

- (2) In any appeal under Rule 21 or 130, the appellant and Officials shall each be entitled to legal representation.

Prohibited Substances

Rule 136. (1) For the purposes of these Rules the following are prohibited substances: —

- (i) Substances capable at any time of causing an action or effect, or both an action and effect, within one or more of the following mammalian body systems:
- the nervous system
 - the cardiovascular system
 - the respiratory system
 - the digestive system
 - the urinary system
 - the reproductive system
 - the musculoskeletal system
 - the blood system
 - the immune system except for licensed vaccines against infectious agents
 - the endocrine system
- (ii) Endocrine secretions and their synthetic counterparts
- (iii) Masking agents
- (iv) Oxygen carriers
- (v) Agents that are capable, at any time, of directly or indirectly causing an action or effect, or an action and effect on gene expression in any mammalian body. This includes but is not limited to gene editing agents with the capacity to alter genome sequences and/or the transcriptional, post-transcriptional or epigenetic regulation of gene expression.

- (2) Prohibited substances below the following thresholds are not actionable: —

Threshold name	Threshold
Arsenic	<ul style="list-style-type: none"> • 0.3 microgram total arsenic per millilitre in urine • 0.015 microgram total arsenic per millilitre in plasma
Boldenone	<ul style="list-style-type: none"> • 0.015 microgram free and conjugated boldenone per millilitre in urine from male horses (other than geldings)
Carbon dioxide	<ul style="list-style-type: none"> • 36 millimoles available carbon dioxide per litre in plasma
Cobalt	<ul style="list-style-type: none"> • 0.1 microgram total cobalt per millilitre in urine • 0.025 microgram total (free and protein bound) cobalt per millilitre in plasma
Estradiol in male horses (other than geldings)	<ul style="list-style-type: none"> • 0.045 microgram free and glucuroconjugated 5α-estrane-3β, 17α-diol per millilitre in urine¹ <p>¹When, at the screening stage, the free and glucuroconjugated 5α-estrane-3β, 17α-diol exceeds the free and glucuroconjugated 5(10)estrane-3β, 17α-diol in the urine</p>
Hydrocortisone	<ul style="list-style-type: none"> • 1 microgram hydrocortisone per millilitre in urine
Methoxytyramine	<ul style="list-style-type: none"> • 4 micrograms free and conjugated 3-methoxytyramine per millilitre in urine
Prednisolone	<ul style="list-style-type: none"> • 0.01 microgram free prednisolone per millilitre in urine
Salicylic acid	<ul style="list-style-type: none"> • 750 micrograms salicylic acid per millilitre in urine, or • 6.5 micrograms salicylic acid per millilitre in plasma

Testosterone	<ul style="list-style-type: none"> • 0.02 microgram free and conjugated testosterone per millilitre in urine from geldings when, at the screening stage, the free and conjugated testosterone exceeds five times the free and conjugated epi-testosterone, or • 100 picograms free testosterone per millilitre in plasma from geldings, fillies and mares (unless in foal), or • 0.055 microgram free and conjugated testosterone per millilitre in urine from fillies and mares (unless in foal)
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- Note:
- a. The conjugated substance is the substance that can be liberated from conjugates.
 - b. The numerical values of the thresholds do not carry any implied precision (e.g., 0.3 is the same as 0.300).
 - c. Each threshold, including those for the same substance in urine and plasma, can be applied independently.
 - d. Whether a threshold has been exceeded or not in a sample is established solely from the concentration determined and the uncertainty of measurement associated with such determination.
 - e. No determination and consideration of the specific gravity of a horse urine sample is required when comparing its concentration with a urinary threshold.
- (3) The finding of a prohibited substance means the finding of the substance itself or a metabolite of the substance or an isomer of the substance or a pro-drug of the substance or an isomer of a metabolite.
 - (4) The finding of any scientific indicator of administration, such as the presence of a vehicle or suspending agent for a prohibited substance, or other exposure to a prohibited substance is also equivalent to the finding of the substance.

