

3000. Equine Anti-Doping and Controlled Medication Protocol

Section 1: The Purpose, Scope, and Organization of the Protocol

3000. General Provisions

Rule 3010. Introduction

(a) The Horseracing Integrity and Safety Act of 2020 (“Act”) mandates and empowers the Horseracing Integrity and Safety Authority (“Authority”) to establish a uniform anti-doping and controlled medication program to improve the integrity and safety of horseracing in the United States (“Program”).

(b) This Equine Anti-Doping and Controlled Medication Protocol (“Protocol”) has been developed and issued by the Authority as part of that mandate. ~~It contains or~~ The Protocol incorporates by reference ~~rules, standards, and procedures to improve and protect the integrity and safety of horseracing in the United States by deterring and penalizing the improper administration or application of Prohibited Substances and Prohibited Methods to~~ the supporting rules and documents approved by the Commission and issued by the Authority, including Rule 1000 Series (General Provisions), Rule 2000 Series (Racetrack Safety Program), Rule 4000 Series (Prohibited List), Rule 5000 Series (Testing and Investigations Standards), Rule 6000 Series (Laboratory Standards), Rule 7000 Series (Arbitration Procedures), Rule 8000 Series (Enforcement Rule), Rule 8500 Series (Methodology for Determining Assessments), and Rule 9000 Series (Registration of Covered Persons and Covered Horses). ~~The Protocol is split into five chapters:~~

- ~~(1) the purpose, scope, and organization of the Protocol;~~
- ~~(2) the Prohibited List, rules of proof, and testing and investigations;~~
- ~~(3) the Equine Anti-Doping Rules;~~
- ~~(4) the Equine Controlled Medication Rules; and~~
- ~~(5) other violations and general procedure/administration.~~

(c) The Protocol has intentionally divided the regulation of Anti-Doping Rule Violations and Controlled Medication Rule Violations into separate ~~chapters~~ sections to reflect the Authority's view that the treatment of such violations should be separate and distinct from each other. Anti-Doping Rule Violations involve Banned Substances or Banned Methods, which are substances ~~and~~ and methods that should never be ~~in a horse's system or~~ used on a horse as they serve no legitimate treatment purpose. Conversely, Controlled Medication Rule Violations involve Controlled Medication Substances or Controlled Medication Methods, which are substances ~~and~~ and methods that have been determined to have appropriate and therapeutic purposes, ~~and so may be used~~ outside the Race Period, ~~except as otherwise provided in the Prohibited List and other Restricted Administration Periods.~~ For the avoidance of doubt, the Protocol does not regulate the use of drugs or medications by human participants in Covered Horseraces.

(d) The Protocol reflects and implements the following principles set out in section 3055(b) of the Act that:

- (1) Covered Horses should compete only when they are free from the influence of medications, other foreign substances, and treatment methods that affect their performance;
- (2) Covered Horses that are injured or unsound should not train or participate in Covered Horseraces, and that medications, other foreign substances, and treatment methods that mask or deaden pain in order to allow injured or unsound horses to train or race should be prohibited;
- (3) rules, standards, procedures, and protocols regulating medication and treatment methods for Covered Horses and Covered Horseraces should be uniform and uniformly administered throughout the United States;

(4) to the extent consistent with the Act, consideration should be given to international anti-doping and medication control standards of the ~~International Federation of Horseracing Authorities~~ [IFHA](#) and the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association;

(5) the administration of medications and treatment methods to Covered Horses should be based upon a veterinary examination and diagnosis that identifies an issue requiring treatment for which the medication or method represents an appropriate component of treatment;

(6) the amount of therapeutic medication that a Covered Horse receives should be the minimum necessary to address the diagnosed health concerns identified during the veterinary examination and diagnostic process; and

(7) the welfare of Covered Horses, the integrity of the sport of horseracing, and the confidence of its stakeholders (including the betting public) require full disclosure to regulatory authorities regarding the administration of medications and treatments to Covered Horses.

(e) The Protocol will be implemented and enforced on behalf of the Authority by:

(1) an anti-doping and controlled medication enforcement agency known as the Horseracing Integrity ~~and~~ [Welfare Unit](#) ("Agency"); and

(2) where agreed in accordance with [section](#) 3060 of the Act, by State Racing Commissions acting under the delegated authority of the Authority or the Agency (and references to the Authority or the Agency in the Protocol will be deemed to encompass such ~~commissions~~ [State Racing Commissions](#) as the context requires, subject to and consistent with the scope of their delegated authority).

(f) In accordance with section 3054(b) of the Act, the rules of the Authority promulgated in accordance with the Act shall preempt any provision of State law or regulation with respect to matters within the jurisdiction of the Authority under the Act. Among other things, the Protocol:

(1) identifies the conduct that will constitute an Anti-Doping Rule Violation (Rules 3211 to 3216), a Controlled Medication Rule Violation (Rules 3311 to ~~3315~~ [3314](#)), or ~~a~~ [another](#) related violation (Rules 3229, 3329, ~~and~~ [3510](#), [and 3520](#));

(2) establishes evidentiary and other rules for proving violations of the Protocol (Rules 3121 ~~to~~ [and](#) 3122);

(3) provides for the creation, maintenance, and updating of a Prohibited List and related Technical ~~Document~~ [Documents](#) that identify Prohibited Substances and Prohibited Methods (Rules 3111 to 3113); ~~and for a monitoring program regarding substances that are not on the Prohibited List or related Technical Document in order to research or monitor such substances, including to identify potential patterns of misuse in horseracing (Rule 3114);~~

~~(4) empowers the Agency to perform and manage test distribution planning and Testing of Covered Horses both in and out of competition, in accordance with the Testing and Investigations Standards (Rule 3133);~~

~~(5) empowers the Agency to gather intelligence and investigate potential violations of the Protocol, conduct Testing and investigations in accordance with the Testing and Investigations Standards, which incorporate uniform rules and procedures in accordance with section 3054(c) of the Act (Rule 3133);~~ [3132](#));

~~(6) empowers the Agency to accredit and approve testing laboratories in accordance with the Laboratory Standards and to monitor, test, and audit approved Laboratories to ensure continuing compliance with the Laboratory Standards; and provides for all samples collected pursuant to the Protocol to be analyzed at approved Laboratories in accordance with the Laboratory Standards or by other laboratories, such as international laboratories accredited by the International Federation of Horseracing Authorities, in accordance with Rule 3136(d) (Rule 3136);~~

~~(7) sets out uniform rules and procedures for the Agency's management of the results of testing and investigations, and for its prosecution of any charges that Covered Persons have violated the Protocol,~~

including incorporating the Arbitration Procedures to ensure the fair adjudication of those charges ([Rules 3240 to 3260](#));

~~(87)~~ sets out the sanctions that may be applied in case of violations of the Protocol, ~~including, but not limited to, Disqualification of results, forfeiture of prizes and purses, fines, payment of costs, periods of Ineligibility for Covered Horses or Covered Persons (including additional periods of Ineligibility for repeat offenders), and Public Disclosure (sections (Rules 3220 and 3320; Rules 3230 and 3330; and Rule 3540)~~; and requires the Authority, Racetracks, Race Organizers, Training Facilities, all Covered Persons, and all other relevant Persons to recognize, respect, enforce, and give full force and effect to final decisions issued under the Protocol within their respective spheres of authority (Rule 3710);

~~(98)~~ regulates the public reporting and disclosure of cases, and permits and facilitates statistical reporting to the Authority and to the U.S. Congress, the Commission, State Racing Commissions, and other Federal or State governmental bodies or agencies having jurisdiction over the sport of horseracing in the United States (~~section~~[Rule 3600](#)); and

~~(409)~~ empowers the Agency to undertake and commission education and research activities designed to advance the integrity and safety of horseracing in the United States (Rule ~~3840~~[3800](#)).

(g) The Protocol ~~comes~~[came](#) into force on the Program Effective Date and will apply in full as from that date, ~~as amended from time to time~~. In accordance with section 3054(k)(1) of the Act, the Protocol ~~only has prospective effect, i.e., it~~ does not apply to, and does not give the Authority or Agency authority to investigate, prosecute, adjudicate, or penalize conduct that occurred before the Program Effective Date (Rule ~~3080~~[3070](#)).

~~(h) The Protocol incorporates by reference the supporting rules and documents approved by the Commission and issued by the Authority, including Rule 1000 Series (General Provisions), Rule 2000 Series (Racetrack Safety Program), Rule 4000 Series (Prohibited List), Rule 5000 Series (Testing and Investigations Standards), Rule 6000 Series (Laboratory Standards), Rule 7000 Series (Arbitration Procedures), Rule 8000 Series (Enforcement Rule), Rule 8500 Series (Methodology for Determining Assessments), and Rule 9000 Series (Registration of Covered Persons and Covered Horses).~~

~~(h)~~ In accordance with section 3055(c)(4) of the Act, the Agency may develop further rules, protocols, policies, and guidelines for approval by the Authority to support the implementation of the Protocol. These materials will be developed in consultation with the Anti-Doping and Medication Control Standing Committee ("[ADMC](#)") of the Authority and ~~will be~~ consistent with international best practices.

~~(j)~~ Nothing in the Protocol or in any of its associated rules, protocols, policies, and guidelines:

(1) is intended to constrain or limit in any way the powers of the Authority or the Agency under the Act; or

(2) shall be interpreted or applied in a manner that has the effect of constraining or limiting those powers in any way.

~~(k)~~ Unless specified otherwise, words and terms in the Protocol that are capitalized are defined terms that have the meaning given to them in Rule 1020.

~~(k)~~ The rules of interpretation included at Rule 1010 and Rule ~~3070~~[3060](#) shall be used as an aid to interpretation of the Protocol.

Rule 3020. Application

(a) The Protocol applies to and is binding on:

(1) 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 (each, a "[Covered Horserace](#)");

(2) any Thoroughbred horse, or any other horse made subject to the Act by election of the applicable State Racing Commission or the breed governing organization for such horse under section 3054(l) [of the Act](#), 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~~ training facility; and (B) ending on the date on which the horse is deemed retired pursuant to Rule 3050(b) (each, a "Covered Horse"); and

(3) the following persons (each, a "Covered Person"): all Trainers, Owners, Breeders, Jockeys, Racetracks, Veterinarians, Persons licensed by a State Racing Commission, and the agents, assigns, and employees of such Persons; any other Persons required to be registered with the Authority; and any other horse support personnel who are engaged in the care, treatment, training, or racing of Covered Horses.

(b) Pursuant to section 3054 of the Act, Covered Persons must register with the Authority. However, they are bound by the Protocol by undertaking the activity (or activities) that make(s) them a Covered Person, whether or not they register with the Authority.

(c) Owners. Covered Horses may be owned by a sole individual, multiple individuals, or one or more entities. As a consequence of the various ownership structures and property interests of Covered Horses, it is necessary to identify which Person shall be responsible as the Owner for purposes of registration, communication, personal liability, and other requirements under the Protocol and related rules. Accordingly:

(1) For purposes of mandatory registration with the Authority, any Covered Person who owns a 5% or greater ownership or property interest in a Covered Horse shall register with the Authority as an Owner.

(2) The following person shall be responsible as the Owner for any communication, notification, and reporting requirements under the Protocol:

(i) if the Covered Horse is owned by one individual, that individual; or

(ii) if the Covered Horse is owned by more than one individual or by a partnership, corporation, limited liability company, syndicate, or other association or entity, the individual designated in the Authority's database as the representative for the other owners of the Covered Horse authorized to receive communications or notifications and fulfill any reporting requirements on their behalf in respect of the Covered Horse ("Designated Owner").

(3) If Rule 3030 makes the Owner the Responsible Person for a Covered Horse, that shall mean that the following person is personally liable for violations involving that Covered Horse:

(i) if the Covered Horse is owned by one individual, that individual; or

(ii) if the Covered Horse is owned by more than one individual or by a partnership, corporation, limited liability company, syndicate, or other association or entity, the individual who manages the Covered Horse as a matter of fact ("Managing Owner"). If an individual owns more than a 50% stake in a Covered Horse or where the entity that owns the Covered Horse has designated an individual with an ownership interest in the Covered Horse as the individual who will be personally liable under the Protocol as the Owner of the Covered Horse, that individual will be presumed to be the Managing Owner. If an individual with an ownership or property interest in the Covered Horse who is not the Managing Owner makes a relevant decision about the Covered Horse that leads to a violation of the Protocol, that person shall be jointly and severally liable with the Managing Owner for such decision as an Owner of the Covered Horse.

(4) Only the following persons may attend hearings under the Protocol as the Owner of the Covered Horse, unless otherwise agreed by the ~~hearing panel~~ Arbitrator(s) or IAP Member(s) adjudicating the case:

(i) if the Covered Horse is owned by one individual, that individual; or

(ii) if the Covered Horse is owned by more than one individual or by a partnership, corporation, limited liability company, syndicate, or other association or entity, the Designated Owner or the Managing Owner.

(5) Unless the context requires otherwise, the individual owner or Managing Owner of the Covered Horse (as applicable) shall be responsible for discharging any other requirements imposed on an Owner under the Protocol or related rules.

Rule 3030. Responsible Persons

(a) "Responsible Person" means the Trainer of the Covered Horse. If the Covered Horse does not have a Trainer, the Responsible Person shall be the Owner of the Covered Horse. The Responsible Person shall be personally liable for his or her Covered Horse(s) as set out under the Protocol. Other Covered Persons who make a relevant decision about the Covered Horse may also be liable depending on the facts and circumstances of the case.

(b) If a Covered Horse is claimed in a Claiming Race, the person designated as the Responsible Person prior to that Claiming Race shall be liable for any violation resulting from a Sample collected enduring the Race Day Period. The person who claims the Covered Horse in the Claiming Race shall not be liable for such violation, unless he or she was complicit in the violation. The person designated as the Responsible Person or the Owner of the Covered Horse prior to the Claiming Race shall accept the return of the Covered Horse if the Claim is voided in accordance with the Racetrack Safety Program.

(c) The Responsible Person shall register ~~their~~his or her designation as the Responsible Person for a Covered Horse with the Authority and shall keep such designation and registration up-to-date up to date. Any transfer of the Responsible Person designation to another Covered Person shall be done with the Authority in accordance with its procedures prior to the effective date of the transfer, except that if a Covered Horse is claimed in a Claiming Race, the transfer shall be done on the day of the Claiming Race, subject to any voided Claim. Failure to register or update any designation as the Responsible Person for a Covered Horse shall not affect the determination as to who is de facto the Responsible Person pursuant to this Rule 3030.

(d) The Responsible Person for a Covered Horse shall be the sole representative for the interests of that Covered Horse in any matter arising under the Protocol. The Owner (if not the Responsible Person) may attend any hearing concerning a violation of the Protocol involving his or her Covered Horse(s) in accordance with the Arbitration Procedures.

Rule 3040. Core Responsibilities of Covered Persons

(a) Responsibilities of All Covered Persons

It is the personal responsibility of each Covered Person:

(1) to be knowledgeable of and to comply with the Protocol and related rules at all times. All Covered Persons shall be bound by the Protocol and related rules, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Covered Persons to familiarize themselves with the most up-to-date version of the Protocol and related rules and all revisions thereto;

(2) to cooperate promptly and completely with the Authority and the Agency in the exercise of their respective powers under the Act and the Protocol and related rules, including:

(i) in relation to the Testing program and in relation to the investigation of potential violations of the Protocol;

(ii) by providing complete and accurate information to the Authority and the Agency in all interactions and filings; and

(iii) on request by the Agency:

(A) making available for inspection any facility, office, stall, or equipment or other relevant location that is used in the care, treatment, training, or racing of Covered Horses, or any feed, medicine, or other item given to Covered Horses;

(B) submitting to under-oath transcribed interviews about his or her dealings with or in relation to Covered Horses;

(C) providing immediate and unfettered access to any and all data, documents, and records used in the care, treatment, training or racing of any Covered Horse (including, but not limited to, data, documents and records existing in electronic form, e.g., on computers, mobile phones, or other devices); ~~and~~

(D) permitting the Agency to review or make and take away copies of any such data, documents, or records for analysis, investigation, and potential use as evidence of a violation of the Protocol by a Covered Person; ~~and~~

(E) complying with any other request made by the Agency or the Authority pursuant to Rule 5720.

Failure to cooperate promptly and completely with the Agency may constitute a violation pursuant to Rule ~~3540~~3520(~~bc~~); ~~and~~

(3) not to engage in offensive conduct towards any Sample Collection Personnel or other Person involved in Doping Control or Medication Control, or towards any representative of the Agency or the Authority ~~(including engaging in improper, insulting, or obstructive, and not to engage in any disruptive conduct, or recording any during a Sample Collection Session contrary to Rule 5410)~~. Failure to comply may constitute a violation pursuant to Rule ~~3540~~3520(a), Rule 3520(b), or Tampering or Attempted Tampering, depending on the circumstances of the case;

(4) not to participate in the racing of Covered Horses at a facility or location that has not been licensed or approved by the applicable State Racing Commission. Violations of this Rule 3040(a)(4) shall be adjudicated by the Authority in accordance with the procedures established in the Rule 8000 Series; and

(5) to comply with all decisions issued pursuant to the Protocol.

(b) Additional Responsibilities of Responsible Persons

In addition to the duties under Rule 3040(a), it is the personal responsibility of each Responsible Person:

(1) to ensure that Covered Horses for which he or she is the Responsible Person are made available for Sample collection at any time and any place ~~where they are~~ upon request by the Agency or its delegate. Unless specified otherwise in the Protocol or related rules (e.g., Rule 3133(c)), or otherwise agreed with the Agency, the Sample Collection Session shall take place where the Covered Horse is located (e.g., ~~Racetrack~~ racetrack, Training Facility, private facility) ~~upon request by the Agency (or its delegate). In particular, without limiting the generality of the foregoing;~~

(2) to comply (and ensure compliance by any Nominated Person) with the obligations below in relation to any Sample collection involving his or her Covered Horse(s). The Responsible Person and any Nominated Person shall be deemed to be on notice of the obligations below upon notification by a duly authorized person that the Covered Horse has been selected for Sample collection. Failure to comply with this provision may result in an Anti-Doping Rule Violation (Rule 3215 or 3216(a)) or other violation of the Protocol under Rule 3520:

(i) ~~The Responsible Person shall~~ ensure that the Covered Horse is produced for Sample collection immediately upon notification of Sample collection by a duly authorized person ~~in accordance with the Agency's procedures~~, subject to the following:

(A) the Responsible Person or Nominated Person may be afforded additional time to produce the Covered Horse for Sample collection in accordance with Rule 5423; and

(B) if the Covered Horse is present at the location where notification is attempted. If the Covered Horse is present at the location where notification is attempted, failure Responsible Person is unable to produce at the Covered Horse immediately upon valid notification ~~shall constitute an Anti-Doping Rule Violation under Rule 3215 of Out-of-Competition Sample collection because~~ (ii) If the Covered Horse is not present at the at a different location ~~where notification is attempted (including due to a~~

~~Whereabouts Failure~~), the Responsible Person shall ~~ensure that the Covered Horse is produced for Sample collection within 6 hours of notification by a duly authorized Person in accordance with the Agency's procedures, except that the Agency may extend the 6-hour period if it determines that extenuating circumstances justify doing so. If the Covered Horse is not present at the location where notification is attempted or if a Covered Horse cannot be located by the Agency, failure to produce~~ the Covered Horse for Sample collection as soon as reasonably possible and within no more than 6 hours of notification (or within any extended period that may be agreed by the Agency) of valid notification period shall constitute an Anti-Doping Rule Violation under Rule 3215. if it considers that extenuating circumstances justify affording the Responsible Person additional time to produce the Covered Horse);

~~(2i) to either~~ be present during a Sample ~~collection~~ Collection Session involving his or her Covered Horse ~~and comply with all Sample collection procedure requirements~~, or (if not present) ~~to ensure that a Nominated Person~~ another person who is 18 years or older is present ~~to represent him or her and complies with all Sample collection procedure requirements;~~ during the Sample Collection Session on his or her behalf in accordance with the below ("Nominated Person"):

(A) A Responsible Person may delegate (or be deemed to have delegated) the submission and supervision of the Covered Horse during a Sample Collection Session to a Nominated Person, but the Responsible Person remains responsible for the Covered Horse throughout the Sample Collection Session and for the acts and omissions of any Nominated Person acting on his or her behalf;

(B) The Responsible Person may designate a Nominated Person at the time of notification of Sample collection. If the Responsible Person is not present to (or does not) designate a Nominated Person, or if the designated Nominated Person is not present or willing to assist with Sample collection, the person who has custody or control of the Covered Horse or granted the Sample Collection Personnel access to the Covered Horse shall be deemed the Nominated Person for that Sample collection. There shall be only one Nominated Person at any given time during a Sample Collection Session, but a Nominated Person may be replaced if necessary during a Sample Collection Session, unless specified otherwise by the Agency;

(iii) ensure that, to the extent possible, the Sample Collection Personnel are able to keep the Covered Horse under continuous observation until the completion of the Sample Collection Session;

(iv) ensure that, to the extent possible, the Covered Horse is not left unattended until the completion of the Sample Collection Session;

(v) produce on request valid personal identification (which shall include his or her Authority registration number, State Racing Commission license, or - if not available - valid photo identification) and facilitate the identification of the Covered Horse. The Sample Collection Personnel may take photographs of the Responsible Person or Nominated Person (as applicable) if no identification is provided, or of the Covered Horse if its identification is not otherwise confirmed by microchip number, tattoo, or other recorded markings;

(vi) ensure that from the time of notification of Sample collection until completion of the Sample Collection Session the Covered Horse is not administered any medications or supplements, unless there is a veterinary emergency, as determined by a Test Barn Veterinarian, Regulatory Veterinarian, or (if not available) a Veterinarian; and

(vii) for Post-Race Testing, ensure that the water bucket provided for the Covered Horse in the Test Barn is only used for that Covered Horse during the Sample Collection Session (the Responsible Person and Nominated Person are not permitted to bring any water bucket to the Test Barn); and

(viii) comply with all other applicable Sample collection procedures and processes set out in the Protocol or the Testing and Investigation Standards, or otherwise specified by the Agency;

(3) to comply with the whereabouts requirements set out in Rule 3510;

~~(34)~~ to ensure that treatments and medications administered to his or her Covered Horses:

(i) are administered only on the advice of a Veterinarian or (if a prescription is not required) following sufficient due diligence regarding the treatment or medication;

(ii) are not administered in a manner detrimental or contrary to horse welfare;

(iii) are the minimum necessary to address the diagnosed health concerns identified during the veterinary examination and diagnostic process;

(iv) do not contain a Banned Substance or involve a Banned Method; ~~and~~

(v) are recorded in accordance with Rule 3040(b)(9) and any other applicable procedures established by the Agency; and

(v) do not otherwise violate the Protocol;

~~(45)~~ (45) to inform all Covered Persons (including Veterinarians), employees, personnel, agents, and other Persons involved in any way with the care, treatment, training, or racing of his or her Covered Horses of their respective obligations under the Protocol (including, in particular, those specified in Rule 3040(a));

~~(56)~~ (56) to adequately supervise all Covered Persons (including Veterinarians), employees, personnel, agents, and other Persons involved in any way with the care, treatment, training, or racing of his or her Covered Horses, including by (without limitation):

(i) conducting appropriate due diligence in the hiring process before engaging their services;

(ii) clearly communicating to such Persons that compliance with the Protocol is a condition of employment or continuing engagement in the care, treatment, training, or racing of his or her Covered Horses;

(iii) creating and maintaining systems to ensure that those Persons comply with the Protocol; and

(iv) adequately monitoring and overseeing the services provided by those Persons in relation to the care, treatment, training, or racing of his or her Covered Horses;

~~(67)~~ (67) to bear strict liability for any violations of the Protocol by such Covered Persons (including Veterinarians), employees, personnel, agents, and other Persons involved in the care, treatment, training, or racing of his or her Covered Horses;

~~(78)~~ (78) to file and update as necessary with the Authority information identifying what Covered Horses he or she is the Responsible Person for;

~~(89)~~ (89) to maintain accurate, complete, and up-to-date treatment records (including, without limitation, records of medical, therapeutic, and surgical treatments and procedures, including diagnostics) of his or her Covered Horses in an electronic or other form specified by the Agency, and to provide the Agency with access to those records upon request and without delay so that it may inspect and make and retain copies of them for purposes of monitoring and ensuring compliance with the requirements of the Protocol. The records must include the details required under ~~Rule 2251(b)~~ Rules 2252(c) and 2253(a). The Responsible Person must retain copies of such treatment records for a period of no less than 3 years, although the Responsible Person is advised to retain them for the duration of the limitation periods under Rule ~~3090~~ 3080;

~~(910)~~ (910) at the time of registering a horse with the Authority and ~~prior to such horse competing in any~~ no later than the date of the horse's first Timed and Reported Workout ~~or Covered Horserace, the Responsible Person shall, to~~ declare in writing to the Agency all administrations of Banned Substances and Banned Methods to the horse since the Responsible Person first owned the horse (or, if not the Owner, since the Owner at the time of registration first owned the horse) ~~or since the Program Effective date, whichever is earlier~~. On request by the Agency, the Responsible Person shall provide any related treatment records for the horse during that period. If a Banned Substance or Banned Method has been administered in that period, the Agency may impose a stand down period for the horse of up to the period of Ineligibility that would be applicable for the relevant Banned Substance or Banned Method and require that (at the Responsible Person's cost) the Covered Horse provide one or more negative Samples before subsequently being eligible to participate in a Timed

and Reported Workout or a Covered Horserace. Failure by a Responsible Person to comply with this Rule 3040(b)(~~9~~10) may constitute a violation of Rule ~~3510~~3520(~~bc~~);

~~(10) if any Covered Horse is moved from a Racetrack or Training Facility to a private facility (i.e., a facility not under the jurisdiction of the Authority or the Agency), the Responsible Person shall provide sufficient information about the Covered Horse's whereabouts so that the Agency remains able to collect Samples from the Covered Horse at any time. The Responsible Person shall also provide any further information about the whereabouts of a Covered Horse that is specifically requested by the Agency. Failure to do so may constitute a violation of Rule 3510(d);~~

(11) to notify the Authority if any of his or her Covered Horses suffers a fatal condition, in accordance with the Rule 9000 Series; and

~~(11)~~12) to notify the Authority in writing within 7 days of becoming aware that any of his or her Covered Horses:

(i) is pregnant;

(ii) was pregnant but has foaled or is no longer pregnant;

(iii) has been castrated or hemicastrated (including chemical castration or immunocastration); ~~or~~ has undergone testicular ligation or other minimally invasive gelding surgery;

(iv) has ~~suffered a fatal condition~~ undergone an ovariectomy; or

(v) has been diagnosed with a disorder of sexual development (i.e., a congenial condition resulting in the atypical development of chromosomal, gonadal, or anatomical sex);

In each case, the Responsible Person shall state the name of the Covered Horse, and the date of the event triggering the notice, ~~and (for paragraph (iv) above) a summary explanation regarding the cause of the fatal condition.~~

(c) Additional Responsibilities of Nominated Persons

In addition to the duties under Rule 3040(a), each Nominated Person shall comply with all of the obligations under Rule 3040(b)(2) in relation to any Sample Collection Session in which he or she is involved on behalf of a Responsible Person. The Nominated Person shall be deemed to be on notice of those obligations upon notification by a duly authorized person that the Covered Horse has been selected for Sample collection. Failure to comply with those obligations may result in an Anti-Doping Rule Violation (for Tampering or complicity in a Rule 3215 violation) or other violation of the Protocol under Rule 3520.

(~~e~~d) Additional Responsibilities of Owners

In addition to the duties under Rule 3040(a):

(1) each person with a 5% percent or greater ownership or property interest in a Covered Horse shall register with the Authority as an Owner of the Covered Horse, and ensure that any transfer of ownership is registered with the Authority in accordance with its procedures; and

(2) if a Covered Horse is owned by multiple Owners, ~~they~~the Owners shall ensure that the Agency is notified in writing of one Designated Owner authorized to receive communications and notifications and ~~fulfill~~fulfill any reporting requirements on their behalf.

(de) Additional Responsibilities of Attending Veterinarians

In addition to the duties under Rule 3040(a), and the further duties and requirements imposed under the ~~Rule 2000 Series (Racetrack Safety Program)~~, it is the personal responsibility of each Attending Veterinarian to act in strict compliance with the Protocol and keep updated treatment records (including, without limitation, records of medical, therapeutic, and surgical treatments and procedures, including diagnostics) in an electronic database designated by the Agency or in any other form designated by the Agency and provide access to the Agency upon request and without delay to (or copies of) such treatment records. The records must include the details required under ~~Rule~~ Rules 2251(b) and 2251(c) and must be submitted in an electronic format designated by the Authority within the deadline specified in ~~that same provision~~ those provisions. Attending Veterinarians must retain copies of such treatment records for a period of no less than 3 years, or for the retention period required by the relevant state veterinary practice act, whichever is longer.

Rule 3050. Retirement and Equine Fatalities

(a) Covered Persons.

(1) Each Responsible Person who ~~wishes to~~ is no longer ~~be bound by the Protocol~~ a Covered Person shall give written notice to the Authority of his or her retirement from the position that made him or her a Responsible Person. In each case, the Responsible Person shall be deemed to have retired ~~(and to be no longer subject to the Protocol)~~ on the later of (i) the date given in the written notice of retirement and (ii) the date the notice is received. If a Trainer of a Covered Horse retires, the Owner of the Covered Horse shall become the Responsible Person.

(2) Any other Person who is no longer a Covered Person ~~will continue to be bound by and required to comply with the Protocol and related rules unless and until he or she unregisters~~ may unregister with the Authority.

