

**CALIFORNIA HORSE RACING BOARD**

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# **MEDICATION AND** **TRACK SAFETY** **COMMITTEE MEETING**

of the **California Horse Racing Board** will be held on **Wednesday, January 14, 2015**, commencing at **1:30 p.m.**, in the **Baldwin Terrace Room** at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. Non-committee Board members attending the committee meeting may not participate in the public discussion, official committee vote or committee closed session.

## **AGENDA**

### **Action Items:**

1. Discussion and action regarding **pony horses and how and by whom they will be examined for soundness and condition.**
2. Discussion and action regarding **rodent control in the stable area and the use of anti-coagulant rodenticides.**
3. Discussion and action regarding the **proposed amendment to CHRB Rule 1844, Authorized Medication, to lower the amount of ketoprofen that can be present in a test sample from 10 nanograms per milliliter of blood plasma or serum to 2 nanograms per milliliter of blood plasma or serum.**
4. Discussion and action regarding the **proposed amendment to CHRB Rule 1844, Authorized Medication, to add isofluprodone and its specified authorized level to the list of California's authorized medication.**
5. Discussion and action regarding the **proposed amendment to CHRB Rule 1658, Vesting of Title to Claimed Horse, to provide that a claim shall be voided by the stewards if the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as bled.**
6. Discussion regarding the **proposed amendment to CHRB Rule 1843.3, Penalties for Medication Violations, to adjust the penalties for medication violations.**
7. Discussion and action regarding **allowing horses to run which have been gelded since their last start but not designated as such in the official program.**

8. Discussion regarding the report on the **CHRB's drug and medication violations for fiscal year 2013-2014.**
9. Discussion and action regarding the **proposed amendment to CHRB Rule 1887, Trainer to Insure Condition of Horse, to add owners of a ship-in horse as equally responsible for the condition of a horse.**
10. **General Business:** Communications, reports, requests for future actions of the Committee.

Additional information regarding this meeting may be obtained from Jacqueline Wagner at the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. A copy of this notice can be located on the CHRB website at [www.chrb.ca.gov](http://www.chrb.ca.gov). \*Information for requesting disability related accommodation for persons with a disability who require aids or services in order to participate in this public meeting, should contact Jacqueline Wagner.

**MEDICATION AND  
TRACK SAFETY COMMITTEE**

1<sup>st</sup> Vice Chairman Bo Derek, Chairman  
Madeline Auerbach, Member  
Rick Baedeker, Executive Director  
Jacqueline Wagner, Assistant Executive Director

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING PONY HORSES  
AND HOW AND BY WHOM THEY WILL BE EXAMINED FOR SOUNDNESS  
AND CONDITION

Medication and Track Safety Committee Meeting  
January 14, 2015

#### BACKGROUND

This item is presented for discussion at the request of 1<sup>st</sup> Vice-Chairman, Bo Derek, to address pony horses and how and by whom they will be examined for soundness and condition. There are a number of rules in place to encourage the health and safety of race horses but there are no rules to specifically protect the ponies that accompany race horses to the starting gate and perform a number of other jobs during training in the morning. The Board may wish to take a proactive approach by implementing a systematic inspection program for working ponies designed to be as effective as the program for race horses. Such a program could be voluntary by racing associations and horsemen's organizations or it could be mandated through regulatory action. Racing and official veterinarians have considerable experience in conducting pre-race examinations. However, pony inspections could just as easily be delegated to other, independent veterinarians once inspection criteria are established. For reference, the current pre-race soundness examinations on race horses are conducted through CHRB Rules 1846 (Racing Soundness Examination), 1853 (Examination Required) and 1866 (Veterinarian's List).

#### RECOMMENDATION

This item is presented for Committee discussion and action.

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING RODENT CONTROL  
IN THE STABLE AREA AND THE USE OF  
ANTI-COAGULANT RODENTICIDES

Medication and Track Safety Committee  
January 14, 2015

BACKGROUND

Over the period from December, 21 2012 through September 18, 2014 (21 months) six (6) fatal cases of horses dying from massive internal bleeding occurred at four different California racetracks. Four of the horses were thoroughbreds in training and two of the horses were ponies. All six horses died during or after exercise. During necropsy in each case, there was a large, unexplained amount of blood found in the abdominal cavity. The livers from these six animals were subjected to an anticoagulant rodenticide (AR) screening test. All six horses showed trace amounts of AR in the liver tissue. In five of the six cases, the identified AR was Bromadiolone or Brodifacoum; very toxic second-generation anticoagulants. Other causes of massive internal bleeding in horses were ruled out in five of the six cases.

Additionally, 27 horses that had been euthanized due to catastrophic leg injuries (control cases) during this period were also subjected to an AR screen. No traces of AR were found in any of the control horses (0/27). Based on the necropsy results, it was concluded that there may be a clinically significant association between exercise-related internal bleeding in body cavities and the detection of trace amounts of AR in horses.

In October of 2014, an investigation into the potential source(s) of AR was initiated by California Horse Racing Board (CHRB) staff. Initial investigatory meetings and inspections were conducted at Golden Gate Fields, Santa Anita, Los Alamitos, Cal Expo and Del Mar. Three of the racetracks have vendors that are responsible for the pest control program. In spite of these professional control efforts, significant rodent activity persists. The vendors all acknowledged that their bait stations are periodically looted and stolen and that barn personnel sometimes distribute AR products on their own. This suggested problem was confirmed during the barn inspections.

The investigation, to date, points to uncontrolled, unauthorized distribution of second-generation ARs as the source for liver trace amounts in the six cases. Unauthorized distribution most likely occurs because barn personnel do not think that current pest control efforts are effective. No organized activity has been conducted by associations or the CHRB to control this AR 'free-lancing'. It is unrealistic to assume that immediately banning AR use would be practical because the rodent problem would worsen considerably, according to the three professionals that were interviewed.

## RECOMMENDATION

Staff recommends that the committee direct the following tasks to be completed:

- 1) Conduct an evaluation of alternatives to the use of baits with the active ingredient of the second-generation ARs Bromadiolone or Brodifacoum.
- 2) Implement an AR information and control program at all California racing inclosures. An information and instructional hand-out would be created to guide each trainer. The assigned safety steward would visit each barn operation and review the material.
- 3) Work with each racing association on a plan to systematically conduct barn eradication and clean-up on a regular basis. This task would include rotating horses so that every stall would be available for complete cleaning and rodent control on a regular schedule.

