Background to Rule 366 amendment.

This amendment is made for greater clarity. It is the past and current interpretation of the APHRC to consider a certificate of positive analysis (a positive test) as a violation. This amendment clarifies that the APHRC does not have to prove unauthorized administration, and the trainer is entitled to a due diligence defense, as they always were.

Old Rule 366(c) “The Trainer of Record of every or any racehorse must make every diligent effort to protect the racehorse from unauthorized administration of any drug or foreign substance or non-therapeutic medication product”.

New Rule 366(c).

“Unauthorized administration by the Trainer of Record shall be presumed in the case of a positive test under Rule 367.  The Trainer of Record may rebut the presumption of unauthorized administration by demonstrating on a balance of probabilities (s)he made every reasonable effort to comply with the obligations of Rule 122 and protect the racehorse from unauthorized administration”.