(3) If a Covered Person ceases to be subject to the Protocol while the Agency is conducting a Results Management process in respect of that person, the Agency retains jurisdiction to complete its Results Management process. If a Covered Person retires or ceases to be subject to the Protocol before any Results Management process has begun, and the Agency had jurisdiction over the Covered Person at the time the ~~Anti-Doping Rule Violation or Controlled Medication Rule Violation~~ violation was committed, the Agency retains jurisdiction to conduct Results Management in respect of that violation.

(4) If a Covered Person retires while subject to a period of Ineligibility, he or she must give written notice of such retirement to the Authority. The Covered Person may not return to the sport (i.e., carry out any of the activities prohibited during the period of Ineligibility ~~pursuant to Rules 3229 and 3329~~) unless the Covered Person has given 4 months' prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Covered Person retired, if that period was longer than 4 months) to the Authority (in accordance with its procedures) of his or her intent to return to the sport.

~~(5) The Agency may forward notifications of retirement of Covered Persons to Interested Parties or other Persons with a need to know.~~

(b) Covered Horses.

(1) If an Owner wishes to retire a Covered Horse such that it is no longer made available for Testing, the Owner must provide written notice of such retirement to the Agency, in accordance with its procedures.

(2) A Covered Horse that has been retired in accordance with the previous ~~clause~~ paragraph may not participate in any Timed and Reported ~~Workout or be entered in a Covered Horserace until the Covered Horse has been made available for Testing at least 4 months prior to notice being given to the Agency (in accordance with its procedures)~~ Workouts or Covered Horseraces until the Owner has provided the Agency with written notice of the intention to unretire the Covered Horse (in accordance with the Agency's procedures) and made the Covered Horse available for Testing for at least 4 months prior to such participation.

(3) If a Covered Horse is retired from horseracing or suffers a ~~fatal condition~~ fatality while the Agency is conducting a Results Management process in respect of it, the Agency retains jurisdiction to complete

its Results Management process. If a Covered Horse is retired or suffers a ~~fatal condition~~fatality before any Results Management process has begun, and the Agency had jurisdiction over the Covered Horse at the time the ~~Anti-Doping Rule Violation or Controlled Medication Rule Violation~~alleged violation was committed, the Agency retains jurisdiction to conduct Results Management in respect of that violation. If a Covered Horse suffers a ~~fatal condition~~fatality or injury, the Agency retains Testing authority over that horse in accordance with Rule 3132(~~da~~).

(4) If a Covered Horse is retired from horseracing while subject to a period of Ineligibility, the Owner must notify the Agency in writing of such retirement. If the Owner wishes that horse to return to participation in ~~Covered Horseraces or~~ Timed and Reported Workouts or Covered Horseraces, the Owner must first provide the Agency with written notice of the intention to return the Covered Horse to such participation (in accordance with the Agency's procedures) and make the Covered Horse available for Testing for at least 4 months prior to such participation or for the remainder of the Covered Horse's period of Ineligibility, whichever is longer.

(5) In order to manage the number of Covered Horses registered with the Authority, the Agency may retire a Covered Horse ~~based on inactivity (i.e., where the Covered Horse does not participate if it has not participated~~ in a Timed and Reported Workout or Covered Horserace for 18 months or more, excluding periods of inactivity due to a Provisional Suspension or period of Ineligibility)by sending. To retire a Covered Horse in this way, the Agency must send written notice thereof to the Authority and the Owner in accordance with the Agency's procedures. If the Owner disputes that retirement, ~~while the dispute is pending the Covered Horse may not participate in any Timed and Reported Workout or Covered Horserace but must be made available for Testing. Upon resolution of the dispute,~~ the Authority will notify the Agency decide the dispute and determine whether the horse is retired and, therefore, no longer subject to Testing or not and notify the Agency accordingly. If the Owner wishes to return the Covered Horse to participation in Timed and Reported Workouts or Covered Horseraces, the Owner must first provide the Agency with written notice of the intention to return the Covered Horse to such participation (in accordance with the Agency's procedures) and make the Covered Horse available for Testing for at least 4 months prior to such participation.

(6) The Agency may reduce the 4-month notice ~~period~~Testing periods in Rule 3050(b) to 2 months where the Owner of the Covered Horse submits an application establishing good cause to do so, and where the Agency approves such application based on a review conducted in accordance with the objectives of the Protocol.

~~(7) The Agency may forward notifications of retirement of Covered Horses to Interested Parties or other Persons with a need to know.~~

~~Rule 3060. Claiming Races and Voidable Claims~~

~~(a) Subject to Rule 3132(b), a claimed horse may be subject to Sample collection at a Claiming Race if requested (and paid for) by the claimant as part of the claiming procedure on the day of the Claim. If a Sample collected from the claimed horse results in an Anti-Doping Rule Violation or Controlled Medication Rule Violation, the Claim may be voided at the option of the claimant, and the claimant shall be entitled to the return from the seller of all sums paid for the claimed horse and of all reasonable expenses incurred after the date of the Claim. While awaiting test results, a claimant shall: (i) exercise due care in maintaining and boarding a claimed horse; and (ii) not materially alter a claimed horse.~~

~~(b) Any voided claim shall be recorded in Equibase.~~

~~Rule 3070~~3060. Amendment and Interpretation of the Protocol

(a) The Authority may amend the Protocol from time to time, as necessary to ensure that it remains fit for purpose, in accordance with section 3057(e) of the Act. Unless provided otherwise, any amendments will come into force on the date specified or (if no date is specified) on the date the amendment is approved by the Commission.

(b) Subject to Rule ~~3070~~3060(d), the Protocol shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

(c) The Protocol has been adopted pursuant to the Act and shall be interpreted, where applicable, in a manner that is consistent with applicable provisions of the Act and the other rules in Rule 1000-9000 Series. In the event of any conflict between the Act and the Protocol, the Act shall prevail. In the event of any conflict between the Protocol and any other rules in Rule 1000-9000 Series, the Protocol shall prevail.

(d) The World Anti-Doping Code and related International Standards, procedures, documents, and practices ("WADA Code Program"), the comments annotating provisions of the WADA Code Program, and any case law interpreting or applying any provisions, comments, or other aspects of the WADA Code Program, may be considered when adjudicating cases relating to the Protocol, where appropriate.

Rule ~~3080~~3070. Transitional Provisions

(a) ~~The Protocol shall not apply retroactively to matters pending before~~ Matters arising prior to the Program Effective Date.

~~(b1)~~ A presence violation under Rule 3212 or Rule 3312 that occurs after the Program Effective Date as a result of Use or Administration prior to the Program Effective Date shall not constitute a violation of the Protocol.

~~(e2)~~ The relevant State Racing Commission retains authority (including results management) in relation to any anti-doping or controlled medication matters taking place prior to the Program Effective Date.

(b) Matters arising prior to the Effective Date of this Protocol under predecessor versions of the Protocol.

(1) This Protocol does not apply retroactively to matters arising prior to the Effective Date of this Protocol. However:

(i) Violations that took place prior to the Effective Date of this Protocol, under predecessor versions of the Protocol, count as prior violations for purposes of determining sanctions under Rules 3228, 3323, and 3540 for further violations committed after the Effective Date of this Protocol.

(ii) Any case that is pending as of the Effective Date of this Protocol, and any case brought after the Effective Date based on a violation that allegedly occurred prior to the Effective Date, will be governed by the substantive rules in effect at the time the alleged violation occurred, and not by the substantive rules set out in this Protocol (unless the Arbitrator(s) or IAP Member(s) determine(s) that the principle of *lex mitior* appropriately applies under the circumstances of the case), but the procedural aspects of the case will be governed by this Protocol and the related rules (including the Arbitration Procedures) currently in force. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Rules 3228, 3323, and 3540 and the statute of limitations in Rule 3080 are procedural rules, not substantive rules, and should be applied retroactively (along with all of the other procedural rules in this Protocol and the related rules, including the Arbitration Procedures, currently in force), save that the statute of limitations will only apply if the previously applicable statute of limitation period (whether the original one or as extended by subsequent rules) has not already expired by the Effective Date of this Protocol.

(iii) Where a final decision finding that a violation has been committed and imposing a period of Ineligibility is rendered prior to the Effective Date of this Protocol, but the Covered Person or Covered Horse is still serving the period of Ineligibility as of the Effective Date, the Covered Person or Responsible Person may apply to the Agency before the period of Ineligibility has expired to reduce the period of Ineligibility in light of a *lex mitior* in this Protocol. This Protocol shall have no application to any case where a final decision finding a violation has been rendered and the period of Ineligibility has expired.

(iv) For purposes of assessing the period of Ineligibility for a second Anti-Doping Rule Violation under Rule 3228, where the sanction for the first violation was determined based on a predecessor version of the Protocol, the period of Ineligibility that would have been imposed for that first violation had this Protocol been applicable at that time shall be applied.

(d) Changes to substances or methods covered by the Prohibited List or related Technical ~~Document—Prohibited Document-Prohibited~~ Substances shall not, unless they specifically provide otherwise, be applied retroactively. However, a Responsible Person or other Covered Person who is currently serving a period of Ineligibility on account of a Prohibited Substance or Prohibited Method that is later subject to a change in status (either because it is no longer prohibited or subject to lesser sanctions) may apply to the Agency for consideration of a reduction in the period of Ineligibility in light of that change in status. The Responsible Person or Owner (if not the Responsible Person) may also apply to the Agency for consideration of a reduction in the period of Ineligibility applicable to his or her Covered Horse(s).

Rule ~~3090~~3080. Statute of Limitations

(a) No charge may be brought against a Covered Person or in relation to a Covered Horse in respect of an Anti-Doping Rule Violation unless the Covered Person or Responsible Person for the Covered Horse has been given notice, or notification has been reasonably attempted, within 10 years of the date the Anti-Doping Rule Violation is asserted to have occurred. Any violation of Rule 3229 is also subject to a 10-year limitation period.

(b) No charge may be brought against a Covered Person or in relation to a Covered Horse in respect of a Controlled Medication Rule Violation unless the Covered Person or Responsible Person for the Covered Horse has been given notice, or notification has been reasonably attempted, within 2 years of the date the Controlled Medication Rule Violation is asserted to have occurred. Any violation of Rule 3329 is also subject to a 2-year limitation period.

(c) Any violation of Rule 3510 or Rule 3520 is subject to a 42-year limitation period.

Section 2: The Prohibited List, Rules of Proof, and Testing and Investigations

3110. The Prohibited List and Related Technical Document

Rule 3111. Prohibited Substances and Prohibited Methods

(a) The Prohibited List identifies Prohibited Substances and Prohibited Methods that are:

(1) prohibited at all times (“Banned Substances” and “Banned Methods”) on the basis of the Agency's determination that medical, veterinary, or other scientific evidence or experience supports their actual or potential (i) ability to enhance the performance of Covered Horses, (ii) masking properties, or (iii) detrimental impact on horse welfare; or

(2) prohibited for Use or Administration in relation to a Covered Horse during the Race Period and other Restricted Administration Periods, and that are prohibited to be present in a Post-Race Sample ~~or, Claimed Horse Sample, Post-Vets' List Work Sample, and~~ Post-Work Sample, except as otherwise specified in the Prohibited List (“Controlled Medication Substances” and “Controlled Medication Methods”).

(b) Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (e.g., anabolic steroids) or by specific reference to a particular substance or method.

(c) The Prohibited List is supplemented by the “Technical ~~Document—Prohibited Document-Prohibited~~ Substances,” which provides ~~guidance on~~ a non-exhaustive list of the Prohibited Substances that fall into the general categories listed in the Prohibited List and on Screening Limits, Thresholds, or Detection Times for those Prohibited Substances (as applicable), and also designates certain Prohibited Substances as “Specified Substances”, which are those that pose a higher risk of being the result of contamination and, therefore, are subject to more flexible sanctions.

(d) Certain Prohibited Substances (including Specified Substances) may first be reported as Atypical Findings requiring further investigation before being declared as Adverse Analytical Findings, in accordance with the Atypical Findings Policy set out at Appendix 1 to the Protocol.

Rule 3112. Review and Publication of the Prohibited List and Related Technical Documents

(a) The Agency will publish the Prohibited List on its website at least annually, following an opportunity for stakeholder comment. The Agency will review and consider such stakeholder comment and will provide recommended revisions to the Authority. Each new version of the Prohibited List will also be sent to the State Racing Commissions.

(b) The Authority (on recommendation of the ADMC, in consultation with the Agency) may revise the Prohibited List from time to time, subject to approval by the Commission. Revisions to the Prohibited List will go into effect on the date specified in the revised Prohibited List (which will not be any earlier than 90 days following its publication). The Agency will also publish any Technical Documents supplementing the Prohibited List (including the Technical ~~Document—Prohibited~~Document-Prohibited Substances) on its website at least annually, following an opportunity for public comment. Any revisions to such Technical Documents will go into effect on the date specified in the revised Technical Document.

(c) All Covered Persons shall be bound by the Prohibited List and related Technical Documents (including the Technical ~~Document—Prohibited~~Document-Prohibited Substances), and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Covered Persons to familiarize themselves with the most up-to-date version of the Prohibited List and related Technical Documents (including the Technical ~~Document—Prohibited~~Document-Prohibited Substances) and all revisions thereto.

Rule 3113. Validity of the Prohibited List and Related Technical Documents

The following decisions are final and shall not be subject to any challenge by any Covered Person or other Person on any basis, including any challenge based on an argument that the substance or method is not a masking agent or does not have the potential to enhance the performance of Covered Horses or have a detrimental impact on horse welfare:

(a) the Authority's determination of the Prohibited Substances and Prohibited Methods included on the Prohibited List or Technical ~~Document—Prohibited~~Document-Prohibited Substances;

(b) the approval of the Prohibited List or Technical ~~Document—Prohibited~~Document-Prohibited Substances by the Commission or the Authority;

(c) the classification of substances and methods into categories or classes on the Prohibited List or Technical ~~Document—Prohibited~~Document-Prohibited Substances;

(d) the classification of a substance or method as a Banned Substance or Banned Method as opposed to a Controlled Medication Substance or Controlled Medication Method;

(e) the periods during which Prohibited Substances or Prohibited Methods are prohibited; ~~and~~

(f) the classification of Prohibited Substances as either Specified Substances or non-Specified Substances; ~~;~~ and

(g) the inclusion (or non-inclusion) of Prohibited Substances in the Atypical Findings Policy.

Rule 3114. Monitoring Program

The Agency may approve a monitoring program ~~regarding substances that are not on the Prohibited List or Technical Document—Prohibited Substances, if the Agency wishes~~ in order to research or monitor ~~such~~ substances of interest, including to identify potential patterns of misuse in horseracing. Laboratories will report the ~~instances of reported Use or detected~~ presence and Use of monitored substances to the Agency, ~~but~~. For the avoidance of doubt, the results of any such analyses shall not ~~constitute~~ be pursued as an Anti-Doping Rule Violation or Controlled Medication Rule Violation. ~~Nothing in this Rule 3114 or elsewhere in the Protocol prevents a Laboratory from sharing information with the Agency for any anti-doping or controlled medication purpose or other purpose authorized by the Act unless they satisfy the requirements of Rules 3212/3312 or 3212/3313 (as applicable).~~ The list of substances in the monitoring program will be reviewed annually by the Agency.

3120. Proof of Violations

Rule 3121. Burden and Standard of Proof

(a) The Agency shall have the burden of establishing that a violation of the Protocol has occurred to the comfortable satisfaction of the ~~hearing panel~~ Arbitrator(s) or IAP Member(s) adjudicating the case, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability (i.e., a preponderance of the evidence) but less than clear and convincing evidence or proof beyond a reasonable doubt.

(b) Where the Protocol places the burden of proof on a Covered Person to rebut a presumption or to establish specified facts or circumstances, the standard of proof shall be by a balance of probability (i.e., a preponderance of the evidence), except as provided in Rules 3122(c) and 3122(d).

Rule 3122. Methods of Establishing Facts and Presumptions

Facts related to violations may be established by any reliable means, including admissions. The following rules of proof shall apply:

(a) Analytical methods, Minimum Reporting Levels, Thresholds, Screening Limits, Decision Limits, and any other Laboratory reporting requirements approved by the Commission are presumed to be scientifically valid.

(b) Compliance with the Standards (as opposed to an alternative standard, practice, or procedure) will be sufficient to conclude that the procedures addressed by those Standards were performed properly.

(c) Laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the Laboratory Standards. A Covered Person who is alleged to have committed a violation may rebut this presumption by establishing that a departure from the Laboratory Standards occurred that could reasonably have caused the Adverse Analytical Finding or other factual basis for any other violation asserted. Where the presumption is rebutted, the Agency shall have the burden of establishing that such departure did not cause the Adverse Analytical Finding or other factual basis for the violation asserted.

(d) Departures from any other Standards or any provisions of the Protocol shall not invalidate analytical results or other evidence of a violation, and shall not constitute a defense to a charge of such violation; provided, however, that, if the Covered Person establishes that a departure from any other Standards or any provisions of the Protocol could reasonably have caused the Adverse Analytical Finding or other factual basis for the violation charged, the Agency shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or other factual basis for the violation.

(e) Non-appealable and final factual findings of a court, arbitral tribunal, professional disciplinary body, or administrative body of competent jurisdiction shall be irrebuttable evidence against the Covered Person to whom the decision pertained of those facts, unless the Covered Person establishes that the decision did not respect due process.

(f) ~~A hearing panel~~ The Arbitrator(s) or IAP Member(s) adjudicating the case may draw an inference adverse to a Covered Person who is asserted to have committed a violation of the Protocol based on

the Covered Person's refusal to cooperate with the Agency, including any refusal to respond to questions put to him or her as part of an investigation or to appear at the hearing (either in person or remotely) ~~and~~or to answer questions put by the Agency or the ~~hearing panel~~Arbitrator(s) or IAP Member(s).

3130. Testing and Investigations

Rule 3131. Purpose of Testing and Investigations

Testing and investigations may be undertaken to assist in the effective policing and enforcement of the Protocol, including (without limitation) to obtain evidence regarding potential violations of the Protocol. Testing may also be conducted for the purposes of research in support of Doping Control, Medication Control, or horse welfare including (without limitation) research to understand and reduce equine fatalities and injuries.

Rule 3132. Authority ~~To Test~~to conduct Testing and Coordination with Other Persons

(a) Covered Horses may be subject to Testing at any time and any place. A Covered Horse that is subject to a Provisional Suspension or period of Ineligibility, or that suffers a fatality or injury, remains subject to Testing.

~~(a)~~ Only the Agency ~~(and those authorized by the Agency)~~ may initiate and direct Testing on Covered Horses. ~~The Agency has authority to conduct Testing both in and out of competition.~~

~~(b)~~ No other entity or individual (including State Racing Commissions, Racetracks, Race Organizers, and Training Facilities) may initiate or direct any Testing on Covered Horses, unless authorized to do so by the Agency. However, ~~a~~nothing in this provision is intended to:

(1) preclude a Veterinarian from collecting samples of biological material from a Covered Horse in the context of a valid veterinarian-patient-client relationship for purposes of diagnostic testing as part of the veterinary care of that horse;

(2) preclude a Regulatory Veterinarian from collecting samples of biological material from Covered Horses (A) for purposes of testing for infectious equine diseases; or (B) for purposes of research projects by other entities (such as academic institutions) where such research is authorized or otherwise permitted by the Agency or the Authority; or

(3) alter any testing obligations under other federal laws.

(c) Testing and investigations shall be conducted in accordance with the Testing and Investigations Standards.

(d) The Agency may delegate Testing and investigations (or aspects thereof) to qualified third parties (e.g., a third-party service provider, State Racing Commission, or racetrack owner or operator), which shall conduct any such Testing and investigations on behalf of the Agency, in accordance with the Testing and Investigations Standards. However, the Agency may only delegate to a State Racing Commission if it has elected to enter into an agreement with the Agency. In such case, any State rule, law, or regulation preventing sample collection personnel employed or designated by a State Racing Commission from contracting with the Agency to collect Samples is pre-empted by this Rule, which expressly permits such arrangements. Regardless of who collects a Sample, only the Agency shall receive the results of Sample analysis directly from the relevant laboratory. Any relevant reference to the Agency in the Protocol or related rules encompasses any delegated third party, as the context requires and subject to and consistent with the scope of its delegated authority.

(e) No steward shall perform any action relating to Doping Control, Medication Control, or any other matters covered by the Protocol or related rules, unless explicitly delegated the authority to do so by the Agency.

(f) The Agency may consult or coordinate with the Authority, law enforcement (authorized by any government, including Federal, State, or international), State Racing Commissions, Racetracks, Race Organizers, other Equine Constituencies, Equine Industry Representatives, State licensing agencies, professional regulatory bodies, Training Facilities, Laboratories, other laboratories approved by the

Agency, anti-doping organizations, equine regulatory bodies, and other relevant bodies and authorities in obtaining, developing, or sharing information and intelligence that may be useful for the implementation or enforcement of the Protocol (or related rules) or the Act for any legitimate legal, law enforcement, regulatory, anti-doping, medication control, integrity, disciplinary, horse welfare, or safety purposes (e.g., the Agency may share information with other entities investigating the possible commission of a crime, regulatory offense, or breach of other rules of conduct; in particular, for example, the Agency may share the results of Sample analyses with the Authority for purposes of enforcing the Racetrack Safety Program).

Rule 3133. Test Types

(a) The Agency will conduct Testing using the following test types:

(1) "Post-Race Testing" means Testing conducted by or on behalf of the Agency where notification of Sample collection takes place in the hour after the end of a Covered Horserace in which a Covered Horse participates. Any Sample collected as part of such Testing constitutes a "Post-Race Sample". An Adverse Analytical Finding will be reported in respect of a Post-Race Sample where a Laboratory's analysis of the Sample establishes the presence either of a Banned Substance or of a Controlled Medication Substance (or their respective Metabolites or Markers) or evidence of the Use of a Banned Method or Controlled Medication Method.

(2) "Post-Work Testing" means Testing conducted by or on behalf of the Agency where notification of Sample collection takes place in the hour after the end of a Timed and Reported Workout. Any Sample collected as part of such Testing constitutes a "Post-Work Sample". An Adverse Analytical Finding will be reported in respect of a Post-Work Sample where a Laboratory's analysis of the Sample establishes the presence either of a Banned Substance or of any Controlled Medication Substance that is specifically identified on the Prohibited List as prohibited during Timed and Reported Workouts (or their respective Metabolites or Markers) or evidence of the Use of a Banned Method or Controlled Medication Method.

(3) "TCO2 Testing" means blood Testing conducted by or on behalf of the Agency where notification of Sample collection takes place at any point during the Race Period up to Post-Time for purposes of analyzing TCO2 levels in order to identify potential Use of an M4 Controlled Medication Method (Alkalinization or Use/Administration of an Alkalinizing Agent). Any Sample collected as part of such Testing constitutes a "TCO2 Sample". An Adverse Analytical Finding will be reported in respect of a TCO2 Sample where a Laboratory's analysis of the Sample establishes TCO2 levels in excess of the threshold concentration specified in the Prohibited List.

(4) "Out-of-Competition Testing" means Testing conducted by or on behalf of the Agency where notification of Sample collection may take place at any time, provided that such Testing does not otherwise constitute TCO2 Testing, Post-Race Testing, Post-Work Testing, or Testing conducted pursuant to Rule 3313(c). For the avoidance of doubt, an Out-of-Competition Sample may be collected during the Race Period. Any Sample collected as part of such Testing constitutes an "Out-of-Competition Sample". An Adverse Analytical Finding will be reported for an Out-of-Competition Sample where a Laboratory's analysis of the Sample establishes the presence of a Banned Substance (or its Metabolites or Markers) or evidence of the Use of a Banned Method.

(b) A State Racing Commission, Racetrack, Race Organizer, or other third party may request that the Agency initiate and direct ~~enhanced or~~ additional Testing under Rule 3133(a) (e.g., in relation to a particular Covered Horserace), beyond the amount of Testing planned by the Agency. The Agency may accept or decline such request at its absolute discretion. Where the Agency accepts the request, the costs of Sample collection and analysis shall be borne by the entity Person requesting the additional or enhanced Testing. ~~The Agency may conduct the Testing itself or delegate Testing (or aspects thereof) to the relevant State Racing Commission, subject to the applicable State Racing Commission electing to enter into an agreement with the Agency.~~

(c) The Agency may also conduct Testing upon request by a Covered Person in accordance with the below:

(1) The following requirements apply to all Testing requested by Covered Persons under this Rule 3133(c):

(i) Testing will be conducted by the Agency and a Laboratory upon request by a Covered Person only if the Agency approves such request in advance of Sample collection, which approval (A) is subject to the Covered Person's compliance with the conditions set forth in this Rule 3133(c) and any other conditions specified by the Agency, and (B) shall be subject to the capacity of the Agency, Sample Collection Personnel, and the Laboratory.

(ii) The Agency must be given at least 48 hours' notice of any request for Sample collection (except for a Claimed Horse Sample).

(iii) The scheduling of any Sample collection shall be determined by the Agency.

(iv) The Sample collection shall be conducted at a racetrack that participates in Covered Horseraces, unless otherwise agreed by the Agency.

(v) The Covered Person requesting the Testing shall pay for all of the costs of Sample collection and analysis in accordance with the terms specified by the Agency, subject to Rule 3133(c)(2)(iv)(C).

(vi) ~~The Covered Horses may be subject to Testing at any time and any place where they are located by or on behalf of the Agency~~ Person (and any Nominated Person acting on his or her behalf) shall comply with all Sample collection procedure requirements.

(d) ~~A Covered Horse that is subject to a Provisional Suspension or period of Ineligibility, or that sustains a fatal condition, remains subject to Testing.~~

(vii) The Agency may pursue any violation of the Protocol that is evidenced by the results of any Testing conducted under Rule 3133(c).

(viii) Laboratories shall report the results of Testing under Rule 3133(c) in accordance with Rule 6316.

(2) Subject always to Rule 3133(c)(1), Covered Persons may request the following test types:

(i) Clearance Testing.

"Clearance Testing" means Testing conducted by or on behalf of the Agency upon request by a Covered Person to determine if specific Controlled Medication Substances have cleared the horse's system. Any Sample collected as part of such Testing constitutes a "Clearance Sample". An Adverse Analytical Finding will be reported for a Clearance Sample where a Laboratory's analysis of the Sample establishes the presence of a Banned Substance (or its Metabolites or Markers) or evidence of the Use of a Banned Method.

(ii) Transfer Testing.

(A) "Transfer Testing" means blood Testing for a limited scope of substances that are known to have an extended detection period (as determined by the Agency) conducted by or on behalf of the Agency upon request by a Covered Person who is the new or prospective Owner or Trainer of a Covered Horse transferred in a bona fide transfer (whether by sale, lease, or change of Trainer); provided, however, that any Sample collected for purposes of such Testing must occur either prior to, or within 48 hours of, the legal transfer of the Covered Horse. Any Sample collected as part of such Testing constitutes a "Transfer Sample". An Adverse Analytical Finding will be reported for a Transfer Sample where a Laboratory's analysis of the Sample establishes the presence of a Banned Substance (or its Metabolites or Markers) or evidence of the Use of a Banned Method.

(B) Transfer Testing shall not constitute "pre-purchase" testing. As such:

The Agency does not offer any representation, warranty, or other assurance as to the performance by the Agency or the Laboratory analyzing the Sample (or any of their respective officers, directors, employees, and agents) of any services in relation to the collection or analysis of any Sample.

All services by the Agency and the Laboratory analyzing the Sample (and by any of their respective officers, directors, employees, and agents) in relation to Sample collection and analysis are provided on an “as is” and “as available” basis and the Agency disclaims, to the fullest extent permitted by applicable law, all conditions, representations, and warranties, whether express or implied, in relation to those services including (without limitation) that they will be fit for a particular purpose, of satisfactory quality, or will be performed in accordance with reasonable skill and care.

The Covered Person irrevocably and unconditionally agrees to indemnify, defend, and hold harmless the Agency and the Laboratory analyzing the Sample and their respective officers, directors, employees, and agents in respect of any and all damages, penalties, claims, liabilities, judgments, settlements, awards, costs, expenses (including reasonable legal fees and expenses) and any other losses of any kind whatsoever in any way arising out of, or in connection with, the performance of the Sample collection and analysis services by the Agency and the Laboratory analyzing the Sample (and any of their respective officers, directors, employees and agents).

(iii) Claimed Horse Testing.

(A) “Claimed Horse Testing” means Testing conducted by or on behalf of the Agency on a claimed horse following a Claiming Race upon request by a claimant as part of the claiming procedure. Any Sample collected as part of such Testing constitutes a “Claimed Horse Sample”. Any Sample collected for purposes of Claimed Horse Testing shall be analyzed for the same substances and methods as a Post-Race Sample. Accordingly, an Adverse Analytical Finding will be reported for a Claimed Horse Sample where a Laboratory’s analysis of the Sample establishes the presence either of a Banned Substance or Controlled Medication Substance (or their respective Metabolites or Markers) or evidence of the Use of a Banned Method or Controlled Medication Method.

(B) If a Sample collected from the claimed horse results in an Adverse Analytical Finding, the Claim may in certain circumstances be voided pursuant to the Racetrack Safety Program.

(C) For the avoidance of doubt, the Agency may also collect Post-Race Samples from Covered Horses that are claimed in a Covered Horserace where such Sample collection is not requested by the claimant.

(iv) Post-Vets' List Work Testing.

