

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, September 18, 2013**, commencing at **2:00 p.m.**, in the Sonoma Ballroom at the **Sheraton Fairplex Conference Center, 601 West McKinley Avenue, Pomona, 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 the report and update on the implementation of **CHRB Rule 1658, Vesting of Title to Claimed Horse**, which was amended to provide that the stewards shall void the claim if the horse suffers a fatality during the race or the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame before the horse is released to the successful claimant.
2. Discussion and action regarding **the feasibility of requiring any horse that is four years old and has never started in a race, to undergo a racing soundness examination prior to entry.**
3. Discussion and action regarding the proposed amendment to **CHRB Rule 1866, Veterinarian List**, to specify the amount of time a horse will remain on the veterinarian list when placed on the list as lame or unsound and to prohibit workouts for 72 hours after horses are placed on the list as sick or veterinary treatment-shockwave.
4. Discussion and action regarding the **proposed amendment to CHRB Rule 1846.5, Postmortem Examination**, which requires veterinary records to be submitted after submission of the necropsy submission form.
5. Discussion regarding **backstretch security.**
6. Discussion regarding **cloning of racehorses.**

7. **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 REPORT REGARDING
THE IMPLEMENTATION OF
CHRB RULE 1658, VESTING OF TITLE TO CLAIMED HORSE,
WHICH WAS AMENDED TO PROVIDE THAT THE STEWARDS SHALL
VOID THE CLAIM IF THE HORSE SUFFERS A FATALITY DURING THE RACE OR THE
RACING OR OFFICIAL VETERINARIAN DETERMINES THE HORSE WILL BE PLACED
ON THE VETERINARIAN'S LIST AS UNSOUND OR LAME BEFORE THE HORSE IS
RELEASED TO THE SUCCESSFUL CLAIMANT.

Medication and Track Safety Committee Meeting
September 18, 2013

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. In February 2013 the Board adopted an amendment to Rule 1658, Vesting of Title to Claimed Horse, which states that 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. The successful claimant becomes the owner of the horse unless the claim is voided by the stewards. The stewards shall void the claim and return the horse to the original owner if the horse suffers a fatality during the running of the race, or the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame before the horse is released to the successful claimant. When the Board adopted the amendment to Rule 1658 it stated the regulation was not perfect, but it was the best approach presented. The Board also recognized that the regulation might need further modification; however, it could take some time for the rule to have its desired impact on those who might use claiming to discard damaged horses.

ANALYSIS

The Office of Administrative Law approved the amendment to Rule 1658 on May 2, 2013. The effective date of the regulation was also May 2, 2013. The Board did not implement the regulation until May 16, 2013. The delay was to allow time for the stewards, veterinarians and others involved in the process to fully understand the change, and to notify the industry and the public. Since its implementation, Rule 1658 has generated some controversy. In response, the item was discussed at the June 2013 Regular Board Meeting. Dr. Rick Arthur, the Equine Medical Director, spoke about the recent history of the enactment of Rule 1658 and provided

examples of claims voided. It was determined that the item would be revisited at the July 2013 Medication and Track Safety Committee Meeting.

At the July 2013 Medication and Track Safety Committee Meeting, the Committee heard discussion from various interested parties and learned that some claimants desire to keep the horse regardless of its post race condition. The Committee determined it would endorse a proposal to allow a claimant 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.

At its August 2013 Regular Meeting the Board endorsed the proposed amendment to Rule 1658, and directed staff to initiate a 45-day public comment period. It is anticipated that the proposed regulatory action will not be completed and effective until the first quarter of 2014. Until the regulatory process is completed, the current version of the regulation, as it stands, is in effect.

RECOMMENDATION

This item is presented for Committee discussion and action. The Equine Medical Director, Dr. Rick Arthur, is prepared to make a presentation to the Board.

Report on implementation of CHRB Rule 1658 Vesting of Title to Claimed Horse

Rick M. Arthur DVM Equine Medical Director

The Office of Administrative Law notified the CHRB that May 9 would be the effective date of the new amendments to 1658 requiring the BOS to void claims when the horse is determined to be unsound or lame by the official (CHRB) or association (track) veterinarian prior to the horse being released from their care. The Executive Director set May 16, 2013, as the start date to begin implementing the rule. A conference call of official veterinarians and stewards reviewed the procedures and protocols presented to the Board last September when the amendment was first approved for notice. Those procedures are available at in appendix A below and http://www.chrb.ca.gov/Board/board_packages/Sep-2012.pdf pages 5-5 to 5-6.

Based on information obtained by CHRB staff, between May 16 and August 31, 2013, there were 1006 successful claims at Los Alamitos, Hollywood Park, Del Mar, Golden Gate Fields and the Fairs. During that time period, 82 claims were voided when the horses were declared unsound or lame by the official or track veterinarian. This includes 3 fatalities.

| Track | HOL/DMR | GGF | Fairs | LA | Total |
|-----------------------------|-------------|-----------|-----------|-----------|--------------|
| Successful Claims | 540 | 188 | 106 | 172 | 1006 |
| Value | \$8,350,500 | \$635,650 | \$572,300 | \$797,550 | \$10,356,000 |
| Average Value | \$15,464 | \$7,752 | \$5,399 | \$4,637 | \$10,294 |
| Voided Claims | 38 | 11 | 6 | 27 | 82 |
| Value (voided) | \$719,050 | \$109,200 | \$25,200 | \$102,500 | \$955,750 |
| Average value | \$18,922 | \$9,927 | \$4,200 | \$3,796 | \$11,655 |
| Total (Claimed + voided) | 578 | 199 | 112 | 199 | 1088 |
| % voided | 6.5% | 5.5% | 5.4% | 13.5% | 7.5% |

