

13:45A-35.6 Access to prescription monitoring information; retention of information

(a) The Division shall provide online access to prescription monitoring information submitted to the PMP to the following:

1. A pharmacist who is employed by a current pharmacy permit holder and is authorized to dispense controlled dangerous substances, human growth hormone, or gabapentin who certifies that the request is for the purpose of providing health care to or verifying information with respect to a new or current patient, or verifying information with respect to a prescriber;

2. A practitioner who has a current CDS registration and is authorized to prescribe, dispense, or administer controlled dangerous substances, human growth hormone, or gabapentin who certifies that the request is for the purpose of providing health care to or verifying information with respect to a new or current patient of the practitioner, or verifying information with respect to a prescriber;

3.-5. (No change.)

6. A designated representative of the State Board of Medical Examiners, New Jersey State Board of Dentistry, New Jersey Board of Nursing, New Jersey State Board of Optometrists, New Jersey State Board of Pharmacy, State Board of Veterinary Medical Examiners, or any other board in this State or another state that regulates the practice of persons who are authorized to prescribe or dispense controlled dangerous substances, human growth hormone, or gabapentin, as applicable, who certifies that he or she is engaged in a bona fide specific investigation of a designated practitioner whose professional practice was or is regulated by that board;

7.-9. (No change.)

(b)-(i) (No change.)

(a)

NEW JERSEY RACING COMMISSION

Horse Racing

Definitions; Shock Wave Therapy; Penalties for Violating the Shock Wave Therapy Rules

Adopted New Rules: N.J.A.C. 13:70-14A.18 and 14A.18A

Adopted Amendment: N.J.A.C. 13:70-2.1

Proposed: May 1, 2017, at 49 N.J.R. 1005(a).

Adopted: March 22, 2018, by the New Jersey Racing Commission, Frank Zanzuccki, Executive Director.

Filed: March 29, 2018, as R.2018 d.096, **without change**.

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

Effective Date: May 7, 2018.

Expiration Date: August 28, 2024.

Summary of Public Comments and Agency Responses:

The official comment period ended June 30, 2017. The following is a summary of the comments received by the New Jersey Racing Commission (Commission) and the Commission's responses. The Commission received comments from the following individuals:

1. "Jean Public" -- Submitted anonymously.

2. Dr. Eric Kates, DVM -- Managing Partner, Colts Neck Equine Associates.

1. COMMENT: Ms. Public states that a horse should be given two weeks to rest after receiving shock wave therapy and that the horse should not be allowed to race ever again if there is still pain in the "injured part." She believes that shock wave machines can be "jimmied" and may not be accurate when showing how many times they have been used. She also believes that the fines for misuse and abuse of horses should be raised and offers suggested penalties for each offense. Finally, she believes that "it is time to stop the corruption in horse racing."

RESPONSE: The Commission thanks Ms. Public for her comment and acknowledges her concerns. However, current veterinary science supports the appropriateness of the proposed period of rest after a horse

receives shock wave therapy. Further, veterinarians employed by the Commission examine each horse prior to its starting a race and should any horse appear injured or lame, the horse will be scratched from the race. The Commission is unaware of any evidence supporting Ms. Public's comment that the machines are being "jimmied." The Commission has proposed penalties that are appropriate to the corresponding violations. Finally, the Commission disagrees with Ms. Public's comment relating to corruption in horse racing, which is, in any event, not relevant to the proposal. Therefore, after considering each of Ms. Public's concerns, the Commission rejects this comment.

2. COMMENT: Dr. Kates expresses concern regarding the proposed definition of the term "shock wave therapy." Specifically, he believes that the proposed definition is "arbitrary, overly broad and not well defined." Dr. Kates also claims that the Chief State Veterinarian does not possess the expertise or experience to determine which procedures are similar in nature to shock wave therapy treatments currently being used in veterinary practice.

RESPONSE: The Commission thanks Dr. Kates for his comment. However, the Chief State Veterinarian is expert in matters related to the medical treatment of racehorses and has the requisite expertise and experience to identify treatments similar to extracorporeal shock wave therapy and radial pulse wave therapy. For that reason, the Commission rejects this comment.

