

# **RULE SERIES 1000**

## **DEFINITIONS**

## **1000. GENERAL PROVISIONS**

### **1010. Definitions**

**Act** means the Horseracing Integrity and Safety Act of 2020, as amended from time to time.

**ADMC** means the Anti-Doping and Medication Control Standing Committee of the Authority.

**Administration** means providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use in a Covered Horse of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide veterinary personnel involving a Controlled Medication Substance or Controlled Medication Method used for genuine and legal therapeutic purposes or other acceptable justification.

**Administrative Procedure** has the meaning given to it in Rule 3349.

**ADRV Notice** has the meaning given to it in Rule 3245.

**Adverse Analytical Finding** means a report from a Laboratory that, consistent with the Laboratory Standards, establishes in a Sample the presence of a Prohibited Substance or its Metabolites or Markers or evidence of the Use of a Prohibited Method.

**Agency** means the anti-doping and controlled medication enforcement agency known as the Horseracing Integrity and Welfare Unit.

**Aggravating Circumstances** means circumstances involving, or actions by, a Covered Person that may justify the imposition of a period of Ineligibility greater than the standard sanction otherwise imposed. Such circumstances and actions include those set forth in Rule 3227 and Rule 3327 (as applicable).

**Aliquot** means a portion of the Sample obtained from the Covered Horse.

**Analyte** means a substance, compound or measurand that is analyzed and/or determined in a biological matrix using an Analytical Testing Procedure performed under controlled analytical and laboratory conditions. For anti-doping and controlled medication purposes, an Analyte may be a Prohibited Substance, a Metabolite of a Prohibited Substance, or a Marker of the Use of a Prohibited Substance or Prohibited Method.

**Analytical Method** has the same meaning as Analytical Testing Procedure.

**Analytical Testing** means the parts of the Doping Control and/or Medication Control process performed at the Laboratory, which includes Sample handling, analysis, and the reporting of results.

**Analytical Testing Procedure** means a Fit-for-Purpose procedure, as demonstrated through method validation, that is used to detect, identify or quantify Analytes in a Sample in accordance with the Laboratory Standards and relevant Technical Document(s), Technical Letter(s), Technical Note(s) and/or Laboratory Guidelines. Unless the context otherwise requires, Analytical Testing Procedure is also referred to or known as an Analytical Method or Test Method.

**Analytical Testing Restriction (ATR)** means a restriction on a Laboratory's application of specified Analytical Testing Procedure(s) or on the analysis of a particular class(es) of Prohibited Substances or Prohibited Methods to Samples, as determined by the Agency.

**Anti-Doping Rule Violation** means an anti-doping rule violation under the Protocol.

**Arbitration Procedures** means the arbitration procedures set forth in the Rule 7000 Series.

**Assistant Trainer** means a person engaged in the training of Covered Horses, under the supervision of a Trainer.

**Attempt** means purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation or Controlled Medication Rule Violation; provided, however, that there shall be no Anti-Doping Rule Violation or Controlled Medication Rule Violation based solely on an Attempt to commit a violation if the Covered Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

**Attending Veterinarian** means a Veterinarian providing treatment and services to Covered Horses under the direction of a Responsible Person or their representative.

**Atypical Finding** means a report from a Laboratory that requires further investigation, as provided for by the Laboratory Standards and/or related Technical Documents, prior to the determination of an Adverse Analytical Finding.

**Authority** means the Horseracing Integrity and Safety Authority.

**Banned Method** has the meaning given to it in Rule 3111.

**Banned Substance** has the meaning given to it in Rule 3111.

**Batch** means a set of Samples processed as a group.

**Bias** means deviation of a measured result from the expected or reference value when using the complete measurement procedure.

**Billing Standards** means the standards governing compensation for arbitrators and stewards under the Arbitration Procedures.

**Blood Collection Officer (BCO)** means a Veterinarian or a veterinary technician who has been authorized by the Agency to collect one or more blood Samples from a Covered Horse.

