

5000. Equine Testing and Investigations Standards

~~5010. Purpose~~

5100. Standards for Testing and Investigations

Rule 5110. Purposes

(a) The Equine Testing and Investigations Standards have been developed pursuant to the Act and the Protocol.

(b) The purposes of the Testing and Investigations Standards are:

~~(b1) The first purpose of the Testing and Investigations Standards is~~ to plan for intelligent and effective Testing, ~~both in and out of competition,~~ and to maintain the integrity and identity of the Samples collected from the point of notification of a Covered Horse's selection for Sample collection, to the point the Samples are delivered to a Laboratory (or other laboratory approved by the Agency) for analysis. To that end, these Testing and Investigations Standards establish protocols for test planning, notification of a Covered Horse's selection for Sample collection, preparing for and conducting Sample collection, security/post-test administration of Samples and documentation, and transport of Samples to Laboratories for analysis. As part of Testing, Samples may also be analyzed for 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; and

~~(e2) The second purpose of the Testing and Investigations Standards is~~ to establish rules for the efficient and effective gathering, assessment, and use of ~~anti-doping and medication control~~ intelligence, and for the efficient and effective conduct of investigations into possible ~~anti-doping and medication control rule violations~~ Anti-Doping Rule Violations and Controlled Medication Rule Violations.

(c) The Agency may delegate Testing and investigations (or aspects thereof) in accordance with Rule 3132. A State Racing Commission, Racetrack, Race Organizer, or other third party may request additional Testing (at its own cost) in accordance with Rule 3132.

~~5020~~Rule 5120. Definitions

Unless specified otherwise, capitalized terms used in these Testing and Investigations Standards have the meanings given to them in Rule 1020.

~~5100. Standards for Testing~~

5200. Test Planning and Strategy

~~5110~~Rule 5210. Planning Effective Testing

(a) The Agency ~~is required to~~shall plan and implement intelligent and effective Testing on Covered Horses ~~over which it has authority, and~~ that is proportionate to the risk of doping and the misuse of medication, and effective to detect and to deter such practices. The objective of ~~this~~-Rule 5200 is to explain the steps that form part of a Risk Assessment to inform Testing plans in a way that best ensures clean competition and protects the health and welfare of Covered Horses.

(b) The Agency shall ensure that ~~Covered Persons~~no person with a conflict of interest in the outcome of the Testing being contemplated ~~are not~~is involved in test distribution planning or in the process of selection of Covered Horses for Sample collection. Stewards may be delegated responsibility to make selections of Covered Horses for Post-Race Sample collection and shall not be considered to have a conflict of interest solely on the basis of their position as stewards.

~~(c) The Agency should monitor, evaluate, and update its Risk Assessment during the year or cycle in light of changing circumstances and in implementing its Testing plans.~~

5120 Rule 5220. Risk Assessment

The Risk Assessment ~~shall~~will be conducted in good faith, and reviewed and updated as required (at the discretion of the Agency), ~~and~~. The Risk Assessment should take into account (if available) the following information:

- (a) ~~discipline and individual~~ factors specific to any Covered Horse(s) or Covered Person(s) that may result in a higher potential for adopting doping behavior or misuse of medication;
- (b) available statistics and research on doping trends and misuse of medication, practices, and methods;
- (c) reliable information received and intelligence developed on possible doping practices and misuse of medication;
- (d) outcomes of previous test planning cycles, including past testing strategies;
- (e) optimal times to apply specific test types ~~(including analysis)~~ to maximize opportunities for detecting and deterring doping practices and misuse of medication;
- (f) the racing season schedule and training patterns;
- (g) injury and fatality reporting;
- ~~(h) given the structure~~ taking account of the racing season ~~(including generic racing schedules and training patterns)~~ schedule, the time during the year that a horse is most likely to be administered Banned Substances or to be subjected to Banned Methods ~~(including (for example) to enhance or impair performance or impact welfare to address possible injury or soundness)~~ issues; and
- (i) information or intelligence gathered from an investigation or from other sources (such as Equibase data) or other Persons, such as the Authority, State Racing Commissions, Racetracks, Laboratories, Regulatory Veterinarians, stewards, industry stakeholders, or racing authorities in other jurisdictions, and any intelligence developed by the Agency.

Rule 5230. Prioritization and the Test Distribution Plan

~~(g) any Risk Assessment carried out by a State Racing Commission or racing authority in another country and provided to the Agency for the purposes of enhancing its Risk Assessment.~~

~~5130. Prioritizing Between Covered Horses, Types of Testing, and Samples~~

- (a) The Agency should consider various factors in prioritizing the allocation of ~~Testing~~ resources (Test Distribution Plan). In addition, the Agency will use Target Testing to focus ~~Testing~~ resources where they are most needed within the overall pool of Covered Horses.
- (b) Factors relevant to determining which Covered Horses should be the subject of Target Testing may include, but are not limited to, the following:
 - (1) Covered Horses serving or returning from a period of Ineligibility or a Provisional Suspension;
 - (2) Covered Horses ~~who were high priority for Testing before retirement and are now~~ returning from retirement to active participation;
 - (3) Covered Horses' testing history, including any abnormal Sample data (e.g., an Atypical Finding reported by a Laboratory);
 - (4) Covered Persons' prior ~~anti-doping and medication control rule~~ violations and testing history, including any abnormal Sample data (e.g., an Atypical Finding reported by a Laboratory);
 - (5) Covered Horses' or Covered Persons' performance history, and performance pattern, or high performance (e.g., Trainer strike rate) without a commensurate testing record patterns;

(6) ~~repeated failure to meet whereabouts requirements~~ Covered Horses or Covered Persons participating in high-profile Covered Horseraces (e.g., Stakes Races and Triple Crown races);

(7) ~~inaccurate or~~ suspicious whereabouts ~~filing patterns~~ information or any repeated difficulties in locating the Covered Horse(s) for Sample collection;

(8) conduct of Covered Horses or Covered Persons during Sample Collection Sessions;

~~(89)~~ moving to or training in a remote or suspicious location;

~~(910)~~ suspicious withdrawal or absence from expected Covered Horserace(s);

~~(1011)~~ association with a third party (such as a Trainer, Veterinarian, or Owner) ~~with a history of involvement~~ known or suspected to be (or have been) involved in doping or misuse of medication;

~~(11) injury;~~

(12) any injuries of the Covered Horse in issue or of the other Covered Horses of a Trainer or Owner (including in the latter case, any fatalities);

~~(1213)~~ age and stage of career;

~~(1314)~~ financial incentives for improved or degraded performance, such as purse size, unusual betting patterns, or upcoming Claiming Race; or

~~(14) reliable information from a third party, or intelligence developed by or shared with the Agency.~~

(15) information that the Agency considers relevant and reliable gathered from an investigation or from other sources (such as Equibase data) or other Persons, such as the Authority, State Racing Commissions, Racetracks, Laboratories, Regulatory Veterinarians, stewards, industry stakeholders, or racing authorities in other jurisdictions, and any intelligence developed by the Agency.

(c) Target Testing is a priority because random Testing, or even weighted random Testing, does not ensure that all of the appropriate Covered Horses will be sufficiently tested. Covered Horses may be tested at any time and at any place ~~where they are located~~ (e.g., ~~Racetrack~~ racetrack, Training Facility, private facility). The Protocol does not impose any reasonable suspicion or probable cause requirement for Target Testing or Testing.

(d) Testing that is not Target Testing should be determined based on the Risk Assessment. ~~Testing should be conducted using a documented system for such selection, and test distribution planning strategies~~ such as weighted testing (where Covered Horses are ranked using pre-determined criteria to increase or decrease the chances of selection) or random testing (where no pre-determined criteria are considered, and Covered Horses are chosen arbitrarily from a list or pool of names). ~~Testing that is weighted should be prioritized and conducted according to defined criteria which may take into account the risk factors to ensure that a greater percentage of at risk Covered Horses are selected.~~

(e) Based on the Risk Assessment and prioritization process described above, the Agency ~~should determine to what extent each of the following types of Testing is required to effectively detect and deter doping and misuse of medication within the sport:~~

shall determine which test types (Rule 5240(a)) and Sample matrices (Rule 5250) it considers will be most effective. The Agency will also seek to ensure that adequate resources are allocated to cover Sample collections requested (and paid for) by Covered Persons (Rules 3133(c) and 5240(b)) and by third parties, such as ~~(1) TCO2 and Post-Race Sample collection on Race Day;~~

~~(2) Post-Work Sample collection following Timed and Reported Workouts;~~

~~(3) Out-of-competition Sample collection;~~

~~(4) Sample matrices to be considered:~~

~~(i) urine;~~

- (ii) hair;
- (iii) blood; or
- (iv) other matrices or methodologies, as available.

5140. Sample Analysis, Retention Strategy, and Further Analysis

~~(a) Laboratories shall analyze Samples for an Analytical Testing menu directed by the Agency. The Agency may also consider undertaking more extensive Sample analysis for Prohibited Substances or Prohibited Methods based on the assessed risk or any intelligence that the Agency may receive (e.g., specific Prohibited Substances, gene doping).~~

~~(b) The Agency should develop a system for retention of Samples and related documentation to enable the Further Analysis of such Samples at a later date in accordance with Rule 3138. Such a system should comply with the requirements of the Laboratory Standards and should take into account the purposes of Sample analysis set out in Rule 3137, as well as (without limitation) the following elements:~~

- ~~(1) Laboratory recommendations (when available);~~
- ~~(2) new relevant detection methods to be introduced in the future;~~
- ~~(3) collected Samples that meet some or all of the criteria set out at Rule 5130; or~~
- ~~(4) the Agency determining based on available information or random selection that long-term storage or Further Analysis of the Samples is appropriate.~~

5150. Coordinating With State Racing Commissions and Other Entities

~~(a) In accordance with Rule 3132, the Agency may delegate Testing (or aspects thereof) to State Racing Commissions, subject to the applicable State Racing Commission electing to enter into an agreement with the Agency. For example, the Agency may utilize Sample Collection Personnel employed or designated by a State Racing Commission to collect Samples. 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 Laboratory.~~

~~(b) The Agency may delegate Testing (or aspects thereof) to qualified third parties, e.g., by contracting a third-party sample collection service provider to collect Samples on behalf of the Agency.~~

~~(c) State Racing Commissions, Racetracks, and Race Organizers, and other third parties may (at their own cost) contract with the Agency to collect additional Samples on Covered Horses in a manner that is consistent with the Act and the Protocol (Rules 3133(b)).~~

Rule 5240. Test Types

(a) The Agency will conduct Testing using the test types set out in Rule 3133.

5200. Notification

5210. Requirements Prior to Notification

~~(a) Testing without No advance notice should Testing shall be the method used for Sample collection except in where specified otherwise or in exceptional and justifiable circumstances where. No advance notice is required to facilitate the Testing. If the Responsible Person is with the Covered Horse at the time of notification, the Responsible Person should be the first Person notified that the Covered Horse has been selected for Sample collection. Testing includes the following test types:~~

- (1) Post-Race;

(2) Post-Work;

(3) TCO2; and

(4) Out-of-Competition.

(c) In order to ensure that Testing is conducted ~~on a without~~with no advance notice ~~basis~~, the Agency shall ensure Testing selection decisions are only disclosed in advance of Testing to those who need to know in order for such Testing to be conducted. Any notification to a third party shall be conducted in a secure and confidential manner to minimize the risk that the Responsible Person or other Covered Person will receive any advance notice of a Covered Horse's selection for Sample collection.

(d) Additional No Advance Notice Testing may also be conducted (at the Agency's discretion) in accordance with Rule 3133(b) on request (and if paid for by) a State Racing Commission, Racetrack, Race Organizer, or other third party.

(e) In accordance with Rule 3133(c), Covered Persons may request certain types of Testing to be conducted by the Agency. In such circumstances, the Agency may schedule or provide advance notice of Testing to the Responsible Person or Nominated Person to coordinate the Sample Collection Session. Such Testing includes the following test types:

(1) Clearance Testing;

(2) Transfer Testing;

(3) Claimed Horse Testing; and

(4) Post-Vets' List Work Testing.

(f) In accordance with Rule 3133(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 5250. Sample Matrices

Testing shall include the collection of any one or more of the following Sample matrices from the Covered Horse:

(a) urine;

(b) blood;

(c) hair; and

(d) any other biological matrices, as determined by the Agency.

Rule 5260. Analytical Testing Menus

Laboratories shall analyze Samples for an Analytical Testing menu directed by the Agency. The Agency may require a full Analytical Testing menu to be run on any Sample, even if identification of certain of those substances in the Sample would not constitute a violation of the Protocol, in order to contribute to the Agency's monitoring program, intelligence, research, or other legitimate aim. The Agency may also consider undertaking a more limited or more extensive Analytical Testing menu on any Sample based on the assessed risk or any intelligence that the Agency may receive (e.g., specific Prohibited Substances, designer drugs, gene doping).