~~(e) In accordance with~~ A) "Post-Vets' List Work Testing" means Testing conducted by or on behalf of the Agency following a Vets' List Workout, where the Sample collection is required pursuant to the Racetrack Safety Program, a Covered Horse may be required to submit to Sample collection (at the Owner's cost) following a Vets' List Workout in order to be released from the Veterinarians' List. Any Sample collected following a Vets' List Workout constitutes a Post-Race Sample, and, as a result, is subject to all of the same requirements that apply to Sample collection at Covered Horseraces and requested by the Responsible Person or the Owner of the Covered Horse. To schedule a Vets' List Workout, the Responsible Person or the Owner of the Covered Horse shall make a request to a Regulatory Veterinarian, who shall, in turn, notify the Agency ~~in order to make any necessary arrangements. The Agency must be given a minimum of 48 hours' notice of any Vets' List Workout.~~ Any Sample collected as part of such Testing constitutes a "Post-Vets' List Work Sample". Any Sample collected for purposes of Post-Vets' List Testing shall be analyzed for the same substances and methods as a Post-Race Sample, except that Furosemide (also known as Lasix or Salix) is not prohibited during Vets' List Workouts. Accordingly, an Adverse Analytical Finding will be reported for a Post-Vets' List Work Sample where a Laboratory's analysis of the Sample establishes the presence either of a Banned Substance or of a Controlled Medication Substance other than furosemide (or their respective Metabolites or Markers) or evidence of the Use of a Banned Method or Controlled Medication Method.

(B) A Post-Vets' List Work Sample collection will be conducted regardless of whether the Regulatory Veterinarian passes or fails the Covered Horse following the Vets' List Workout physical inspection.

(C) The first Post-Vets' List Work Sample for a Covered Horse in any 12-month period shall be free of charge while under the same Owner or Trainer.

(d) Testing may also include Sample collection in case of equine fatalities or injuries. Such Testing would fall into one of the test types listed above, depending on the timing of collection.

Rule 3133. Requirements

~~(a) Testing. The Agency shall conduct test distribution planning and Testing in accordance with the Testing and Investigations Standards. The Agency may delegate authority to third parties, including State Racing Commissions (see Rule 3132), to conduct Testing (or aspects thereof) in accordance with the Testing and Investigations Standards under its supervision.~~

~~(b) Investigations and intelligence gathering. The Agency shall gather intelligence and conduct investigations, or delegate to third parties to do so under its supervision, in accordance with the Testing and Investigations Standards, which incorporate uniform rules and procedures in accordance with section 3054 of the Act providing for:~~

~~(1) access for the Agency to books, records, offices, racetrack facilities, and other places of business of Covered Persons that are used in the care, treatment, training, or racing of Covered Horses;~~

~~(2) the issuance and enforcement of subpoenas and subpoenas duces tecum by the Authority at the request of the Agency;~~

~~(3) the exercise of other investigatory powers similar in nature and scope to those exercised by State Racing Commissions before the Program Effective Date; and~~

~~(4) the coordination and sharing of intelligence and information with the Authority, law enforcement (authorized by any government, including Federal, State, or international), State Racing Commissions, Racetracks, Race Organizers, Training Facilities, Laboratories, anti-doping organizations, equine regulatory bodies, or other relevant regulatory or disciplinary authorities.~~

Rule 3134. Sample Analysis

Samples shall be analyzed in accordance with the [Laboratory Standards and the](#) principles set forth in Rules 3135 through 3139.

Rule 3135. Ownership of Samples

Samples collected under the Protocol are the property of the Authority, and the Authority is entitled (subject to Rule 3138(b)) to determine all matters regarding access to and the analysis and disposal of such Samples.

Rule 3136. ~~Use of Approved Laboratories and Other Laboratories~~

(a) Laboratories.

~~(a1)~~ The Agency will publish a list of approved Laboratories, which may be revised from time to time.

~~(b2)~~ Subject to paragraph ~~(db)~~ below, Samples collected by or on behalf of the Agency pursuant to the Protocol will be analyzed by approved Laboratories. Only approved Laboratories may declare an Adverse Analytical Finding.

~~(c3)~~ Selection of Laboratories.

~~(4i)~~ Subject to paragraph ~~(2ii)~~ below, a State Racing Commission may select a Laboratory to analyze A Samples ~~or~~and TCO2 Samples collected in its State. If a State Racing Commission does not select a Laboratory, the selection of the Laboratory to analyze such Samples shall be determined exclusively by the Agency.

~~(2ii)~~ The Agency shall have the authority to require specific Samples to be directed to and analyzed by Laboratories having [capacity to conduct the analyses or having](#) special expertise in the required analysis.

~~(3ii)~~ The selection of the Laboratory for any B Sample analysis shall be determined exclusively by the Agency. The B Sample analysis (if applicable) will be performed in a different Laboratory from the A Sample analysis, except if provided otherwise in the Laboratory Standards.

~~(d) In accordance with Rule 3122, facts related to violations of the Protocol may be established by any reliable means. This would include, for example, laboratory analysis or other forensic testing conducted reliably outside of Agency-approved laboratories.~~

(iv) The selection of a Laboratory to conduct analyses on any products, substances, or other items shall be determined exclusively by the Agency.

(b) Other laboratories approved by the Agency.

Subject to Rule 3136(a)(2), other laboratories approved by the Agency may be used to analyze Samples, products, or substances in accordance with the Protocol and related rules, including to conduct any analyses subcontracted pursuant to Rule 6302, to conduct analyses or forensic testing to establish or support violations of the Protocol other than presence violations, and to conduct research. In accordance with Rule 3122, facts related to violations of the Protocol may be established by any reliable means. This includes (without limitation) analyses or other forensic testing conducted by such other laboratories approved by the Agency.

Rule 3137. Purpose of Sample Analysis

(a) General. Samples, related analytical data, Doping Control information, and Medication Control information shall be analyzed (1) to detect the presence of Prohibited Substances and Prohibited Methods identified on the Prohibited List (or Technical ~~Document—Prohibited Document-Prohibited~~ Substances) and other substances as may be directed [by the Agency](#) pursuant to Rule 3114, (2) to [identify evidence of potential Use of a Prohibited Substance or Prohibited Method](#), (3) to assist the Agency in profiling relevant parameters in a Covered Horse's urine, blood, hair, or other matrix, including for DNA or genomic profiling, [\(4\) for intelligence purposes](#), or ~~(35)~~ for any other legitimate [anti-doping or medication control](#) purpose.

(b) Research on Samples and Data. Samples, ~~related~~ may be analyzed for the purposes of research in support of Doping Control, Medication Control, or horse welfare including (without limitation) research to understand and reduce equine fatalities and injuries. Related analytical data, Doping Control information, ~~and~~ Medication Control information, ~~and necropsy and injury information~~ may also be used ~~for anti-doping or medication control~~ in support of such research ~~purposes~~. However, the results of any Sample analyses performed for ~~such~~ research purposes may not be used as the basis for pursuing an Anti-Doping Rule Violation or Controlled Medication Rule Violation.

Rule 3138. Standards for Sample Analysis and Reporting

(a) General.

~~(a) General.~~ Laboratories may not accept or analyze any Samples from Covered Horses that were not collected by or on behalf of the Agency or otherwise authorized by the Agency, nor may they accept or analyze any products, substances, or other items from Covered Persons unless otherwise authorized by the Agency. Laboratories shall analyze Samples and report results in accordance with the Laboratory Standards. The results of all Sample analyses must be sent exclusively to the Agency via secure transmission in a form designated by the Agency. All communications must be conducted in such a way that the results of the Sample analyses are kept confidential.

(b) Further Analysis of a Sample prior to or during Results Management. ~~Further Analyses may be conducted, without~~ There shall be no limitation, on the authority of a laboratory to conduct Further Analysis on a Sample prior to the time that it is reported as negative or prior to the time that the Agency notifies a Covered Person that the Sample is the basis for an Anti-Doping Rule Violation or Controlled Medication Rule Violation. If the Agency notifies a Covered Person that the Sample is the basis for an Anti-Doping Rule Violation or Controlled Medication Rule Violation, and the Agency wishes to conduct Further ~~Analyses~~ Analysis on that Sample after such notification, it may do so only with the consent of the Covered Person or the approval of the ~~hearing panel~~ Arbitrator(s) or IAP Member(s) adjudicating the case against the Covered Person.

(c) Further Analysis of a Sample after it has been reported as negative or has otherwise not resulted in an Anti-Doping Rule Violation or Controlled Medication Rule Violation. **A**

Any Sample that has been reported as negative or has otherwise not resulted in a charge for an Anti-Doping Rule Violation or Controlled Medication Rule Violation may be stored and subjected to Further ~~Analyses~~ Analysis for the purpose described in Rule 3137 at any time exclusively at the direction of the Agency. Any Sample storage and Further Analysis initiated by the Agency shall be at the Agency's expense. Further Analysis of Samples shall be conducted in accordance with the Laboratory Standards.

(d) Split of A or B Sample.

Where, in exceptional circumstances, the Laboratory (on instruction from the Agency) is required to further split an A Sample or a B Sample for the purpose of using the first part of the resulting split Sample for an A Sample analysis and the second part of the resulting split Sample for B confirmation, the procedures and analysis shall be conducted in accordance with the Laboratory Standards.

Rule 3139. The Agency's Right ~~Teto~~ Take Possession of Samples and Related Data

The Agency may at any time, with or without prior notice, take physical possession of any Sample collected by or on behalf of the Agency and any related analytical data or information in the possession of a Laboratory or other laboratory approved by the Agency. Upon request by the Agency, the ~~Laboratory~~ relevant laboratory in possession of the Sample or related data shall grant access to and enable the Agency to take physical possession of the Sample or data as soon as possible.

~~Rule 3140. Clearance Testing~~

~~Clearance testing for a Covered Horse at the request of a Covered Person (i.e., testing to determine if Controlled Medications Substances have cleared the horse's system) may be performed by a Laboratory only if in advance of such testing (1) the Agency approves such request (which approval may be subject to conditions determined by the Agency), and (2) the Covered Person pays for all of~~

~~the costs of Sample collection and analysis. The Agency may pursue any violation of the Protocol that is evidenced by the results of the clearance testing.~~

Section 3: The Equine Anti-Doping Rules

3210. Anti-Doping Rule Violations

Rule 3211. Definition of Anti-Doping Rule Violation and Responsibility for Violations

(a) Doping cases will be initiated based on the assertion that one or more of Rules 3212 through 3216 has been violated (each, an “Anti-Doping Rule Violation”).

(b) The Anti-Doping Rule Violations described below may only be committed by Covered Persons, but the Consequences for Anti-Doping Rule Violations may apply to both the Covered Person(s) who commit(s) the violation and any Covered Horse(s) implicated by the violation.

(c) All Covered Persons are responsible for knowing what constitutes an Anti-Doping Rule Violation and what Banned Substances and ~~what~~ Banned Methods are included on the Prohibited List and Technical ~~Document—Prohibited~~ Document-Prohibited Substances.

Rule 3212. Presence of a Banned Substance

(a) It is the personal and non-delegable duty of the Responsible Person to ensure that no Banned Substance is present in the body of his or her Covered Horse(s). The Responsible Person is therefore strictly liable for any ~~Banned Substance or its Metabolites or Markers found to be present in a Sample collected from his or her Covered Horse(s)~~ presence violation. Accordingly, it is not necessary to demonstrate intent, Fault, negligence, or knowing Use on the part of the Responsible Person in order to establish that the Responsible Person has committed ~~a Rule 3212~~ an Anti-Doping Rule Violation under Rule 3212.

(b) Sufficient proof of ~~a Rule 3212~~ an Anti-Doping Rule Violation under Rule 3212 is established by any of the following:

(1) the presence of a Banned Substance or its Metabolites or Markers in the Covered Horse's A Sample where the Responsible Person waives analysis of the B Sample and the B Sample is not analyzed;

(2) the Covered Horse's B Sample is analyzed and the analysis of the B Sample confirms the presence of the Banned Substance or its Metabolites or Markers found in the A Sample; or

(3) where, in exceptional circumstances, the Laboratory (on instruction from the Agency) further splits the A or B Sample into two parts in accordance with the Laboratory Standards, the analysis of the second part of the resulting split Sample confirms the presence of the same Banned Substance or its Metabolites or Markers as were found in the first part of the split Sample, or the Responsible Person waives analysis of the second part of the split Sample.

(c) The general rule is that the presence of any amount of a Banned Substance or its Metabolites or Markers in a Sample collected from a Covered Horse constitutes an Anti-Doping Rule Violation ~~by the Responsible Person of that Covered Horse~~.

(d) ~~As an exception to the general rule of Rule 3212(c)~~, the Prohibited List, Standards, or Technical Documents may establish special criteria for the reporting or the evaluation of certain Banned Substances, including a Minimum Reporting Level, Screening Limit, Threshold, or Decision Limit.

Rule 3213. Use or Attempted Use of a Banned Substance or a Banned Method

(a) Subject to Rule 3213(c), the Use or Attempted Use of a Banned Substance or Banned Method in relation to a Covered Horse constitutes an Anti-Doping Rule Violation. The success or failure of that Use or Attempted Use is not material. For a Rule 3213 violation to be committed, it is sufficient that the Banned Substance or Banned Method was Used or Attempted to be Used.

(b) It is the personal and non-delegable duty of the Responsible Person to ensure that no Banned Substance or Banned Method is Used in relation to his or her Covered Horse. The Responsible

Person is therefore strictly liable for any Use of a Banned Substance or Banned Method in relation to his or her Covered Horse(s). Accordingly, it is not necessary to demonstrate intent, Fault, negligence, or knowing Use on the part of the Responsible Person in order to establish that the Responsible Person has committed a Rule 3213 Anti-Doping Rule Violation of Use. However, in accordance with the definition of Attempt, it is necessary to show intent on the part of the Responsible Person in order to establish that the Responsible Person has committed a Rule 3213 Anti-Doping Rule Violation of Attempted Use.

(c) The presence of a Prohibited Substance or of evidence of Use of a Prohibited Method in the Covered Horse's Sample or other evidence of Use of such Prohibited Substance or Prohibited Method shall not be considered an Anti-Doping Rule Violation if it is determined to have resulted from Use of the Banned Substance or Banned Method prior to the horse becoming a Covered Horse. However, any such Use is subject to Rule 3040(b)(910) and may be reported to the relevant State Racing Commission.

Rule 3214. Other Anti-Doping Rule Violations Involving Banned Substances or Banned Methods

The following acts and omissions constitute Anti-Doping Rule Violations by the Covered Person(s) in question:

- (a) Possession of a Banned Substance or a Banned Method, unless there is compelling justification for such Possession.
- (b) Trafficking or Attempted Trafficking in any Banned Substance or Banned Method.
- (c) Administration or Attempted Administration to a Covered Horse of any Banned Substance or any Banned Method.

Rule 3215. Evading Collection of a Sample ~~From~~ a Covered Horse; or Refusing or Failing Without Compelling Justification ~~To~~ Submit a Covered Horse to Sample Collection; ~~or Refusing or Failing To Comply With All Sample Collection Procedure Requirements~~

(a) Except as provided in Rule 3215(~~dc~~), each of the following constitutes an Anti-Doping Rule Violation: (1) evading collection of a Sample from a Covered Horse; (2) refusing ~~or without compelling justification to submit a Covered Horse to Sample collection after notification by a duly authorized person; or~~ (3) failing without compelling justification to submit a Covered Horse to Sample collection after notification by a duly authorized person; ~~or (3) refusing or failing to comply with all Sample collection procedure requirements.~~

(b) ~~Responsible Persons are responsible for ensuring compliance with Rules 3040(b)(1) and 3040(b)(2).~~ A Responsible Person may delegate (or be deemed to have delegated) the submission and supervision of the Covered Horse during Sample collection to a third party (i.e., a Nominated Person), but the Responsible Person remains responsible for the Covered Horse throughout the Sample ~~collection process~~ Collection Session and for the acts and omissions of any Nominated Person acting on his or her ~~delegate~~ behalf. Therefore, the Responsible Person shall be deemed liable for any evasion ~~by his or her delegate~~ of Sample collection; by the Nominated Person and any refusal or failure by ~~his or her delegate~~ the Nominated Person without compelling justification to submit the Covered Horse to Sample collection; ~~or any refusal or failure by his or her delegate to comply with all Sample collection procedure requirements.~~

~~(c) Sample collection shall ordinarily be conducted where the Covered Horse is located (e.g., Racetrack, Training Facility, or private facility), unless the Agency agrees that the Covered Horse may be transported to another agreed location (e.g., a nearby Racetrack).~~

~~(dc)~~ No violation occurs where a Covered Horse is made available for Sample collection, but ~~a Sample is not collected because~~ the Covered Horse ~~is intractable~~ does not provide a Sample within a reasonable time period, as determined by the relevant Sample Collection Personnel or the Agency, resulting in termination of the Sample Collection Session. However, if a Responsible Person, or any Nominated Person acting on his or her behalf, does anything to discourage or prevent a Covered

Horse from providing a Sample, that shall constitute an Anti-Doping Rule Violation under this Rule 3215 or Rule 3216(a), as applicable.

Rule 3216. Other Anti-Doping Rule Violations

The following acts and omissions constitute Anti-Doping Rule Violations by the Covered Person(s) in question:

(a) Tampering or Attempted Tampering by a Covered Person with any part of Doping Control or Medication Control;

(b) a Covered Person assisting, encouraging, aiding, abetting, conspiring, covering up, or engaging in any other type of intentional complicity or Attempted complicity involving ~~(1)~~ an Anti-Doping Rule Violation ~~or, an~~ Attempted Anti-Doping Rule Violation, or ~~(2)~~ a violation of Rule 3229 by another Covered Person.

(c) Prohibited Association:

(1) Association by a Covered Person in a professional or sport-related capacity with any Person who:

(i) is serving a period of Ineligibility imposed pursuant to the Protocol or is serving a period of ineligibility imposed pursuant to anti-doping rules administered by ~~any~~ an anti-doping organization or other equine regulatory body ~~or anti-doping organization~~; or

(ii) has been found in a criminal, disciplinary, or professional proceeding to have engaged in conduct that would have constituted a violation of the Protocol if it had been applicable to such Person at the relevant time or has been found guilty of any conduct involving or relating to animal abuse. The disqualifying status of such Person shall last for the longer of:

(A) 6 years from the criminal, professional, or disciplinary decision; ~~and or~~

(B) the duration of the criminal, disciplinary, or professional sanction imposed; or

(iii) is serving as a front or intermediary for an individual ~~falling within~~ described in paragraph (i) or (ii) above.

(2) To establish a violation of Rule 3216(c), the Agency must establish that the Covered Person knew at the relevant time of the Person's disqualifying status. It is presumed that any association with the Person described in Rules 3216(c)(1)(i) and (ii) is in a professional or sport-related capacity, and the burden shall be on the Covered Person to rebut that presumption.

(3) It shall be a defense to a charge of violation of Rule 3216(c) if the Covered Person establishes that the association with the Person could not have been reasonably avoided.

(d) Acts by a Covered Person to discourage or retaliate against reporting to authorities.

(1) Where such conduct does not otherwise constitute a violation under Rule 3216(a) (Tampering or Attempted Tampering), each of the following constitutes an Anti-Doping Rule Violation under this Rule 3216(d):

(i) any act that threatens or seeks to intimidate another Person with the intent of discouraging that Person from the good faith reporting of information that relates to an alleged Anti-Doping Rule Violation or other alleged non-compliance with the Protocol to the Agency or other appropriate Person; and

(ii) retaliation against a Person who, in good faith, has provided evidence or information that relates to an alleged Anti-Doping Rule Violation or other alleged non-compliance with the Protocol to the Agency or other appropriate entity or Person.

(2) For purposes of Rule 3216(d), threatening or seeking to intimidate a Person, and retaliation against a Person, include an act taken against such Person that lacks a good faith basis or is a disproportionate response.

(e) The injection or Attempted injection of any substance to any site of a Covered Horse's body during the Race Period is prohibited, unless (i) specifically permitted under the Prohibited List; or (ii) administered or authorized by a Regulatory Veterinarian or Test Barn Veterinarian to provide medical care to a Covered Horse as a result of an injury sustained (or other adverse health event) during the Race Period (or by another Veterinarian in circumstances where there is an imminent risk to horse welfare, health, or safety), provided that the Covered Horse does not subsequently participate in the Covered Horserace during that Race Period.

(i) The prohibition under Rule 3216(e) applies to any substance that is injected, whether endogenous or exogenous, and whether or not it is a Prohibited Substance.

(ii) The prohibition under Rule 3216(e) applies to any type of injection, including (without limitation) intravenous, intramuscular, intra-articular, peri-articular, peri-tendinous, epidural, intra-dermal, or subcutaneous.

(iii) If the injection contained a Banned Substance, the matter will be pursued as an Anti-Doping Rule Violation involving a Banned Substance (e.g., presence, Use, Administration) and will therefore be subject to more severe Consequences.

3220. Sanctions

Rule 3221. Disqualification of the Covered Horse's Results

(a) Automatic Disqualification of results.

(1) An Anti-Doping Rule Violation that arises from a Post-Race Sample or Claimed Horse Sample, or that occurs during the Race Period, automatically leads to Disqualification of the results of the Covered Horse obtained on the Race Day(s) that fall(s) within the Race Period, even if any other sanction for the violation is eliminated or reduced under Rules 3224, 3325, or 3226.

(2) In circumstances where an EAD Notice has been sent as required under Rule 3245, and the B Sample analysis confirms the A Sample analysis, or the right to request the analysis of the B Sample is waived, the Agency, the Responsible Person, and the Owner of the Covered Horse in question may agree to apply Rule 3221 immediately, i.e., prior to adjudication of any other issue, or (in the absence of such agreement) any one of them may request that the Arbitral Body apply Rule 3221 immediately.

(b) Disqualification of subsequent results.

(1) Subject to paragraph (2) below, in addition to the automatic Disqualification of results under Rule 3221(a), any other results that the Covered Horse obtained from the date the Anti-Doping Rule Violation first occurred, as well as during any period of retroactive Ineligibility, shall be Disqualified, unless it is established by the Responsible Person that fairness requires otherwise.

(2) If the Anti-Doping Rule Violation occurs in relation to a Claiming Race in which the Covered Horse is claimed, Rule 3221(b)(1) shall not apply to any results obtained by the Covered Horse under the new ownership.

(c) Consequence of Disqualification of results:

(1) If a Covered Horse has results Disqualified under the Protocol, all purses and other compensation, prizes, trophies, points, and rankings are forfeited and must be repaid or surrendered (as applicable) to the Race Organizer, and the results of the other Covered Horses in the race(s) in question must be adjusted accordingly and the purses, prizes, and trophies redistributed. ~~Purses, prizes, trophies, and other compensation shall (where possible) be withheld for the Covered Horse in issue pending resolution of the relevant charge~~ by the Race Organizer.

~~(2) The Covered Horses that participated in a Covered Horserace involving an alleged Anti-Doping Rule Violation are often entered in other Covered Horseraces prior to the final adjudication of the violation. The ultimate Disqualification of a Covered Horse in connection with final adjudication of a violation shall only impact that horse's conditions for eligibility. By way of example, a maiden that is Disqualified after finishing first in a maiden race shall remain a maiden until it has won another race, but the runner-up in the disputed Covered Horserace shall not be considered the winner for purposes~~

~~of its future condition eligibility. The adjustment to the Disqualified horse's condition eligibility shall only occur once the violation has been finally adjudicated.~~

(2) Until the point in time that an Anti-Doping Rule Violation is finally adjudicated by the issuance of a final decision of the Arbitral Body under Rule 7320, an issuance of a final decision by the Agency, or the Responsible Person's acceptance of Consequences, the eligibility status of the winner and the runner-up of a Covered Horserace is unaffected, i.e., the winner remains the winner of the race, and the runner-up remains the runner-up, for purposes of the Covered Horse's conditions for eligibility in entering another Covered Horserace. If the final adjudication of the matter requires that the winner of the Covered Horserace be Disqualified, the Disqualified horse shall no longer be considered the winner (and in a maiden race, shall remain a maiden) until it has won another Covered Horserace, and the runner-up shall be considered the winner for purposes of its future condition eligibility.

Rule 3222. Ineligibility for Covered Horses

(a) ~~For~~The Covered Horse(s) implicated in a violation ~~of~~under Rule 3212 (presence), Rule 3213 (Use or Attempted Use), or Rule 3214(c) (Administration or Attempted Administration), ~~the Covered Horse involved~~ shall be Ineligible for the period designated in the Prohibited List (Rule 4310 or 4320, as applicable) for the Banned Substance or Banned Method in issue.

(b) ~~For~~The Covered Horse(s) implicated in a violation ~~of~~under Rule 3215 ~~involving evasion of Sample collection, the Covered Horse~~ shall be Ineligible for ~~18 months. For a violation of Rule 3215 involving refusal or failure to submit to Sample collection, or refusal or failure to comply with all Sample collection procedure requirements, the Covered Horse shall be Ineligible for 18 months, unless it is established by the Responsible Person that fairness requires otherwise, in which case the period of Ineligibility may be reduced, depending on the specific circumstances of the case and considerations of horse welfare.~~the period designated in the Prohibited List (Rule 4330) for the violation in issue.

~~(c) Rule 3228 on increased periods of Ineligibility for repeat offenders does not apply to Covered Horses.~~

~~(d) The~~Where a Covered Horse is subject to a period of Ineligibility for ~~a Covered Horse an~~ Anti-Doping Rule Violation, the period of Ineligibility shall be deemed to commence on the date that the violation occurred (which, in the case of a Rule 3212 presence violation, shall be the date that the positive Sample was collected, ~~even if~~). Any results obtained by the Covered Horse has participated in Timed and Reported Workouts or Covered Races after that date during that period are subject to Disqualification in accordance with Rule 3221(b).

Rule 3223. Ineligibility ~~and~~, Financial Penalties, and Other Consequences for Covered Persons

(a) General.

(1) The ~~periods of Ineligibility and financial penalties~~Consequences set out in this Rule 3223 apply to the Covered Person's first doping offense. Where an offense is not the Covered Person's first doping offense, Rule 3228 applies.

(2) Unless specified otherwise, the periods of Ineligibility set out in this Rule 3223 are subject to potential elimination, reduction, or suspension pursuant to Rules 3224 to 3226 or potential increase pursuant to Rule 3227.

~~(3) In accordance with Rule 3247(i), any period of Provisional Suspension served by the Covered Person shall be credited against the period of Ineligibility ultimately imposed on that Covered Person for the violation in question.~~

(b) Consequences.

Subject to Rule 3223(a), and in addition to any other Consequences that apply under the Protocol (including Disqualification), the periods of Ineligibility and financial penalties specified below shall apply to a Covered Person for his or her first Anti-Doping Rule Violation:

Anti-doping rule violation (first offense in 10-year period)	Period of ineligibility	Financial penalties
Presence (Rule 3212); Use or Attempted Use (Rule 3213); Possession (Rule 3214(a)); or Administration or Attempted Administration (Rule 3214(c))	2 years	Fine of up to \$25,000 or 25% of the total purse (whichever is greater); and Payment of some or all of the adjudication costs and the Agency's legal costs.
Trafficking or Attempted Trafficking (Rule 3214(b))	Minimum of 4 years up to lifetime Ineligibility, depending on the seriousness of the violation. A violation involving a Minor shall be considered a particularly serious violation and shall result in lifetime Ineligibility for the Covered Person who commits it. A violation that may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional, or judicial authorities.	Fine of up to \$50,000 or 50% of the total purse (whichever is greater); and Payment of some or all of the adjudication costs and the Agency's legal costs.
Evading collection of a Sample from a Covered Horse; or refusing or failing without compelling justification to submit a Covered Horse to Sample collection; or refusing or failing to comply with all Sample collection procedure requirements (Rule 3215); or Tampering or Attempted Tampering (Rule 3216(a))	4 years, except: in the case of failing to submit to Sample collection, if the Covered Person can establish that the failure was not intentional, the period of Ineligibility shall be in a range between 3 months to 2 years, depending on his or her degree of Fault; and, in all other cases, if the Covered Person can establish exceptional circumstances that justify a reduction of the period of Ineligibility, the period of Ineligibility shall be in a range from 3 months to 4 years, depending on his or her degree of Fault.	Fine up to \$50,000 or 50% of the total purse (whichever is greater); and Payment of some or all of the adjudication costs and the Agency's legal costs.
Complicity or Attempted complicity (Rule 3216(b))	Same Consequences that apply to the principal actor, absent mitigating or aggravating circumstances.	
Prohibited Association (Rule 3216(c))	2 years, subject to a reduction down to a minimum of 1 year, depending on the Covered Person's degree of Fault and other circumstances of the case.	Fine up to \$25,000 or 25% of the total purse (whichever is greater); and Payment of some or all of the adjudication costs and the Agency's legal costs.
Acts to discourage or retaliate against reporting (Rule 3216(d))	2 years up to lifetime Ineligibility, depending on the seriousness of the violation.	Fine of up to \$50,000 or 50% of the total purse (whichever is greater); and Payment of some or all of the adjudication costs and the Agency's legal costs.
Injection or Attempted injection	Fine of up to \$15,000 or	

Anti-doping rule violation (first offense in 10-year period)	Period of ineligibility	Financial penalties
<u>of any substance during the Race Period (Rule 3216(e))</u>	<u>1 year</u>	<u>15% of the total purse (whichever is greater); and Payment of some or all of the adjudication costs and the Agency's legal costs.</u>

(c) Commencement of the period of Ineligibility for a Covered Person.