**Breeder** means a Person who is in the business of breeding Covered Horses.

**Certified Reference Material (CRM)** means Reference Material characterized by a metrologically valid procedure for one or more specified properties, which is accompanied by a certificate that provides the value of the specified property, its associated uncertainty, and a statement of metrological traceability.

**Chain of Custody** means the sequence of individuals or organizations who have responsibility for the custody of a Sample from the provision of the Sample until the Sample has been delivered to the Laboratory for analysis.

**Chaperone** means a person authorized by the Agency to carry out the responsibilities given to Chaperones in the Testing and Investigations Standards or by the DCO.

**Charge Letter** has the meaning given to it in (as the context requires) Rule 3248 or Rule 3348.

**Commission** means the US Federal Trade Commission.

**Confirmation Procedure (CP)** means an Analytical Testing Procedure that has the purpose of confirming the presence in a Sample – and/or, when applicable, confirming the concentration, ratio, or score, or establishing the origin (exogenous or endogenous) – of one or more specific Prohibited Substances, Metabolite(s) of a Prohibited Substance, or Marker(s) of the Use of a Prohibited Substance or Prohibited Method.

**Consequences** means the penalties resulting from the occurrence of one or more violations of the Protocol, as set forth in the Rule 3000 Series. The Consequences for an Anti-Doping Rule Violation or a Controlled Medication Rule Violation may include one or more of the following:

- (1) Disqualification;
- (2) Ineligibility;
- (3) Provisional Suspension;
- (4) financial penalties; and
- (5) Public Disclosure.

**Contaminated Product** means a product other than normal feed (i.e., hay and conventional feed stuffs) or water, that contains a Prohibited Substance that is not disclosed on the product label or otherwise reasonably available to a Veterinarian or Trainer.

**Controlled Medication Method** has the meaning given to it in Rule 3111.

**Controlled Medication Rule Violation** has the meaning given to it in Rule 3311(a).

**Controlled Medication Substance** has the meaning given to it in Rule 3111.

**Corrective Action Report (CAR)** means a report describing the Root Cause Analysis of a nonconformity and the corrective actions implemented to rectify it. If appropriate, it shall also describe the improvements adopted to minimize the risk of recurrence of the nonconformity.

**Coverage Factor k** means a numerical value from statistical tables or computation that is used to compute the expanded measurement uncertainty associated with a method. For example, a coverage factor of three (3) confers a certain level of statistical certainty for the measurement uncertainty value. Larger values of the Coverage Factor k increase the certainty of the measurement uncertainty estimate.

**Covered Horse** means any Thoroughbred horse, or any other horse made subject to this Act by election of the applicable State Racing Commission or the breed governing organization for such horse under section 1205(k), during the period (A) beginning on the date of the horse's first timed and reported Workout at a Racetrack that participates in Covered Horseraces or at a Training Facility; and (B) ending on the date on which the Authority receives written notice that the horse has been retired.

**Covered Horserace** means any horserace involving Covered Horses that has a substantial relation to interstate commerce, including any Thoroughbred horserace that is the subject of interstate off-track or advance deposit wagers.

**Covered Person** means all Trainers, Owners, Breeders, Jockeys, Racetracks, Veterinarians, Persons licensed by a State Racing Commission and the agents, assigns, and employees of such Persons and other horse support personnel who are engaged in the care, training, or racing of Covered Horses.

**Decision Limit** means the value of the result for a Threshold Substance in a Sample, above which an Adverse Analytical Finding shall be reported. Decision Limits will be as set out or referenced in the Laboratory Standards.

**Disqualification** means the results in a particular Covered Horserace are invalidated, with all resulting consequences including forfeiture of any purses, points, and prizes associated with such Covered Horserace.

**Doping Control** means all steps and processes from test distribution planning through to ultimate disposition of any appeal involving an Anti-Doping Rule Violation and the enforcement of Consequences, including all steps and processes in between, including Testing, investigations, whereabouts, Sample collection and handling, laboratory analysis, Results Management, hearings and appeals, as well as investigations and proceedings relating to violations not arising from or related to Testing.