## STAFF ANALYSIS

### DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO CHRB RULE 1844, AUTHORIZED MEDICATION, TO LOWER THE AMOUNT OF KETOPROFEN THAT CAN BE PRESENT IN A TEST SAMPLE FROM 10 NANOGRAMS PER MILLILITER OF BLOOD PLASMA OR SERUM TO 2 NANOGRAMS PER MILLILITER OF BLOOD PLASMA OR SERUM

Medication and Track Safety Committee Meeting  
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#### BACKGROUND

Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1843, Medication, Drugs and Other Substances, provides that no horse participating in a race shall carry in its body any drug substance or its metabolites or analogues, foreign to the horse except as hereinafter expressly provided. No drug substance shall be administered to a horse which is entered to compete in a race to be run in this state except for approved and authorized drug substances as provided in these rules. Board Rule 1844, Authorized Medication, names drug substances and medications authorized by the Board that may be administered to safeguard the health of the horse entered to race. The rule lists the drug substances that may be found in official test samples and the level at which such drugs may occur. The Association of Racing Commissioners International (ARCI) is the international association of the government sanctioned entities responsible for the honesty and integrity of horse and greyhound racing as well as all associated pari-mutuel wagering. ARCI sets standards used in medication policy, and drug testing laboratories.

Ketoprofen, a non-steroidal anti-inflammatory and analgesic drug, is allowed to be administered up to 24 hours prior to racing at a current regulatory threshold of 10 nanograms per milliliter (ng/ml) of blood plasma or serum under Board Rule 1844 (c)(3), Authorized Medication. The current withdrawal guideline is 24 hours after a single intravenous dose of ketoprofen at a total dose of 2.2 milligrams per kilogram. The 10 ng/ml threshold is based on results of studies conducted in the mid-90's. Based on more modern technology using a liquid chromatographic-mass spectrometric method, a more accurate 24 hour and 48 hour threshold has been determined. April 17, 2014, ARCI adopted the 2ng/ml of ketoprofen threshold in blood plasma or serum (ARCI 011-010 Section C Paragraph 1.b)

The proposed amendment to Board Rule 1844 would lower the allowed ketoprofen threshold in blood plasma or serum from 10ng/ml to 2gn/ml as recommended by ARCI.

#### RECOMMENDATION

This item is presented for Committee discussion and action.

The Board's Equine Medical Director is prepared to make a presentation to the Committee.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1844. AUTHORIZED MEDICATION

1844. Authorized Medication.

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that:

(a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules.

(b) No drug substance, other than authorized bleeder medication, shall be administered to a horse entered to race within 24 hours of the race in which entered.

(c) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be administered to a horse that is entered to race and shall be only one of the following authorized drug substances:

(1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 2 micrograms of the drug substance per milliliter of blood plasma or serum.

(2) Flunixin in a dosage amount that the test sample shall contain not more than 20 nanograms of the drug substance per milliliter of blood plasma or serum.

(3) Ketoprofen in a dosage amount that the test sample shall contain not more than ~~10~~ 2 nanograms of the drug substance per milliliter of blood plasma or serum.

(4) Metabolites or analogues of approved NSAIDs may be present in post race test samples.

(d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or time of administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.

(e) Official urine test samples may contain one of the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels:

(1) Acepromazine; 10 nanograms per milliliter

(2) Mepivacaine; 10 nanograms per milliliter

(3) Albuterol; 1 nanograms per milliliter

(4) Procaine; 25 nanograms per milliliter

(5) Salicylates; 750 micrograms per milliliter

(6) Clenbuterol; 140 picograms per milliliter

(7) Omeprazole; 1 nanogram per milliliter

(8) Nandrolone; 1 nanograms per milliliter for geldings, fillies and mares; 45 nanograms for males other than geldings.

(9) Boldenone; 15 nanograms per milliliter in males other than geldings.

(10) Testosterone; 20 nanograms per milliliter in geldings.

(A) Testosterone at any level in males other than geldings is not a violation of this regulation.

(11) Testosterone; 55 nanograms per milliliter in fillies or mares.



(12) Butorphanol; 300 nanograms per milliliter

(f) Official blood test samples may contain the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels in serum or plasma:

(1) Bethamethasone; 10 picograms per milliliter

(2) Dantrolene; 100 picograms per milliliter

(3) Detomidine; 1 nanogram per milliliter

(4) Dexamethasone; 5 picograms per milliliter

(5) Diclofenac; 5 nanograms per milliliter

(6) Dimethylsulfoxide (DMSO); 10 micrograms per milliliter

(7) Firocoxib; 20 nanograms per milliliter

(8) Lidocaine; 20 picograms per milliliter

(9) Methocarbamol; 1 nanogram per milliliter

(10) Methylprednisolone; 100 picograms per milliliter

(11) Glycopyrrolate; 3 picograms per milliliter

(12) Prednisolone; 1 nanogram per milliliter

(13) Triamcinolone Acetonide; 100 picograms per milliliter

(14) Xylazine; 10 picograms per milliliter of serum or plasma

(15) Butorphanol; 2 nanograms per milliliter

(16) Isofluprodone; 100 picograms per milliliter

(g) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (e)-(1)(12).

(h) Procaine, following administration of procaine penicillin, is an authorized medication provided:

(1) Official blood test samples shall not contain any procaine, or its metabolites or analogs in excess of 25 nanograms per milliliter.

(2) all procaine penicillin administrations have been reported pursuant to Rule 1842 of this division,

(3) procaine penicillin was not administered after entry to race,

(4) the horse was under surveillance for a minimum of six hours prior to racing.

(i) All expenses related to surveillance and testing for procaine under subsection (h) of this regulation shall be paid by the owner of the horse.

Authority: Sections 19440 and 19562,  
Business and Professions Code.

Reference: Sections 19580 and 19581,  
Business and Professions Code.

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO CHRB  
RULE 1844, AUTHORIZED MEDICATION, TO ADD ISOFLUPRODONE AND ITS  
SPECIFIED AUTHORIZED LEVEL TO THE LIST OF CALIFORNIA'S AUTHORIZED  
MEDICATION

Medication and Track Safety Committee Meeting  
January 14, 2015

BACKGROUND

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1843, Medication, Drugs and Other Substances, provides that no horse participating in a race shall carry in its body any drug substance or its metabolites or analogues, foreign to the horse except as hereinafter expressly provided. No drug substance shall be administered to a horse which is entered to compete in a race to be run in this state except for approved and authorized drug substances as provided in these rules. Board Rule 1844, Authorized Medication, names drug substances and medications authorized by the Board that may be administered to safeguard the health of the horse entered to race. The rule lists the drug substances that may be found in official test samples and the level at which such drugs may occur. The Association of Racing Commissioners International (ARCI) is the international association of the government sanctioned entities responsible for the honesty and integrity of horse and greyhound racing as well as all associated pari-mutuel wagering. ARCI sets standards used in medication policy, and drug testing laboratories.

