

Rule Changes effective 07.21.2024

Please note that the strikethroughs and inserts were left purposefully so that you can easily see what changes have been made.

§178-1-5. Racing Commission personnel.


5.3. License Clerks. The Racing Commission shall employ ~~a minimum of two (2) persons as~~ license clerks as needed at each licensed racetrack. The license clerks' duties shall include:

§178-1-8. Stewards.

8.10.b. The stewards may place a thoroughbred on the stewards' list when there exists a question as to the exact identification or ownership or identity of the actual trainer of the thoroughbred.

8.10.d. A thoroughbred which has been placed on the stewards' list because of questions as to the exact identification or ownership, or identity of the actual trainer of the thoroughbred, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification, ~~and/or ownership, or identity of the actual trainer~~ has been established.

§178-1-9. Racing Secretary.

 9.2.a. All Horses, including stable ponies, entering the Racetrack grounds must have proof of health certificate and required vaccinations, which shall include: Certificate of veterinary inspection within the prior five (5) days or fewer days if high risk situations dictate; Verification of EEE/WEE/WNV (encephalitides), rabies, and tetanus vaccinations within the prior 12 months; Verification of Influenza and Rhinopneumonitis vaccinations within the prior 12 months or fewer days if high risk situations dictate; and Verification of Negative Equine Infectious Anemia (Coggins) Test within the calendar year or in a shorter period of time if high risk situations dictate.

9.2.b. Horses moving interstate must meet the entry requirements of the destination state, the Racing Commission in the destination state, and the individual Racetracks or Training Facilities to which the horse is being shipped in the destination state.

§178-1-22. Facilities and Equipment.

22.1.b. The association shall furnish and maintain at least one (1) ambulance properly equipped to transport for the exclusive use of persons, staffed with at least two (2) emergency medical technicians, one of whom shall be a certified paramedic, at any time the racetrack is open for live racing or exercising. If the ambulance is being used to transport an individual, the association may not conduct a race or be open for training until the ambulance is replaced, and ready for immediate duty, to be placed at a readily available location to the racing strip, so that no time may be lost in answering calls. Unless otherwise approved by the Racing Commission or the stewards, an ambulance shall follow the mounted horses at a safe distance during the running of the race.

22.1.c. The association shall equip and maintain at its racetrack at least one (1) first aid room provided with adequate beds and equipped with first aid appliances and material as approved by the Racing Commission. Each association shall meet minimum staffing requirements of emergency service personnel during all racing hours, and employ an emergency medical technician, ~~and an individual trained in cardiopulmonary resuscitation, and at least one person shall be adequately trained in diagnosing and assessing concussions. An association shall provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned as a result of a contract to the association grounds.~~

22.4. Rails and Gaps. The following provisions to the rails and gaps required for racing:

~~22.4.a. Racetracks, including turf tracks, shall have inside and outside rails, including gap rails, designed, constructed and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the Racing Commission prior to the first race meeting at the track.~~

Racetracks shall have inside, outside, and gap rails designed, constructed, and maintained to provide for the safety of Jockeys and Horses.

~~22.4.b. All potential obstructions shall be set back a minimum of ten (10) feet from the back of the inside rail. All existing obstructions, shall be moved back a minimum of ten (10) feet from the back of the rail and/or padded, as directed by the Racing Commission. Objects within 10 feet of the inside rail shall be flexible enough to collapse upon impact of a Horse or rider, or sufficiently padded as to prevent injury.~~

22.4.c. Rails shall be inspected prior to each Race Meet and daily during training and racing events.

22.4.d. All gaps must be clearly marked, must have protective padding covering any sharp edges or unique angles, and have proper mechanisms to allow for secure closure when needed.

22.4.e. Main gaps and on-gaps should include signage with safety rules, Racetrack hours and other applicable rules.

22.4.f. For Races breaking from a chute there should be sufficient temporary rail extension to prevent Horses from ducking in or out.