3. COMMENT: Dr. Kates states that employees of licensed veterinarians should be allowed to perform any procedure that is expressly prescribed by the veterinarian, including shock wave therapy. Dr. Kates states that restricting this practice "would make shockwave [therapy] a unique modality in this regard ..." Further, Dr. Kates believes that the proposal will "harm horses by making it more difficult to perform ... treatment on multiple farms" and that veterinarians should be allowed "to send an employee to treat a horse at a remote farm."

RESPONSE: The Commission thanks Dr. Kates for his comment. However, in the absence of a contrary regulation of the State Board of Veterinary Medical Examiners, the Commission prohibits anyone other than a Commission-licensed veterinarian from administering any form of medical treatment upon racehorses under the Commission's jurisdiction. The Commission's requirements regarding shock wave therapy are consistent with Commission requirements regarding other veterinary treatment, and in this regard, shock wave therapy is not being treated as a unique modality. The Commission believes the requirement that only Commission-licensed veterinarians administer veterinary treatment to racehorses is important to protect the horses' well-being and the safety of race participants. As a result, the Commission rejects this comment.

4. COMMENT: Dr. Kates objects to the portion of the proposal that states that only Commission-licensed veterinarians can be in possession of shock wave therapy equipment when that equipment is on property under the jurisdiction of the Commission. Dr. Kates explains that employees of a veterinary practice routinely bring equipment from veterinary offices to farms and racetracks. Dr. Kates claims that forbidding employees of a veterinarian from transporting equipment between different farms and veterinary offices will "harm a veterinarians practice and make treatment [of racehorses] more difficult." Dr. Kates also questions if a veterinarian would be in violation of the proposed regulation if that veterinarian left shock wave therapy equipment in his or her locked vehicle.

RESPONSE: The Commission thanks Dr. Kates for his comment. Veterinary offices are not under the direct jurisdiction of the Commission, nor are public roadways. Should an employee be directed to bring shock wave therapy equipment to a licensed farm or racetrack for use by a licensed veterinarian present at that location, the licensed veterinarian must meet the employee at the gates of the farm or racetrack and take possession of the equipment. Such a requirement is not restrictive when the veterinarian is already present at the farm or racetrack in question. Further, the rulemaking does not prevent a veterinarian from storing equipment in his or her locked vehicle as the stored equipment would be considered "in the veterinarian's possession." For the above stated reasons, the Commission rejects this comment.

5. COMMENT: Dr. Kates claims that looking at the "counters" on the shock wave therapy equipment "means nothing" because the machines

are used on non-racing horses, when being tested or when repaired. Dr. Kates also states that recording the usage numbers is not common practice and that the “records of non racehorses are privileged information,” which cannot be shared.

RESPONSE: The Commission thanks Dr. Kates for his comment. However, the proposed rules state that investigators shall be granted access to the machines for the purpose of inspection. Nothing in the proposed rules make mention of the “usage counter” nor are any penalties associated with such. The summary of the proposed rules mentions the counter as one of several means that Commission investigators can use to track the usage of specific machines. Veterinarians are capable of responding to any questions investigators may ask without divulging confidential information. For these reasons, the Commission rejects this comment.

6. COMMENT: Dr. Kates argues that trainers are the ultimate insurers of the well-being and treatment protocols of the racehorse and that “it is impossible [for veterinarians] to know when horses are in to race, when they are being entered and when they are scratched.” Dr. Kates believes it is unfair to hold veterinarians responsible for this information and that veterinarians should only be responsible for relying on the trainer’s direction.

RESPONSE: The Commission thanks Dr. Kates for his comment. The purpose of the rulemaking is to hold the person administering shock wave therapy to the same liability as trainers, should shock wave therapy be administered to a horse in order to gain a racing advantage. As discussed in the Response to Comment 8, the Commission is imposing a pre-treatment and post-treatment notice requirement. Should veterinarians follow the notice procedure properly, they will not be held liable for improper actions taken by the trainer with regard to racing or training a horse after the administration of shock wave therapy. Further, following the pre-treatment shock wave therapy protocol in N.J.A.C. 13:70-14A.18(b)7 and the post-treatment protocol in N.J.A.C. 13:70-14A.18(b)8 will satisfy the requirement that veterinarians ensure the horse is not entered to race prior to administering shock wave therapy. For this reason, the Commission rejects this comment.

7. COMMENT: Dr. Kates believes that a 10-day restriction of race entry is too long, arbitrary, and not based on any science. Dr. Kates suggests a six-day period of ineligibility instead and bases his suggestion upon a single, unidentified, published paper.

