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, November 20, 2013**, commencing at **1:00 p.m.**in the **Sunset Room** at the **Betfair Hollywood Park Race Track, 1050 South Prairie Ave., Inglewood,** 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 **CHRB and industry efforts to prevent equine slaughter.**

2. Discussion and action regarding the proposed amendment to **CHRB Rule 1844, Authorized Medication,** to revise the levels of specified authorized medication and to add additional drug substances, consistent with the Racing Commissioners International (RCI) and Racing Medication and Testing Consortium (RMTC), to the list of California's authorized medication.

3. Discussion and action regarding the report on the **Breeders' Cup Races held at Santa Anita Park Race Track on November 1, 2013 and November 2, 2013.**

4. Discussion and action regarding the report on the **CHRB's drug and medication violations for fiscal year 2012-2013.**

5. Discussion and action regarding the **endorsement of the Association of Racing Commissioners International (RCI) Multiple Medication Violations model rule and the development of a California rule to incorporate its provisions.**

6. **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. *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
Commissioner Bo Derek, Chairman
Vice Chairman Chuck Winner, Member
Jacqueline Wagner, Assistant Executive Director

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE CHRB AND INDUSTRY EFFORTS TO PREVENT EQUINE SLAUGHTER

Medication and Track Safety Committee Meeting
November 20, 2013

BACKGROUND

In April 2013 the Board endorsed proposed federal legislation, House of Representatives (HR) 1094: Safeguard American Food Exports (SAFE) Act of 2013. The proposed federal legislation, which was introduced in March 2013, would ban the export of American horses for slaughter, reinstitute a ban on slaughtering horses in the United States and protect the public from consuming "toxic" horse meat. The SAFE Act of 2013 has been endorsed by leading animal welfare organizations, including the American Society for the Prevention of Cruelty to Animals, the Animal Welfare Institute, the Humane Society Veterinary Medical Association and Veterinarians for Equine Welfare. The Board sent signed letters to each member of California's congressional delegation, including Senators Feinstein and Boxer.

The CHRB relies on a combination of State law and the Board's rules and regulations to prohibit the illegal slaughter of horses and to act against any licensee who is found to have been party to the illegal slaughter of a horse. Section 598c of the California Penal Code prohibits any person from possessing, transferring, receiving or holding any horse, pony, burro or mule with intent to kill it or have it killed, where the person knows or should know that any part of the animal will be used for human consumption. A violation of Penal Code section 598c constitutes a felony offense. In addition, section 598d of the Penal Code makes the sale of horsemeat for human consumption a misdemeanor offense, with subsequent violations punished as felonies. The Board's rules and regulations provide a framework that would allow it to take action against the license of any trainer or owner who was found to have violated California Penal Code section 598c and or 598d. Board Rule 1902, Conduct Detrimental to Horse Racing, states that no licensee shall engage in any conduct prohibited by this division nor shall any licensee engage in any conduct which by its nature is detrimental to the best interests of horse racing including indictment or arrest for a crime involving moral turpitude or which is punishable by imprisonment in the state or federal prison. Additionally, Board Rule 1489, Grounds for Denial or Refusal of License, states the Board may refuse to issue a license or deny a license to any person who has been convicted of a crime punishable by imprisonment in a California state prison. Board Rule 1902.5, Animal Welfare, prohibits any person under the jurisdiction of the Board from permitting or causing an animal under his control or care to suffer any form of cruelty, mistreatment, neglect or abuse. Nor shall such person abandon; injure; maim or kill an animal under his care.

A brief discussion regarding anti-horse slaughter efforts was held at the September 19, 2013 Regular Board Meeting. It was suggested that racing associations' condition books be required to promulgate California law regarding horse slaughter, and its ramifications, together with information regarding the California Retirement Management Account (CARMA) placement

program, and a list of approved thoroughbred after care facilities in California. An example of the industry's efforts to inform horsemen about this issue is the the Stronach Groups' (TSG) anti-slaughter statement that is included in its Thoroughbred Owners of California (TOC) purse agreements. The statement requires the TOC to make a reasonable effort to inform its members of the TSG policy, which has the effect of denying any allotment or use of stalls at a TSG facility to those who participate directly or indirectly in the transport of a horse from a TSG facility to either a slaughterhouse or an auction house engaged in selling horses for slaughter. The Board referred the issue of the industry's efforts to prevent equine slaughter to the Medication and Track Safety Committee for further discussion.

RECOMMENDATION

This item is presented to Committee discussion and action.