22.5. Starting Gates. Each racing association shall provide and maintain at least two operable padded starting gates on every race day of its meeting. ~~Each association shall use every reasonable endeavor to have in attendance whenever the gates are in use, one or more individuals who are~~

~~skilled and qualified to maintain the gates in good working order, and be available for periodic inspections of the starting gates as may be required by the Racing Commission.~~

22.5.a. All gates, and the vehicle that moves the gates, must be inspected pre-Race Meet and documented to be in proper working condition.

22.5.b. All gates must have protective padding to ensure the safety of the Horse, Jockey, and gate personnel. Protective padding shall protect the riders and gate personnel from contact with sharp edges and help to distribute impact loads. All padding shall be designed to ensure durability for outdoor use and shall be capable of maintaining safety and physical integrity during all weather conditions.

22.5.c. Gates and the vehicle that moves the gates shall be inspected and tested each race day before the Races and each morning before schooling to ensure proper functioning.

22.5.d. No personnel, other than those required for steering the gate, shall ride on the gate while the gate is in motion or being transported.

22.5.e. Racetracks shall have in place annually reviewed and documented standard operating procedures for the removal of the starting gate after the start of each Race as needed in a safe and timely manner. This plan shall also include procedures for gate removal if the primary removal mechanism fails.

22.5.f. Every Starting Gate Person shall wear protective gear when working on or around the starting gate, including approved helmets and safety vests.

22.5.g. If the starting gate becomes inoperable during racing hours, racing may not continue until the starting gate is brought back to safe operating standards or the inoperable gate is replaced with a properly functioning alternate gate.

22.5.h. During racing hours, a Racetrack should ensure that sufficient assistant starters are available to safely handle each Horse entered in a Race.

22.5.i. A Racetrack shall make at least one starting gate and one Starting Gate Person available for racehorse schooling during designated gate training hours.

22.12. Racetrack and Racing Surface Data Collection, Recordkeeping, and Submission.

22.12.a. Racetracks shall have data collection protocols in place to assist in the proper and consistent maintenance of all racing and training surfaces. Racing and training surface testing and maintenance should be performed based on the Racetrack's written standard operating procedures which are reviewed annually and updated as needed. The WV Racetrack Safety Committee, or its designees, shall develop and annually update a Racetrack Surface Standard Practices Document.

22.12.b. All Racetrack design records, racing and training surface maintenance records, surface material tests, and daily tests data shall be recorded in a format acceptable to the Racing Commission and shall be submitted to the Racing Commission. Any test results shall be submitted to the Racing Commission within one (1) week of the test results.

22.12.c. Surface test methods and surface material test methods must be documented and consistent with testing standards from internationally recognized standards organizations including ASTM International, American Society of Agricultural and Biological Engineers, or other relevant international standards, and when possible for unpublished standards, methods consistent with those documented by the Racing Surfaces Testing Laboratory.

22.13. Racetrack Surface Monitoring.

22.13.a. Racetracks shall provide equipment and personnel necessary to maintain the racetrack surface in a safe and consistent condition.

22.13.b. Pre-meet inspection shall be performed on all surfaces prior to the start of each Race Meet with sufficient time allotted to facilitate corrections of any issues prior to racing. For Race Meets spanning periods with significant weather variation, inspections shall be performed seasonally prior to anticipated weather changes.

22.13.c. Inspections for dirt and synthetic surfaces shall include the following elements:

22.13.c.1. Determine and document race and training track configurations and geometries, including geometry and slopes of straights and turns and slopes at each distance marker pole; accuracy of distances from the finish line to the marker poles; and cushion and base geometries.

22.13.c.2. Base inspection, including windrowing and base survey, surface survey, ground penetrating radar, or other method;

22.13.c.3 Mechanical properties of racing and training tracks using a biomechanical surface tester shall be determined and documented;

22.13.c.4. Surface material samples of racing and training tracks shall be analyzed for material composition pursuant to the Racetrack Surface Standard Practices Document; and

22.13.c.5. Corrective measures to address issues under this subsection.