The proposed amendment to Board Rule 1844 would add isofluprodone, in an amount that does not exceed 100 picograms per milliliter, to the list of drug substances that a blood serum or plasma sample may contain. Isoflupredone acetate is a long acting corticosteroid that can be used for the treatment of allergic, musculoskeletal, and inflammatory processes in the horse. Isoflupredone acetate can be administered via intra-articular, intravenous, and intramuscular/subcutaneous routes. On April 17, 2014, ARCI adopted the 100 picograms per milliliter isoflupredone threshold in blood plasma or serum (ARCI 011-010 Section C Paragraph 1.b).

RECOMMENDATION

This item is presented for Committee discussion and action.  
The Board's Equine Medical Director is prepared to make a presentation to the Committee.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1844. AUTHORIZED MEDICATION

1844. Authorized Medication.

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that:

(a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules.

(b) No drug substance, other than authorized bleeder medication, shall be administered to a horse entered to race within 24 hours of the race in which entered.

(c) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be administered to a horse that is entered to race and shall be only one of the following authorized drug substances:

(1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 2 micrograms of the drug substance per milliliter of blood plasma or serum.

(2) Flunixin in a dosage amount that the test sample shall contain not more than 20 nanograms of the drug substance per milliliter of blood plasma or serum.

(3) Ketoprofen in a dosage amount that the test sample shall contain not more than ~~10~~ 2 nanograms of the drug substance per milliliter of blood plasma or serum.

(4) Metabolites or analogues of approved NSAIDs may be present in post race test samples.

(d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or time of administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.

(e) Official urine test samples may contain one of the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels:

- (1) Acepromazine; 10 nanograms per milliliter
- (2) Mepivacaine; 10 nanograms per milliliter
- (3) Albuterol; 1 nanograms per milliliter
- (4) Procaine; 25 nanograms per milliliter
- (5) Salicylates; 750 micrograms per milliliter
- (6) Clenbuterol; 140 picograms per milliliter
- (7) Omeprazole; 1 nanogram per milliliter
- (8) Nandrolone; 1 nanograms per milliliter for geldings, fillies and mares; 45 nanograms for males other than geldings.
- (9) Boldenone; 15 nanograms per milliliter in males other than geldings.
- (10) Testosterone; 20 nanograms per milliliter in geldings.
- (A) Testosterone at any level in males other than geldings is not a violation of this regulation.
- (11) Testosterone; 55 nanograms per milliliter in fillies or mares.

(12) Butorphanol; 300 nanograms per milliliter

(f) Official blood test samples may contain the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels in serum or plasma:

- (1) Bethamethasone; 10 picograms per milliliter
- (2) Dantrolene; 100 picograms per milliliter
- (3) Detomidine; 1 nanogram per milliliter
- (4) Dexamethasone; 5 picograms per milliliter
- (5) Diclofenac; 5 nanograms per milliliter
- (6) Dimethylsulfoxide (DMSO); 10 micrograms per milliliter
- (7) Firocoxib; 20 nanograms per milliliter
- (8) Lidocaine; 20 picograms per milliliter
- (9) Methocarbamol; 1 nanogram per milliliter
- (10) Methylprednisolone; 100 picograms per milliliter
- (11) Glycopyrrolate; 3 picograms per milliliter
- (12) Prednisolone; 1 nanogram per milliliter
- (13) Triamcinolone Acetonide; 100 picograms per milliliter
- (14) Xylazine; 10 picograms per milliliter of serum or plasma
- (15) Butorphanol; 2 nanograms per milliliter
- (16) Isofluprodone; 100 picograms per milliliter

(g) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (e)-(1)(12).

(h) Procaine, following administration of procaine penicillin, is an authorized medication provided:

(1) Official blood test samples shall not contain any procaine, or its metabolites or analogs in excess of 25 nanograms per milliliter.

(2) all procaine penicillin administrations have been reported pursuant to Rule 1842 of this division,

(3) procaine penicillin was not administered after entry to race,

(4) the horse was under surveillance for a minimum of six hours prior to racing.

(i) All expenses related to surveillance and testing for procaine under subsection (h) of this regulation shall be paid by the owner of the horse.

Authority: Sections 19440 and 19562,  
Business and Professions Code.

Reference: Sections 19580 and 19581,  
Business and Professions Code.

### STAFF ANALYSIS

DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO CHRB  
RULE 1658, VESTING OF TITLE TO CLAIMED HORSE, TO PROVIDE THAT A CLAIM  
SHALL BE VOIDED BY THE STEWARDS IF THE RACING OR OFFICIAL  
VETERINARIAN DETERMINES THE HORSE WILL BE PLACED ON THE  
VETERINARIAN'S LIST AS BLED

Medication and Track Safety Committee Meeting  
January 14, 2015

### BACKGROUND

Business and Professions Code section 19420 provides that the Board has jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board include adjudication of controversies arising from the enforcement of those laws and regulations dealing with horse racing and pari-mutuel wagering. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in California

### ANALYSIS

The proposed amendment to Rule 1658 provides that the stewards shall void a claim and return the horse to the original owner if the official veterinarian observes the horse bleeding from one or both nostrils during or after a race, and determines such bleeding is a direct result of an exercised induced pulmonary hemorrhage (EIPH). The definition of bled is consistent with Rule 1845, Bleeder Medication, subsection (g).

### RECOMMENDATION

This item is presented for Committee discussion and action.  
The Board's Equine Medical Director is prepared to make a presentation to the Committee.



CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 7. CLAIMING RACES.  
PROPOSED AMENDMENT OF  
RULE 1658. VESTING OF TITLE TO CLAIMED HORSE.

Medication and Track Safety Committee Meeting  
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1658. Vesting of Title to Claimed Horse.

(a) Title to a horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the horse becomes a starter; and said successful claimant becomes the owner of the horse unless voided by the stewards under the provisions of this article. Only a horse which is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards or the Board shall have no effect upon the claim.