DISCUSSION AND ACTION REGARDING THE
CHRB AND INDUSTRY EFFORTS TO PREVENT
EQUINE SLAUGHTER

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Example of Stronach Group anti-slaughter provisions in its Thoroughbred Owners of California purse agreements:

TOC understands and agrees that the TRACK/The Stronach Group (TSG) has adopted a No-Slaughter Policy ("Policy"), which shall be in effect during the Meet. TOC shall make a reasonable effort to inform its members of the Policy and to encourage each to honor that Policy. Specifically, TOC will notify it's members that the Policy imposes on any owner and trainer stabled at a TRACK facility or competing in a race run at TRACK, who directly or indirectly participates in the transport of a horse from TRACK or other an TSG facility to either a slaughterhouse or an auction house engaged in selling horses for slaughter, shall be prohibited from any allotment or use of a stall or stalls at TRACK, TSG, or other off-track stabling facility over which TRACK exercises any control or indirectly funds. The Policy is also intended to apply to any actions related to the transport of a horse from TRACK or other TSG facility where the ultimate intended result is the horse's slaughter.

CALIFORNIA PENAL CODE SECTION 598C AND 598D

Medication and Track Safety Committee Meeting
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598c. (a) Notwithstanding any other provision of law, it is unlawful for any person to possess, to import into or export from the state, or to sell, buy, give away, hold, or accept any horse with the intent of killing, or having another kill, that horse, if that person knows or should have known that any part of that horse will be used for human consumption.

(b) For purposes of this section, "horse" means any equine, including any horse, pony, burro, or mule.

(c) Violation of this section is a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

(d) It is not the intent of this section to affect any commonly accepted commercial, noncommercial, recreational, or sporting activity that relates to horses.

(e) It is not the intent of this section to affect any existing law that relates to horse taxation or zoning.

598d. (a) Notwithstanding any other provision of law, horsemeat may not be offered for sale for human consumption. No restaurant, cafe, or other public eating place may offer horsemeat for human consumption.

(b) Violation of this section is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000), or by confinement in jail for not less than 30 days nor more than two years, or by both that fine and confinement.

(c) A second or subsequent offense under this section is punishable by imprisonment in the state prison for not less than two years nor more than five years.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 16. GENERAL CONDUCT
RULE 1902. CONDUCT DETRIMENTAL TO HORSE RACING

Medication and Track Safety Committee Meeting
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1902. Conduct Detrimental to Horse Racing.

No licensee shall engage in any conduct prohibited by this division nor shall any licensee engage in any conduct which by its nature is detrimental to the best interests of horse racing including, but not limited to:

(a) knowing association with any known bookmaker, known tout, or known felon,

(b) indictment or arrest for a crime involving moral turpitude or which is punishable by imprisonment in the state or federal prison, when such indictment or arrest is the subject of notorious or widespread publicity in the news media, and when there is probable cause to believe the licensee committed the offenses charged,

(c) solicitation of or aiding and abetting any other person to participate in any act or conduct prohibited by this Division.

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

Reference: Sections 19440, 19460 and 19572,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 16. GENERAL CONDUCT
RULE 1902.5. ANIMAL WELFARE

Medication and Track Safety Committee Meeting
November 20, 2013

1902.5. Animal Welfare.

No person under the jurisdiction of the Board shall alone, or in concert with another person, permit or cause an animal under his control or care to suffer any form of cruelty, mistreatment, neglect or abuse. Nor shall such person abandon; injure; maim; kill; administer a noxious or harmful substance to; or deprive an animal of necessary care, sustenance, shelter or veterinary care.

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

Reference: Sections 19460 and 19580,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 4. OCCUPATIONAL LICENSES
RULE 1489. GROUNDS FOR DENIAL OR REFUSAL OF LICENSE

Medication and Track Safety Committee Meeting
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1489. Grounds for Denial or Refusal of License.

The Board, in addition to any other valid reason, may refuse to issue a license or deny a license to any person:

(a) Who has been convicted of a crime punishable by imprisonment in a California state prison or a federal prison, or who has been convicted of a crime involving moral turpitude.

(b) Who has been convicted of a crime in another jurisdiction which if committed in this state would be a felony.

(c) Who has made any material misrepresentation or false statement to the Board or its agents in his or her application for license or otherwise, or who fails to answer any material question on an application for a license.

(d) Who is unqualified to engage in the activities for which a license is required.

(e) Who fails to disclose the true ownership or interest in any or all horses as required by any application.

(f) Who is subject to exclusion or ejection from the racing inclosure or is within the classes of persons prohibited from participating in pari-mutuel wagering.

(g) Who has committed an act involving moral turpitude, or intemperate acts which have exposed others to danger, or acts in connection with horse racing and/or a legalized gaming business which were fraudulent or in violation of a trust or duty.

