SENATE……..No. 3096

The Commonwealth of Massachusetts

COMMUNICATION

from

MASSACHUSETTS GAMING COMMISSION

SUBMITTING PROPOSED REGULATIONS FOR

HARNESS HORSE RACING
205 CMR 3.00
PARI-MUTUEL RULES FOR THOROUGHBRED RACING, HARNESS RACING, AND GREYHOUND RACING
205 CMR 6.00

(under the provisions of section 9B of Chapter 128A
of the General Laws)

May 26, 2026

Legal Division

May 21, 2026

The Honorable Michael D. Hurley
Senate Clerk
Office of the Senate Clerk
24 Beacon Street |Room 335
Boston, MA 02133

The Honorable Timothy Carroll
House Clerk
Office of the House Clerk
24 Beacon Street |Room 145
Boston, MA 02133

Dear Senate Clerk Hurley and House Clerk Timothy Carroll:

Pursuant to M.G.L. c. 128A, § 9B and M.G.L. c. 6 § 222 the Massachusetts Gaming Commission ("Commission") hereby files 205 CMR 3.00, specifically, **205 CMR 3.02:** *Definitions,* **205 CMR 3.28:** *Prohibited Practices,* **205 CMR 3.29:** *Medications and Prohibited Substances*, with the Clerks of the Senate and the House of Representatives.

205 CMR 3.02: *Definitions* section is being amended to add definitions for the Association of Racing Commissioners International (ARCI) and the United States Trotting Association (USTA), to include the specific date and version. The amendments are meant to clearly identify which versions of the rules are being used.

205 CMR 3.28: *Prohibited Practices* is being amended to correct an incorrect citation from "205 CMR 3.28(5)," to "Annex I." Additional changes include changing the word "breeze" to "qualify" and the word "jockeys" to "drivers" to reflect the terminology used in Standardbred Racing.

205 CMR 3.29: *Medications and Prohibited Substances* is being amended to remove the language in Section 2A, as the Racing Division does not use this multiple medication violation system.

These regulations are largely governed by M.G.L. c. 128A, §§ 9 and 9B. A public hearing was held regarding these proposed amendments on May 5, 2026. If you have any questions or need additional information, please feel free to reach me at melanie.foxx@massgaming.gov or (857) 202-0429. Thank you for your attention to this matter.

Respectfully submitted,

Massachusetts Gaming Commission
By:

Melanie Foxx

Melanie D. Foxx, Esq.
Associate General Counsel

Enclosures

3.01 : continued

Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe and enforce 205 CMR 3.00. Furthermore, it shall be the duty of each and every officer, director and every official and employee of said licensee to observe and enforce 205 CMR 3.00. Any and all of205 CMR 3.00 may be amended, altered, repealed or supplemented by new and additional rules.

The Commission may make exceptions to any rule or rules in individual instances as in their judgement they may deem proper.

The Commission may rescind or modify any penalty or decision or infraction of the rules imposed or made by the racing officials.

M.G.L. c. 128A, and 205 CMR 3.00 supersede the conditions of a race, or the regulations of a race meeting.

205 CMR 3.00 as promulgated by the Commission are supplemented by the State Administrative Procedure Law found in M.G.L. c. 30A. M.G.L. c. 30A provides the procedures that must be followed by all state agencies on such matters as the amending process and the adjudicatory procedure. Under M.G.L. c. 30A, any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request.

If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission in accordance with the provisions of205 CMR 101.02.

The rules on pari-mutuel wagering are located in an entirely separate rulebook entitled 205 CMR 6.00: *Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing.*

The Massachusetts Gaming Commission adopts the United States Trotting Association (USTA) Rules and Regulations as amended; and supplements those rules and regulations with 205 CMR 3.00.

In any situation where a conflict exists between the United States Trotting Association Rules and 205 CMR 3.00, 205 CMR 3.00 will govern. In any instance where a situation is not covered by the USTA Rules, 205 CMR 3.00 will govern and *vice versa.* The assessment of fines and suspensions shall be in the discretion of the Judges and the Gaming Commission.