**Doping Control Officer (DCO)** means an official who has been authorized by the Agency to carry out the responsibilities given to DCOs in the Testing and Investigations Standards.

**EAD Rules** means the Equine Anti-Doping Rules included at Chapter III of the Protocol.

**ECM Notice** has the meaning given to it in Rule 3345.

**ECM Rules** means the Equine Controlled Medication Rules included at Chapter IV of the Protocol.

**Equibase** means the official database for Thoroughbred horse racing.

**Equine Constituencies** means, collectively, Owners, Breeders, Trainers, Racetracks, Veterinarians, State Racing Commissions, and Jockeys who are engaged in the care, training, or racing of Covered Horses.

**Expanded Measurement Uncertainty** means the multiplication of the Coverage Factor (q.v.) by the Measurement Uncertainty (q.v.).

**External Quality Assessment Scheme (EQAS)** means a program for quality assessment of Laboratory performance, which includes the periodic distribution of urine, blood, or other samples to Laboratories and probationary laboratories by the Agency, to be analyzed for the presence or absence of Prohibited Substances and/or their Metabolite(s), or Marker(s) of Use of Prohibited Substances or Prohibited Methods. EQAS samples may be open (i.e., educational; in such cases the content may be indicated), blind or double-blind (in such cases the content is unknown to the Laboratories).

**Fault** means any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Covered Person's degree of Fault include the Covered Person's experience and special considerations such as impairment, the degree of risk that should have been perceived by the Covered Person, and the level of care and investigation exercised by the Covered Person in relation to what should have been the perceived level of risk. With respect to supervision, factors to be taken into consideration are the degree to which the Covered Person vetted, educated, supervised and monitored subordinates and created and maintained systems to ensure compliance with the Protocol. In assessing the Covered Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Covered Person's departure from the expected standard of behavior. Thus, for example, the fact that the Covered Person would lose the opportunity to earn large sums of money during a period of Ineligibility, or

the fact that the Covered Person or Covered Horse only has a short time left in a career, or the timing of the racing calendar, would not be relevant factors to be considered in reducing the period of Ineligibility based on degree of Fault.

**Fit(ness)-for-Purpose** means suitable for the intended purpose and in conformity with the ISO/IEC 17025 or ISO 15189, as applicable, ILAG-G7, the Laboratory Standards and relevant Technical Document(s) and Technical Letter(s).

**Flexible Scope of ISO/IEC 17025 Accreditation** means status of Laboratory accreditation, which allows a Laboratory to make and implement restricted modifications in the scope of ISO/IEC 17025 accreditation, as applicable, prior to the assessment by the accreditation body.

**Further Analysis** means additional analysis conducted by a Laboratory on an A Sample or a B Sample after it has reported an analytical result for that A Sample or that B Sample, save that it excludes (and therefore there is no limitation on a Laboratory's authority to conduct) repeat or confirmation analysis, and analysis with additional or different Analytical Methods.

**Ineligibility** means the Covered Horse and/or Covered Person is barred for a specified period of time from participating in specified activities, as further particularized in the provisions of the Protocol relating to Ineligibility.

**Initial Testing Procedure (ITP)** means an Analytical Testing Procedure whose purpose is to identify those Samples which may contain a Prohibited Substance, Metabolite(s) of a Prohibited Substance, or Marker(s) of the Use of a Prohibited Substance or Prohibited Method or an elevated quantity of a Prohibited Substance, Metabolite(s) of a Prohibited Substance, or Marker(s) of the Use of a Prohibited Substance or Prohibited Method.

**Interested Party** means the Authority, the Owner of the Covered Horse, the Trainer of the Covered Horse, and the relevant State Racing Commission (provided that it has entered into an agreement incorporating required confidentiality provisions).

**Intermediate Precision** (sw) means variation in results observed when one or more factors, such as time, equipment, or operator, are varied within a Laboratory, and may also be referred to as inter-batch or inter-run precision.

