§ 902-a. Standardbred total carbon dioxide (TCO2) on-track drug testing program. 1. Program. The commission shall establish and administer a program to conduct on-track drug testing for excess levels of TCO2 in standardbred horses entered to race at licensed harness tracks in this state. Such program shall include on-track pre-race testing done by the commission or its employees or representatives in accordance with this section and regulations promulgated by the commission. For the purposes of this section, the term "TCO2" shall mean total carbon dioxide.

2. Recurring annual expenses. (a) The commission shall mandate an additional amount to be added to start fees, outlined in subdivision one of section one hundred fifteen-a of this chapter, necessary to cover fifty percent of the costs to support the program established by this section for the applicable calendar year.

(b) The commission shall mandate corporations or associations authorized under this chapter to conduct pari-mutuel betting at a standardbred race meeting or standardbred races run thereat to make payment, or payments, to the racing regulation account in the amount necessary to cover fifty percent of the costs to support the program established by this section for the applicable calendar year. The commission shall determine the frequency and manner of such payments.

(c) (i) No later than January thirty-first of the applicable year, the commission shall notice the applicable organization representing at least fifty-one percent of the owners and trainers using the facilities of the applicable corporation or association authorized under this chapter to conduct pari-mutuel betting at a standardbred race meeting or standardbred races run thereat of the additional amount to be included in the start fees outlined in paragraph (a) of this subdivision during the applicable calendar year.

(ii) No later than January thirty-first of the applicable year, the commission shall notice corporations or associations authorized under this chapter to conduct pari-mutuel betting at a standardbred race meeting or standardbred races run thereat of the amount, frequency and manner of the payment or payments outlined in paragraph (b) of this subdivision during the applicable calendar year.

3. Pre-race testing. (a) Blood or other biologic samples shall be taken from at least three of the horses programmed to race or fifty percent of horses programmed to race, whichever is higher, prior to the race in which such horse is programmed, at a time and location specified by the commission. Horses selected for such samples shall be selected at random by the commission or its employees or representatives.

(b) The trainer or such trainer's representative shall accompany such horse at the prescribed time and location and shall manage the horse as directed. Willful failure to be present at, refusal to permit, or interference with the taking of any sample pursuant to this subdivision shall constitute a violation of this section and may subject the person responsible to disciplinary action by the commission pursuant to this chapter.

(c) Blood samples shall be taken by a veterinarian or veterinary technician authorized by the commission and licensed to practice in this state.

(d) Urine samples may be collected by a commission inspector or other person authorized by the commission.

(e) Whenever an on-track test indicates the presence of excess TCO2 levels, in a sample taken from a horse, the judges shall scratch the horse from the race.

(f) Unless specifically permitted in writing by the presiding judge, a horse from which a pre-race sample has been taken shall not be removed from the grounds except for transport to the racecourse where such horse is scheduled to race if such racecourse is not located on the grounds where the sample was taken.