**The third rule change is for clarity. It takes the existing rule that is grouped together and sets out the various components for greater clarity**.

Old Rule 367 Where any test taken under the Parimutuel Betting Supervision Regulations reveals a positive presence of a restricted drug as described in such regulations, the APHRC shall refer to the uniform classification guidelines for foreign substances concerning the drug class.

 (1) reads, “Rule On Drug Classifications” —Upon finding of a violation of these medication and prohibited substances rules, the senior judge shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International, Inc., and impose penalties and disciplinary measures consistent with the prescribed APHRC penalty table (Rule 367 (2)(a)). Provided, however, a majority of the judges panel determine that mitigating circumstances require imposition of a lesser penalty they may impose a lesser penalty. In the event, a majority of the judges panel wishes to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such an event, they may impose the maximum penalty authorized and refer the matter to the Commission with specific recommendations for further action. For the purposes of this rule Furosemide positive test results will be considered a Class V positive. If the presence of the drug erythropoietin or any of its synthetic derivatives are detected in the blood sample, the Trainer of record shall be subject to a fine of $5,000 and a 10-year suspension.

New Rule 367 as Amended

Where any test taken under the Parimutuel Betting Supervision Regulations reveals a positive presence of a restricted drug as described in such regulations, the APHRC shall refer to the uniform classification guidelines for foreign substances concerning the drug class.

367(1) Rule on Drug Classifications—Upon finding of a violation of these medication and prohibited substances rules, the senior judge shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances as promulgated by the Association of Racing Commissioners International, Inc., and impose penalties and disciplinary measures consistent with the prescribed APHRC penalty table (Rule 367 (4).

367(2) Prior to deciding on the imposition of penalties and disciplinary measures, the judge(s) shall consider the presence of any mitigating and/or aggravating circumstances

367(2)(a) In the event the judge, or a majority of them, find mitigating circumstances to be present, discretion may be exercised to impose a lesser penalty than the minimum penalty indicated in the APHRC penalty table (Rule 367(4)

367 (2)(b) In the event the judge, or a majority of them, find aggravating circumstances to be present, discretion may be exercised to impose the penalty indicated in the APHRC penalty table (Rule 367 (4) and refer the matter to the Commission with specific recommendations for further action.

367 (2)(c) In the absence of mitigating or specific recommendations for further action pursuant to 367 (2)(b) the penalties contained in the penalty table (Rule 367 (4) shall apply.

367 (3) For the purpose of this rule Furosemide shall be considered a Class V positive. If the presence of the drug erythropoietin or any of its synthetic derivatives are detected in the blood sample, the Trainer of record shall be subject to a fine of $5000 and a 10-year suspension.