5300. General Requirements

Rule 5310. Sample Collection Personnel

(a) Only Sample Collection Personnel who have been certified by the Agency are permitted to collect and handle Samples on behalf of the Agency until those Samples are transferred to a courier for transport to the Laboratory or other laboratory approved by the Agency. As set out in Rule 1020, Sample Collection Personnel include, but are not limited to, Test Barn Supervisors (for Post-Race Testing), Collection Officers, Blood Collection Officers, and Collection Assistants.

(b) A Test Barn Supervisor (who is also a CO or BCO) will be appointed by the Agency to supervise Post-Race Sample collections at the Test Barn, including by managing all Agency-certified Sample Collection Personnel and other authorized persons and all Sample collection activities.

(c) The Agency shall establish the necessary qualification requirements for Sample Collection Personnel. At a minimum Sample Collection Personnel shall:

(1) be 18 years or older;

(2) undergo any screening required by the Agency (e.g., background checks, conflicts of interest);

(3) undergo any training required by the Agency in order to be certified by the Agency as certified Sample Collection Personnel; and

(4) in order to become and remain a BCO, be a Veterinarian or veterinary technician authorized under State law with the practical skills and knowledge to perform blood collection from a vein on a horse.

(d) Conflicts.

~~(b1) The Agency shall appoint DCOs, BCOs, Chaperones, and other~~ not assign any Sample Collection Personnel ~~sufficient to facilitate Testing without advance notice and to ensure continuous observation of the Covered Horse and confirmation that the Covered Horse is in a secure location (a stall, for example) throughout the Sample collection process.~~ to a Sample Collection Personnel must be trained for their assigned responsibilities, must not ~~Session where they~~ have a conflict of interest with respect in relation to the performance or outcome of the relevant Sample collection, ~~and must be 18 or older. See Rule 5450 for more information on~~ process. A conflict of interest is a set of circumstances that creates a risk that the Sample Collection Personnel's professional judgment or actions in their service as Sample Collection Personnel requirements will be unduly influenced by a competing professional or personal interest. Such competing interests can make it difficult to act with integrity. A conflict of interest may exist even if no unethical or improper action was taken and may create an appearance of impropriety that can undermine confidence in the Agency.

~~(e2) All Sample Collection Personnel shall have official documentation provided by the Agency, evidencing their authority to collect a Sample from the Covered Horse.~~ disclose any potential or actual conflicts of interest. However, not all conflicts of interest will preclude Sample Collection Personnel from providing services for the Agency.

~~(d) Information provided in the Covered Horse's whereabouts filing and registration with the Authority, or other equally reliable form of identification, shall be used by Sample Collection Personnel to confirm the identity of the Covered Horse. Confirmation of the Covered Horse's identity by any other method or failure to confirm the identity of the Covered Horse shall be documented, including through photographs, and reported to the Agency.~~

~~(e) The DCO or BCO shall establish the location of the selected Covered Horse and plan the approach and timing of notification, taking into consideration the specific circumstances of the location, schedule, and the situation in question (e.g., Covered Horserace, Timed and Reported Workout, Vets' List Workout).~~

5220. Requirements for Notification

(3) At a minimum:

(i) all potential Sample Collection Personnel shall disclose if they or an immediate family member (i.e., a parent, child, sibling, or spouse/domestic partner/companion):

(A) have a financial interest in, or provide goods or services for, any Covered Horse(s);

(B) are an employee of an Owner, Breeder, Trainer, or Jockey of any Covered Horse(s) or a Veterinarian that treats any Covered Horse(s);

(C) have a business or commercial relationship with an Owner, Breeder, Trainer, or Jockey of any Covered Horse(s) or a Veterinarian that treats any Covered Horse(s);

(D) are an employee, officer, official or agent of a State Racing Commission, a Racetrack, or any other organization that is regularly and significantly engaged in the equine industry; or

(E) serve in any governance or policymaking capacity with a State Racing Commission, a Racetrack, or any other organization that is regularly and significantly engaged in the equine industry; and

(ii) all Sample Collection Personnel shall disclose any material interests or relationships (especially economic) that may be viewed as a potential or actual conflict of interest, such as the Sample Collection Personnel or their immediate family member:

(A) having a relationship with any Covered Person, Responsible Person, Owner, Breeder, Trainer, or Jockey of any Covered Horse(s) or a Veterinarian that treats any Covered Horse(s);

(B) having a relationship with any Racetrack that conducts Covered Horseraces, any State Racing Commission, any Training Facility, any farm or layup facility that houses Covered Horses, or any other organization regularly and significantly engaged in the equine industry;

(C) having an affiliation with any HEAL-accredited or RMTC-accredited laboratory;

(D) having any business dealings or financial interest with the Agency or the Authority or any vendor or supplier of the Agency or the Authority; or

(E) having any other affiliation or interest not listed above, or any circumstances that might be perceived to compromise their services to the Agency.

~~(ae) Out-of-competition Sample collection~~ Training.

(1) The Agency shall provide or approve written, in person, or online training materials for Sample Collection Personnel ~~will seek to locate the Covered Horse based on available data regarding Racetracks and Training Facilities or based on whereabouts information that outline their respective responsibilities and provide adequate training for their roles.~~

(2) The Agency shall ensure that Sample Collection Personnel have completed any pre-requisite requirements (including training) prior to issuing them a credential or other authorization documentation.

~~(2) If the Sample Collection Personnel are able to locate the Covered Horse, notification of out-of-competition Sample collection shall ordinarily take place in person, but may, if necessary, take place by telephone, text message, or email using the contact details provided by the Responsible Person upon registration with the Authority.~~

~~(3) If the Sample Collection Personnel are not able to locate the Covered Horse based on available data or whereabouts information, notification of out-of-competition Sample collection shall take place by telephone, text message, or email, using the contact details provided by the Responsible Person upon registration with the Authority.~~

~~(4) In accordance with Rule 3215, the Responsible Person shall ensure that the Covered Horse is produced for Sample collection immediately upon notification by a duly authorized person in accordance with the Agency's procedures if the Covered Horse is present at the location where notification is attempted. If the Covered Horse is not present at the 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 considers that extenuating circumstances justify doing so.~~

~~(53) At the time of notification, the The training program for Sample Collection Personnel shall inform the Responsible Person or Nominated Person should include, at a minimum:~~

~~(i) that the Covered Horse is required to undergo Sample collection comprehensive theoretical training in the activities relevant to the Sample Collection Personnel position;~~

~~(ii) that immediate access to the Covered Horse shall be granted, and (if that is not possible because the Covered Horse is not present at the location), the Responsible Person has 6 hours to produce the Covered Horse for Sample collection, failing which significant Consequences may apply in accordance with Rule 3215;~~

~~(iii) that the Sample collection process shall start immediately, unless there are valid reasons for a delay (as determined by the DCO or BCO);~~

~~(iv) that the Sample collection process shall take place in a secure location determined suitable by the DCO or BCO (e.g., the horse's stall);~~

~~(v) of the responsibilities of the Responsible Person or Nominated Person with respect to the Covered Horse, including the requirement to:~~

~~(A) ensure that the Covered Horse remains under continuous ii) observation of at least one Sample Collection Session conducted by qualified Sample Collection Personnel ~~at all times until the completion of the Sample collection procedure;~~ and~~

~~(iii) satisfactory completion of at least one Sample Collection Session on-site under observation by a qualified Sample Collection Personnel, Agency staff, or other qualified person authorized by the Agency to conduct such training and observation.~~

~~(B) not leave the Covered Horse unattended once the Responsible Person or Nominated Person is notified and contact is made with the Covered Horse until the completion of the Sample collection procedure;~~

~~(C) produce on request identification for himself or herself and the Covered Horse. Identification for the Responsible Person or Nominated Person should include his or her Authority registration number or (if not available) valid photo identification. The Sample Collection Personnel may take photographs of the individual(s) and the Covered Horse if identification is not provided;~~

~~(D) comply and cooperate with Sample collection procedures and processes (the Responsible Person or Nominated Person should also be advised of the possible Consequences of failure to comply, including pursuant to Rule 3215 and 3510); and~~

~~(E) ensure that the Covered Horse is not administered any medications or supplements from notification of Sample collection until completion of Sample collection, unless there is a medical emergency, as determined by a Regulatory Veterinarian or (if not available) a Veterinarian.~~

~~(6) The Sample Collection Personnel shall have the Responsible Person or Nominated Person sign an appropriate form to acknowledge and accept the notification of Sample collection. If the Responsible Person or Nominated Person refuses to sign the form, or evades notification, the Sample Collection Personnel should, if possible, inform the Responsible Person or Nominated Person of the Consequences of a failure to comply, and the Sample Collection Personnel (if not the DCO) shall immediately report all relevant facts to the DCO or BCO. When possible, the Sample Collection Personnel shall continue the Sample collection. The DCO shall document the facts in a detailed report and report the circumstances to the Agency.~~

~~(7) A Nominated Person may be replaced by another Nominated Person during the Sample collection process upon reasonable request to the Sample Collection Personnel so long as the new Nominated Person (i) falls within the scope of the definition of Nominated Person, (ii) completes the relevant portions of the Sample collection paperwork, and (iii) does not interfere with the Sample collection~~

~~process. Any changes of Nominated Person during the Sample collection process shall be documented by the Sample Collection Personnel.~~

~~(b) Post-Race Sample collection.~~

~~(1) Pursuant to Rule 1020, a Post-Race Sample includes any Sample collected by or on behalf of the Agency from a Covered Horse where notification of such Sample collection takes place no more than 1 hour after the end of a Covered Horserace in which a Covered Horse participates or is entered, or the end of a Vet's List Workout in which a Covered Horse participates.~~

~~(2) A member of the Sample Collection Personnel will tag or otherwise identify a Covered Horse selected for Sample collection (ordinarily in the unsaddling area) within 1 hour of the end of the Covered Horserace or Vets' List Workout and chaperone the Covered Horse, to the extent possible, from the point of tagging/notification until the end of the Sample Collection Session. Such notification should inform the Responsible Person or Nominated Person:~~

~~(i) that the Covered Horse is required to undergo Sample collection;~~

~~(ii) that the Covered Horse must report to the Test Barn as soon as practicable, unless there are valid reasons for a delay (as determined by the DCO or BCO);~~

~~(iii) of the location of the Test Barn;~~

~~(iv) of the responsibilities of the Responsible Person or Nominated Person with respect to the Covered Horse, including the requirement to:~~

~~(A) ensure that the Covered Horse remains under observation of Sample Collection Personnel, to the extent possible, until the completion of the Sample Collection Session;~~

~~(B) not leave the Covered Horse unattended to the extent possible once the Responsible Person or Nominated Person is notified and contact is made with the Covered Horse until the Sample Collection Session is completed;~~

~~(C) produce on request identification for himself or herself (which shall include his or her Authority registration number) and the Covered Horse. The Sample Collection Personnel may take photographs of the individual(s) and the Covered Horse if no identification is provided;~~

~~(D) comply and cooperate with Sample collection procedures and processes (the Responsible Person or Nominated Person should be advised of the possible Consequences of a failure to comply, including pursuant to Rule 3215 and 3510);~~

~~(E) ensure that the Covered Horse is not administered any medications or supplements (or similar items) from notification of Sample collection until completion of the Sample Collection Session, unless there is a medical emergency, as determined by the Test Barn Veterinarian or a Regulatory Veterinarian; and~~

~~(F) confirm that the water bucket of the Covered Horse is clean and acceptable and ensure that it is only used for that Covered Horse during the Sample Collection Session.~~

~~(3) The Sample Collection Personnel shall notify the Responsible Person or Nominated Person and document the time and the individual notified (e.g., by taking a photograph or by having the Responsible Person or Nominated Person sign an appropriate form or through such other reasonable and appropriate measure under the circumstances), and the Responsible Person or Nominated Person must sign an appropriate form to acknowledge and accept the notification no later than once in the Test Barn or other secure location. If the Responsible Person or Nominated Person refuses to sign the form, or evades the notification, the Sample Collection Personnel should, if possible, inform the Responsible Person or Nominated Person of the Consequences of a failure to comply, and the Sample Collection Personnel (if not the DCO or BCO) shall immediately report all relevant facts to the DCO or BCO. When possible, the Sample Collection Personnel shall continue the Sample collection. The DCO or BCO shall document the facts in a detailed report and report the circumstances to the Agency.~~

~~(4) From the time that a Covered Horse is tagged or identified for Sample collection until the end of the training program for Sample Collection Personnel should include standard precautions to ensure the safety and welfare of Covered Horses, Covered Persons, Sample Collection Personnel, and all other persons participating in the Sample collection process, the Sample Collection Personnel shall keep the Covered Horse under observation or ensure the Covered Horse is in a secure location (a stall, for example).~~