RESPONSE: The Commission thanks Dr. Kates for his comment. However, Dr. Kates’ suggestion is contrary to the standard practices of the industry supported by regulatory veterinarians. The 10-day period of ineligibility proposed by the Commission is the same time period recommended by the Association of Racing Commissioners International’s Model Rules and is the period of ineligibility adopted by many racing jurisdictions in North America. As a result, the Commission rejects this comment.

8. COMMENT: Dr. Kates believes that reporting requirements are “ridiculous prior to treatment.” He claims that pre-notification makes no sense because the location of the horse may change, the machine used may change, and the horse will most likely be treated several times. Dr. Kates also believes that the shockwave therapy list should not be used to ban horses from racing or be made public as the treatments are privileged information. He then claims that the reporting requirements will “vastly increase the cost of treating horses due to increased reporting, time to move equipment around, and ability of practices to efficiently provide top-level care.”

RESPONSE: The Commission thanks Dr. Kates for his comment. The pre-treatment notice requirement is important, inexpensive, and easy to satisfy. Prior to the rule becoming effective, the Commission will establish an e-mail address and disseminate that address to all Commission-licensed veterinarians. Prior to administering shock wave therapy, a veterinarian must send an e-mail containing the pre-treatment notification factors required by N.J.A.C. 13:70-14A.18(b)7 to the given e-mail address. The veterinarian may also e-mail the shock wave therapy treatment sheet pursuant to N.J.A.C. 13:70-14A.18(b)8. Upon filing this information with the Commission, the veterinarian will be exempted from liability for a violation of N.J.A.C. 13:70-14A.18(b)4, 5, or 6 that would result from the treated horse training or running a race within the mandated post-treatment exclusion periods. Veterinarians are not

required to wait for a Commission response to their pre-notification e-mail prior to administering shock wave therapy. The e-mail will document the date and time of the pre-treatment and post-treatment submissions.

Should a veterinarian send a pre-notification e-mail stating that he or she is about to administer shock wave therapy and then the veterinarian decides to move the horse or use a different machine, such a change must be noted on the shock wave therapy treatment sheet that is submitted within 24 hours after administration, along with the reason for the location and machine change. The fact that a horse may be treated multiple times does not eliminate the requirement that each administration of shock wave therapy be preceded and followed by notice to the Commission. The Commission’s shock wave therapy list will exist as a tool used by Commission stewards to bar horses from racing, but the list will not be made public. Contrary to Dr. Kates’ comment, the cost of sending a pre-notification e-mail will not vastly increase the time or cost of treating horses nor is there anything in the proposed notification requirements that will require the movement of any equipment. For those reasons, the Commission rejects this comment.

9. COMMENT: Dr. Kates believes that mitigating circumstances should be added to the rule’s proposed penalties.

RESPONSE: The Commission thanks Dr. Kates for his comment but believes that the proposed penalties were carefully considered and are warranted. As a result, the Commission rejects this comment.

10. COMMENT: Dr. Kates states that the proposal does not address the major issue with shock wave therapy. He alleges that the majority of horses are treated at unlicensed, out-of-State facilities, or treated by people other than licensed veterinarians. According to him, these proposed regulations will increase this practice. Dr. Kates claims that these proposed regulations will not allow horses to receive timely and effective treatments when in need. Finally, Dr. Kates claims that these proposed regulations will have the negative economic impact of forcing “more horse[s] to training facilities outside New Jersey ...”

RESPONSE: The Commission thanks Dr. Kates for his comment. It is the Commission’s position that the proposed rules are necessary in order to create an unambiguous regulatory scheme for the administration of shock wave therapy to racehorses that require such therapy, which is consistent with neighboring racing jurisdictions. The Commission does not agree that the rules will result in an increase in the improper administration of shock wave therapy to racehorses or that the rules will “force” horses to other states. Nothing in the rulemaking will interfere with any racehorses receiving timely and effective treatment. As a result, the Commission rejects this comment and reminds licensees of their duty to report any illicit practices, of which they are aware, to the Commission.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the adopted new rules and amendment. The Commission adopts the new rules and amendment pursuant to the rulemaking authority set forth at N.J.S.A. 5:5-30.

Full text of the adoption follows:

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:

... “Breeze” means a horse running for any distance in a timed workout while under the control or direction of an exercise rider, jockey, or other person.

