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CHRB NEWS RELEASE

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BOARD MOVES TO ADOPT TOUGHER PENALTIES

ARCADIA, CA – The California Horse Racing Board approved for public notice Tuesday two proposed regulations designed to establish hard-hitting penalties for medication violations, while ensuring uniformity and fairness in the process. The penalty guidelines apply to all licensees, including trainers, horse owners, and veterinarians.

“We’re making the reward (for cheating) not worth the risk,” said Dr. Rick Arthur, the Board’s equine medical director, effectively summarizing the intent of the tougher penalties.

But in adopting guidelines that CHRB Chairman Richard B. Shapiro said could seem “Draconian” to some, the Board is making certain that licensees have the right to defend themselves with evidence of “mitigating circumstances,” which if persuasive could convince hearing officers to either reduce or eliminate penalties altogether. Mitigating circumstances could include but are not limited to any steps taken by the licensee to safeguard the horse involved in the violation and/or establishing the probability that the drug positive was due to environmental contamination.

On the other hand, the investigator or deputy attorney general representing the CHRB in these cases will have the opportunity to present “aggravating circumstances” in an effort to increase the penalty. For example, the Board representative could cite a suspicious wagering pattern or, taking the opposite of a mitigating circumstance, show that the licensee made no effort to protect the horse.

Procedurally, the regulations will be noticed to the public for a 45-day period, after which the Board will conduct a public hearing to consider all comments. If given final approval at that public hearing, the regulations would go through additional administrative procedures, and then become effective in the late spring.

The penalty guidelines call for hearing officers to issue a minimum one-year suspension to any trainer found responsible (absent mitigating circumstances) for the most serious category “A” penalties, which include stimulant and depressant drugs with the highest potential to affect performance that have no generally accepted medical use in the racing horse. Repeated offenses call for even longer suspensions or even permanent license revocation, along with fines up to \$50,000.

Owners of horses in the more serious cases would in all instances lose any purse money. And the horses involved could face sanctions, such as not being permitted to compete for several months and being subject to additional drug testing at the owner’s expense.

Any licensee found culpable in a violation will face the same penalty as the trainer. Furthermore,

the regulations require that “any veterinarian found to be involved in the administration of any drug in Penalty Category ‘A’ resulting in a violation shall be referred to the California Veterinary Medical Board for consideration of further disciplinary action and not be allowed to practice at any California racetrack indefinitely.”

And to help prevent suspended trainers from continuing to benefit financially from racing during their suspensions, the regulations prohibit the transfer of horses under the trainer’s care to family members, and “trainers suspended 60 days or more shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, the suspended trainer shall forfeit all stall space assigned them and shall remove from the inclosures all advertisements, trainer-related equipment, tack, office equipment, and any other property.”

Five new drug classifications established by the regulations (Class 1-5) closely relate to the four penalty categories (A, B, C, and D). The more than 800 drug substances that can be detected by the Board’s official testing laboratory – the Ken Maddy Laboratory at U.C. Davis – all are listed among the five classes and assigned to a penalty category based on their therapeutic value, appropriate usage, and ability to influence the outcome of a race. Any drug substance not listed by name would automatically be included in the highest class (1) and strictest penalty category (A).

The penalty guidelines and drug classifications originally were developed by the national Racing Medication and Testing Consortium (RMTC) and submitted to each racing jurisdiction for consideration. The regulations contain modifications to those RMTC recommendations.

The Board will continue to file complaints against the trainers of horses that exceed the regulatory threshold of 37.0mm1/1 for total carbon dioxide (TCO₂). The new penalty guidelines will provide additional deterrents for readings over 39.0mm1/1. Repeat violations at the higher levels could result in suspensions of six months to a year. And in addition to losing the purse in all TCO₂ violations, an owner with repeated violations also could be fined up to \$20,000.