(h) Who has unlawfully engaged in or who has been convicted of possession, use or sale of any

narcotic, dangerous drug, or marijuana.

(i) Who is not permitted by any law to engage in the occupation for which the license is sought.

(j) Who has violated, or who aids, abets or conspires with any person to violate any provision of the rules or the Horse Racing Law.

Authority: Section 19440,
Business and Professions Code.

Reference: Sections 19460, 19510 and 19572,
Business and Professions Code.

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO CHRB RULE 1844, AUTHORIZED MEDICATION, TO REVISE THE LEVELS OF SPECIFIED AUTHORIZED MEDICATION AND TO ADD ADDITIONAL DRUG SUBSTANCES, CONSISTENT WITH THE RACING COMMISSIONERS INTERNATIONAL (RCI) AND RACING MEDICATION AND TESTING CONSORTIUM (RMTC), TO THE LIST OF CALIFORNIA'S AUTHORIZED MEDICATION

Medication and Track Safety Committee Meeting
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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 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.

Dr. Arthur, Equine Medical Director, has proposed changes to Rule 1844 in line with the Racing Commissioners International (RCI) recommendations which were approved on April 2, 2013. The proposed changes revise the levels of specified authorized medications in subsection 1844(e) and add additional drug substances to subsection 1844(f).

At the May 22, 2013 Medication and Track Safety Committee Meeting a proposal to amend Rule 1844 was discussed. The Board's Equine Medical Director recommended that the proposal go before the Board later in the year to ensure adequate time to accumulate additional supportive material for the Board to consider.

RECOMMENDATION

Staff recommends the Committee hear from Dr. Arthur regarding the proposed changes to Rule 1844.

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

Medication and Track Safety Committee Meeting
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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 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 ~~or~~ and analogs, in an amount that does not exceed the specified levels:

(1) Acepromazine; ~~25~~ 10 nanograms per milliliter

(2) Mepivacaine; 10 nanograms per milliliter

(3) Promazine; 25 nanograms per milliliter

(4) Albuterol; 1 nanograms per milliliter

(5) Atropine; 10 nanograms per milliliter

(6) Benzocaine; 50 nanograms per milliliter

(7) Procaine; ~~50~~ 25 nanograms per milliliter

(8) Salicylates; 750 micrograms per milliliter

(9) Clenbuterol; ~~5 nanograms~~ 140 picograms per milliliter

~~(10) Stanazolol; 1 nanograms per milliliter~~

(10) Omeprazole; 1 nanogram per milliliter

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

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

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

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

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

(15) Butorphanol 300 nanograms per milliliter

(f) Official blood test samples may contain ~~clenbuterol in an amount not to exceed 25 picograms per milliliter of serum or plasma.~~ 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

(g) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (e)(1)-~~(8), and (e)(10)~~-(14).

(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.

CALIFORNIA HORSE RACING BOARD

NOVEMBER 21, 2013
MEDICATION AND TRACK SAFETY
COMMITTEE MEETING

There is no package material for Item 3

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE REPORT ON CHRB'S DRUG AND MEDICATION VIOLATIONS FOR FISCAL YEAR 2012-2013

Medication and Track Safety Committee Meeting
November 20, 2013

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 I 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 stimulates. 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 2012-2013.

A total of 89 medication or drug violations occurred in FY12-13 including 18 Class 1,2, or 3 violations and 71 Class 4 or 5 violations out of 46,944 samples tested from 33,419 samplings.

	Class 1, 2 or 3 Drugs	Class 4 or 5 Drugs
Post-race Urine & Bloods (11,525 paired samples)	17 (0.15%)	60(0.5%)
Work Bloods (364 blood samples)	None	11(3%)
TCO2 (24,347 Pre-race samples)	1(0.004%)	N/A
Out of Competition (183 blood samples)	None	None

- Post-race samples are paired urine & blood samples meaning 23,050 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 12-13

Drug	SoCal TB's	Norcal TB's	Fairs	Cal Expo	Los Al	Total
Albuterol		1				1
Carisoprodol/Meprobamate	1					1
Clenbuterol					5	5
Levamisole				1		1
Norpropoxyphene				2		2
TCO2	1					1
Testosterone	2					2
Zilpaterol*		1			4	5
Total	4	2	0	3	9	18

*48 zilpaterol findings from horses at Cal Expo, Santa Anita, Los Alamitos and Golden Gate Fields were either dismissed or not filed due to zilpaterol contamination in Purina feed in March and early April.