~~(5) A Nominated Person may be replaced by another Nominated Person during the Sample collection process upon reasonable request to the The Agency should ensure that Sample Collection Personnel, so long as the new Nominated Person (i) falls within the scope of the definition of Nominated Person, (ii) completes the relevant portions of the Sample collection paperwork, and (iii) does not interfere with the Sample collection process. Any changes of Nominated Person during the Sample collection process shall be documented by the Sample Collection Personnel. are adequately trained to carry out their responsibilities in a manner respectful of any Covered Persons who are of a different race, religion, sex, national origin, sexual orientation, age, citizenship, disability, gender identity, or Veteran status.~~

~~(e) Pre-race Sample collection Certification and credentialing.~~

~~Blood samples may be collected before a Covered Horse race or Vets' List Workout for purposes of TCO2 testing in accordance with Rule 5430. Sample Collection Personnel shall provide notification of Sample collection in accordance with paragraph (a) or (b) above depending on the circumstances.~~

~~(d) Post-Work Sample collection.~~

~~Samples may be collected after a Timed and Reported Workout in accordance with Rule 5400. All Banned Substances and any Controlled Medication Substances specifically identified on the Prohibited List as prohibited during Timed and Reported Workouts are prohibited from being present in a Post-Work Sample. Sample Collection Personnel shall provide notification of Sample collection in accordance with paragraph (a) and (b) above depending on the circumstances.~~

5230. Requests for Delay

~~(a) The DCO or BCO may consider any reasonable request from the Responsible Person or Nominated Person or third party for permission to delay beginning the Sample collection process following acknowledgment and acceptance of notification. The DCO or BCO may grant such permission only if the Covered Horse can remain under continuous observation of Sample Collection Personnel at all times until the completion of the Sample collection procedure. The DCO or BCO shall otherwise reject a request for delay, unless there is a medical emergency (as determined by a Test Barn Veterinarian or Regulatory Veterinarian or, if not available for an out-of-competition Sample collection, a Veterinarian) or other circumstances so require it (as determined by the DCO or BCO).~~

~~(b) For Race Day Sample collection, delayed reporting to the Test Barn may be permitted in accordance with paragraph (a) on account of:~~

~~(1) participation in the winner's circle;~~

~~(2) obtaining necessary medical treatment if there is a medical emergency, as determined by a Regulatory Veterinarian or Test Barn Veterinarian; or~~

~~(3) any other reasonable circumstances, as determined by the DCO or BCO, taking into account any instructions of the Agency.~~

~~(c) For out-of-competition Sample collection, delayed reporting for Sample collection may be permitted in accordance with paragraph (a) on account of:~~

~~(1) completing a training session or a cool-down;~~

~~(2) receiving necessary medical treatment if there is a medical emergency, as determined by a Regulatory Veterinarian or (if not available) a Veterinarian; or~~

~~(3) any other reasonable circumstances, as determined by the DCO or BCO, taking into account any instructions of the Agency.~~

~~(d) Sample Collection Personnel shall document any reasons for delay in reporting for Sample collection.~~

~~(e) If immediate access to the Covered Horse is not granted, the DCO or BCO shall report to the Agency a possible failure to comply. If at all possible, the DCO or BCO shall proceed with collecting a Sample.~~

5300. ~~Preparing for the Sample Collection Session~~

5310. ~~General Requirements~~

~~(a1) The Agency should~~shall establish a system for ~~obtaining all of the information necessary to ensure that the certification and re-certification of~~ Sample Collection ~~Session can be conducted effectively.~~ Personnel. Sample Collection Personnel certification shall be valid for a maximum of 2 years. Sample Collection Personnel should be subject to an assessment (theoretical or practical) before re-certification.

(2) Once certified, the Agency should provide Sample Collection Personnel with a credential (including their name, photograph, date of expiration, and confirmation that they are Sample Collection Personnel certified by the Agency) or other authorization documentation.

(3) The Agency may revoke the certification of Sample Collection Personnel if it considers it appropriate to do so.

(4) The Agency will seek to develop a system to monitor the performance of Sample Collection Personnel.

(5) The Agency will maintain records of conflicts of interest and training of all Sample Collection Personnel.

Rule 5320. Other Authorized Persons

The Agency may authorize other persons (who are not certified Sample Collection Personnel) to assist with the Sample collection process and related activities (e.g., as a tagger, escort, security staff, cleaning/maintenance staff), but such persons may not collect or handle Samples. Any such persons shall:

(a) be 18 years or older; and

(b) undergo any relevant training required by the Agency, State Racing Commission, or Racetrack.

Rule 5330. Location of Sample Collection Sessions

(a) For all Sample collections other than Post-Race Sample collections, the CO or BCO will determine a suitable location to be used for the Sample Collection Session (e.g., Test Barn, horse's stall). 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, Training Facility, private facility); the Agency shall not require the Covered Horse to be transported to another location.

(b) For ~~Race Day~~Post-Race Sample collection, a Test Barn should be used ~~that, where possible, is used solely as a Test Barn for the duration of~~for all Sample Collection Sessions. ~~Unauthorized persons should not be permitted access to the Test Barn.~~ Should the ~~DCO~~CO or BCO determine ~~that~~ the Test Barn is unsuitable, he or she shall seek an alternative location. to conduct the Sample Collection Sessions. The Test Barn should comply with the following requirements:

(1) Unauthorized persons should not be permitted access to the Test Barn. There should be a designated security person at the entrance to the Test Barn to ensure that no unauthorized person is permitted in the Test Barn and to keep a record of the names of all persons and horses who enter the

Test Barn (with the date and time of their entries and exits) using an Agency-approved document. A copy of that record shall be provided to the Agency following completion of the day's Post-Race Testing.

(2) Where possible, the Test Barn should be used solely as a Test Barn for the duration of all scheduled Sample Collection Sessions. If a Test Barn is used for the examination of horses that have been claimed in a Claiming Race or for the testing of other breeds of horses not under the jurisdiction of the Authority, and where such testing overlaps with the times when Covered Horses are subject to Sample collection in the Test Barn, the Agency shall have the authority to record the names of all horses and persons who access the Test Barn.

(3) The Test Barn should be kept clean and tidy and in good repair and condition. In particular, water buckets must be thoroughly cleaned between Sample Collection Sessions (with only one bucket being used for each Covered Horse), and stalls should be cleaned as necessary between Sample Collection Sessions.

(4) Unless otherwise approved by the Agency, the Test Barn should be equipped with:

(i) an enclosed area for Covered Horses to walk in or adjacent to the Test Barn that is large enough to accommodate several horses and to allow for continuous observation of the Covered Horses;

~~(ii) sufficient enclosed stalls for the number of Sample collections that permit observation of the collection process and provide for the protection of Covered Horses undergoing Sample collection and space for Sample Collection Personnel and up to 2 Covered Persons per Covered Horse;~~

(ii) sufficient enclosed stalls for Sample collections that should have a minimum dimension of 10'x10' (preferably 12'x12');

(iii) a mechanism that permits clear observation of the Sample collection (e.g., a 'peep hole' in the stall door or a video camera capturing the stall area);

~~(iiiiv) facilities and equipment for the collection, identification, and storage of Samples, including one refrigerator or cooler that can be locked or otherwise secured, and one freezer that can be locked or otherwise secured;~~

(v) required Sample collection documentation and designated storage for such documentation that can be locked or otherwise secured;

(ivvi) an area and appropriate facilities for a Covered Horse to be bathed;

(vii) a table or other suitable surface to process and seal Samples and as a workspace for the Sample Collection Personnel;

(viii) access to hot and cold running water;

(ix) clean water buckets for each Covered Horse; and

~~(the Responsible Person and Nominated Person are not permitted (viii) a security officer to ensure no unauthorized person is permitted in the Test Barn.~~

~~(2) The Test Barn Veterinarian shall be responsible for managing horse welfare in the Test Barn. For example, this includes determining when and how to manage congestion in the Test Barn, when to release Covered Horses from the Test Barn, and whether (if necessary) to permit treatment of a Covered Horse. To bring any water bucket to the Test Barn and are instead required to use a water bucket provided for the Covered Horse in the Test Barn may receive medical treatment only with the prior authorization of the Test Barn Veterinarian or a Regulatory Veterinarian.; and~~

~~(c) For out-of-competition Sample collection, the DCO or BCO will determine a suitable location to be used for the Sample Collection Session. If at a stable, by default the Covered Horse's own stall should be used.~~

(x) shavings, straw, or other Agency-approved bedding for Test Barn stalls.

Rule 5340. Suitable Facilities for the Agency and Authorized Personnel

Racetracks shall provide the Agency with suitable office space on request for use by Agency staff, Sample Collection Personnel, and other Agency-authorized personnel at the relevant racetrack for such period as may be specified by the Agency in relation to Covered Horseraces or other Testing conducted at the relevant racetrack. Unless agreed otherwise by the Agency, office space shall be provided both in or near the security office and at the Test Barn.

5320Rule 5350. Sample Collection Equipment

(a) General. Sample Collection Personnel should ensure that they have adequate supply of and use Sample Collection Equipment provided by or approved by the Agency.

(b) Minimum requirements. Sample Collection Equipment should, at a minimum:

(1) have a unique numbering system for all bottles, containers, tubes, ~~security bags, bar code labels, or other items used to seal and transport the Samples;~~

or, if applicable, bags or envelopes used to contain a Sample that does ~~(2) have a Tamper Evident sealing system;~~

~~(3) not reveal the identities of the Responsible Person and Covered Horse; on the equipment (i.e., only the unique numbering system shall be used on the equipment)~~

~~(4)~~ be clean and sealed prior to use;

~~(5)~~ be constructed of a material ~~and sealing system~~ approved by the Agency that should:

(i) be able to withstand the handling conditions and environment in which the equipment will be used or subjected to, including, but not limited to, transportation, Laboratory analysis, and long-term storage;

(ii) maintain the integrity (chemical and physical properties) of the Sample for ~~Laboratory~~laboratory analysis and storage conditions;

~~(iii) if the Sample will be transported or stored frozen, withstand temperatures of up to -20 °C and a minimum of 3 freeze/thaw cycles;~~

~~(iv)~~iii in relation to urine and blood samples only, be transparent or translucent so that the Sample is visible;

~~(v) have a sealing system that allows verification by the Responsible Person or Nominated Person and the DCO or BCO that the Sample is correctly sealed in the bottles or containers;~~

~~(vi)~~iv be designed to prevent leakage during transportation (including by air); and

~~(vii)~~v have been manufactured under the internationally recognized ISO 9001 certified process which includes quality control management systems; ~~and~~

~~(viii) be able to be resealed after initial opening by a Laboratory to maintain the integrity of the Sample and Chain of Custody in accordance with the requirements for long-term storage and Further Analysis; and~~

(4) have a Tamper Evident sealing system;

~~(6)~~5 include a transport ~~device or packaging~~container that is suitable ~~to~~for the Sample ~~at~~ issuematrices.

