

- (a) ~~The Official Veterinarian, Stewards, or Commission may require any horse entered to race to submit to pre-race testing.~~
- ~~(b) If pre-race testing is required by the~~ The Official Veterinarian, Stewards, or Commission, no ~~may require an entered horse to submit to pre-race testing. If pre-race testing is required, the horse shall be eligible~~ ineligible ~~to start in a race until a biological sample has been collected from the horse by the Official Veterinarian or designee.~~
- (b) The Official Veterinarian, Stewards, or Commission may require a horse within the enclosure to submit to out-of-competition testing. If out-of-competition testing is required, the horse shall be ineligible to start in a race until a biological sample has been collected from the horse by the Official Veterinarian or designee.

325:45-1-18. Collection of post-race, pre-race, and out-of-competition samples

- (a) ~~Biological~~ Post-race biological samples shall be collected only by the Official Veterinarian or designee except as otherwise provided by Commission rules.
- (b) In the event a horse suffers catastrophic injury, the Racing Veterinarian may collect a post-race biological sample from the injured horse prior to ~~or after~~ any necessary humane action.
- (1) If the trainer is immediately available, the trainer may witness the collection of the biological sample.
- (2) If the trainer is not immediately available, any other licensed individual may act as witness to the collection of the biological sample.
- (c) ~~Biological~~ Post-race biological samples shall be collected by the Official Veterinarian or designee. ~~Biological samples shall be collected~~ in the test barn, unless the Official Veterinarian approves otherwise, as follows:

- (1) Each horse shall be cooled out for a minimum of thirty (30) minutes after the race before a ~~post-race~~ biological sample is collected;
 - (2) The collection of biological samples shall be witnessed, confirmed, or acknowledged by the trainer of the horse being tested or the trainer's authorized representative or employee;
 - (3) The collection of biological samples may be witnessed by the owner;
 - (4) The Official Veterinarian or designee may decant the biological sample consisting of blood and may use ~~such~~ preservatives or substances necessary for the preservation of the biological sample;
 - (5) The trainer, the trainer's authorized representative or employee, or the owner, may witness the decanting of blood. Failure ~~to~~ of a witness to be present during the decanting process ~~constitutes~~ shall constitute a waiver of the right ~~to do so~~;
 - (6) Biological samples shall be sent to a primary laboratory designated by the Commission;
 - (7) When available, biological samples used for split testing may be sent to a referee laboratory at the election of the trainer or owner as otherwise provided by Commission rules;
 - (8) Biological samples shall remain in the custody of the Official Veterinarian or designee from the time the biological sample is collected until the biological sample is delivered for shipment to the primary or referee laboratory.
 - (9) No person shall break the seal of, remove, or otherwise attempt to alter any biological sample except for:
 - (A) The decanting of the biological sample by the Official Veterinarian or designee,
 - (B) The addition of preservatives or substances necessary for the preservation of the biological sample by the Official Veterinarian or designee, and
 - (C) The primary or referee laboratory in the process of testing.
- (d) Pre-race and out-of-competition biological samples shall be collected by the Official Veterinarian or designee at a location chosen by the Official Veterinarian as follows:
- (1) The collection of biological samples shall be witnessed, confirmed, or acknowledged by the trainer of the horse being tested or the trainer's authorized representative or employee;
 - (2) The Official Veterinarian or designee may decant the biological sample consisting of blood;
 - (3) The trainer, the trainer's authorized representative or employee, or the owner may witness the decanting of blood. Failure of a witness to be present during the decanting process shall constitute a waiver of the right;
 - (4) Biological samples shall be sent to a primary laboratory designated by the Commission;
 - (5) When available, biological samples used for split testing may be sent to a referee laboratory at the election of the trainer or owner as otherwise provided by Commission rules;
 - (6) Biological samples shall remain in the custody of the Official Veterinarian or designee from the time the biological sample is collected until the biological sample is delivered for shipment to the primary or referee laboratory;

(7) No person shall break the seal of, remove, or otherwise attempt to alter any biological sample except for:

(A) The decanting of the biological sample by the Official Veterinarian or designee,

(B) The addition of preservatives or substances necessary for the preservation of the biological sample by the Official Veterinarian or designee, and

(C) The primary or referee laboratory in the process of testing.

(e) The Commission may direct the primary or referee laboratory to retain and preserve pre-race or out-of-competition samples for future analysis.

(e)(f) The distribution of purse money shall not be considered evidence of any official finding by the Commission regarding a substance violation.

325:45-1-24. Substance classification and penalties

Upon a finding of any substance violation, the Stewards shall consider the classification level of the substance violation as currently established by the UNIFORM CLASSIFICATION GUIDELINES OF FOREIGN SUBSTANCES (Version ~~14.1~~ 14.3) as promulgated by the Association of Racing Commissioners International, Inc. and may impose penalties and disciplinary measures consistent with the recommendations contained therein, except not to conflict with the mandates of 325:45-1-9 and 325:45-1-9.1. Provided, however, that in the event a majority of the Stewards determine that aggravating or mitigating circumstances require imposition of a different penalty than the penalty suggested by the guidelines, the Stewards may impose a different penalty. In the event a majority of the Stewards wish to impose a penalty in excess of the authority granted them by 325:1-1-7, the Stewards may impose the maximum penalty authorized by state law and refer the matter to the Commission with specific recommendations for further action.