(b) The stewards shall void the claim and return the horse to the original owner if:

(1) The horse suffers a fatality during the running of the race or dies or is euthanized before leaving the track, or

(2) The racing or official veterinarian determines the horse will be placed on the Veterinarian's List as bled, unsound or lame before the horse is released to the successful claimant.

(A) For the purpose of this regulation, bled is defined as the official veterinarian observing a horse bleeding from one or both nostrils during or after a race and determines such bleeding is a direct result of exercise induced pulmonary hemorrhage.

(c) The stewards shall not void the claim if, prior to the race in which the horse is claimed, the claimant elects to claim the horse regardless of whether the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame.

(1) An election made under subsection (c) of this rule shall be entered on the form CHRB-11(Rev. 8/13) Agreement to Claim, in accordance with section 1656 of this article.

(d) The claim shall be void if the race is called off, canceled, or declared no contest in accordance with Rule 1544 of this division.

Authority: Sections 19420 and 19440,  
Business and Professions Code.

Reference: Section 19562,  
Business and Professions Code.

STAFF ANALYSIS  
DISCUSSION REGARDING THE PROPOSED AMENDMENT TO CHRB  
RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS, TO ADJUST  
THE PENALTIES FOR MEDICATION VIOLATIONS.

Medication and Track Safety Committee Meeting  
January 14, 2015

BACKGROUND

Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1843, Medication, Drugs and Other Substances, provides that no horse participating in a race shall carry in its body any drug substance or its metabolites or analogues, foreign to the horse except as hereinafter expressly provided. No drug substance shall be administered to a horse which is entered to compete in a race to be run in this state except for approved and authorized drug substances as provided in these rules. Board Rule 1843.2, Classification of Drug Substances, categorizes and defines drug substances based on the Association of Racing Commissioners International (ARCI) drug classifications. Board Rule 1843.3, Penalties for Medication Violations, defines the penalties for medication violations involving the substances defined and categorized in Board Rule 1843.2.

ANALYSIS

The proposed amendment to Board Rule 1843.3 would modify subsection 1843.3(a) to add language "for which a greater penalty is appropriate" to clarify that deviation from the penalties set forth in subsection (e) and (f) may be appropriate when there are mitigating circumstances for which a lesser penalty or greater penalty is appropriate.

The proposed amendment to Board Rule 1843.3 would add language to subsection 1843.3(b)(2) to consider the amount of the drug present when determining the potential of the drug to influence a horse's racing performance.

The proposed amendment to Board Rule 1843.3 would add language to subsection 1843.3(b)(3) to consider whether the drug was prescribed by a CHRB licensed veterinarian to the horse when determining the legal availability of the drug.

The proposed amendment to Board Rule 1843.3 would modify subsection 1843.3(b)(9) to add the phrase "and documented" to clarify that a drug found to be present in the official

test sample was one for which the horse was receiving treatment as determined and documented through the process described in Rule 1842.

The proposed amendment to Board Rule 1843.3 would modify subsection 1843.3(b)(11) to specify "CHRB" licensed veterinarian.

The proposed amendment to Board Rule 1843.3 would modify subsection 1843.3(c) to replace "1/08" with "2/13" to reflect the new revision date of the CHRB Penalty Categories Listing by Classification document.

The proposed amendment to Board Rule 1843.3 would add subsection 1843.3(d) to clarify all penalties incurred for category A, B, C, and D within a 12 month timeframe as cumulative increasing in severity with the repetition of an offense.

The proposed amendment to Board Rule 1843.3 would modify subsection 1843.3(d) to 1843.3(e) due to renumbering.

The proposed amendment to Board Rule 1843.3 would modify subsection 1843.3(e), under the chart heading Category "B" Penalties for 2<sup>nd</sup> and 3<sup>rd</sup> offense for both a licensed trainer and licensed owner to include the phrase "time period." This is necessary to ensure it is clear the trainer/owner is subject to his/her second Category B penalty in a two year time period or third Category B penalty in a five year time period.

The proposed amendment to Board Rule 1843.3 would modify subsection 1843.3(e), under the heading Category "C" Penalties for Rule 1844, Authorized Medication (C)(1),(2),(3), to remove the provision that allows a trainer, with the permission of the official veterinarian, to pay the minimum fine in lieu of a stewards' hearing.

The proposed amendment to Board Rule 1843.3 would modify subsection 1843.3(e), chart under the heading Category "C" Penalties for Rule 1844, Authorized Medication (C)(1),(2),(3). The headings for the chart were modified to reduce the level of phenylbutazone and ketoprofen. The penalties for offenses were not changed. There are four heading sections on the chart with changes as follows:

Section one heading "Licensed Trainer":

Under the "Licensed Trainer" heading the 2<sup>nd</sup> and 3<sup>rd</sup> offense for – phenylbutazone level was reduced from (5.1-<10.0mcg/ml) to (2.1-<5.0mcg/ml); Ketoprofen level was reduced from (11-49 ng/ml) to (2-<50 ng/ml).

Section two heading "Licensed Owner":

Under the "Licensed Owner" heading the 2<sup>nd</sup> and 3<sup>rd</sup> offense for – phenylbutazone level was reduced from (5.1-<10.0mcg/ml) to (2.1-<5.0mcg/ml); Ketoprofen level was reduced from (11-49 ng/ml) to (2-<50 ng/ml).

Section three heading "Licensed Trainer":

Under the "Licensed Trainer" heading the 2<sup>nd</sup> and 3<sup>rd</sup> offense for – phenybutazone level was reduced from ( $\geq 10.0$  mcg/ml) to ( $\geq 5.0$  mcg/ml) – There were no changes for the Flunixin and Ketoprofen levels.

Section four heading "Licensed Owner":

Under the "Licensed Owner" heading the 2<sup>nd</sup> and 3<sup>rd</sup> offense for – phenybutazone level was reduced from ( $\geq 10.0$  mcg/ml) to ( $\geq 5.0$  mcg/ml) – There were no changes for the Flunixin and Ketoprofen levels.

The proposed amendment to Board Rule 1843.3 new subsection (e) would be renumbered to subsection (f). Subsection (f) would be modified to eliminate a Category D penalty for a first offense to remain on a licensee's record for two years. If the licensee has no further violations the penalty will be expunged from the licensee's record.

The proposed amendment to Board Rule 1843.3 would remove the Category "D" Penalties for Rule 1844(c)(1) Violations chart.

The proposed amendment to Board Rule 1843.3 new subsection (j) would be modified to include the phrase "or to any other licensee who has been an employee of the suspended licensee within the previous year."