(c) ~~Additional requirements applicable to urine Samples.~~ In addition to the requirements of paragraph (b) ~~of this Rule 5320~~above, Sample Collection Equipment ~~used in the collection of urine Samples~~ shall include:

(1) for urine Samples:

~~(1)~~ a collection ~~vessel~~container with the capacity to contain a minimum of 50 mL volume of urine;

~~(2ii) A and B~~two urine bottles, each with the capacity to contain a minimum of 25 mL volume of urine; and

~~(3iii) visual markings on the A and B bottles~~each bottle and the collection ~~vessel, indicating the minimum container to indicate the~~ volume of urine ~~required and obtained, and for the Sample bottles,~~ the maximum volume levels that allow for expansion when frozen without compromising the bottle, container, or sealing system.;

~~(d2) Specific requirements applicable to for~~ blood Samples. ~~In addition to the requirements of paragraph (b) of this Rule 5320, Sample Collection Equipment used in the collection of blood Samples shall include:~~

~~(4i) an individually sealed~~ needle for blood sampling; and

~~(2i) blood collection tubes, each with a capacity to contain allowing for~~ a minimum ~~of 8 mL of blood, to ensure a minimum total~~volume of 30 mL of blood ~~isto be~~ collected (except for TCO2 testing, where a lesser volume may be collected at the discretion of the Agency).;

~~(e) Specific requirements applicable to Hair Samples and other Samples. Sample Collection Personnel should ensure that they have the necessary equipment for hair Sample collection and any other approved Testing matrices or methodologies, in accordance with any procedures or guidance issued by the Agency.~~

~~5400. Conducting the Sample Collection Session~~

~~5410. Collection of Samples~~

~~(a) The Agency shall be responsible for the overall conduct of the Sample Collection Session, with specific responsibilities delegated to the DCO or BCO. Sample collection may be performed only by Sample Collection Personnel approved by the Agency. The Agency may issue supplemental procedures or guidance regarding Sample collection procedures as it considers necessary.~~

~~(b) The following Persons may be authorized or required to be present during the Sample Collection Session:~~

~~(1) Sample Collection Personnel sufficient to notify, chaperone, and collect the required Samples must be present during the Sample Collection Session;~~

~~(2) the Responsible Person or Nominated Person should be present during the Sample Collection Session. If the Responsible Person or Nominated Person is not present, this will be documented by the DCO or BCO;~~

~~(3) no more than 2 Covered Persons (including the Responsible Person or Nominated Person) may be present during the Sample collection for a Covered Horse, except in exceptional circumstances, as determined by the DCO or BCO; and~~

~~(4) any Person authorized by the Agency (e.g., a person who is involved in the training or supervision of Sample Collection Personnel) may be present during the Sample Collection Session.~~

~~(c) The Sample Collection Personnel will coordinate with the Test Barn security officer to ensure that no unauthorized person is permitted in the Test Barn.~~

~~(d) For Race Day Sample collection, the Covered Horse shall remain in the Test Barn through to the end of the Sample collection when the Covered Horse is released from the Test Barn by the DCO.~~

~~(e) Samples shall be collected in a manner that ensures:~~

~~(1) the Sample is of a quality and quantity that meets the relevant Sample suitability and analytical requirements;~~

~~(2) the Sample has not been contaminated or otherwise tampered with in any way at the time of collection;~~

~~(3) the Sample is clearly and accurately identified; and~~

~~(4) the Sample is securely sealed in a Tamper Evident kit.~~

~~(f) The Sample Collection Personnel shall collect the Sample from the Covered Horse according to the following protocol(s) for the specific type of Sample collection:~~

~~(1) Rule 5420: Collection of urine Samples;~~

~~(2) Rule 5430: Collection of blood Samples; and~~

~~(3) Rule 5440: Collection of for hair Samples.;~~

~~(g) Except for Samples collected for TCO2 testing (see Rule 5430(p) below), each Sample collected shall be split into an A and a B Sample at the time of collection.~~

~~(h) In general, the relevant Sample Collection Personnel should wear a new pair of disposable gloves when handling the Sample collection vessel/tubes and when sealing Samples.~~

(i) two bags or two envelopes sufficient in size for the split hair Sample; and

(ii) an elastic band or other tie to be used to indicate the root end or, if applicable, the cut end of the hair Sample;

(4) for any other Sample matrix, such equipment as may be specified by the Agency.

Rule 5360. Sample Collection Documentation

~~(a)~~ The following information shall be recorded at a minimum on the Sample collection documentation for a Sample Collection Session:

~~(1) date and time of notification and name of notifying Sample Collection Personnel~~of Sample collection;

(2) test type (e.g., Post-Race, Post-Work, TCO2, Out-of-Competition);

(3) location of Sample collection (e.g., name of racetrack or Training Facility);

~~(24)~~ the arrival time of the Covered Horse to the Test Barn (for ~~Race Day~~Post-Race Sample collection) or ~~secure location (for out-of-competition Sample collection)~~the time that the relevant Sample Collection Personnel begins the Sample Collection Session (for all other test types);

~~(35)~~ the name of the Responsible Person ~~and Nominated Person;~~

~~(46)~~ ~~any changes in~~ the name(s) of any Nominated Person ~~during~~involved in the Sample Collection Session;

~~(5) the contact information of the Responsible Person or Nominated Person(s), if requested;~~

~~(67)~~ the name of the Covered Horse;

~~(78)~~ the sex of the Covered Horse (~~intact male~~filly, mare, colt, stallion, ridgling, or gelding);

~~(8) the color of the Covered Horse;~~

(9) the means by which the Covered Horse's identity is validated (~~e.g.,~~ microchip number, ~~or branding~~); tattoo, or other recorded markings; or, absent such identification, a photograph of the Covered Horse;

(10) the name ~~and signature~~(s) of the Sample Collection Personnel ~~involved in~~responsible for collecting and sealing the Sample ~~collection process for~~(s) collected from the Covered Horse;

~~(11) the name of additional Covered Persons (if any) present during the Sample Collection Session;~~

~~(12)~~ the Sample code ~~number~~(s);

~~(13)~~ the ~~date and~~time of sealing of each Sample collected ~~and date and time of completion of entire Sample Collection Session~~;

~~(14) the location at which the Sample Collection Session took place;~~

~~(15)~~ the type of ~~the~~Sample(s) collected (e.g., urine, blood, hair);

(14) for Post-Race Sample collection, whether the Covered Horse was eligible for the administration of furosemide (aka Lasix/Salix) during the Race Period;

~~(16) the type of test, e.g., Race Day (TCO2 or Post-Race Sample), Post-Work, or out-of-competition;~~

~~(17) whether furosemide was administered to the Covered Horse within 48 hours before Post-Time;~~

~~(18)~~ any required Laboratorylaboratory information on the Sample (e.g., for urine or blood ~~Sample, its Samples, number of bottles or tubes collected and whether adequate~~ volume was collected); for hair ~~Sample Samples~~, mane/tail and pulled/cut);

~~(19) for a blood Sample, the information to be recorded by the DCO or BCO as outlined in Rule 5430;~~

~~(20)~~ any irregularities in procedures (e.g., ~~if advance notice was provided~~, if there were any delays in arriving to the Test Barn or secure location, or any anomalous behavior by those present at the collection);

~~(21)~~ any comments or concerns from the Responsible Person or Nominated Person regarding the conduct of the Sample Collection Session; ~~and~~

~~(22) acknowledgement by~~(18) name and signature of the Responsible Person or Nominated Person to acknowledge accuracy of the ~~processing of~~Sample collection ~~data and a description of such processing documentation upon~~(j) ~~At the~~ conclusion of the Sample Collection Session ~~the Responsible Person or Nominated Person and DCO or BCO shall sign appropriate documentation to indicate their satisfaction (or otherwise) that the documentation accurately reflects the details of the Covered Horse's Sample Collection Session. The DCO (or BCO) shall also provide the Responsible Person or Nominated Person the opportunity to document any concerns he or she may have concerning~~;

(19) name and signature of the CO or BCO who conducts final review of the Sample collection documentation for accuracy; and

(20) time and date the Sample Collection Session is concluded.

(b) The Responsible Person shall be provided with an electronic record of the Sample collection documentation from the Sample Collection Session of his or her Covered Horse.

5400. Conducting the ~~manner in which~~ Sample Collection Session ~~was conducted~~.

~~(k) The Agency may require the Sample Collection Personnel to complete supplemental documentation regarding the Sample Collection Session. For example, any anomalous behavior by the Responsible Person, Nominated Person, or other Covered Persons or Persons associated with the Covered Horse or Responsible Person, or behavior with the potential to compromise the Sample collection shall be recorded in detail by the Sample Collection Personnel. If the Covered Horse~~

requires any emergency medical treatment, that shall be recorded in detail by the Sample Collection Personnel.

~~(I) Only the DCO or BCO is authorized to end a Sample Collection Session and so release a Covered Horse from the Test Barn or Sample collection location. Only the DCO or BCO, in consultation with the Test Barn Veterinarian for any Race Day Sample collection, is authorized to temporarily release a Covered Horse from the Test Barn or Sample collection location.~~

Rule 5410. Authority

The Agency shall be responsible for the overall conduct of the Sample Collection Session, with specific responsibilities delegated to Sample Collection Personnel and (subject to Rule 5320) other persons authorized by the Agency. The Agency may issue supplemental procedures or guidance regarding Sample collection procedures as it considers necessary.

5420. Requirements Prior to Sample Collection

Rule 5421. Locating the Covered Horse

(a) No advance notice Testing.

The Sample Collection Personnel will seek to locate the Covered Horse based on information obtained from Racetracks and Training Facilities, whereabouts information, and other information available to the Agency regarding the Covered Horse and/or Covered Person(s) associated with the Covered Horse.

(b) Scheduled Testing with advance notice.

If the Agency approves a request for Testing by a Covered Person and that Covered Person complies with the applicable requirements set out in Rule 3133(c) or otherwise specified by the Agency, the Agency will confirm the time and location of the Sample Collection Session to the Responsible Person or Nominated Person.

Rule 5422. Notification

(a) General obligations.

(1) Sample Collection Personnel shall have a credential or other official documentation evidencing their authority to collect Samples from Covered Horses on behalf of the Agency. Sample Collection Personnel shall present their credential or other official documentation on request by the Responsible Person or Nominated Person. If the Sample Collection Personnel have a credential or other authorization that does not include a photograph, the Sample Collection Personnel shall also carry a Federal- or State-issued identification and present it on request by the Responsible Person or Nominated Person.

(2) In accordance with Rule 3040(b)(2), upon notification by a duly authorized person that the Covered Horse has been selected for Sample collection, the Responsible Person and any Nominated Person acting on his or her behalf shall be deemed to be on notice of his or her obligations during the Sample Collection Session.

(b) Notification procedure for no advance notice Testing.

(1) Notification of Sample collection shall ordinarily take place in person but may (with prior authorization from the Agency) take place by telephone, text message, or email, using the contact details provided by the Responsible Person upon registration with the Authority.

(i) For Post-Race Sample collection, notification shall take place by 'tagging' the selected Covered Horse. A member of the Sample Collection Personnel (or other appropriately trained individual authorized by the Agency) will tag a Covered Horse by placing an Agency-approved tag on the bridle of the Covered Horse or providing it to the Responsible Person or Nominated Person.

(ii) For other types of Sample collections (excluding scheduled Testing), verbal notification should be provided in person, if possible, but may (with prior authorization from the Agency) take place by telephone, text message, or email.

(2) At the time of notification, the Sample Collection Personnel or other duly authorized person shall inform the Responsible Person or Nominated Person:

(i) that the Covered Horse has been selected for Sample collection;

(ii) that the Covered Horse must immediately be brought to (or made available at) the Sample collection location designated by the Sample Collection Personnel (e.g., Test Barn, horse's stall), subject to Rule 3040(b)(2)(ii)(A) and (B), if applicable; and

~~(m) Subject to Rule 5200, no photography or audio or video recording of~~(iii) that the Sample Collection Session ~~is permitted. Instead, the Sample collection documentation will be the definitive record of the Sample Collection Session, and any comments regarding the Sample Collection Session must be recorded on the Sample collection documentation. If a Covered Person insists on photographing or recording the Sample Collection Session (in whole or in part) in violation of this Rule, the Sample Collection Session should continue, but a case may be brought against the Covered Person under Rule 3510. If the conduct of the Covered Person results in the Sample Collection Session being discontinued, a case may be brought against the Covered Person (on its own or in the alternative) for an Anti-Doping Rule Violation under Rule 3215 or Rule 3216. For~~ has commenced and that they are deemed to be on notice of their obligations under Rule 3040(b)(2). Where possible, the Sample Collection Personnel should offer the Responsible Person or Nominated Person an Agency-approved document reminding the Responsible Person or Nominated Person of his or her obligations under Rule 3040(b)(2). In any event, such document should be made available to the Responsible Person or any Nominated Person upon request or (if not available) the Sample Collection Personnel or other duly authorized person should explain the obligations under Rule 3040(b)(2) to the Responsible Person or Nominated Person upon request.

(3) If the Responsible Person is with the Covered Horse at the time of notification, the Responsible Person should be the first person notified that the Covered Horse has been selected for Sample collection.

(4) In order to ensure the safety of horses and persons, Sample collection documentation shall be signed by the Responsible Person or Nominated Person only at the end of the Sample Collection Session. A signature shall not be required by the Sample Collection Personnel at the time of notification.

(c) Notification procedure for Scheduled Testing with Advance Notice.

~~the avoidance of doubt, any conduct by a~~The Agency will notify the Responsible Person or Nominated Person or other Person or employee, agent, or associate of the Responsible Person in relation to aof the time and location of the Sample Collection Session ~~may in appropriate circumstances be imputed to~~in advance in order to coordinate the Sample Collection Session. Upon such notification, the Responsible Person for these purposes or Nominated Person shall be deemed on notice of his or her obligations during the Sample Collection Session, in accordance with Rule 3040(b)(2).

