

**CHAPTER 203. LICENSING, DUTIES AND RESPONSIBILITIES OF
STANDARDBRED OCCUPATIONAL LICENSEES—
TEMPORARY REGULATIONS**

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Cross References

This chapter cited in 7 Pa. Code § 185.1 (relating to general provisions).

§ 203.1. Standardbred license categories.

(a) Standardbred license categories shall include the following and others as may be established by the Commission in its discretion:

(1) Racing participants and personnel (including owner, authorized agent, trainer, assistant trainer, driver, groom, veterinarian, veterinary assistant, Farrier and stable employees);

(2) Standardbred racing officials (including Judges, race secretary, patrol Judge, paddock Judge, official Starter, clerk of the course/charter, timer/clocker, program director, Commission Veterinarian and racetrack veterinarian);

(3) Persons employed by the licensed racing entity, by a racing vendor or any other person whose employment at the racetrack enclosure requires their presence in a restricted area, or which requires their presence anywhere on racetrack grounds while pari-mutuel wagering is being conducted;

(b) Persons required to be licensed shall submit a completed application on forms furnished by the Commission and accompanied by the required fee as set forth in Chapter 185 (relating to occupational licenses—temporary regulations). Persons may also be required to provide proof of identity and proper employment authorization.

(c) License applicants may be required to furnish to the Commission a set of fingerprints and a recent photograph and may be required to be re-fingerprinted or re-photographed periodically as determined by the Commission.

§ 203.2. Knowledge of rules.

A licensee shall be knowledgeable of the rules and regulations of the Commission and by acceptance of a license issued under Chapter 185 (relating to occupational licenses—temporary regulations) agrees to abide by these rules.

§ 203.3. License presentation.

When requested by Commission personnel or licensed racetrack security, a person shall present an appropriate license to enter a restricted area. A license may only be used by the person to whom it is issued. The licensed racing entity, in consultation with the Commission, may establish procedures and protocols for the visible display of a license while in the racetrack enclosure, including the restricted area.

§ 203.4. Visitor's pass.

Track security may not grant unlicensed persons temporary access to restricted areas unless that person is accompanied at all times while on the grounds of the racetrack. The unlicensed persons shall be identified and their purpose and credentials verified and approved in writing by racetrack security. A copy of the written approval shall be filed with the Commission or its designee within 48 hours. This authorization or credential may only be used by the person to whom it is issued.

§ 203.5. Breath analyzer requirements.

(a) To promote the health, safety and welfare of all racing participants and the integrity of racing in which they are participating, the following individuals shall be required to submit to a breath analyzer test at each racing program:

- (1) Drivers, Judges, Starters, starting gate drivers and other racing officials designated by the Presiding Judge;
- (2) Trainers and grooms randomly selected and designated by the Presiding Judge or other Commission official;
- (3) Commission employees whose duties relate to the integrity of racing, including but not limited to the Judges, mangers, investigators, livestock workers, Commission Veterinarians and any other Commission employee as required by the Commission.

(b) Participants must have a breath analyzer reading below .035%. Participants demonstrating a level above .035% shall be not permitted to participate in the racing program that day.

(c) Failing the breath analyzer test shall subject the licensee to the following penalties:

- (1) First offense—\$500 dollar fine and 5-day suspension;
- (2) Second offense—\$750 dollar fine and 10-day suspension;
- (3) Third offense—refer to Bureau Director.

OWNERS**§ 203.11. Licensing requirements for owners.**

(a) Each person desiring to enter a Standardbred horse at a race meeting within this Commonwealth and who has a 5% or more ownership or beneficial interest in a horse is required to be licensed under these provisions.

(b) An applicant for an owner's license shall own or lease a horse which is eligible to race, registered with the race secretary and under the care, custody and control of a duly licensed trainer in good standing by the Commission. An owner shall immediately notify the Judges of a change in trainer. A horse shall not be transferred to a new trainer after entry.

(c) Notwithstanding § 185.6 (relating to age requirement) of the Commission's regulations, a horse owner of any age may apply for an owner's license. If younger than 18 years of age, an applicant for an owner's license shall submit a notarized affidavit from the applicant's parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual and other obligations relating to the applicant's participation in racing.