22.13.d. Inspections for turf surfaces shall include the following elements:

22.13.d.1. Determine and document racetrack configuration and geometry, including geometry and slopes of straights and turns and slopes at each distance marker pole; irrigation systems; turf profile; and ensure distances from the finish line to the marker poles are correct.

22.13.d.2. Document turf species;

22.13.d.3. Mechanical properties of racing and training tracks using a surface tester should be determined and documented;

22.13.d.4. Surface material samples of racing and training tracks shall be analyzed for material composition pursuant to the Racetrack Surface Standard Practices Document;

22.13.d.5. The irrigation system must be tested to evaluate function of all components and water coverage including gaps and overlap; and

22.13.d.6. Corrective measures to address issues under this subsection

22.13.e. Daily measurements shall be taken at the beginning of all daily training and racing sessions for racing and training tracks taken at each ¼ mile marker pole at locations 5 and 15 feet outside the inside rail.

22.13.e.1. For dirt and synthetic surfaces, such daily measurements shall include: (i) Moisture content; (ii) Cushion depth; and (iii) Weather conditions and precipitation at 15-minute intervals from a national or local weather service.

22.13.e.2. For turf surfaces, such daily measurements shall include: (i) Moisture content; and (ii) Penetration and shear properties.

22.13.f. Surface equipment inventory, surface maintenance logs, and surface material addition or renovation logs shall be maintained and submitted to the Racing Commission.

22.13.f.1. Daily surface maintenance logs should include equipment used, direction of travel, water administration.

22.13.f.2. Documentation of the source, timing, quantity, and method of all additions to the surfaces shall be submitted to the Racing Commission.

§178-1-23. Operations.

23.1.e. It is the responsibility of the racing association conducting a meeting under a license issued by the Racing Commission to assure that all persons under the age of ~~sixteen~~(16) years are properly supervised by an adult when admitted to the association grounds. Persons under the age of ~~eighteen~~(18) ~~16~~ years may not be admitted in a restricted area without the written permission of the stewards, except in case of an emergency or except where the person has been issued a permit at age ~~sixteen~~(16) pursuant to the exception specified in subdivision 24.1.i. of this rule. Violation of this rule may result in a fine or other discipline against a licensee and/or occupational permit holder when warranted in the discretion of the stewards and/or the Racing Commission.

23.5. Emergency Warning System. Each Racetrack shall have an operational emergency warning system on all racing tracks. The emergency warning system shall be approved by the Racing Commission.

23.5.a. The emergency warning system shall be tested bi-weekly before training or racing.

23.5.b. During training, when the emergency warning system is activated, all persons on horseback shall slow to a walk and no one on horseback shall enter the racetrack.

23.5.c. The Racetrack announcer shall be trained to utilize the public address system to warn riders of potentially dangerous situations and provide direction; and warn patrons of potentially dangerous situations and provide direction.

 **§178-1-24. General Provisions Applicable to All Permit Applicants and Permit Holders.**

24.1.i. The Racing Commission shall not grant an occupational permit to anyone under ~~eighteen (18)~~ 16 years of age. ~~Provided, except that an occupational permit may be granted at sixteen (16) years of age for the children and grandchildren of licensed permit holders; licensed permit holders being defined for the purposes of this subdivision as owners, breeders, trainers, jockeys and veterinarians.~~ An applicant may be required to submit a certified copy of his or her birth certificate in connection with his or her application for a permit.

24.4.b. No occupational permit holder may have in his or her employment, in any capacity, any employee less than ~~eighteen (18)~~ 16 years of age. ~~except where the employee has been issued a permit at age sixteen (16) pursuant to the exception specified in subdivision 24.1.i. of this rule.~~

24.13.a. ~~Any permit holder person~~ mounted on a horse or stable pony on association grounds must have an appropriate permit granted by the board of stewards and wear a properly secured safety helmet at all times. All members of the starting gate crew must adhere to this rule at all times while performing their duties or handling a horse. For the purposes of this rule, the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The permit holder is responsible for providing sufficient evidence that his/her helmet meets or exceeds one of the following safety standards: American Society for Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015); or, Australian/New Zealand Standard (AS/NZ 3838 or ARB HS 2012), or Snell Equestrian Standard 2001.

