

(c) Any and all penalties assessed against an owner, trainer, veterinarian, or other person for violation of N.J.A.C. 13:70-14A.18 shall be individually assessed against each particular violator based upon his or her own violation history. For example, the same set of facts may be deemed a third violation against the trainer, a second against the owner, and a first against the veterinarian.

(d) Notwithstanding the foregoing, the Judges may punish any person who directed another to violate N.J.A.C. 13:70-14A.18. The person who directed the violator shall be subject to the same penalties as the offender. This includes, but is not limited to, the principal veterinarian of a veterinary practice, a veterinarian who directs a veterinarian technician or other person to perform shock wave therapy or act in any other way that would violate N.J.A.C. 13:70-14A.18, a trainer or owner who directs any other party to perform shock wave therapy or act in any way that would violate N.J.A.C. 13:70-14A.18, or any other person who directs another to violate N.J.A.C. 13:70-14A.18.

(e) Notwithstanding any of the penalties set forth in (a) above, the Stewards may punish any other person found to be acting in concert with a person performing shock wave therapy in violation of N.J.A.C. 13:70-14A.18, by imposing penalties in accordance with the severity of the conduct up to the maximum provided in this section.

(a)

NEW JERSEY RACING COMMISSION

Horse Racing Anabolic Steroids

Adopted Amendment: N.J.A.C. 13:70-14A.17

Proposed: October 2, 2017, at 49 N.J.R. 3334(a).

Adopted: March 22, 2018, by the New Jersey Racing Commission,
Frank Zanzuccki, Executive Director.

Filed: March 29, 2018, as R.2018 d.094, **without change**.

Authority: N.J.S.A. 5:5-30.

Effective Date: May 7, 2018.

Expiration Date: April 28, 2024.

Summary of Public Comments and Agency Responses:

The official comment period ended December 1, 2017. The following is a summary of the comments received and the New Jersey Racing Commission's (Commission) responses. The Commission received one comment via electronic mail from a member of the public titling herself as "Jean Public."

COMMENT: The commenter states that specific fines should be added to the rule for each anabolic steroid offense because of her concern over equine fatalities at United States racetracks.

RESPONSE: The Commission thanks the commenter for her concern. However, the comment addresses an issue beyond the scope of the proposed amendments, which are intended to update threshold and testing methodology to align with current research and scientific specifications. As a result, the Commission rejects the comment.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the adopted amendments. The Racing Commission adopts these amendments pursuant to the rulemaking authority set forth at N.J.S.A. 5:5-30.

Full text of the adoption follows:

SUBCHAPTER 14A. MEDICATION AND TESTING PROCEDURES

13:70-14A.17 Anabolic steroids

(a)-(b) (No change.)

(c) Test results identifying the presence of boldenone, nandrolone, and testosterone shall not constitute a violation of this section if the level of these permitted anabolic steroids test at or below the following threshold levels in blood plasma:

Boldenone – 25 picograms/milliliter (25 pg/mL);
Nandrolone – Females and geldings: 25 picograms/milliliter (25 pg/mL);
Testosterone – Intact male horses: 2,000 picograms/milliliter (2,000 pg/mL);

Females and geldings: 25 picograms/milliliter (25 pg/mL)
(unless a female is in foal).

For the purposes of this section, "intact male horse" shall mean a male horse that has not been gelded. Male horses other than geldings shall be tested for nandrolone in urine only. See (d) below.

(d) Test results identifying the presence of boldenone, nandrolone, and testosterone shall not constitute a violation of this section if the level of these permitted anabolic steroids test at or below the following threshold levels in urine:

Boldenone – Intact males: 15 nanograms/milliliter (15 ng/mL);

Females and geldings: 1 nanogram/milliliter (1 ng/mL)

Nandrolone – Intact males: 45 nanograms/milliliter (45 ng/mL);

Females and geldings: 1 nanogram/milliliter (1 ng/mL);

Testosterone – Females: 55 nanograms/milliliter (55 ng/mL) (unless in foal);

Geldings: 20 nanograms/milliliter (20 ng/mL)

(e) Any blood or urine samples containing one of the three anabolic steroids listed in (c) and (d) above that quantitatively measures above the threshold levels shall constitute a violation of this section. Any samples identifying the presence of more than one of the three permitted anabolic steroids shall constitute a violation of this section regardless of the threshold levels identified in the sample. Any samples identifying the presence of one of the three permitted anabolic steroids, even if it tests at or below the threshold level, shall constitute a violation of this section if the samples also indicate the presence of any other anabolic steroid.

Recodify existing (e)-(f) as (f)-(g) (No change in text.)

(h) In addition to the liability of the trainer, any person licensed in any capacity by the Commission who is involved in the administration of anabolic steroids to a horse who tests in violation to this section shall be subject to penalties up to or equal to the penalties set forth for trainers in (g) above. Persons not licensed by the Commission who have been involved in the administration of anabolic steroids to a horse who tests in violation of this section shall be subject to penalties as determined by the Commission.

(i) (No change in text.)

(j) The trainer of a horse that was claimed outside of the State of New Jersey or purchased in a private sale in any state may request that the claimed horse be tested for the presence of anabolic steroids prior to entering that horse to race in New Jersey. The trainer who requests such testing shall bear all costs, as determined by the Executive Director, that are related to the collection and testing of the blood and urine samples consistent with (i) above. A horse that tests in violation of this section shall be declared ineligible to compete in any race in New Jersey for a period of at least 30 days after the date upon which the samples were taken. After the 30-day disqualification has been completed, the horse shall not be allowed to compete until such time as the trainer makes the horse available to the Commission for retesting and the samples taken are in compliance with this section. Any trainer who fails to request this testing prior to entering a horse claimed outside of the State of New Jersey or purchased in a private sale to race and the horse tests positive for the presence of anabolic steroids in violation of this section, the trainer shall be liable for all penalties set forth in this section.