(d) Each licensed owner is responsible for disclosure to the Commission or its designee of the true and entire ownership of each of the owner's horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the race secretary shall be approved by the Judges. Each owner shall comply fully with the applicable licensing requirements set forth in Chapter 185 (relating to occupational licenses—temporary regulations).

(e) Every applicant for an owners' license shall furnish a completed application form, the necessary license fee, information relating to horse ownership and shall, if requested, submit fingerprints. An owner is subject to all the rules and regulations of the Commission. Any violation of the rules of racing shall subject the owner to the penalties set forth in the Commission's regulations.

§ 203.12. Reinstatement of owner's license.

A license may be reinstated by the Commission, in its discretion, upon application and upon the terms as the Commission may prescribe.

§ 203.13. Transfer to ineligible trainer.

(a) The Commission or its Judges may refuse, deny, suspend or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless the applicant or licensed owner demonstrates that participation in racing will not permit a person to serve as a substitute or hidden trainer for an ineligible person. The transfer of a horse to a spouse, member of the immediate family or household or employee to circumvent the ineligible status of the owner of the horse is prohibited.

(b) An owner shall not intentionally and knowingly employ a suspended trainer.

(c) In an effort to prevent owners or trainers from utilizing hidden trainers, the Commission may require from an owner or trainer applicable financial, business or other information, including invoices, Veterinarian records and the like to determine the validity of the employment of the trainer.

§ 203.14. Licensing requirements for multiple owners.

(a) If the legal owner of any horse is a partnership, corporation, limited liability company, syndicate or other association or entity, each shareholder, member or partner shall be licensed as required by this rule.

(b) Each partnership, corporation, limited liability company, syndicate or other association or entity shall disclose to the Commission all owners holding a 5% or greater beneficial interest, unless otherwise required by the Commission.

(c) Each partnership, corporation, limited liability company, syndicate or other association or entity which includes an owner with less than a 5% ownership or beneficial interest shall file with the Commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not suspended in any racing jurisdiction and is presently eligible for licensing.

(d) Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notices or orders from the Commission at this address shall constitute official notice to all persons involved in the ownership of the horse. The written appointment of a managing owner or authorized agent shall be filed with the Commission.

§ 203.15. Lease agreements.

A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the Commission is attached to the certificate of registration and on file with the Commission and the USTA. The lessor and lessee shall be licensed as horse owners.

§ 203.16. Stable name registration.

Licensed owners and lessees may adopt a stable name subject to the approval of the Commission.

(1) The applicant shall identify all persons using the stable name. Any changes shall be reported immediately to the Commission.

(2) A person who has registered a stable name may cancel it upon written notice to the Commission.

(3) A stable name may be changed by registering a new stable name.

(4) A stable name which has been registered by any other person will not be approved by the Commission. The Commission may prohibit the use of any name which is misleading to the public or unbecoming to the sport.

(5) A stable name shall be clearly distinguishable from other registered stable names.

(6) The stable name or the name of the owner shall be published in the program. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase “et al.”

(7) All persons using a stable name shall comply with all rules regarding licensing of owners.

(8) Each member of the stable must sign a document designating the name and address of the corresponding officer.

§ 203.17. Transfer of ownership.

Once a horse has been registered with the USTA or a similar registration entity, the horse may not be transferred to a new owner, unless claimed, without permission of the Presiding Judge who may require a bona fide bill of sale signed by both buyers and sellers and the transfer of ownership must be timely reported to the USTA or a similar registration entity.

TRAINERS AND GROOMS

§ 203.21. Eligibility for trainer’s license.

(a) A person shall not train horses or be programmed as trainer of record at race meetings without first being duly licensed by the Commission. The applicant must satisfy the Commission that the applicant possesses the necessary qualifications, both mental and physical, to perform the duties required. The Commission may deem a trainer as qualified for licensing if the applicant has obtained a USTA trainer’s license for the current year.