24.13.b. Any person mounted on a horse or stable pony on the association racing surface, all assistant starters and anyone handling a horse in a starting gate must wear a safety vest at all times. The safety vest must comply with or exceed one of the following minimum standards or later version: British Equestrian Trade Association (BETA): 2000 Level 1; Euro Norm (EN) 13158: 2000 Level 1; American Society for Testing and Materials (ASTM) F2681-08 or F1937; Shoe and Allied Trade

Research Association (SATRA) Jockey Vest Document M6 Issue 3; or, Australian Racing Board (ARB) Standard 1.1998.

24.13.c. A safety helmet or safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

§178-1-28. Jockeys.

28.2.b. An application for an occupational permit to act as an apprentice jockey shall be accompanied by:

~~28.2.b.1. an original, notarized contract between the apprentice and his or her employer, if a contract has been entered into;~~

~~28.2.b.2. written proof of at least one (1) year of service with a racing stable;~~

~~28.2.b.3 1. a certificate of proficiency from the starter; and~~

~~28.2.b.4.2. a birth certificate or satisfactory evidence of the date of birth.~~

28.2.d. ~~Apprentice contracts entered into and apprentice~~ certificates issued in the state of West Virginia shall be made on forms approved by the Racing Commission and completed originals of these documents shall be on file with the stewards.

~~28.2.e. Any and all amendments to an apprentice contract shall be made in writing, shall be notarized, and the original amendments shall be filed with the stewards. Copies of the amendments shall be retained by the parties to the contract.~~

~~28.2.f. All apprentice contracts, wherever entered into, shall be approved by and filed with the stewards:~~

~~28.2.g. If an apprentice contract is transferred, that transfer shall be approved by and filed with the stewards by both the transferor and the transferee:~~

~~28.2.h. No person may enter into a contract in West Virginia with an apprentice jockey unless he or she is the owner or trainer of a stable of horses, which would, in the opinion of the stewards, warrant his or her employment of an apprentice.~~

~~28.2.i. All engagements for an apprentice jockey to ride, other than those for his or her contract employer, shall be made by himself or herself, his or her agent, or his or her contract employer, who may act as his or her agent without an agent occupational permit. However, the person making the engagements is responsible for the proper maintenance of the apprentice's engagement book:~~

~~28.2.k.l. If after one (1) year from the date of the fifth winning mount, the apprentice jockey has not ridden forty (40) winners, the applicable weight allowance shall continue for one (1) more year or until the fortieth winner, whichever comes first. But in no event may a weight allowance be claimed for more than two (2) years from the date of the fifth tenth winning mount, unless an extension has been granted pursuant to this rule.~~

~~28.2.l. After the completion of the conditions set forth in subdivisions 28.2.j. and 28.2.k., an apprentice jockey may claim an allowance of three (3) pounds for a period of one (1) year when riding horses owned or trained by his or her original contract employer, if the contract has not been transferred or sold since he or she rode his or her first winner. The holder of the contract at the time the apprentice rides his or her first winner is considered the original contract employer.~~

~~28.2.m.h. An apprentice jockey who has ridden less than 10 winners may not accept mounts on two year olds, first time starters, or in turf races, without the prior approval of the Stewards.~~

~~28.2.o. The apprentice jockey will be responsible for having his or her apprentice certificate with him or her at all times. Prior to riding, the apprentice certificate will be submitted to the clerk of scales at each racing association at which the apprentice is licensed and is riding.~~

~~28.2.p. The conditions set forth in section 28.1. of this rule shall apply.~~

~~28.5. Jockey's Spouse. The Stewards have the discretion to allow for jockeys to compete against one another as separate entries. A jockey shall not compete or ride in any race against a horse which is owned or trained or ridden by the jockey's spouse. If a conflict arises between a jockey and the jockey's spouse as to who shall compete or ride in a race and no agreement can be reached as to which of them shall compete or ride, the stewards shall draw lots to resolve the conflict.~~

§178-1-30. Blacksmiths.

