# Results Management:

Anti-Doping Rule Violations

An **Anti-Doping Rule Violation** can include, but is not limited to, the possession, use or attempted use, trafficking, or presence of a **Banned Substance/Method** in relation to a Covered Horse. Other Anti-Doping Rule Violations include evading sample collection from a Covered Horse or conspiring with others to commit Anti-Doping Rule Violations.

#### Processes for presence or use violations associated with Banned Substances:

1

Samples (blood, urine or hair) are collected and submitted to the laboratory.

2

Laboratory reports test results to HIWU within 10 business days of sample receipt (with the ability to request additional time to report if required).

3.

HIWU reviews positive lab findings to verify relevant collection and laboratory procedures have been followed. 4.

HIWU notifies Responsible Person
(RP) and Owner of positive lab finding
with an Equine Anti-Doping (EAD)
Notice (Rule 3345) and issues a
Provisional Suspension to Covered
Horse (CH) and relevant RP in
most instances.\*

8.

The matter will be heard by an Arbitral Body of 1-3 arbitrator(s) in-person unless the arbitrator(s) determine otherwise. 7.

RP/Owner has 7 days to admit violation and accept resulting sanction **or** request a hearing. If a Provisional Suspension has not been issued, they can request an expedited timeline if the relevant Covered Horse or RP is likely to race within 45 days.

6.

HIWU will issue a Charge Letter, which includes applicable sanction(s), if: 1) analysis of the split sample is waived; 2) the second laboratory confirms the initial positive finding; 3) the submitted explanation does not excuse the violation; or 4) the deadline to submit an explanation has passed. (Rule 3248).

5.

RP and/or Owner can either:

a. Provide an explanation and/or
admit the violation and accept the
applicable sanction(s) as described
in the EAD Notice.

b. Request testing of split sample at their own expense at a laboratory selected by HIWU. If the initial positive finding is not confirmed, the test is considered negative, RP or Owner will be reimbursed, and the EAD Notice is withdrawn.

9.

Pre-hearing written submission from the RP/Owner is due within 14 days of a hearing request. 10.

HIWU response is due within 14 days of RP's/ Owner's submission. 11.

Hearings should be conducted within 60 days of the hearing request.

12.

Arbitral Body is required to issue a decision within 14 days of the close of the hearing.



The results management processes for other Anti-Doping Rule Violations such as trafficking, tampering, or evading sample collection are substantially similar to the aforementioned process.

'There is a right to have a timely Provisional Hearing via video or phone before a member of the Arbitral Body prior to or after the imposition of a Provisional Suspension.

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## Appeal

Decisions can be reviewed de novo (without deference to the Arbitral Body's decision) by an administrative law judge if either party files an appeal within 30 days of the Arbitral Body's decision. An additional *de novo* review of the administrative law judge's decision may be conducted by the Federal Trade Commission (FTC) at its sole discretion.

#### Public Disclosure

HIWU will publicly disclose the resolution of a violation within 20 calendar days of a final decision, acceptance of the sanction(s) by the RP/Owner, or the withdrawal of a charge.

RP/Owner is entitled to legal counsel and can agree to a resolution with HIWU at any time up to point of final decision.

# Please be advised that the responsibilities and requirements set forth above are contained in the Anti-Doping and Medication Control (ADMC) Program regulations submitted by the Horseracing Integrity and Safety Authority to the Federal Trade Commission (FTC). These regulations were approved by the FTC on March 27, 2023. The information enclosed herein is not exhaustive, and more information can be found by consulting the approved regulations, which were posted to the Federal Register on January 26, 2023.

### Terms To Know

**Arbitral Body**: an independent group consisting of a pool of at least five arbitrators (lawyers) selected to adjudicate Anti-Doping Rule Violations under the ADMC Program; this body will be administered by a separate arbitration organization.

Banned Substance/Method: substances prohibited from being possessed, administered, or present in a horse at any time.

**Provisional Hearing**: an expedited abbreviated hearing to resolve a challenge to a Provisional Suspension, occurring prior to the adjudication of the violation in issue.

**Provisional Suspension:** a term during which a Covered Horse and/or Covered Person is barred temporarily from participating in any official timed workouts or Covered Horseraces.



