

2. Equine Anti-Doping Rule Violations

Responsible Persons and their Support Personnel shall be responsible for knowing what constitutes an equine anti-doping rule violation and the substances and methods that have been included on the Prohibited List.

The following constitute equine anti-doping rule violations under these Equine Anti-Doping Rules.

2.1 *The presence of a Prohibited Substance in a Horse's Sample.*

2.1.1 It is each Responsible Person's personal duty to ensure that no Prohibited Substance is present in a Horse's body. Responsible Persons are responsible for any Prohibited Substance found to be present in a Horse's Sample. It is not necessary that intent, fault, negligence or knowing Use be demonstrated to establish an equine anti-doping rule violation under Rule 2.1.

2.1.2 The presence of a substance in a Horse's body shall only constitute a violation of Rule 2.1 if it is found to be present at a time at which it is prohibited under these Equine Anti-Doping Rules.

Accordingly, the presence of a substance in a Horse's body Out-of-Competition will not be a violation of Rule 2.1 if the substance concerned is prohibited on Raceday only.

2.1.3 Subject to Rule 2.1.4, sufficient proof of an equine anti-doping rule violation under Rule 2.1 is established by any of the following: presence of a Prohibited Substance in the Horse's A Sample where the Responsible Person waives or is deemed to have waived analysis of the B Sample and the B Sample is not analysed; or where the Horse's B Sample is analysed and the analysis of the Horse's B Sample confirms the presence of the Prohibited Substance found in the Horse's A Sample; or, where the Horse's B Sample is split into two portions and the analysis of the second portion confirms the presence of the Prohibited Substance found in the first.

2.1.4 Rule 2.1.3 shall not apply where the Prohibited Substance is present only in a hair Sample. Nothing however shall prohibit the use of hair Sample Analysis to establish any other equine anti-doping rule violation, whether on its own or in conjunction with other evidence.

2.1.5 Except for those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance in a Horse's Sample shall constitute an equine anti-doping rule violation.

2.1.6 As an exception to the general rule of Rule 2.1, these Rules may provide for an investigation to be carried out for the evaluation of Prohibited Substances that can also be produced endogenously.

2.2 *Use or Attempted Use of a Prohibited Substance or a Prohibited Method.*

2.2.1 It is the personal responsibility of each Responsible Person to ensure that no Prohibited Substance enters a Horse's body and that no Prohibited Method is used. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the part of the Responsible Person be demonstrated in order to establish an equine anti-doping rule violation for the Use of a Prohibited Substance or Prohibited Method. In accordance with the definition of Attempt, demonstrating the Attempted Use of a Prohibited Substance or Prohibited Method requires proof of intent but that fact does not undermine the strict liability principle established for violations of Rules 2.1 and 2.2 in respect of the Use of a Prohibited Substance or a Prohibited Method.

2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or a Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an equine anti-doping rule violation to be committed.

2.2.3 Under the strict liability principle, a Responsible Person shall be liable under Rules 2.1 and 2.2 even if the Use or Attempted Use of a Prohibited Substance or a Prohibited Method was undertaken by a member of his Support Personnel. A Responsible Person is ultimately responsible for the actions of his Support Personnel.

2.2.4 The application of Rule 2.2.3 above does not exclude members of a Responsible Person's Support Personnel from being considered additionally liable for other violations of this Rule 2 should the circumstances so warrant.

2.2.5 The Use Out-of-Competition of a Prohibited Substance or Prohibited Method that is not prohibited at all times will not constitute an equine anti-doping rule violation under these Equine Anti-Doping Rules.

2.3 *Evading or, without compelling justification, Refusing or Failing to Submit to Sample Collection after notification of Doping Control in accordance with the Equine Anti-Doping Rules.*

2.3.1 It is the personal responsibility of each Responsible Person to ensure that a Horse under his care submits to Sample collection after notification of Doping Control in accordance with the Equine Anti-Doping Rules. This responsibility extends even if the Responsible Person is absent at the time of notification and a member of his Support Personnel acts on the Responsible Person's behalf.

Responsible Persons are ultimately responsible for the actions of their Support Personnel.

2.3.2 A violation of failing to submit to Sample collection may be based on either intentional or negligent conduct while evading or refusing Sample collection contemplates intentional conduct. Evading Sample collection shall include without limitation hogging a Horse's mane or tail with the intention of preventing a hair Sample from being collected.

2.4 *Tampering, or Attempted Tampering, with any part of Doping Control.*

2.4.1 Responsible Persons and their Support Personnel shall not Tamper or Attempt to Tamper with any part of the Doping Control process.

2.4.2 Tampering shall include without limitation intentionally interfering or attempting to interfere with a Doping Control Official, altering the integrity or validity of a Sample through its substitution and/or adulteration, providing fraudulent or misleading information to the Authority or intimidating or attempting to intimidate a potential witness.

2.5 *Administration or Attempted administration of a Prohibited Substance or a Prohibited Method.*

2.5.1 No Person shall administer, Attempt to administer, allow or cause to be administered or connive in the administration to a Horse of any Prohibited Substance or Prohibited Method that is prohibited at all times.

2.5.2 A record pursuant to Rule (C)13 that a Prohibited Substance or Prohibited Method prohibited at all times has been administered to a Horse shall be considered to be evidence of administration for the purposes of this Rule.

2.5.3 Administration shall include actions involving Prohibited Substances and Prohibited Methods which are prohibited on Raceday only unless they are intended for genuine therapeutic purposes.

2.6 *Possession of a Prohibited Substance or a Prohibited Method.*

No Person shall possess any Prohibited Substance or Prohibited Method unless he can demonstrate acceptable justification for the Possession.

2.6.1 Possession shall mean Possession on a racecourse of any Prohibited Substance or Prohibited Method prohibited on Raceday only.

No Person apart from a Veterinary Officer or racecourse Veterinary Surgeon shall bring onto premises owned, used or controlled by the Racecourse Managing Executive at any time any Prohibited Substance that is prohibited on Raceday only, or any means of administering such substance, unless dispensation is granted by a Veterinary Officer. Premises owned, used or controlled by the Racecourse Managing Executive for this purpose do not include vehicles on such premises under the control of the Responsible Person or his Support Personnel.

2.6.2 Possession shall mean Possession at any time of any Prohibited Substance or Prohibited Method which is prohibited at all times.

The only acceptable justification would be a veterinarian being in Possession of Prohibited Substances or Prohibited Methods for the treatment of animals which are not subject to these Equine Anti-Doping Rules or a Responsible Person or member of his Support Personnel being in Possession of a Prohibited Substance or Prohibited Method for his own personal Use on justifiable medical grounds.

2.7 *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method prohibited at all times.*

Responsible Persons and their Support Personnel shall not Traffic or Attempt to Traffic any Prohibited Substance or Prohibited Method prohibited at all times.

2.8 *Whereabouts failures*

2.8.1 An equine anti-doping rule violation shall be committed by a Responsible Person if he commits three Filing Failures within a 12-month period.

2.8.2 An equine anti-doping rule violation is deemed to be committed if a Horse is subject to three Missed Tests within an 18-month period.

2.9 *Complicity*

No Responsible Person, member of his Support Personnel or other Person shall assist, encourage, aid, abet, conspire, cover up or engage in any other type of intentional complicity involving an equine anti-doping rule violation.