...

SUBCHAPTER 14A. MEDICATION AND TESTING PROCEDURES

13:70-14A.18 Shock wave therapy

(a) "Shock wave therapy" shall mean all extracorporeal shock wave therapy or radial pulse wave therapy treatments and any other similar treatments determined to pose similar risks by the State Veterinarian.

(b) The use of shock wave therapy shall not be permitted, unless the following conditions are satisfied:

1. Only licensed veterinarians are permitted to perform shock wave therapy on a horse;
2. Only licensed veterinarians are permitted to possess or use any instrument used to administer shock wave therapy on the grounds of any property over which the Commission has jurisdiction;
3. All shock wave therapy machines must be registered with the Commission. Investigative staff shall be granted access to any location housing a registered shock wave therapy machine for the purpose of inspecting the machine;
4. Shock wave therapy cannot be administered to any horse currently entered in a race. If a horse is entered, shock wave therapy cannot be administered upon that horse until it is scratched. Should any horse not be scratched at the time shock wave therapy is administered, both the trainer and the licensed veterinarian shall be liable;
5. No horse treated with shock wave therapy shall race for a period of 10 days following treatment with day one beginning on the day after therapy was administered;
6. No horse treated with shock wave therapy shall breeze in any capacity for a period of four days with day one beginning on the day after therapy was administered;
7. Prior to administering shock wave therapy, a licensed veterinarian must notify the State Veterinarian in writing, via e-mail or fax, which writing shall include the horse's name, the reason for administration of shock wave therapy, the trainer's name, the registration number of the shock wave therapy machine, and the property at which the treatment is performed. This condition does not eliminate the need to ensure the horse is not entered to race prior to administering shock wave therapy;
8. Within 24 hours of administering shock wave therapy, the treating veterinarian shall transmit a Shock Wave Therapy Treatment Sheet to the State Veterinarian via e-mail or fax; and
9. Any horse treated shall be placed on the Commission's Shock Wave Therapy List for a period of 10 days from the date of the treatment.

13:70-14A.18A Penalties for violating N.J.A.C. 13:70-14A.18

(a) Violations of N.J.A.C. 13:70-14A.18, Shock wave therapy, shall result in the following penalties:

1. Any person who performs shock wave therapy who is not a licensed veterinarian shall be subject to the following penalties:
 - i. A first violation shall result in a minimum suspension of 60 days and a \$5,000 fine. The presence of aggravating factors may result in the imposition of a suspension up to 180 days and a fine up to \$10,000;
 - ii. A second violation shall result in a minimum suspension of 180 days and a \$10,000 fine. The presence of aggravating factors may result in the imposition of a suspension up to one year and a fine up to \$20,000; and
 - iii. A third or subsequent violation shall result in a minimum two-year suspension and a \$20,000 fine. The presence of aggravating factors may result in permanent license revocation;
2. Should any person other than a licensed veterinarian possess a shock wave therapy machine at any racetrack, off-track stabling facility, or other location subject to the jurisdiction of the Commission, the following penalties shall be imposed upon that person:
 - i. A first violation shall result in a minimum suspension of 30 days and a \$2,500 fine;
 - ii. A second violation shall result in a minimum suspension of 90 days and a \$5,000 fine; and
 - iii. A third or subsequent violation shall result in a minimum one-year suspension and \$10,000 fine;
3. Should a licensed veterinarian possess an unregistered shock wave therapy machine at any racetrack, off-track stabling facility, or other location subject to the jurisdiction of the Commission, the following penalties shall be imposed upon that veterinarian:

- i. A first violation shall result in a \$1,000 fine for failure to register;
 - ii. A second violation shall result in a \$2,500 fine; and
 - iii. A third or subsequent violation shall result in a minimum 15-day suspension and \$5,000 fine;
4. Should any veterinarian perform shock wave therapy on a horse that has not been scratched from any race in which it is entered, the veterinarian and trainer shall each be subject to the following penalties:
 - i. A first violation shall result in a minimum one-year suspension and a \$10,000 fine. The presence of aggravating factors may result in the imposition of a suspension up to three years and a fine up to \$25,000;
 - ii. A second violation shall result in a minimum three-year suspension and a \$25,000 fine. The presence of aggravating factors may result in the imposition of a suspension up to five years and a fine up to \$50,000; and
 - iii. A third or subsequent violation shall result in a minimum five-year suspension and a \$50,000 fine. The presence of aggravating factors may result in permanent license revocation and a fine up to \$100,000;
 5. Should any horse treated with shock wave therapy race within 10 days of treatment:
 - i. The owner shall be subject to the following penalties:
 - (1) A first violation shall result the horse being disqualified from the race and any purse money won forfeited. The horse shall also be placed on the Steward's List for a period of 10 days;
 - (2) A second violation shall result the horse being disqualified from the race and any purse money won forfeited. The horse shall also be placed on the Steward's List for a period of 30 days and shall not be removed in the event of a bonafide transfer of ownership. The same horse need not be involved in both violations in order for the owner to have committed a second violation; and
 - (3) A third or subsequent violation shall result the horse being disqualified from the race and any purse money won forfeited. The horse shall also be placed on the Steward's List for a period of 90 days and shall not be removed in the event of a bonafide transfer of ownership. The same horse need not be involved in all violations in order for the owner to have committed a third or subsequent violation; and
 - ii. The trainer shall be subject to the following penalties:
 - (1) A first violation shall result in a suspension for a minimum period of one year and a fine of \$10,000;
 - (2) A second violation shall result in a suspension for a minimum period of three years and a fine of \$25,000; and
 - (3) A third or subsequent violation shall result in a suspension for a minimum period of five years and a fine of \$50,000;
 6. Should any horse treated with shock wave therapy breeze within four days, then the following shall apply:
 - i. The trainer shall be subject to the following penalties:
 - (1) For a first violation, the trainer shall have his or her license suspended for a minimum of six months and shall be fined a minimum of \$1,000;
 - (2) For a second violation, the trainer shall have his or her license suspended for a minimum of one year and shall be fined a minimum of \$2,500; and
 - (3) For a third or subsequent violation, the trainer shall have his or her license suspended for a minimum of three years and shall be fined a minimum of \$5,000; and
 - ii. If an owner's horse or horses, cumulatively, are found to have breezed within four days of receiving shock wave therapy on three occasions, the horse committing the third violation shall be placed on the Steward's List for a period of 30 days; and
 7. A licensed veterinarian's failure to abide by either the pre-notice requirement or the requirement to send a Shock Wave Therapy Treatment Sheet within 24 hours shall be subject to the following penalties:
 - i. A first violation shall result in a formal written warning;
 - ii. A second violation shall result in a \$1,000 fine; and
 - iii. A third or subsequent violation shall result in a minimum 15-day suspension and a \$2,500 fine.
 - (b) If shock wave therapy is impermissibly performed upon any horse, the racing of that horse within 10 days or breezing of that horse within four days shall serve to aggravate the penalties imposed in (a)1 or 4 above, respectively, against the offending party who performed shock wave therapy.

(c) Any and all penalties assessed against an owner, trainer, veterinarian, or other person for violation of N.J.A.C. 13:70-14A.18 shall be individually assessed against each particular violator based upon his or her own violation history. For example, the same set of facts may be deemed a third violation against the trainer, a second against the owner, and a first against the veterinarian.

(d) Notwithstanding the foregoing, the Judges may punish any person who directed another to violate N.J.A.C. 13:70-14A.18. The person who directed the violator shall be subject to the same penalties as the offender. This includes, but is not limited to, the principal veterinarian of a veterinary practice, a veterinarian who directs a veterinarian technician or other person to perform shock wave therapy or act in any other way that would violate N.J.A.C. 13:70-14A.18, a trainer or owner who directs any other party to perform shock wave therapy or act in any way that would violate N.J.A.C. 13:70-14A.18, or any other person who directs another to violate N.J.A.C. 13:70-14A.18.

(e) Notwithstanding any of the penalties set forth in (a) above, the Stewards may punish any other person found to be acting in concert with a person performing shock wave therapy in violation of N.J.A.C. 13:70-14A.18, by imposing penalties in accordance with the severity of the conduct up to the maximum provided in this section.

(a)

NEW JERSEY RACING COMMISSION

Horse Racing Anabolic Steroids

Adopted Amendment: N.J.A.C. 13:70-14A.17

Proposed: October 2, 2017, at 49 N.J.R. 3334(a).

Adopted: March 22, 2018, by the New Jersey Racing Commission,
Frank Zanzuccki, Executive Director.