~~(n) If the Agency collects any Sample(s) from a deceased horse:~~

~~(1) Sample collection shall not interfere with any life-saving treatment.~~

~~(2) Sample(s) should ordinarily be collected from the Covered Horse before it is removed from the relevant venue where it suffered a fatal condition, but otherwise may be collected at the location where the Covered Horse is transported to (e.g., veterinary clinic).~~

~~(3) The Agency shall afford the Responsible Person and Nominated Person the opportunity to waive attendance at the Sample collection if such attendance would cause undue distress.~~

~~(4) The Sample collection shall proceed in accordance with the applicable Sample collection procedures, amended as necessary to account for the specific circumstances.~~

5420. Collection of Urine Samples

~~(a) Urine Samples may be collected and analyzed for any anti-doping analytical matrix or methodology, as determined by the Agency, and in accordance with the Prohibited List and related Technical Documents.~~

~~(b) The relevant Sample Collection Personnel will retain control of the Sample collection vessel.~~

Rule 5423. Requests for Delay

(a) The Responsible Person or Nominated Person will be afforded additional time to produce the Covered Horse for Sample collection in the following circumstances (if applicable), subject to any conditions imposed by the Collection Officer, Blood Collection Officer, or the Agency:

(1) the Covered Horse is completing a training session or a cool down;

(2) the Covered Horse is participating in the winner's circle presentation; or

(3) the Covered Horse requires urgent veterinary treatment, as determined by the Test Barn Veterinarian (if applicable) or a Regulatory Veterinarian or (if not available) other Veterinarian. Horse welfare should always be prioritized over Sample collection.

(b) The Responsible Person or Nominated Person may request permission from the CO or BCO to delay reporting for Sample collection. The CO or BCO may grant such request in circumstances that he or she considers to be a reasonable and necessary basis to delay reporting for Sample collection, taking into account any instructions from the Agency:

(c) The CO or BCO may also grant a request from a third party (e.g., a Race Organizer) to delay the reporting of any Covered Horses for Sample Collection, where the CO or BCO considers it reasonable or necessary to do so, taking into account any instructions of the Agency.

(d) Where the Responsible Person or Nominated Person is afforded additional time to produce the Covered Horse for Sample collection, the CO or BCO may impose such conditions as he or she considers necessary, which should (at a minimum) include (i) a deadline by which the Covered Horse must be brought to the designated Sample collection location (which may be extended only upon permission by the CO or BCO), and (ii) a requirement for the Covered Horse to remain, to the extent possible, under continuous observation of Sample Collection Personnel or other duly authorized person at all times until completion of the Sample Collection Session.

~~(e) The e~~ Sample Collection Personnel shall document the following in the Sample collection documentation: (i) the reasons for granting or denying any request for delay; and (ii) any failure by the Responsible Person or Nominated Person to comply with any conditions imposed where a request for delay was granted. If there is any delay in producing the Covered Horse for Sample collection vessel to ensure that it will not affect the integrity of the urine Sample., the CO or BCO shall (if possible) still proceed with Sample collection. It will be up to the Agency to determine whether a delay in reporting for Sample collection constitutes a violation under the Protocol.

~~(d) The relevant Sample Collection Personnel will then open and use the selected Sample collection vessel to collect the urine Sample.~~

Rule 5424. Continuous Observation

(a) In accordance with Rule 3040(b)(2), upon notification by a duly authorized person that the Covered Horse has been selected for Sample collection, the Responsible Person (or the Nominated Person acting on his or her behalf) shall ensure that the Covered Horse remains, to the extent possible, under continuous observation by Sample Collection Personnel until completion of the Sample Collection Session.

~~(e) The relevant Sample Collection Personnel shall ensure an unobstructed view as possible of the Sample leaving the Covered Horse's body and shall continue to observe the Sample after provision until the Sample is securely sealed~~
(b) Following Post-Race Sample collection notification, a member of the Sample Collection Personnel or other duly authorized person will, to the extent possible, escort the Covered Horse from the point of notification until arrival at the Test Barn.

~~(f) When the Covered Horse passes urine, the collection vessel should be positioned to collect as much urine as possible.~~

~~(g) The volume of urine required for a full Sample is a minimum of 25 mL for each of the A-Sample and B-Sample (minimum of 50 mL in total). If during the initial attempt less than 50 mL is obtained, the relevant Sample Collection Personnel should try to collect additional urine.~~

~~(h) The Test Barn Veterinarian (or a Regulatory Veterinarian), in consultation with the DCO, shall determine if a Covered Horse is intractable, and (if so) when the urine Sample Collection Session should be terminated. If a urine Sample is not collected because the Covered Horse is intractable, a blood Sample should be collected (in addition to any other Sample, e.g., hair). The Sample Collection Personnel should record the reasons for terminating any Sample collection on the Sample collection documentation.~~

Rule 5425. Persons Required or Permitted to be Present During a Sample Collection Session

(a) Subject to paragraph (b) below, the following persons are required or permitted to be present during a Sample Collection Session:

(1) A sufficient number of Sample Collection Personnel needed to collect and process the required Samples must be present during the Sample Collection Session. Other persons authorized by the Agency may assist with the Sample Collection Session subject to Rule 5320.

(2) The Responsible Person or Nominated Person must be present during the Sample Collection Session. As set out in Rule 3040(b)(2), there shall be only one Nominated Person at any given time during a Sample Collection Session, but a Nominated Person may, if necessary, be replaced by another Nominated Person during the Sample Collection Session, unless stated otherwise by the Agency. Any replacement Nominated Person shall provide valid identification (which shall include his or her Authority registration number, State Racing Commission license, or - if not available - valid photo identification). Where possible, the Sample Collection Personnel should offer the replacement Nominated Person an Agency-approved document reminding the Nominated Person of his or her obligations under Rule 3040(b)(2).

(3) Any other person authorized by the Agency may be present during the Sample Collection Session. However, the number of persons present during the collection of the Sample should be controlled by the Test Barn Supervisor or Test Barn Veterinarian (if applicable) or the CO or BCO depending on the space available and taking account of horse welfare and the safety of all those participating in the Sample Collection Session.

(b) For Post-Race Sample collection, no more than 2 Covered Persons (including the Responsible Person or Nominated Person) may be present during the Sample Collection Session for a Covered Horse, except in exceptional circumstances, as determined by the CO or BCO.

(c) The Responsible Person or Nominated Person and any other Covered Persons shall not take photographs or audio or video recording of any part of any Sample Collection Session. If a Covered Person persists in photographing or recording the Sample Collection Session (in whole or in part) in

violation of this Rule, the Sample Collection Session should continue, but a case may be brought against the Covered Person under Rule 3520.

Rule 5426. Identifying the Responsible Person or Nominated Person

As soon as practicable following notification or arrival to the Test Barn:

(a) the Responsible Person or Nominated Person shall provide valid identification (which shall include his or her Authority registration number, State Racing Commission license, or - if not available - valid photo identification);

(b) the Sample Collection Personnel shall record the name of the Responsible Person or Nominated Person involved in the Sample Collection Session on the Sample collection documentation; and

(c) if not previously provided at the time of notification, the Sample Collection Personnel should offer the Responsible Person or Nominated Person an Agency-approved document reminding the Responsible Person or Nominated Person of his or her obligations under Rule 3040(b)(2).

Rule 5427. Identifying the Covered Horse

When the Covered Horse is presented for Sample collection, the Sample Collection Personnel shall use the Covered Horse's microchip number, tattoo, or (if necessary) other recorded markings (provided in the Covered Horse's registration with the Authority or other reliable source, such as Equibase or Jockey Club information) to validate the identity of the Covered Horse. If Sample Collection Personnel are unable to validate the identity of the Covered Horse by those means, they shall record that in the Sample collection documentation and take photographs of the Covered Horse. The Sample Collection Personnel should also report any failure to validate the identity of a Covered Horse to the Agency without delay.

5430. Requirements for Sample Collection

Rule 5431. General Requirements

(a) At the start of each Sample Collection Session and prior to opening the Sample collection equipment, Sample Collection Personnel should wash their hands with soap and water or hand sanitizer. Sample Collection Personnel collecting urine should wear a new pair of disposable gloves when collecting urine Samples and when handling unsealed urine Sample collection equipment. These steps should be repeated for each Covered Horse that undergoes Sample collection.

(b) Sample Collection Personnel shall ensure that they have the Sample collection equipment required pursuant to Rule 5350 and retain control of the Sample collection equipment.

(c) ~~Once the volume of urine provided by the Covered Horse is deemed sufficient, the relevant Sample Collection Personnel will bring~~ shall ensure that they have the Sample ~~to the designated processing area~~ collection documentation required pursuant to Rule 5360.

(d) Sample Collection Personnel shall collect the Sample in accordance with the rules applicable to the Sample matrix (see Rule 5430).

(e) Unless specified otherwise (e.g., Rule 5433(b)), each Sample collected shall be split into that which will be deemed A and B Samples.

Rule 5432. Collection of Urine Samples

(j) The relevant Sample Collection Personnel will ~~select~~ show the Sample collection ~~kit and will open, inspect, and confirm Sample codes numbers match and ask~~ equipment to the Responsible Person or Nominated Person ~~to confirm the same~~ and ensure that it is clean and intact.

(k) ~~If the Responsible Person or Nominated Person is not satisfied with the chosen Sample Collection Equipment, this shall be recorded by the DCO. If the DCO does not agree with the Responsible Person or Nominated Person that the equipment is unsatisfactory, the DCO shall inform the Responsible Person or Nominated Person that the Sample Collection Session is proceeding. If the~~

~~DCO agrees with the Responsible Person or Nominated Person that the equipment is unsatisfactory, the DCO shall use other available equipment that the DCO determines is satisfactory. If no such equipment is available, the DCO shall terminate the Sample Collection Session, and the termination and its specific reason shall be recorded by the DCO.~~

(b) The relevant Sample Collection Personnel will then open the urine collection container that will be used to collect the urine Sample.

(c) When the horse is ready to provide a urine Sample, the relevant Sample Collection Personnel shall ensure as unobstructed a view as practicable of the Sample leaving the Covered Horse's body.

(d) The Relevant Sample Collection Personnel should collect a minimum total volume of urine of 50 mL, unless directed otherwise by the Agency.

~~(e) Once the Sample collection kit has been selected, the relevant collected, the Sample Collection Personnel will pour and split the urine Sample into A and B Sample collection bottles~~ shall ensure that the Sample remains within the view of the Responsible Person or Nominated Person until the Sample is securely sealed.

(1) The relevant Sample Collection Personnel shall split the urine Sample into two urine bottles, which shall constitute the A and B Samples as deemed by the Laboratory.

~~(m2) The relevant Sample Collection Personnel will~~ shall then seal ~~the A and B both~~ bottles within the view of the Responsible Person or Nominated Person. ~~Once closed, the~~

(3) The relevant Sample Collection Personnel ~~will~~ shall check that ~~the both~~ bottles have been properly sealed and that the sample codes on the bottles are the same.

~~(n) The Sample Collection Personnel will complete all the required Sample collection documentation, and the Responsible Person will subsequently be provided a copy for his or her records.~~

~~(e4) Urine should only be discarded when both the A and B urine bottles or containers have been filled to the maximum amount they can hold capacity and have been sealed. Any excess urine should be disposed of into a drain (ground drain or sink) or into a bin or other waste pile, if necessary disposal area. The Responsible Person or Nominated Person shall~~ should be given the option to observe the disposal of any residual urine not sent to the Laboratory for analysis.

5430. Collection of Blood Samples

~~(a5) Blood~~ The Sample collection ~~shall be conducted by the BCO~~ documentation shall then be completed in accordance with Rule 5440.

~~(b) Blood Samples may be collected and analyzed for any anti-doping analytical matrix or methodology, as determined by the Agency, and in accordance with the Prohibited List and related Technical Documents.~~

(f) If the required volume has not been collected from the Covered Horse, the Sample Collection Personnel shall seek to collect additional urine, in accordance with any Agency instructions.

Rule 5433. Collection of Blood Samples

(a) Subject to Rule 5433(b), blood Samples shall be collected as follows:

(1) Only a BCO may conduct a blood Sample collection.

(2) The BCO will show the Sample collection equipment to the Responsible Person or Nominated Person and ensure that it is clean and intact.

~~(e3) The DCO or BCO will select a Sample collection kit containing a sufficient number of blood collection tubes (two or three of which will be paired together as the A Sample, and the third or fourth of which will constitute the B Sample), and the other necessary equipment needed to collect a blood Sample.~~ determine the most suitable location of venipuncture. The BCO should ordinarily collect blood from the Covered Horse's jugular vein. If furosemide (also known as Lasix or Salix) was administered

to the Covered Horse on the day of the blood Sample collection, the blood Sample should be collected from the side opposite to the site of the furosemide administration.