~~30.2.c. The panel appointed by the stewards to conduct the test shall consist of a veterinarian, a trainer and a blacksmith, all holding occupational permits issued by the Racing Commission. The composition of the panel is within the stewards' discretion.~~

PART 6. CLAIMING RACING.

§178-1-33. Claiming Racing -- General Provisions.

~~33.1. A person entering a horse in a claiming race warrants that the title to such horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the horsemen's bookkeeper. A person may not claim ownership in a horse after the horse has run in a claiming race in the name of another person who, at the time of the race, had peaceable and undisputed possession of the horse.~~

§178-1-38. Transfer of Claimed Horses.

38.5. Any horse claimed shall not be sold or transferred, wholly or in part thereof, to anyone for ~~thirty (30)~~ days except in another claiming race. The horse shall not remain in the same barn or under the control or management of its former owner or trainer for ~~thirty (30)~~ days, unless reclaimed, nor shall it race outside of the state of West Virginia for a period of ~~sixty (60)~~ days, except for stakes races and special events, or unless special permission is granted by the stewards. In the absence of live racing in the State for a period exceeding seven (7) days, the association may suspend the 60 day period until live racing resumes.

§178-1-39. Entries and Nominations.

39.1.h. The association's racing secretary shall not accept an entry from spouses while either is disqualified from racing if the spouse is also a trainer. ~~For the purpose of this rule, spouses shall be considered as one.~~

§178-1-41. Declarations and Scratches.

41.2.g. ~~Entry of a~~ A horse which has been scratched, or excused from starting by the stewards, because of a ~~physical disability or sickness shall not be accepted~~ will be permitted to run until following the expiration of five (5) days after such horse was scratched or excused and the horse has been removed from the veterinarians' list by a Racing Commission veterinarian.

§178-1-45. Running of the Race.

45.3.b. A jockey must wear a safety vest when riding in an official race. The safety vest must comply with or exceed one of the following minimum standards: British Equestrian Trade Association (BETA): 2000 Level 1; Euro Norm (EN) 13158: 2000 Level 1; American Society for Testing and Materials (ASTM) F2681-08 or F1937; Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or, Australian Racing Board (ARB) Standard 1.1998.

45.3.c. A jockey must wear a safety helmet when riding in an official race. A jockey is responsible for providing sufficient evidence that his/her helmet meets or exceeds one of the following safety standards: American Society for Testing and Materials (ASTM-1163); UK Standards (EN-1384 and PAS-015 or VGI); ~~or~~, Australian/New Zealand Standard (AS/NZ 3838 or ARB HS 2012); or Snell Equestrian Standard 2001.

45.5. Weighing Out. The following provisions apply to weighing out:

45.7.f.2. No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise. Licensees shall take action to ensure that devices are not being used.

§178-1-46. Protests, Objections and Inquiries.

46.2. Race Objections. The following provisions apply to race objections:

46.2.d. If a jockey wishes to object to a happening in a race, he or she must notify the clerk of scales immediately upon his or her arrival at the scales for weighing-in. However, when the Quick Official is being used the jockey shall notify the outrider that is equipped with a two-way radio for communication with the stewards, that the jockey wishes to claim an objection. ~~foul or put a "hold" on the race. The jockey may either claim foul or put the race on hold.~~ The jockey shall then proceed to the clerk of scales and contact the stewards upon dismounting.

 **§178-1-49. Medications and Prohibited Substances.**

49.7. Furosemide (Lasix®) List. The following provisions apply to the use of furosemide (lasix®):

49.7.a. The administration of furosemide (lasix®) to a horse ~~is permissible if:~~ shall be permitted only after the Commission Veterinarian has placed the horse on Furosemide List. In order for the horse to be placed in the Furosemide List, the following process must be followed:

49.7.a.1. ~~The administration is recommended by a practicing veterinarian holding an occupational permit issued by the Racing Commission;~~ After the horse's licensed trainer and licensed practicing veterinarian determine that it would be in the horse's best interest to race with furosemide, they shall notify the Commission Veterinarian or his/her designee, in writing, using the Lasix Declaration Form provided by the Commission indicating that they wish to put the horse on the Furosemide List. The Form must be received by the Commission Veterinarian or his/her designee no later than the time of entry to ensure proper public notification prior to the running of the race.

