

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Horse Racing

Medication and Testing Procedures

Proposed Amendment: **N.J.A.C. 13:70-14A.9**

Authorized By: New Jersey Racing Commission,
Frank Zanzuccki, Executive Director

Authority: N.J.S.A. 5:5-30

Calendar Reference: See Summary below for explanation of exception to
calendar requirement

Proposal Number: PRN 2006-378

Submit written comments by January 19, 2007 to:

Michael Vukceovich, Deputy Director
Department Of Law And Public Safety
New Jersey Racing Commission
P.O. Box 088
Trenton, New Jersey 08625-0088

The agency proposal follows:

Summary

N.J.A.C. 13:70-14A, (Medication and Testing) procedures sets forth the rules of the New Jersey Racing Commission concerning the administration of medication and foreign substances to thoroughbred race horses. The proposed amendment to N.J.A.C. 13:70-14A authorizes the use of aminocaproic acid (AMICAR^(R)) with Furosemide (LASIX) as an adjunct bleeder medication for horses that have been placed on the Furosemide List. The proposed amendment establishes the dose and time that horses on the Furosemide List can be co-treated with AMICAR^(R). Presently, there are no research studies available on the efficacy of AMICAR^(R) to treat Exercise Induced Pulmonary

Hemorrhage (EIPH). However, significant anecdotal information exists suggesting that AMICAR^(R), when given in conjunction with LASIX, assists horses that suffer from EIPH. In addition, most neighboring jurisdictions permit the use of AMICAR^(R) on race day. Although the Commission continues to be concerned about the lack of documented research concerning the efficacy of AMICAR^(R) in treating EIPH, this should not be viewed as a final position by the Commission concerning this amendment. Following the public comment period, the Commission will evaluate all of the information available on the use of AMICAR^(R) and will make a determination to approve or disapprove for adoption. If approved for adoption, AMICAR^(R) and LASIX would be the only permitted raceday medication authorized by Commission rules.

In addition, the New Jersey Racing Commission is proposing an amendment to N.J.A.C. 13:70-14A.9 to correct an error contained in subsection (b). Effective June 19, 2006, amendments to this section were adopted in which the section was substantially rewritten. See 38 N.J.R. 2723(a) Subsequent to the adoption, the Racing Commission recognized an error in subsection 14A.9(b) and is now seeking to correct the mistake.

Specifically, N.J.A.C. 13:70-14A.9(b) requires the State Veterinarian to observe all horses bleeding externally before being placed on the Furosemide List. This was not required by the previous rules, nor was it the intent of the promulgating agency to change the previous requirement or it would have been identified in the rule Summary as a significant change to a long standing industry practice. Additionally, this error is obvious to the regulated public as the current practice of requiring certifications from licensed practicing veterinarians to place horses on the Furosemide List has been in place for many years, is the accepted industry practice and has been functioning without incident. Therefore, the State Veterinarian observation requirement is deleted from subsection (b).

The Racing Commission has provided a 60-day comment period on this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirements

in accordance with N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment may have both a positive and negative social impact. Authorizing the use of this blood clotting agent may produce a positive social impact if Amicar^(R) assists horses that experience EIPH. However, a negative social impact could occur by permitting another race day drug administration if Amicar^(R) fails to assist horses suffering from EIPH.

The proposed amendment to remove the requirement that the State Veterinarian observe all horses bleeding before being placed on the Furosemide List, will have a positive social impact because it will simplify the procedures for the State Veterinarians and trainers to add a horse to the Bleeder List.

Economic Impact

The proposed amendments are expected to have a positive economic impact for the racetracks. By authorizing the use of this additional medication, the amendment allows the New Jersey racetracks to accommodate horsemen from other states that permit the use of AMICAR.^(R) However, there will be additional costs to owners and trainers for veterinary services for treating horses with AMICAR.^(R)

The removal of the requirement to have the State Veterinarian observe a horse bleeding will make it cost effective because the time and expense associated with the veterinary procedure will be eliminated.

Federal Standards Statement

A Federal standards analysis is not necessary as there are no Federal standards or requirements applicable to the proposed amendment. The Racing Commission proposes these amendments, pursuant to the rulemaking authority set forth in N.J.S.A. 5:5-30 and 5:5-22,et. seq. respectively.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs. The amendments impose additional job responsibilities on the Racing Commission staff and

its equine testing laboratory. The Racing Commission believes these additional job responsibilities can be assumed by its existing staff, without the need to hire additional personnel.

Agriculture Industry Impact

The proposed amendments will have no impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

The proposed amendments do not impose any reporting or recordkeeping requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-1 et seq. The proposed amendment to N.J.A.C. 13:70-14A.9(a) eliminates the requirement. The proposed amendment to N.J.A.C. 13:70-14A.9(a) imposes minimal additional compliance responsibilities on racetrack veterinarians since the administration of this adjunct bleeder medication is administered when the horse is dosed with Furosemide. Owners and trainers, some of whom operate as small businesses, have no additional responsibility. The proposed amendment only requires that a veterinarian merely record that he or she co-administered AMICAR^(R) on the normal Furosemide medication slip. Costs are discussed in the Economic Impact above.

Smart Growth Impact

The proposed amendments will have no impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**;
deletions indicated in brackets [thus]):

13:70-14A.9 Administering medication to respiratory bleeders; standards for the

administration of non steroidal anti-inflammatory drugs (NSAID) and anti ulcer medications; environmental contaminants.

(a) The Board of Judges may permit the administration of medication to control respiratory bleeding under the following conditions:

1 - 3 (No changes.)

4. If a horse is approved to receive Furosemide, the use of aminocaproic acid (AMICAR^(R) injectable only) as an adjunct bleeder medication may be co-administered by a licensed veterinarian only when the horse receives Furosemide. Dose: AMICAR^(R) injectable 10 ml (2.5 gram) I.V. four hours pre-race.

i. Veterinarians shall report that the horse was co-treated with AMICAR^(R) on the Furosemide medication slip.

(b) The State Veterinarian shall maintain a Bleeder List of all horses which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout [as observed by the State Veterinarian]. Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following time periods:

1. - 4. (No change.)

(c)-(k) (No change.)