~~(1) Except as otherwise provided in this Rule 3223, the period of Ineligibility imposed on any Covered Person shall start on the date the period of Ineligibility is accepted or otherwise imposed in accordance with the Protocol.~~

~~(2) Where a Covered Person is already serving a period of Ineligibility for another violation of the Protocol, any new period of Ineligibility shall start to run the day after the original period of Ineligibility ends. Otherwise, the period of Ineligibility imposed on any Covered Person shall start on the date the period of Ineligibility is accepted or otherwise imposed, except as provided below:~~

(i) Delays not Attributable to the Covered Person.

~~(3) Where there have been substantial delays in the adjudication process or other aspects of Doping Control that go well beyond the standard timeframes for Laboratory analyses and Results Management, and the Covered Person can establish that such delays are not attributable to him or her, the start date of the period of Ineligibility may be deemed back-dated to reflect such delays, but in no event may it be deemed back-dated to a date before the Anti-Doping Rule Violation last occurred. ~~All competitive results achieved during the period of Ineligibility by the Covered Person or Covered Horse in issue, including retroactive Ineligibility, shall be Disqualified, unless it is established by the Covered Person that fairness requires otherwise.~~~~

(ii) Credit for any Provisional Suspension or period of Ineligibility served.

(A) Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Covered Person shall be credited against the total period of Ineligibility to be served. To get credit for any period of voluntary Provisional Suspension, however, the Covered Person must have given written notice at the beginning of such period to the Agency in accordance with Rule 3247(i).

(B) If the Covered Person does not respect a Provisional Suspension, the Covered Person shall receive no credit for any period of Provisional Suspension served. No credit against a period of Ineligibility will be given for any time period before the effective date of the Provisional Suspension, regardless of whether the Covered Person elected not to participate in the activities that are prohibited during a Provisional Suspension.

(C) If a period of Ineligibility is served pursuant to a decision that is subsequently subject to review, the Covered Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility that may ultimately be imposed on review.

(d) Other Consequences.

(1) A Covered Person may be required by the Agency or the Arbitral Body to complete training or education relating to the requirements and purposes of the Protocol.

(2) If a Covered Person is subject to a period of Ineligibility and is required to complete training or education pursuant to subparagraph (1) above, the completion of such training or education will be a condition precedent to reinstatement (see Rule 3232).

(3) If a Covered Person is not subject to a period of Ineligibility and is required to complete training or education pursuant to subparagraph (1) above, the Covered Person will be fined \$5,000 if such

training or education is not completed by the deadline set by the Agency or the Arbitral Body and shall be subject to Rule 3232.

Rule 3224. Elimination of the Period of Ineligibility Where There Is No Fault or Negligence

(a) If a Covered Person establishes in an individual case that he or she bears No Fault or Negligence for the Anti-Doping Rule Violation~~(s)~~ charged, the otherwise applicable period of Ineligibility and other Consequences for such Covered Person shall be eliminated~~(t)~~, except for those set out in Rule 3221(a) and Rule 3620), and the violation shall not be considered a prior violation for the purpose of Rule 3228. When the violation is of Rule 3212 (presence of a Banned Substance), the Covered Person must also establish how the Banned Substance entered the Covered Horse's system as a pre-condition to application of this Rule 3224(a). ~~In the event the period of Ineligibility otherwise applicable is eliminated pursuant to this Rule 3224, the Anti-Doping Rule Violation shall not be considered a prior violation for the purpose of Rule 3228.~~

(b) This Rule 3224 only applies in exceptional circumstances. In particular, it will not apply where the Banned Substance found to be present in a Sample: (1) came from a mislabeled or contaminated supplement; or (2) was administered to the Covered Horse by veterinary or other support personnel without the knowledge of the Responsible Person.

(c) A finding that the Covered Person bears No Fault or Negligence for an Anti-Doping Rule Violation shall not affect the Consequences of that violation that apply to the Covered Horse (i.e., Ineligibility in accordance with Rule 3222(a) and Disqualification of results in accordance with Rule 3221).

Rule 3225. Reduction of the Period of Ineligibility Where There Is No Significant Fault or Negligence

Reductions under this Rule 3225 are mutually exclusive and not cumulative, i.e., no more than one of them may be applied in a particular case.

(a) General rule.

Where the Covered Person establishes that he or she bears No Significant Fault or Negligence for the Anti-Doping Rule Violation in question, then (unless Rule 3225(b) or 3225(c) applies) the period of Ineligibility shall be fixed between 3 months and 2 years, depending on the Covered Person's degree of Fault.

(b) Specified Substances.

Where the Covered Person establishes that he or she bears No Significant Fault or Negligence for the Anti-Doping Rule Violation in question, and the violation involves only one Specified Substance, the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and, at a maximum, 2 years of Ineligibility, depending on the Covered Person's degree of Fault.

(c) Contaminated Products or other contamination.

Where the Covered Person establishes that he or she bears No Significant Fault or Negligence for the Anti-Doping Rule Violation in question and that the Banned Substance in question came from a Contaminated Product or from another form of contamination, the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and, at a maximum, 2 years of Ineligibility, depending on the Covered Person's degree of Fault.

Rule 3226. Elimination, Reduction, or Suspension of Period of Ineligibility or Other Consequences for Reasons Unrelated to Degree of Fault

(a) Substantial Assistance.

The Agency may suspend all or part of the Consequences ~~imposed on~~applicable to a Covered Person in an individual ~~doping~~ case— (either prior to or after the imposition of those Consequences), other than Disqualification of results pursuant to Rule 3221—(a), based on the following:

(1) The Covered Person provides Substantial Assistance to the Agency, the Authority, ~~or~~ a State Racing Commission, a criminal authority, or a professional disciplinary body that results in:

(i) the Agency discovering or bringing forward an Anti-Doping Rule Violation or a Controlled Medication Rule Violation by another Covered Person; or

(ii) a criminal or disciplinary body discovering or bringing forward a sport-related criminal offense or the breach of professional or sports rules by another Person, including offenses arising out of a sport integrity violation or sport safety violation, or the violation of any rule or requirement in the Act, and the information provided by the Covered Person providing Substantial Assistance is also made available to the Agency.

(2) The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the Anti-Doping Rule Violation committed by the Covered Person and the degree to which the Substantial Assistance provided by the Covered Person assists the effort to promote doping-free racing, compliance with the Protocol, or the integrity of racing. In any event truly exceptional circumstances (to be construed narrowly), the otherwise applicable period of Ineligibility may be suspended in full. In all other cases, no more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this section must be no less than 8 years. ~~For purposes of this Rule 3226, the otherwise applicable period of Ineligibility shall not include any period of Ineligibility that could be added under Rule 3228(c)(2), absent truly exceptional circumstances (to be construed narrowly).~~

(3) If so requested, the Agency shall allow the Covered Person who seeks to provide Substantial Assistance to provide the information to the Agency subject to a Without Prejudice Agreement.

(4) If the Covered Person fails to continue to cooperate or fails to provide the complete, accurate, and credible Substantial Assistance promised, the Agency shall reinstate the original Consequences. That decision is not subject to review.

(b) Voluntary Admission of an Anti-Doping Rule Violation in the absence of other evidence.

If (1) the Covered Person voluntarily admits the commission of an Anti-Doping Rule Violation before receiving the EAD Notice or (in the case of a Rule 3212 violation) before having received notice of a Sample collection that could establish the Anti-Doping Rule Violation, and (2) that admission is the only reliable evidence of the violation at the time the admission is made, the otherwise applicable period of Ineligibility may be reduced by up to one-half.

(c) Application of multiple grounds for reduction of a sanction.

If the Covered Person establishes entitlement to a reduction or suspension of the period of Ineligibility under ~~2~~two or more of Rules 3224, 3225, or 3226, the otherwise applicable period of Ineligibility shall be determined in accordance with Rules 3223, 3224, and 3225 before applying any reduction or suspension under Rule 3226. If the Covered Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Rule 3226, ~~up to three-quarters of the otherwise applicable~~the period of Ineligibility may be reduced or suspended, ~~but not below one-fourth of the otherwise applicable period of Ineligibility, except in truly exceptional circumstances (to be construed narrowly).~~

(d) Reductions for certain Anti-Doping Rule Violations based on early admission and acceptance of sanction.

(1) If the Agency notifies a Covered Person of a potential Anti-Doping Rule Violation that carries an asserted period of Ineligibility of 4 or more years (including any period of Ineligibility asserted under Rule 3227), and if the Covered Person admits the violation and accepts the asserted period of Ineligibility no more than 7 days after receiving the Charge Letter, the period of Ineligibility to be served will be automatically reduced by 1 year (but no further reduction shall be allowed under any other Rule).

(2) If the Agency notifies a Covered Person of a potential Anti-Doping Rule Violation that carries an asserted period of Ineligibility of 2 years or more years, but less than 4 years (including any period of Ineligibility asserted under Rule 3227), if the Covered Person admits the violation and accepts the asserted period of Ineligibility no more than 7 days after receiving the Charge Letter, the period of Ineligibility to be served will be automatically reduced by 6 months (but no further reduction shall be allowed under any other Rule).

(e) Human substances of abuse.

(1) In circumstances where there is an Adverse Analytical Finding for one of the Banned Substances identified in paragraph (2) below, and where (even if the Responsible Person is unable to prove source) the Agency accepts (at its discretion, following any investigation it deems fit) that it was more likely than not the result of unintentional transfer or contamination, the following Consequences shall apply:

<u>First violation (within 2-year period)</u>	<u>Second violation (within 2-year period)</u>	<u>Third or subsequent violation (within 2-year period)</u>
<u>60 days.</u>	<u>90 days.</u>	<u>120 days.</u>
<u>Fine of up to \$5,000 or 5% of the total purse (whichever is greater).</u>	<u>Fine of up to \$10,000 or 10% of the total purse (whichever is greater).</u>	<u>Fine of up to \$25,000 or 25% of the total purse (whichever is greater).</u>
<u>Automatic Disqualification of Race Day results (Rule 3321).</u>	<u>Automatic Disqualification of Race Day results (Rule 3321).</u>	<u>Automatic Disqualification of Race Day results (Rule 3321).</u>
<u>Any other Consequences applicable under the Protocol, excluding Rule 3223(b) and Rule 3228.</u>	<u>Any other Consequences applicable under the Protocol, excluding Rule 3223(b) and Rule 3228.</u>	<u>Any other Consequences applicable under the Protocol, excluding Rule 3223(b) and Rule 3228.</u>

(2) For purposes of this Rule, the following Banned Substances are considered to be human substances of abuse:

(i) Cocaine/Benzoylcocaine;

(ii) Methamphetamine;

(iii) Methaqualone;

(iv) Methylenedioxyamphetamine (MDA);

(v) Methylenedioxyethylamphetamine (MDEA);

(vi) Methylenedioxymethylamphetamine (MDMA);

(vii) Oxycodone;

(viii) Phencyclidine (PCP); and

(ix) Tetrahydrocannabinol (THC).

(3) For the avoidance of doubt, violations that fall under this Rule 3226(e) shall constitute prior Anti-Doping Rule Violations for sanctioning purposes under this Rule only if committed within 2 years of the pending Anti-Doping Rule Violation for which a sanction is being determined.

Rule 3227. Aggravating Circumstances

(a) In an individual case involving an Anti-Doping Rule Violation that is not a Rule 3214(b) violation (Trafficking or Attempted Trafficking) or a Rule 3216(d) violation (acts to discourage or retaliate against reporting), if the Agency establishes that Aggravating Circumstances are present, the period of Ineligibility otherwise applicable shall be increased by up to 2 years, depending on the seriousness of the Aggravating Circumstances, unless the Covered Person establishes that he or she did not knowingly commit the Anti-Doping Rule Violation. Where the period of Ineligibility is increased pursuant to this Rule, an additional fine of up to \$10,000 or an additional 10% of the total purse (whichever is greater) may also be imposed.

(b) Actions and circumstances constituting Aggravating Circumstances include:

(1) Administration of a Banned Substance or Use of a Banned Method that is detrimental to the health and welfare of the horse or is designed to deceive the betting public;

(2) the presence in the Covered Horse's Sample of a combination of Banned Substance(s) and Controlled Medication Substance(s);

(3) prior violations under the Protocol; or

(4) the Covered Person having engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an Anti-Doping Rule Violation or a Controlled Medication Rule Violation, for which the Covered Person has not been separately sanctioned for Tampering.

(c) For the avoidance of doubt, the examples set out in Rule 3227(b) are not exhaustive and other similar circumstances or conduct may also be deemed to amount to Aggravating Circumstances that justify the imposition of a longer period of Ineligibility.

Rule 3228. Increased Sanctions for Covered Persons who are Repeat Offenders

(a) ~~For~~When determining if a Covered Person has committed multiple violations for purposes of this Rule 3228, the following prior Anti-Doping Rule Violations shall be disregarded: (1) violations under predecessor versions of the Protocol that occurred more than 10 years prior to the violation now being sanctioned; ~~and~~ (2) violations for which the Covered Person was found to bear No Fault or Negligence; and (3) violations that the Agency accepts are more likely than not the result of unintentional transfer or contamination in accordance with Rule 3226(e).

(b) Subject to Rule 3228(a), and in addition to any other Consequences that apply under the Protocol (including Disqualification), the periods of Ineligibility and financial penalties specified below shall apply to any Covered Person who commits a second or subsequent Anti-Doping Rule Violation:

Number of anti-doping rule violations <u>Anti-Doping Rule Violations</u> (in 10-year period)	Period of ineligibility <u>Ineligibility</u>	Financial penalties
Second Anti-Doping Rule Violation	The period of Ineligibility shall be the greater of: (a) a 6-month period of Ineligibility; or (b) a period of Ineligibility in the following range, taking into account the entirety of the circumstances and the Covered Person's degree of Fault with respect to the second violation: (i) the sum of the period of Ineligibility imposed for the first Anti-Doping Rule Violation, plus the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it	Fine of up to \$50,000 or 50% of the total purse (whichever is greater); and Payment of some or all of the adjudication costs and the Agency's legal costs.

Number of anti-doping rule violations <u>Anti-Doping Rule Violations</u> (in 10-year period)	Period of ineligibility <u>Ineligibility</u>	Financial penalties
	<p>were a first violation; and</p> <p>(ii) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation.</p>	
Third (or subsequent) Anti-Doping Rule Violation	<p>Lifetime Ineligibility, except if the third violation satisfies the conditions for elimination or reduction of the period of Ineligibility under Rule 3224 or Rule 3225, in which case the period of Ineligibility shall be from 8 years to lifetime Ineligibility.</p> <p>If the above exception applies, the same rule shall apply to any subsequent violation.</p>	<p>Fine of up to \$100,000 or 100% of the total purse (whichever is greater); and</p> <p>Payment of some or all of the adjudication costs and the Agency's legal costs.</p>

(c) Additional rules for certain multiple violations.

(1) Multiple violations for the same Banned Substance/ or Banned Method ~~incurred~~ committed by a Covered Person in relation to the same or different Covered Horse(s) prior to delivery of an EAD Notice ~~may (at the Agency's discretion)~~ shall (unless the Agency can establish that there were multiple intentional administrations) be treated together as a single Anti-Doping Rule Violation, ~~unless the facts demonstrate that there was more than one administration. Multiple violations for the same Banned Substance/Method incurred by a Covered Person in relation to different Covered Horses prior to delivery of an EAD Notice may (at the Agency's discretion) each~~ and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances. If the Agency can establish that there were multiple intentional administrations, each such violation shall be treated as a first Anti-Doping Rule Violation. ~~Where, with the periods of Ineligibility for those violations to be served consecutively, rather than concurrently.~~

(2) ~~If multiple Banned Substances are detected in a single Post-Race Sample or Post-Work Sample or if a Covered Person commits violations involving multiple Banned Substances or multiple Banned Methods (or involving one or more Banned Substances and one or more Banned Methods) prior to delivery of an EAD Notice, each Banned Substance may (at the Agency's discretion) and each Banned Method shall be treated as a separate violation~~ first Anti-Doping Rule Violation, with the periods of Ineligibility for those violations to be served consecutively, rather than concurrently.

~~(2) If the Agency establishes that, prior to receiving an EAD Notice in respect of one Anti-Doping Rule Violation, the Covered Person committed an additional Anti-Doping Rule Violation that occurred 12 months or more before or after the violation asserted in that EAD Notice, the period of Ineligibility for the additional violation shall be calculated as if the additional violation were a stand-alone first violation, and that period of Ineligibility will run consecutively to (rather than concurrently with) the period of Ineligibility imposed for the first notified violation. Where this Rule applies, the violations taken together will constitute a single violation for purposes of Rule 3228.~~

(3) If a Covered Person commits violations involving one or more Banned Substances/Banned Methods and one or more Controlled Medication Substances/Controlled Medication Methods prior to delivery of an EAD Notice or ECM Notice, each Banned Substance, Banned Method, Controlled Medication Substance, and Controlled Medication Method shall be treated as a first violation, with the periods of Ineligibility for those violations to be served consecutively, rather than concurrently.

~~(34) If a Doping Control process results in the assertion of an Anti-Doping Rule Violation, and the Agency establishes that the Covered Person committed an independent~~ a violation of Rule 3216(a)

(Tampering) in connection with ~~that~~the Doping Control process for an underlying asserted Anti-Doping Rule Violation, the Rule 3216(a) (Tampering) violation shall be treated as a stand-alone first violation and the period of Ineligibility for such violation shall be served consecutively to, rather than concurrently with, the period of Ineligibility, if any, imposed for the ~~other~~underlying Anti-Doping Rule Violation. Where this ~~Rule 3228(c)(3)~~provision is applied, the violations taken together shall constitute a single violation for purposes of Rule 3228.

(45) If the Agency establishes that ~~the~~a Covered Person has committed a further violation of the Protocol during a period of Ineligibility, any new period of Ineligibility shall start to run the day after the original period of Ineligibility ends.

(d) Violations involving both a Banned Substance or Banned Method and a Controlled Medication Substance or Controlled Medication Method.

Where a Covered Person is found, based on a common set of facts, to have committed ~~a~~(1) a violation involving one or more Banned Substance(s) or Banned Method(s), and (2) a violation involving one or more Controlled Medication Substance(s) or Controlled Medication Method(s), they shall be treated as separate violations, but shall be adjudicated together in consolidated proceedings pursuant to the procedure that applies to Anti-Doping Rule Violations under the Arbitration Procedures. If those violations are committed prior to delivery of an EAD Notice or ECM Notice, Rule 3228(c)(3) shall apply for purposes of determining sanctions.

Rule 3229. Status During Provisional Suspension or Ineligibility

(a) Covered Persons.

~~(a1)~~ While serving a Provisional Suspension ~~or period of Ineligibility~~ for an Anti-Doping Rule Violation, Covered Persons:

~~(1)~~ ~~a Covered Horse~~ may not participate in any capacity in, or assist any Person participating in any capacity in, or subject to Rule 3229(b) permit anyone to participate on his or her behalf in, any Timed and Reported Workout or Covered Horserace, ~~but shall remain subject to Testing;~~

(ii) may not purchase or claim Covered Horses; or bring new Covered Horses into their barn at a racetrack that participates in Covered Horseraces or at a Training Facility;

(iii) may not be employed or otherwise engaged or contracted in any capacity involving Covered Horses (including, but not limited to, acting as an agent for an Owner of Covered Horses or working as an exercise rider for Covered Horses); and

(iv) must take down or cover any personal signage bearing their name or related to their operations at or around the barn where their Covered Horses are located at a racetrack that participates in Covered Horseraces or at a Training Facility.

(2) While serving a period of Ineligibility for an Anti-Doping Rule Violation, Covered Persons:

~~(2)~~ ~~a Covered Person~~ may not participate in any capacity in ~~any activity involving Covered Horses, or in any other activity (other than authorized anti-doping education or rehabilitation programs) taking place at a Racetrack or Training Facility; nor shall he or she,~~ or assist any Person participating in any capacity in, or subject to Rule 3229(b) permit anyone to participate in any capacity on his or her behalf ~~in any such activities, except to the extent that the Covered Person is an Owner and the activity is necessary to ensure the safekeeping and wellbeing of the horse during the period of such Owner's Provisional Suspension or Ineligibility.;~~

(A) any Timed and Reported Workout or Covered Horserace; or

(B) any other activity involving Covered Horses or taking place at a racetrack that participates in Covered Horseraces or a Training Facility (other than authorized anti-doping education or rehabilitation programs), subject to Rule 3229(a)(3);

(ii) may not claim or purchase Covered Horses, or bring new Covered Horses into their barn at a racetrack that participates in Covered Horseraces or at a Training Facility;

(iii) may not be employed or otherwise engaged or contracted in any capacity involving Covered Horses (including, but not limited to, acting as an agent for an Owner of Covered Horses or working as an exercise rider for Covered Horses);

(iv) must take down or cover any personal signage bearing their name or related to their operations at or around where their Covered Horses are located at a racetrack that participates in Covered Horseraces or at a Training Facility; and

(v) may not be present at, and shall be denied access to all public and non-public areas at, any racetrack that participates in Covered Horseraces (except to the extent that they are a paying spectator at a Covered Horserace, and neither the State Racing Commission nor the Racetrack has elected to bar them from the premises, and their access is restricted accordingly) and any Training Facility, subject to Rule 3229(a)(3).

(3) Horse welfare exceptions.

Subject always to Rule 3520(d):

(i) while serving a period of Ineligibility for an Anti-Doping Rule Violation, an Owner may undertake any activity that is necessary to ensure the safekeeping and wellbeing of his or her Covered Horses; and

(ii) the Agency may extend the period of time afforded to Trainers under Rule 3229(b)(2)(ii) to move their Covered Horses to the care of another Covered Person in exceptional circumstances if necessary to protect horse welfare.

(b) ~~The~~ Covered ~~Horse~~Horses.

~~(s)1) of an Owner or Trainer who is~~While subject to a Provisional Suspension or period of Ineligibility ~~shall be subject to the following restrictions:~~for an Anti-Doping Rule Violation, a Covered Horse may not participate in any Timed and Reported Workout or Covered Horserace, but shall remain subject to Testing.

~~(4)2) The Covered Horse(s) that are not involved in the applicable violation but that are under the care or training of a Trainer who is subject to a Provisional Suspension or period of Ineligibility for an Anti-Doping Rule Violation:~~

(i) may not, while the Trainer is subject to a Provisional Suspension or period of Ineligibility, participate in any Timed and Reported Workout or Covered Horserace unless and until they have been transferred to another Covered Person in a bona fide transfer, except that such Covered Horses may participate in a Covered Horserace if they were entered in such race before the Trainer was notified of the Provisional Suspension or the period of Ineligibility was imposed or accepted (whichever is earlier), provided that such Covered Horserace takes place within no more than 7 days of the date the Trainer was notified of the Provisional Suspension or the period of Ineligibility was imposed or accepted (whichever is earlier). For the "transfer" to be valid, ~~(i) the~~considered a 'bona fide transfer', (i) the transfer must be approved by the stewards in the State where the Sample was collected, (ii) the transfer must be registered with the Authority in accordance with its procedures, and ~~(ii) the Covered Horses must also be physically relocated to facilities under the care or control of a Covered Person who is not affiliated with the suspended Trainer (and failure to comply may constitute an Anti-Doping Rule Violation under Rule 3216(c), i.e., Prohibited Association).~~iii) the transfer may not be to an Associated Person; and

(ii) must, where the Trainer is subject to a period of Ineligibility, be under the care of another Person within 5 days of the date that the period of Ineligibility was imposed or accepted (whichever is earlier), subject to Rule 3229(a)(3)(ii).

~~(2)3) The Covered Horse(s) that are not involved in the applicable violation but are owned by an Owner who is subject to a Provisional Suspension or period of Ineligibility for an Anti-Doping Rule Violation may not participate in any Timed and Reported Workout or Covered Horserace unless and until they have been the Owner has transferred in a bona fide transaction to a different Owner. If an~~

~~Immediate Family Member has any~~their ownership ~~or property~~ interest in the Covered Horse (~~s~~) ~~following such transfer, the transfer shall not constitute a bona fide transaction to a different Owner, no matter how small it is~~ to another Covered Person in a bona fide transfer. For the "transfer" to be considered a 'bona fide transfer', (i) the transfer must be approved by the stewards in the State where the Sample was collected, (ii) the transfer must be registered with the Authority in accordance with its procedures, and (iii) the transfer may not be to a Close Relation.

Rule 3230. Consequences for Violation of the Prohibition on Participation During Ineligibility or Provisional Suspension Under Rule 3229

(a) Consequences for violation of the prohibition on participation during Ineligibility.

(1) If a Covered Person violates the prohibition against participation during Ineligibility described in Rule 3229, any results obtained from such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the Covered Person's original period of Ineligibility.

(2) If a Covered Horse participates in any Timed and Reported Workout or Covered Horserace in violation of the prohibition against participation during Ineligibility described in Rule 3229, any results obtained from such participation shall be Disqualified and the Responsible Person for that Covered Horse shall receive the following period of Ineligibility:

(i) if the Responsible Person was subject to an original period of Ineligibility, a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. If the original period of Ineligibility has already expired, the new period of Ineligibility shall start on the date that it is accepted or imposed; or

(ii) if the Responsible Person was not subject to an original period of Ineligibility, the period of Ineligibility for violating Rule 3229 shall be ~~from,~~ at a minimum, a reprimand and no period of Ineligibility, and, at a maximum, a period of Ineligibility of up to 1 year, depending on the Covered Person's degree of Fault.

(b) Consequences for violation of the prohibition on participation during Provisional Suspension.

(1) A Covered Person who violates the prohibition against participation during a Provisional Suspension shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.

(2) If a Covered Horse participates in any Timed and Reported Workout or Covered Horserace in violation of the prohibition against participation during a Provisional Suspension described in Rule 3229, the Responsible Person for that Covered Horse and the Covered Horse shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.

(c) The consequence of Disqualification under this Rule 3230 shall be the same as set out in Rule 3221(c).

(d) The Arbitral Body (or the Agency, if the Covered Person admits the violation and accepts the ~~consequences~~Consequences) shall determine whether there has been a violation of the prohibition against participation during Provisional Suspension or Ineligibility and ~~apply the appropriate consequences pursuant to Rule 3264~~the applicable Consequences.

Rule 3231. Automatic Public Disclosure

A mandatory part of each sanction shall include automatic Public Disclosure in accordance with Rule 3620.

Rule 3232. Conditions Precedent to Reinstatement for Covered Persons and Payment Obligations

(a) Following commission of an Anti-Doping Rule Violation:

~~(a) To be reinstated after commission of an Anti-Doping Rule Violation, the~~ (1) if a period of Ineligibility is imposed, a Covered Person ~~must have~~ shall not be reinstated unless he or she has respected the conditions of his or her period of Ineligibility ~~(Rule 3229); and in full throughout that period in accordance with Rule 3229, and has, by the applicable deadlines, completed any required training or education relating to the Protocol (Rule 3223(d)), repaid or surrendered any purses and other compensation, prizes, trophies, points, and rankings forfeited pursuant to Rule 3221, and paid any fines and reimbursed any costs imposed or accepted to the Agency, unless an~~ costs, or other amounts due under the Protocol or related rules, including any payments due under any installment plan ~~was established pursuant to Rule 3232(b), in which case. Once the Covered Person's period of Ineligibility has expired, and the Covered Person must have made all payments due under that plan. If any installment(s) subsequently become(s) overdue under that plan (i.e., after reinstatement), the has fulfilled the conditions of reinstatement under this paragraph, the Covered Person will become automatically re-eligible and no application by the Covered Person for reinstatement will be necessary.~~

(2) if no period of Ineligibility is imposed, a Covered Person and the Covered Horses under his or her ownership or training may not participate in any Timed and Reported Workout or Covered Horserace ~~until such overdue~~ if he or she fails, by the applicable deadlines, to complete any required training or education relating to the Protocol (Rule 3223(d)), to repay or surrender any purses and other compensation, prizes, trophies, points, and rankings forfeited pursuant to Rule 3221, or to pay any fines, costs, or other amounts due under the Protocol or related rules, including any payments due under any installment plan established pursuant to Rule 3232 ~~(sb) is/are paid in full.~~

(b) Where fairness requires, the Agency or the Arbitral Body may establish an installment plan for repayment of amounts due to be paid or reimbursed under the Protocol. The payment schedule may extend beyond any period of Ineligibility imposed upon the Covered Person. If any installment payment becomes overdue under that plan:

(i) in circumstances where any period of Ineligibility has yet to expire, the Covered Person shall not be eligible for reinstatement until any such overdue installments are paid in full; or

(ii) in all other circumstances (including where no period of Ineligibility has been imposed), the Covered Person and the Covered Horses under his or her ownership or training may not participate in any Timed and Reported Workout or Covered Horserace until any such overdue installments are paid in full.

Rule 3233. Conditions Precedent to Reinstatement for Covered Horses

(a) A Covered Horse shall be reinstated once its period of Ineligibility ends, provided that (1) the conditions of its period of Ineligibility ~~has~~ have been respected in full throughout that period in accordance with Rule 3229, (2) the Covered Horse has been made available for Testing during that period in accordance with Rule 3132 ~~(da)~~, and (3) the Covered Horse has completed any Vets' List Workout(s) required by the Racetrack Safety Program or the Agency (for the avoidance of doubt, such workouts may be scheduled prior to the expiry of the period of Ineligibility and will not constitute a violation of Rule 3229).

(b) Any reinstatement pursuant to this Rule 3233 is without prejudice to any rest or stand down period that may be imposed on the Covered Horse (e.g., due to injuries), and any requirements for release from the Veterinarians' List, pursuant to the Racetrack Safety Program.

3240. Results Management

Rule 3241. General

Where there is evidence of a potential Anti-Doping Rule Violation~~(s)~~, the Agency will conduct Results Management in accordance with ~~this section~~[Rule](#) 3240 and the Testing and Investigations Standards.

