

Andrew M. Cuomo
Governor

Barry C. Sample, Chair
John A. Crotty
John J. Poklemba
Todd R. Snyder
Commissioners



Robert Williams
Acting Executive Director

Edmund C. Burns
General Counsel

November 22, 2013

To Whom it May Concern:

The New York State Gaming Commission ("Commission") has proposed five amendments to its thoroughbred equine drug rules to create per se thresholds for 24 drugs and medications, make it a rule violation if the Commission's laboratory can detect by testing race-day samples the administration of any other substances that could affect race performance (i.e., affect a horse's body organ systems), and modify the Commission's rules that restrict the administration of all drugs and other substances within various periods of time before a horse's next race. The proposed amendments would generally restrict the administration close to race day of drugs and medications to thoroughbred race horses to 24 drugs that have been identified as having widely accepted beneficial effects, providing for sufficient treatment to ensure good veterinary care, and capable of being regulated by means of known laboratory thresholds.

These amendments were proposed at the November 4, 2013 meeting of the Commission and will be published in the December 4, 2013 *State Register*. The full text of each rule proposal and a discussion of each proposal will appear in such issue of the *State Register*. In addition, you may obtain a copy of such materials before they are published by requesting a copy from me.

The proposed amendments would renumber the current 9 NYCRR 4043.3 and adopt a new 9 NYCRR 4043.3 containing per se thresholds. 9 NYCRR 4043.3(d) would be repealed so flunixin could not be administered within 48 hours of a horse's next race. 9 NYCRR 4043.2(i)(1) would be amended to limit the corticosteroids that may be administered systemically until five days before a horse's next race to two, dexamethasone and prednisolone. New subdivisions would be added to 9 NYCRR 4043.2 that would establish special provisions for administrations of methylprednisolone acetate ("Depo Medrol") and of corticosteroids not among the five included in the 24 specified drugs.

The Commission has scheduled a rulemaking Public Hearing from 10:30 a.m. to 3:30 p.m. on Tuesday, January 21, 2014 in its sixth floor board room at One Broadway Center, Schenectady. Contact me if you wish to be scheduled to participate in such hearing. You may also provide your written comments on this proposed rulemaking to me, Kristen M. Buckley, at the New York State Gaming Commission, One Broadway Center, Schenectady, NY 12305, or gamingrules@gaming.ny.gov, by January 26, 2014.

Very truly yours,

A handwritten signature in blue ink that reads "Kristen M. Buckley".

Kristen M. Buckley,
Acting Secretary to the Board