The proposed amendment would add section 1843.3(l) which would prohibit the use of any signage, colors, or tack identifiable as belonging to a suspended licensed trainer for the duration of the suspension.

The proposed amendment would modify section 1843.3(m) to reduce the number of days a licensed trainer is suspended from 60 days or more to 45 days or more.

All other changes to the Rule 1843.3 are for the purpose of clarification, consistency, renumbering and grammar.

#### RECOMMENDATION

Staff recommends the Committee hear from the Equine Medical Director, Dr. Rick Arthur.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1843.3. PENALTIES FOR MEDICATION VIOLATIONS

Medication and Track Safety Committee Meeting  
January 14, 2015

(a) In reaching a decision on a penalty for a violation of Business and Professions Code section 19581, the Board, the board of stewards, the hearing officer or the administrative law judge shall consider the penalties set forth in subsections (e d) and (f e) of this Rule and any aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors for which a greater penalty is appropriate may increase the penalties beyond the minimum.

(b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:

(1) The past record of the licensee regarding violations of Business and Professions Code section 19581;

(2) The potential of the drug(s) to influence a horse's racing performance and the amount of the drug present;

(3) The legal availability of the drug and whether the drug was prescribed by a CHRB licensed veterinarian to the horse;

(4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;

(5) The steps taken by the trainer to safeguard the horse;

(6) The steps taken by an owner to safeguard against subsequent medication violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer;

(A) For the purpose of this regulation “unaffiliated trainer” means a trainer or an assistant trainer who is not related by blood, marriage or domestic partnership, or who is not or was never employed by the trainer from whose care such horse(s) were transferred.

(7) The probability of environmental contamination or inadvertent exposure due to human drug use or other factors;

(8) The purse of the race;

(9) Whether the drug found to be present in the official test sample was one for which the horse was receiving treatment as determined and documented through the process described in Rule 1842 of this division;

(10) Whether there was any suspicious wagering pattern on the race;

(11) Whether the licensed trainer was acting under the advice of a CHRB licensed veterinarian.

(c) For the purpose of this regulation, the Board shall consider the classification of a drug substance as referred to in Rule 1843.2 of this division and the California Horse Racing Board (CHRB) Penalty Categories Listing By Classification, (2/13 4/08), which is hereby incorporated by reference, if a determination is made that an official test sample from a horse contained:

(1) Any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this division, or

(2) Any drug substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in the article.

(d) All penalties incurred for category A, B, C and D within a 12 month timeframe will be considered cumulative increasing in severity with the repetition of an offense.

(~~d~~e) Penalties for violation of each classification level are as follows:

## CATEGORY "A" PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category A penalty are as follows:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense</b>	<b>3<sup>rd</sup> LIFETIME offense</b>
<ul style="list-style-type: none"> <li>◦ Minimum one - year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$10,000 or 10% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000 or 25% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum two-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$20,000 or 25% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 50% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum three -year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of permanent license revocation.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$25,000 or 50% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense in owner's stable</b>	<b>3<sup>rd</sup> LIFETIME offense in owner's stable</b>
<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <p>Horse may be placed on the veterinarian's list for up to 90 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</p> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian's list for up to 120 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse, loss of purse and absent mitigating circumstances, minimum fine of \$10,000. The presence of aggravating factors could be used to impose a maximum fine of \$50,000.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian's list for up to 180 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Referral to the Board with a recommendation of a suspension of owners license for a minimum of 90 days.</li> </ul>



## CATEGORY "B" PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category B penalty are as follows:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (two years <u>time period</u>)</b>	<b>3<sup>rd</sup> offense (five years <u>time period</u>)</b>
<ul style="list-style-type: none"> <li>◦ Minimum 30 -day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <b>AND/OR</b></li> <li>◦ Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <b>AND/OR</b></li> <li>◦ Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$20,000.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <b>AND/OR</b></li> <li>◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 10% of purse (greater of the two). <b>AND</b></li> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense in stable (two years <u>time period</u>)</b>	<b>3<sup>rd</sup> offense in stable (five years <u>time period</u>)</b>
<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse. <b>AND</b></li> <li>◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <b>AND</b></li> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse. <b>AND</b></li> <li>◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <b>AND</b></li> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse, loss of purse and absent mitigating circumstances minimum fine of \$5,000. The presence of aggravating factors could be used to impose a maximum fine of \$20,000. <b>AND</b></li> <li>◦ Horse shall be placed on the veterinarian's list for up to 45 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <b>AND</b></li> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>

## CATEGORY "B" PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO<sub>2</sub>) TESTING

Penalties for violations due to exceeding permitted levels of TCO<sub>2</sub> as defined in Rule 1843.6 are as set forth below. All concentrations are for measurements in serum or plasma.

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (&gt; 37.0mm/l/-&lt;39mm/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (&gt; 37.0mm/l/-&lt;39mm/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (&gt; 37.0mm/l/-&lt;39mm/l)</b>
<ul style="list-style-type: none"> <li>Up to a 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a-60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$1,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 120-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (&gt; 37.0mm/l/-&lt;39mm/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (&gt; 37.0mm/l/-&lt;39mm/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (&gt; 37.0mm/l/-&lt;39mm/l)</b>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse, loss of purse and in the absence of mitigating circumstances, \$2,500 fine.</li> </ul>
<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (≥ 39.0mm/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (≥ 39.0mm/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (≥ 39.0mm/l)</b>
<ul style="list-style-type: none"> <li>Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a-60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension.</li> </ul> <p style="text-align: center;"><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (≥ 39.0mm/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (≥ 39.0mm/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (≥ 39.0mm/l)</b>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse, loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.</li> </ul>

**CATEGORY "C" PENALTIES**

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category C penalty and for the presence of more than one non-steroidal anti-inflammatory (NSAID) in a plasma/serum sample, as defined in Rule 1844 of this division, and furosemide as defined in Rule 1845 of this division in an official test sample are as set forth below. All concentrations are for measurements in serum or plasma.

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ Minimum fine of \$500 to a maximum fine of \$1,000 absent mitigating circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum fine of \$1,000 to a maximum fine of \$2,500, and up to a 15 - day suspension absent mitigating circumstances.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum fine of \$2,500 and up to a 30 - day suspension absent mitigating circumstances</li> </ul>

**CATEGORY "C" PENALTIES FOR RULE 1844, AUTHORIZED MEDICATION (C) (1), (2), (3)**

Penalties for violations due to overages for permitted non-steroidal anti-inflammatory drug substances (NSAIDs) as defined in Rule 1844 (c) (1), (2) and (3) of this division. All concentrations are for measurements in serum or plasma.