Claim Data from May 16, 2013 through August 31, 2013

Claim data from July 1, 2009, through June 30, 2012, showed historical rates of about 2.5% (128/5212) of all claims ended up on the Veterinarian's List as unsound or lame (See appendix C). In the first four weeks

of the new claiming rule, about 10% (19/181) of the horses for which claims were dropped have been placed on the Veterinarian's List as unsound or lame. Through August 31, 2013 that has dropped to 7.6%. This is still roughly 3 times the historical rate, down slightly from the report to the Board in June. The reason for the higher Vet's List rate is unclear, but is most likely due to the new procedures which now require the official (CHRB) veterinarian to specifically examine claimed horses for unsoundness or lameness prior to their being released to the claimant. Compared to the report in June, the rates of voided claims are down for northern California, about the same for the major SoCal thoroughbred circuit and up at Los Alamitos. The high rate of voided claims at Los Alamitos is not necessarily surprising. The majority of claims there are cheaper Thoroughbreds with the maximum claiming price of \$5,000.

Certain historical metrics are available and can be used as a comparison to evaluate the new procedures. Between July 1, 2009, through June 30, 2012, 60% of Thoroughbreds and 75% of Quarter Horses that were claimed and placed on the Veterinarians List as unsound or lame never raced again. Of those horses that did race again, the average time to their next race averaged 126 days for Thoroughbreds (27-603 days) and 206 days for Quarter Horses (28-420 days). For comparison, the average Thoroughbred races back 43 days after being claimed. Even though it is too early for long term comparisons, of the 25 voided claims from 5-16-2013 through June 30, 2013, 10 have not worked since their claims were voided; one was a fatality; 3 worked but were unsound and placed back on the list; and the remaining 11 raced. Of those 11 two were unsound again after racing and placed back on the Veterinarians' List.

A few some trainers have expressed unhappiness with the examining veterinarians' professional evaluation and opinion. This is no different from when horses are placed on the Veterinarian's list during pre-race examinations. Surprisingly, most of the complaints I have received involve horses the new claimant felt was unsound and should have been voided. We have made clear the official veterinarians are not doing pre-purchase exams. It is important to remind owners and trainers that they should not expect a perfect horse from a claim any more than we only allow perfect horses to race. The criteria are whether a horse should be placed on the Veterinarian's List as Unsound or Lamé before the horse leaves the receiving barn. Without a doubt, there will be horses that are released to the new claimant that are less than perfect and will come up with problems later. That has always been the case even before this rule. Regardless, as with pre-race examinations, we strive for consistency.

Overall the implementation of new rule has worked quite well from an administratively perspective given the major change from the traditional practice. There have been a number of issues. The logistics of testing examining and testing the claimed horses continues to be a problem, especially when there are multiple claims in a race. Dr. Grande had 7 claims and the winner in the receiving barn on opening day from one race; Dr. Beck has had as many as 4 in one race at Los Alamitos. Del Mar has a very large area to work, but the Santa Anita test barn area is small. The logistics there will be a challenge.

The two problems of most concern are horses with multiple voided claims and horses passing the examination and later found to have high NSAID levels. There have been 4 horses combined on the SoCal thoroughbred circuit and at Los Alamitos that have had their claims voided twice. Horses placed on the Veterinarian's List as unsound or lame must work satisfactorily for the official or association veterinarian and pass a post-work blood test prior to being removed from the list and allowed to start. Once that is

done successfully, the horse is eligible to enter to race. They must pass another pre-race examination, but horses can be managed to make them appear sounder than they are on race day. The official veterinarians are recommending horses placed on the veterinarian's list as lame or unsound multiple times be required to stay on the list for increasingly longer periods similar to horses placed on the Veterinarian's list for repeat bleeding episodes (see item #3 on today's agenda). This is not just a claiming issue but applicable for non-claimed horses pulling up lame multiple times in works and races. The second problem has been a small number of horses with elevated NSAID levels reported in post-race testing. The claimed horse was able to pass the post-race veterinary examination; the question is whether the high medication masked unsoundness. This problem can be resolved with an amendment requiring claims be voided when a horse has a medication violation. In the interim, investigators are advised to present the information that the horse was claimed as an aggravating factor in the violation.

Appendix A:**Procedures for Voiding Claims:**

- All claimed horses capable of doing so are to be sent to the Receiving Barn for post-race testing and post-race evaluation by the official veterinarian.
- The horse will be examined in or near the Receiving Barn by the official veterinarian in a manner similar to how other horses are evaluated post-race for possible unsoundness or lameness.
- Unless otherwise designated for post-race testing, only blood samples (official and split samples) will be drawn.
- If the official veterinarian determines the horse is lame or unsound and will be placed on the Veterinarian's List, the official veterinarian will notify the stewards prior to the horse leaving the receiving barn.
- Based on the findings of the official veterinarian the stewards will determine whether the claim will be voided. If the stewards decide the claim is void, the horse will remain in the control of the original owner. If the stewards decide the claim will stand, the horse will be turned over to the claimant upon leaving the receiving barn.
- If, in the opinion of the official or racing (track) veterinarian, a claimed horse is incapable of being sent to the Receiving Barn, the racing (track) veterinarian will obtain blood samples (official and split samples) whenever humanely possible and determine the extent of the horse's injuries. If the horse is incapable of being sent to the Receiving Barn because the horse is lame or unsound, the racing (track) veterinarian will so notify the stewards and the official veterinarian.
- Based on the findings of the racing (track) veterinarian the stewards will determine whether the claim will be voided. If the stewards determine the claim is to be voided, the horse will remain in the control of the original owner once the horse leaves the track. If the stewards decide the claim will stand, the horse will be turned over to the claimant upon leaving the track.