- (5) (i) For the purposes of this rule the following substances are specified as prohibited substances: —
- (a) Anabolic androgenic steroids,
 - (b) Other anabolic agents, including but not limited to selective androgen receptor modulators (SARMs),
 - (c) Beta-2 agonists, unless the substance is prescribed by a veterinarian as a bronchodilator at the appropriate dose,
 - (d) Erythropoiesis-stimulating agents, including but not limited to erythropoietin (EPO), epoetin alfa, epoetin beta, darbepoetin alfa, and methoxy polyethylene glycol-epoetin beta, peginesatide, hypoxia inducible factor (HIF)-1 stabilisers and HIF activators,
 - (e) Growth hormones and growth hormone releasing factors, insulin-like growth factor-1 (IGF-1), and other growth factors,
 - (f) Synthetic proteins and peptides and synthetic analogues of endogenous proteins and peptides not registered for medical or veterinary use,
 - (g) Aromatase inhibitors,
 - (h) Selective estrogen receptor modulators (SERMS) and other anti-estrogenic substances,
 - (i) Agents modifying myostatin function, including but not limited to myostatin inhibitors,
 - (j) Insulins,
 - (k) Peroxisome proliferator activated receptor δ (PPAR δ) agonists, including but not limited to GW1516,
 - (l) AMPK activators, including but not limited to AICAR (5-aminoimidazole-4-carboxamide-1- β -D-ribofuranoside)
 - (m) Any substance which has not been approved and supplied by the Club's Department of Veterinary Clinical Services or for horses not stabled and/or trained in Hong Kong or at Conghua Racecourse, any substance which either has no current approval by any government regulatory authority for veterinary use on horses or is not generally recognised by veterinary regulatory authorities as valid veterinary therapeutic treatment.
 - (n) Metabolites, artefacts and isomers of any of the substances specified in paragraphs (a) – (m).

- (ii) A horse which has been administered a substance specified in sub-rule (i) shall be ineligible to be entered in a race until at least six months after the date of that administration and may then only be entered in a race after the Chief Racing Chemist has issued a certificate stating that a sample is free of any of the prohibited substances specified in sub-rule (i).
- (iii) When a sample taken at any time from a horse has detected in it the presence of any prohibited substance specified in sub-rule (i) and in the case of endogenous or naturally-occurring substances at a concentration either above the threshold set out in Rule 136 (2) or demonstrated to be abnormal: —
 - (a) If the horse is stabled and/or trained in Hong Kong or at Conghua Racecourse then subject to paragraph (b) of this sub-rule it shall be ineligible to be entered in a race until at least six months after the date the relevant sample was taken and may then only be entered in a race after the Chief Racing Chemist has issued a certificate stating that a sample is free of any of the prohibited substances specified in sub-rule (i).
 - (b) If the horse is stabled and/or trained in Hong Kong or at Conghua Racecourse and the Stewards are satisfied that the administration took place in another country in compliance with an exceptional therapeutic use authorisation granted by the Racing Authority of that country the horse shall be ineligible to be entered in a race until at least six months after the date of that authorised administration and may then only be entered in a race after the Chief Racing Chemist has issued a certificate stating that a sample is free of any of the prohibited substances specified in sub-rule (i).
 - (c) If the horse is stabled and/or trained outside Hong Kong or outside Conghua Racecourse it shall be withdrawn from any race in which it has been entered.
- (iv) The nominator of a horse that is stabled and/or trained outside Hong Kong or outside Conghua Racecourse shall notify the Stewards in writing of the administration of any of the substances specified in sub-rule (i) within six months of the race it has been nominated to run in. Failure to do so by the nominator may be penalised.

- (v) Where, in the opinion of the Stewards, a horse has been administered any of the substances specified in sub-rule (i) within six months prior to a race the horse may be disqualified from that race.
- (6)
- (i) With effect on and from 1 August 2019, any bisphosphonate is not to be administered to a horse:
 - (a) aged under three years and six months (as determined by its recorded date of birth) at any time; and
 - (b) to a horse aged three years and six months or over (as determined by its recorded date of birth) within 30 days of the day on which it has been declared to race (i.e. race day).
 - (ii) Where any bisphosphonate product is administered to a horse aged three years and six months or over (as determined by its recorded date of birth):
 - (a) that product must be approved by the Club for use in horses under its control, and be administered in accordance with the label instructions;
 - (b) there must be a diagnosis determined by a Veterinary Surgeon that supports the use of a bisphosphonate as an appropriate treatment, and such treatment must be administered with the approval of the Veterinary Surgeon.
 - (iii) Notwithstanding sub-rules (i) and (ii), for the purposes of nuclear imaging only, methylidiphosphonate may be administered when used in combination with the radionuclide technetium 99m under the supervision of a Veterinary Surgeon, to any horse of any age and at any time.
- (7) Where clenbuterol is administered to a horse:
- (i) there must be a clinical diagnosis of airway disease by a Veterinary Surgeon that supports the use of clenbuterol as an appropriate therapeutic treatment;
 - (ii) the clenbuterol product administered must be licensed for use in horses in Hong Kong, and be administered for not more than 14 consecutive days and in all other respects in accordance with the label instructions;
 - (iii) the horse must not start in a race within 30 days of the day of the last dose of a course of treatment;

- (iv) there must be no more than two courses of treatment (each a maximum of 14 consecutive days) permitted in any six months period, with a gap of no less than 30 days between the last day of the first course of treatment and the first day of the second course of treatment; and
- (v) the veterinary and treatment records must be available to the Club on request.

Rule 137. (1) Samples taken from horses for analysis for prohibited substances shall be tested by the Chief Racing Chemist or such other chemist authorised by him or by another official racing laboratory.