3.02 : Definitions

The following definitions and interpretations shall apply in 205 CMR 3.00, unless the text otherwise require:

Administer or Administration is the introduction of a substance into the body of a horse.

ARCI shall mean the Uniform Classification Guidelines for Foreign Substances And Recommended Penalties Model Rule, December 8, 2025, Version 19.1 as promulgated by the Association of Racing Commissioners International.

Arrears includes all monies due for entrance, forfeits, fees, forfeitures, subscriptions, stake, and also any default in money incident to the Rules.

Associated Person is the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person would give the appearance that such other person or entity would care for or train a racing animal or perform veterinarian service on a racing animal for the benefit, credit, reputation, or satisfaction of the inactive person.

3.02: continued

Association is any person or persons, associations, or corporations licensed by the Commission to conduct harness horse racing within the Commonwealth of Massachusetts for any stake, purse or reward.

Assumed Name shall be a name other than the given name or legal name of an individual. Assumed names shall include but shall not be confined to racing, stable names, farm names, association, corporations, partnerships (when the actual legal names of the partners are not used), *Nam de Course, etc.*

Authorized Agent is a person appointed by a written instrument signed by the owner and filed in accordance with 205 CMR 3.05.

Bleeder is a horse which has demonstrated external evidence of exercise induced pulmonary hemorrhage.

Bleeder List is a tabulation of all bleeders to be maintained by the Commission.

Breeder of a Horse is the owner of its dam at the time of foaling.

Breeding Place is the place of horse's conception.

Calendar Day is 24 hours ending at midnight.

Controlled Therapeutic Medication is any medication approved by the Association of Racing Commissioners International for which the regulatory analyte concentration in the sample(s) may not exceed specified regulatory limits published in 205 CMR 3.00.

Declaration shall mean the naming of a particular horse to a particular race as a starter.

Ejected shall mean the removal from the grounds of an Association.

Entry shall mean according to the requirements of the text:

(a) a horse made eligible to run in a race,

(b) two or more horses which are entered or run in a race owned by the same owner or trained by the same trainer.

Equipment, as applied to a horse, shall mean harness, hobbles, bits, shadow rolls, blinkers, poles, tongue straps, bandages, boots, toe weights, gaiting straps, shoes, head numbers, saddle numbers, sulkies, whips, spurs, etcetera.

Field, when the individual horses competing in a race exceed the numbering capacity of the Tote, the highest numbered horses within the capacity of the Tote, and all horses of a higher number shall be grouped together and called the "Field."

Forfeit shall mean money due because of an error, fault, neglect of duty, breach of contract, or a penalty.

Forfeiture shall mean any money imposed as a penalty by the Judges or Starter of the meeting.

Furosemide List means a tabulation of all horses eligible to participate in a race with furosemide in their system.

Inactive Person is any person whose license has been suspended for more than 30 days; whose license has expired or been revoked; or whose license application has been denied.

Judges shall mean the Judges of the meeting or their duly appointed deputies.

3.02: continued

Law or Laws shall mean M.G.L. c. 128A.

Licensee shall mean any Association receiving a license from the Commonwealth of Massachusetts to conduct harness horse racing.

Medication is any substance or metabolite capable of exerting a pharmacological effect on the horse's system with an accepted use in the diagnosis, cure, treatment or prevention of a veterinary medical condition.

Meeting is the whole consecutive period for which license to race has been granted to any one Association by the Commission.

Month is a calendar month.

Nominator is the person in whose name a horse is entered for a race.

Owner includes sole owner, part owner or lessee of a horse. An interest only in the winnings of a horse does not constitute part ownership.

Place in racing shall mean first, second, third or fourth position at the finish of a race and in that order is called "Win," "Place," "Show" and "Fourth."

Post Position is the position assigned to the horse at the start of the race.

Post Time is the time set for the arrival at the starting point of the horses in a race and must be shown a reasonable time prior to the race on a clock device, provided for that purpose, prominently displaced and clearly readable from the grandstand.

Race. A contest between horses for purse, stakes, premium, wager for money or admission fees on any course and in the presence of a judge or judges.