**Jockey** means a rider of a Covered Horse in a Covered Horserace.

**Laboratory** means a laboratory approved by the Agency, applying Test Methods and processes to provide evidentiary data for the detection and/or identification of Prohibited Substances, Metabolites, Markers, and/or Prohibited Methods, and, if applicable, quantification of a Threshold Substance in Samples of urine and other biological matrices in the context of Doping Control and/or Medication Control activities.

**Laboratory Documentation Package (LDP)** means the physical or electronic material produced by a Laboratory upon reporting of an Adverse Analytical Finding or requested by the Agency, as set forth in the Technical Document, to support an analytical result such as an Adverse Analytical Finding or an Atypical Finding (including abbreviated Laboratory Documentation Packages).

**Laboratory Expert Group (LabEG)** means the group of laboratory experts responsible for providing advice, recommendations, and guidance to the Agency with respect to the overall management of Laboratory accreditation, Laboratory disciplinary action, re-accreditation, and approval processes, as well as Laboratory monitoring activities.

**Laboratory Guidelines (LGs)** means recommendations of Laboratory best practices provided by the Agency to address specific Laboratory operations or to provide technical requirements and guidance on interpretation and reporting of results for the analysis of specific Prohibited Substance(s), Metabolites, or Markers, or Prohibited Method(s), or on the application of specific Laboratory procedures.

**Laboratory Internal Chain of Custody** means documentation maintained within the Laboratory to record the chronological traceability of custody and actions performed on the Sample and any Aliquot of the Sample taken for Analytical Testing. Laboratory Internal Chain of Custody is generally documented by a written or electronic record of the date, location, action taken, and the person performing an action with a Sample or Aliquot.

**Laboratory Standards** means the Equine Standards for Laboratories and Accreditation set forth in the Rule 6000 Series.

**Limit of Detection (LOD)** means the analytical parameters of assay technical performance. Lowest concentration of an Analyte in a Sample that can be routinely detected, but not necessarily identified or quantified, under the stated Test Method conditions.

**Limit of Identification (LOI)** means analytical parameter of technical performance for chromatographic-mass spectrometric Confirmation Procedures. The LOI is estimated during method validation to evaluate the rate of false negative results at a certain concentration level. The LOI of a Test Method, at 5% false negative rate, for an Analyte (for which a Reference Material is available) shall be less than the MRPL. Since the LOI is an estimation of the false negative rate, Laboratories may report findings below the estimated LOI as Adverse Analytical Findings or Atypical Findings, as applicable, when the Analyte is identified in the Sample according to the criteria established in a Technical Document.

**Limit of Quantification (LOQ)** means analytical parameter of assay technical performance. Lowest concentration of an Analyte in a Sample that can be quantitatively determined with acceptable precision and accuracy (i.e., acceptable Measurement Uncertainty) under the stated Test Method conditions.

**Managing Owner** applies where an Owner of a Covered Horse is a partnership, corporation, limited liability company, syndicate, or other association or entity, and means a person holding an ownership interest in the applicable Covered Horse who has been designated as the individual who is personally liable under the Protocol as the Owner. In all circumstances in which an individual owns greater than 50% stake in a Covered Horse, that individual shall be the Managing Owner.

**Marker** means a compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

**Measurement Uncertainty (MU)** means parameter associated with a measurement result that characterizes the dispersion of quantity values attributed to the measure and provides confidence in the validity of the measured result.

**Medication Control** means all steps and processes from test distribution planning through to ultimate disposition of any appeal involving a Controlled Medication Rule Violation and to enforcement of Consequences, including all steps and processes in between, including Testing, investigations, whereabouts, Sample collection and handling, laboratory analysis, Results Management, hearings and appeals, as well as investigations and proceedings relating to violations not arising from or related to Testing.

**Metabolite** means any substance produced from a Prohibited Substance by a biotransformation process.

**Minimum Reporting Level** means the estimated concentration of a Prohibited Substance or its Metabolite(s) or Marker(s) in a Sample below which Laboratories will not report that Sample as an Adverse Analytical Finding.