Class IV & V Violations FY 12-13

Carbazachrome	4
Dantrolene	1
Dexamethasone	2
Flumethasone	2
Flunixin	8
Guaifenesin	2
Methocarbamol	2
Methylpredisolone	2
Phenylbutazone	47
Tranexamic Acid	1

There have been 71 Class IV or V violations from 61 trainers and 59 different horses. 60 of the violations were during racing; 11 violations were working for removal from the Veterinarian's List under 1866. All but 2 phenylbutazone violations were under 5 ug/ml.

DISCUSSION AND ACTION REGARDING THE ENDORSEMENT OF THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL (ARCI) MULTIPLE MEDICATION VIOLATIONS MODEL RULE AND THE DEVELOPMENT OF A CALIFORNIA RULE TO INCORPORATE ITS PROVISIONS

Medication and Track Safety Committee Meeting
November 20, 2013

BACKGROUND

In July 2013 the Association of Racing Commissioners International (ARCI) adopted a model rule, ARCI-011-020: Medications and Prohibited Substances. The intent of the model rule is to address the issue of trainers who consistently violate racing states' medication rules. The concern is that such trainers may seem to get of "lightly" by not being sanctioned after having multiple medication violations over time. A trainer may be penalized for each violation, but the fact that he has had multiple violations within a given period of time does not result in any additional repercussions.

Under the ARCI model rule trainers would accumulate points for each medication violation. Once a trainer reached a certain number of points he would be subject to automatic ARCI "enhanced penalties" – in addition to the penalties assessed by the racing jurisdiction in which the medication violations occurred. The scheme is analogous to some states' motor vehicle rules in which drivers accumulate points and additional penalties for each moving violation they incur. ARCI will assign trainers points for each medication violation, with more points for violations involving non-controlled substances.

Under the model rule, penalty classes range from Class "A" for the most serious violations to Class "D" for minor violations. After a trainer accumulates a certain number of points he would receive a mandatory ARCI "enhanced penalty" in addition to those levied by the racing jurisdiction in which the violations occurred. The ARCI "enhanced penalties" are suspension days, and range from 30 days suspension to 360 days; they are not a substitute for a state's current penalty system and are intended to be an additional uniform penalty. The penalties will be administered when the trainer has more than one violation within a given period of time or exceeds the permissible number of points.

The ARCI suspension periods will run consecutive (one after the other) to any suspension imposed by a racing jurisdiction. The points issued a trainer will be certified and maintained by the ARCI; however, it is the responsibility of participating racing jurisdictions to enter violations and penalties in a central ARCI database. After a specified period of time, the points would be removed completely from the database – except for Class "A" violations.

RECOMMENDATION

This item is presented for Committee discussion and action. To incorporate the ARCI model rule on multiple medication violations, the CHRB would have to add a new rule to its rules and regulations.

DISCUSSION AND ACTION REGARDING THE ENDORSEMENT OF THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL (RCI) MULTIPLE MEDICATION VIOLATIONS MODEL RULE AND THE DEVELOPMENT OF A CALIFORNIA RULE TO INCORPORATE ITS PROVISIONS

Medication and Track Safety Committee Meeting
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ARCI-011-020 Medications and Prohibited Substances

B. Penalties

(13) Multiple Medication Violations (MMV)

(a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the ARCI Uniform Classification for Foreign Substances, shall be assigned points based upon the medication's RMTC Penalty Guideline as follows:

Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A[1]	N/A	6
Class B	2	4
Class C	1	2
Class D	½	1

(b) The points assigned to a medication violation shall be included in the Stewards' or Commission Ruling. Such Ruling shall determine, in the case of multiple positive tests as described in paragraph (d), whether they shall thereafter constitute a single violation. The Stewards' or Commission Ruling shall be posted on the official website of the Commission and the official website of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's

[1] Except for Class 1 and 2 environmental contaminants, *e.g.*, cocaine which shall be determined by the stewards based upon the facts of the case.

official ARCI record and shall then subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation.

(e) The official ARCI record shall constitute prima facie evidence of a trainer's past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(f) The Stewards or Commission shall include all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in days
3-5.5	30
6-8.5	60
9-10.5	180
11 or more	360

MMV's are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

(i) Has more than one violation for the relevant time period, and
(ii) Exceeds the permissible number of points.

(h) The suspension periods as provided above, shall run consecutive to any suspension imposed for the underlying offense.

(i) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and the enhancement based upon the trainer's cumulative points.

(j) Any trainer who has received a medication violation may petition the ARCI to expunge the points received for the violation for the purpose of the MMV system only. The points shall be expunged as follows:

Penalty Classification	Time to Expungement
A	Permanent
B	3 years
C	2 years
D	1 year