~~(d) If the Responsible Person or Nominated Person is not satisfied with the chosen Sample Collection Equipment, this shall be recorded by the DCO or BCO. If the DCO or BCO does not agree with the Responsible Person or Nominated Person that the equipment is unsatisfactory, the DCO or BCO shall inform the Responsible Person or Nominated Person that the Sample Collection Session is proceeding. If the DCO or BCO agrees with the Responsible Person or Nominated Person that the equipment is unsatisfactory, the DCO or BCO shall use other available equipment that the DCO or BCO determines is satisfactory. If no such equipment is available, the DCO or BCO shall terminate the Sample Collection Session, and this termination and its specific reason shall be recorded by the DCO or BCO.~~

~~(e) Once the Sample collection kit has been selected, the relevant Sample Collection Personnel will open, inspect, and confirm Sample codes numbers within the kit match and ask the Responsible Person or Nominated Person to confirm the same.~~

~~(f) The BCO will determine the most suitable location of venipuncture;~~

~~(g) The BCO shall safely dispose of used blood sampling equipment not required to complete the Sample Collection Session.~~

(h4) Subject to paragraph (i5) below, the BCO will collect the amount of blood that will adequately satisfy the relevant analytical requirements for the Sample analysis to be performed. The minimum total volume requirement is 30 mL whole blood, plasma, or serum, with each collection tube containing a minimum of 8 mL. should collect a minimum total volume of blood of 30 mL, unless directed otherwise by the Agency. However, any amount of blood collected shall be sent to the Laboratory for analysis. Unless instructed otherwise by the Agency, the BCO will draw blood into an adequate number of tubes to reach the minimum of 30 mL. At least 2 tubes will be paired together and deemed by the Laboratory as the A Sample, and at least 1 tube will constitute the B Sample as deemed by the Laboratory.

(i5) If the amount of blood that can be removed from the Covered Horse at the first attempt is insufficient, the BCO shall repeat as necessary and appropriate (taking horse welfare into account) may repeat the attempt (ordinarily not to exceed 3 venipunctures) to try to obtain the minimum total volume for a blood Sample. If the

(6) The BCO is unable to collect a sufficient amount of blood, the BCO or DCO may terminate the blood Sample Collection Session and record the reasons for such termination. Other at any point due to considerations of horse welfare. In such circumstances, other Sample matrices should be considered for collection collected where possible.

(7) Once the BCO has finished collecting blood from the Covered Horse, the BCO will remove the needle and apply pressure to stop any residual bleeding from the Covered Horse.

(j8) Once a complete blood Sample is obtained, the Sample Collection Personnel will properly seal ensure that the A and B tubes are each labelled with the same Sample code.

(9) The BCO shall safely dispose of the needle and any other blood sampling equipment no longer required to complete the Sample Collection Session.

(k10) The Sample Collection Personnel will complete all the required Sample collection documentation, and the Responsible Person will subsequently be provided a copy for his or her records shall then be completed in accordance with Rule 5440.

~~(l) Total carbon dioxide (TCO2):~~

~~(1) In addition to the collection of a Post Race Sample, blood Sample(s) may also be collected from a Covered Horse prior to a Covered Horserace or Vets' List Workout for the purpose of testing for TCO2. The Prohibited List specifies the TCO2 levels that will be considered prima facie evidence of alkalization or administration of an alkalizing agent, i.e., a Controlled Medication Method.~~

(b) The Sample collection procedures for blood Samples collected for purposes of TCO2 Testing shall be varied as follows:

(1) TCO2 Samples may be collected at any point prior to Post-Time taking necessary precautions to avoid unnecessary interference with race preparation.

(2) A blood Sample collected for TCO2 analysis may have a total volume below 2430 mL, collected in 2 or more tubes, at the Agency's discretion. Any volume of blood collected for TCO2 analysis will be transported sent to the Laboratory for analysis.

(3) There shall be no A and B Samples for TCO2 Samples. Rather, the Agency shall designate only one 'official' TCO2 Sample. The Responsible Person or Owner of a Covered Horse selected for TCO2 testing may request that a duplicate TCO2 blood Sample be taken. Such collected, provided that such request must be made prior to the collection of the official Sample. The duplicate sample shall not constitute a B Sample. The costs related to obtaining, handling, shipping, and analyzing the collection and analysis of the duplicate Sample shall be the responsibility of the Responsible Person or Owner who requested such Sample.

As a consequence, (4) The duplicate sample shall not constitute a B Sample. Accordingly:

(i) the provisions in the Protocol addressing the splitting of Samples for analysis purposes shall not apply to blood samples collected for TCO2 testing. (ii) the provisions of Rule 5430 apply to blood Samples collected for TCO2 testing, except that, and any references to A and B Samples or tubes shall not apply, as there shall be only one official Sample in the Protocol or related rules shall be modified accordingly to the extent such provisions apply to TCO2 Samples.

(5) The official Sample and any duplicate Sample shall be analyzed by the same Laboratory. If the Agency, in its discretion, determines that the duplicate Sample cannot practicably be analyzed within 5 days after the Sample is collected, the findings of the official Sample shall be final.

(6) Blood Samples collected for TCO2 testing Testing may be subject to Further Analysis if a Post Race Sample collected from in the same Covered Horse returns an Atypical Finding or an Adverse Analytical Finding way as any other Samples.

5440 Rule 5434. Collection of Hair Samples

(a) The relevant Sample Collection Personnel will show the Sample collection equipment to the Responsible Person or Nominated Person and ensure that it is clean and intact.

(b) Sample Collection Personnel should will collect hair Samples in accordance with the following requirements:

(a1) hair should (, to the extent possible), be completely dry and free of visible dirt, debris, or foreign substances;

(b2) mane hair should be collected unless tail hair is specifically requested. If, for a particular reason, a mane Sample cannot be obtained or if the mane is shorter than 4.5 inches long (e.g., due to a hogged mane), tail hair may be collected;

(3) the Sample Collection Personnel should pull or cut the hair from the Covered Horse's mane as close to the root as possible (if it is necessary to collect tail hair instead of mane hair, the tail hair should be cut as close as possible to the root but not pulled; however, if the hair Sample is being collected from the tail of a deceased horse it may be pulled or cut);

(e4) an adequate Sample of hair (roughly the diameter of a pencil) should be obtained for each of and split into two roughly equal sections and sealed separately, which shall constitute the A and B Samples as deemed by the Laboratory;

(d) if the mane is less than 10 cm, an additional Sample of hair may be required to ensure a suitable volume is obtained for analysis;

~~(e5)~~ the Sample should be secured tightly with an elastic band, ~~or equivalent, and oriented to clearly mark the ends cut or pulled from the Covered Horse~~ other tie to indicate the root end of the hair; and

~~(f6)~~ hair shafts should remain aligned so that the hair does not become knotted.

(c) Once a hair Sample is obtained, the Sample Collection Personnel will place the split hair Sample into the two bags or envelopes provided and seal them. The Sample Collection Personnel will ensure that the bags or envelopes are each labelled with the same Sample code.

(d) The Sample collection documentation shall then be completed in accordance with Rule 5440.

5450. Sample Rule 5435. Collection Personnel Requirements of other Sample matrices

~~(a) Minimum requirements. The Agency shall establish the necessary eligibility and qualification requirements for the positions of DCO, BCO, and Chaperone. At a minimum:~~

The Agency may collect such other Sample matrices as it considers necessary, in accordance with any supplementary procedures or guidance issued by the Agency.

Rule 5436. Variation to Sample Collection Procedures in case of Equine Fatality or Injury

(a) Sample collection shall not interfere with any veterinary treatment and horse welfare shall be prioritized at all times.

(b) Unless the Authority or Agency directs otherwise, Samples shall ordinarily be collected in the following circumstances:

(1) ~~Sample Collection Personnel shall be 18 years or older~~ in case of any fatality howsoever occurring; and

(2) in case of serious injury to a Covered Horse during a Covered Horserace, Timed and Reported Workout, or Vets' List Workout requiring it to be vanned off the site where it was injured.

(c) Sample matrices.

(1) In case of a fatality, blood and hair Samples shall ordinarily be collected, but other Sample matrices may also be collected, as determined by the Agency.

(2) In case of serious injury, blood Samples shall ordinarily be collected, but other Sample matrices may also be collected, as determined by the Agency.

~~(2) Sample Collection Personnel shall agree to undergo screening required~~ (3) In each case, an additional or modified Analytical Testing menu may be directed by the Agency (e.g., background checks, conflicts of interest, electrolyte panels); and

~~(3) The BCO shall be a Veterinarian or veterinary technician with the practical skills and knowledge to perform blood collection from a vein on a horse.~~

(d) Timing of collection.

Subject always to paragraph (a) above, Sample(s) should ordinarily be collected from the Covered Horse before it is vanned off, but otherwise may be collected during transport or at the location where the Covered Horse is transported to (e.g., veterinary clinic).

(e) Sample collection procedures.

(1) The Sample Collection Session shall proceed in accordance with the applicable Sample collection procedures, amended as set out below and as otherwise determined by the Agency to account for the specific circumstances. The Agency may also modify Sample collection procedure requirements as necessary, following consultation with the Authority, where doing so is intended to meet the evolving industry response and research initiatives into horse welfare.

(2) In case of a fatality, given the sensitive nature of the circumstances, notification of Sample collection shall not be required, and Sample collection may proceed in the absence of the Responsible Person or Nominated Person.

(3) In case of serious injury, notification shall proceed as set out in Rule 5422 to the extent possible, and attendance at Sample collection may be waived by the Responsible Person or Nominated Person (or be deemed waived if neither is present).

(f) Sample collection documentation.

(1) Any substances or methods administered to the Covered Horse as part of the emergency response to or treatment of the injury prior to Sample collection shall be recorded in the Sample collection documentation.

(2) The Sample Collection Personnel may be required to complete additional documentation (e.g., for necropsy testing) as directed by the Authority or the Agency.

(bg) ~~Conflicts~~Research.

(1) ~~The Agency may require all Sample Collection Personnel to sign an agreement regarding conflicts of interest, confidentiality, and an appropriate code of conduct.~~ Any Samples collected from a Covered Horse that suffers a fatality or serious injury may also be subject to additional analysis and research by any laboratory, as determined by the Authority or Agency.

(2) The Authority or Agency may also direct that an additional Sample be collected (e.g., an additional blood tube or additional lock of hair) so that it can be sent separately for immediate analysis and research.

Rule 5440. Completion of the Sample Collection Documentation

(a) At the conclusion of the Sample Collection Session, the Responsible Person or Nominated Person and CO or BCO shall sign the Sample collection documentation to declare that the Sample collection documentation accurately reflects the details of the Sample Collection Session, and that (subject to any comments made by the Responsible Person, Nominated Person, or Sample Collection Personnel recorded in the Sample collection documentation regarding the manner in which the Sample Collection Session was conducted) the Sample Collection Session was conducted in compliance with applicable procedures. The Responsible Person shall be provided with an electronic record of the Sample collection documentation.

(2b) ~~The Agency shall not assign any Sample Collection Personnel to a Sample Collection Session where they have an interest in the performance or outcome of the Sample collection process. At a minimum, may require the~~ Sample Collection Personnel ~~are deemed to have such an interest if they to~~ complete supplementary documentation regarding the Sample Collection Session (e.g., Rule 5460). If the Covered Horse requires any emergency veterinary treatment, that shall be recorded in detail by the Sample Collection Personnel.

Rule 5450. Managing Horse Welfare and Safety during the Sample Collection Session

~~(i) are related to, employed or otherwise engaged by, or otherwise affiliated with any Equine Constituencies, excluding State Racing Commissions and Racetracks, if the Sample Collection Personnel have met the other requirements set forth by the Agency;~~

~~(ii) have a financial interest in or are involved in any way with the care or training or ownership of the Covered Horse at issue;~~

~~(iii) are engaged in business with, have a financial interest in, or have a personal stake in a Covered Horserace; or~~

~~(iv) appear to have private or personal interests that detract from their ability to perform their duties with integrity and in an independent and purposeful manner.~~

~~(c) Training.~~

~~(1) The Agency shall establish or approve written training materials for Sample Collection Personnel that outline their respective responsibilities and that provide adequate training for their roles.~~

~~(2) The Agency shall ensure that DCOs and BCOs have completed the necessary training program and are familiar with the requirements before issuing them a credential or other authorization documentation.~~

~~(3) The training program for DCOs and BCOs should include, at a minimum:~~

~~(i) comprehensive theoretical training in the activities relevant to the DCO or BCO position (as applicable);~~

~~(ii) observation of the activities that are the responsibility of the DCO or BCO as set out in these Testing and Investigations Standards, preferably on-site; and~~

~~(iii) the satisfactory performance of one complete Sample Collection Session on-site under observation by a qualified DCO, BCO, or similar personnel.~~

~~(4a) The training program for safety and welfare of Covered Horses, Covered Persons, Sample Collection Personnel responsible for the, Veterinarians, and all other individuals participating throughout the Sample collection of blood Samples shall also include standard precautions in veterinary settings process is paramount.~~

~~(5) The Agency should ensure that Sample Collection Personnel are adequately trained to carry out their responsibilities in a manner respectful of any Covered Persons who are of a different race, religion, sex, national origin, sexual orientation, age, citizenship, disability, gender identity, or Veteran status.~~

~~(d) Credentialing.~~

~~(1) The Agency shall establish a system for credentialing and re-credentialing DCOs and BCOs. DCOs and BCOs shall have either a credential including their name, photograph, and date of expiration, or a letter of authority from the Agency and a Federal or State-issued identification. The Agency may determine what information or authorization documentation to require for other Sample Collection Personnel.~~

(1) Sample Collection Personnel must ensure the safest possible environment at all times and must be alert to identify and report equine medical emergencies. If at any time a Covered Horse demonstrates signs of distress, lameness, or unusual behavior, a Regulatory Veterinarian, Test Barn Veterinarian, CO, or BCO must be informed as soon as possible.