Race Day means any period of 24 hours beginning at midnight and included in the period of a race meeting and in the matter of penalties the word "day" means a "race day."

Recognized Meeting shall be any meeting wherever held under the sanction of the United States Trotting Association having reciprocal relations with the Massachusetts Gaming Commission for the mutual enforcement of rulings imposed on persons guilty of fraudulent turf practices of any kind.

Rule Off shall mean the act of debarring from the grounds of an Association and denying all racing privileges.

Rules shall mean all the rules and regulations of the USTA and 205 CMR 3.00.

Scratch shall mean the act of withdrawing an entered horse from a race after the closing of overnight entries.

Scratch Time shall mean the time set by the Association for the closing of applications for permission to withdraw from races of that day.

Starter. A horse is a "starter" for a race when the Starter dispatches the horses with the word "Go."

Subscription shall mean the act of nominating to a stake race.

Suspended shall mean that any privilege granted to a licensee of the Commission by the officials of a racing meeting or by the Commission has been withdrawn.

3.02 : continued

Tote or Tote Board shall mean the totalisator.

USTA shall mean the Rules and Regulations of the United States Trotting Association, Published May 1, 2025.

Year shall mean a calendar year.

3.03 : Appeal to the Commission

(1) A final appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission may be taken to the Commission. consistent with the provisions of205 CMR 101.02: *Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff; or the Racing Division.*

3.04 : Stable Names, Registration Fees, Restrictions, *etc.*

(1) Each stable name must be duly registered with the Commission.

(2) In applying to race under a stable name, the applicant must disclose the identity or identities behind a stable name.

(3) If a corporation is involved in the identity behind a stable name, 205 CMR 3.06 must be complied with.

(4) Changes in identities must be reported immediately to and approval obtained from the Commission.

(5) A person cannot register more than one stable name at the same time nor can he or she use his or her real name for racing purposes so long as he has a registered one.

(6) Any person who has registered under a stable name may at any time cancel it after he or she has given written notice to the Commission.

(7) A stable name may be changed at any time by registering a new stable name and by paying the required fee.

(8) A person cannot register as his or her stable name one that has been registered by any other person with any Association conducting a recognized meeting.

(9) A person may not register as his or her stable name one which is the real name of any owner of race horses nor one which is the real or assumed name of any prominent person not owning race horses.

(10) A stable name shall be plainly distinguishable from that of another duly registered stable name.

3.27: continued

(f) Any horse entered for racing must be present on the grounds prior to the scheduled furosemide administration time or one hour prior to first post time, whichever is earlier.

(4) Veterinarians' Reports.

(a) Every veterinarian who treats a racehorse at any location under the jurisdiction of the Commission shall, in writing on the medication report form prescribed by the Commission, report to the official veterinarian or other Commission designee at the racetrack where the horse is entered to run or as otherwise specified by the Commission, the name of the horse treated, any medication, drug, substance or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(b) The medication report form shall be signed by the practicing veterinarian.

(c) The medication report form must be filed by the treating veterinarian not later than post time of the race for which the horse is entered. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of the Commission's regulations or in a proceeding before the Stewards or the Commission, or to the trainer or owner of record at the time of treatment.

(d) A timely and accurate filing of a medication report form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

3.28: Prohibited Practices

(1) No person may possess or use a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which:

(a) a recognized analytical method has not been developed to detect and confinn the administration of such substance;

(b) the use of which may endanger the health and welfare of the horse or endanger the safety of the driver;

(c) the use of which may adversely affect the integrity of racing; or

(d) no generally-accepted use in equine care exists.

(2) Prohibited Substances and Methods.

(a) The substances and methods listed in the annexed Prohibited List may not be used at any place or time, and may not be possessed on the premises of a racing or training facility under the jurisdiction of the Commission, except as a restricted therapeutic use.