- The official veterinarian shall place a claimed horse on the Veterinarian's List as Unsound or Lamé upon the recommendation of the racing (track) veterinarian.
- Horses that are injured and showing lameness will be placed on the Veterinarians List as Unsound or Lamé. Horses that are injured such as a cut or grabbed quarter and not showing lameness may be designated as Injured on the Veterinarians List. Claims should not be voided unless the horse is going to be placed on the Veterinarian's List as lame or unsound. Accordingly, horses placed on the Veterinarian's List for other reasons such as bled, exhausted, injured and are not to be voided.

Appendix B:

AAEP LAMENESS SCALE

Because each horse has unique performance characteristics, evaluating lameness can be challenging. Experienced riders may detect minor alterations in gait before they are apparent to an observer. Lameness may appear as a subtle shortening of the stride, or the condition may be so severe that the horse will not bear weight on the affected limb. With such extremes of lameness possible, a lameness grading system has been developed by the AAEP to aid both communication and record-keeping. The scale ranges from zero to five, with zero being no perceptible lameness, and five being most extreme. **The AAEP guidelines explain the grading system this way:**

0: Lameness not perceptible under any circumstances.

1: Lameness is difficult to observe and is not consistently apparent, regardless of circumstances (e.g. under saddle, circling, inclines, hard surface, etc.).

2: Lameness is difficult to observe at a walk or when trotting in a straight line but consistently apparent under certain circumstances (e.g. weight-carrying, circling, inclines, hard surface, etc.).

3: Lameness is consistently observable at a trot under all circumstances.

4: Lameness is obvious at a walk.

5: Lameness produces minimal weight bearing in motion and/or at rest or a complete inability to move.

Appendix C:

Three Year Claim Data from California

July 1, 2009 through June 30, 2012

| Sum of Claims | Thoroughbreds | Quarter Horses | Mules | Arabians | Paints | Appaloosas | Grand Total |
|--------------------|---------------|----------------|----------|----------|----------|------------|-------------|
| Del Mar | 553 | | | | | | 553 |
| Fairplex | 94 | | | | | | 94 |
| Ferndale | 5 | | | | | | 5 |
| Fresno | 24 | 2 | | 1 | | | 27 |
| Golden Gate | 921 | | | | | | 921 |
| Hollywood Park | 718 | | | | | | 718 |
| Los Alamitos | 1005 | 939 | | | 1 | 2 | 1947 |
| Pleasanton | 94 | 2 | | 1 | | | 97 |
| Santa Anita | 741 | | | | | | 741 |
| Santa Rosa | 52 | | 1 | 1 | | | 54 |
| Solano | 6 | | | | | | 6 |
| Stockton | 9 | | | | | | 9 |
| Sacramento | 36 | 2 | 1 | 1 | | | 40 |
| Grand Total | 4258 | 945 | 2 | 4 | 1 | 2 | 5212 |

Of the 5212 claims, 4435 raced back. The average time to next start was 42.99 days. 777 horses never started again after being claimed.

Horses Claimed and on CHRB Vet's List as Unsound or Lame:

- Thoroughbreds:
 - 96 horses were claimed and placed on the Veterinarian's List as Unsound or Lame of which 13 were fatalities.

| Track | Claims on Vet's as Unsound or Lame |
|----------------|------------------------------------|
| Del Mar | 6 |
| Fairs | 3 |
| Golden Gate | 15 |
| Hollywood Park | 14 |
| Los Alamitos | 48 |
| Santa Anita | 10 |

- 58/96 (60%) Thoroughbred horses never started again. 38 horses came back and raced with an average time to next start was 126.5 days (27-603 days). 12/38 racing again raced outside of California. 73% of claimed horses on the CHRB Veterinarian's List as unsound or lame never raced again in California
- Quarter Horses:
 - 32 horses were claimed and placed on the Veterinarian's List as Unsound or Lame of which 3 were fatalities.

| Track | Claims on Vet's as Unsound or Lame |
|--------------|------------------------------------|
| Los Alamitos | 31 |
| Fairs | 1 |

- 24/32 (75%) never raced again. 8 horses came back to race an average of 206 days later (28-420); 2/8 horses racing again returned to racing outside of California.

CURRENT TEXT

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

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

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

(c) 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.

PROPOSED AMENDMENT

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.

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 unsound or lame before the horse is released to the successful claimant.

(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.

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

PROPOSED AMENDMENT

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

Reference: Section 19562,
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD

SEPTEMBER 18, 2013
MEDICATION AND TRACK SAFETY
COMMITTEE MEETING

There is no package material for Item 2

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO
CHRB RULE 1866, VETERINARIAN'S LIST
TO SPECIFY THE AMOUNT OF TIME A HORSE WILL REMAIN ON THE
VETERINARIAN'S LIST WHEN PLACED ON THE LIST AS LAME OR UNSOUND
AND TO PROHIBIT WORKOUTS FOR 72 HOURS AFTER HORSES ARE PLACED ON
THE LIST AS SICK OR VETERINARY TREATMENT-SHOCKWAVE

Medication and Track Safety Committee Meeting
September 18, 2013

BACKGROUND

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper for 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 provides that the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in this State. Board Rule 1866, Veterinarian's List, states the official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to physical distress, unsoundness, or infirmity.