49.7.a.2. ~~The recommendation is submitted to a Racing Commission veterinarian in writing; and~~ A horse shipped into West Virginia from another jurisdiction shall be allowed to race on furosemide if it raced on furosemide in its last start.

49.7.a.3. The trainer declares the use of furosemide (lasix®) at the time of entry.

49.7.a.4. A horse placed in the Furosemide List must remain on the List unless the trainer and veterinarian submit a written request using the Lasix Declaration Form provided by the Commission to remove the horse from the List. The request must be received by the Commission Veterinarian no later than the time of entry.

49.7.a.5. After a horse has been removed from the Furosemide List, the horse may not be placed back on the List for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse after consultation with the Commission Veterinarian. If a horse is removed from the List a second time in a 365-day period, the horse may not be placed back on the List for a period of 90 calendar days.

49.7.b. Furosemide (Lasix®) shall only be administered on association grounds. The stewards may grant a 30-minute grace period if a horse arrives late to the track.

49.7.c. Furosemide (Lasix®) shall be the only authorized bleeder medication.

49.7.d. A Racing Commission veterinarian is responsible for maintaining up-to-date records of horses which are permitted to use furosemide (lasix®), and these records shall be available for inspection during the hours of operation of the racetrack at the Commission Veterinarian's office.

49.7.e. Race day administration of furosemide (lasix®) shall be permitted as follows:

49.7.e.1. A horse scheduled to race that is permitted to use furosemide (lasix®) shall be administered furosemide (lasix®) by a veterinarian employed by the owner or trainer and holding a permit issued by the Racing Commission. ~~, unless, under subdivision 49.7.f. of this rule, the horse has been declared off of furosemide (lasix®) by its owner or trainer.~~ The furosemide (lasix®) must be administered a minimum of four (4) hours before the scheduled post time for the race in which the horse is entered. ~~and must be administered under the supervision of a person employed by the Racing Commission. A person employed by the Racing Commission shall be present to observe the drawing of furosemide into a syringe and supervise the administration of furosemide to the horse.~~

49.7.e.2. The practicing veterinarian must deposit with a Racing Commission veterinarian an unopened and labeled supply of furosemide (lasix®) and sterile hypodermic needles and syringes to be used for the administration.

49.7.e.3. A trainer is responsible for ensuring that the horse is available at the appropriate assigned location and scheduled time for its treatment.

49.7.e.4. The trainer is responsible for ensuring that a practicing veterinarian holding a permit issued by the Racing Commission has agreed to administer furosemide at the designated time.

49.7.e.5. A trainer or his or her designee shall be responsible for the guarding, condition, care, and handling of the horse at all times and the trainer or his or her designee shall be present to handle the horse and serve as a witness to the furosemide (lasix®) administration.

49.7.e.6. If the trainer or his or her designee is not present and the administration time has passed, no furosemide (lasix®) shall be administered and the stewards shall order the horse scratched.

49.7.e.7. The dose administered shall not exceed 500 mg, nor be less than 150 mg.

49.7.e.8. Furosemide shall be administered by a single, intravenous injection.

49.7.e.9. After treatment, the horse shall be required to remain in its stall in the care, custody and control of its trainer or the trainer's designee under general association and/or Commission security supervision until called to the saddling paddock.

49.7.e.10. Test results must show a detectable concentration of furosemide (lasix®) in the post-race serum, plasma or urine sample.

49.7.e.10.A. The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The

specific gravity shall not be below 1.010. If the specific gravity of urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of furosemide (Lasix®) in serum or plasma shall be performed;

49.7.e.10.B. Quantitation of furosemide (Lasix®) in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of furosemide (Lasix®) per milliliter of serum or plasma.