The official veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). ~~With permission of the official veterinarian the trainer may elect to pay the minimum fine in lieu of a stewards' hearing.~~ If the trainer has not had an 1844 (c) violation within the previous three years, the official veterinarian or the board of stewards may issue a warning in lieu of a fine for violations of 1844 (c)(1), phenylbutazone, provided the reported level is below 5.1 mcg/ml.

<b>LICENSED TRAINER:</b>	Phenylbutazone ( <u>2</u> 5.1-< <u>5</u> 10.0mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen ( <u>2</u> 11-< 50 49 ng/ml)	Phenylbutazone ( <u>2</u> 5.1-< <u>5</u> 10.0mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen ( <u>2</u> 11-< 50 49 ng/ml)
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ Minimum fine of \$500 to a maximum fine of \$1,000.	◦ Minimum fine of \$1,000 to a maximum fine of \$2,500.	◦ Minimum fine of \$2,500 to a maximum fine of \$5,000.
<b>LICENSED OWNER:</b>	Phenylbutazone ( <u>2</u> 5.1-< <u>5</u> 10.0mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen ( <u>2</u> 11-< 50 49 ng/ml)	Phenylbutazone ( <u>2</u> 5.1-< <u>5</u> 10.0mcg/ml) Flunixin (20-<100 ng/ml) Ketoprofen ( <u>2</u> 11-< 50 49 ng/ml)
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
No penalty administered.	No penalty administered.	No penalty administered.
<b>LICENSED TRAINER:</b>	Phenylbutazone ( <u>≥</u> 5 10.0 mcg/ml) Flunixin ( <u>≥</u> 100 ng/ml) Ketoprofen ( <u>≥</u> 50 ng/ml)	Phenylbutazone ( <u>≥</u> 5 10.0 mcg/ml) Flunixin ( <u>≥</u> 100 ng/ml) Ketoprofen ( <u>≥</u> 50 ng/ml)
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ Minimum fine of \$1,000 to a maximum fine of \$2,500.	◦ Minimum fine of \$2,500 to a maximum fine of \$5,000.	◦ Minimum fine of \$5,000 to a maximum fine of \$10,000.
<b>LICENSED OWNER:</b>	Phenylbutazone ( <u>≥</u> 5 10.0 mcg/ml) Flunixin ( <u>≥</u> 100 ng/ml) Ketoprofen ( <u>≥</u> 50 ng/ml)	Phenylbutazone ( <u>≥</u> 5 10.0 mcg/ml) Flunixin ( <u>≥</u> 100 ng/ml) Ketoprofen ( <u>≥</u> 50 ng/ml)
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
◦ Horse must pass Board-approved examination pursuant to Rule 1846 before being eligible to run	◦ Disqualification of horse and loss of purse. If same horse, placed on veterinarian's list for up to 45-days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	◦ Disqualification of horse and loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.

(f e) Violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category "D" penalty, may result in a written warning to the licensed trainer and owner. A Category "D" penalty for a first offense may result in a written warning or fine that will remain on the licensee's record for a period of two years. After the two-year period, if the licensee has had no further violations of CHRB Rule 1843, the Category "D" penalty will be expunged from the licensee's record for penalty purposes.

**CATEGORY "D" PENALTIES**

1 <sup>st</sup> offense (365 day period)	2 <sup>nd</sup> offense (365 day period)	3 <sup>rd</sup> offense (365 day period)
Minimum of an official written warning to a maximum fine of \$250.	Minimum of a \$250 fine to a maximum fine of \$500.	Minimum of a \$500 fine to a maximum fine of \$750.

**CATEGORY "D" PENALTIES FOR RULE 1844(e)(1) VIOLATIONS**

<b><u>Phenylbutazone 2.1ug/ml to 5.0 ug/ml</u></b>		
1 <sup>st</sup> offense (365 day period)	2 <sup>nd</sup> offense (365 day period)	3 <sup>rd</sup> offense (365 day period)
Minimum of an official written warning to a maximum fine of \$250.	Minimum of a \$250 fine to a maximum fine of \$500.	Minimum of a \$500 fine to a maximum fine of \$750.

(g f) Any drug or its metabolite or analogue thereof found to be present in an official test sample that is not classified in Rule 1843.2 of this division shall be classified as a Class 1 substance and a Category "A" penalty until classified by the Board.

(h g) The administration of a drug substance to a race horse must be documented by the treating veterinarian through the process described in Rule 1842 of this division.

(i h) Any licensee found to be responsible for the administration of any drug substance resulting in a positive test may be subject to the same penalties set forth for the licensed trainer and his presence may be required at any and all hearings relative to the case.

(1) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category "A" shall be referred to the California Veterinary Medical Board (CVMB) for consideration of further disciplinary action.

(2) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category "B" or "C" may be referred to the CVMB for consideration of further disciplinary action upon the recommendation of the Equine Medical Director, the board of stewards or hearing officers.

(j) A licensee who is suspended, or whose license is revoked, because of a medication violation is not able to benefit financially during the period of suspension or revocation. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members or to any other licensee who has been an employee of the suspended licensee within the previous year.

(k) For the purpose of this regulation “licensed family members” means any person who holds an occupational license issued by the CHRB and who is related to the suspended licensee, or the licensee whose license is revoked, by blood, or by marriage or domestic partnership, or who is related by blood to the spouse or domestic partner of such licensee.

(l) For the purpose of this regulation, the use of any signage, colors, or tack identifiable as belonging to a suspended licensed trainer is prohibited for the duration of the suspension.

(m) For the purpose of this regulation, licensed trainers suspended ~~45~~ 60 days or more, or whose license is revoked, shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, during the period of suspension, or revocation, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, advertisements, training-related equipment, tack, office equipment, and any other property.

Authority: Sections 19440, 19461 and 19580,  
Business and Professions Code.

Reference: Sections 19461, 19580, 19581 and 19582,  
Business and Professions Code. Section 11425.50, Government Code.