(b) Restricted Therapeutic Use. A limited number of medication on the Prohibited List shall be exempted when the administration occurs in compliance with the annexed Required Conditions for Restricted Therapeutic Use:

I. Report When Sampled means the administration of the substance must be reported to the Commission when the horse is next sampled, if the horse is sampled within 24 hours after the administration;

2. Pre-file Treatment Plan means that if the Commission where the horse is located requires the filing of treatment plans, then a treatment plan for the substance must be filed by the time of administration in a manner approved by such Commission;

3. Written Approval from Commission means the Commission has granted written approval of a written treatment plan before the administration of the substance;

4. Emergency Use (report) means the substance had to be administered due to an acute emergency involving the life or health of the horse, provided the emergency use is reported to the Commission as soon as practicable after the treatment occurs;

5. Prescribed by Veterinarian means the substance has been prescribed by an attending veterinarian, in compliance with ARCI O11-010 *Veterinary Practices,* and recorded in the veterinary records in the manner required by the Commission;

6. Report Treatment means the treatment must be reported to the Commission by the trainer at the time of administration to provide the Commission with information for the Veterinarian's List. The trainer may delegate this responsibility to the treating veterinarian, who shall make the report when so designated; and

3.28: continued

7. Other Limitations means additional requirements that apply, such as a substance may be used in only fillies or mares or a horse that is administered a substance shall be reported immediately to the Commission and placed on the Veterinarian's List for a specific minimum period of time. The use of the substance must comply with other applicable rules of the Commission.

(c) No person shall at any time administer any other doping agent to a horse except pursuant to a valid therapeutic, evidence-based treatment plan.

1. Other doping agent means a substance that is not listed in the annexed Prohibited List, has a pharmacologic potential to alter materially the performance of a horse, has no generally accepted medical use in the horse when treated, and is:

a. capable at any time of causing an action or effect, or both, within one or more of the blood, cardiovascular, digestive, endocrine, immune, musculoskeletal, nervous, reproductive, respiratory, or urinary mammalian body systems; including, but not limited to, endocrine secretions and their synthetic counterparts, masking agents, oxygen carriers, and agents that directly or indirectly affect or manipulate gene expression; but

b. not a substance that is considered to have no effect on the physiology of a horse except to improve nutrition or treat or prevent infections or parasite infestations.

2. The Commission may publish advisory warnings that certain substances or administrations may constitute a violation of205 CMR 3.28.

3. Therapeutic, evidence-based treatment plan means a planned course of treatment written and prescribed by an attending veterinarian before the horse is treated that:

a. describes the medical need of the horse for the treatment, the evidence-based scientific or clinical justification for using the doping agent, and a determination that recognized therapeutic alternates do not exist; and

b. complies with ARCI 011-010 *Veterinary Practices,* meets the standards of veterinary practice of the jurisdiction, and is developed in good faith to treat a medical need of the horse.

4. Such plans shall not authorize the possession of a doping agent on the premises of a racing or training facility under the jurisdiction of the Commission.

(3) The possession and/or use of the following substances or ofblood doping agents, including but not limited to those listed in 205 CMR 3.28(3)(a) through (j), on the premises ofa facility under the jurisdiction of the Commission is forbidden:

(a) Aminoimidazole carboxamide ribonucleotide (AICAR);
(b) Darbepoetin;
(c) Equine Growth Hormone;
(d) Erythropoietin;
(e) Hemopure ®;
(f) Myo-Inositol Trispyprophosphate (ITPP);
(g) Oxyglobin®;
(h) Thymosin beta;
(i) Venoms or derivatives thereof;
(j) Thymosin beta.

(4) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(a) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine, whether in operating condition or not, must be registered with and approved by the Commission or its designee before such machine is brought to or possessed on any racetrack or training center within the jurisdiction of the Commission;

(b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy within the jurisdiction:

1. shall be limited to veterinarians licensed to practice by the Commission;

2. may only be performed with machines that are registered and approved for use by the Commission; and

3. used at a previously-disclosed location that is approved by the Commission must be reported within 24 hours prior to treatment on the prescribed fonn to the official veterinarian.