Rule 3242. Review of Adverse Analytical Findings

(a) Upon receipt of an Adverse Analytical Finding in relation to an A Sample, the Agency will conduct a review of the Laboratory certificate of analysis supporting the Adverse Analytical Finding and the relevant Sample collection documentation and Testing documents to determine whether the Adverse Analytical Finding was caused by any apparent departure from the Testing and Investigations Standards, the Laboratory Standards, or any provision of the Protocol. Subject to Rule 3242(b), the Agency may, but does not have to, communicate with the Responsible Person and Owner during such review.

(b) If the review under Rule 3242(a) reveals an apparent departure that caused the Adverse Analytical Finding, the entire test shall be considered negative, and the Agency shall promptly inform the Responsible Person and each Interested Party of that fact.

(c) If the initial review of an Adverse Analytical Finding under Rule 3242(a) does not reveal an apparent departure that caused the Adverse Analytical Finding, the Agency shall promptly send an EAD Notice to the Responsible Person and each Interested Party in accordance with Rule 3245.

Rule 3243. Review of Atypical Findings Relating to Banned Substances

(a) In certain circumstances, Laboratories may report the presence of certain Banned Substances as "Atypical Findings" in accordance with the Atypical Findings Policy set out at Appendix 1. Upon receipt of an A Sample Atypical Finding, the Agency will conduct a review to determine whether the Atypical Finding was caused by a departure from the Testing and Investigations Standards, the Laboratory Standards, or any provision of the Protocol. If that review does not reveal any departure that caused the Atypical Finding, the Agency will conduct an investigation (including directing any Further Analysis) or take any other steps required to decide whether the Atypical Finding should be brought forward as an Adverse Analytical Finding, in accordance with the Atypical Findings Policy.

(b) The Agency may, but does not have to, provide notice of an Atypical Finding to anyone until it has made that decision unless one of the following circumstances exists:

(1) if the Agency determines that the B Sample should be analyzed prior to the conclusion of its investigation, the Agency may conduct the B Sample analysis after notifying the Responsible Person and the Owner, with such notice to include a description of the Atypical Finding ~~and the information described in Rule 3245~~; or

(2) if the Atypical Finding is likely connected to a serious pathology that requires urgent veterinary attention.

(c) If the Agency ultimately decides not to pursue the Atypical Finding as an Adverse Analytical Finding, the Agency may, but does not have to, communicate that fact to the Responsible Person and Owner unless he or she has previously received notice of the Analytical Finding pursuant to Rule 3243(b).

(d) If the Agency decides to move forward with the matter as an Adverse Analytical Finding, the Agency shall promptly send an EAD Notice to the Responsible Person and each Interested Party.

Rule 3244. Review of Other Evidence of a Potential Anti-Doping Rule Violation

The Agency shall conduct any follow-up investigation required into any potential Anti-Doping Rule Violation not covered by Rules 3242 or 3243. At such time as the Agency is satisfied that it has sufficient evidence to establish that an Anti-Doping Rule Violation occurred, it shall promptly send an EAD Notice to the relevant Covered Person and each Interested Party.

Rule 3245. EAD Notice

(a) Where it is determined that a Covered Person may have committed one or more Anti-Doping Rule Violations, the Agency will promptly notify the Covered Person and each Interested Party in writing of the following (the "EAD Notice"):

(1) the alleged Anti-Doping Rule Violation and the Consequences if ~~it~~the violation is ~~agreed~~admitted or determined to have been committed;

(2) the Adverse Analytical Finding (with a copy of the Laboratory certificate of analysis in a form designated by the Agency) or a brief summary of the facts relied on by the Agency to assert the alleged violation (including, where applicable, the name of the Covered Horse implicated in the alleged violation, whether the alleged violation was in connection with a particular Covered Horserace, and the date of Sample collection or of the other relevant facts said to give rise to the violation);

(3) if applicable, the right of the Responsible Person and the Owner to receive copies of the A Sample Laboratory Documentation Package after the B Sample analysis has been completed or after such analysis is waived;

(4) if applicable, the following details regarding the B Sample analysis:

(i) that the B Sample has been (or will be) analyzed because the Agency has authorized immediate analysis to preserve the scientific integrity of the Sample;

(ii) if the B Sample has not been analyzed, the Responsible Person's and Owner's right to promptly request the analysis of the B Sample within no more than 5 days or (failing such request) that the B sample analysis shall be deemed to be waived (in which case the Agency may still proceed with the analysis); and

(iii) an explanation that, where the Responsible Person or Owner requests the B Sample analysis within the applicable deadline, or where the Agency decides to proceed with the B Sample analysis, the Agency will notify the Responsible Person and Owner ~~of the date, time, and place where the B Sample will be analyzed and~~ regarding:

(A) the Laboratory that will analyze the B Sample; and

(B) where the analysis is requested by the Responsible Person or Owner, the amount that the Responsible Person or Owner must pay to have the B Sample ~~tested~~analyzed and (if requested) B Sample Laboratory Documentation Package prepared, and ~~the date by which such payment must be received~~that such amount must be paid to the Agency within 7 days of the B Sample analysis request (unless a payment plan is agreed by the Agency in circumstances where the Responsible Person or Owner can demonstrate financial hardship), failing which the B Sample analysis shall be deemed to have been waived; and

(5) the opportunity for the Covered Person to provide an explanation (which is intended to be more than a mere denial of the alleged violation) within a short deadline set by the Agency;

(6) the opportunity to provide Substantial Assistance, to admit the Anti-Doping Rule Violation, or to seek to resolve the matter without a hearing under Rule 3249;

(7) all relevant details relating to any Provisional Suspension (including, if applicable, the possibility to accept a voluntary Provisional Suspension) in accordance with Rule 3247; and

(8) if applicable, the ability for the automatic Disqualification of results to be applied immediately in accordance with Rule 3221(a)(2).

(b) Before sending an EAD Notice, for purposes of Rule 3228, the Agency shall seek to determine whether the Covered Person in question has committed any prior violations under the Protocol.

(c) Any defect in the EAD Notice (including a failure to identify the Covered Horseraces implicated in the alleged violation, if any) may be corrected by the Agency and shall not ~~in any event~~ invalidate the

EAD Notice or affect the due application of the provisions of the Protocol (including the Disqualification provisions) in relation to that violation.

Rule 3246. B Sample Analysis

(a) Arrangements shall be made for analysis of the B Sample without undue delay, in accordance with the Protocol and the Laboratory Standards. Subject to Rule 3246(b), the Responsible Person or Owner must pay the costs of the B Sample analysis in advance, but, if the B Sample analysis does not confirm the A Sample analysis, they will be reimbursed that cost by the Agency. The ~~Responsible Person and Owner or one representative each may attend the~~ Laboratory ~~to witness the~~ shall create a video recording of the opening and identification of the B Sample. ~~They do not have any right to witness the~~ The Laboratory shall provide a copy of that video to the Agency, which shall provide it to the Responsible Person and the Owner. The analysis of the B Sample shall not be video recorded.

(b) The Responsible Person and Owner may (if they both agree) waive analysis of the B Sample (in which case they shall be deemed to accept the A Sample analytical results). If waived, the Agency may nonetheless elect to proceed with the B Sample analysis at its own expense.

(c) If the B Sample ~~proves negative~~ does not confirm the A Sample result, the entire Test shall be considered negative, and the Responsible Person and Owner shall be so informed. In such circumstances, unless the Agency asserts an Anti-Doping Rule Violation under Rule 3213 (Use), the EAD Notice will be withdrawn, any Provisional Suspensions imposed shall be deemed automatically vacated with immediate effect (without the need for any order from the Arbitral Body), and no further disciplinary action will be taken against the Responsible Person, other Covered Person, or Covered Horse by the Agency in relation to the original Adverse Analytical Finding (provided, however, that the Agency may investigate why the B Sample did not ~~match~~ confirm the A Sample finding). If the Agency asserts that a Rule 3213 (Use) violation has occurred, it shall send a Charge Letter to the Responsible Person and other Covered Person(s), with a copy to each Interested Party.

(d) If the presence of a Banned Substance or the Use of a Banned Method is confirmed by the B Sample analysis, or the B Sample analysis is waived, the Agency shall send a Charge Letter to the Responsible Person and any other relevant Covered Person(s), with a copy to each Interested Party, asserting that a Rule 3212 (presence) violation or a Rule 3213 (Use) violation (as applicable) has occurred.

Rule 3247. Provisional Suspensions

(a) Provisional Suspensions shall be imposed as follows:

(1) For each alleged violation of Rule 3212 (presence), ~~or Rule 3213 (Use), or Attempted Use~~ or 3214(c) (Administration or Attempted Administration) that involves a Banned Substance that is not a Specified Substance or other substance included in the Atypical Findings Policy, the Agency shall impose a Provisional Suspension, effective from the date specified by the Agency in the EAD Notice or in further correspondence up to and including the Charge Letter, on (i) the Covered Horse (except if the Prohibited List specifies that no period of Ineligibility applies to the Covered Horse for the type of Banned Substance in issue or if the alleged violation was only Attempted), (ii) the Responsible Person, and (iii) any other Covered Person charged with the violation.

(2) For each alleged violation of Rule 3213 (Use or Attempted Use) or 3214(c) (Administration or Attempted Administration) that involves a Banned Method, Rule 3215 (evading Sample collection; refusing or failing to submit to Sample collection; or refusing or failing to comply with all submit to Sample collection procedure requirements), or Rule 3216(e) (injection or Attempted injection during the Race Period), the Agency may impose a Provisional Suspension, effective from the date specified by the Agency in the EAD Notice or in further correspondence up to and including the Charge Letter, on (i) the Covered Horse, (ii) the Responsible Person, or (iii) any other Covered Person charged with the violation.

(3) For all other alleged Anti-Doping Rule Violations, the Agency may impose a Provisional Suspension, effective from the date specified by the Agency in the EAD Notice or in further correspondence up to and including the Charge Letter, on the Responsible Person, or any other Covered Person ~~alleged to be implicated in~~ charged with the violation, but not on the Covered Horse.

(b) Additional rules regarding the imposition of Provisional Suspensions on Responsible Persons in alleged presence cases under Rule 3212:

(1) If the B Sample analysis is requested by the Responsible Person or the Owner in accordance with Rule 3245, or by the Agency, the Responsible Person shall be entitled to postponement of the effective date of his or her Provisional Suspension unless:

(i) more than one Banned Substance is present in the A Sample;

(ii) the Responsible Person has more than one Covered Horse that tests positive for the same Banned Substance(s) within a 6-month period; or

(iii) the Responsible Person has received notice of another potential Anti-Doping Rule Violation within a 6-month period.

(2) If a Responsible Person is eligible for and requests the postponement of a Provisional Suspension following an Adverse Analytical Finding for a Banned Substance, the Provisional Suspension will be postponed until such time as the B Sample result is returned.

(i) If the B Sample confirms the A Sample, the Responsible Person shall be Provisionally Suspended upon notification of the B Sample confirmation, except that the Responsible Person shall not be required to scratch any Covered Horses entered in a Covered Horserace prior to notification of the B Sample confirmation. The Responsible Person shall not be entitled to enter any Covered Horses in any Covered Horserace subsequent to notification of the B Sample confirmation.

(iii) If the B Sample does not confirm the A Sample result, Article 3246(c) will apply.

(3) If the B Sample analysis is not requested by the Responsible Person or the Owner in accordance with Rule 3245, or by the Agency, the Responsible Person shall be Provisionally Suspended upon such election, except that he or she shall not be required to scratch any Covered Horses entered in a Covered Horserace prior to notification of the A Sample finding. The Responsible Person shall not be entitled to enter any Covered Horses in Covered Horseraces subsequent to notification of the A Sample finding.

~~(b)~~ Where ~~In any case where~~ a Provisional Suspension is imposed ~~pursuant to Rule 3247(a)~~, the Responsible Person (on his or her own behalf and on behalf of the Covered Horse) and any other Covered Person made subject to the Provisional Suspension shall be given by the Agency:

(1) an opportunity for a Provisional Hearing either before the imposition of the Provisional Suspension;
~~or (2) an opportunity for a Provisional Hearing~~ on a timely basis after the imposition of the Provisional Suspension; or

~~(3)~~ (2) an opportunity for an expedited final adjudication in accordance with Rule 3262 on a timely basis after imposition of the Provisional Suspension.

(d) Where the Covered Horse has been Provisionally Suspended, the Owner shall be given, on behalf of the Covered Horse only, the opportunity to have a Provisional Hearing either before the imposition of the Provisional Suspension on the Covered Horse or on a timely basis after the imposition of the Provisional Suspension on the Covered Horse.

~~(e)~~ (e) Provisional Hearings shall be conducted by ~~the Arbitral Body~~ an Arbitrator and heard via telephone or video conference call within the time frame specified in ~~accordance with~~ the Arbitration Procedures. The sole issue to be determined by the ~~Arbitral Body~~ Arbitrator will be whether the Agency's decision to impose a Provisional Suspension shall be maintained. The Agency's decision to impose a Provisional Suspension shall be maintained unless the ~~Responsible Person~~ Covered Person requesting the lifting of the Provisional Suspension establishes that:

(1) the allegation that an Anti-Doping Rule Violation has been committed has no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the allegation is based;

(2) the ~~Responsible Person~~ Covered Person charged bears No Fault or Negligence for the Anti-Doping Rule Violation that is alleged to have been committed, so that any period of Ineligibility

that might otherwise be imposed for such offense would be completely eliminated by application of Rule 3224. (This ground does not apply in respect of any Provisional Suspension imposed on a Covered Horse);

(3) Rule 3225 applies and the ~~Responsible Person~~/Covered Person bears No Significant Fault or Negligence and he or she will likely be given a period of Ineligibility that is not longer than the period for which he or she has already been provisionally suspended (this ground does not apply in respect of any Provisional Suspension imposed on a Covered Horse); or

(4) exceptional circumstances exist that make it clearly unfair, taking into account all of the circumstances of the case, to impose a Provisional Suspension prior to the final hearing on the merits. This ground is to be construed narrowly and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the ~~Responsible Person~~, Covered Person, or Covered Horse from participating in a particular Timed and Reported Workout, Covered Horserace, or other activity shall not qualify as exceptional circumstances for these purposes.

(~~df~~) If the application is made before the Provisional Suspension comes into effect, the Provisional Suspension will not come into effect pending the decision on the application. If the application is made after the Provisional Suspension has come into effect, the Provisional Suspension will remain in place pending the decision on the application.

(~~eg~~) If it considers it appropriate to do so on the specific facts of the case, the Agency may lift the Provisional Suspension.

(~~fh~~) If the application to have a Provisional Suspension not imposed/lifted is not granted, a further application may not be made to lift the Provisional Suspension unless:

(~~i1~~) it is based on new and material evidence that the ~~Responsible Person or other~~ Covered Person was not aware of and could not reasonably have been aware of at the time he or she made the original application; or

(~~i2~~) there has been some other significant ~~and/or~~ material change in circumstances since the original application was decided. If the ~~Responsible Person or other~~ Covered Person makes a further application that does not meet either of these requirements, costs may be awarded against him or her.

(~~g~~) Voluntary Provisional Suspension.

(1) In all cases where a ~~Responsible Person~~/Covered Person has been notified of or charged with an Anti-Doping Rule Violation, but no Provisional Suspension has been imposed on him or her or on the Covered Horse, that person may (on his or her own behalf and, if the Responsible Person, on behalf of the Covered Horse) voluntarily accept a Provisional Suspension at any time by written notice to the Agency. A copy of the voluntary Provisional Suspension shall promptly be provided to each Interested Party.

(2) A Provisional Suspension that is voluntarily accepted will have effect (in the same manner as if the Provisional Suspension had been imposed ~~under Rule 3247(a)~~) from the date that written notice of its acceptance is received by the Agency.

(~~h~~) No admission will be inferred, or other adverse inference drawn, from the decision of a Covered Person: (1) not to make an application to lift a Provisional Suspension; or (2) to accept a voluntary Provisional Suspension.

~~(i) If a Provisional Suspension is imposed or voluntarily accepted, and that Provisional Suspension is respected, then the Responsible Person/Covered Person and Covered Horse in question shall receive a credit for such period of Provisional Suspension against any period of Ineligibility that may ultimately be imposed. If the Responsible Person/Covered Person or Covered Horse does not respect a Provisional Suspension, the Responsible Person/Covered Person or Covered Horse shall receive no credit for any period of Provisional Suspension served. If a period of Ineligibility is served pursuant to a decision that is subsequently subject to review, the Responsible Person/Covered Person or Covered Horse shall receive a credit for such period of Ineligibility served against any period of Ineligibility that may ultimately be imposed on review.~~

(jk) Notwithstanding any other provision in this Rule 3247 or elsewhere in the Protocol, any Provisional Suspension imposed on a Covered Horse will be automatically lifted (without the need for any hearing or determination by the Agency) if it has been in place for a period equal to the period of Ineligibility specified in the ~~Protocol or~~ Prohibited List.

Rule 3248. Charge Letter

If, after receipt of the Covered Person's explanation, or expiry of the deadline to provide such explanation, the Agency remains satisfied that the Covered Person has committed ~~an~~the Anti-Doping Rule Violation(s), the Agency shall promptly charge the Covered Person with the asserted Anti-Doping Rule Violation(s). In this letter of charge ("Charge Letter"), which will be copied to each Interested Party, the Agency shall:

- (a) set out the Anti-Doping Rule Violation(s) that the Covered Person is charged with having committed;
- (b) provide a summary of the relevant facts upon which the charge is based, enclosing a copy of the A Sample Laboratory Documentation Package and (if applicable and if requested) the B Sample Laboratory Documentation Package;
- (c) specify the Consequences that will apply if the charge is upheld;
- (d) grant a deadline of not more than 7 days from receipt of the Charge Letter (unless otherwise agreed by the Agency) for the Covered Person to either:
 - (1) admit the Anti-Doping Rule Violation(s) charged and:
 - (i) accept the Consequences proposed by the Agency, in which case the Agency will issue a decision under Rule 3249(b);
 - (ii) seek to agree to mitigated Consequences with the Agency pursuant to Rule 3249, failing which the Consequences may still be disputed at a hearing; or
 - (iii) dispute or seek to mitigate the proposed Consequences at a hearing in accordance with Rule 3261 and the Arbitration Procedures; or
 - (2) deny the Anti-Doping Rule Violation charged and dispute the proposed Consequences at a hearing in accordance with Rule 3261 and the Arbitration Procedures;
- (e) indicate that, if the Covered Person does not challenge the Agency's assertion of an Anti-Doping Rule Violation or the proposed Consequences within the prescribed deadline, the Covered Person shall be deemed to have waived his or her right to a hearing, admitted the Anti-Doping Rule Violation(s) charged, and accepted the Consequences specified by the Agency in the Charge Letter (without any mitigation of those Consequences);
- (f) give the opportunity to provide Substantial Assistance in accordance with Rule 3226(a); and
- (g) provide all relevant details relating to any Provisional ~~Suspensions~~Suspension (including, if applicable, the possibility to accept a voluntary Provisional Suspension) in accordance with Rule 3247.

Rule 3249. Case Resolution Without a Hearing

(a) At any time prior to a final decision under the Arbitration Procedures: (1) the Agency may withdraw a Charge Letter for good cause, in which case any Provisional Suspension will be automatically lifted and (absent the emergence of new information) no further steps will be taken in relation to the violations alleged in the Charge Letter; or (2) the Covered Person may agree to admit the Anti-Doping Rule Violation(s) ~~charged (or~~and any other violation of the Protocol) charged and accede to specified Consequences consistent with the Protocol. In any such case, an adjudication under the Arbitration Procedures will not be required.

(b) In the event that the Covered Person admits the Anti-Doping Rule Violation(s) charged and accedes to Consequences specified by the Agency (or is deemed to have done so in accordance with Rule 3248~~(a)(5)~~e), the Agency will (1) promptly issue a final decision confirming the commission of the

Anti-Doping Rule Violation(s) and setting out the factual basis for the decision and all of the Consequences to be imposed (including a brief summary of the reasons for any period of Ineligibility imposed), unless doing so could compromise an ongoing investigation or proceeding), and (2) send notice of the decision to each Interested Party. The Agency will also Publicly Disclose the decision (or a summary thereof, at the discretion of the Agency) in accordance with Rule 3620.

(c) In the event that the Agency withdraws the Charge Letter, it will (1) promptly issue a summary decision confirming the withdrawal of the Charge Letter, (2) send notice of the decision to the Covered Person concerned, with a copy to each Interested Party, and (3) Publicly Disclose the decision (or a summary thereof, at the discretion of the Agency) in accordance with Rule 3620.

Rule 3250. Notification Requirements

~~(a) Notification of Anti-Doping Rule Violations will take place as set out in Rule 3245 and Rule 3248. If at any point after an EAD Notice has been provided the Agency decides not to move forward with the charge, it will notify the Covered Person(s) concerned and each Interested Party of that decision.~~

~~(b) Notification to a Covered Person by the Agency, for all purposes of the Protocol, may be accomplished either through actual or constructive notice. Actual notice may be accomplished by any means. Constructive notice shall be deemed to have been given when the information in question is delivered by third-party courier or U.S. postal mail to the Covered Person's most recent mailing address on file with the Authority or by email or text message to the Covered Person's most recent email address or mobile telephone number on file with the Authority.~~

3260. Hearings and Review of Final Decisions

Rule 3261. Hearing Before the Arbitral Body

(a) Where a Covered Person is alleged to have committed an Anti-Doping Rule Violation or to have violated Rule 3229, the Covered Person shall be entitled to a hearing before the Arbitral Body in accordance with the Arbitration Procedures. A copy of the final decision of the Arbitral Body shall be sent to the Covered Person(s) concerned, with a copy to the Agency and each Interested Party. The decision (or a summary thereof, at the discretion of the Agency) shall be Publicly Disclosed as provided in Rule 3620. If an individual case involves allegations that both an Anti-Doping Rule Violation and a Controlled Medication Rule Violation have been committed, the matter shall be referred to and adjudicated by the Arbitral Body in accordance with the Arbitration Procedures.

(b) The Arbitral Body may also adjudicate any other matter referred to it under the Protocol, and any other matter that might arise from time to time under the Protocol that the Agency considers should be determined by the Arbitral Body.

Rule 3262. Expedited Hearing

In Anti-Doping Rule Violation cases where the Covered Horse or Covered Person in question is not Provisionally Suspended and is likely to participate in a Covered Horserace within 45 days, the Agency may (if it sees fit) address the case on an expedited basis and shorten any deadlines in the Protocol or Arbitration Procedures proportionately to ensure resolution of the matter prior to the Covered Horserace.

Rule 3263. Finality

Subject to Rule 3264, decisions rendered by the Arbitral Body under the Protocol shall be final and binding.

Rule 3264. Review of Final Decisions

Any final decision by the Agency or the Arbitral Body is subject to review in accordance with section 3058 of the Act. Any final decision under review shall remain in effect pending resolution of the review unless ordered otherwise.

Section 4: The Equine Controlled Medication Rules

3310. Controlled Medication Rule Violations

Rule 3311. Definition of Controlled Medication Rule Violation and Responsibility for Violations

(a) Controlled medication cases will be initiated based on the assertion that one or more of Rules 3312 through ~~3315~~3314 has been violated (each, a “Controlled Medication Rule Violation”).

(b) The Controlled Medication Rule Violations described below may only be committed by Covered Persons, but the Consequences for Controlled Medication Rule Violations may apply to both the Covered Person(s) who commit(s) the violation and any Covered Horse(s) implicated ~~by~~in the violation.

(c) All Covered Persons are responsible for knowing what constitutes a Controlled Medication Rule Violation and what Controlled Medication Substances and ~~what~~ Controlled Medication Methods are included on the Prohibited List and Technical Document-Prohibited Substances.

Rule 3312. Presence of a Controlled Medication Substance

(a) It is the personal and non-delegable duty of the Responsible Person to ensure that no Controlled Medication Substance is present in ~~the Post-Race Sample of his or her Covered Horse(s), and that no Controlled Medication Substance specifically identified on the Prohibited List as prohibited during Timed and Reported Workouts is present in the Post-Work Sample of his or her Covered Horse(s). The Responsible Person is therefore strictly liable for any Controlled Medication Substance or its Metabolites or Markers found to be present in a Post-Race Sample collected from his or her Covered Horse(s), and for any specifically prohibited Controlled Medication Substance or its Metabolites or Markers found to be present in a~~ Claimed Horse Sample, Post-Vets’ List Work, or Post-Work Sample collected from his or her Covered Horse(s), except as otherwise specified in the Prohibited List. The Responsible Person is therefore strictly liable for any presence violation. Accordingly, it is not necessary to demonstrate intent, Fault, negligence, or knowing Use on the part of the Responsible Person in order to establish that the Responsible Person has committed a ~~Rule 3312~~-Controlled Medication Rule Violation under Rule 3312.

(b) Sufficient proof of a Rule 3312 Controlled Medication Rule Violation is established by any of the following:

(1) the presence of a Controlled Medication Substance or its Metabolites or Markers in the Covered Horse's A Sample where the Responsible Person waives analysis of the B Sample and the B Sample is not analyzed;

(2) the Covered Horse's B Sample is analyzed and the analysis of the B Sample confirms the presence of the Controlled Medication Substance or its Metabolites or Markers found in the A Sample; or

(3) where, in exceptional circumstances, the Laboratory (on instruction from the Agency) further splits the A or B Sample into two parts in accordance with the Laboratory Standards, the analysis of the second part of the resulting split Sample confirms the presence of the same Controlled Medication Substance or its Metabolites or Markers as were found in the first part of the split Sample, or the Responsible Person waives analysis of the second part of the split Sample.

(c) The general rule is that the presence of any amount of a Controlled Medication Substance or its Metabolites or Markers in a relevant Sample (i.e., a Post-Race Sample, Claimed Horse Sample, Post-Vets’ List Work, or Post-Work Sample) collected from a Covered Horse, except as otherwise specified in the Prohibited List, constitutes a Controlled Medication Rule Violation ~~by the Responsible Person of that Covered Horse~~.

~~(d)~~ (d1) As an exception to the general rule ~~of Rule 3312(c)~~, the Prohibited List, Standards, or Technical Documents may establish special criteria for the reporting or the evaluation of certain Controlled

Medication Substances, including a Minimum Reporting Level, Screening Limit, Threshold, or Decision Limit.

~~(e2)~~ Nonsteroidal Anti-Inflammatory Drugs (NSAIDs) and corticosteroids, ~~which are Controlled Medication Substances prohibited during Timed and Reported Workouts and during the Race Period,~~ are subject to Screening Limits, unless classified as a Banned Substance.

~~(4i)~~ If one NSAID or one corticosteroid is detected in ~~the Post-Race Sample or Post-Work~~ a relevant Sample of a Covered Horse above the applicable Screening Limit, it constitutes a presence violation under Rule 3312.

~~(2ii)~~ If more than one NSAID or more than one corticosteroid is detected in ~~the Post-Race Sample or Post-Work~~ a relevant Sample of a Covered Horse, each NSAID and each corticosteroid above the applicable Screening Limit constitutes a separate Rule 3312 presence violation ~~of Rule 3312~~.

~~(3iii)~~ If more than one NSAID or more than one corticosteroid is detected in ~~the Post-Race Sample or Post-Work~~ a relevant Sample of a Covered Horse, but each are below the applicable Screening Limits (and so individually would not constitute a presence violation), they will together constitute a single presence violation under Rule 3312 (“Stacking Violation”).

Rule 3313. Use or Attempted Use of a Controlled Medication Substance or a Controlled Medication Method During the Race Period or Other Restricted Administration Period

(a) Subject to Rule 3313(c), the Use or Attempted Use of a Controlled Medication Substance or Controlled Medication Method in relation to a Covered Horse during the Race Period or any other Restricted Administration Period constitutes a Controlled Medication Rule Violation. The success or failure of that Use or Attempted Use is not material. For a Rule 3313 violation to be committed, it is sufficient that the Controlled Medication Substance or Controlled Medication Method was Used or Attempted to be Used on a Covered Horse during the Race Period or other Restricted Administration Period. Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means.

(b) It is the personal and non-delegable duty of the Responsible Person to ensure that no Controlled Medication Substance or Controlled Medication Method is Used in relation to his or her Covered Horse during the Race Period or any other Restricted Administration Period. The Responsible Person is therefore strictly liable for any Use of a Controlled Medication Substance or Controlled Medication Method in relation to his or her Covered Horse(s). Accordingly, it is not necessary to demonstrate intent, Fault, negligence, or knowing Use on the part of the Responsible Person in order to establish that the Responsible Person has committed a Rule 3313 Controlled Medication Rule Violation of Use. However, in accordance with the definition of Attempt, it is necessary to show intent on the part of the Responsible Person in order to establish that the Responsible Person has committed a Rule 3313 Controlled Medication Rule Violation of Attempted Use.

(c) Use of a Controlled Medication Substance or a Controlled Medication Method outside the Race Period and outside any other Restricted Administration Period is not a Rule 3313 violation. However, if a Controlled Medication Substance or any of its Metabolites or Markers is still present in a Post-Race Sample, Claimed Horse Sample, Post-Vets' List Work Sample, or Post-Work Sample, that constitutes a Rule 3312 (presence) violation, except where otherwise specified in the Prohibited List.