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING ALLOWING HORSES  
TO RUN WHICH HAVE BEEN GELDED SINCE THEIR LAST START BUT NOT  
DESIGNATED AS SUCH IN THE OFFICIAL PROGRAM

Medication Committee Meeting  
January 14, 2015

BACKGROUND

CHRB Rule 1865 states in part: (d) A trainer who enters a horse, or who causes a horse to be entered on his behalf, is responsible for ensuring that the true sex of the entered horse is listed on its certificate of registration on file in the racing office. (1) If the true sex of a horse is not correctly identified in the official program for the race in which the horse is entered, the trainer of the horse shall be subject to a minimum fine of \$1,000."

In 2007, the stewards issued 44 rulings against trainers who had not reported the gelding of horses by entry time for their first race after the operation. In 2014 there were eight such violations.

In some cases, information about a gelded horse is not made public until the horse reaches the receiving barn or even the saddling paddock – meaning some multi-race pools (e.g. Pick Six) may already have closed.

When the Board considered this problem in 2008, one option was to increase the penalty to a minimum fine of \$1,000 for a trainer if the true sex of the horse was not listed in the official program. A second option was to scratch the horse. After a discussion of both proposed amendments, the Board opted to increase the fine to \$1,000. In December 2011 the Board discussed the matter again. The California Thoroughbred Trainers (CTT) stated it would research each 2011 violation of Rule 1865 to determine what went wrong with the reporting process. The CTT committed to working with horsemen to reduce the number of violations. When this committee reviewed the matter again in April 2012, the consensus was to allow stakeholders to continue to work together to resolve the issue.

Commissioner Auerbach expressed concern at the December 2014 Board meeting that the betting public is not being adequately protected when there are late announcements of horses being gelded. She suggested one possible solution would be to not allow the horse to run. She cited the need for more public discussion in addressing this matter. Chairman Winner referred the matter to the Medication and Track Safety Committee for further review.

A staff analysis of the most recent 13 violations of Rule 1865 determined the following:

- Six were first-time starters
- Five were returning from long layoffs
- One was making his first start in California. (This horse had been racing as a colt at Gulfstream Park even after he was gelded.)

- One was castrated at a CHRB facility but the practicing veterinarian did not report it to the official veterinarian and the trainer did not report the castration to the horse identifier and racing office as required.

The equine medical director, Dr. Rick Arthur, cautions that it is not always apparent whether a horse is a gelding or has small or retained testicles. In some cases it is necessary to tranquilize a horse to palpate the testicles or do ultrasound. In rare cases blood testing is required (for testosterone). According to Dr. Arthur, there always will be unusual situations that cannot be sorted out on race day.

This matter is slated for discussion and action by the full Board at its January 15, 2015 Regular Meeting.

#### RECOMMENDATION

This item is presented for discussion and action.



CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1865. ALTERING OF SEX OF HORSE

Medication and Track Safety Committee Meeting  
January 14, 2015

1865. Altering of Sex of Horse.

Any alteration to the sex of a horse from the sex as recorded on the certificate of foal registration or the eligibility certificate or other official registration certificate of the horse shall be reported to the racing secretary and the official horse identifier if the horse is entered to race at any race meeting.

(a) If a racehorse is gelded or castrated on the premises of a licensed racing association, or other facility under the jurisdiction of the Board, the trainer shall report the alteration within 72 hours.

(b) If a racehorse is gelded or castrated off the premises of a licensed racing association, or other facility under the jurisdiction of the Board, and the horse has been previously entered to race at any race meeting in this State, the owner and/or trainer shall report the alteration at the time the horse is next entered to race.

(c) A report of gelding or castration will include the name of the veterinarian performing the alteration and the date of the alteration, and shall be recorded on the official registration certificate and the official horse identification record of the horse.

(d) A trainer who enters a horse, or who causes a horse to be entered on his behalf, is responsible for ensuring that the true sex of the entered horse is listed on its certificate of registration on file in the racing office.

(1) If the true sex of a horse is not correctly identified in the official program for the race in which the horse is entered and no correction has been announced to the public prior to the acceptance of wagers on the race, the horse shall be scratched by the stewards.

(1) (2) If the true sex of a horse is not correctly identified in the official program for the race in which the horse is entered, the trainer of the horse shall be subject to a minimum fine of \$1,000.

(2) (3) Deviation from the minimum fine in subsection (d)(1) of this regulation is appropriate if the trainer can demonstrate mitigating circumstances. Mitigating circumstances may include, but are not limited to:

(A) Errors made by other parties in recording information correctly provided by the trainer.

Authority: Sections 19420, 19440, 19460 and 19562,  
Business and Professions Code.

Reference: Sections 19420, 19562 and 19661,  
Business and Professions Code.

STAFF ANALYSIS  
DISCUSSION REGARDING THE REPORT ON THE CHRB'S DRUG AND MEDICATION  
VIOLATIONS FOR FISCAL YEAR 2013-2014

Medication and Track Safety Committee Meeting  
January 14, 2015

BACKGROUND

Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1843, Medication, Drugs and Other Substances, provides that no horse participating in a race shall carry in its body any drug substance or its metabolites or analogues, foreign to the horse except as hereinafter expressly provided. No drug substance shall be administered to a horse which is entered to compete in a race to be run in this state except for approved and authorized drug substances as provided in these rules.

Urine and blood samples are obtained post-race from the winner of every race, the horses finishing second and third in certain stakes races, and from any other horses selected at random from each program, as well as other horses designated by the stewards. Post-race testing includes in-depth testing for anabolic steroids, narcotics, tranquilizers, depressants and potent stimulants. A positive post race test sample will result in the Board taking action against the license of the responsible party. Any licensee found to be responsible for the presence or administration of any drug substance resulting in a positive test may be subject to penalties as set forth in the Board's rules and regulations.

RECOMMENDATION

This item is presented for Committee discussion and action. The Board's Equine Medical Director is prepared to make a presentation to the Committee.

## CHRB's drug and medication violations for fiscal year 2013-2014.

A total of 111 medication or drug violations occurred in FY13-14 including 28 Class 1,2, or 3 violations and 83 Class 4 or 5 violations out of 48,332 samples analyzed from 36,425 samplings.

	Class 1, 2 or 3 Drugs	Class 4 or 5 Drugs
Post-race Urine & Bloods (11,907 paired samples)	28 (0.26%)	67 (0.56%)
Work Bloods (509 blood samples)	0	16 (1.9%)
TCO2 (22,911 Pre-race samples)	1 (0.004%)	N/A
Out of Competition (1,098 blood samples)	None	None

- Post-race samples are paired urine & blood samples meaning 23,814 samples were analyzed.
- Work Bloods are samples required for horses to be removed from the Veterinarian's List as Unsound.
- TCO2 Samples are drawn pre-race on Thoroughbreds and Harness.
- Out of Competition samples are primarily samples from horses not entered to race, but frequently includes horses nominated to stake races.