3.28: continued

(c) Any treated horse shall not be permitted to race or ~~breeze~~ qualify for a minimum of ten days following treatment;
(d) Any horse treated with Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall be added to a list of ineligible horses. This list shall be kept in the race office and accessible to the ~~jockeys~~ drivers and/or their agents during normal business hours and be made available to other regulatory jurisdictions.
(e) A horse that receives any such treatment without full compliance with 205 CMR 3.28(4) and similar rules in any other jurisdiction in which the horse was treated shall be placed on the Steward's List.
(f) Any person participating in the use of ESWT and/or the possession of ESWT machines in violation of this rule shall be considered to have committed a Prohibited Practice and is subject to a Class A Penalty.

(5) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his or her designee.

Annex I
Prohibited Substances and Prohibited Methods
Prohibited Substances

All substances in the following categories shall be strictly prohibited unless otherwise provided in accordance with 205 CMR 3.00 ~~4.00~~: ~~*Rules of*~~ *Harness Horse Racing*. Any reference to substances in ~~205 CMR 3.28(5)~~ Annex I does not alter the requirements for testing concentrations in race day samples. Nothing in this list shall alter the requirements of post-race testing.

(a) Non-approved Substances. Any pharmacologic substance that is not approved by any governmental regulatory health authority for human or veterinary use within the jurisdiction is prohibited. This prohibition includes drugs under pre-clinical or clinical development, discontinued drugs, and designer drugs (a synthetic analog ofa drug that has been altered in a manner that may reduce its detection) but does not include vitamins, herbs and supplements for nutritional purposes that do not contain any other prohibited substance, or the administration of a substance with the prior approval of the Commission in a clinical trial for which an FDA or similar exemption has been obtained.
(b) Anabolic Agents. Anabolic agents are prohibited.
1. Anabolic Androgenic Steroids (AAS).
1.1. Exogenous AAS, including:
1-androstenediol (5a-androst-l-ene-3P,l7P-diol); 1-androstenedione (5a-androst-l-ene-3,l7-dione); bolandiol (estr-4-ene-3P,17P-diol); bolasterone; boldenone; boldione (androsta-1,4-diene-3,17-dione); calusterone; clostebol; danazol ([l,2]oxazolo[4',5':2,3]pregna-4-en-20-yn-l7a-ol); dehydrochlormethyltestosterone (4-chloro-l 7P-hydroxy-l 7a-methylandrosta- l,4-dien-3-one); desoxymethyltestosterone (17a-methyl-5a-androst-2-en- 17P-ol); drostanolone; ethylestrenol (19-norpregna-4-en-l7a-ol); fluoxymesterone; formebolone; furazabol (17a- methyl[l,2,5]oxadiazolo[3',4':2,3]-5a-androstan-l7P-ol); gestrinone; 4- hydroxytestosterone (4,17P-dihydroxyandrost-4-en-3-one); mestanolone; mesterolone; metandienone (17P-hydroxy-l7a-methylandrosta-l,4-dien-3-one); metenolone; methandriol; methasterone (l 7P-hydroxy-2a, 17a- dimethyl-5a-androstan-3-one); methyldienolone(17P-hydroxy-17a-methylestra-4,9-dien-3-one); methyl-I-testosterone (l 7p-hydroxy-17a-methyl-5a-androst-l-en-3-one); methylnortestosterone (17p-hydroxy-l7a-methylestr-4-en-3-one); methyltestosterone; metribolone (methyltrienolone, l7P-hydroxy-17a-methylestra-4,9,11-trien-3-one); mibolerone; nandrolone; 19-norandrostenedione (estr-4-ene-3,17-dione); norboletone; norclostebol; norethandrolone; oxabolone; oxandrolone; oxymesterone; oxymetholone; prostanozol (l 7P-[(tetrahydropyran-2-yl)oxy]-l 'H-pyrazolo[3,4:2,3]-5a-androstane); quinbolone; stanozolol; stenbolone; I-testosterone (l 7p-hydroxy-5a-androst-l-en-3-one); tetrahydrogestrinone (l 7-hydroxy-18a-homo-19-nor-l 7a-pregna-4,9,11-trien-3-one); trenbolone (17P-hydroxyestr- 4,9,11-trien-3-one); and other substances with a similar chemical structure or similar biological effect(s).

