

**DEPARTMENT OF LAW AND PUBLIC SAFETY
NEW JERSEY RACING COMMISSION**

Notice of Action on Petition for Rulemaking

Petitioner: Jason M. Settlemoir, COO/General Manager
New Meadowlands Racetrack

Take notice that on September 6, 2017, the New Jersey Racing Commission received a petition for rulemaking from the above petitioner requesting that the Commission adopt a new rule in which any horse testing positive in New Jersey or any other recognized racing jurisdiction for a Class I, II or III drug, TCO₂, or any substance determined to be “non-therapeutic” shall be deemed ineligible to race for a period of no less than 90 days from the date that positive is called for the first offense, one calendar year for a second offense and the lifetime of the horse for a third offense and the horse testing positive will be placed on the Judges’ list for the length of suspension. The petitioner seeks that this regulation shall supersede any regulation or provision which may allow the horse to be sold or otherwise transferred in order to be eligible to be entered in any race. Any person in violation of this rule may be subject to a monetary penalty and/or suspension. As a result of the receipt of this petition, a notice was published in the October 2, 2017 New Jersey Register at 49 N.J.R. 3369(a).

Take notice that on September 20, 2017, the Commission took action with regard to the above-described petition and determined to refer the matter for further deliberations which shall be concluded within 90 days of the referral so that the matter may be placed before the Commission for consideration at a public meeting. On November 21, 2017, the Racing Commission and petitioner consented to an extension of the 90-day deliberation period for an additional 25 days, or until January 10, 2018.

Take further notice that on January 10, 2018, the New Jersey Racing Commission duly considered the petition pursuant to law and took Final Action. At that time, the New Jersey Racing Commission denied the petition based upon legal advice as a matter directly related to the requested rule is currently under litigation in federal court.