## Class 1, 2 or 3 Violations FY 13-14

Drug	SoCal TB's	Norcal TB's	Fairs	Cal Expo	Los Al	Total
Acepromazine	1				1	2
Clenbuterol	1		2		13	16
Hydroxyzine					1	1
Meprobamate		1				1
Procaine			1			1
Pseudophedrine	1	1				2
Ractopamine					1	1
Stanozolol			1			1
TCO2				1		1
Trenbolone		1				1
Zilpaterol					1	1
Total	3	3	4	1	17	28

## Class IV & V Violations FY 13-14

<b>Carbazochrome</b>	<b>2</b>
<b>Ceterizine*</b>	<b>1</b>
<b>Dexamethasone</b>	<b>1</b>
<b>Flunixin</b>	<b>9</b>
<b>Guaifenesin &amp; Dextrophan</b>	<b>1</b>
<b>Ketoprofen</b>	<b>6</b>
<b>Ketoprofen &amp; Phenylbutazone</b>	<b>1</b>
<b>Methocarbamol</b>	<b>8</b>
<b>Phenylbutazone</b>	<b>53</b>
<b>Prednisolone</b>	<b>1</b>

There have been 83 Class IV or V violations from 67 trainers and 80 different horses. 67 of the violations were during racing; 16 violations were working for removal from the Veterinarian's List under 1866. All but 5 phenylbutazone violations were under 5 ug/ml.

\* Ceterizine is a metabolite of the Class 2 drug hydroxyzine which was the primary charge in this case.

## STAFF ANALYSIS

### DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO CHRB RULE 1887, TRAINER TO INSURE CONDITION OF HORSE, TO ADD OWNERS OF A SHIP-IN HORSE AS EQUALLY RESPONSIBLE FOR THE CONDITION OF A HORSE

Medication and Track Safety Committee Meeting  
January 14, 2015

#### BACKGROUND

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Business and Professions Code section 19580 states that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 states that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance. Rule 1887, Trainer to Insure Condition of Horse, provides that the trainer is the absolute insurer of and is responsible for the condition of the horse entered in a race. If a positive test showing the presence of any prohibited drug substance as defined in Rule 1843.1, Prohibited Drug Substances, the trainer of the horse may be fined, his/her license suspended or revoked, or be ruled off. In addition, the owner of the horse, foreman in charge of the horse, groom, and any other person shown to have had the care or attendance of the horse, may be fined, his/her license suspended, revoked, or be ruled off. If the Board or its agents fail to notify a trainer of a potential positive test within 21 days from the date the sample was taken, the trainer shall not be deemed responsible.

There are cases where horses are being trained off the grounds of CHRB licensed facilities under the care or direction of the owners, and then shipped in just a day or two before they race and placed with trainers who have little or no involvement in the prior care of those horses. If any of these horses subsequently test positive, the trainer is typically deemed responsible as the absolute insurer. Occasionally owners will admit they had prior custody of the horses, as opposed to some third party, in which case the CHRB can and has filed complaints against owners. However, when there is no such admission, it can be difficult to take action against those owners, given the current wording of Rule 1887.

#### ANALYSIS

The proposed amendment to Rule 1887 would require the owner and trainer of a "ship in horse" to be equally responsible for the condition of the horse, and would include the definition of a "ship-in" horse. Rule 1887 currently identifies the trainer of a horse as the primary individual responsible for the care and condition of a horse that is entered in a race and later tests positive for any prohibited drug substance as defined in Rule 1843.1. Rule 1887 does not address horses that are trained by their owners at another location and later shipped in by their

owner to race under another trainer's name. The proposed amendment defines a ship-in horse as any horse entered to race that has not been in the continuous care of a licensed trainer within a licensed inclosure in California or other racing jurisdiction for seven consecutive calendar days prior to the day of the race for which it is entered. Based on Rule 1887, if a shipped in horse that runs in a race later tests positive for a prohibited drug substance, the trainer under which the horse ran will be the primary individual held responsible and may be subject to fines, a suspended or revoked license, or be ruled off. Currently, the owner of the horse is not held equally accountable for the condition of the horse and may claim that since his horse was sent to another location to race under another trainer, the horse was not in his "care or attendance."

The proposed amendment to Rule 1887 will ensure that both the trainer and owner are equally responsible for the condition of the horse entered in a race.

The proposal to amend Rule 1887 was discussed at the November 2014 Stewards' Committee meeting.

#### RECOMMENDATION

This item is presented for Committee discussion and action.



CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 16. GENERAL CONDUCT  
PROPOSED AMENDMENT OF  
RULE 1887. TRAINER TO INSURE CONDITION OF HORSE

Medication and Track Safety Committee Meeting  
January 14, 2015

1887. Trainer or Owner to Insure Condition of Horse

(a) The trainer is the absolute insurer of and responsible for the condition of the horses entered in a race, regardless of the acts of third parties, except as otherwise provided in this article. If the chemical or other analysis of urine or blood test samples or other tests, prove positive showing the presence of any prohibited drug substance defined in Rule 1843.1 of this division, the trainer of the horse may be fined, his/her license suspended or revoked, or be ruled off. In addition, the owner of the horse, foreman in charge of the horse, groom, and any other person shown to have had the care or attendance of the horse, may be fined, his/her license suspended, revoked, or be ruled off. The owner of a ship-in horse is the joint-absolute insurer of and is equally responsible for the condition of the horses entered in a race.

(b) A ship-in horse is defined as any horse entered to race that has not been in the continuous care of a licensed trainer within a licensed inclosure in California or other racing jurisdiction for seven consecutive calendar days prior to the day of the race for which it is entered.

(b) (c) Notwithstanding the above, if the Board or its agents fail to notify a trainer or the owner of a ship-in horse of a potential positive test within 21 calendar days from the date the sample was taken, the trainer or the owner of a ship-in horse shall not be deemed responsible under this rule unless it is shown by the preponderance of the evidence that the trainer or the

owner of a ship-in horse administered the drug or other prohibited substance defined in Rule 1843.1 of this division, caused the administration or had knowledge of the administration.

Authority: Sections 19440, 19580 and 19581,  
Business and Professions Code.

Reference: Section 19440, 19577, 19580 and 19581  
Business and Professions Code.