3.28: continued

1.2. Endogenous AAS or their synthetic esters when administered exogenously: androstenediol (androst-5-ene-3p,l7P-diol); androstenedione (androst-4-ene-3,17-dione); dihydrotestosterone(l 7p-hydroxy-5a-androstan-3-one); prasterone (dehydroepiandrosterone, DHEA, 3p-hydroxyandrost-5-en-l7-one); testosterone; and their metabolites and isomers including, but not limited to: 5a-androstane-3a,l7a-diol; 5a-androstane-3a,l7P-diol; 5a-androstane-3p,l7a-diol; 5a-androstane-3P,l7P-diol; sp-androstane-3a,l7P-diol, androst-4-ene-3a,l7a-diol; androst-4-ene-3a,l7P-diol; androst-4-ene-3P,l7a-diol; androst-5-ene-3a,l7a-diol; androst-5-ene-3a,l7P-diol; androst-5-ene-3P,l7a-diol; 4-androstenediol (androst-4-ene-3p,l7P-diol); 5-androstenedione (androst-5- ene-3,17-dione); androsterone (3 P-hydroxy-5 a - androstan-17-one); epi-dihydrotestosterone; epitestosterone; etiocholanolone; 7a-hydroxy-DHEA; 7P-hydroxy-DHEA; 7-keto-DHEA; 19-norandrosterone; 19-noretiocholanolone.

(c) Other Anabolic Agents, Including, but Not Limited to: Clenbuterol, selective androgen receptor modulators (SARMs *e.g.,* andarine and ostarine), ractopamine, tibolone, zeranol, zilpaterol.

(d) Peptide Hormones, Growth Factors and Related Substances. The following substances, and other substances with similar chemical structure or similar biological effect(s), are prohibited:

1. Erythropoietin-Receptor agonists: Erythropoiesis-Stimulating Agents (ESAs) including, *e.g.,* darbepoetin (dEPO); erythropoietins (EPO); EPO-Fc; EPO-mimetic peptides (EMP), *e.g.,* CNTO 530 and peginesatide; and methoxypolyethylene glycol-epoetin beta (CERA); and Non-erythropoietic EPO-Receptor agonists, *e.g.,* ARA-290, asialo EPO and carbamylated EPO;

2. Hypoxia-inducible factor **(HIF)** stabilizers, *e.g.,* cobalt (when found in excess of regulatory authority limits) and roxadustat (FG-4592); and **HIF** activators, *(e.g.,* argon, xenon);

3. Chorionic Gonadotropin (CG) and Luteinizing Honnone (LH) and their releasing factors, in males;

4. Corticotrophins and their releasing factors;

5. Growth Hormone (GH) and its releasing factors including Growth Hormone Releasing Hormone **(GHRH)** and its analogues, *e.g.,* CJC-1295, sennorelin and tesamorelin; Growth Hormone Secretagogues (GHS), *e.g.,* ghrelin and ghrelin mimetics, *e.g.,* anamorelin and ipamorelin; and GB-Releasing Peptides (GHRPs), *e.g.,* alexamorelin, GHRP-6, hexarelin and pralmorelin (GHRP-2);

6. Venoms and toxins including, but not limited to, venoms and toxins from sources such as snails, snakes, frogs, and bees as well as their synthetic analogues such as ziconotide.

7. In addition, the following growth factors are prohibited: Fibroblast Growth Factors (FGFs), Hepatocyte Growth Factor (HGF), Insulin-like Growth Factor-I (IGF-1) and its analogues, Mechano Growth Factors (MGFs), Platelet-Derived Growth Factor (PDGF), Vascular-Endothelial Growth Factor (VEGF) and any other growth factor affecting muscle, tendon or ligament protein synthesis/degradation, vascularization, energy utilization, regenerative capacity or fiber type switching.

(e) Beta-2 Agonists. All beta-2 agonists, including all optical isomers *(i.e.,* d- and I-) where relevant, are prohibited.