~~Rule 3314. Use of a Controlled Medication Substance or a Controlled Medication Method in a Manner Contrary to Horse Welfare~~

~~(a) Any Use of a Controlled Medication Substance or a Controlled Medication Method in relation to a Covered Horse must (1) be justified by the Covered Horse's health condition(s), (2) have been recommended by a Veterinarian in the context of a valid veterinarian-patient-client relationship or (if a prescription is not required) following sufficient due diligence regarding the substance or method, (3) go no further than the minimum necessary to address the health concerns, and (4) be in the best interests of the Covered Horse's health and welfare.~~

~~(b) It is the personal and non-delegable duty of the Responsible Person to ensure that no Controlled Medication Substance or Controlled Medication Method is Used on his or her Covered Horse in breach of the requirements set out in Rule 3314(a). The Responsible Person is therefore strictly liable~~

~~for a violation of this Rule 3314. Accordingly, it is not necessary to demonstrate intent, Fault, negligence, or knowing Use on the part of the Responsible Person in order to establish that the Responsible Person has committed a Rule 3314 Controlled Medication Rule Violation.~~

Rule ~~3315~~3314. Other Controlled Medication Rule Violations Involving Controlled Medication Substances or Controlled Medication Methods

The following acts and omissions constitute Controlled Medication Rule Violations by the Covered Person(s) in question:

(a) The Administration or Attempted Administration of a Controlled Medication Substance or Controlled Medication Method by a Covered Person to a Covered Horse during the Race Period or any other Restricted Administration Period.

(b) The Possession of a Controlled Medication Substance or Controlled Medication Method by any Covered Person that is not in compliance with applicable State or Federal law.

(c) A Covered Person assisting, encouraging, aiding, abetting, conspiring, covering up, or engaging in any other type of intentional complicity or Attempted complicity involving ~~(1)~~ a Controlled Medication Rule Violation ~~or, an~~ Attempted Controlled Medication Rule Violation, or ~~(2)~~ a violation of Rule 3329 by another Covered Person.

~~Rule 3316. Tampering or Attempted Tampering With Medication Control~~

~~If the Agency establishes that a Covered Person committed a violation of Tampering or Attempted Tampering in connection with a Medication Control process, that will constitute an Anti-Doping Rule Violation under Rule 3216(a), and the matter will be dealt with in accordance with the procedures and Consequences applicable to Anti-Doping Rule Violations.~~

Rule 3315. Intra-Articular Injections with Polyacrylamide Hydrogels

A Covered Horse shall not participate in a Covered Horserace within 180 days of administration of an intra-articular injection with polyacrylamide hydrogels. Violations of this Rule 3315 shall be adjudicated by the Authority in accordance with the procedures established in the Rule 8000 Series, and shall be subject to the penalty schedule established in Rule 2271 of the Racetrack Safety Program.

3320. Sanctions

Rule 3321. Disqualification of the Covered Horse's Results

(a) Automatic Disqualification of results.

(1) ~~A~~ Subject to Rule 3321(a)(2), a Controlled Medication Rule Violation that arises from a Post-Race Sample or Claimed Horse Sample, or that occurs during the Race Period, automatically leads to Disqualification of the results of the Covered Horse obtained on the Race Day(s) that fall(s) within the Race Period, even if any other sanction for the violation is eliminated or reduced under Rules 3324, 3325, or 3326.

(2) The automatic Disqualification of Race Day results under Rule 3321(a)(1) shall not apply to a Controlled Medication Rule Violation that involves only one or more Class D substances.

~~(23)~~ In circumstances where an ECM Notice has been sent as required under Rule 3345, and the B Sample analysis confirms the A Sample analysis, or the right to request the analysis of the B Sample is waived, the Agency, the Responsible Person, and the Owner of the Covered Horse in question may agree to apply Rule 3321 immediately, i.e., prior to adjudication of any other issue, or (in the absence of such agreement) any one of them may request that the Internal Adjudication Panel apply Rule 3321 immediately.

(b) No Disqualification of subsequent results.

Subsequent results obtained by the Covered Horse from the date a Controlled Medication Rule Violation first occurred through the commencement of any Provisional Suspension or Ineligibility period for the Covered Horse shall not be Disqualified.

(c) Consequence of Disqualification of results.

(1) If a Covered Horse has results Disqualified under the Protocol, all purses and other compensation, prizes, trophies, points, and rankings are forfeited and must be repaid or surrendered (as applicable) to the Race Organizer, and the results of the other Covered Horses in the race(s) in question must be adjusted accordingly and the purses, prizes, and trophies redistributed. ~~Purses, prizes, trophies, and other compensation shall (where possible) be withheld for the Covered Horse in issue pending resolution of the relevant charge by the Race Organizer.~~

~~(2) The Covered Horses that participated in a Covered Horserace involving an alleged Controlled Medication Rule Violation are often entered in other Covered Horseraces prior to the final adjudication of the violation. The ultimate Disqualification of a Covered Horse in connection with final adjudication of a violation shall only impact that horse's conditions for eligibility. By way of example, a maiden that is Disqualified after finishing first in a maiden race shall remain a maiden until it has won another race, but the runner-up in the disputed Covered Horserace shall not be considered the winner for purposes of its future condition eligibility. The adjustment to the Disqualified horse's condition eligibility shall only occur once the violation has been finally adjudicated.~~

(2) Until the point in time that a Controlled Medication Rule Violation is finally adjudicated by the issuance of a final decision of the Internal Adjudication Panel under Rule 7320, a final decision of the Agency, or an acceptance of Consequences by the Responsible Person, the eligibility status of the winner and the runner-up of a Covered Horserace is unaffected, i.e., the winner remains the winner of the race, and the runner-up remains the runner-up, for purposes of the horse's conditions for eligibility in entering another Covered Horserace. If the final adjudication of the matter requires that the winner of the Covered Horserace be Disqualified, the Disqualified horse shall no longer be considered the winner (and in a maiden race, shall remain a maiden) until it has won another Covered Horserace, and the runner-up shall be considered the winner for purposes of its future condition eligibility.

Rule 3322. Ineligibility for Covered Horses

(a) There ~~shall be~~ no period of Ineligibility for Covered Horses ~~implicated in violations involving only~~ that are the subject of a Controlled Medication Rule Violation, except as specified in the Prohibited List where the Covered Horse is the subject of a violation involving three or more Controlled Medication Substances (Rule 4310).

(b) ~~There may be~~ a Covered Horse is subject to a period of Ineligibility for ~~Covered Horses implicated in violations involving~~ a Controlled Medication ~~Methods. Where the Prohibited List specifies a period of Ineligibility~~ Rule Violation, it shall be applied only prospectively (i.e., going forward from the date that it is imposed), with no Disqualification of any results obtained by the Covered Horse before the date that the period of Ineligibility starts to run, other than as provided under Rule 3321(a)(1). Any period of Provisional Suspension that has been respected will be credited against the total period of Ineligibility to be served.

Rule 3323. Ineligibility ~~and~~, Financial Penalties, and Other Consequences for Covered Persons

(a) General.

(1) The periods of Ineligibility and financial penalties set out in this Rule 3323 apply to any Controlled Medication Rule Violation committed by a Covered Person. However:

(i) When determining if a Covered Person has committed multiple violations for purposes of this Rule 3323, the following prior Controlled Medication Rule Violations shall be disregarded: (A) violations under predecessor versions of the Protocol that occurred more than 2 years prior to the violation now being sanctioned; and (B) violations for which the Covered Person was found to bear No Fault or Negligence.

(ii) A Controlled Medication Rule Violation will be considered a second or subsequent violation only if the Covered Person committed an offense in the same category/class in the previous 2 years.

Violations in different categories will be taken into account when assigning penalty points under Rule 3328.

(iii) Unless specified otherwise, the periods of Ineligibility set out in this Rule 3323 are subject to potential elimination, reduction, or suspension pursuant to Rules ~~3324-3326, or~~ 3324 to 3326, or potential increase pursuant to Rule 3327.

~~(2) In accordance with Rule 3347(j), any period of Provisional Suspension served by the Covered Person shall be credited against the period of Ineligibility ultimately imposed on that Covered Person for the violation in question.~~

(iv) If any presence violations for Controlled Medication Substances (Rule 3312) are committed in relation to Post-Vets' List Work Samples, the period of Ineligibility applicable to such violations pursuant to the table at Rule 3323(b) shall be varied as follows (but all other applicable Consequences remain unchanged):

(A) No period of Ineligibility shall apply to the Covered Person for a first violation.

(B) For a second or subsequent violation involving a Class A or Class B substance, the Covered Person shall be subject to the period of Ineligibility that would apply to a first violation for the Class of substance in issue.

(C) No period of Ineligibility shall apply to the Covered Person for a second violation involving a Class C substance. For a third or subsequent violation involving a Class C substance, the Covered Person shall be subject to a period of Ineligibility of 10 days.

(D) No period of Ineligibility shall apply to the Covered Person for a second or third violation involving a Class D substance. For a fourth or subsequent violation involving a Class D substance, the Covered Person shall be subject to a period of Ineligibility of 7 days.

~~(3)~~ If a ~~presence violation~~ Controlled Medication Rule Violation for presence, Use or Attempted Use, or Administration or Attempted Administration (Rules 3312, 3313, and 3314(a)) involves a Controlled Medication Substance that has not been assigned a Class ~~A-C-A-D~~, the Agency shall determine the class of the substance. Any ~~supplements or feed additives~~ substances used in contravention of Rule 4211(a) of the Prohibited List that have not been assigned a class shall be designated as Class C substances, unless the Agency decides otherwise.

~~(4)~~ If two or more Controlled Medication Rule Violations in the same category/class are adjudicated separately, the first violation adjudicated shall constitute the "first violation" for sanctioning purposes, the second violation adjudicated shall constitute the "second violation," and so on, regardless of the chronological order in which those violations occurred.

(b) Consequences.

Subject to Rule 3323(a), and in addition to any other Consequences that apply under the Protocol, the periods of Ineligibility, fines, and Disqualification of results specified below shall apply to any Covered Person who commits multiple Controlled Medication Rule Violations. The Covered Person may also be required to pay some or all of the adjudication costs and the Agency's legal costs.

Controlled medication rule violation <u>Medication Rule Violation</u>	First violation (within 2-year period)	Second violation (within 2-year period)	Third or subsequent violation (within 2-year period)
Presence, Use or Attempted Use, or Administration or Attempted Administration of a Controlled Medication Substance (Rules 3312, 3313, and 3315 <u>3314(a)</u>):			
Class A	60 days. Fine of up to \$5,000 or	90 days. Fine of up to \$10,000 or	120 days. Fine of up to \$25,000 or

Controlled medication rule violation Medication Rule Violation	First violation (within 2-year period)	Second violation (within 2-year period)	Third or subsequent violation (within 2-year period)
	5% of the total purse (whichever is greater). <u>Automatic Disqualification of Race Day results (Rule 3321).</u>	10% of the total purse (whichever is greater). <u>Automatic Disqualification of Race Day results (Rule 3321).</u>	25% of the total purse (whichever is greater). <u>Automatic Disqualification of Race Day results (Rule 3321).</u>
<u>Class B</u>	<u>15 days.</u> <u>Fine up to \$1,000.</u> Automatic Disqualification of Race Day results (Rule 3321).	<u>30 days.</u> <u>Fine up to \$2,500.</u> Automatic Disqualification of Race Day results (Rule 3321).	<u>60 days.</u> <u>Fine up to \$5,000.</u> Automatic Disqualification of Race Day results (Rule 3321).
Class B	15 days	30 days	60 days.
—	Fine up to \$1,000	Fine up to \$2,500	Fine up to \$5,000.
<u>Class C</u>	<u>Fine up to \$500.</u> Automatic Disqualification of Race Day results (Rule 3321).	<u>15 days.</u> <u>Fine up to \$1,000.</u> Automatic Disqualification of Race Day results (Rule 3321).	<u>30 days.</u> <u>Fine up to \$2,500.</u> Automatic Disqualification of Race Day results (Rule 3321).
Class C		15 days	30 days.
<u>Class D</u>	Fine up to \$500 <u>Reprimand.</u>	Fine of up to \$1,000 <u>500.</u>	<u>15 days.</u> Fine of up to \$2,500 <u>1,000.</u>
—	Automatic Disqualification of Race Day results (Rule 3321)	Automatic Disqualification of Race Day results (Rule 3321)	Automatic Disqualification of Race Day results (Rule 3321).
<i>Note: Sanctions apply for each Controlled Medication Substance detected in the Sample.</i>			
<i>A Stacking Violation shall be treated as a single violation for the purposes of sanctions.</i>			
Use or Attempted Use or Administration or Attempted Administration of a Controlled Medication Method (Rule 3313) <u>involving an M4 Controlled Medication Method (Alkalinization or Use/Administration of an Alkalinizing Agent, see Rule 4221)</u>	<u>180 days.</u> 60 days -Fine of up to \$5,000 <u>10,000</u> or 5 <u>10</u> % of the total purse (whichever is greater). Automatic Disqualification of Race Day results (Rule 3321).	<u>240 days.</u> 90 days -Fine of up to \$10,000 <u>15,000</u> or 10 <u>15</u> % of the total purse (whichever is greater). Automatic Disqualification of Race Day results (Rule 3321).	<u>1 year.</u> 120 days -Fine of up to \$25,000 or 25% of the total purse (whichever is greater). Automatic Disqualification of Race Day results (Rule 3321).
Use or Attempted Use or Administration or Attempted Administration of a Controlled Medication Substance or a Method (Rule 3313) involving an M5 Controlled Medication Method in a manner contrary to horse welfare (Nasogastric Tubes, see Rule 3314) <u>4222)</u>	60 days. Fine of up to \$5,000 or 5% of the total purse (whichever is greater). <u>Automatic Disqualification of Race Day results (Rule 3321).</u>	90 days. Fine of up to \$10,000 or 10% of the total purse (whichever is greater). <u>Automatic Disqualification of Race Day results (Rule 3321).</u>	120 days. Fine of up to \$25,000 or 25% of the total purse (whichever is greater). <u>Automatic Disqualification of Race Day results (Rule 3321).</u>

Controlled medication rule violation Medication Rule Violation	First violation (within 2-year period)	Second violation (within 2-year period)	Third or subsequent violation (within 2-year period)
Possession of a Controlled Medication Substance/Method that is not in compliance with applicable State or Federal law (Rule 3345 3314(b))	Fine up to \$500. Referral to the relevant State or Federal authority.	15 days. Fine up to \$1,000. Referral to the relevant State or Federal authority.	30 days. Fine up to \$2,500. Referral to the relevant State or Federal authority.
Complicity or Attempted complicity (Rule 3345 3314(c))	Same Consequences that apply to the principal actor, absent mitigating or aggravating circumstances.	Same Consequences that apply to the principal actor, absent mitigating or aggravating circumstances.	Same Consequences that apply to the principal actor, absent mitigating or aggravating circumstances.

(c) Commencement of the period of Ineligibility for a Covered Person.

~~(1) Except as otherwise provided in this Rule 3323, the period of Ineligibility imposed on any Covered Person shall start on the date the period of Ineligibility is accepted or otherwise imposed in accordance with the Protocol.~~

~~(2) Where a Covered Person is already serving a period of Ineligibility for another violation of the Protocol, any new period of Ineligibility shall start to run the day after the original period of Ineligibility ends. Otherwise, the period of Ineligibility imposed on any Covered Person shall start on the date the period of Ineligibility is accepted or otherwise imposed, except as provided below:~~

(i) Delays not Attributable to the Covered Person.

~~(3) Where there have been substantial delays in the adjudication process or other aspects of Medication Control that go well beyond the standard timeframes for Laboratory analyses and Results Management, and the Covered Person can establish that such delays are not attributable to him or her, the start date of the period of Ineligibility may be deemed back-dated to reflect such delays, but in no event may it be deemed back-dated to a date before the Controlled Medication Rule Violation last occurred.~~

(ii) Credit for any Provisional Suspension or period of Ineligibility served.

(A) Any period of Provisional Suspension (whether imposed or voluntarily accepted) that has been respected by the Covered Person shall be credited against the total period of Ineligibility to be served. To get credit for any period of voluntary Provisional Suspension, however, the Covered Person must have given written notice at the beginning of such period to the Agency in accordance with Rule 3347(i).

(B) If the Covered Person does not respect a Provisional Suspension, the Covered Person shall receive no credit for any period of Provisional Suspension served. No credit against a period of Ineligibility will be given for any time period before the effective date of the Provisional Suspension, regardless of whether the Covered Person elected not to participate in the activities that are prohibited during a Provisional Suspension.

(C) If a period of Ineligibility is served pursuant to a decision that is subsequently subject to review, the Covered Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility that may ultimately be imposed on review.

(d) Additional rules for certain multiple violations.

(1) Multiple violations for the same Controlled Medication Substance/ or Controlled Medication Method ~~incurred~~ committed by a Covered Person in relation to the same or different Covered Horse(s) prior to delivery of an ECM Notice ~~may (at the Agency's discretion)~~ shall be treated together as a single

Controlled Medication Rule Violation, ~~unless the facts demonstrate that there was more than one administration. Multiple violations for the same~~ and the sanction (including penalty points) imposed shall be based on the violation that carries the more severe sanction, including the application of Aggravating Circumstances.

~~(2) If multiple~~ Controlled Medication ~~Substance/Method incurred by a Covered Person in relation to different Covered Horses~~ ~~Substances are detected in a Sample~~, or if a Covered Person commits violations involving multiple Controlled Medication Substances or multiple Controlled Medication Methods (or involving one or more Controlled Medication Substances and one or more Controlled Medication Methods) prior to delivery of an ECM Notice ~~may~~, each Controlled Medication Substance and each Controlled Medication Method shall be treated as a first Controlled Medication Rule Violation ~~within the relevant category/class. Where multiple Controlled Medication Substances are detected in a single Post Race Sample or Post Work Sample, each Controlled Medication Substance may be treated as a separate violation and assigned separate~~, with the periods of Ineligibility for those violations to be served consecutively, rather than concurrently, and with the applicable penalty points to be applied cumulatively.

~~(2) If the Agency establishes that prior to receiving an ECM Notice in respect of one~~ (3) As set forth in Rule 3312(c)(ii)(3), a Stacking Violation shall be treated as a single Controlled Medication Rule Violation.

~~(4) If the Agency establishes that a~~ Covered Person committed ~~an additional~~ a violation of Rule 3216(a) (Tampering) in connection with the Medication Control process for an underlying asserted Controlled Medication Rule Violation ~~that occurred 12 months or more before or after the~~, the Rule 3216(a) (Tampering) violation ~~asserted in that ECM Notice~~, shall be treated as a stand-alone first violation and the period of Ineligibility for ~~the additional~~ such violation shall be ~~calculated as if the additional violation were a stand-alone first violation, and that period of Ineligibility will run~~ served consecutively to ~~(rather than concurrently with)~~, the period of Ineligibility, ~~if any~~, imposed for the ~~first notified violation. Where this Rule applies~~, underlying Controlled Medication Rule Violation. ~~Where this provision is applied~~, the violations taken together ~~will~~ shall constitute a single violation for purposes of Rule 3323 ~~(b)~~.

~~(35)~~ If the Agency establishes that the Covered Person has committed a further violation of the Protocol during a period of Ineligibility, any new period of Ineligibility shall start to run the day after the original period of Ineligibility ends.

(e) Violations involving both a Banned Substance or Banned Method and a Controlled Medication Substance or Controlled Medication Method.

Where a Covered Person is found, based on a common set of facts, to have committed ~~a~~ (1) a violation involving one or more Banned Substance(s) or Banned Method(s), and (2) a violation involving one or more Controlled Medication Substance(s) or Controlled Medication Method(s), they shall be treated as separate violations, but shall be adjudicated together in consolidated proceedings pursuant to the procedure that applies to Anti-Doping Rule Violations under the Arbitration Procedures. If those violations are committed prior to delivery of an EAD Notice or ECM Notice, Rule 3228(c)(3) shall apply for purposes of determining sanctions.

(f) Other Consequences.

(1) A Covered Person may be required by the Agency or the Internal Adjudication Panel to complete training or education relating to the requirements and purposes of the Protocol.

(2) If a Covered Person is subject to a period of Ineligibility and is required to complete training or education pursuant to subparagraph (1) above, the completion of such training or education will be a condition precedent to reinstatement (see Rule 3332).

(3) If a Covered Person is not subject to a period of Ineligibility and is required to complete training or education pursuant to subparagraph (1) above, the Covered Person will be fined \$500 if such training

or education is not completed by the deadline set by the Agency or the Internal Adjudication Panel and shall be subject to Rule 3332.

Rule 3324. Elimination of the Period of Ineligibility Where There Is No Fault or Negligence

(a) If a Covered Person establishes in an individual case that he or she bears No Fault or Negligence for the Controlled Medication Rule Violation~~(e)~~ charged, the otherwise applicable period of Ineligibility and other Consequences for such Covered Person shall be eliminated~~ed~~, except for those set out in Rule 3321 and Rule 3620, and the violation shall not be considered a prior violation for the purpose of Rule 3323(b). When the violation is of Rule 3312 (presence of a Controlled Medication Substance), the Covered Person must also establish how the Controlled Medication Substance entered the Covered Horse's system as a pre-condition to application of this Rule 3324. ~~In the event the period of Ineligibility otherwise applicable is eliminated pursuant to this Rule 3324, the Controlled Medication Rule Violation shall not be considered a prior violation for the purpose of Rule 3323(b).~~

(b) Rule 3324 only applies in exceptional circumstances. In particular, it will not apply where the Controlled Medication Substance found to be present in a Sample: (1) came from a mislabeled or contaminated supplement; or (2) was administered to the Covered Horse by veterinary or other support personnel without the knowledge of the Responsible Person.

(c) A finding that the Covered Person bears No Fault or Negligence for a Controlled Medication Rule Violation shall not affect the Consequences of that violation that apply to the Covered Horse (i.e., Ineligibility in accordance with Rule 3322~~(b)~~ and Disqualification of results in accordance with Rule 3321).

Rule 3325. Reduction of the Period of Ineligibility Where There Is No Significant Fault or Negligence (Limited to Class A/B or Equivalent)

This Rule 3325 applies only to Controlled Medication Rule Violations involving Class A or Class B substances or a category of violation with sanctions equivalent to (or greater than) those applicable to Class A or Class B substances (excluding violations committed in relation to a Post-Vets' List Work Sample, which are subject to reduced sanctions pursuant to Rule 3323(a)). Reductions under this Rule 3325 are mutually exclusive and not cumulative, i.e., no more than one of them may be applied in a particular case.

(a) General rule.

Where the Covered Person establishes that he or she bears No Significant Fault or Negligence for the Controlled Medication Rule Violation in question, then (unless Rule 3325(b) or 3325(c) applies) the period of Ineligibility may be reduced, depending on the Covered Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the otherwise applicable period of Ineligibility. In cases where the period of Ineligibility is an odd number of days, the reduction will be rounded down to the nearest whole number in favor of the Covered Person (e.g., if the period of Ineligibility is 15 days, it will be reduced to 7 days).

(b) Specified Substances.

Where the Covered Person establishes that he or she bears No Significant Fault or Negligence for the Controlled Medication Rule Violation in question, and the violation involves only a Specified Substance, the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and, at a maximum, the otherwise applicable period of Ineligibility, depending on the Covered Person's degree of Fault.

(c) Contaminated Products or other contamination.

Where the Covered Person establishes that he or she bears No Significant Fault or Negligence for the Controlled Medication Rule Violation in question and that the Controlled Medication Substance in question came from a Contaminated Product or from another form of contamination, the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and, at a maximum, the otherwise applicable period of Ineligibility, depending on the Covered Person's degree of Fault.

Rule 3326. Elimination, Reduction, or Suspension of Period of Ineligibility or Other Consequences for Reasons Unrelated to Degree of Fault

(a) Substantial Assistance.

The Agency may suspend all or part of the Consequences ~~imposed on~~ applicable to a Covered Person in an individual Controlled Medication Rule Violation case— (either prior to or after the imposition of those Consequences), other than Disqualification of results pursuant to Rule 3321—~~(a)~~, based on the following:

(1) The Covered Person provides Substantial Assistance to the Agency, the Authority, ~~or~~ a State Racing Commission, a criminal authority, or a professional disciplinary body that results in:

(i) the Agency discovering or bringing forward an Anti-Doping Rule Violation or a Controlled Medication Rule Violation by another Covered Person; or

(ii) a criminal or disciplinary body discovering or bringing forward a sport-related criminal offense or the breach of professional or sports rules by another Person, including offenses arising out of a sport integrity violation or sport safety violation, or the violation of any rule or requirement in the Act, and the information provided by the Covered Person providing Substantial Assistance is also made available to the Agency.

(2) The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the Controlled Medication Rule Violation committed by the Covered Person and the degree to which the Substantial Assistance provided by the Covered Person assists the effort to promote doping-free racing, compliance with the Protocol, or the integrity of racing. In ~~any event~~ truly exceptional circumstances (to be construed narrowly), the otherwise applicable period of Ineligibility may be suspended in full. In all other cases, no more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. ~~For purposes of this Rule 3326, the otherwise applicable period of Ineligibility shall not include any period of Ineligibility that could be added under Rule 3323(d)(2).~~

(3) If so requested, the Agency shall allow the Covered Person who seeks to provide Substantial Assistance to provide the information to the Agency subject to a Without Prejudice Agreement.

(4) If the Covered Person fails to continue to cooperate or fails to provide the complete, accurate, and credible Substantial Assistance promised, the Agency shall reinstate the original Consequences. That decision is not subject to review.

(b) Voluntary Admission of a Controlled Medication Rule Violation in the absence of other evidence.

If (1) the Covered Person voluntarily admits the commission of a Controlled Medication Rule Violation before receiving the ECM Notice or (in the case of a Rule 3312 violation) before having received notice of a Sample collection that could establish the Controlled Medication Rule Violation, and (2) that admission is the only reliable evidence of the violation at the time the admission is made, the otherwise applicable period of Ineligibility may be reduced by up to one-half.

(c) Application of multiple grounds for reduction of a sanction.

If the Covered Person establishes entitlement to a reduction or suspension of the period of Ineligibility under ~~2~~ two or more of Rules 3324, 3325, or 3326, the otherwise applicable period of Ineligibility shall be determined in accordance with Rules 3323, 3324, and 3325 before applying any reduction or suspension under Rule 3326. If the Covered Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Rule 3326, ~~up to three-quarters of the otherwise applicable~~ the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility, except in truly exceptional circumstances (to be construed narrowly).

(d) Reductions for ~~certain~~ Controlled Medication Rule Violations based on early admission and acceptance of sanction. If the Covered Person admits the violation and accepts the asserted period of Ineligibility no more than 7 days after receiving the Charge Letter, the period of Ineligibility to be served

will be automatically reduced by one-half (but no further reduction [of the period of Ineligibility](#) shall be allowed under any other Rule).

[\(e\) In cases where the period of Ineligibility is an odd number of days, the reduction will be rounded down to the nearest whole number in favor of the Covered Person.](#)

Rule 3327. Aggravating Circumstances

(a) If the Agency establishes in an individual Controlled Medication Rule Violation case that Aggravating Circumstances are present, the period of Ineligibility otherwise applicable shall be increased by up to 6 months depending on the seriousness of the Aggravating Circumstances, unless the Covered Person establishes that he or she did not knowingly commit the Controlled Medication Rule Violation. Where the period of Ineligibility is increased pursuant to this Rule, an additional fine of up to \$5,000 or an additional 5% of the total purse (whichever is greater) may also be imposed.

(b) Actions and circumstances constituting Aggravating Circumstances include:

(1) Administration of a Controlled Medication Substance or Use of a Controlled Medication Method that is detrimental to the health and welfare of the horse or is designed to deceive the betting public;

(2) prior violations under the Protocol; or

(3) the Covered Person engaged in deceptive or obstructive conduct to avoid the detection or adjudication of a Controlled Medication Rule Violation, for which the Covered Person has not been separately sanctioned for Tampering.

(c) For the avoidance of doubt, the examples set out in Rule 3327(b) are not exhaustive and other similar circumstances or conduct may also be deemed to amount to Aggravating Circumstances that justify the imposition of a longer period of Ineligibility.

Rule 3328. Penalty Points System for Multiple Controlled Medication Rule Violations

(a) The penalty points system established in this Rule 3328 does not replace or lessen in any way the Consequences that apply to the underlying Controlled Medication Rule Violation. Rather, the penalty points system is intended to apply additional uniform Consequences where the Covered Person is a repeat offender and exceeds the permissible number of points.

(b) Covered Persons shall be assigned penalty points as set out in the table below for each Controlled Medication Rule Violation that they commit. The imposition of the specified penalty points is automatic, without any consideration of mitigating or aggravating circumstances, except that:

[\(1\) no points shall be assigned for any violations:](#)

~~(1) no points shall be assigned for any violations-~~(i) where the Covered Person was found to bear No Fault or Negligence, ~~or (ii) resulting from environmental contamination;~~

[\(ii\) resulting from Environmental Contamination;](#)

[\(iii\) involving the presence of a Controlled Medication Substance that is a human substance of abuse \(such as fentanyl or alfentanil\) in circumstances where \(even if the Responsible Person is unable to prove source\) the Agency accepts \(at its discretion, following any investigation it deems fit\) that it was more likely than not the result of unintentional transfer or contamination; or](#)

[\(iv\) involving the presence of Controlled Medication Substances in a Post-Vets' List Work Sample;](#)

(2) fewer or no points may be assigned where the Covered Person provides Substantial Assistance in accordance with Rule 3326; ~~and~~

(3) the penalty points for a complicity or Attempted complicity violation may be adjusted if there are mitigating or aggravating circumstances~~;~~

(4) penalty points are assigned for each Controlled Medication Substance present in a Sample or Used/Administered, and for each Controlled Medication Method Used/Administered; and

(5) a Stacking Violation shall be treated as a single violation for purposes of assigning penalty points.