**Minimum Required Performance Level (MRPL)** means minimum analytical criterion of Laboratory technical performance established by the Agency, including the minimum concentration at which a Laboratory is expected to consistently detect and confirm a Prohibited Substance or Metabolite of a Prohibited Substance or Marker of a Prohibited Substance or Prohibited Method in the routine daily operation of the Laboratory.

**Minor** means a natural person who has not reached the age of eighteen (18) years.

**National Stewards Panel** means stewards or otherwise qualified individuals selected and appointed in accordance with the Arbitration Procedures to impartially hear violations of the ECM Rules (and any other violations of the Protocol that the National Stewards Panel is given jurisdiction by the Protocol to hear) on a rotating basis pursuant to the Rule 7000 Series.

**Negative Finding** means a test result from a Laboratory which, in accordance with the Laboratory Standards and relevant Technical Document(s) and Technical Letter(s), concludes that no Prohibited Substance(s) or its Metabolite(s) or Marker(s) or evidence of the Use of a Prohibited Method(s), included in the requested Analytical Testing menu, were found in a Sample based on the applied Initial Testing Procedure(s) or Confirmation Procedure(s).

**No Fault or Negligence** means the Covered Person establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they had administered to the Covered Horse, or that the Covered Horse's system otherwise contained, a Banned Substance or a Controlled Medication Substance, or they had Used on the Covered Horse a Banned Method or a Controlled Medication Method, or otherwise violated the EAD Rules or ECM Rules. For any violation of Rule 3212 or Rule 3312, the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system in order to establish No Fault or Negligence.

**No Significant Fault or Negligence** means the Covered Person establishing that their fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation or Controlled Medication Rule Violation in question. For any violation of Rule 3212 or Rule 3312, the Covered Person must also establish how the Prohibited Substance entered the Covered Horse's system in order to establish No Significant Fault or Negligence.

**Nominated Person** means a natural person nominated by a Responsible Person at the time of notification or through a whereabouts filing to assist, consent to, and witness the Sample collection of a Covered Horse. If the Responsible Person is not present to nominate a person, or the Nominated Person designated in the applicable whereabouts filing is not present or willing to assist with Sample collection, anyone employed at the stable where the Covered Horse is located by the Responsible Person or Owner (or their designees or agents) shall be the Nominated Person for that Sample collection. If no Nominated Person is promptly identified as described above, the person who has custody or control of the Covered Horse or granted the DCO, BCO, or Chaperone access to the Covered Horse shall be the Nominated Person for that Sample collection.

**Non-Threshold Substance** means a substance listed on the Prohibited List for which the identification, in compliance with any applicable Technical Document(s), constitutes an Adverse Analytical Finding.



**Official Workout** means an officially timed running of a Covered Horse over a predetermined distance that is not a Covered Horserace but is overseen by an Official Veterinarian or Racetrack steward.

**Owner** means a Person or entity who holds an ownership or property interest in one or more Covered Horses. The term also includes the Managing Owner.

**Person** means a natural person or an organization or other entity.

**Possession** means actual, physical possession, or constructive possession (which shall be found only if the Covered Person has exclusive control or intends to exercise exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists). If the Covered Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Covered Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. There shall be no Anti-Doping or Controlled Medication Rule violation based solely on possession if, prior to receiving notification of any kind of any violation, the Covered Person has taken concrete action demonstrating that the Covered Person never intended to have possession and has renounced possession by explicitly declaring it to the Agency. Notwithstanding anything to the contrary in this definition, the act of purchasing (including by any electronic or other means) a Prohibited Substance or Prohibited Method constitutes Possession by the Covered Person who makes the purchase, whether or not the Prohibited Substance or Prohibited Method purchased is ever delivered to the Covered Person.

**Presumptive Adverse Analytical Finding (PAAF)** means the status of a Sample test result from the Initial Testing Procedure which represents a suspicious finding, but for which a Confirmation Procedure to render a conclusive test result has not yet been performed.