(f) Hormone and Metabolic Modulators. The following are prohibited:

I. Aromatase inhibitors including, but not limited to: aminoglutethimide, anastrozole, androsta-1,4,6-triene-3,17-dione (androstatrienedione), 4-androstene-3,6,17 trione (6-oxo), exemestane, fonnestane, letrozole, testolactone;

2. Selective estrogen receptor modulators (SERMs) including, but not limited to: raloxifene, tamoxifen, toremifene;

3. Other anti-estrogenic substances including, but not limited to: clomiphene, cyclofenil, fulvestrant;

4. Agents modifying myostatin function(s) including, but not limited to: myostatin inhibitors;

5. Metabolic modulators:

5.1. Activators of the AMP-activated protein kinase (AMPK), *e.g.,* AICAR, and Peroxisome Proliferator Activated Receptor 6 (PPAR6) agonists *(e.g.,* GW 1516);

5.2 Insulins;

5.3 Trimetazidine; and

3.28: continued

5.4. Thyroxine and thyroid modulators/hormones including, but not limited to, those containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof.

(g) Diuretics and Other Masking Agents. The following diuretics and masking agents are prohibited, as are other substances with similar chemical structure or similar biological effect(s): acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, desmorpressin, etacrynic acid, indapamide, metolazone, plasma expanders (e.g., glycerol; intravenous administration of albumin, dextran, hydroxyethyl starch and mannitol), probenecid, spironolactone, thiazides *(e.g.,* bendroflumethiazide, chlorothiazide, hydrochlorothiazide), torsemide, triamterene, and vasopressin receptor antagonists or vaptans (e.g., tolvaptan).

Furosemide and trichlormethiazide may be administered only in a manner permitted by other rules of the Commission.

Prohibited Methods

(6) Manipulation of Blood and Blood Components. The following are prohibited:

(a) The administration or reintroduction of any quantity of autologous, allogenic (homologous) or heterologous blood or red blood cell products of any origin into the circulatory system.

(b) Artificially enhancing the uptake, transport or delivery of oxygen including, but not limited to: perfluorochemicals, efaproxiral (RSR13) and modified hemoglobin products (e.g., hemoglobin-based blood substitutes, microencapsulated hemoglobin products), excluding supplemental oxygen.

(c) Any form of intravascular manipulation of the blood or blood components by physical or chemical means.

(7) Chemical and Physical Manipulation. Tampering, or attempting to tamper, in order to alter the integrity and validity of samples collected by the Commission, is prohibited. These methods include, but are not limited to, urine substitution or adulteration (e.g., proteases).

(8) Gene Doping. The following, with the potential to enhance sport performance, are prohibited:

(a) The transfer of polymers of nucleic acids or nucleic acid analogues.

(b) The use of normal or genetically modified hematopoietic cells.

Required Conditions for Restricted Therapeutic Use

Prohibited Substance	Report When Sampled	Pre-File Treatment Plan	Written Approval from Commission	Emergency Use (report)	Prescribed by Veterinarian	Report Treatment	Other Limitations
Adrenocorticotropic Hormone (ACTH)		x			x		
Albuterol					x		
Altrenogest					x		fillies/mares only
Autologous Conditioned Plasma (IRAP)	x				x		
Blood Replacements	x			x	x		
Boldenone		x			x	x	6 month Vet List
Clenbuterol		x			x		
Chorionic Gonadotropin		x	x-1		x	x	60 day Vet List
Furosemide	x				x		
Luteinizing Hormone		x	x-1		x	x	60 day Vet List
Mesenchymal Stem Cells	x				x	x	
Nandrolone		x			x	x	6 month Vet List
Nucleic Polymer Transfers		x	x		x	x	
Platelet Rich Plasma (PRP)	x				x		
Stanozolol		x			x	x	6 month Vet List
S0 (not FDA-approved)			x-2		x		
Testosterone		x			x	x	6 month Vet List
Thyroxine (T4)		x	x-3		x		
Trichlormethiazide	x				x		
Other Diuretics	x			x	x		

x-1: The approved treatment plan must show a specific treatment of a specific individual horse for an undescended testicle condition.

