



NORTH DAKOTA RACING COMMISSION

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Gunner laCour
Director

NORTH DAKOTA RACING COMMISSION

NDRC Meeting

**State Capitol Building, Peace Garden Room
600 East Boulevard Avenue, Bismarck, ND
Thursday, May 28, 2015 – 10:30 a.m. (Central Time)**

Minutes

Present: Chairman Jim Ozbun, Commissioner Steve Hartman, Commissioner Ray Trottier, Commissioner Mary Ann Durick, Director Gunner laCour, Legal Counsel Edward Erickson and Administrative Assistant Gail Allensworth

By Phone: Commissioner Tom Senftner

Others Present: Greg Bell, Scott Horst, Mike Schmitz

Call to Order: Chairman Jim Ozbun called the meeting to order at 10:30 a.m.

AGENDA - Modified

1. **Adoption of ARCI Cobalt Rules** – Temporary Modification per Admin. Rule 69.5-01-02-01 (2)
2. **Approval of Minutes – April 30 Meeting**
3. **New Service Provider & Account Deposit Wagering – License Application** - B3 Development Group, LLC
4. **Request for Rule Modification from 123Gaming Inc.**
5. **Schedule next 2015 Commission Meeting**
6. **Any other business which may properly come before the Commission**
7. **Adjournment**

1. **Adoption of ARCI Cobalt Rules** – Temporary Modification per Admin. Rule 69.5-01-02-01 (2)

Director laCour went on to explain that this change was an emergency for the welfare of our horses. The use of cobalt can result in catastrophic injury. Director laCour provided the Racing Medication & Testing Consortium and The Association of Racing Commissioners International press releases detailing the information. – **See Attachment A**

A motion was made by Chairman Ozbun and seconded by Commissioner Durick to adopt Director laCour's recommendation and that this takes effect immediately, on a temporary basis through the racing season. Ozbun -Y, Durick -Y, Hartman -Y, Senftner -Y, and Trottier -Y. Motion passed.

2. **Approval of Minutes – April 30, 2015 meeting**

Previously, all Commissioners had received a copy of the minutes to review.

A motion was made by Commissioner Hartman and seconded by Commissioner Trottier to accept the minutes of April 30, 2015, as presented. All Commissioners voted aye and hearing no negative vote the motion passed.

3. **New Service Provider & Account Deposit Wagering – License Application** - B3 Development Group, LLC

Director laCour introduced Greg Bell of B3 Development Group, LLC. Director laCour and the Commissioners asked some questions which Greg Bell answered.

Commissioner Senftner left the meeting.

A motion was made by Commissioner Trottier and seconded by Commissioner Durick to approve licensing B3 Development Group LLC, as a Service Provider & Account Deposit Wagering. Trottier -Y, Durick -Y, Ozbun -Y, and Hartman -Y. Motion passed.

4. **Request for Rule Modification from 123Gaming Inc.**

Director laCour stated the 123Gaming Inc. has requested, pursuant to Admin. Rule 69.5-01-08-04 (18) governing the 123Racing Pick-n-Wager, that the Commission approve a modified distribution schedule for the wager. The Commission can allow for the modification of the distribution schedule pursuant to Section (e)(11) of this rule. Director laCour explained the modification of the payout structure as 50%-1st, 30%-2nd, 10%-3rd, and 10%-4th through 50 up to 100. They also requested to implement a carryover of between 0 and 50% with all applicable payouts and carryovers identified to customers prior to the beginning of the tournament/wager.

A motion was made by Commissioner Durick and seconded by Commissioner Hartman to approve the rule modification for the 123Racing Pick-n-Wager. Durick -Y, Hartman -Y Ozbun -Y, and Trottier -Y. Motion passed.

5. **Schedule next 2015 Commission Meeting**

The next meeting will be held on June 22.

6. **Any other business which may properly come before the Commission**

No other business.