(2) Sample Collection Personnel should remove themselves from any situation in which they do not feel safe and notify a Test Barn Supervisor, Test Barn Veterinarian, CO, BCO, or the Agency (as appropriate). Actions or statements by Covered Persons that are meant to intimidate or threaten Sample Collection Personnel should be promptly reported to the Agency.

(3) The Responsible Person or the Nominated Person acting on his or her behalf is responsible for the care and control of the Covered Horse during the Sample Collection Session. Sample Collection Personnel and other persons authorized by the Agency will only assist with the care or control of the Covered Horse where it is necessary to ensure the welfare and safety of the Covered Horse, other horses, Covered Persons, Sample Collection Personnel, Veterinarians, or any other individuals participating in the Sample collection process. For example, Sample Collection Personnel and other persons authorized by the Agency shall not bathe any Covered Horse but may assist in holding the Covered Horse if necessary for safety reasons.

(b) The Test Barn Veterinarian shall be responsible for managing horse welfare in the Test Barn. This includes, for example, determining when and how to manage congestion in the Test Barn, when to release Covered Horses from the Test Barn, and whether (if necessary) to permit treatment of a Covered Horse. A Covered Horse in the Test Barn may receive medical treatment only with the prior authorization of the Test Barn Veterinarian or a Regulatory Veterinarian.

Rule 5460. Conduct of Covered Persons

(a) In circumstances where a Responsible Person or Nominated Person is refusing to comply with any Sample collection procedure requirements, Sample Collection Personnel should inform the Responsible Person or Nominated Person that such failure to comply may be considered an Anti-Doping Rule Violation or other violation under the Protocol that may result in serious consequences.

(c) If the Responsible Person or Nominated Person evades notification or otherwise refuses to accept notification or to report for Sample collection following notification by a duly authorized person, the relevant Sample Collection Personnel or other authorized person should also seek to immediately notify all relevant facts to the Test Barn Veterinarian (if applicable) or the CO or BCO and the Agency.

(d) If a Responsible Person or Nominated Person persists in refusing to submit a Covered Horse to Sample collection or persists in evading Sample collection, or otherwise conducts themselves in a manner that (in the opinion of the Sample Collection Personnel) requires termination of the Sample Collection Session, the Sample Collection Personnel may terminate the Sample Collection Session.

(e) Where possible, the Sample Collection Personnel should seek to obtain a Sample from the Covered Horse, notwithstanding any improper conduct by the Responsible Person or Nominated Person.

(f) Where necessary, the Sample Collection Personnel should contact the Agency for assistance during the Sample Collection Session.

(g) Sample Collection Personnel shall record in supplementary documentation (as designated by the Agency) all relevant facts and observations regarding (without limitation):

(1) any conduct by a Covered Person during a Sample Collection Session that might constitute a violation of the Protocol;

(2) any unauthorized delay in producing the Covered Horse for Sample collection;

(3) any evasion of notification or initial refusal or failure to submit the Covered Horse to Sample collection, even if the Covered Horse is subsequently made available for Sample collection;

(4) any failure by the Responsible Person or Nominated Person to comply with any conditions imposed by Sample Collection Personnel in relation to the temporary release of the Covered Horse from the location of the Sample Collection Session (Rule 5470(a));

(5) any refusal by the Responsible Person or Covered Person to keep the Covered Horse under the continuous observation of the Sample Collection Personnel or other duly authorized person;

(6) any refusal by the Responsible Person or Covered Person to provide appropriate identification on request;

(7) any anomalous behavior by the Responsible Person, Nominated Person, or other Covered Persons or persons associated with the Covered Horse or Responsible Person, including (without limitation) any behavior that has the potential to compromise the Sample collection or that contributes to or causes the termination of a Sample Collection Session;

(8) any conduct by Covered Persons that poses a threat or potential danger to horses or persons or that is disruptive to the Sample Collection Session;

(9) any conduct or statements by Covered Persons that are meant to intimidate, threaten, or otherwise offend Sample Collection Personnel; and

(210) Only any other conduct that the Sample Collection Personnel ~~who have been authorized by the Agency are permitted to conduct Doping Control and Medication Control activities on behalf~~ considers should be brought to the attention of the Agency.

Rule 5470. Ending, Terminating, or Cancelling the Sample Collection Session

~~(3) DCO and BCO credentials shall be valid for a maximum of 2 years. DCOs and BCOs should be subject to an assessment (theoretical or practical) before being re-credentialed.~~

~~(4) The Agency will take steps to develop a system to monitor the performance of DCOs and BCOs.~~

~~(5a) The Agency will maintain records of conflicts of interest and training of all Release from a Sample Collection Personnel Session.~~

Only the Test Barn Veterinarian (if applicable), the CO, the BCO, or the Agency may determine (i) to temporarily release a Covered Horse from a Sample Collection Session in exceptional circumstances and subject to strict conditions including remaining under the continuous observation of Sample Collection Personnel or other duly authorized person, and (ii) when a Sample Collection Session has been completed and thereby release a Covered Horse from the Sample Collection Session.

(b) Termination of a Sample Collection Session prior to completion.

Only the Test Barn Veterinarian (if applicable), the CO, the BCO, or the Agency may terminate a Sample Collection Session once it has commenced and before it has been completed. The Sample Collection Personnel shall record the reason for terminating any Sample Collection Session on the Sample collection documentation. A Sample Collection Session may be terminated in the following circumstances, without consequence to the Responsible Person unless his or her conduct contributed to or caused the session to be terminated:

(1) the Covered Horse does not provide a urine Sample within a reasonable period of time, as determined by the Test Barn Veterinarian (if applicable), the CO, or the Agency. In such circumstances, a blood Sample should be collected. A hair Sample may also be collected, taking into account any instructions from the Agency;

(2) the Covered Horse poses a risk to itself or to others in the Test Barn;

(3) the health, safety, or welfare of any Covered Horse, Covered Person, Sample Collection Personnel, Veterinarian, or other person participating in the Sample Collection Session is at risk; or

(4) any other circumstance that the Test Barn Veterinarian (if applicable), the CO, the BCO, or the Agency considers to justify termination of the Sample Collection Session.

(c) Cancellation or postponement of a Sample Collection Session prior to commencement.

Only the Agency (in consultation with the Sample Collection Personnel) may cancel or postpone Sample Collection Sessions before they are commenced, including (for example) due to an insufficient number of Sample Collection Personnel, inadequate Sample collection facilities or equipment, or weather or other conditions affecting Sample collection. In the event of cancellation or postponement of the Covered Horserace, Timed and Reported Workout, or Vets' List Workout, the Agency will ordinarily reschedule the related Sample Collection Session, in consultation with the Sample Collection Personnel.

5500. Storage and Transportation

Rule 5510. Storage and Custody of Samples Prior to Analysis

(a) After Sample collection, the ~~DCO or BCO~~ relevant Sample Collection Personnel shall store Samples in a manner that protects ~~the~~ their integrity, identity, and security, ~~prior to transport to the Laboratory.~~

(b) If a urine or blood Sample is not transported to the Laboratory on the day of collection:

~~(1) the relevant Sample Collection Personnel shall store the any urine Sample and blood Samples in a secure freezer or refrigerator; and refrigerator.~~

(2c) ~~If a hair Sample is not transported to the Laboratory on the day of collection,~~ the relevant Sample Collection Personnel shall store ~~the blood Sample~~ any hair Samples in a secure ~~refrigerator;~~ manner.

~~(3) and, in each case, shall document in the Chain of Custody the location and time in and time out of the urine or blood Sample.~~

~~(c) The DCO or BCO shall document who has custody of the Samples or who is permitted access to the Samples.~~

(d) The Agency shall develop a system for recording procedures to ensure the Chain of Custody of Samples and ~~receiving Sample Collection Session documentation~~ to ensure that ~~each Sample is securely handled and the~~ collection documentation is completed for each Sample ~~is completed.~~

Rule 5520. Transport of Samples and Documentation

(a) Samples should ordinarily be transported to the Laboratory ~~as soon as reasonably practicable~~ within two business days after the conclusion of the Sample Collection Session. Samples collected ~~on a weekend or over consecutive days~~ may be stored and shipped together in batches ~~(e.g., Samples collected on a race weekend may be stored and sent to the Laboratory on the next Monday), provided that the Samples are stored in accordance with the requirements of these Testing and Investigations Standards.~~

(b) Samples shall be transported securely via a transportation or shipping service authorized by the Agency. The Agency shall authorize a transport system that ensures Samples and related documentation are transported in a manner that protects their integrity, identity, and security, and which minimizes the potential for Sample degradation due to factors such as delays and extreme temperature variations. Blood samples must be transported in a manner that maintains a cool and constant environment.

~~(c) State Racing Commissions may select a Laboratory at which the A Samples (or official TCO2 Samples) collected in its state shall be analyzed. If a~~ specific analysis requested by the Agency cannot be performed at the selected Laboratory, the Agency may have the Sample sent to another Laboratory laboratory that can conduct the requested analysis. ~~Each year the State Racing Commissions must make their Laboratory designation for all Samples collected within its state on or before September 30th of the year prior to the designation taking effect. If a State Racing Commission fails to select a Laboratory by this deadline, the Agency shall select the Laboratory for that particular state. The Agency may allow for a State Racing Commission to change its selection of Laboratory outside of the time period set forth above if a reasonable request is made (as determined by the Agency).~~

(d) ~~A and B~~ All split Samples (and official and duplicate TCO2 Samples) will be shipped together to the Laboratory conducting the A Sample analysis. If the B sample analysis is requested, the B Sample will be shipped to the B Sample Laboratory selected by the Agency.

~~(e) The Agency will have the ability to confirm, if necessary, that Samples and related documentation arrived at the Laboratory. The Laboratory shall report any irregularities to the Agency with respect to the condition of Samples upon arrival in accordance with the Laboratory Standards.~~

~~(f) The Agency shall develop a system to ensure that, where required, instructions for the type of analysis to be conducted are provided to~~ direct the Analytical Testing menu to be used by the Laboratory ~~that will be conducting~~ analyzing the analysis Samples. In addition, the Agency shall provide the Laboratory with any information ~~as~~ required for result reporting and ~~statistical purposes,~~ including confirm whether long-term storage is required.

~~(g) Documentation identifying the Covered Horse and Responsible Person or Nominated Person shall not be included with the Samples or documentation sent to the Laboratory that will be analyzing the Samples.~~

~~(h) If the Samples or related documentation are not received by the Laboratory, or if a Sample's integrity or identity was compromised during transport, the Agency will consider whether the Samples should be voided. The decision to void a Sample is in the sole discretion of the Agency.~~

Rule 5530. ~~Ownership and~~ Sample and Documentation Retention of Samples and Retention of Documentation Policies

(a) The Agency should develop policies for the retention of Samples and related documentation for purposes of enabling the Further Analysis of such Samples at a later date in accordance with Rule 3138 or for any other additional analyses that might be required by the Agency. The Agency's Sample retention policies should comply with the requirements of the Laboratory Standards to the extent applicable and should take into account the following elements:

(1) the purposes of Sample analysis set out in Rule 3137;

(2) Laboratory recommendations (when available);

(3) new relevant detection methods to be introduced in the future;

(4) collected Samples that meet some or all of the criteria set out at Rule 5230;

~~(a5) Samples collected from a Covered Horse are owned by the Authority. Samples shall be retained by Laboratories in accordance with the requirements of Rule 6319, in connection with high-profile Covered Horseraces (e.g., Stakes Races or Triple Crown races); or~~

(6) the Agency determining based on available information or random selection that long-term storage or Further Analysis of the Samples is appropriate.

~~(b) Documentation~~ The Agency shall store documentation related to a Sample Collection Session or ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation shall be stored by the Agency~~ violation of the Protocol in accordance with ~~the Agency's~~ its record retention policy.