All anabolic steroids with the exception of boldenone, stanozolol, nandrolone, and testosterone have been placed in the Class 3 drug classification and Category B penalty, resulting in the automatic forfeiture of the purse upon a positive finding. Boldenone, stanozolol, nandrolone, and testosterone will be handled as category D penalties until such time as the national effort to regulate anabolic steroids moves forward. In the meantime, the Maddy Laboratory is in the process of establishing the appropriate drug-testing protocols to ensure that California will be ready to implement any future regulations relative to anabolic steroids. The laboratory also is evaluating alternative testing procedures for the regulation of clenbuterol.

In other business, representatives of the state’s racetracks announced that Scientific Games has been selected to continue providing all totalizator services in the new contract period beginning in September.

As part of the new agreement, Scientific Games will replace all wagering terminals with new state-of-the-art equipment, including user-friendly self-service terminals with modernized graphics and increased capabilities. The new system will accommodate a limited number of portable hand-held devices, which will allow patrons to wager from their seats. Scientific Games has committed to replacing 80 percent (about 4,000) of the wagering terminals in California by the end of September and replacing the remaining 20 percent (about 1,000) early next year.

Chris Korby, the executive director of the California Authority of Racing Fairs, who announced the new contract, said the “new system will be generations ahead of what we have now.” Under questioning from Chairman Shapiro, Korby and representatives of Scientific Games said the new system will provide greater security and improved communication links that should result in the increased reliability of the network. This will include a complete back-up system in case of a problem.

CHRB Executive Director Ingrid Fermin reported that a jockey health and nutrition study got underway December 12 at Bay Meadows. Those gathering information then proceeded to Hollywood Park and Turf Paradise. To date, 53 jockeys (48 men and five women) have volunteered to participate in the multi-state study. In considering such factors as body composition, strength, and flexibility, the study is designed to determine proper nutritional and exercise requirements and to address the issue of what the minimum riding weight of a jockey should be in all racing jurisdictions.

A majority of the Board (four of the seven racing commissioners) decided not to enforce a regulation approved last year that placed a restriction on a type of horseshoe that can be used in California horse racing. Specifically, the regulation prevented the use of front toe grabs over four millimeters in height on thoroughbreds.

Commissioner Marie Moretti, citing studies critical of toe grabs longer than 4 millimeters, argued for enforcement of the regulation. “We have scientific evidence that longer toe grabs can be harmful to horses, so let’s go with the regulation,” she said. CHRB Vice Chairman John Harris also argued passionately for enforcement of the regulation. And Dr. Arthur said the evidence is “irrefutable” that banning long toe grabs saves the lives of horses.

Speaking out against the restriction, trainer John Shirreffs argued that trainers have the knowledge and intent to do what is in the best interest of the horse and should be allowed to select the proper shoe for the horse without government interference. The California Thoroughbred Trainers (CTT) also opposed enforcement of the regulation. In concurrence, Commissioner Jerry Moss, noting the many variables in track surfaces and conditions, said the Board should “trust the trainer to make the best decisions for the horses.” Commissioner John Amerman and Chairman Shapiro, referring to a recent CHRB mandate that all major thoroughbred racetracks convert their dirt ovals to engineered synthetic surfaces by the end of this year, indicated that no research has been conducted on the appropriateness of toe grabs on synthetic surfaces. Commissioner John Andreini joined them in opposition to the regulation, while Commissioner William Bianco voted in favor of enforcement.

A representative of Santa Anita Park reported that construction bids have been received for redevelopment of the barn area, and if the Los Angeles Turf Club receives all of the necessary government approvals, the replacement of barns could begin in 60 days.

Dr. Arthur reported that although the recent cases of equine herpes virus (EHV-1) have been brought under control, thanks to the cooperation of horsemen and racetracks and assistance from the medical community, “this is an issue that is not going to go away.” He said about 90 veterinarians attended recent seminars in Northern and Southern California, so in the event of any new cases of EHV-1, “the veterinarians know how to proceed and will be in better shape to address the problem in the future.”

The Board approved the application for Bay Meadows to conduct a horse-racing meet from February 14 through April 22.

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