



**VETERINARY REGULATION  
ON THE RACETRACK**

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# Jurisdiction

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- 5<sup>th</sup> Amendment: No person shall be... deprived of life, liberty, or property, without due process of law...
- Jurisdiction: the right to exercise authority



**U.S.  
Constitution**

**Federal Law**

**State Constitution**

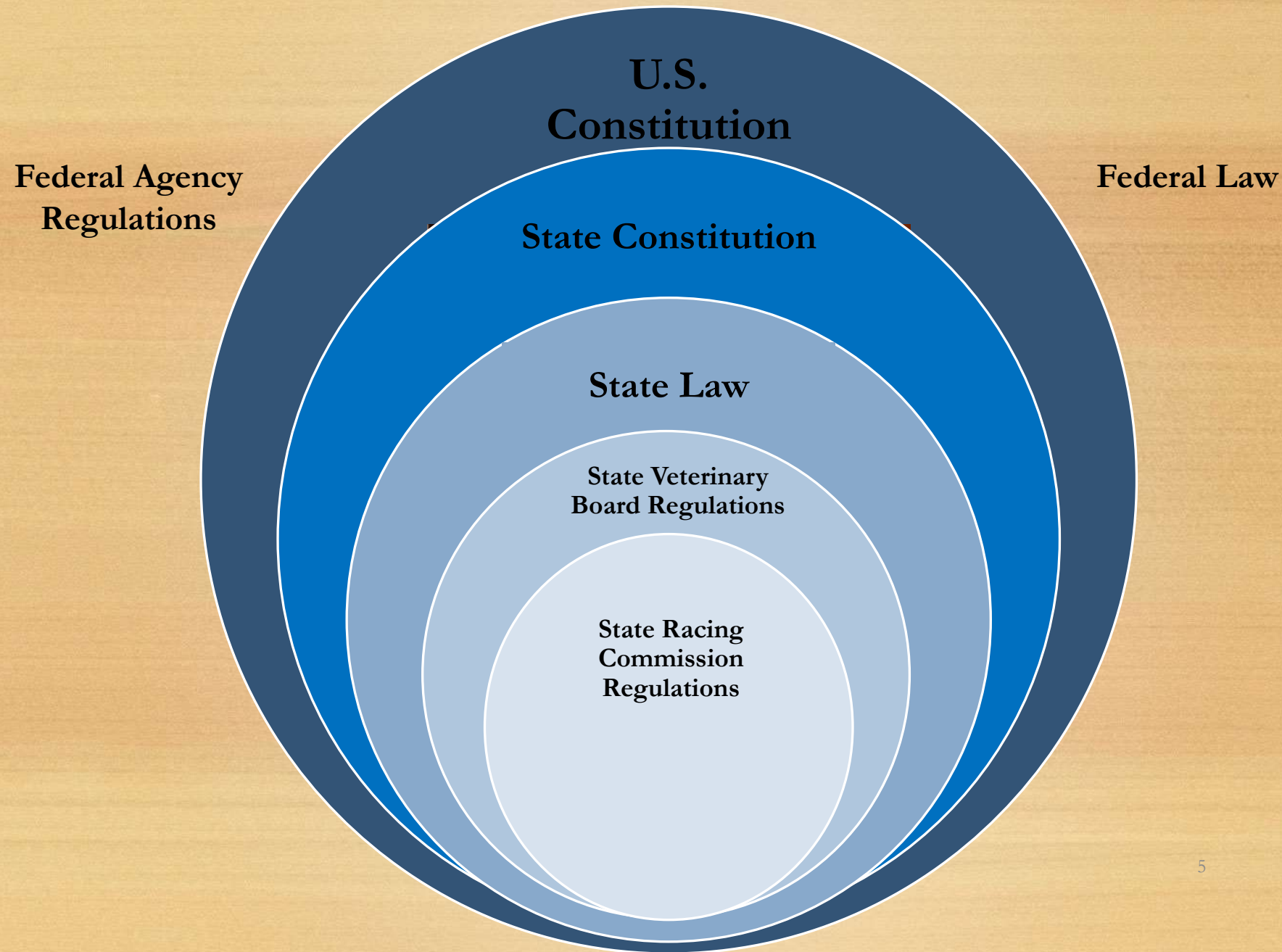
**State Law**

**State Racing  
Commission  
Regulations**









# Highly Regulated Industries

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- Administrative agencies can do a lot of prescriptive (“thou shall”) and restrictive (“thou shall not”) rulemaking – within certain guidelines.
- If challenged, courts will give a lot of deference to (i.e. not second guess) the agency’s interpretation of its own rules and the statutes it administrates.

# Scenario 1:

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- The finding can't be attributed to a veterinarian.
- Possible sources:
  - Environmental contamination
  - Administration by trainer or groom
  - Tampering



## Scenario 2:

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- The finding can be attributed to a veterinarian, but that veterinarian does not have a license with the commission where the race was run.
  - Ships in from farm or private training center
  - Ships in from a racetrack or licensed training facility in another state



## Scenario 3:

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- The finding is attributable to a specific veterinarian licensed by the prosecuting commission, but the investigation reveals that he or she provided a therapeutic treatment in the dose and administration manner consistent the commission's own guidance.

# Scenario 4:

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- The finding is attributable to a specific veterinarian licensed by the prosecuting commission and the treatment was in violation of the rules.



**U.S. Constitution**

**Federal Agency  
Regulations**

**Federal Law**

**State Constitution**

**State Law**

**State Veterinary  
Board Regulations**

**State Racing  
Commission  
Regulations**









# MODEL MEDICATION RULES

We were told that the uniform medication initiative – in particular the extended withdrawal times for corticosteroids and clenbuterol – would have a devastating effect on field size. MA adopted the so-called “model medication rules” for the 2014 season.

2013 – Suffolk Downs (TB)

Avg. field size: 7.24

Avg. starts per starter: 5.75

(81-day meet)

2014 – Suffolk Downs (TB)

Avg. field size: 7.17

Avg. starts per starter: 5.46

(65-day meet)

2013 – Plainridge Racecourse (Stb)

Avg. field size: 7.07

Avg. starts per starter: 9.44

(92 day meet)

2014 – Plainridge Racecourse (Stb)

Avg. field size: 6.92

Avg. starts per starter: 9.40

(80-day meet)





# STARTER'S BONUS/PAYING TO LAST

Different things happen if purse agreements are negotiated as “payments to last” vs. a “starter’s bonus.” Those differences have important consequences for the horse and for the betting public.

Starter’s Bonus: A starter’s bonus is typically due to any horse leaving the gate, regardless of whether they finish the race.

Payments to Last: Payment to last is typically due to any horse charted as anything other than DNF. Depending on agreement, may include horses charted as “eased.”

Losing jock’s mount: Remember that losing jock mount fees are typically due when the rider weighs out – before he or she even leaves the room.



# ATTRITION

Attrition/Vets List Rates by # of Days Since Last Start

