

810 KAR 8:060. Post-race sampling and testing procedures.

RELATES TO: 230.215, 230.240, 230.260, 230.265(2), 230.290(2), 230.320(1)

STATUTORY AUTHORITY: KRS 230.215(2), 230.240(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in the Commonwealth. KRS 230.240(2) requires the commission to promulgate administrative regulations restricting or prohibiting the administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. This administrative regulation establishes requirements and controls in post-race sampling and testing to ensure that prohibited substances are not used.

Section 1. Test Barn. In addition to the procedures established in 810 KAR 8:010, Section 10, the commission shall require the following procedures:

- (1) A security guard employed by a licensed association shall regulate access to the test barn during and immediately following each race; and
- (2) All individuals who wish to enter the test barn shall be:
 - (a) Currently licensed by the commission;
 - (b) Display their commission identification badge; and
 - (c) Have the permission of the commission veterinarian or his or her designee to be in the test barn.

Section 2. Race Classifications for Sampling.

- (1) For races with purses of \$2,500 or less:
 - (a) The horse finishing first shall be sampled and a portion of the specimen shall be designated as a gold sample; and
 - (b) The chief state steward, presiding judge, or his or her designee, may select one or more other horses to be sampled and shall designate a portion of each specimen as a red sample or a gold sample in accordance with Section 4 of this administrative regulation.
- (2) For races with purses that exceed \$2,500 but are less than \$100,000:
 - (a) The horse finishing first and at least one (1) other horse shall be sampled;
 - (b) The chief state steward, presiding judge, or his or her designee, shall designate a portion of each specimen as a red sample or a gold sample in accordance with Section 4 of this administrative regulation; and
 - (c) A portion of at least one (1) specimen from each race shall be designated as a gold sample.
- (3) For races with purses of \$100,000 or more:
 - (a) The horses finishing first, second, and third shall be sampled;
 - (b) The chief state steward, presiding judge, or his or her designee, may select one or more other horses to be sampled and shall designate a portion of each specimen as a red sample or a gold sample in accordance with Section 4 of this administrative regulation; and
 - (c) Portions of at least three (3) specimens shall be designated as gold samples.

Section 3. Selection of Horses and Designation of Samples.

- (1) In selecting horses for sampling and designating portions of specimens as gold samples or red samples, the chief state steward, presiding judge, or his or her designee, shall consider all information available, including:
 - (a) The performance of a horse favored to win the race by the wagering patrons;
 - (b) The performance of horses considered to be long-shots to win the race by the wagering

patrons;

(c) The betting patterns of wagering patrons;

(d) A trainer's recent statistical performance in relation to his or her historical statistical performance; and

(e) Security intelligence.

(2) The chief state steward, presiding judge, or his or her designee shall notify the test barn promptly upon completion of a race as to which horse or horses shall be sampled.

(3) Prior to the close of business on the date of sampling, the chief state steward, presiding judge, or his or her designee shall notify the test barn in writing regarding which samples are designated as gold samples and which samples are designated as red samples.

Section 4. Sampling.

(1) A horse designated for sampling by the stewards or judges shall proceed immediately to the test barn following each race to have a specimen collected under the direction of the commission veterinarian.

(2) If an adequate specimen cannot be obtained from a horse designated for sampling within sixty (60) minutes after arrival at the testing barn, the commission veterinarian may require an individual employed by the commission to accompany the horse from the test barn to its stall and remain with the horse until an adequate specimen is obtained.

(3) All sampling shall be performed in accordance with 810 KAR 8:010, Section 11.

(4) Split samples shall be subject to the provisions and procedures established in 810 KAR 8:010, Section 12, and the chain of custody of any split sample shall be maintained in accordance with the procedures established in 810 KAR 8:010, Section 13.

Section 5. Shipment and Testing.

(1) All gold samples and red samples shall be labeled and sent to the commission laboratory for testing in accordance with the procedures established in 810 KAR 8:010, Section 11.

(2) A technician at the commission laboratory shall create a log of each sample received and enter the color code into the Laboratory Information Management System or other information management system approved by the commission.

(3) All gold samples shall be tested.

(4) Fifty (50) percent of all red samples shall be randomly selected by the Lab Information Management System, or other information management system approved by the commission, and tested.

(5) All red samples that are not selected for testing shall be frozen or refrigerated and retained pursuant to a contract between the commission and the commission laboratory.

(6) If a sample tests positive for a prohibited substance by 810 KAR Chapter 8, all specimen or specimens collected from horses who competed in the same race shall be tested.

(7) All testing and reports shall be completed in accordance with 810 KAR 8:010 and 810 KAR 8:030. (45 Ky.R. 2016; 3180; eff. 5-31-2019.)