Board Rule 1866(b) provides that horses placed on the Veterinarian's List as injured, unsound or lame may not workout for 72 hours after being placed on the list without the permission of the official veterinarian. Subsection 1866(c) provides that a horse placed on the list Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

ANALYSIS

Under current CHRB policy a horse placed on the Veterinarian's List as undergoing the veterinary treatment "extracorporeal shockwave therapy" are placed on the Veterinarian's List for 10 days but there is no restriction on workouts even though extracorporeal shockwave therapy is recognized to produce a transitory analgesia for up to 48 hours. In addition, there is not a policy restricting workouts on horses that have been placed on the veterinarian's list as sick. The Board's Equine Medical Director has proposed that any horse on the Veterinarian's List as sick or for receiving extracorporeal shockwave therapy not be allowed to workout as defined in this subsection for a minimum of 72 hours without the permission of the official veterinarian. There are currently no restrictions in Rule 1866 as to how long the horse is required to be on the list before he can be examined for removal from the Veterinarian's List under 1866 (c). At this time there are multiple policies in California administered by track and CHRB official veterinarians. The Board's Equine Medical Director has proposed any horse placed on the Veterinarians List as lame or unsound be required to be on that list for a minimum of 10 days for the first incident in 365 days, for 30 days for the second incident in 365 days, 60

days for the third incident in 365 days and 180 days for the fourth incident in 365 days. The proposal is modeled after Rule 1845, Authorized Bleeder Medication, subsection (e), which requires mandatory restrictions from racing for bleeding episodes.

RECOMMENDATION

This item is presented for committee discussion and action.

J Am Vet Med Assoc. 2006 Jul 1;229(1):100-3.

Force platform evaluation of lameness severity following extracorporeal shock wave therapy in horses with unilateral forelimb lameness.

Dahlberg JA, McClure SR, Evans RB, Reinertson EL.

Department of Veterinary Clinical Sciences, College of Veterinary Medicine, Iowa State University, Ames, IA 50011, USA.

Abstract

OBJECTIVE:

To measure alterations in lameness severity that occur following use of extracorporeal shock wave therapy (ESWT) in horses with naturally occurring unilateral forelimb lameness.

DESIGN:

Nonrandomized clinical trial.

ANIMALS:

9 horses with unilateral forelimb lameness.

PROCEDURES:

Force platform gait analysis was performed prior to administration of any treatments (baseline) and after use of local anesthesia to eliminate the lameness. Extracorporeal shock wave therapy was then administered, and gait analysis was repeated 8 hours later and then daily for 7 days.

RESULTS:

Compared with the baseline value, peak vertical force was significantly increased 8 hours and 2 days after ESWT, and peak vertical force on day 2 was not significantly different from force measured after use of local anesthesia to eliminate the lameness. Similarly, vertical impulse was significantly increased, compared with the baseline value, 8 hours and 2 days after ESWT, but at all times, it was significantly lower than vertical impulse measured after use of local anesthesia.

CONCLUSIONS AND CLINICAL RELEVANCE:

Results suggest that in horses with naturally occurring lameness, use of ESWT results in a period of acute improvement in lameness severity that typically persists for 2 days. Thus, in horses undergoing ESWT, exercise should be controlled for a minimum of 2 days after treatment to prevent further injury.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1866. VETERINARIAN'S LIST

Medication and Track Safety Committee Meeting
September 18, 2013

1866. Veterinarian's List.

(a) The official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity.

(1) When a horse is placed on the Veterinarian's List, the trainer of such horse shall be notified within 72 hours.

(b) A horse placed on the Veterinarian's List as sick, veterinary treatment-shockwave, injured, unsound or lame may not workout for 72 hours after being placed on the list without the permission of the official veterinarian.

(1) The official veterinarian may require any horse placed on the Veterinarian's List to undergo a veterinary examination prior to resuming training at any facility under the jurisdiction of the Board.

(c) A horse placed on the Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

(1) A horse placed on the Veterinarian's List as lame or unsound for the first time in 365 days must stay on the Veterinarian's List for a minimum of 10 days before the horse is eligible to

be removed from the list.

(2) A horse placed on the veterinarian's list as lame or unsound for the second time in 365 days must stay on the Veterinarian's list for a minimum of 30 days before the horse is eligible to be removed from the list.

(3) A horse placed on the Veterinarian's List as lame or unsound for the third time in 365 days must stay on the Veterinarian's List for a minimum of 60 days before the horse is eligible to be removed from the list.

(4) A horse placed on the Veterinarian's List as lame or unsound for the fourth time in 365 days must stay on the Veterinarian's List for a minimum of 180 days before the horse is eligible to be removed from the list.

(d) A horse may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or urine post-work test sample shall be taken from the horse and the provisions of this article shall apply to such official workout in the same manner as to a scheduled race.

(e) For the purpose of this regulation, "workout" means an exercise session near full speed, or close to full speed.

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

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

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT OF CHRB
RULE 1846.5, POSTMORTEM EXAMINATION,
WHICH REQUIRES THE PRECEDING SIX MONTHS
OF VETERINARY RECORDS TO BE SUBMITTED WITHIN 72 HOURS
AFTER SUBMISSION OF THE NECROPSY SUBMISSION FORM

Medication and Track Safety Committee Meeting
September 18, 2013

BACKGROUND

Business and Professions Code section 19440 states that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of horse racing law. Business and Professions Code section 19444 provides that in performing its responsibilities the Board may conduct research to determine more fully the cause and prevention of horse racing accidents, the effects of drug substances on race horses, and the means for detection of foreign drug substances. Board Rule 1846.5, Postmortem Examination, requires that every horse which suffers a fatal injury on the racetrack, or which dies or is euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination. The regulation is silent on whether a copy of the horse's veterinary records may be required by the Board. Such records may provide valuable information and insight in conjunction with the postmortem examination and will allow for the correlation of postmortem data with medical records to look for causal relationships and allow the Board to fulfill its obligation to conduct research to more fully determine the cause horse racing accidents under B&P 19444(c) and thereby develop accident prevention strategies.

At the April 2011 Medication and Track Safety Committee (committee) meeting the committee discussed a proposed amendment of Rule 1846.5, Postmortem Examination, which would require submission of certain veterinary medical records to the official veterinarian within 48 hours of submitting the CHRB-72, Necropsy Submission Form. The committee recommended that the proposed amendment be forwarded to the full Board for approval to initiate a 45-day public comment period. At the April 2011 Regular Board Meeting staff was directed to initiate a 45-day public comment period regarding the proposed amendment.