(b) In addition to the general licensing requirements set forth in Chapter 185 (relating to occupational licenses—temporary regulations), an applicant for a license as a Standardbred trainer shall comply with the provisions set forth in the USTA, Rule 17 and the following:

- (1) Be at least 18 years of age;
- (2) Submit evidence of good moral character;
- (3) Furnish a complete and truthful application;
- (4) If requested, submit evidence of the applicant’s physical ability to train and manage horses or a physical examination;
- (5) Submit names of at least six currently licensed trainers or currently licensed drivers, or both.

(c) Evidence of qualifications, as determined by the Commission, shall also require passing all of the following:

- (1) A written examination;
- (2) A demonstration of practical skills including the ability to harness and equip a horse properly and to establish proficiency in handling a horse; and
- (3) An interview with the Judges.

(d) Upon timely request to the Judges due to disability or other factors affecting the applicant’s ability to effectively complete the trainer’s test (such as illit-

eracy or language barriers), reasonable accommodations may be made for the applicant including, but not limited to oral administration of the examination, use of a pre-approved translator and aid from pre-approved assistant where deemed appropriate by the Judges administering the examination.

§ 203.22. Trainer responsibility rule.

(a) The trainer is responsible for the condition of the horse entered in an official workout or race and is charged with the responsibility to guard and protect the horse at all times regardless of the trainer's location. The trainer shall be responsible for the presence of any prohibited drug, medication, agent or other substance, including permitted medications in excess of the maximum allowable level, in the horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by the Commission's testing laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(b) A trainer shall prevent the administration, attempted administration or passive contamination by others, including the trainers' employees and assistants who have care, custody and control of the horse from any drug, medication or other prohibited substance that may cause a violation of these rules.

(c) A trainer shall immediately report to the Judges and the Commission Veterinarian if the trainer knows, or has cause to believe, that a horse in the trainer's care, custody or control has received any prohibited drugs or medications.

Cross References

This section cited in 7 Pa. Code § 203.24 (relating to other duties and responsibilities of trainers); 7 Pa. Code § 203.28 (relating to assistant trainers); and 7 Pa. Code § 203.29 (relating to substitute trainer).

§ 203.23. Duties of trainers.

(a) A licensed trainer may represent the owner in entries, declarations and other racing related matters. A licensed trainer may not have an interest, whether by ownership or lease, in a horse not being trained by the licensed trainer at a race meeting where the trainer is operating.

(b) A trainer who represents or files an application for an unlicensed owner shall file with the Commission an affidavit certifying that the trainer will secure a license for the owner within 30 days. The trainer or owner shall be jointly responsible for ensuring the timely and accurate filing of the owner's application. Failure of either to properly secure a license for the owner, may subject both the owner and trainer to a sanction or penalty.

(c) When a trainer is to be absent from the trainer's stable or the grounds where the trainer's horses are racing for a period of more than 2 days and horses are entered or are to be entered, the trainer shall provide a licensed trainer to

assume the complete responsibility of the horses entered to run or running. The licensed trainer shall sign in the presence of the Judges a form furnished by the Commission accepting complete responsibility for the horses being entered and running. This section does not apply to trainers having in their employ a licensed assistant trainer.

- (d) A trainer may not enter or start a horse that:
- (1) Is not in serviceable, sound racing condition;
 - (2) Has its median, volar or plantar nerves either blocked or removed. The horse is not permitted to race on a Commonwealth Standardbred racetrack. A horse which has been nerved below the fetlock (digital nerves) may be permitted to start;
 - (3) The trainer knows or has reason to know that the horse has been given, either internally or externally, a stimulant, depressant, narcotic drug, medication or other foreign substance prior to the race; and
 - (4) Is on the Judges' List, Starter's List or Veterinarian's List in any racing jurisdiction.

Cross References

This section cited in 7 Pa. Code § 203.24 (relating to other duties and responsibilities of trainers); and 7 Pa. Code § 203.28 (relating to assistant trainers).

§ 203.24. Other duties and responsibilities of trainers.

In addition to the duties and responsibilities set forth in §§ 203.22 and 203.23 (relating to trainer responsibility rule; and duties of trainers), a trainer shall also be responsible for:

- (1) The condition and contents of stalls, tack rooms, feed rooms and other areas which have been assigned by the licensed racing entity;
- (2) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;
- (3) Ensuring that fire prevention rules are strictly observed in the assigned stable area;
- (4) Providing a list to the Commission of the trainer's employees on the racetrack grounds and any other area under the jurisdiction of the Commission. The list shall include each employee's name, occupation, social security number and occupational license number. The Judges shall be notified by the trainer, in writing, within 24 hours of any change to the employee list;
- (5) Ensuring the adequate care, custody, condition, fitness, health, safety and security of horses under the trainer's care, custody and control;
- (6) Disclosing the true and entire ownership of each horse the trainer's care, custody or control. Any change in ownership shall be reported immediately to, and approved by, the Judges and recorded by the race secretary;
- (7) Training all horses owned wholly or in part by the trainer which are participating at the race meeting;

(8) Registering with the race secretary each horse in the trainer's charge within 24 hours of the horse's arrival on the licensed racetrack facility grounds;

(9) Ensuring that, at the time of arrival at a licensed racetrack, each horse in the trainer's care, custody or control is accompanied by a valid health certificate (Coggins) which shall be filed with the race secretary;

(10) Immediately reporting the alteration of the sex of a horse in the trainer's care to the horse identifier and the race secretary, whose office shall note the alteration on the certificate of registration;

(11) Promptly reporting to the race secretary and the Commission Veterinarian any horse on which a posterior digital neurectomy (heel nerving) is performed and ensuring that the fact is designated on its certificate of registration;

(12) Promptly notifying the Commission Veterinarian of any suspected or actual knowledge of a reportable disease and any unusual incidence of a communicable illness in any horse in the trainer's care;

(13) Promptly reporting the death of any horse in the trainer's care while on the licensed racing entity grounds to the Judges and the Commission Veterinarian and complying with the rules and regulations governing post-mortem examinations;

(14) Representing an owner in making entries and scratches and in all other matters pertaining to racing;

(15) Horses entered as to eligibility and by gait, age, sex, number of wins, earnings or claiming price;

(16) Ensuring the fitness of a horse to perform reasonably at the distance entered;

(17) For having the entered horse standing by and ready for the pre-race veterinary examination (racing soundness examination) to be conducted by the Commission Veterinarian or designee. The trainer shall have all bandages, blankets and muzzles off and horse's legs clean and free of substances, sweats or leg medications;

(18) For participating and assisting the Commission Veterinarian with pre-race examination tasks including the safe restraint of the horse, tattoo identification or jogging the horse as requested. Failure by the trainer or assistant trainer to comply with the direction, request or requirement issued by the Commission Veterinarian during the course of a pre-race examination shall result in the horse being scratched from the race and disciplinary action being taken against the trainer;

(19) Ensuring that the trainer's horses are properly shod, bandaged and properly equipped;

(20) Ensuring that all Lasix horses entered to compete shall be present on racetrack grounds no less than 4 hours prior to the scheduled post time of the race for which the horse is entered to compete and non-Lasix horses shall be present on racetrack grounds no less than 2 hours prior to the scheduled post time of the race. Horses not arriving on racetrack grounds in accordance with

the previously mentioned times may be scratched or fined with discretion given to the Board of Judges to consider extenuating circumstances;

(21) Presenting the horse in the paddock at least 2 hours before post time or at a time otherwise appointed before the race in which the horse is entered and personally attending to the horse in the paddock, unless excused by the Judges;

(22) Instructing the driver to give the driver's best effort during a race and that each horse shall be driven to win;

(23) Attending the collection of post-race urine and blood samples from the horse in the trainer's charge or delegating a licensed employee or the owner of the horse to do so; and

(24) Notifying horse owners upon the revocation or suspension of the trainer's license. A trainer whose license has been suspended or whose license has expired or been revoked; or license application has been denied, must inform the horse owners that until the license is restored the trainer can no longer be involved with the training, care, custody or control of their horses, nor receive any compensation from them for the training, care, custody or control of their horses. Upon application by the owner, the Judges may approve the transfer of the horses to the care of another licensed trainer, and upon approved transfer, the horses may be entered to race. Upon transfer of the horse, the inactive trainer shall not be involved in any arrangements related to the care, custody or control of the horse and shall not benefit financially or in any other way from the training of the horse.

§ 203.25. Trainer treatment records.

(a) A trainer shall accurately document and maintain a record or log of all trainer treatments for every horse in the trainer's care, custody or control. Each treatment by the trainer shall be recorded within 24 hours of administration. The trainer treatment log shall be maintained electronically or on paper.

(1) Treatment, for the purposes of this section, means any medication or procedure containing a medication administered to a horse by a licensed trainer or the trainer's designee.

(2) Treatment, for the purposes of this section, specifically excludes medications or procedures administered by a veterinarian licensed by the Commission.

(3) This section includes the administration of medications that are prescribed by a veterinarian but administered by the trainer or his or her designee.

(4) This section also includes those treatments that are administered by a veterinarian not licensed by the Commission.

(b) Trainer treatment records or log as required in subsection (a) must include the following information:

(1) The name of the horse (or, if unnamed, the registered name of the dam and year of foaling);

- (2) The generic name of the drug (for example, phenylbutazone, methocarbamol);
 - (3) The name and address of the prescribing veterinarian;
 - (4) The brand name of the drug if a non-generic is used;
 - (5) The date of the treatment;
 - (6) The route and method of administration;
 - (7) The dosage administered;
 - (8) The approximate time (to the nearest hour) of each treatment;
 - (9) The first and last name of the individual that administered the treatment; and
 - (10) The treating veterinarian shall sign or initial the trainer's treatment log on the first day a horse receives a prescription medication.
- (c) The trainer's treatment records or log shall be made available for inspection upon a request by the Commission in the course of an investigation of a possible violation of the medication and drug rules. Failure to provide accurate and complete trainer treatment records shall result in disciplinary action
- (d) Copies of trainer treatment records must be maintained for at least 6 months.

§ 203.26. Corticosteroid and intra-articular injection reporting requirements.

- (a) Trainers or their designees shall accurately keep and maintain complete records of all corticosteroid and intra-articular injections for all horses in the trainer's care, custody or control. Complete corticosteroid and intra-articular injection reports shall include:
- (1) The date of the injection;
 - (2) The name of the veterinarian performing the injection;
 - (3) The articular space or structure injected;
 - (4) The medication or biologicals used to inject each articular space; and
 - (5) The dose in milligrams of each corticosteroid used.
- (b) This information shall be maintained for a minimum of 60 days to facilitate compliance with this regulation. If a horse is successfully claimed by a new owner, the trainer of record at the time of that claiming race must provide that horse's complete corticosteroid and intra-articular injection report for the previous 30 days.
- (c) The previous reports shall be maintained in whatever format the trainer elects. However, if the Commission requests a copy of the report, it must be provided in electronic form.
- (d) The report must be provided to the new trainer within 48 hours of the transfer of the horse. The trainer or the trainer's designee shall notify the Commission Veterinarian when the records have been provided.

(e) Submission of the report and records may be delegated to the treating veterinarian, who shall provide the report to the new trainer within 48 hours of the transfer of the horse.

(f) Failure of the trainer to provide the reports as required shall result in disciplinary action.

§ 203.27. Restrictions on wagering.

A trainer shall only be allowed to wager on the trainer's horse or entries to win or to finish first in combination with other horses.

§ 203.28. Assistant trainers.

(a) A trainer may employ an assistant trainer as approved by the Judges. The trainer shall notify the Race Secretary of the use of an assistant trainer. The assistant trainer shall be duly licensed prior to acting in this capacity on behalf of the trainer. Qualifications for obtaining an assistant trainer's license shall be prescribed by the Judges and the Commission and may include those requirements prescribed in this chapter.

(b) An assistant trainer may substitute for and shall assume the same duties, responsibilities and restrictions as imposed on the licensed trainer. In which case, the trainer shall be jointly responsible for the assistant trainer's compliance with the rules governing racing and all the duties and responsibilities set forth in §§ 203.22 and 203.23 (relating to trainer responsibility rule; and duties of trainers).

(c) While currently employed by a trainer, an assistant trainer shall not enter a horse or otherwise compete in the same race as the employer/trainer.

§ 203.29. Substitute trainer.

(a) A trainer absent for more than 2 days from the duties and responsibilities as a licensed trainer or on a day in which the trainer has a horse in a race, shall obtain another licensed trainer to substitute.

(b) A substitute trainer shall accept full responsibility for the horses in writing and must be approved by the Judges.

(c) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race under § 203.22 (relating to trainer responsibility rule) of these regulations.

§ 203.30. Owners authorized agents.

(a) A person undertaking or purporting to act as an authorized agent of an owner shall apply and secure a license from the Commission prior to this representation. An application for an authorized agent license shall be filed for each owner represented.

(b) A written instrument signed by the owner shall accompany the application and shall clearly set forth the delegated powers of the authorized agent. The owner's signature on the written instrument shall be acknowledged before a notary public.

(c) If the written instrument is a power of attorney it shall be filed with the Commission and attached to the regular application form.

(d) Any changes shall be made in writing and filed as set forth previously.

(e) The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the Commission whereupon the license shall not be valid.

§ 203.31. Powers and duties of an authorized agent.

(a) A licensed authorized agent may perform on behalf of the licensed owner-principal all acts relating to racing, as specified in the agency appointment, that could be performed by the principal if the principal were present.

(b) In executing any document on behalf of the principal, the authorized agent shall clearly identify the authorized agent and the owner-principal.

(c) When an authorized agent enters a claim for the account of a principal, the name of the licensed owner for whom the claim is being made and the name of the authorized agent shall appear on the claim slip or card.

(d) Authorized agents are responsible for disclosure of the true and entire ownership of each horse for which they have authority. Any change in ownership shall be reported immediately to, and approved by, the Judges and recorded by the race secretary.

§ 203.32. Eligibility for groom's license.

(a) An applicant for a license as a groom must satisfy the Commission that the application possesses the necessary qualifications, both mental and physical, to perform the duties required. Elements to be considered, among others, shall be character, reputation, temperament, experience, knowledge of the rules of racing and of the duties of a groom.

(b) In addition to the requirements set forth in Chapter 185 (relating to occupational licenses—temporary regulations) an applicant shall furnish a complete, accurate and truthful application.

DRIVERS

§ 203.51. Application and qualifications for driver's license.

(a) In addition to the licensing requirements set forth in Chapter 185 (relating to occupational licenses—temporary regulations), all license requirements for drivers will be in accordance with the USTA Rule 17, except a restricted license as provided for in the USTA Rule A-1, section 3.

(1) The Commission shall deem a driver as qualified to compete if he has obtained a USTA license, either Provisional (P), Restricted (V) or Full Drivers (A). In cases where drivers are Provisional (P), it shall be so noted on the program. In addition to any other requirements mentioned herein the applicant shall:

- (i) Furnish a complete application form.
- (ii) Produce a driver's license for the current year issued by the USTA.

(2) All penalties imposed on any driver will be recorded on the reverse side of their USTA driver's license by the Presiding Judge.

(3) In the event any person is involved in an accident on the track, the Commission may order the person to submit to a physical examination and this examination must be completed within 30 days from the request or their license may be suspended until compliance therewith.

(4) This license shall be presented to the clerk of course before driving.

§ 203.52. Racing colors.

(a) No driver or trainer shall be permitted to drive in any race or other public performance unless wearing the driver's own registered colors or the owner's registered colors.

(b) Drivers must wear distinguishing colors. No driver shall be permitted to start in a race or other public performance unless, in the opinion of the Judges, the driver is properly dressed, including a clean driving outfit. All drivers in a race must wear white driving pants.

(c) During inclement weather conditions, drivers must wear rain suits in either of their colors or made of a transparent material through which their colors can be distinguished.

SUBSTANCE ABUSE AND ADDICTION

§ 203.71. Use of controlled substances.

(a) No driver, trainer, groom or official may use a controlled substance as defined in The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144) or a prescription drug unless the substance was obtained under a valid prescription or order from a licensed physician while acting in the course of professional practice. The driver, trainer, groom or official is responsible for giving notice to the Presiding Judge on a form provided by the Commission that the driver, trainer, groom or official is using a controlled substance or prescription drug under a valid prescription from a licensed physician.

(b) To maintain the health, safety and welfare of all racing participants, no driver, trainer, groom or official using a controlled substance or prescription drug under a valid prescription or order will be permitted to participate in racing activities unless the physician has certified that use of the controlled substance or

prescription drug will not adversely affect the driver's or official's ability to properly and safely carry out his responsibilities.

§ 203.72. Urine or other drug screening tests.

A driver, trainer, groom or official for a race may be subjected to a urine test, a swab test or any other noninvasive drug screening tests or methods for the detection of controlled substances or prescription drugs. The testing may be conducted and administered at any time, including on racing days on the track premises and in a manner prescribed by the Commission. An individual subject to this requirement who refuses to submit to the test if requested to do so by a representative of the Commission is subject to a fine of \$500 and an immediate 10-day suspension to be imposed by the Judges.

§ 203.73. Testing.

A driver, trainer, groom or official who is selected to submit to a urine test, swab test or other noninvasive drug screening tests or methods shall provide a sample to a representative of the Commission and shall fully cooperate with the following procedures:

- (1) The taking of the sample shall occur in the presence of a Commission representative of the same sex as the tested individual.
- (2) The sample shall be sealed and tagged immediately using a form provided by the Commission. Evidence of the sealing shall be indicated by the signatures of the tested individual and the representative of the Commission.
- (3) The portion of the form provided to the laboratory for analysis may not identify the tested individual by name.
- (4) The sample will be initially tested utilizing a drug detection device approved by the Commission and used at a laboratory approved by the Department of Health under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to conduct urine content drug screening tests.

§ 203.74. Test results.

(a) *Action upon initial positive test result.* A driver, trainer, groom or official who has initially tested positive for a controlled substance or prescription drug as part of a test administered using a portable drug detection device may be prohibited from participating in racing programs by the Presiding Judge until, in the judgment of the Presiding Judge, the tested individual is capable of safely participating in racing activities.

(b) *Action upon confirmed positive test result.* Initial positive test results shall be analyzed by a clinical laboratory which is approved by the Department of Health under 28 Pa. Code § 5.50 (relating to approval to provide special analytical services) to provide confirmatory urine content drug testing specialized laboratory services. If the clinical laboratory analysis confirms an initial positive test

for a controlled substance or prescription drug, other than a controlled substance or prescription drug used under a valid prescription, the Bureau Director will:

(1) For the first violation, issue a written reprimand and warning and notify the tested individual that the tested individual will be subject to mandatory drug testing for a period of time as determined by the Bureau Director and that further violations shall result in the sanctions of paragraphs (2) and (3).

(2) For a second violation, require the tested individual to enroll in a treatment program approved by the Commission upon reasonable terms and conditions as required and at the cost of the tested individual. The tested individual shall be permitted to participate in racing activities prior to completion of the treatment program only if continued participation would not be detrimental to the best interests of racing or would not be unsafe, as determined by the Bureau Director or other Commission designated person. The tested individual shall provide the Commission written notice of his enrollment, weekly status reports and written notice of his successful completion of, and discharge from, the program. If a tested individual fails to comply with this paragraph, his license will be suspended until compliance is obtained. Upon successful completion of a treatment program, the tested individual will be permitted to participate in racing activities if permission had been denied by the Bureau Director.

(3) For a third or subsequent violation, inform the tested individual that the tested individual may be liable under the penalty provisions of the act or the individual may be required to enroll in a treatment program instead of the penalties, at the discretion of the Commission.

(c) *Review.* Actions taken by a Presiding Judge or the Bureau Director under this section are subject to review by the Commission if review is requested in writing within 10 days of receipt of written notice of the actions. The Commission may affirm, modify or reverse action taken by a Presiding Judge, or the Bureau Director if the action is consistent with the best interests of racing.

(d) *Positive test.* For purposes of this section, a positive test is a test result indicating the presence of any amount of a controlled substance or prescription drug.

§ 203.75. Confidentiality.

(a) *Permitted disclosures.* Information received in the process of obtaining a urine sample, including, but not limited to, medical information, the results of a urine test and reports filed as a result of attending a treatment program, will be treated as confidential, except for use with respect to a ruling issued under this chapter or an administrative or judicial hearing with regard to the ruling. Access to the information received or reports of positive results or reports from a treatment program will be limited to the Commissioners, the Bureau Director or a designee, counsel for the Commission and the tested individual. Nothing in this section prohibits the disclosure of a fine, suspension or revocation imposed on a licensee under this chapter.

(b) *Storage and retention of information.* Information received and reports prepared under this chapter will be stored in a locked, secure area in the office of the Bureau Director for 1 year, after which time they will be destroyed. However, the Commission may maintain the information received and reports on individuals who have violated this chapter for the purpose of recording the number of violations and the results of treatment, and for use if future violations occur.

SAFETY EQUIPMENT

§ 203.91. Safety helmets.

(a) A protective helmet meeting the 1984 Standard for Protective Headgear (Snell Memorial Foundation), Laboratory Procedure for Motorcycle Helmet Testing (Federal Motor Vehicle Safety Standard No. 218, United States Department of Transportation) or Specification for Headgear Used in Horse Sports and Horse Back Riding (ASTM Standard F085.53, Draft # 4, 1986) standards for protective harness racing headwear, securely fastened under the chin, must be worn at all times on association grounds when:

- (1) Racing, parading or warming up a horse prior to racing; or
- (2) Jogging, training or exercising a horse at any time.

(b) A safety helmet shall not be altered in any manner nor shall the product marking be removed or defaced.

(c) The Commission, by written notice to the regulated community and by Order published in the *Pennsylvania Bulletin*, may adopt the minimum standards in sections (a) and (b) for helmets as may be amended from time to time.

(d) Failure of persons to adhere to the previous safety helmet provisions may subject the person to the following penalties:

- (1) First offense—a written warning;
- (2) Second offense—\$50 fine;
- (3) Third or subsequent offense—\$250 fine or suspension, or both, at the discretion of the Judges.

FARRIERS

§ 203.101. Eligibility for Farrier's license.

(a) The issuance of a Farrier's license shall be dependent upon the applicant satisfying the requirements set forth below. An applicant shall:

- (1) Be at least 18 years of age; and
- (2) Be qualified, by reason of experience, background and knowledge of horseshoeing, as determined by the Commission or its appointed testing organization,

(b) As evidence of qualifications and capabilities, applicants not previously licensed in any jurisdiction shall be required to pass one or more of the following:

- (1) A written examination;
- (2) An interview or oral examination; or
- (3) A demonstration of practical skills in horseshoeing.

(c) The Farriers' license shall be issued for a term of 3 years.

(d) If a Farrier's license is terminated by action of the Commission or by failure to renew the license for a period of 7 years, the applicant must comply with the requirements of subsection (b).

§ 203.102. Reciprocity with other states.

A Farrier's license, duly issued by and in good standing from another jurisdiction, shall be reciprocally accepted by the Commission or its testing organization as evidence of the Farrier's experience and qualifications for licensure in this Commonwealth. If requested by the Commission, the Farrier shall provide any necessary documentation from the licensing jurisdiction.

PRACTICING VETERINARIANS

§ 203.111. Eligibility for Commission license.

An applicant for a license as a practicing veterinarian on the grounds of a licensed racing facility shall be qualified and licensed to practice veterinary medicine in this Commonwealth. An application for a practicing veterinarian license from the Commission must be accompanied by a copy of the applicant's current license to practice veterinary medicine and be otherwise qualified to be issued a license to participate in racing.

§ 203.112. Duties and responsibilities.

(a) All practicing veterinarians licensed by the Commission and authorized to access secure areas of the licensed racing facility and to participate in racing activities shall ensure the health and welfare of racehorses and shall safeguard the interests of the public and the participants in racing.

(b) It shall be the duty of every practicing veterinarian to adhere to the highest ethical and professional standards of veterinary practice. Any deviation from those standards shall be considered a violation of the rules of racing and may subject the practicing veterinarian to discipline by the Commission including fines, suspensions or revocation.

(c) All practicing veterinarians administering drugs, medications or other substances shall be responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with rules in Subpart F (relating to foreign substances, medications, drugs and equine veterinary practices).

(1) All practicing veterinarians shall promptly notify the Commission Veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge.

§ 203.113. Restrictions on wagering.

A practicing veterinarian shall not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.

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