7. **Adjournment**

A motion was made by Commissioner Hartman and seconded by Commissioner Durick to adjourn the meeting. All Commissioners voted aye and hearing no negative vote the motion passed.

Meeting was adjourned at 11:45 a.m.

NOTICE:

COBALT RULE

At its May 28, 2015 meeting the North Dakota Racing Commission, pursuant to Admin Rule 69.5-01-02-01(2), modified its medication rules to include the regulation of cobalt as follows:

- No penalty for cobalt concentrations of **less than 25 parts** per billion (ppb) of blood serum or plasma.
- For cobalt concentrations of **25 ppb or greater but less than 50 ppb** of blood plasma or serum the recommended penalty is a written warning or fine and the placement of the horse on the Veterinarians List with removal from list only after a blood test confirms that the concentration is below 25 ppb of blood plasma or serum. Testing shall be paid by the owner(s) of the horse.
- Concentrations of **50 ppb or greater** in blood plasma or serum have a recommended "B" penalty.

ARCI Uniform Classification Guidelines for Foreign Substances
& Recommended Penalties Version 9.00

If there are any questions please contact the North Dakota Racing Commission.



Strengthening the Integrity of Racing

Striving to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and protect the interests of the racing public.

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Press Releases

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RMTC Board Approves Cobalt Threshold 3/26/2015

NEWS RELEASE

March 26, 2015

Contact: Hallie Roach Lewis (859) 224-2848

RMTC BOARD APPROVES COBALT THRESHOLD

The board of directors of the Racing Medication and Testing Consortium (RMTC) today announced that a uniform threshold for cobalt regulation in the United States was approved at its regularly scheduled meeting held on March 24 at Gulfstream Park racetrack in Hallandale, Florida.

The cobalt threshold, which was developed and unanimously recommended by the RMTC's Scientific Advisory Committee (SAC), will be submitted to the Association of Racing Commissioners International (RCI) for consideration as a model rule at RCI's April meeting in Tampa Bay, Florida. Technical assistance will be provided by the RMTC to individual jurisdictions seeking to adopt cobalt regulations. The SAC is a standing committee of the RMTC, comprised of leading chemists, pharmacologists, lab directors, regulatory veterinarians and racetrack veterinarians from across the U.S. horse racing industry.

Under the RMTC recommendation:

- Horses that test above 25 parts per billion (ppb) of cobalt in plasma shall be: (i) subject to a fine or a warning for the first offense; (ii) placed on the veterinarian's list; and (iii) ineligible to race until they test below 25 ppb of cobalt in plasma (at the owner's cost); and
- Horses that test above 50 ppb of cobalt in plasma shall be subject to a class B penalty which in most jurisdictions includes: (i) disqualification of the horse; (ii) a fine; and (iii) trainer suspension.

"This proposal is designed to protect the health and welfare of the race horse," explained Dr. Rick Arthur, RMTC Secretary and California's equine medical director. "The recommended thresholds provide generous allowances for vitamin and mineral supplementation but make the administration of cobalt salts impractical. Importantly, the 25 ppb total cobalt threshold in blood is comparable to the 100-200 ppb thresholds in urine being administered internationally."

In other action, the RMTC board approved Interim Accreditation for the Pennsylvania Equine Toxicology and Research Laboratory (PETRL), after receiving a report from the Horseracing Testing Laboratories Committee – a committee which oversees the RMTC laboratory accreditation process. PETRL is the sixth laboratory accredited by the RMTC since the program began in 2011. With this action, Pennsylvania becomes the 24th horse racing state to utilize an RMTC-accredited lab and an external quality assurance program for its equine drug and medication testing services.

RMTC laboratory accreditation is one of four key components of the National Uniform Medication Program that continues to gain traction throughout the United States. The RMTC board received updates on the nationwide adoption of a Controlled Therapeutic Substances Schedule, third-party administration of furosemide, and a Multiple Medication Violation penalty system. In the past 15 months, the industry has seen major gains in the number of jurisdictions that are presently operating or soon-to-be operating under one or more of the reforms.