Filed: March 29, 2018, as R.2018 d.094, **without change**.

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

Effective Date: May 7, 2018.

Expiration Date: April 28, 2024.

Summary of Public Comments and Agency Responses:

The official comment period ended December 1, 2017. The following is a summary of the comments received and the New Jersey Racing Commission's (Commission) responses. The Commission received one comment via electronic mail from a member of the public titling herself as "Jean Public."

COMMENT: The commenter states that specific fines should be added to the rule for each anabolic steroid offense because of her concern over equine fatalities at United States racetracks.

RESPONSE: The Commission thanks the commenter for her concern. However, the comment addresses an issue beyond the scope of the proposed amendments, which are intended to update threshold and testing methodology to align with current research and scientific specifications. As a result, the Commission rejects the comment.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the adopted amendments. The Racing Commission adopts these amendments pursuant to the rulemaking authority set forth at N.J.S.A. 5:5-30.

Full text of the adoption follows:

SUBCHAPTER 14A. MEDICATION AND TESTING PROCEDURES

13:70-14A.17 Anabolic steroids

(a)-(b) (No change.)

(c) Test results identifying the presence of boldenone, nandrolone, and testosterone shall not constitute a violation of this section if the level of these permitted anabolic steroids test at or below the following threshold levels in blood plasma:

Boldenone – 25 picograms/milliliter (25 pg/mL);

Nandrolone – Females and geldings: 25 picograms/milliliter (25 pg/mL);

Testosterone – Intact male horses: 2,000 picograms/milliliter (2,000 pg/mL);

Females and geldings: 25 picograms/milliliter (25 pg/mL)
(unless a female is in foal).

For the purposes of this section, "intact male horse" shall mean a male horse that has not been gelded. Male horses other than geldings shall be tested for nandrolone in urine only. See (d) below.

(d) Test results identifying the presence of boldenone, nandrolone, and testosterone shall not constitute a violation of this section if the level of these permitted anabolic steroids test at or below the following threshold levels in urine:

Boldenone – Intact males: 15 nanograms/milliliter (15 ng/mL);

Females and geldings: 1 nanogram/milliliter (1 ng/mL)

Nandrolone – Intact males: 45 nanograms/milliliter (45 ng/mL);

Females and geldings: 1 nanogram/milliliter (1 ng/mL);

Testosterone – Females: 55 nanograms/milliliter (55 ng/mL) (unless in foal);

Geldings: 20 nanograms/milliliter (20 ng/mL)

(e) Any blood or urine samples containing one of the three anabolic steroids listed in (c) and (d) above that quantitatively measures above the threshold levels shall constitute a violation of this section. Any samples identifying the presence of more than one of the three permitted anabolic steroids shall constitute a violation of this section regardless of the threshold levels identified in the sample. Any samples identifying the presence of one of the three permitted anabolic steroids, even if it tests at or below the threshold level, shall constitute a violation of this section if the samples also indicate the presence of any other anabolic steroid.

Recodify existing (e)-(f) as (f)-(g) (No change in text.)

(h) In addition to the liability of the trainer, any person licensed in any capacity by the Commission who is involved in the administration of anabolic steroids to a horse who tests in violation of this section shall be subject to penalties up to or equal to the penalties set forth for trainers in (g) above. Persons not licensed by the Commission who have been involved in the administration of anabolic steroids to a horse who tests in violation of this section shall be subject to penalties as determined by the Commission.

(i) (No change in text.)

(j) The trainer of a horse that was claimed outside of the State of New Jersey or purchased in a private sale in any state may request that the claimed horse be tested for the presence of anabolic steroids prior to entering that horse to race in New Jersey. The trainer who requests such testing shall bear all costs, as determined by the Executive Director, that are related to the collection and testing of the blood and urine samples consistent with (i) above. A horse that tests in violation of this section shall be declared ineligible to compete in any race in New Jersey for a period of at least 30 days after the date upon which the samples were taken. After the 30-day disqualification has been completed, the horse shall not be allowed to compete until such time as the trainer makes the horse available to the Commission for retesting and the samples taken are in compliance with this section. Any trainer who fails to request this testing prior to entering a horse claimed outside of the State of New Jersey or purchased in a private sale to race and the horse tests positive for the presence of anabolic steroids in violation of this section, the trainer shall be liable for all penalties set forth in this section.