49.7.f. The following provisions apply to racing off of furosemide (Lasix®):

49.7.f.1. A horse on the ~~furosemide (Lasix®) program~~ Furosemide List that races without furosemide (Lasix®) in any jurisdiction ~~which permits the use of furosemide (Lasix®), may become re-eligible for the administration of furosemide (Lasix®) if the horse has been observed to have bled by a Racing Commission veterinarian or a practicing veterinarian either: due to administrative race condition requirements to race off furosemide may resume the use of furosemide during its next eligible race without additional documentation. Such races include Two-year old races and Graded Stakes races.~~

~~49.7.f.1.A. Externally; or~~

~~49.7.f.1.B. By endoscopic examination.~~

49.7.g. The following provisions apply to program notice requirements for horses on furosemide (Lasix®):

49.7.g.1. Of the horses scheduled to race, the official program shall denote the horses which have been administered:

49.7.g.1.A. Furosemide (Lasix®); ~~and~~

49.7.g.1.B. Furosemide (Lasix®) for the first time; and

49.7.g.1.C. Declared off furosemide.

49.7.g.2. If the official program contains past performance lines, each past performance line shall indicate if the horse was administered furosemide (Lasix®).



49.8. Bleeder List. The following provisions apply to the bleeder list:

49.8.a. A Bleeder list of all horses which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout shall be maintained by the Racing Commission veterinarian(s) and the list shall be ~~published in the association's racing secretary's office~~ available for inspection in the Commission Veterinarian's office.

49.8.b. A first time bleeder shall be placed on the bleeder list and the Veterinarian's List and be ineligible to race and remain on the list for a minimum of ~~ten (10)~~ 14 calendar days. A second time

bleeder within a twelve (12) month period shall be placed on the bleeder list and the Veterinarian's List and be ineligible to race ~~and remain on the list~~ for a minimum of ~~forty-five (45)~~ 30 calendar days. A third time bleeder within a 12 month period shall be placed on the bleeder list and Veterinarian's List and be ineligible to race for a minimum of 180 calendar days. A bleeder in these categories is automatically released from the list after the expiration of these time periods. A horse that bleeds ~~three (3)~~ four (4) times within a ~~twelve (12)~~ month period shall be barred from further racing in West Virginia for ~~a period of one (1) year~~ for its lifetime.

49.8.b.1. For the purpose of determining the number of days that a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.

49.8.b.2. All horses on the Bleeder List that are ineligible to race shall be administered furosemide before they can race.


49.8.b.3. A voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by section 49.8.b. of this rule.


49.8.b.4. A horse that has been placed on the Bleeder List in another jurisdiction pursuant to this rule shall be placed on the Bleeder List in this State.

§178-1-52. Physical Inspection of Horses.

52.3. Veterinarians' List. The following provisions apply to the veterinarians' list:

52.3.d. A horse placed on the veterinarians' list when it is unfit to compete in a race due to illness, ~~physical distress~~, unsoundness, injury, ~~infirmity~~, ~~heat exhaustion~~, or any other assessment or determination by a Racing Commission veterinarian that warrants withdrawal from the race, shall be removed from the list only after the following has been met:

 52.3.d.1. In the case of illness, it has been established or demonstrated to the satisfaction of a Racing Commission veterinarian that the horse is serviceably sound and in fit condition to exert its best effort in a race or it can pass the pre-race examination by a Racing Commission veterinarian;

 52.3.d.2. In the case of unsoundness, injury, or any other assessment or determination by a Racing Commission veterinarian that warrants withdrawal from the race, the provision of a published work of a minimum of four (4) furlongs at 0:52 observed by a Racing Commission veterinarian for horses that are listed as unsound or lame or other reasons as may be required at the discretion of a Racing Commission veterinarian. Prior to such work a declaration in writing must be provided by the attending veterinarian as to the fitness of the subject horse; and

52.3.d.3. submission to a post-work biologic sample collection for laboratory confirmation for compliance with section 49 of this rule at the expense of the current owner. Violations of section 49 of this rule shall result in penalties consistent with the penalty provisions of this rule.