At the July 2011 Regular Board meeting a hearing was held for the adoption of the proposed amendment of Rule 1846.5. After discussion and hearing comments from the industry representatives, the Board determined that it would put over the proposal until veterinarians, staff counsel and the Equine Medical Director could meet to address the industry's concerns.

On October 26, 2011, an informal committee, which was composed of interested industry representatives, the Equine Medical Director and Staff Counsel, met at Santa Anita Park Race Track to discuss the proposed amendment of Rule 1846.5.

ANALYSIS

The proposed amendment to Rule 1846.5 adds a new subsection 1846.5(e)(1), which requires the owner's or trainer's veterinarian to provide in a manner prescribed by the Board the veterinary medical history of any horse that dies or is euthanized on the grounds of a facility under the jurisdiction the Board. The documents must be delivered to the official veterinarian within 72 hours of submitting Necropsy Submission CHRB-72 unless the official veterinarian grants an

extension not to exceed 5 days. Under the proposed amendment the veterinary medical documents would be considered confidential and their contents shall not be disclosed except as specified under subsection 1846.5(e)(2).

RECOMMENDATION

This item is presented for Committee discussion and action.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
RULE 1846.5. POSTMORTEM EXAMINATION

Medication and Track Safety Committee Meeting
September 18, 2013

1846.5. Postmortem Examination.

(a) Every horse which suffers a fatal injury on the racetrack in training or in competition, or which dies or is euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination at a diagnostic laboratory which is under contract with the Board to determine the injury or sickness which resulted in euthanasia or natural death.

(b) Test samples may be obtained from the carcass upon which the postmortem examination is to be conducted and sent to the diagnostic laboratory for testing for foreign substances or their metabolites, and natural substances at abnormal levels. When practical, test samples shall be procured prior to euthanasia.

(c) The costs associated with transportation to the diagnostic laboratory of any horse which has died under the provisions of subparagraph (a) shall be the responsibility of the racing association conducting the meeting where the death occurred or the training center or racetrack where death occurred when no meeting is in progress. The services of the official veterinarian and the laboratory testing of postmortem samples for standard necropsy and special equine necropsy examinations shall be made available by the Board without charge to the owner. The costs of any additional necropsy examination(s) requested by the owner or trainer are the responsibility of the requesting individual.

(d) Requests for each postmortem shall be filed with the official veterinarian by

the owner's or trainer's veterinarian within one hour of the death and shall be submitted on a Necropsy Submission Form, CHRB-72, (Rev. 06/04), hereby incorporated by reference, and which is available at all official veterinarian offices. The trainer is co-responsible to supply all information to complete CHRB-72.

(e) If the official veterinarian is not available, the owner's or trainer's veterinarian must phone the diagnostic laboratory within one hour of the death and fax CHRB-72 to the laboratory as notification that the horse is due for necropsy. On the official veterinarian's next scheduled work day, the owner's or trainer's veterinarian shall give the original CHRB-72 to the official veterinarian.

(1) Within 72 hours of the submission of the CHRB-72, the owner's or trainer's veterinarian shall provide the official veterinarian in a manner prescribed by the Board with the preceding six months of veterinary records that pertain to the horse submitted for the postmortem examination. The official veterinarian may grant an extension of no more than 5 days for delivery of the documents with good cause.

(2) Any veterinary medical records provided to the Board shall be considered confidential and their contents shall not be disclosed except in a proceeding before the stewards or the Board, in exercise of the Board's jurisdiction or in the analysis of injuries and illnesses causing fatalities as approved by the Executive Director and the Equine Medical Director.

(f) The racing association, racetrack or training center will notify the transporter within one hour of death to have the horse conveyed to the designated laboratory for necropsy.

(g) Upon completion of the postmortem examination the diagnostic laboratory

shall file a written report with the Executive Director, the Equine Medical Director and the official veterinarian.

(h) Each owner and trainer accepts responsibility for the postmortem examination provided herein as a requisite for maintaining an occupational license.

Authority: Section 19440,
Business and Professions Code.

Reference: Section 4857 and 19444(c),
Business and Professions Code.

STAFF ANALYSIS
DISCUSSION REGARDING
BACKSTRETCH SECURITY

Medication and Track Safety Committee
September 18, 2013

BACKGROUND

Security in the stable area has been a major concern of the California Horse Racing Board for more than 10 years, as evidenced by the creation of an Ad Hoc Security Committee that met eight times in 2003 and 2004. Chaired by racing commissioners and staffed by CHRB personnel, the security committee membership included owners, trainers, veterinarians, racetrack executives and racetrack security personnel, racing secretaries, CHRB investigators, and stewards. Collectively, they provided a broad perspective and invaluable knowledge and experience. The discussions tended to focus on six key elements of security:

- 1) CHRB investigators, their primary responsibilities, their responsibilities in terms of backstretch security, and their training and qualifications for detecting the illegal use of performance-enhancing drugs.
- 2) Racetrack security personnel, both permanent staff with a daily/nightly presence in the stable area and additional personnel as needed for important races, their responsibilities and their interaction with CHRB investigators.
- 3) Drug testing, its scope, limitations, quality, and direction.
- 4) Penalties for violations, the need to increase fines and suspensions for medication violations.
- 5) Detention barns, their pros and cons, benefits and limitations.
- 6) Video surveillance, the effectiveness of cameras, the logistics of placing, maintaining and monitoring them.

These meetings resulted in several new programs and policies, most significantly the advent of TCO2 testing, the effectiveness of which is evident by a great reduction in the use of alkalizing agents designed to affect the performance of racehorses. The racetracks began the practice of hiring extra security personnel to monitor the individual stalls of horses entered to run in graded stakes races and purchased hand-held cameras and communications equipment for those personnel. CHRB investigators were encouraged to spend more time in the stable area and step up their surprise random inspections of barns and the vehicles of veterinarians. And in ensuing years the CHRB revised its drug classifications and penalty guidelines, making the consequences more severe for medication violations.