Controlled medication rule violation Medication Rule Violation	Penalty points
Presence, Use or Attempted Use, or Administration or Attempted Administration of a Controlled Medication Substance (<u>Rules 3312, 3313, and 3314(a)</u>):	
Class A	3-
Class B	2-
Class C	1 4/2- <u>1/2</u>
<u>Class D</u>	<u>1/2 (for the second and any subsequent violation within a 2-year period)</u>
<i>Note: Points are assigned for each Controlled Medication Substance detected in the Sample. A Stacking Violation shall be treated as a single violation.</i>	
Use <u>or Attempted Use or Administration or Attempted Administration</u> of a Controlled Medication Substance or a Method (Rule 3313) involving an M4 Controlled Medication Method in a manner contrary to horse welfare (<u>Alkalinization or Use/Administration of an Alkalinizing Agent, see Rule 4221</u>)	3-4
Use or Attempted Use or Administration or Attempted Administration of a Controlled Medication Method (<u>Rule 3313</u>) involving an M5 Controlled Medication Method (<u>Nasogastric Tubes, see Rule 4222</u>)	3-
Possession of a Controlled Medication Substance or Controlled Medication /Method that is not in compliance with applicable State or Federal law (<u>Rule 3314(b)</u>)	1-
Complicity or Attempted complicity in a Controlled Medication Rule Violation committed by another Person (<u>Rule 3314(c)</u>)	Same number of points that apply to the Responsible Person, absent mitigating or aggravating circumstances.
Violation of Rule 3329	Same number of points as were assigned for the underlying violation.

(c) In addition to the Consequences applicable to the underlying Controlled Medication Rule Violation, the following Consequences shall be imposed based on the cumulative points contained in the Covered Person's official record:

Cumulative penalty points	Period or Additional period of ineligibility Period of Ineligibility (days)
6-7	30
7.5-9	60

Cumulative penalty points	Period or Additional period of ineligibility <u>Period of Ineligibility</u> (days)
9.5-12	90
12.5 or more	180

(d) Penalty points and the ~~additional~~resulting period of Ineligibility shall be applied automatically at the conclusion of the proceeding on the underlying violation, without any additional hearing or right of review. Penalty points shall be applied retroactively to start on the date on which the Controlled Medication Rule Violation occurred and shall expire after 2 years.

(e) The ~~additional~~ period of Ineligibility imposed based on penalty points shall run consecutive to any period of Ineligibility imposed for the underlying Controlled Medication Rule Violation.

(f) A Covered Person's official record of cumulative penalty points shall be maintained by the Agency.

Rule 3329. Status During Provisional Suspension or Ineligibility

(a) Covered Persons.

(1) While serving a Provisional Suspension for a Controlled Medication Rule Violation, Covered Persons:

(i) may not participate in any capacity in, or assist any Person participating in any capacity in, or subject to Rule 3329(b) permit anyone to participate on his or her behalf in, any Timed and Reported Workout or Covered Horserace;

(ii) may not claim or purchase Covered Horses; or bring new Covered Horses into their barn at a racetrack that participates in Covered Horseraces or at a Training Facility;

(iii) may not be employed or otherwise engaged or contracted in any capacity involving Covered Horses (including, but not limited to, acting as an agent for an Owner of Covered Horses or working as an exercise rider for Covered Horses); and

(iv) must take down or cover any personal signage bearing their name or related to their operations at or around the barn where their Covered Horses are located at a racetrack that participates in Covered Horseraces or at a Training Facility.

~~(a2)~~ While serving a ~~Provisional Suspension or~~ period of Ineligibility for a Controlled Medication Rule Violation, Covered Persons:

~~(1) a Covered Horse may not participate in any Timed and Reported Workout or Covered Horserace, but shall remain subject to Testing;~~

~~(2) a Covered Person may not participate in any capacity in any activity involving Covered Horses, or in any other activity (other than authorized anti-doping education or rehabilitation programs) taking place at a Racetrack or Training Facility, nor shall he or she, or assist any Person participating in any capacity in, or subject to Rule 3329(b) permit anyone to participate in any capacity on his or her behalf in any such activities, except to the extent that the Covered Person is an Owner and the activity is necessary to ensure the safekeeping and wellbeing of the horse during the period of such Owner's Provisional Suspension or Ineligibility.;~~

(A) any Timed and Reported Workout or Covered Horserace; or

(B) any other activity involving Covered Horses or taking place at a racetrack that participates in Covered Horseraces or a Training Facility (other than authorized anti-doping education or rehabilitation programs), subject to Rule 3329(a)(3);

(ii) may not claim or purchase Covered Horses, or bring new Covered Horses into their barn at a racetrack that participates in Covered Horseraces or at a Training Facility;

(iii) may not be employed or otherwise engaged or contracted in any capacity involving Covered Horses (including, but not limited to, acting as an agent for an Owner of Covered Horses or working as an exercise rider for Covered Horses);

(iv) must take down or cover any personal signage bearing their name or related to their operations at or around where their Covered Horses are located at a racetrack that participates in Covered Horseraces or at a Training Facility; and

(v) may not be present at, and shall be denied access to all public and non-public areas at, any racetrack that participates in Covered Horseraces (except to the extent that they are a paying spectator at a Covered Horserace, and neither the State Racing Commission nor the Racetrack has elected to bar them from the premises, and their access is restricted accordingly) and any Training Facility, subject to Rule 3329(a)(3).

(3) Horse welfare exceptions.

Subject always to Rule 3520(d), while serving a period of Ineligibility for a Controlled Medication Rule Violation, an Owner and Trainer may undertake any activity that is necessary to ensure the safekeeping and wellbeing of his or her Covered Horses.

(b) ~~The~~ Covered ~~Horse~~Horses.

(s1) ~~of an Owner or Trainer who is~~While subject to a Provisional Suspension or period of Ineligibility shall be subject to the following restrictions:for a Controlled Medication Rule Violation, the Covered Horse may not participate in any Timed and Reported Workout or Covered Horserace, but shall remain subject to Testing.

(42) The Covered Horse(s) that are under the care or training of a Trainer who is subject to a Provisional Suspension or period of Ineligibility may not participate in any Timed and Reported Workout or Covered Horserace unless and until they have been transferred to another Covered Person in a bona fide transfer, except that such Covered Horses may participate in a Covered Horserace if they were entered in ~~the~~such race before the Trainer was notified of the Provisional Suspension or the period of Ineligibility was imposed or accepted (whichever is earlier), provided that such race takes place within no more than 7 days of the date the Trainer was notified of the Provisional Suspension or the period of Ineligibility was imposed or accepted (whichever is earlier). For the "transfer" to be ~~valid~~considered a "bona fide transfer", (i) the transfer must be approved by the stewards in the State where the Sample was collected, (ii) the transfer must be registered with the Authority in accordance with its procedures, and ~~(ii) if the Trainer is subject to a period of Ineligibility of more than 30 days, the Covered Horses must also be physically relocated to facilities under the care or control of a Covered Person who is not affiliated with the suspended Trainer (and failure to comply may constitute an Anti-Doping Rule Violation under Rule 3216(c), i.e., Prohibited Association).~~iii) the transfer may not be to an Associated Person.

(23) The Covered Horse(s) ~~of~~that are owned by an Owner who is subject to a ~~Provisional Suspension or~~period of Ineligibility may not participate in any Timed and Reported Workout or Covered Horserace unless and until ~~they have been~~the Owner has transferred ~~in a bona fide transaction to a different Owner. If an Immediate Family Member has any~~their ownership ~~or property~~ interest in the Covered Horse ~~(s) following such transfer, the transfer shall not constitute a bona fide transaction to a different Owner, no matter how small it is~~ to another Covered Person in a bona fide transfer. For the "transfer" to be considered a 'bona fide transfer', (i) the transfer must be approved by the stewards in the State where the Sample was collected, (ii) the transfer must be registered with the Authority in accordance with its procedures, and (iii) the transfer may not be to a Close Relation.

Rule 3330. Consequences for Violation of the Prohibition on Participation During Ineligibility or Provisional Suspension Under Rule 3329

(a) Consequences for violation of the prohibition on participation during Ineligibility.

(1) If a Covered Person violates the prohibition against participation during Ineligibility described in Rule 3329, any results obtained from such participation shall be Disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the Covered Person's original period of Ineligibility.

(2) If a Covered Horse participates in any Timed and Reported Workout or Covered Horserace in violation of the prohibition against participation during Ineligibility described in Rule 3329, any results obtained from such participation shall be Disqualified, and the Responsible Person for that Covered Horse shall receive the following period of Ineligibility:

(i) if the Responsible Person was subject to an original period of Ineligibility, a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. If the original period of Ineligibility has already expired, the new period of Ineligibility shall start on the date that it is accepted or imposed; or

(ii) if the Responsible Person was not subject to an original period of Ineligibility, the period of Ineligibility for violating Rule 3329 shall be ~~from, at a minimum,~~ a reprimand and no period of Ineligibility, and, at a maximum, a period of Ineligibility of up to 1 year, depending on the Covered Person's degree of Fault.

(b) Consequences for violation of the prohibition on participation during Provisional Suspension.

(1) A Covered Person who violates the prohibition against participation during a Provisional Suspension shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.

(2) If a Covered Horse participates in any Timed and Reported Workout or Covered Horserace in violation of the prohibition against participation during a Provisional Suspension described in Rule 3329, the Responsible Person for that Covered Horse and the Covered Horse shall receive no credit for any period of Provisional Suspension served and the results of such participation shall be Disqualified.

(c) The consequence of Disqualification under this Rule 3330 shall be the same as set out in Rule 3321(c).

(d) The Internal Adjudication Panel (or the Agency, if the Covered Person admits the violation and accepts the ~~consequences~~Consequences) shall determine whether there has been a violation of the prohibition against participation during Provisional Suspension or Ineligibility and ~~apply the appropriate consequences pursuant to Rule 3364~~the applicable Consequences.

Rule 3331. Automatic Public Disclosure

A mandatory part of each sanction shall include automatic Public Disclosure in accordance with Rule 3620.

Rule 3332. Conditions Precedent to Reinstatement for Covered Persons and Payment Obligations

(a) Following commission of a Controlled Medication Rule Violation:

~~(a) To be reinstated after commission of a Controlled Medication Rule Violation, the Covered Person must have respected~~ 1) if a period of Ineligibility is imposed, a Covered Person shall not be reinstated unless he or she has respected the conditions of his or her period of Ineligibility (Rule 3329); and in full throughout that period in accordance with Rule 3329, and has, by the applicable deadlines, completed any required training or education relating to the Protocol (Rule 3323(f)), repaid or surrendered any purses and other compensation, prizes, trophies, points, and rankings forfeited pursuant to Rule 3321, and paid any fines ~~and reimbursed any costs imposed or accepted to the Agency, unless an~~ costs, or other amounts due under the Protocol or related rules, including any payments due under any installment plan was established pursuant to Rule 3332(b), in which case. Once the Covered Person's period of Ineligibility has expired, and the Covered Person must have made all payments due under that plan. If any installment(s) subsequently become(s) overdue under that plan (i.e., after reinstatement), the ~~has fulfilled the conditions of reinstatement under this paragraph, the Covered Person will become automatically re-eligible and no application by the Covered Person for reinstatement will be necessary.~~

(2) if no period of Ineligibility is imposed, a Covered Person and the Covered Horses under his or her ownership or training may not participate in any Timed and Reported Workout or Covered Horserace until such overdue ~~if he or she fails, by the applicable deadlines, to complete any required training or education relating to the Protocol (Rule 3323(f)), to repay or surrender any purses and other compensation, prizes, trophies, points, and rankings forfeited pursuant to Rule 3321, or to pay any fines, costs, or other amounts due under the Protocol or related rules, including any payments due under any installment plan established pursuant to Rule 3332~~ (sb) is/are paid in full.

(b) Where fairness requires, the Agency or the Internal Adjudication Panel may establish an installment plan for repayment of amounts due to be paid or reimbursed under the Protocol. The payment schedule may extend beyond any period of Ineligibility imposed upon the Covered Person. If any installment payment becomes overdue under that plan:

(i) in circumstances where any period of Ineligibility has yet to expire, the Covered Person shall not be eligible for reinstatement until any such overdue installments are paid in full; or

(ii) in all other circumstances (including where no period of Ineligibility has been imposed), the Covered Person and the Covered Horses under his or her ownership or training may not participate in any Timed and Reported Workout or Covered Horserace until any such overdue installments are paid in full.

~~Rule 3333. Conditions Precedent to Reinstatement for Covered Horses~~

~~(a) A Covered Horse shall be reinstated once its period of Ineligibility ends, provided that (1) the Ineligibility has been respected in full throughout that period in accordance with Rule 3329, (2) the Covered Horse has been made available for Testing during that period in accordance with Rule 3132(d), and (3) the Covered Horse has completed any Vets' List Workout(s) required by the Racetrack Safety Program or the Agency (for the avoidance of doubt, such workouts may be scheduled prior to the expiry of the period of Ineligibility and will not constitute a violation of Rule 3329).~~

~~(b) Any reinstatement pursuant to this Rule 3333 is without prejudice to any rest or stand-down period that may be imposed on the Covered Horse (e.g., due to injuries), and any requirements for release from the Veterinarians' List, pursuant to the Racetrack Safety Program.~~

3340. Results Management

Rule 3341. General

Where there is evidence of a potential Controlled Medication Rule Violation~~(s)~~, the Agency will conduct Results Management in accordance with ~~this section~~[Rule 3340](#) and the Testing and Investigations Standards.

Rule 3342. Review of Adverse Analytical Findings

(a) Upon receipt of an Adverse Analytical Finding in relation to an A Sample, the Agency will conduct a review of the Laboratory certificate of analysis supporting the Adverse Analytical Finding and the relevant Sample collection documentation and Testing documents to determine whether the Adverse Analytical Finding was caused by any apparent departure from the Testing and Investigations Standards, the Laboratory Standards, or any provision of the Protocol. Subject to Rule 3342(b), the Agency may, but does not have to, communicate with the Responsible Person and Owner during such review.

(b) If the review under Rule 3342(a) reveals an apparent departure that caused the Adverse Analytical Finding, the entire test shall be considered negative, and the Agency shall promptly inform the Responsible Person and each Interested Party of that fact.

(c) If the initial review of an Adverse Analytical Finding under Rule 3342(a) does not reveal an apparent departure that caused the Adverse Analytical Finding, the Agency shall promptly send an ECM Notice to the Responsible Person and each Interested Party in accordance with Rule 3345.

Rule 3343. Review of Atypical Findings Relating to Controlled Medication Substances

(a) In certain circumstances, Laboratories may report the presence of certain Controlled Medication Substances as “Atypical Findings” in accordance with the Atypical Findings Policy set out at Appendix 1. Upon receipt of an A Sample Atypical Finding, the Agency will conduct a review to determine whether the Atypical Finding was caused by a departure from the Testing and Investigations Standards, the Laboratory Standards, or any provision of the Protocol. If that review does not reveal any departure that caused the Atypical Finding, the Agency will conduct an investigation (including directing any Further Analysis) or take any other steps required to decide whether the Atypical Finding should be brought forward as an Adverse Analytical Finding, in accordance with the Atypical Findings Policy.

(b) The Agency may, but does not have to, provide notice of an Atypical Finding to anyone until it has made that decision unless one of the following circumstances exists:

(1) if the Agency determines that the B Sample should be analyzed prior to the conclusion of its investigation, the Agency may conduct the B Sample analysis after notifying the Responsible Person and the Owner, with such notice to include a description of the Atypical Finding ~~and the information described in Rule 3345~~; or

(2) if the Atypical Finding is likely connected to a serious pathology that requires urgent veterinary attention.

(c) If the Agency ultimately decides not to pursue the Atypical Finding as an Adverse Analytical Finding, the Agency may, but does not have to, communicate that fact to the Responsible Person and Owner unless he or she has previously received notice of the Analytical Finding pursuant to Rule 3343(b).

(d) If the Agency decides to move forward with the matter as an Adverse Analytical Finding, the Agency shall promptly send an ECM Notice to the Responsible Person and each Interested Party.

Rule 3344. Review of Other Evidence of a Potential Controlled Medication Rule Violation

The Agency shall conduct any follow-up investigation required into any potential Controlled Medication Rule Violation not covered by Rules 3342 or 3343. At such time as the Agency is satisfied that it has sufficient evidence to establish that a Controlled Medication Rule Violation occurred, it shall promptly send an ECM Notice to the relevant Covered Person and each Interested Party.

Rule 3345. ECM Notice

(a) Where it is determined that a Covered Person may have committed one or more Controlled Medication Rule Violations, the Agency will promptly notify the Covered Person and each Interested Party in writing of the following (the “ECM Notice”):

(1) the alleged Controlled Medication Rule Violation and the Consequences if ~~the violation~~ is ~~agreed~~admitted or determined to have been committed;

(2) the Adverse Analytical Finding (with a copy of the Laboratory certificate of analysis in a form designated by the Agency) or a brief summary of the facts relied on by the Agency to assert the alleged violation (including, where applicable, the name of the Covered Horse implicated in the alleged violation, whether the alleged violation was in connection with a particular Covered Horserace, and the date of Sample collection or of the other relevant facts said to give rise to the violation);

(3) if applicable, the right of the Responsible Person and the Owner to receive copies of the A Sample Laboratory Documentation Package after the B Sample analysis has been completed or after such analysis is waived;

(4) if applicable, the following details regarding the B Sample analysis:

(i) that the B Sample has been (or will be) analyzed because the Agency has authorized immediate analysis to preserve the scientific integrity of the Sample;

(ii) if the B Sample has not been analyzed, the Responsible Person's and Owner's right to promptly request the analysis of the B Sample within no more than 5 days or (failing such request) that the B sample analysis shall be deemed to be waived (in which case the Agency may still proceed with the analysis); and

(iii) an explanation that where the Responsible Person or Owner requests the B Sample analysis within the applicable deadline, or where the Agency decides to proceed with the B Sample analysis, the Agency will notify the Responsible Person and Owner ~~of the date, time, and place where the B Sample will be analyzed and~~regarding:

(A) the Laboratory that will analyze the B Sample; and

(B) where the analysis is requested by the Responsible Person or Owner, the amount that the Responsible Person or Owner must pay to have the B Sample ~~tested~~analyzed and (if requested) B Sample Laboratory Documentation Package prepared, and the date by which such payment must be received that such amount must be paid to the Agency within 7 days of the B Sample analysis request (unless a payment plan is agreed by the Agency in circumstances where the Responsible Person or Owner can demonstrate financial hardship), failing which the B Sample analysis shall be deemed to have been waived; and

(5) the opportunity for the Covered Person to provide an explanation (which is intended to be more than a mere denial of the alleged violation) within a short deadline set by the Agency;

(6) the opportunity to provide Substantial Assistance, to admit the Anti-Doping Rule Violation, or to seek to resolve the matter without a hearing under Rule 3349;

(7) all relevant details relating to any Provisional Suspension (including, if applicable, the possibility to accept a voluntary Provisional Suspension) in accordance with Rule 3347; and

(8) if applicable, the ability for the automatic Disqualification of results to be applied immediately in accordance with Rule 3321(a)(~~23~~).

(b) Before sending an ECM Notice, for purposes of Rule 3323, the Agency shall seek to determine whether the Covered Person in question has committed any prior violations under the Protocol.

(c) Any defect in the ECM Notice (including a failure to identify the Covered Horseraces implicated in the alleged violation, if any) may be corrected by the Agency and shall not ~~in any event~~ invalidate the

ECM Notice or affect the due application of the provisions of the Protocol (including the Disqualification provisions) in relation to that violation.

Rule 3346. B Sample Analysis

(a) Arrangements shall be made for analysis of the B Sample without undue delay, in accordance with the Protocol and the Laboratory Standards. Subject to Rule 3346(b), the Responsible Person or Owner must pay the costs of the B Sample analysis in advance, but, if the B Sample analysis does not confirm the A Sample analysis, they will be reimbursed that cost by the Agency. The ~~Responsible Person and Owner and one representative each may attend the~~ Laboratory ~~to witness the~~ shall create a video recording of the opening and identification of the B Sample. ~~They do not have any right to witness the~~ The Laboratory shall provide a copy of that video to the Agency, which shall provide it to the Responsible Person and the Owner. The analysis of the B Sample shall not be video recorded.

(b) The Responsible Person and Owner may (if they both agree) waive analysis of the B Sample (in which case they shall be deemed to accept the A Sample analytical results). If waived, the Agency may nonetheless elect to proceed with the B Sample analysis at its own expense.

(c) If the B Sample ~~proves negative~~ does not confirm the A Sample result, the entire Test shall be considered negative, and the Responsible Person and Owner shall be so informed. In such circumstances, unless the Agency asserts a Controlled Medication Rule Violation under Rules 3313 ~~or 3314~~ (Use), the ECM Notice will be withdrawn, any Provisional Suspensions imposed shall be deemed automatically vacated with immediate effect (without the need for any order from the Internal Adjudication Panel), and no further disciplinary action will be taken against the Responsible Person, other Covered Person, or Covered Horse by the Agency in relation to the original Adverse Analytical Finding (provided, however, that the Agency may investigate why the B Sample did not match the A Sample). If the Agency asserts that a Rule 3313 ~~or 3314~~ (Use) violation has occurred, it shall send a Charge Letter to the Responsible Person and other Covered Person(s), with a copy to each Interested Party.

(d) If the presence of a Controlled Medication Substance or the Use of a Controlled Medication Method is confirmed by the B Sample analysis, or the B Sample analysis is waived, the Agency shall send a Charge Letter to the Responsible Person and any other relevant Covered Person(s), with a copy to each Interested Party, asserting that a Rule 3312 (presence) violation or a Rule 3313 (Use) violation (as applicable) has occurred.

Rule 3347. Provisional Suspensions

(a) The Agency shall not impose a Provisional Suspension on a Covered Horse for a Controlled Medication Rule Violation, ~~unless the violation involves a Controlled Medication Method for which~~ except where the Prohibited List specifies a period of Ineligibility for the Covered Horse for such violation.

(b) The Agency may impose a Provisional Suspension on a Covered Person for a Controlled Medication Rule Violation where it considers it appropriate to do so in the circumstances of the case, including where (1) the Covered Person admits the Controlled Medication Rule Violation and is likely to be subject to a period of Ineligibility in excess of 15 days, (2) there is an Adverse Analytical Finding for more than one Controlled Medication Substance and those substances are not Specified Substances or other substances included in the Atypical Findings Policy, (3) the Covered Person has a ~~pending prior~~ Anti-Doping Rule Violation or Controlled Medication Rule Violation ~~or prior violation~~ that is likely to result in an increased period of Ineligibility, or (4) the individual represents a threat to the health, safety, or welfare of horses or the integrity of the sport of horseracing.

(c) ~~Where~~ In any case where a Provisional Suspension is imposed ~~pursuant to Rule 3347(a) or (b)~~, the Responsible Person (on his or her own behalf and on behalf of the Covered Horse) and any other Covered Person made subject to the Provisional Suspension shall be given by the Agency:

(1) an opportunity for a Provisional Hearing either before the imposition of the Provisional Suspension; ~~or~~ (2) an opportunity for a Provisional Hearing on a timely basis after the imposition of the Provisional Suspension; or

(32) an opportunity for an expedited final adjudication in accordance with Rule 3362 on a timely basis after imposition of the Provisional Suspension.

(d) The Owner of a Covered Horse that has been Provisionally Suspended shall also be given by the Agency, on behalf of the Covered Horse only, the opportunity to have a Provisional Hearing on a timely basis after imposition of the Covered Horse's Provisional Suspension.

~~(de)~~ Provisional Hearings shall be conducted by ~~the Internal Adjudication Panel~~ an IAP Member and heard via telephone or video conference call within the time frame specified in ~~accordance with~~ the Arbitration Procedures, except where the ~~Internal Adjudication Panel~~ IAP Member decides to determine the matter based solely on the written submissions without a hearing. The sole issue to be determined by the ~~Internal Adjudication Panel~~ IAP Member will be whether the Agency's decision to impose a Provisional Suspension shall be maintained. The Agency's decision to impose a Provisional Suspension shall be maintained unless the ~~Responsible Person~~/Covered Person requesting the lifting of the Provisional Suspension establishes that:

(1) the allegation that a Controlled Medication Rule Violation has been committed has no reasonable prospect of being upheld, e.g., because of a material defect in the evidence on which the allegation is based;

(2) the ~~Responsible Person~~/Covered Person charged bears No Fault or Negligence for the Controlled Medication Rule Violation that is alleged to have been committed, so that any period of Ineligibility that might otherwise be imposed for such offense would be completely eliminated by application of Rule 3324. (This ground does not apply in respect of any Provisional Suspension imposed on a Covered Horse);

(3) Rule 3325 applies and the ~~Responsible Person~~/Covered Person bears No Significant Fault or Negligence and he or she will likely be given a period of Ineligibility that is not longer than the period for which he or she has already been provisionally suspended. (This ground does not apply in respect of any Provisional Suspension imposed on a Covered Horse); or

(4) exceptional circumstances exist that make it clearly unfair, taking into account all of the circumstances of the case, to impose a Provisional Suspension prior to the final hearing on the merits. This ground is to be construed narrowly and applied only in truly exceptional circumstances. For example, the fact that the Provisional Suspension would prevent the ~~Responsible Person~~, Covered Person, or Covered Horse from participating in a particular ~~Timed and Reported Workout~~, Covered Horserace, or other activity shall not qualify as exceptional circumstances for these purposes.

~~(ef)~~ If the application is made before the Provisional Suspension comes into effect, the Provisional Suspension will not come into effect pending the decision on the application. If the application is made after the Provisional Suspension has come into effect, the Provisional Suspension will remain in place pending the decision on the application.

~~(fg)~~ If it considers it appropriate to do so on the specific facts of the case, the Agency may lift the Provisional Suspension.

~~(gh)~~ If the application to have a Provisional Suspension not imposed/lifted is not granted, a further application may not be made to lift the Provisional Suspension unless:

(1) it is based on new and material evidence that the ~~Responsible Person or other~~ Covered Person was not aware of and could not reasonably have been aware of at the time he or she made the original application; or

(2) there has been some other significant ~~and/or~~ material change in circumstances since the original application was decided. If the ~~Responsible Person or other~~ Covered Person makes a further application that does not meet either of these requirements, costs may be awarded against him or her.

~~(hi)~~ Voluntary Provisional Suspension.

(1) In all cases where a ~~Responsible Person~~/Covered Person has been notified of or charged with a Controlled Medication Rule Violation, but no Provisional Suspension has been imposed on him or her ~~or on the Covered Horse~~, that person may ~~(on his or her own behalf and, if the Responsible Person,~~

~~on behalf of the Covered Horse where it might be subject to a period of Ineligibility),~~ voluntarily accept a Provisional Suspension at any time by written notice to the Agency. A copy of the voluntary Provisional Suspension shall promptly be provided to each Interested Party.

(2) A Provisional Suspension that is voluntarily accepted will have effect (in the same manner as if the Provisional Suspension had been imposed ~~under Rule 3347(a)~~) from the date that written notice of its acceptance is received by the Agency.

(i) No admission will be inferred, or other adverse inference drawn, from the decision of a Covered Person: (1) not to make an application to lift a Provisional Suspension; or (2) to accept a voluntary Provisional Suspension.

~~(j) If a Provisional Suspension is imposed or voluntarily accepted, and that Provisional Suspension is respected, then the Responsible Person/Covered Person and Covered Horse in question shall receive a credit for such period of Provisional Suspension against any period of Ineligibility that may ultimately be imposed. If the Responsible Person/Covered Person or Covered Horse does not respect a Provisional Suspension, the Responsible Person/Covered Person or Covered Horse shall receive no credit for any period of Provisional Suspension served. If a period of Ineligibility is served pursuant to a decision that is subsequently subject to review, the Responsible Person/Covered Person or Covered Horse shall receive a credit for such period of Ineligibility served against any period of Ineligibility that may ultimately be imposed on review.~~

(k) Notwithstanding any other provision in this Rule 3347 or elsewhere in the Protocol, any Provisional Suspension imposed on a Covered Horse will be automatically lifted (without the need for any hearing or determination by the Agency) if it has been in place for a period equal to the period of Ineligibility specified in the ~~Protocol or~~ Prohibited List.

Rule 3348. Charge Letter

If, after receipt of the Covered Person's explanation, or expiry of the deadline to provide such explanation, the Agency remains satisfied that the Covered Person has committed athe Controlled Medication Rule Violation(s), the Agency shall promptly charge the Covered Person with the asserted Controlled Medication Rule Violation(s). In this letter of charge ("Charge Letter"), which will be copied to each Interested Party, the Agency shall:

(a) set out the Controlled Medication Rule Violation(s) that the Covered Person is charged with having committed;

(b) provide a summary of the relevant facts upon which the charge is based, enclosing a copy of the A Sample Laboratory Documentation Package and (if applicable and if requested) the B Sample Laboratory Documentation Package;

(c) specify the Consequences that will apply if the charge is upheld;

(d) grant a deadline of not more than 7 days from receipt of the Charge Letter (unless otherwise agreed by the Agency) for the Covered Person to either:

(1) admit the Controlled Medication Rule Violation(s) charged and:

(i) accept the Consequences proposed by the Agency, in which case the Agency will issue a decision under Rule 3349, (b);

(ii) seek to agree mitigated Consequences with the Agency pursuant to Rule 3349 failing which the Consequences may still be disputed at a hearing; or

(iii) dispute or seek to mitigate the proposed Consequences at a hearing in accordance with Rule 3361 and the Arbitration Procedures; or

(2) deny the Controlled Medication Rule Violation charged and dispute the proposed Consequences at a hearing in accordance with Rule 3361 and the Arbitration Procedures;

(e) indicate that if the Covered Person does not challenge the Agency's assertion of a Controlled Medication Rule Violation or the proposed Consequences within the prescribed deadline, the Covered

Person shall be deemed to have waived his or her right to a hearing, admitted the Controlled Medication Rule Violation(s) charged, and accepted the Consequences specified by the Agency in the Charge Letter (without any mitigation of those Consequences);

(f) give the opportunity to provide Substantial Assistance in accordance with Rule 3326(a); and

(g) provide all relevant details relating to any Provisional ~~Suspensions~~Suspension (including, if applicable, the possibility to accept a voluntary Provisional Suspension) in accordance with Rule 3347.

