



Gaming Commission

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John A. Crotty, Commissioner
Peter J. Moschetti, Jr., Commissioner
John J. Poklemba, Commissioner
Barry Sample, Commissioner
Todd R. Snyder, Commissioner

Robert Williams, Executive Director
Edmund C. Burns, General Counsel

August 9, 2016

Re: **Industry Notification - Adoption of Rulemaking for Voidable Claims**

To Whom It May Concern:

On July 25, 2016, the New York State Gaming Commission adopted amendments to the claiming rules at 9 NYCRR §§ 4038.19(a) and 4109.7(a). The full text of the proposed rules can be found in the Notice of Proposed Rulemaking published in the *State Register* on June 8, 2016 (SGC-23-16-00006-P).

The amendments revise the Commission's current claiming rules to permit a claimant to void a claim when samples collected the day of the claiming race test positive for an impermissible drug administration. This will clarify that a claimant can void a claim when race-day, pre-race samples test positive in violation of recently adopted thresholds.

In addition, the amendments conform the Standardbred to the Thoroughbred rule that permits a claimant to void a claim based on an equine drug positive in the race preceding the claiming race, in situations in which the earlier race's positive drug test result was not revealed until after the claiming race.

Please be advised that the new rule will become effective upon publication in the *State Register* on August 10, 2016.

Very truly yours,

Kristen M. Buckley
Acting Secretary