

**DEPARTMENT OF AGRICULTURE
THOROUGHBRED RACING COMMISSION**

Statutory Authority: 3 Delaware Code, Section 10103(c) (3 **Del.C.** §10103(c))
3 **DE Admin. Code** 1001

ERRATA

FINAL ORDER

1001 Thoroughbred Racing Rules and Regulations

* **Please Note:** The final regulation for 1001 Thoroughbred Racing Rules and Regulations was originally submitted for publication in the November 1, 2020 issue of the *Register of Regulations* but was inadvertently excluded from the final regulations that were published on November 1, 2020.

The final regulation is being published in this issue of the May 1, 2021 *Register of Regulations* with an effective date of May 11, 2021. See 24 **DE Reg.** 996 (05/01/2021) (Final).

The original submission is being published here as an Errata.

Date: October 14, 2020

Amendments to Regulations of the Thoroughbred Racing Commission

The Thoroughbred Racing Commission ("Commission") issues this Order to take effect ten (10) days after the publication of this Order in the Delaware *Register of Regulations*:

1. Pursuant to its statutory authority (3 **Del.C.** §10103(c)), the Commission proposed for adoption revisions to the Commission's Rule 15 by amending Rules 15.1.3.1.5 and 15.1.3.1.6 relating to phenylbutazone and oxphenbutazone and amending Rule 15.2.1.4 relating to Furosemide (Salix). Other regulations issued by the Thoroughbred Racing Commission are not affected by this Order.

2. A copy of the proposed regulations was published in the September 1, 2020 edition of the Delaware Register of Regulations and has been available for inspection in the office of the Commission at 777 Delaware Park Boulevard, Wilmington, Delaware 19804 during regular office hours.

3. The Commission did not receive any written comments on the proposed regulations during the 30 day period following publication of the proposed regulations on September 1, 2020.

4. THEREFORE, IT IS ORDERED, that the proposed regulations are adopted and shall become effective November 11, 2020, after publication of the final regulation in the November 1, 2020 edition of the Delaware *Register of Regulations*.

Delaware Thoroughbred Racing Commission

Sarah A. Crane, Acting Executive Director

Amendment to Thoroughbred Racing Commission Rules

15.1.3.1.5 The test level of phenylbutazone under this Rule shall not be in excess of ~~two (2.0)~~ 0.3 micrograms (mcg) per milliliter (ml) of plasma without penalties in the following format:

Micrograms per milliliter	Penalties
0 to 2.0 <u>0.3</u>	No action
2.1 to 4.4 <u>0.31 and Over</u>	First Offense \$500.00 fine <u>First Offense (365 day period) in any jurisdiction</u> <u>Trainer: Minimum fine \$1,000.00 absent mitigating circumstances</u> <u>Owner: Loss of purse absent mitigating circumstances. Horse must pass commission-approved examination before being eligible to run.</u>

Micrograms per milliliter	Penalties
2.1 to 4.4 <u>0.31 and Over</u>	Second Offense (365 day period) in any jurisdiction within 365 days \$1000.00 fine <u>Trainer: Minimum fine \$1,500.00 and 15-day suspension absent mitigating circumstances</u> <u>Owner: Loss of purse. If same horse, placed on veterinarian's list for 45 days. Horse must pass commission-approved examination before being eligible to run.</u>
2.1 to 4.4 <u>0.31 and Over</u>	Third Offense (365 day period) in any jurisdiction within 365 days \$1000.00 fine and/or Suspension and/or Loss of Purse <u>Trainer: Minimum fine \$2,500.00 and 30-day suspension absent mitigating circumstances</u> <u>Owner: Loss of purse. Minimum fine \$1,500.00. If same horse, placed on veterinarian's list for 60 days. Horse must pass commission-approved examination before being eligible to run.</u>
4.5 and Over	Fine, Suspension, Loss of Purse

15.1.3.1.6 The test level for oxphenbutazone under this Rule shall not be in excess of ~~two (2)~~ 0.3 micrograms (mcg) per milliliter (ml) of plasma.

15.2.1.4 Horses must be on the grounds and the Furosemide (Salix) administered, not more than ~~three~~ four hours and 30 minutes (~~3-1/2~~ 4 1/2 hours) nor less than ~~three~~ four hours (~~3~~ 4 hours) prior to post time of their respective races. Failure to meet this time frame will result in scratching the horse, and the trainer may be fined. The Salix Veterinarian who administers Furosemide (Salix) to a horse scheduled to race shall prepare a written certification indicating the time, dosage and method of administration. The written certification shall be delivered to a Commission representative designated by the Stewards within one (1) hour of the last scheduled race for that day.

***Please Note: For the full text of the published final amendments to 1001 Thoroughbred Racing Rules and Regulations, please see 24 DE Reg. 996. A copy of the final regulation is available at:**
[http://regulations.delaware.gov/register/may2021/final/24 DE Reg 996 05-01-21.htm](http://regulations.delaware.gov/register/may2021/final/24%20DE%20Reg%20996%2005-01-21.htm)

24 DE Reg. 961 (05/01/21) (Errata)