Rule 3349. Case Resolution Without a Hearing

(a) At any time prior to a final decision under the Arbitration Procedures: (1) the Agency may withdraw a Charge Letter for good cause, in which case any Provisional Suspension will be automatically lifted and (absent the emergence of new information) no further steps will be taken in relation to the violations alleged in the Charge Letter; or (2) the Covered Person may agree to admit the Controlled Medication Rule Violation(s) ~~charged (or~~and any other violation of the Protocol) charged and accede to specified Consequences consistent with the Protocol. In any such case, an adjudication under the Arbitration Procedures will not be required.

(b) In the event that the Covered Person admits the Controlled Medication Rule Violation(s) charged and accedes to Consequences specified by the Agency (or is deemed to have done so in accordance with Rule 3348~~(a)(5)~~e), the Agency will (1) promptly issue a final decision confirming the commission of the Controlled Medication Rule Violation(s) and setting out the factual basis for the decision and all of the Consequences to be imposed (including a brief summary of the reasons for any period of Ineligibility imposed), unless doing so could compromise an ongoing investigation or proceeding), and (2) send notice of the decision to each Interested Party. The Agency will also Publicly Disclose the decision (or a summary thereof, at the discretion of the Agency) in accordance with Rule 3620.

(c) In the event that the Agency withdraws the Charge Letter, it will (1) promptly issue a summary decision confirming the withdrawal of the Charge Letter, (2) send notice of the decision to the Covered Person concerned, with a copy to each Interested Party, and (3) Publicly Disclose the decision (or a summary thereof, at the discretion of the Agency) in accordance with Rule 3620.

~~Rule 3350. Notification Requirements~~

~~(a) Notification of Controlled Medication Rule Violations will take place as set out in Rule 3345 and Rule 3348. If at any point after an ECM Notice has been provided the Agency decides not to move forward with the charge, it will notify the Covered Person(s) concerned and each Interested Party of that decision.~~

~~(b) Notification to a Covered Person by the Agency, for all purposes of the Protocol, may be accomplished either through actual or constructive notice. Actual notice may be accomplished by any means. Constructive notice shall be deemed to have been given when the information in question is delivered by third-party courier or U.S. postal mail to the Covered Person's most recent mailing address on file with the Authority or by email or text message to the Covered Person's most recent email address or mobile telephone number on file with the Authority.~~

3360. Hearings and Review of Final Decisions

Rule 3361. Procedure Before the Internal Adjudication Panel

(a) Where a Covered Person is alleged to have committed a Controlled Medication Rule Violation, a violation of Rule 3329, ~~or any~~ violation of Rule 3510, or a violation of Rule 3520, the Covered Person shall be entitled to request a hearing before the Internal Adjudication Panel in accordance with the Arbitration Procedures. However, the Internal Adjudication Panel may decide, in its sole discretion, to determine the matter based solely on the written submissions without a hearing if the Internal Adjudication Panel considers itself sufficiently well-informed to render a decision on the written submissions alone. A copy of the final decision of the Internal Adjudication Panel shall be sent to the Agency and the Covered Person(s) concerned. Where the Agency considers it necessary or appropriate to do so, a copy of the decision may be sent to any Interested Party. The decision (or a summary thereof, at the discretion of the Agency) shall be Publicly Disclosed as provided in Rule 3620.

(b) The Internal Adjudication Panel may also adjudicate any other matter referred to it under the Protocol, and any other matter that might arise from time to time under the Protocol that the Agency considers should be determined by the Internal Adjudication Panel.

Rule 3362. Expedited Hearing

In Controlled Medication Rule Violation cases where the Covered Horse or Covered Person in question is not Provisionally Suspended and is likely to participate in a Covered Horserace within 45 days, the Agency may (if it sees fit) address the case on an expedited basis and shorten any deadlines in the Protocol or Arbitration Procedures proportionately to ensure resolution of the matter prior to the Covered Horserace.

Rule 3363. Finality

Subject to Rule 3364, decisions rendered by the Internal Adjudication Panel under the Protocol shall be final and binding.

Rule 3364. Review of Final Decisions

Any final decision by the Agency or the Internal Adjudication Panel is subject to review in accordance with section 3058 of the Act. Any final decision under review shall remain in effect pending resolution of the review unless ordered otherwise.

Section 5: Whereabouts Failures and Other Violations

3500. Whereabouts Failures and Other Violations under the Protocol

Rule 3510. Whereabouts Failures

(a) Responsible Persons must:

(1) provide whereabouts information about their Covered Horse(s) to the Agency upon request, and by the deadline and in a form specified, by the Agency;

(2) provide sufficient information about the whereabouts of their Covered Horse(s) to enable the Agency to locate the Covered Horse(s); and

(3) promptly update any whereabouts information required to be provided to the Agency if it changes.

(b) Failure by a Responsible Person to comply with one or more of the whereabouts requirements set out in Rule 3510(a) constitutes a violation under this Protocol (each, a "Whereabouts Failure").

Rule 3520. Other Violations Under the Protocol

~~Where a Covered Person:~~

~~(a) engages in disruptive or offensive conduct towards a Doping Control official or other Person involved in Doping Control that does not rise to the level of Tampering;~~

Each of the following constitutes a violation under the Protocol:

(a) a Covered Person engaging in offensive conduct towards Sample Collection Personnel or other Person involved in Doping Control or Medication Control, or towards a representative of the Agency or the Authority, which does not otherwise constitute Tampering (including, without limitation, engaging in improper, insulting, intimidating, threatening, or obstructive conduct);

(b) a Covered Person refusing or failing without compelling justification to comply with any Sample collection procedure requirements (including, without limitation, any disruptive conduct during a Sample Collection Session) that does not otherwise constitute Tampering or an Anti-Doping Rule Violation under Rule 3215;

~~(b)c) refuses or fails~~ a Covered Person refusing or failing to cooperate promptly and completely with the Authority or the Agency in the exercise of their respective powers under the Act ~~and/or~~ the Protocol ~~and/or~~ related rules, including any refusal or failure to comply with Rule 3040(a)(2);

~~(c) commits a Whereabouts Failure; or~~

(d) abandonment by a Covered Person of any Covered Horse(s) under his or her care, excluding “surrender” stalls offered by a Racetrack; failure by a Covered Person to provide adequate care for any Covered Horse(s) under his or her care which risks jeopardizing horse health or welfare (i.e., “neglect”); or failure by a Covered Person to accept the return of a Covered Horse following a Claim that is voided in accordance with the Racetrack Safety Program; and

~~(de) refuses or fails~~ a Covered Person refusing or failing without compelling justification to comply with any other provision of the Protocol ~~(where such refusal or failure that~~ does not otherwise constitute an Anti-Doping Rule Violation); Controlled Medication Rule Violation, or other violation under Rule 3229, 3329, 3510, or 3520.

Rule 3530. Procedure for Whereabouts Failures and Other Violations Under the Protocol

~~the Covered Person will not be deemed to have committed~~ (a) A violation of Rule 3510 or Rule 3520 does not constitute an Anti-Doping Rule Violation or Controlled Medication Rule Violation. However, disciplinary proceedings may be brought against ~~him or her~~ a Covered Person for such violations. Such proceedings will be brought before the Internal Adjudication Panel in accordance with the Arbitration Procedures or resolved without a hearing applying the rules of proof set out in Rule 3120 and following the procedures set out in ~~section~~ Rule 3360 (in each case, *mutatis mutandis*, i.e., amended as required to reflect the different context). The matter will be publicly reported and the final decision will be Publicly Disclosed in accordance with Rule 3600, mutatis mutandis.

(b) The Agency will send the Covered Person at issue a notice of the alleged violation, setting out a summary of the relevant facts upon which the charge is based, and giving the Covered Person the opportunity to provide an explanation (which is intended to be more than a mere denial of the alleged violation) within a short deadline.

(c) If the Internal Adjudication Panel finds the violation alleged to be proven, or if the Covered Person admits the violation alleged and does not request a hearing to determine the consequences, the Internal Adjudication Panel or the Agency (as applicable) may impose sanctions on Covered Persons as set out in Rule ~~3520~~ 3540.

Rule ~~3520~~ 3540. Sanctions for Whereabouts Failures and Other Violations Under the Protocol

Violations under Rule 3510 and Rule 3520 shall constitute prior violations for sanctioning purposes under this Rule only if committed within 2 years of the pending violation for which a sanction is being determined. Subject to the foregoing:

(a) For a violation of Rule 3510 (Whereabouts Failures), the Covered Person shall not be subject to any penalty for the first Whereabouts Failure, but shall be subject to a fine of \$250 for the second Whereabouts Failure, and a fine of \$500 for the third Whereabouts Failure. For any subsequent

Whereabouts Failures, the fine will increase by \$500 each time (i.e., \$1,000 for the fourth failure, \$1,500 for the fifth failure, etc.).

(~~ab~~) For a violation of Rule ~~3510~~3520(a) (~~disruptive or~~ offensive conduct) or Rule 3520(b) (refusal or failure to comply with Sample collection procedure requirements), the Covered Person shall be subject to, at a minimum, a reprimand and no period of Ineligibility, and, at a maximum, 30 days of Ineligibility, depending on the seriousness of the violation. A fine of up to \$5,000 may also be imposed.

(~~bc~~) For a violation of Rule ~~3510~~3520(~~bc~~) (refusal or failure to cooperate), the Covered Person shall be subject to, at a minimum, a reprimand and no period of Ineligibility, and, at a maximum, a period of Ineligibility of up to 2 years, depending on the seriousness of the violation. A fine of up to \$15,000 may also be imposed. A failure to comply with Rule 3040(b)(~~7~~10) will be considered a particularly serious violation that will ordinarily warrant the imposition of the maximum sanction.

(~~ed~~) For a first violation of Rule ~~3510~~3520(~~ed~~) (~~Whereabouts Failures~~ abandonment or neglect of any Covered Horses or failure to accept the return of a voided Claim horse), the Covered Person shall ~~not~~ be subject to ~~any penalty for the first Whereabouts Failure, but shall be subject to a fine of \$250 for the second Whereabouts Failure, and a fine of \$500 for the third Whereabouts Failure. For any subsequent Whereabouts Failures, the fine will increase by \$500 each time (i.e., \$1,000 for the fourth failure, \$1,500 for the fifth failure, etc.),~~ at a minimum, a period of Ineligibility of 6 months, and, at a maximum, a period of Ineligibility of 2 years, depending on the seriousness of the violation. A fine of up to \$25,000 may also be imposed.

(~~de~~) For a first violation of Rule ~~3510~~3520(~~de~~) (refusal or failure to comply with any other provision of the Protocol), the Covered Person shall be subject to, at a minimum, a reprimand and no period of Ineligibility, and, at a maximum, 30 days of Ineligibility, as well as a fine of up to \$2,500, depending on the seriousness of the violation.

(~~ef~~) For any second or subsequent ~~Rule 3510~~-violation of Rule 3520, the maximum potential Ineligibility and potential fine will be double what the maximum potential Ineligibility and potential fine was for the previous violation.

(g) For any violation of Rule 3510 or 3520, whether a first or subsequent violation, the following additional Consequences may be imposed:

(1) A Covered Person may be required by the Agency or the Internal Adjudication Panel to complete training or education relating to the requirements and purposes of the Protocol.

(2) If a Covered Person is subject to a period of Ineligibility and is required to complete training or education pursuant to subparagraph (1) above, the completion of such training or education will be a condition precedent to reinstatement (see Rule 3540(i) and Rule 3332).

(3) If a Covered Person is not subject to a period of Ineligibility and is required to complete training or education pursuant to subparagraph (1) above, the Covered Person will be fined \$500 if such training or education is not completed by the deadline set by the Agency or the Internal Adjudication Panel and shall be subject to Rule 3540(i) and Rule 3332.

(~~fh~~) ~~Where~~ if a violation of Rule 3510 or 3520 is alleged and the Covered Person represents a threat to the health, safety, or welfare of horses or the integrity of the sport of horseracing, the Agency may impose a Provisional Suspension on the Covered Person concerned pending resolution of the charge. The Covered Person may challenge the Provisional Suspension in accordance with Rule 3347 (which shall apply *mutatis mutandis*, i.e., amended as required to reflect the different context).

(i) The conditions of reinstatement and payment obligations set out in Rule 3332 shall apply to violations under Rules 3510 and 3520 (in each case, *mutatis mutandis*, i.e., amended as required to reflect the different context).

Section 6: General Procedure and Administration

3600. Confidentiality and Reporting

Rule 3610. Notice of Violations and Confidentiality

(a) Notice.

(1) Notice of Anti-Doping Rule ~~Violation~~Violations or Controlled Medication Rule Violations shall be sent to the Covered Persons concerned, with a copy to each Interested Party, as set out in Rules 3245/~~3248 and~~ 3345 and 3248/3348. Notice of an Adverse Analytical Finding or other relevant violation during the Race Period shall also be sent to the claimant of a Covered Horse in respect of a Claimed Horse Sample. If at any point after notice has been provided the Agency decides not to move forward with the charge, it will notify the Covered Person(s) concerned and each Interested Party of that decision, and (if applicable) the claimant of the Covered Horse.

(2) Notice of other violations under the Protocol shall be sent to the Covered Persons concerned. The Agency may send a copy to any Interested Party where it considers it necessary or appropriate to do so in the circumstances.

(3) State Racing Commissions shall only be entitled to receive ~~notice of violations of the Protocol~~information as Interested Parties if they first enter into an agreement with the Agency incorporating confidentiality provisions required by the Agency pursuant to the Act or the Protocol. The Agency may, in its sole discretion, delay notice to the State Racing Commission for case- or investigation-related reasons.

(4) Notification to a Covered Person by the Agency, for all purposes of the Protocol, may be accomplished either through actual or constructive notice. Actual notice may be accomplished by any means. Constructive notice shall be deemed to have been given when the information in question is delivered by third-party courier or U.S. postal mail to the Covered Person's most recent mailing address on file with the Authority or by email or text message to the Covered Person's most recent email address or mobile telephone number on file with the Authority.

(b) Confidentiality and public reporting.

(1) Subject to the other provisions of this paragraph (b), the Agency will use its reasonable endeavors to ensure that Persons under its control do not publicly identify Covered Horses or Covered Persons who are alleged to have committed a violation under the Protocol, unless and until (i) in presence cases, the B Sample confirms the results of the A Sample analysis, or the B Sample analysis is waived, (ii) a Provisional Suspension has been imposed or voluntarily accepted, (iii) a charge has been brought, or (iv) a violation has been admitted, whichever is earlier.

(2) In such circumstances, subject to paragraph (3) below, the Agency shall publicly report:

(i) the ~~identity~~name of any Covered Person who is the subject of the alleged violation(s);

(ii) the ~~identity~~name of any ~~relevant~~ Covered Horse(s) implicated in the alleged violation(s); and

(iii) the ~~rule~~Rule(s) alleged to have been violated and, where appropriate, the basis of the ~~asserted~~alleged violation.

(3) The Agency shall not be required to publicly report a matter under this paragraph (b) if it would risk compromising an ongoing investigation or proceeding. When the Agency determines that an ongoing investigation or proceeding will no longer be compromised by public reporting, the Agency shall at such time make any public reporting required under this Rule.

(4) The mandatory public reporting under Rule 3610(b) shall not be required where the Covered Person who is alleged to have committed a violation is a Minor. Any optional public reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.

(5) If at any time information pertaining to an alleged violation is publicly reported by a Person not affiliated with the Authority or the Agency, the Agency may respond to such public comment as it considers necessary.

(6) The Agency may publicly report any relevant information at any time, including prior to delivery of notice of a violation, if the Agency determines that such disclosure:

(i) concerns a violation or circumstance that poses a serious and imminent risk of harm to any Covered Person(s), Covered Horse(s), State Racing Commission(s), Racetrack(s), Race Organizer(s), Training Facilities, or the public; ~~or~~

(ii) is otherwise in the best interest of horseracing conducted at Covered Horseraces; or

(iii) is required by law, the Arbitration Procedures or other applicable rules, or judicial decision.

(7) The Agency may at any time disclose to ~~other~~ Persons such information as the Agency considers necessary or appropriate to facilitate the administration or enforcement of the Protocol (including Interested Parties and other Persons with a need to know), provided that ~~each Person provides such~~ Persons provide assurance satisfactory to the Agency that ~~the organization they~~ will maintain all such information in confidence.

(8) Interested Parties and other Persons may not publicly report any information about an alleged violation unless the information has been publicly reported by the Agency or the Covered Person(s) concerned, or the Agency gives written authorization ~~for him or her to~~ such Interested Party or other Person to publicly report the information.

Rule 3620. Public Disclosure

(a) ~~The~~ Subject to Rule 3620(c), the Agency shall Publicly Disclose the resolution of an alleged violation of the Protocol no later than 20 ~~calendar~~ days after:

(1) the final decision;

(2) a resolution between the Agency and the Covered Person; or

(3) the withdrawal of a charge or a final decision finding of no violation.

(b) Public Disclosure shall include:

(1) the name of the Covered Person(s) who committed the violation(s) ~~and~~ ;

(2) the name of any Covered Horse(s) implicated ~~by~~ in the violation(s);

~~(23)~~ the Rule(s) violated;

~~(34)~~ the Prohibited Substance(s) or Prohibited Method(s) involved, if any;

~~(45)~~ the Consequences imposed;

~~(56) any~~ the final decision or a summary thereof, ~~unless publishing that decision could compromise an ongoing investigation or proceeding, and excluding decisions made by the Agency with respect to Atypical Findings pursuant to Appendix 1~~ (at the Agency's discretion); and

~~(67)~~ any review rights available in respect of the decision.

(c) The mandatory Public Disclosure required by this Rule 3620 shall not be required where:

(1) such disclosure could compromise an ongoing investigation or proceeding;

(2) the Agency decides not to pursue an Atypical Finding as an Adverse Analytical Finding, in accordance with the Atypical Findings Policy set out at Appendix 1 to the Protocol; or

(3) the Covered Person who has been found to have committed a violation is a Minor. Any optional Public Disclosure in a case involving a Minor shall be proportionate to the facts and circumstances of the case.

(d) Publication shall be accomplished by, at a minimum, placing the required information on the Agency's website.

Rule 3630. General Reporting

The Agency may publish general statistical reports of its Doping Control and Medication Control activities and may report as necessary on its activities to the U.S. Congress, the Commission, the Authority, the State Racing Commissions, and other ~~federal or state governmental bodies or agencies having jurisdiction over the sport of horseracing in the United States~~ appropriate bodies. The Agency may also publish reports showing the names of any Covered Horses Tested and the date of each Sample collection.

Rule 3640. Data Privacy

The Agency may collect, store, process, ~~or~~ and disclose personal information relating to Covered Persons, Covered Horses, ~~or~~ and other Persons and horses where necessary and appropriate to discharge its responsibilities under the Protocol (or related rules) or the Act, but shall take appropriate steps to maintain that information and its confidentiality in compliance with applicable law.

3700. Implementation of Decisions

Rule 3710. Application and Recognition of Decisions

(a) Any final decision issued pursuant to the Protocol that a violation of the Protocol has taken place and imposing Consequences or other sanctions for that violation shall be automatically and immediately recognized, respected, enforced, and given full force and effect by the Agency, the Authority, Racetracks, Race Organizers, Training Facilities, ~~all~~ Covered Persons, and all other relevant Persons within their respective spheres of authority.

(b) Where a third party with its own jurisdiction over Covered Persons or Covered Horses imposes consequences on them for violation of anti-doping or controlled medication rules that are generally consistent with the Protocol or the World Anti-Doping Code, that decision, upon review and acceptance by the Authority and the Agency, shall be immediately recognized, respected, enforced, and given full force and effect by the Agency, the Authority, Racetracks, Race Organizers, ~~all~~ Training Facilities, Covered Persons, and all other relevant Persons within their respective spheres of authority.

3800. Education and Research

Rule 3810. Education Programs

The Agency shall plan, implement, evaluate, and monitor education programs for responsible medication use and doping-free horseracing.

Rule 3820. Research

The Authority and the Agency may conduct research designed to advance the integrity and safety of horseracing. This may include research in support of Doping Control, Medication Control, or horse welfare including (without limitation) research to understand and reduce equine fatalities and injuries.

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Rule Series 3000 Appendix 1: Atypical ~~Finding~~Findings Policy

Overview

1. Atypical Findings occur when the Laboratory provides the ~~results~~result of its Sample analysis ~~of a Sample~~ to the Agency and more investigation or review is needed to determine whether or not ~~it~~that result should be ~~treated~~pursued as an Adverse Analytical Finding. This Atypical Findings Policy (~~sets out which substances may be reported as~~ Atypical Findings Policy) ~~sets out~~and the process by which the Agency will decide whether or not to pursue Atypical Findings ~~will be pursued~~ as Adverse Analytical Findings.

Prohibited Substances ~~To Be~~ Treated as Atypical Findings

2. If detected in the Sample of a Covered Horse, the following Prohibited Substances shall be investigated or reviewed as Atypical Findings:

(a) Specified Substances;

(b) endogenous substances;

(c) ractopamine; ~~and~~

(d) zilpaterol; and

(e) diisopropylamine.

3. The Laboratory may also report ~~other~~ Atypical Findings ~~in relation to~~for substances that are not specifically listed in the Prohibited List or Technical Document-Prohibited Substances.

Investigation

Decisions Regarding Atypical Findings

~~4. The Agency is responsible for issuing a decision regarding whether or not an Atypical Finding will be pursued as an Adverse Analytical Finding.~~

~~5. Subject to the notification requirements set out below, the deliberations of the Agency shall be confidential.~~

Preliminary Steps

~~6~~4. Initial review.

The Agency will first conduct a review to determine whether there is any apparent departure from any Standards or any provisions of the Protocol that caused the Atypical Finding. If that review does not reveal any departure that caused the Atypical Finding, the Agency will conduct the required investigation in accordance with this Atypical Findings Policy. The precise nature of the investigation will depend on basis for the Atypical Finding, including the Prohibited Substance(s) associated with the Atypical Finding (if applicable), ~~and~~ and the level of cooperation of the Responsible Person.

~~7~~5. Notification.

The Agency will promptly inform the Responsible Person and Interested Parties in writing of the Atypical Finding and any relevant information, such as the Covered Horserace to which the Atypical Finding relates, and the Responsible Person will have the opportunity to provide any information that he or she believes might assist the Agency in deciding whether or not to pursue the Atypical Finding as an Adverse Analytical Finding, as set forth in the criteria below. Such information must be provided to the Agency by the deadlines set by the Agency in order for it to be considered by the Agency.

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86. Additional information.

The Agency may request such additional information or explanations from the Responsible Person as it considers necessary to evaluate the Atypical Finding, and the Responsible Person must comply fully and promptly with any such requests.

Criteria

In deciding whether or not an Atypical Finding should be pursued as an Adverse Analytical Finding, the Agency will consider the following criteria:

97. Proving source of the Prohibited Substance(s) as a precondition.

(a) The Responsible Person has the burden of proving how the Prohibited Substance(s) entered the body of the Covered Horse. If the Responsible Person is unable to discharge that burden and the Agency does not otherwise accept the source, the Atypical Finding must will be pursued as an Adverse Analytical Finding. If the Responsible Person proves discharges that burden or the Agency otherwise accepts the source, the Agency will determine whether or not the Analytical Finding should be pursued as an Adverse Analytical Finding.

(b) The Agency will take a number of factors into account when considering whether or not the source of the Atypical Finding has been established including, but not limited to:

(i) if there were Atypical Findings for the same Prohibited Substance(s) arising from other Samples collected at the same racetrack or other relevant Covered Horserace location;

(ii) if there were Atypical Findings for the same Prohibited Substance(s) arising from other Samples collected at ~~previous Covered Horseraces held at the same Racetrack or in the same region~~ racetrack or other relevant location;

(iii) if ~~Samples~~ samples taken from feed or bedding at the relevant Covered Horserace (if such samples are available) test positive for the Prohibited Substance(s) in question;

(iv) if there were other (non-Atypical Finding) Prohibited Substance(s) in the Sample; and

(v) the concentration level of the particular Prohibited Substance(s) in the Sample.

(c) In addition, the Agency may ~~, in accordance with Rules 3246 and 3346 of the Protocol,~~ request the B Sample analysis.

(d) If the Atypical Finding concerns a Prohibited Substance(s) that is an endogenous substance, the Agency will request that the Responsible Person provide any veterinary information that would assist in establishing if the result is due to a physiological or pathological condition, and such information shall be taken into account by the Agency.

(e) When trying to establish the source of the Prohibited Substance(s) in question, the Agency may ~~consult~~, as necessary, consult with one or more experts to obtain further information on the Prohibited Substance(s) in order to assess whether or not: (i) the explanations provided by the Responsible Person (if any) are plausible; or (ii) the presence of the Prohibited Substance(s) in the Sample is likely to be due to ~~contamination~~ Environmental Contamination.

(f) The Agency will consider any measures the Responsible Person has in place to prevent Prohibited Substances entering the body of his or her Covered Horse(s), including:

(i) whether or not the Responsible Person keeps up-to-date treatment records;

(ii) whether or not the Responsible Person keeps a record of the feed and supplements given to his or her Covered Horses, and whether samples of such feed or supplements have been stored for potential analysis;

(iii) the security measures put in place by the Responsible Person at his or her stables and when travelling to or attending Covered Horseraces; and

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(iv) other measures taken by the Responsible Person to prevent Prohibited Substances inadvertently entering the body of his or her Covered Horses.

~~408~~. Other factors.

The Agency may also have regard to other factors that it considers necessary or relevant, including, but not limited to:

(a) the security measures in place at the relevant ~~Covered Horses~~racetrack or other location;

(b) the report(s) of ~~the~~ Veterinarians or stewards at the relevant ~~Covered Horses~~racetrack;

(c) the prevalence of the use of the Prohibited Substance(s) in issue; and

(d) whether or not the Responsible Person has any prior Anti-Doping Rule Violation(s) or Controlled Medication Rule Violation(s) (excluding any violations where the Responsible Person was found to bear No Fault or Negligence).

~~Conclusion of the Investigation~~Decisions Regarding Atypical Findings and Notification

~~419~~. Following the Agency's investigation of the Atypical Finding in accordance with the criteria above, the Agency shall decide whether or not the Atypical Finding should be pursued as an Adverse Analytical Finding. The Agency shall issue a written decision, with a short summary of the basis for that decision. The decision of the Agency is final and is not subject to review. The Agency will send a copy of its decision to the Responsible Person.

~~4210~~. If the Agency determines that the Atypical Finding should not be pursued as an Adverse Analytical Finding, no further action will be taken, and no case will be opened against the Responsible Person.

~~4311~~. If the Agency determines that the Atypical Finding should be pursued as an Adverse Analytical Finding, the Agency will follow the notification procedure set out in ~~Rules 3250 and 3350~~Rule 3243(d) or 3343(d) (as applicable) and Rule 3610 and will refer the matter for adjudication in accordance with the Arbitration Procedures (unless the matter is resolved by agreement without a hearing as permitted under the Protocol). The Agency may rely on any information submitted or obtained when investigating the Atypical Finding in the subsequent Adverse Analytical Finding case.

12. Subject to the notification requirements above, the deliberations of the Agency shall be confidential.

Publication of Atypical Findings

~~4413~~. At the end of each year, the Agency may publish a report setting out the following information, on an ~~anonymised~~anonymized basis:

(a) how many Atypical Findings were reported ~~by Laboratories~~ that year;

(b) how many Atypical Findings were pursued as Adverse Analytical Findings, and the Prohibited Substances in question;

(c) how many Atypical Findings were not pursued as Adverse Analytical Findings, and the Prohibited Substances in question; and

(d) how many Atypical Findings remain under investigation.

Public Comment

~~4514~~. Unless there are compelling reasons (as determined by the Agency), no Person may make any public comment on the specific details of an Atypical Finding while the investigation is ongoing. If such a disclosure is made by a Person not affiliated with the Authority or the Agency, the Authority or the Agency may respond to such public comment as it considers necessary.

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4615. If an Atypical Finding is not pursued as an Adverse Analytical Finding, no Person may make any public comment on the details of that Atypical Finding without the prior consent of the Responsible Person. If such a disclosure is made by a Person not affiliated with the Authority or the Agency, the Authority or the Agency may respond to such public comment as it considers necessary.

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Summary report:	
Litera Compare for Word 11.4.0.111 Document comparison done on 10/11/2023 19:02:54	
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Intelligent Table Comparison: Active	
Original filename: 3000. Protocol (FTC January 2023).DOCX	
Modified filename: 3000. Protocol - Nov 10, 2023.docx	
Changes:	
<u>Add</u>	1175
Delete	819
Move From	96
<u>Move To</u>	96
<u>Table Insert</u>	2
Table Delete	8
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	2196