"We applaud the many state racing authorities and industry stakeholders around the U.S. who are working diligently toward nationwide adoption of the uniform medication program," said Alex Waldrop, RMTC Chair. "These reforms are critical to the health and safety of horse and rider, while also creating a level playing field for horseplayers and for horsemen who race in multiple jurisdictions."

The RMTC board also addressed the use of gamma-aminobutyric acid (GABA) – an endogenous substance that has also been inappropriately administered on race-day as a performance enhancer under the name Carolina Gold. Representatives from the SAC updated the RMTC board on the status of research into the proper regulation of GABA, including an RMTC-funded administration study and industry-sponsored analysis of more than 400 post-race samples. Based upon the final results of the SAC's study and analysis, the RMTC board expects to finalize a recommendation concerning a normally occurring threshold for

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GABA in the next two weeks. The RMTC will then submit the recommended threshold for GABA to the RCI for consideration at its April meeting.

The RMTC consists of 23 racing industry stakeholders and organizations that represent Thoroughbred, Standardbred, American Quarter Horse and Arabian racing. The organization works to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and protect the interests of the racing public.

For additional information, visit the RMTC website at rmtcnet.com or contact Hallie Lewis, RMTC communications and development consultant, at (859) 224-2848.

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THE ASSOCIATION OF RACING
COMMISSIONERS INTERNATIONAL

Press Release

Monday, April 27, 2015
Contact: Ed Martin (859) 224-7070
emartin@arci.com

Cobalt Policy Adopted by Regulators

Tampa, FL - The Association of Racing Commissioners International (RCI) is formally notifying regulators and their testing labs of a new policy that would make it illegal to administer cobalt to a race horse.

The RCI Board of Directors last week voted to sanction trainers of horses that were found to have a cobalt level of 50 parts per billion (ppb) or greater of blood plasma or serum with a "B" penalty, which calls for a minimum 15-day suspension, a minimum \$500 fine, and 4 points on the trainers Multiple Medication Violation record. Owners of horses that raced would also face a loss of any purse money earned and the horse would be excluded from competition until a retest at the owner's expense proves levels have dropped to below 25 ppb in plasma/serum.

The 50 ppb was based upon the unanimous recommendation of the RCI Scientific Advisory Group which met on Tuesday, April 21, 2015 to review a proposal from the Racing Medication and Testing Consortium that was submitted on April 10, 2015.

The RCI Drug Testing Standards and Practices (DTSP) Committee unanimously affirmed that recommendation on April 23, 2015 and it was adopted that same day by the association's Board of Directors.

The RCI Board also adopted a policy that would exclude horses from competition that were found to have a cobalt level of greater than or equal to 25 ppb but below 50 ppb of blood plasma or serum. Those horses would be placed on the Veterinarian's List and not be allowed to return to competition until a subsequent test proves that high cobalt levels have dropped below 25 ppb. Subsequent tests would be conducted at the owner's expense.

The RCI Board of Directors opted to defer action pending further review and comment on an additional recommendation to impose a ten year suspension on trainers of any horse found to have over 300 parts per billion of cobalt in blood plasma or serum. That recommendation was supported by a majority of the DTSP Committee and four of five members of the RCI Scientific Advisory Group.

RCI policies are embodied in the ARCI Model Rules and the Uniform Classification Guidelines for Foreign Substances, which serve as a regulatory policy guide for commissions. In some instances, both documents can have the force of law if a jurisdiction or regulatory agency has enacted a policy to incorporate them by reference.

The RCI Board expressed appreciation for the work of the Racing Medication and Testing Consortium as well as the following members of the RCI Scientific Advisory Group: Dr. Mary Robinson, Dr. Scott Stanley, Dr. Thomas Tobin, Dr. George Maylin, and Dr. Kenneth McKeever.

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