- (2) Samples taken from any horse for analysis for prohibited substances may be stored, frozen or otherwise dealt with and shall be disposed of only as the Stewards may direct.
- (3) In the event of a sample taken from any horse for analysis which has been stored, frozen or otherwise dealt with being reported as positive to a prohibited substance, any test report which has been previously issued stating no prohibited substance was found in the sample shall automatically be void.
- (4) In the event of a sample taken from any horse for analysis which has been stored, frozen or otherwise dealt with being reported as positive to a prohibited substance such horse shall, in the case of a post-race sample, be disqualified for such race, and in addition may be disqualified; or in the case of other samples, may be disqualified.
- (5) In the event of a sample taken from any horse for analysis which has been stored, frozen or otherwise dealt with being reported as positive to a prohibited substance, the trainer of such horse bears the onus of proving that he did not administer or cause to be administered the prohibited substance detected, and that he had taken all proper precautions to prevent the administration of the prohibited substance.

Rule 138. (1) Any horse shall be free of any prohibited substance on the day on which it has been declared to race (i.e. race day), until such time as the Stewards release such horse after it has raced.

- (2) In the event that a prohibited substance is detected in a sample taken from any horse during the period specified in sub-rule (1) of this Rule such horse shall be either, in the case of a pre-race sample, prohibited from starting in such race and any subsequent races; or in the case of a post-race sample, disqualified for such race, and in addition may be disqualified.

- (3) A test report to the Stewards by the Chief Racing Chemist or such other chemist authorised by him or by another official racing laboratory notifying that upon analysis a prohibited substance had been detected in a submitted sample with a coded identification shall be prima facie evidence that a prohibited substance has been detected in that sample for the purposes of these Rules.
- (4) Upon receipt from the Chief Racing Chemist or such other chemist authorised by him or by another official racing laboratory of a test report of a positive finding as provided for in sub-rule (3) of this Rule the Stewards shall as soon as practicable commence an inquiry into the circumstances and determine the matter within the powers granted to them by these Rules.
- (5) In the event that a sample is dispatched to another official racing laboratory for analysis the Stewards may at the same time order for the reserved portion of the same sample to be dispatched to the same or another official racing laboratory for confirmatory testing. In this event, it will not be required for a further sample to also be dispatched as provided for elsewhere by these Rules.

Rule 139. Any person commits an offence against these Rules if he is found to have administered or caused to be administered a prohibited substance to a horse.

Rule 140. (1) A trainer shall be responsible for ensuring that any horse trained by him is free of any prohibited substance on the day on which it has been declared to race (i.e. race day), until such time as such horse is released by the Stewards after it has raced.

- (2) In the event that a prohibited substance is detected in a sample taken from a horse during the period of time provided for in sub-rule (1) of this Rule, the trainer of such horse may be penalised unless he proves that he did not administer or cause to be administered the prohibited substance detected, and that he had taken all proper precautions to prevent the administration of or exposure to the prohibited substance.
- (3) In the event that a prohibited substance is detected in a sample taken from any horse during the period of time provided for in sub-rule (1) of this Rule which has been stored, frozen or otherwise dealt with, the trainer of such horse at the time of the sample being taken bears the same onus as provided for in sub-rule (2) of this Rule.

- Rule 141. (1)** Notwithstanding any treatment to any horse on a previous occasion, any treatment howsoever to a horse is prohibited unless it is by or with the written permission of the Veterinary Surgeon. Provided that injections of any description may not be administered to any horse and a stomach tube may not be passed into any horse, except by the Veterinary Surgeon, a Veterinary Officer or by another qualified person under the direct approval and instruction of a Veterinary Surgeon.
- (2) In the event of any horse that has been declared to run being found to have received any treatment as provided for in sub-rule (1) of this Rule, the trainer shall be presumed responsible and to have committed a breach of these Rules.
- (3) When a prohibited substance is detected in a sample taken for analysis from any horse in training and this does not result from a treatment authorised by a Veterinary Surgeon, the trainer of such horse may be penalised unless he proves that he did not administer or cause to be administered the prohibited substance detected, and that he had taken all proper precautions to prevent the administration of or exposure to the prohibited substance.

Rule 142. No person shall administer a prohibited substance to any horse that has been declared to race, except by or with the written permission of the Veterinary Surgeon.

- Rule 143. (1)** Any horse required to pass an official veterinary examination and/or barrier trial and/or stalls test and/or any other test for any reason must do so free of any prohibited substance unless a particular substance has been specifically exempted by the Stewards or the Veterinary Officer.
- (2) In the event that a prohibited substance is detected in a sample taken for analysis from any horse which is presented for any examination, test or trial as provided for in sub-rule (1) of this Rule, then, unless that substance has been specifically exempted by the Stewards or the Veterinary Officer, the trainer may be penalised unless he proves that he did not administer, or have knowledge of the administration, or cause to be administered the prohibited substance detected and that he had taken all proper precautions to prevent the administration of or exposure to the prohibited substance.