5600. ~~Standards for Intelligence Gathering~~

5610. ~~Purpose~~

~~The Agency shall ensure that it is able to: obtain, assess, and process anti-doping and medication control intelligence from all available sources to help deter and detect doping and misuse of medication and inform effective, intelligent, and proportionate test planning; plan Target Testing; and conduct investigations as required by the Protocol. The objective of this Rule is to establish standards for the efficient and effective gathering, assessment, and processing of such intelligence for these purposes.~~

5620 Rule 5610. Gathering and Sharing Intelligence

(a) The Agency should make every reasonable effort to ensure that it is able to obtain or receive ~~anti-doping and medication control~~ intelligence from all available sources, including, but not limited to: Covered Persons, including through Substantial Assistance; members of the public (e.g., by means of a confidential whistleblower platform); industry stakeholders; Equine Constituencies; Equine Industry Representatives; Veterinarians; stewards; Sample Collection Personnel (whether via mission reports, incident reports, or otherwise); Laboratories; other laboratories approved by the Agency; pharmaceutical companies; the Authority; law enforcement (authorized by any government, including Federal, State, or international); State Racing Commissions; Racetracks; Race Organizers; Training Facilities; State licensing agencies; professional regulatory bodies; anti-doping organizations; equine regulatory bodies; other relevant regulatory or disciplinary authorities; and the media (in all its forms).

(b) The Agency shall facilitate, encourage, and seek to protect whistleblowers.

~~(bc)~~ (c) The Agency shall ensure that ~~anti-doping and medication control~~ intelligence obtained or received from a confidential source or in a non-public fashion is handled securely and confidentially, that sources of intelligence are protected, that the risk of leaks or inadvertent disclosure is properly addressed, and that intelligence shared with the Agency in a matter intended to be confidential is processed, used, and disclosed only for any legitimate legal, law enforcement, regulatory, anti-doping, medication control, integrity, disciplinary, horse welfare, or safety purposes.

~~(e)~~ The Agency ~~shall facilitate, encourage, and seek to protect whistleblowers~~ may consult or coordinate with third parties in accordance with Rule 3132(f).

~~(d) 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, Training Facilities, Laboratories, anti-doping organizations, equine regulatory bodies, or other relevant regulatory or disciplinary authorities in obtaining, developing, or sharing information and intelligence that may be useful for the implementation or enforcement of the Protocol or the Act or 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).~~

5630 Rule 5620. **Assessment and Analysis of Intelligence**

(a) The Agency should ensure that it is able to assess all ~~anti-doping and medication control~~ intelligence upon receipt for relevance, reliability, and accuracy, taking into account the nature of the source and the circumstances in which the intelligence has been captured or received.

(b) All relevant ~~anti-doping and medication control~~ intelligence obtained or received by the Agency should be collated and analyzed to establish patterns, trends, and relationships that may assist the Agency in developing an effective anti-doping and medication control strategy and in determining (where the intelligence relates to a particular case) whether there is reasonable suspicion that ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation~~ a violation of the Protocol or related rules may have been committed, such that further investigation is warranted.

5640 Rule 5630. **Intelligence Outcomes**

~~Anti-doping and medication control intelligence~~ Intelligence may be used for the following purposes (without limitation):

(a) developing, reviewing, and revising test distribution planning;

(b) monitoring program;

~~(b) determining when to conduct~~ Target Testing; ~~or~~

~~(e) creating targeted~~ preparing intelligence files to be referred for investigation- or adjudication; or

(e) research initiatives.

5700. **Standards for Investigations**

Rule 5710. **Purpose** Investigating Possible Violations

~~(a) The objective of this Rule is to establish standards for the efficient and effective conduct of investigations under the Protocol, including, but not limited to:~~

(a) Subject to any delegation pursuant to Rule 3132(d), the Agency shall conduct, direct, and manage all investigations under the Protocol.

(b) The Agency may investigate, for example:

(1) ~~the investigation of~~ Sample abnormalities reported by Laboratories;

(2) ~~the investigation of any other~~ any analytical or non-analytical information or intelligence where there is reasonable ~~suspicion~~ cause to suspect that an Anti-Doping Rule Violation or Controlled Medication Rule Violation may have been committed;

(3) the ~~investigation of the~~ circumstances surrounding or arising from an Adverse Analytical Finding or Atypical Finding to gain further intelligence concerning the Covered Horse or the Responsible Person

in issue or other any Covered Persons associated with the Covered Horse ~~whose Sample is the subject of the Adverse Analytical Finding, including to determine if any other methods are involved in doping or medication abuse; and~~ or Responsible Person;

~~(4) where a Covered Person is alleged to have committed an Anti-Doping Rule Violation or Controlled Medication Rule Violation, the investigation into~~ whether any ~~other~~ Covered Persons were complicit or otherwise involved in ~~that~~ an alleged violation— under the Protocol or related rules; and

(5) credible information received from third parties regarding an alleged violation under the Protocol or related rules.

(bc) In each case, the purpose of the investigation is to achieve one of the following:

(1) to rule out a possible violation or involvement in ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation~~ a violation;

(2) to develop evidence that supports ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation proceeding or~~ the initiation of ~~such a proceeding in accordance with~~ proceedings for violation of the Protocol or related rules; or

(3) to provide evidence of a violation ~~of any other provisions of~~ under the Protocol or related ~~Rule Series, rules~~ or applicable law ~~or regulation~~.

~~5720. Investigating Possible Violations~~

~~(a) The Agency shall conduct, direct, and manage all investigations under the Protocol, unless it specifically delegates an investigation (or aspects of an investigation) to a State Racing Commission (subject to the applicable State Racing Commission electing to enter into an agreement with the Agency).~~

~~(bd)~~ The Agency ~~and any State Racing Commission to which the Agency delegates investigatory tasks~~ shall ensure that investigations are conducted confidentially.

~~(ce)~~ The Agency will seek to investigate any analytical or non-analytical information or intelligence that indicates that there is reasonable suspicion that ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation~~ a violation of the Protocol may have been committed or that further inquiry might lead to the discovery of admissible evidence of such violation.

~~(df)~~ The Agency should gather and record all relevant information and documentation as soon as possible.

~~(eg)~~ The Agency shall ensure that investigations are conducted fairly, objectively, and impartially at all times. The conduct of investigations, the evaluation of information and evidence identified in the course of that investigation, and the outcome of the investigation, should be fully documented.

~~(fh)~~ Covered Persons are required under the Protocol to cooperate with investigations conducted by the Agency ~~(or a State Racing Commission, if the investigation is delegated by the Agency)~~. If they fail to do so, the Agency may bring proceedings against them for failure to cooperate (in accordance with Rule ~~3510~~3520~~(bc)~~). If their conduct amounts to subversion of the investigative process (e.g., by providing false, misleading, or incomplete information, or by destroying potential evidence), the Agency may also bring proceedings against them for the Anti-Doping Rule Violation of Tampering or Attempted Tampering.

~~(gi)~~ It shall not be a defense in a proceeding involving ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation~~ a violation of the Protocol that an investigation should have been conducted more quickly or that any aspect of the Testing and Investigations Standards was not followed by the Agency ~~or State Racing Commission~~, except as provided in Rule 3122.

~~5730~~Rule 5720. Obtaining Investigative Information

(a) General. The Agency should make use of all investigative resources reasonably available to it to conduct its investigation. These resources may include: obtaining information and assistance from

other ~~entities pursuant to Rule 5620(d);~~ Persons; investigative powers conferred under applicable rules (including inspection, examination, and seizure, production of documents, subpoenas, and interviews); and the power to suspend a period of Ineligibility imposed on a Covered Person in return for Substantial Assistance in accordance with the Protocol. Without limitation, the Agency may utilize the investigative tools set forth in paragraphs (b) through (f) of this Rule in relation to investigations and inquiries of possible violations of the Protocol.

(b) Inspection, examination, and seizure.

(1) The Agency shall have access to the following, with respect to Covered Persons:

~~(1) The Agency shall have access to the books, records, offices, racetrack facilities, and other places of business of Covered Persons that are~~ i) 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; and

~~(2) The Agency may seize any medication, drug, substance, or paraphernalia in violation or suspected violation of any provision of the Act or any rules approved by the Commission pursuant to the Act, and any object or device reasonably believed to have been used in furtherance of the violation or suspected violation.~~

(ii) 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). The Agency may review or make and take away copies of any such data, documents, or records for analysis, investigation, or potential use as evidence of a violation of the Protocol by a Covered Person.

(2) The Agency may seize and conduct testing on:

(i) any medication, drug, substance, or injectable in violation or suspected violation of the Protocol or related rules; and

(ii) intravenous tubing, syringes, needles, nasogastric tubes, containers, container bags, vials, tack, feed, supplements or other products used (or intended to be used) for any Covered Horses, and similar items that may be evidence of a violation or suspected violation of the Protocol or related rules.

(c) Return of seized property. Upon final resolution of a violation, the Agency shall return seized property, ~~including, but not limited to, phones, computers and other repositories of electronic data,~~ the possession of which is not specifically prohibited by the Act or the ~~rules~~ regulations of the Authority.

(d) Production of documents and information.

(1) The Agency may require a Covered Person to provide any information, data, documents, books, or records in such form as the Agency may require, which are held by the Covered Person or are within his or her power to obtain, and that are used in the care, treatment, training, or racing of ~~any~~ Covered Horses Horse(s).

(2) The Agency may require production of any ~~mobile phones, computers, tablets, other electronic devices~~ data, documents, books, ~~documents~~ and records (including telephone or financial records whether currently in the direct possession of a Covered Person or a third person who may be directed by the Covered Person to provide the information) that may be relevant to any investigation, inquiry, hearing, or proceeding, and that are used in the care, treatment, training, or racing of any ~~Covered Horses~~ Horse(s).

(e) Subpoenas. The Agency may request that the Authority issue a subpoena pursuant to Rule 8400 to a Person to appear or to answer questions or produce evidence related to anti-doping and medication control matters. ~~A subpoena may direct the witness to: appear at a specific time and place to testify; produce designated evidence by a specific time; or permit the Agency to inspect premises at a specific time. A subpoena must be issued under the signature of a designated person from the Authority. If the Covered Person fails to comply with a subpoena, the Agency or Authority may seek enforcement of the subpoena in any of the district courts of the United States within the jurisdiction of which such inquiry is being conducted.~~ Additionally, the ~~arbitrator~~ Arbitrator(s), IAP ~~member~~ Member(s),

administrative law judge, or Commission considering a case arising under the Protocol may draw an adverse inference against a Covered Person who fails to comply with a valid subpoena, regardless of whether a court has been required to enforce the subpoena or has found the Covered Person in contempt.

(1) This issuance of a subpoena and compliance therewith is independent of the Agency's powers to inspect and obtain evidence without a subpoena and a Covered Persons' duty to cooperate under the Protocol. In addition to a rule violation for refusal to cooperate, a refusal to cooperate can result in imposition of an adverse inference against a Covered Person by the ~~arbitrator~~Arbitrator(s), IAP ~~member~~Member(s), administrative law judge, or Commission.

(2) The following considerations should be taken into account by the Agency in determining whether a subpoena should be requested to be issued by the Authority:

(i) the availability of, and success in, using alternative methods for obtaining the information in a timely manner;

(ii) the indispensability of the information to the success of the investigation or establishing a violation; and

(iii) the need to protect against the destruction of records or information that may be necessary to investigate and prosecute violations of the Protocol.

(f) Interviews.

(1) Covered Persons shall comply with a request to be interviewed by the Agency.

(2) If the Agency requires a Covered Person to submit to an interview under oath, the Covered Person may request a delay of the interview to seek legal advice. However, such delay shall only encompass the time reasonably necessary to contact and retain legal counsel and shall in no case exceed 7 days, unless agreed otherwise by the Agency.

(3) An authorized Person may administer an oath or affirmation to a Covered Person appearing for an interview under oath.

(4) The only basis for refusing to answer a question in an interview is an assertion of the attorney-client privilege or the Fifth Amendment privilege against self-incrimination.

5740Rule 5730. Investigation Outcomes

(a) The Agency shall determine without undue delay whether proceedings should be initiated against a Covered Person for ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation~~ a violation of the Protocol or related rules.

(b) If the Agency concludes based on the results of its investigation that proceedings should be initiated against a Covered Person independently or in relation to a Covered Horse, asserting commission of ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation~~ a violation of the Protocol or related rules, it shall give notice of that decision in the manner set out in the Protocol.

(c) If the Agency concludes, based on the results of its investigation, that proceedings asserting commission of ~~an Anti-Doping Rule Violation or Controlled Medication Rule Violation~~ a violation of the Protocol or related rules should not be initiated against a Covered Person independently or in relation to a Covered Horse, the Agency shall consider whether any of the intelligence obtained or lessons learned during the investigation should be used for test distribution planning, Target Testing, or whether it should be shared with any other Person or included in any report in accordance with these Testing and Investigations Standards.

(d) The Agency may include information from its investigations in reports made to the Authority, Congress, ~~State Racing Commissions~~, or other appropriate bodies, regardless of whether the information relates to one or more rule violations. The fact that information was included in such a report shall not be a defense in any proceeding involving a potential rule violation.

Summary report:	
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Table moves from	0
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Format changes	0
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