The security committee initially considered detention barns as a way to improve the public perception of horse racing and to provide the desired level of security. However, some horsemen and racing associations strongly opposed this proposal. As an alternative, the committee explored the use of camera surveillance systems in the stable area. After months of reviews and considerable expense (e.g. the Del Mar Thoroughbred Club spent more than \$100,000 on a camera experiment), the consensus seemed to be that cameras were not the solution, principally

because it would have cost millions to hardwire the stable areas and install a sufficient number of cameras without any guarantees that camera surveillance would provide the desired level of security.

ANALYSIS

The Racing Medication and Testing Consortium established its own security committee. That security committee considered many of the same issues that were explored in California, plus others. And with greater resources, the RMTC review was more comprehensive. That committee made the following recommendations in a report to the RMTC Board in 2011:

- 1. Monitoring/Detention Barn:** Detention barns are the best and most effective way to prevent or reduce improper race day medication. All entries in at least two (2) randomly selected races per day be held in a detention barn for a minimum of eight (8) hours prior to post time. If the RMTC recommends a 24 hour medication ban, twenty four hours in a properly monitored barn prior to the race is the “gold standard” to prevent inappropriate administration of medication. Races should be selected by the stewards and/or the racing association and may include the stakes or featured race. Randomly selected horses could also be identified for inclusion in a monitoring barn by drawing numbers. At a minimum, one race per day should be designated on a random basis for detention barn coverage. All races would be eligible for detention barn designation, which would occur after entries were taken and then announced on the overnight. Recommendations for specifications for the detention facility are included in the TRPB document appended at the end of this committee report. Access to the monitoring/detention barn should be controlled by security to prevent unauthorized access to horses that would provide an opportunity for inappropriate medication administration.
- 2. Receiving Barns:** Arrival time of a ship-in horse is the most important (but not the only) factor in preventing improper pre-race administrations. The closer the arrival is to race time, the greater the opportunity for improper pre-race administrations. Race tracks should have a receiving barn(s) with capacity sufficient to accommodate the maximum number of shippers on a given day/race card. The degree of security conditions/controls used for shippers at a receiving barn should be matched for horses stabled on the grounds so that the same racing conditions exist for all entrants. Security measures at receiving barns are necessary if improper pre-race administrations are to be prevented. There needs to be a workable balance in arrival time between the respective operations of tracks and horsemen. Horses should be required to be presented to the receiving barn a minimum of 8 hours prior to race time. Further specifications and recommendations for receiving barns are included in the appendix TRPB document. Access to the receiving barn should be controlled by security to prevent unauthorized access to horses that would provide an opportunity for inappropriate medication administration.
- 3. Camera Surveillance:** Digital cameras may be installed in every barn or at least “in today” stalls in order to monitor activities particularly during the hours prior to racing (in conjunction with roving patrols and spot-checking. These cameras would be connected to large-capacity hard drives and would need to be monitored by security personnel. There are many technical issues to be addressed with video camera surveillance and the technology is rapidly evolving. Camera surveillance could be used as part of an “earned surveillance program.
- 4. “In-today” Stall Signs:** A sign that identifies a horse in a certain stall as an “in-today” horse should be displayed on the stall of every horse entered on the day’s card. These signs should be put on the stall the day before race day and security personnel should spot check barns during the

24-hour period before the race, particularly between the hours of 3 to 6 AM, and significant fines or suspensions to be levied if a horse is moved from the stall or if unauthorized persons enter the stall. The tattoo number, color and sex of the entered horse should be posted on the "in today" sign, along with a local 800 number for track security in order to facilitate reporting violations. Copies of a horse identifier's list of entered horses with their tattoo numbers should be made available to security personnel who patrol the general barn area; to be used for checks of "in today" horses.

[Note: The CHRB has required In-Today signage since the late 1980s.]

5. Periodic Inspections: Racing association security personnel should conduct random and periodic inspections of licensees physically present on racetrack grounds, to include trainers, assistant trainers, grooms, veterinarians, veterinarian technicians, and vendors. Inspections shall comply with association policies and procedures regarding predication, execution and scope of said inspections, as well as the inclusion of racing commission or other individuals authorized to participate or witness the inspection.

6. Eight-Hour Rule: All entered horses must be on the grounds of the racetrack, in either the detention/monitoring barn or at an identified stall with security personnel in place, no later than eight hours prior to post time. Access to these horses should be restricted for at least 8 hours before post-time by anyone other than certain authorized personnel. Horses that are not on the grounds by the specified time prior to post time would be scratched with discretion given to stewards to consider extenuating circumstances (traffic or weather conditions not under the control of the horse's connections).

7. Vet "ride-along" program: In this program investigators or security personnel would accompany veterinarians during their rounds for the day, particularly between the hours of 3 to 6 AM. Wherever feasible or practical, different veterinarians should be selected for a "ride-along" program. Consideration should also be given to doing this with vendors on a periodic basis as well. This might best be used as a component of an "earned surveillance" program.

8. Training of Security Personnel: Racing associations should develop comprehensive training programs which enable backstretch security personnel to expand their knowledge and abilities in policing and securing the stable area. Associations should support and participate in available security training opportunities, such as those provided by the Thoroughbred Racing Protective Bureau (TRPB) and the Organization of Racing Investigators (ORI). These programs should promote use of "best practices" to secure horses on race day. Training programs should be incorporated into standards for NTRA accreditation of North American Racetracks.