**Program** means the anti-doping and controlled medication program established under section 6(a) of the Act to improve the integrity and safety of horseracing in the USA.

**Program Effective Date** means January 1, 2022.

**Prohibited List** means the Equine Prohibited List, identifying the Prohibited Substances and Prohibited Methods, set forth in the Rule 4000 Series.

**Prohibited Method** means any method so described on the Prohibited List.

**Prohibited Substance** means any substance or class of substances so described on the Prohibited List.

**Protocol** means the Rule Series 3000 (Equine Anti-Doping and Controlled Medication Protocol), as amended from time to time.

**Provisional Hearing** means an expedited, abbreviated hearing occurring prior to an adjudication to resolve a challenge to a Provisional Suspension.

**Provisional Suspension** means the Covered Horse and/or Covered Person is barred temporarily from participating in any Workout or Covered Horserace in accordance with Rules 3229 or 3339 (as applicable).

**Public Disclosure** means the dissemination or distribution of information to the general public or to anyone beyond those Persons entitled to earlier notification in accordance with the Protocol.

**Race Day** means the period commencing at 00:00 on the day of an Official Workout or Covered Horserace and ending at 23:59 on that same day.

**Race Period** means the period commencing 48 hours prior to the start of either: (i) any Official Workout in which the Covered Horse participates; or (ii) any Covered Horserace that the Covered Horse has been entered in (whether or not the Covered Horse actually starts) and ending at the end of such Official Workout or Covered Horserace (or at the end of any Sample collection process conducted at that Official Workout or Covered Horserace, if later). However, the Prohibited List may specify that for certain specified Controlled Medication Substances and Controlled Medication Methods the Race Period shall be shorter or longer in duration.

**Racetrack** means an organization licensed by a State Racing Commission to conduct Covered Horseraces.

**Reference Collection (RC)** means a collection of samples or isolates of known origin that may be used in the determination of the identity of an unknown substance. For example, a well-characterized sample obtained from a controlled administration or from in vitro studies in which the presence of the substance of interest has been established.

**Reference Material (RM)** means a Reference Substance or Reference Standard that is sufficiently characterized, homogeneous and stable with respect to one or more specified properties and that has been established to be fit for its intended use in an Analytical Testing Procedure.

**Regulatory Veterinarian** means a veterinarian who is employed, contracted, or appointed by a State Racing Commission, Racetrack, the Authority, or the Agency to monitor the health and welfare of Covered Horses during Covered Horseraces.

**Repeatability (sr)** means variability of results obtained within a laboratory using the same method, over a short time, using a single operator, item of equipment, etc. It is also referred to as intra-batch/intra-run precision.

**Reproducibility (sR)** means variability of results obtained when different laboratories analyze Aliquots of the same Sample. Reproducibility is a property of the results obtained and represents a measurable agreement of analytical results between different laboratories.

**Responsible Person** has the meaning give to that term in Rule 3030.

**Results Management** means the process encompassing the timeframe from provision of an ADRV Notice or ECM Notice through the charge until the final resolution of the matter, including the end of the first instance adjudication process and any appeals.

**Revocation** means the permanent withdrawal of a Laboratory's Equine Analytical Laboratory accreditation by the Agency.

**Risk Assessment** means the assessment of risk of doping and controlled medication misuse conducted by the Agency and used to effectively conduct test distribution planning and/or Target Testing.

**Root Cause Analysis (RCA)** means an investigation to identify one or more fundamental cause(s) of a nonconformity based on the collection of objective evidence from an assessment of the likely factors that led to the nonconformity. The removal of a root cause factor prevents the recurrence of the nonconformity; in contrast, removing a causal factor can improve the outcome, but it does not prevent the recurrence of the problem with certainty.

**Sample** means any biological material collected for the purposes of Doping Control and/or Medication Control, including urine, blood, and hair.

**Sample Collection Equipment** means A and B bottles, kits or containers, collection vessels, tubes, or other apparatus used to collect, hold, or store a Sample at any time during or after a Sample Collection Session.

