

(a)

NEW JERSEY RACING COMMISSION

Horse Racing

Equine Fatality Report

Adopted Amendments: N.J.A.C. 13:70-2.1 and 14.16

Proposed: December 2, 2019, at 51 N.J.R. 1746(a) (The notice of proposal would have expired on December 2, 2020, but was extended by Executive Order No. 127 (2020) and P.L. 2021, c. 103, to January 1, 2022).

Adopted: July 21, 2021, by the New Jersey Racing Commission, Judith A. Nason, Executive Director.

Filed: August 12, 2021, as R.2021 d.098, with non-substantial changes not requiring additional notice and public comment (see N.J.A.C. 1:30-6.3).

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

Effective Date: September 7, 2021.

Expiration Date: August 28, 2024.

Summary of Public Comments and Agency Responses:

The official comment period ended on January 31, 2020. The New Jersey Racing Commission (Commission) received comments from the following individuals.

1. Dennis A. Drazin, Chairman and CEO of Darby Development.
2. Matt Iuliano, Executive Vice President and Executive Director of The Jockey Club, commenting on behalf of The Jockey Club's Thoroughbred Safety Committee.

1. COMMENT: Commenting on the notification requirement at N.J.A.C. 13:70-14.16(d)1, Mr. Drazin believes that there is "ambiguity in designating exactly who is responsible to provide the verbal notification" and he thinks that "there should be clarification that it is the trainer's responsibility" to notify the State Steward or a Commission veterinarian. Mr. Drazin states that he assumes that the Commission does "not intend to require multiple verbal notifications by trainers, veterinarians, and owners of horses."

RESPONSE: To address this comment, the Commission will make a change upon adoption at N.J.A.C. 13:70-14.16(d)1 to incorporate the non-substantial change of the additional language "by the trainer or the trainer's designee" to specify that it shall be the trainer or the trainer's designee who must notify the State Steward or Commission veterinarian of the death of a horse under the trainer's care. The trainer or the trainer's designee must provide such verbal notification within one hour of the horse's death and the trainer shall be the party ultimately liable for any failure of notice.

2. COMMENT: Mr. Iuliano expresses the Jockey Club's Thoroughbred Safety Committee's support for "recording horse deaths in a timely manner and ensuring that necropsies are performed by licensed veterinarians." Like the Commission, Mr. Iuliano and the Thoroughbred Safety Committee agree "detailed records of horse deaths and necropsies should be provided by the appropriate parties."

RESPONSE: The Commission thanks the commenter for this support.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the adopted amendments.

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

SUBCHAPTER 2. DEFINITIONS

13:70-2.1 Definitions

The following words and terms, when used in this chapter, and when used in N.J.A.C. 13:71 unless defined in N.J.A.C. 13:71-4.1(b), shall have the following meanings unless the context clearly indicates otherwise:

"Post-mortem necropsy" means a thorough examination of a horse's remains by a licensed veterinary practitioner to determine the cause of death and other information about the condition of a deceased horse.

SUBCHAPTER 14. ILLEGAL PRACTICES

13:70-14.16 Equine fatality report, post-mortem necropsy

(a) Upon the death of a horse on any part of the grounds of a New Jersey racetrack or off-track training facility, an equine fatality report shall be submitted to the New Jersey Racing Commission within 48 hours. It shall be the responsibility of the trainer of the deceased animal to file the equine fatality report with the State Steward or Chief State Veterinarian.

(b) The equine fatality report shall be on forms prescribed and furnished by the Commission and shall be filled out entirely, legibly and specifically, and include the following information and any other information deemed necessary by the Commission:

1. Name and tattoo number or other registration identification of deceased equine;
2. (No change.)
3. Owner of record and fiscal records regarding purchase of equine;
- 4.-9. (No change.)

(c) The attending veterinarian shall certify the cause of death and shall submit treatment records describing all veterinary treatments administered to the horse within the 30-day period preceding the time of death. These records shall be submitted to the State Steward within 48 hours of the time of death. Failure to produce these records may result in the immediate suspension of the trainer and/or veterinarian.

(d) Upon the death of any horse on the track during racing or training, or upon the death of a horse within one hour after racing or training on any racetrack:

1. Verbal notice of the death of the horse shall be given *by the trainer or the trainer's designee* to the State Steward or to a New Jersey Racing Commission veterinarian within one hour of the horse's death. Said notice shall not negate the obligation to submit an equine fatality report within 48 hours of the time of death; and

2. An appropriate post-mortem necropsy shall be conducted, by a qualified veterinarian at a facility designated by the Commission, to determine the cause of death and other relevant information about the condition of the deceased horse. The cost of the necropsy, including related transportation and other costs, shall be borne by the owner of the deceased horse.

(e) Upon the death of any horse on the racetrack during racing or training, or upon the death of a horse within one hour after racing or training on any racetrack, the remains of the deceased horse shall not be removed without the written consent of the State Steward, or *[his or her]* *the State Steward's* designee, or the Chief State Veterinarian, or *[his or her]* *the Chief State Veterinarian's* designee. It shall be the joint responsibility of the racetrack and the owner of the horse to prevent the unauthorized removal of the remains of a deceased horse.

(f) Failure to file the equine fatality report or the required veterinary records in a timely fashion or filing in an incomplete fashion may subject the owner, trainer, and/or veterinarian to disciplinary action.

1. Any falsification or misstatement submitted in connection with an equine fatality report may also subject the owner, trainer, and/or veterinarian to disciplinary action.

(g) An equine fatality report shall not be required in connection with any pony or mascot.