9. Earned Surveillance: All horses racing from a stable that has repeated or egregious positive drug tests should be required to report to the detention barn (8) hours prior to post time, for a period of no less than 30 days. These stables would also qualify for increased scrutiny by security personnel. Licensees who have repeated or egregious violations would similarly qualify for increased scrutiny by security officers (e.g. "ride-along" program, use of video surveillance, increased random visits to the barn, or spot checks of licensees).

10. Random Barn Inspections: The barn of a trainer of a random horse in a random race once a week is inspected by track security with a horsemen's group representative to witness and a commission investigator to act.

11. Reporting and Communication: All participants in racing, and particularly those whose livelihoods bring them to the backstretch of a racetrack each day, have an opportunity to contribute to improving the integrity of our sport by reporting suspected untoward activity immediately to association security or racing commission personnel, or TRPB, through its toll-free, anonymous tip line (1-866-TIP-TRPB). Association investigators should, through appropriate dissemination mechanisms such as TRPB, ensure information regarding alleged untoward activity on the part of licensees, improper race-day substances, or other useful or actionable intelligence gleaned during their race meeting, is shared amongst their peers and to racing commission investigators.

(The CHRB has maintained an anonymous tip line [800-805-7223] for more than 10 years. More than 90 % of the calls received are related to questions about licensing issues).

(The complete RMTC report is included in this committee package.)

RECOMMENDATION

Staff recommends the Committee hear testimony on these and any other concerns and recommendations.

AASE HEADLEY
269 WEST NORMAN AVENUE
ARCADIA, CALIFORNIA 91007

August 20 2013
CHRB
1010 Hurley Drive #300
Sacramento, California 95825

To the CHRB Board Members:

I spoke three minutes last August regarding the lack of security on California backstretches.

At the time the 2012 Olympics had concluded safely with literally thousands of video cameras throughout London. Since then, the Boston Marathon Bombers were quickly identified and captured via cameras.

Every hotel, bank, Seven-Eleven, etc. protects themselves and their customers with cameras. Track management obviously considers cameras effective since they cover the grandstand, escalators, parking lots, bars, money rooms, mutual lines, etc. There are even overhead cameras in the admission booths to be sure money is being put in the right place. Yet, at Santa Anita the only backstretch camera remains in the kitchen.

In 2013 the Kentucky Derby, Belmont, and Travers have placed important security measures on their Classic Races: out of competition testing, submission of three day veterinary records, TCO2 tests, trained surveillance of horses, personnel, feed, medication, and rules as to when horses must be on the grounds.

I had hoped the TOC would have insisted that contracts with 2013 Del Mar and the coming Santa Anita meeting would have language covering increased security and safety for our horses, owners, trainers, jockeys, and fans. But they have not, so far.

Our sports pages and the media are engulfed in the current baseball, track stars, and, of course, Lance Armstrong scandals involving illegal drugs. Our recent exposure of frog juice positives, powerful clenbuterol from Mexico, etc show we, as an industry, also have problems. Dr. Arthur reports California does more out of competition testing than any racing jurisdiction. I'm sure he is correct. But it is not enough. Many states do none. The perception of our fans is everything.

I suggest there be unannounced out of competition testing with follow up on all graded stakes. And randomly in other races. Today, cameras are a hundred bucks at Wahl Mart & Home Depot. They can be placed in shedrows and overhead in stalls of in-today horses.

Submit three day vet records for graded stakes.

Seventy two hour trained surveillance on Grade 1 races. The current six hours of stake races in excess of \$100K is outdated and not cost effective.

A trained twenty four hour team on the backstretch to observe and investigate late night and early morning activity.

Focused shock wave by a single CHRB approved brand machine requires a 10 day waiting period prior to entry. There are uncounted knock-off private machines unsupervised by veterinarians clanking nights and mornings. Are these runners ten days out? The safety of horses and riders require rules and supervision of unregulated & off track shock wave machines. Horses need to feel their legs under them.

I would like to leave you with some media quotes regarding the baseball scandals:

"Baseball dopers hurt the game and the livelihood those who don't."

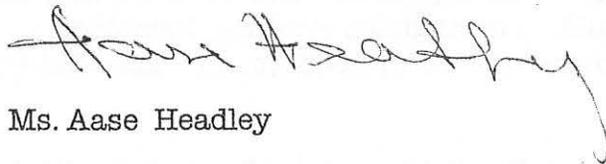
"Baseball teams will quietly live with juicers as long ^{as} and those teams and managers can profit from them".

"The performance enhancing drug business will continue as long as the rewards to both players and teams are greater than the risk."

"There are a lot of guys, sitting at home, not playing, because a cheater took their job." (Brian Fuentes, former Angels closer)

I look forward to some serious and immediate changes in our backstretch security.

Yours very truly,



Ms. Aase Headley

RMTC Security/Surveillance Committee Report

Subsequent to the International Summit on Race day Medication Dr. Lewis formed an ad hoc committee to address the following charges:

1. Review the work of the prior RMTC Security Committee
2. Recommend a security system adequate to protect the horses in the event of either (a) turning race day salix over to regulatory vets and/or (b) phased ban of race day medication.
3. Make a recommendation as to how this security system should be funded.

The following document represents the report of the RMTC Security/Surveillance committee to the RMTC Board of Directors on security techniques to protect horses from the inappropriate administration of medication on race day.

Background:

In 2007 the RMTC convened a Security Committee that created a "Security/Investigative Training Program" in order to identify and promote 'best practices' in backstretch security. This document included recommendations intended to demonstrate the racing industry's intention to provide a strong, integrity-based racing environment meant to improve the overall quality of racing, the perception that racing is being conducted honestly and improve the racing product to the wagering public. Further, it would foster the cooperation of most racing participants to assist investigators in security matters.

This committee suggested that a strong backstretch security presence (a collaborative effort by track, state, TRPB and other law enforcement agencies) would prompt an attitude change among backstretch licensees who see improper activities to come forward and take greater personal responsibility in security matters. An environment driven by coordinated security/investigative professionalism must be in place for this to happen.