**Sample Collection Personnel** means all qualified officials authorized by the Agency to carry out or assist with duties during Doping Control and/or Medication Control, including Blood Collection Officers, Doping Control Officers, and Chaperones. An individual may be authorized by the Agency to carry out one or more roles during Doping Control and/or Medication Control.

**Sample Collection Session** means all of the sequential activities that directly involve the collection of a Sample from a Covered Horse from the point that initial contact is made with the Responsible Person or Nominated Person until the Covered Horse provides a Sample and is discharged from Sample collection obligations.

**Screening Limit** means a concentration to be used by Laboratories when screening for certain therapeutic Non-Threshold Substances during the Initial Testing Procedure, below which a Laboratory does not pursue the possible presence of a Prohibited Substance. When the concentration of an analyte subject to a Screening Limit exceeds the Screening Limit as determined by the Initial Testing Procedure, qualitative confirmatory analysis by mass spectrometry Confirmation Procedure is required to confirm the presence or absence of the Prohibited Substance. Quantification is not required. A Screening Limit is not a Limit of Detection, a Limit of Identification, or a Limit of Quantification.

**Selectivity** means the ability of the Analytical Testing Procedure to detect or identify (as applicable) the substance of interest in the Sample.

**Specified Substance** has the meaning given to it in Rule 3111(b).

**Standards** means the Testing and Investigations Standards, the Laboratory Standards, and any Technical Documents issued pursuant to the Standards, the Act or the Protocol. Compliance with a Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the Standard were performed properly.

**State Racing Commission** means an entity designated by State law or regulation that has jurisdiction over the conduct of horseracing within the applicable State.

**Substantial Assistance** means, for purposes of Rule 3226(a) and Rule 3326(a), a Covered Person providing Substantial Assistance must:

- (1) fully disclose in a signed written statement or recorded interview all information the Covered Person possesses in relation to violations of the Protocol; and
- (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, by providing an affidavit and presenting testimony at a hearing if requested to do so by the Agency or an adjudication body.

Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

**Tamper Evident** means to have one or more indicators or barriers to entry incorporated into or, if applicable, included with the Sample Collection Equipment, which, if breached or missing or otherwise compromised, can provide visible evidence that Tampering or Attempted Tampering of Sample Collection Equipment has occurred.

**Tampering** means intentional conduct which subverts the Doping Control and/or Medication Control process, but which would not otherwise be included in the definition of Prohibited Methods. Tampering includes offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to the Agency (or a committee or adjudication body), procuring false testimony from witnesses, committing any other fraudulent act upon the Agency (or committee or adjudication body) to affect Results Management or the imposition of Consequences, and any other similar interference or Attempted interference with any aspect of Doping Control and/or Medication Control.

**Target Testing** means selection of specific Covered Horses for Testing based on criteria set forth in the Testing and Investigations Standards.

**Technical Document (TD)** means a document published containing mandatory technical requirements provided by the Agency for Laboratories on specific anti-doping and controlled medication topics.

**Technical Letter (TL)** means a document published containing mandatory technical requirements provided by the Agency from time to time to address particular issues on the analysis, interpretation, and reporting of specific Prohibited Substance(s), Metabolites, Markers, or Prohibited Method(s) or on the application of specific Laboratory procedures.

**Technical Note (TN)** means technical guidance provided by the Agency to Laboratories on the performance of specific Laboratory methods or procedures.

**Test Method** has the same meaning as Analytical Testing Procedure.

**Testing** means the parts of the Doping Control and/or Medication Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the Laboratory.

**Testing and Investigations Standards** means the Equine Testing and Investigations Standards set forth in the Rule 5000 Series.

**Thoroughbred** means a horse that is registered in The American Stud Book or in a foreign stud book approved by the Jockey Club and the International Stud Book Committee.

**Threshold** means the maximum permissible level of the concentration, ratio, or score for a Threshold Substance in a Sample. The Threshold is used to establish the Decision Limit for reporting an Adverse Analytical Finding or Atypical Finding for a Threshold Substance. Thresholds may only be adopted for (i) substances endogenous to the horse, and (ii) substances arising from plants traditionally grazed or harvested as equine feed.