x-2: The approved treatment plan must show: (A) the substance has a generally accepted veterinary use; (B) the treatment provides a significant health benefit for the horse; (C) there is no reasonable therapeutic alternative; and (D) the use of the substance is highly unlikely to produce any additional enhancement of performance beyond what might be anticipated by a return to the horse's normal state of health, not exceeding the level of performance of the horse prior to the onset of the horse's medical condition.

x-3: The approved treatment plan must show: (A) the thyroxine is prescibed to a specific individual horse for a specific period of time; (B) the diagnosis and basis for prescribing such drug, the dosage, and the estimated last administration date ; and (C) that any container of such drug on licensed premises shall be labeled with the foregoing information and contain no more thyroxine than for the treatment of the specific individual horse, as prescribed.

3.29: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors. Upon a finding of a violation of205 CMR 3.29, the judges shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The judges shall also consult with the official veterinarian, laboratory director or other individuals to determine the seriousness of the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

(a) The past record of the trainer, veterinarian and owner in drug cases;
(b) The potential of the drug(s) to influence a horse's racing performance;
(c) The legal availability of the drug;
(d) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
(e) The steps taken by the trainer to safeguard the horse;
(f) The probability of enviromnental contamination or inadvertent exposure due to human drug use;
(g) The purse of the race;
(h) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
(i) Whether there was any suspicious betting pattern in the race; and
U) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

(2) Penalties.

(a) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.

(b) If a licensed veterinarian is administering or prescribing a drug not listed in the ARCI *Uniform Classification Guidelines for Foreign Substances,* the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.

(c) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the version of the ARCI *Uniform Classification Guidelines for Foreign Substances* in effect at the time of the violation shall be assumed to be a ARCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule "A" therein unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.

(d) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(e) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(f) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation, depending upon the facts and circumstances of the case.

~~(2A) Multiple Medication Violations (MMV). A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI *Uniform Classification Guidelines for Foreign Substances,* or similar state regulatory guidelines, shall be assigned points as follows:~~

3.29: continued

Penalty Class	Points if Controlled Therapeutic Substance	Points if Non-controlled Substance
Class A	*N/A*	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days[4]	one for first violation with an additional ½ point for each additional violation within 365 days
Class D	0	0

[4] *Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.*

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

The points assigned to a medication violation by the Stewards' or Commission's Ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including, when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in 205 CMR 6.29(3)(d), whether they constitute a single violation. The Stewards' or Commission's Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

A trainer's cumulative points for violations in all racingjurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in 205 CMR 3.00.

Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

The official ARCI record and/or USTA record shall be used to advise the Stewards or Commission of a trainer's past record of violations and cumulative points. Nothing in 205 CMR 3.00 shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

The Stewards or Commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in 205 CMR 3.00 shall be imposed.

In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11 or more	180 to 360

~~3.29: continued~~

~~MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:~~

~~Has had more than one medication violation for the relevant time period, and~~

~~2. Exceeds the permissible number of points.~~

~~The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer's prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.~~

~~The suspension periods as provided in Section l3(g) shall run consecutive to any suspension imposed for the underlying offense.~~

~~The Stewards' or Commission's Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Steward or Commission review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.~~

~~Points shall expire as follows:~~

~~Penalty Classification~~	~~Time to Expire~~
~~A~~	~~three years~~
~~B~~	~~two years~~
~~C~~	~~one year~~

~~In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.~~

(3) Medication Restrictions.

(a) A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is *prima facie* evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

I. Drugs or medications for which no acceptable threshold concentration has been established;

2. Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the version of the ARCI Controlled Therapeutic Medication Schedule in effect at the time of the violation;

3. Substances present in the horse in excess of concentrations at which such substances could occur naturally; and

4. Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by 205 CMR 3.00, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to 205 CMR 3.00 during the 24-hour period before post time for the race in which the horse is entered.

(4) Medical Labeling.

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with 205 CMR 3.29(4).

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following: