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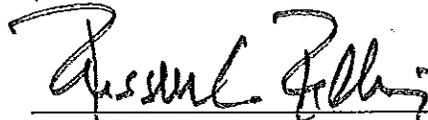
BEFORE THE PENNSYLVANIA
STATE HORSE RACING COMMISSION

IN RE: :
MULTIPLE MEDICATION VIOLATIONS POINT :
SYSTEM : Administrative Docket 2017-2
(ARCI – Recommendation) :

ORDER

AND NOW, this 26th day of January, 2017, in accordance with Sec. 9312 (6) of the Racing Act (3 Pa. C.S. §9312 (6)) (relating to the adoption of national standards), the Commission hereby approves and adopts the Multiple Medication Violations Point System as amended by the Association of Racing Commissioner's International (ARCI) on or about December 9, 2016 to be promulgated as a temporary regulation pursuant to §9311 (h)(3).

BY THE PENNSYLVANIA
STATE HORSE RACING COMMISSION:



Russell C. Redding, Chairman

NOTICE

PENNSYLVANIA DEPARTMENT OF AGRICULTURE STATE HORSE RACING COMMISSION

Multiple Medication Violation Point System

The State Horse Racing Commission ("Commission") hereby provides notice that on January 26, 2017 (Administrative Docket No. 2017-2), in accordance with the statutory authority set forth in 3 Pa. C.S. §9312 (relating to the adoption of national standards) of the act of February 23, 2016 (P.L. 15, No.7), it issued an Order approving and adopting the Multiple Medication Violations Point System ("MMV Point System") as amended by the Association of Racing Commissioners International, a nationally recognized association of racing regulators.

The complete text of the January 26, 2017 Order, including the procedures of the *Multiple Medication Violations Point System* adopted by that Order, is set forth below. Within the next several weeks the Commission shall republish the MMV Point System as temporary regulations. Until that occurs, the MMV Point System set forth below offers guidance to officials and participants within the racing industry. The complete text of the referenced documents is as follows:

ORDER

AND NOW, this 26th day of January, 2017, in accordance with Sec. 9312 (6) of the Racing Act (3 Pa. C.S. §9312 (6) (relating to the adoption of national standards), the Commission hereby approves and adopts the Multiple Medication Violations Point System as amended by the Association of Racing Commissioners International (ARCI) on or about December 9, 2016 to be promulgated as a temporary regulation pursuant to §9311 (h)(3).

BY THE PENNSYLVANIA STATE HORSE
RACING COMMISSION:

/s/ Russell C. Redding
Russell C. Redding, Chairman

Multiple Medication Violations Point System (MMV)

Section 1.

- a) 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:

Penalty Class	Points If Controlled Therapeutic	Points If Non-Controlled
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 ¹	1 for first violation with an additional ½ point for each additional violation within 365 days
Class D	0	0

¹ 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.

- b) The points assigned to a medication violation by the Stewards or Commission ruling shall be included in the ARCI official database. The ARCI shall record points consistent with subsection (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 subsection (d), whether they constitute a single violation. The Stewards' or Commission 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.
- c) A trainer's cumulative points for violations in all racing jurisdictions 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 this regulation.
- d) 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.
- e) The official ARCI record shall be used to advise the Stewards or Commission of a trainer's past record of violations and cumulative points. Nothing in this administrative regulation 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.

- f) 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 this regulation shall be imposed.

Section 2.

- a) 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/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

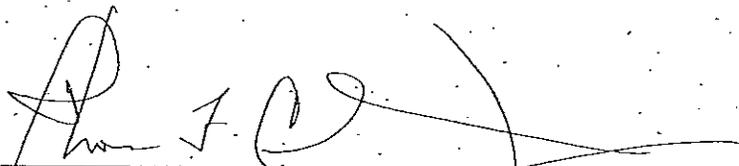
- b) MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:
 - (1) Has had more than one medication violation for the relevant time period, and
 - (2) Exceeds the permissible number of points.
- c) The Stewards and Commission 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.
- d) The suspension periods as provided in Section 2 (a) shall run consecutive to any suspension imposed for the underlying offense.
- e) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Stewards or Commission review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

Section 3.

- a) Points shall expire as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years
C	1 year

- b) 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.



Thomas F. Chuckas, Jr., Director
Bureau of Thoroughbred Horse Racing



Brett Revington, Director
Bureau of Standardbred Horse Racing