**Threshold Substance** means a Prohibited Substance, or Metabolite or Marker of a Prohibited Substance, for which the identification and quantitative determination, including, for example, concentration, ratio or score, in excess of a pre-determined Decision Limit, or, when applicable, the establishment of an exogenous origin, constitutes an Adverse Analytical Finding.

**Trafficking** means a Covered Person selling, giving, transporting, sending, delivering, or distributing by any means a Banned Substance or Banned Method to any other Person, or Possessing a Banned Substance or Banned Method for any such purpose; provided, however, that Trafficking shall not include the actions of Veterinarians or other licensed medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification.

**Trainer** means a person engaged in the training of Covered Horses.

**Training Facility** means a location that operates primarily to house Covered Horses and conduct Workouts but is not a Racetrack.

**Unsuccessful Attempt Report** means a detailed report of an unsuccessful attempt to collect a Sample from a Covered Horse, which includes the date of the attempt, the location visited, the exact arrival and departure times at the location, the steps taken at the location to try to locate the Covered Horse (including details of any contact made with third parties), and any other relevant details about the Sample collection attempt (including an explanation as to why the attempt was unsuccessful).

**Use** means the utilization, application, ingestion, injection, or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method in relation to a Covered Horse.

**Veterinarian** means a licensed veterinarian who provides veterinary services to Covered Horses.

**Whereabouts Failure** means a failure by the Responsible Person to do any of the following: (i) provide notice to the Agency that their Covered Horse has been moved from a Racetrack or Training Facility to a private facility before such move occurs, (ii) provide whereabouts information about their Covered Horse(s) upon request by the Agency; (iii) provide sufficient information about the horse's whereabouts to enable the Agency to Test the horse at any time, and/or (iv) make the Covered Horse available for Testing at the private facility specified in their whereabouts filing.

**Without Prejudice Agreement** means a written agreement between the Agency and a Covered Person that allows the Covered Person to provide information to the Agency in a defined time-limited setting with the understanding that, if an agreement for Substantial Assistance or a case resolution agreement is not finalized, the information provided by either party may not be used by the other party in any Results Management proceeding under this Protocol. Such an agreement shall not preclude the parties from using any information or evidence gathered from any source.

**Workout** means an officially timed and published (by Equibase) running of a Covered Horse over a predetermined distance that is not a Covered Horserace.

## **1020. Rules of interpretation**

Unless specified otherwise:

- (a) the pronoun 'they/their' is used for individuals and includes all genders;
- (a) words in the singular include the plural, and words in the plural include the singular;
- (b) references to any 'Rule' are references to rules in the Rule Series 1000-9000;

- (c) any reference to a provision in rules, protocols, policies, standards, and guidelines includes any modifications or successor provisions made or issued from time to time;
- (d) any reference to legislation includes any modification or re-enactment of legislation enacted in substitution of that legislation, and any regulation or other instrument from time to time issued or made under that legislation;
- (e) a reference to 'writing' or 'write' or 'written' includes email;
- (f) a reference to 'may' means 'in the sole and absolute discretion of such person or body';
- (g) a reference to a 'day' means any day of the week and is not limited to working days;
- (h) any time limits shall begin from the day after which the relevant notification is received (or the day after the relevant notification is sent, if sent by email). Official holidays and non-working days are included in the calculation of time limits. The time limits fixed under this Protocol are respected if the communications by the parties are sent before midnight US Eastern time on the last day on which such time limits expire. If the last day of the time limit is an official holiday or a non-business day in the country where the notification has been made, the time limit shall expire at the end of the first subsequent business day;
- (i) a reference to a 'person' (with no initial capital letter) means a natural person; and
- (j) any words following the terms 'including', 'include', 'in particular', 'such as', 'for example', or any similar expression, are illustrative only, and do not limit the sense of the words, description, definition, phrase, or term preceding those terms.