

## CHAPTER 35 GENERAL CONDUCT

### 325:35-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Act"** means the Oklahoma Horse Racing Act [3A:200 et seq.].

**"Assistant Trainer"** means a person qualified and licensed by the Commission as an Assistant Trainer.

**"Authorized Agent"** means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor in whose behalf the Agent will act, and limited to the actions as specified on the affidavit. Said affidavit must be on file with the Commission.

**"Commissioner"** means a member of the Oklahoma Horse Racing Commission.

**"Conditions of a race"** means the qualifications which determine the eligibility of a horse to be entered in a race.

**"Day"** means a 24-hour period ending at midnight.

~~**"Drug (medication)"** means a substance foreign to the normal physiology of the horse.~~

**"Entry"** means:

- (A) A horse eligible for and entered in a race.
- (B) Two (2) or more horses entered in the same race which have common ties of Ownership, lease, or training.

**"Horse"** means:

- (A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;
- (B) an entire equine male five years of age and older.

**"Jockey"** means a rider licensed to race.

**"Lessee"** means a licensed Owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the Registration Certificate and on file with the Commission.

**"Lessor"** means the Owner of a horse that is leased.

~~**"Medication"** means a substance other than food intended to affect the structure or any function of the body of a human or a horse.~~

**"Occupation license"** means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

**"Organization license"** means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

**"Owner"** means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

**"Race"** means a contest between horses.

**"Race day"** means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

**"Restricted area"** means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards, tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

**"Rules"** means the rules adopted by the Commission to implement the provisions of the Act.

**"Safety Steward"** means a duly appointed Racing Official with powers and duties specified by statutes or rules.

**"Steward"** means a duly appointed Racing Official with powers and duties specified by statutes or rules.

**"Substance"** means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the Oklahoma Horse Racing Act, 3A O.S. § 200 et seq.

**"Trainer"** means a person qualified and licensed by the Commission as a Trainer.

**"Week"** means a calendar week.

**"Year"** means a calendar year.

### **325:35-1-5. Trainer Responsibility**

(a) The Trainer is presumed to know the rules of racing and is responsible for the condition, soundness, and eligibility of the horses s/he enters in a race. The Trainer shall conduct his/her business of training racehorses with reasonable care and skill and in a humane manner, and with due regard to the interests of his/her Owners and to the safety of employees and Agents and of the horses in his/her care. Should the chemical analysis, urine or otherwise, taken from a horse under his/her supervision show the presence of any substance drug or medication except as otherwise provided for in Chapter 45, it shall be taken as prima facie evidence that the same was administered by or with the knowledge of the Trainer or person or persons under his/her supervision having care or custody of such horse. At the discretion of the Stewards or Commission, the Trainer and all other persons shown to have had care or custody of such horse may be fined or suspended or both. Under the provisions of this Section, the Trainer is also responsible for any puncture mark on any horse s/he enters in a race, found by the Stewards upon recommendation of the Racing or Official Veterinarian to evidence injection by syringe. If the Trainer cannot be present on race days s/he shall designate an Assistant Trainer. Such designation shall be made prior to time of entry, unless otherwise approved by the Stewards. Failure to fully disclose the actual Trainer of a horse participating in an approved race shall be grounds to disqualify the horse and subject the actual Trainer to possible disciplinary action by the Stewards or the Commission. Designation of an Assistant Trainer shall not relieve the Trainer's absolute responsibility for the conditions and eligibility of the horse, but shall place the Assistant Trainer under such absolute responsibility also. Willful failure on the part of the Trainer to be present at, or refusal to allow the taking of any specimen, or any act or threat to prevent or otherwise interfere therewith shall be cause for disqualification of the horse involved; and the matter shall be referred to the Stewards for further action.

(b) In addition to the responsibilities of (a) of this Section, a Trainer has the following

specific responsibilities:

- (1) Knowledge of medication rules;
  - (2) Knowledge of medication status of all horses in his/her care;
  - (3) Knowledge of Furosemide (Salix) use rules;
  - (4) To register all horses in his/her care with the Racing Secretary;
  - (5) To ensure that no injectable substances, hypodermic needles, syringes, or electrical or mechanical device (other than the ordinary whip or approved twitch) which may or can be used for the purpose of stimulating or depressing a horse or affecting its speed at any time are in his/her possession; in the possession of employees; or in automobiles; or in sleeping, storage or stable areas owned by or assigned to that Trainer or Trainer's employees;
  - (6) Proper entering and eligibility of all horses in his/her care;
  - (7) Guard horses in his/her care;
  - (8) Make any declaration or scratch of an entered horse in his/her care;
  - (9) Bill and account for fees and services rendered on behalf of any horse in his/her care to the appropriate Owner or Owners.
  - (10) To instruct and determine the training regimen of all horses in his/her care and entered in any race.
- (c) No Trainer duty or responsibility, whether listed in (a) or (b) of this Section or not, may be assigned to any person who is ineligible to hold a license or who is under suspension in this or any other racing jurisdiction.
- (d) No licensed Trainer shall assume any of the responsibilities described in this Section for a horse not under his/her active care, supervision or custody.

**325:35-1-13. Possession of Contraband**

No person other than a Veterinarian licensed by the Commission shall have in his/her possession within the enclosure any prohibited substance, ~~drug or medication~~, any injectable substance, or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection. Nor shall any person have in his/her possession within the enclosure the substance ~~drug~~ Clenbuterol other than in a form approved by the FDA, which approval currently allows the use of Clenbuterol under two brand names, Ventipulmin Syrup and Aeropulmin Syrup. Possession within the enclosure of any form of Clenbuterol other than the Ventipulmin Syrup and Aeropulmin Syrup, in their original container, the container in which the substance ~~drug~~ was distributed by its manufacturer, is prohibited. No person shall have in his/her possession within the enclosure any device which can be used for the purpose of stimulating or depressing the horse or affecting its speed at any time other than the ordinary whip or twitch approved by the Stewards. The Stewards may permit the possession of substance ~~drugs~~ or appliances by a licensee for personal medical needs under such condition as the Stewards may impose.