The following quote from that document is as relevant to our current situation as it was to the circumstances that led to the formation of that effort in 2007: "Public confidence in our sport is undermined by the perception that drugs can be used to enhance racing performance. Standards of integrity for racing have never been more important. The abuse of illegal medication threatens not only our long-term growth, but our survival as an industry. The future of our sport is at stake."

Increased and improved pre-race security measures can potentially minimize or eliminate the administration of illegal drugs to racehorses. It is imperative that racehorse owners demand stringent security prior to a race, and the backstretch

Version: 7.28.2011

personnel be educated as to the need for security procedures. It is equally important for racing associations to enforce these security procedures and to include language detailing them in stall applications.

Potential Recommendations for Security Procedures to secure horses on race day:

1. **Monitoring/Detention Barn:** Detention barns are the best and most effective way to prevent or reduce improper race day medication. All entries in at least two (2) randomly selected races per day be held in a detention barn for a minimum of eight (8) hours prior to post time. If the RMTTC recommends a 24 hour medication ban, twenty four hours in a properly monitored barn prior to the race is the "gold standard" to prevent inappropriate administration of medication. Races should be selected by the stewards and/or the racing association and may include the stakes or featured race. Randomly selected horses could also be identified for inclusion in a monitoring barn by drawing numbers. At a minimum, one race per day should be designated on a random basis for detention barn coverage. All races would be eligible for detention barn designation, which would occur after entries were taken and then announced on the overnight. Recommendations for specifications for the detention facility are included in the TRPB document appended at the end of this committee report. Access to the monitoring/detention barn should be controlled by security to prevent unauthorized access to horses that would provide an opportunity for inappropriate medication administration.
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the receiving barn should be controlled by security to prevent unauthorized access to horses that would provide an opportunity for inappropriate medication administration.

3. **Camera Surveillance:** Digital cameras may be installed in every barn or at least “in today” stalls in order to monitor activities particularly during the hours prior to racing (in conjunction with roving patrols and spot-checking. These cameras would be connected to large-capacity hard drives and would need to be monitored by security personnel. There are many technical issues to be addressed with video camera surveillance and the technology is rapidly evolving. Camera surveillance could be used as part of an “earned surveillance program.
4. **“In-today” Stall Signs:** A sign that identifies a horse in a certain stall as an “in-today” horse should be displayed on the stall of every horse entered on the day’s card. These signs should be put on the stall the day before race day and security personnel should spot check barns during the 24 hour period before the race, particularly between the hours of 3 to 6 AM, and significant fines or suspensions to be levied if a horse is moved from the stall or if unauthorized persons enter the stall. The tattoo number, color and sex of the entered horse should be posted on the “in today” sign, along with a local 800 number for track security in order to facilitate reporting violations. Copies of a horse identifier’s list of entered horses with their tattoo numbers should be made available to security personnel who patrol the general barn area; to be used for checks of “in today” horses.
5. **Periodic Inspections:** Racing association security personnel should conduct random and periodic inspections of licensees physically present on racetrack grounds, to include trainers, assistant trainers, grooms, veterinarians, veterinarian technicians, and vendors. Inspections shall comply with association policies and procedures regarding predication, execution and scope of said inspections, as well as the inclusion of racing commission or other individuals authorized to participate or witness the inspection.
6. **Eight-Hour Rule:** All entered horses must be on the grounds of the racetrack, in either the detention/monitoring barn or at an identified stall with security personnel in place, no later than eight hours prior to post time. Access to these horses should be restricted for at least 8 hours before post-time by anyone other than certain authorized personnel. Horses that are not

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on the grounds by the specified time prior to post time would be scratched with discretion given to stewards to consider extenuating circumstances (traffic or weather conditions not under the control of the horse's connections).

7. **Vet "ride-along" program:** In this program investigators or security personnel would accompany veterinarians during their rounds for the day, particularly between the hours of 3 to 6 AM. Wherever feasible or practical, different veterinarians should be selected for a "ride-along" program. Consideration should also be given to doing this with vendors on a periodic basis as well. This might best be used as a component of an "earned surveillance" program.
8. **Training of Security Personnel:** Racing associations should develop comprehensive training programs which enable backstretch security personnel to expand their knowledge and abilities in policing and securing the stable area. Associations should support and participate in available security training opportunities, such as those provided by the Thoroughbred Racing Protective Bureau (TRPB) and the Organization of Racing Investigators (ORI). These programs should promote use of "best practices" to secure horses on race day. Training programs should be incorporated into standards for NTRA accreditation of North American Racetracks.
9. **Earned Surveillance:** All horses racing from a stable that has repeated or egregious positive drug tests should be required to report to the detention barn (8) hours prior to post time, for a period of no less than 30 days. These stables would also qualify for increased scrutiny by security personnel. Licensees who have repeated or egregious violations would similarly qualify for increased scrutiny by security officers (e.g. "ride-along" program, use of video surveillance, increased random visits to the barn, or spot checks of licensees).
10. **Random Barn Inspections:** The barn of a trainer of a random horse in a random race once a week is inspected by track security with a horsemen's group representative to witness and a commission investigator to act.
11. **Reporting and Communication:** All participants in racing, and particularly those whose livelihoods bring them to the backstretch of a racetrack each day, have an opportunity to contribute to improving the integrity of our sport by reporting suspected untoward activity immediately to association security

or racing commission personnel, or TRPB, through its toll-free, anonymous tip line (1-866-TIP-TRPB). Association investigators should, through appropriate dissemination mechanisms such as TRPB, ensure information regarding alleged untoward activity on the part of licensees, improper race-day substances, or other useful or actionable intelligence gleaned during their race meeting, is shared amongst their peers and to racing commission investigators.

Critical Analysis of available Security Options:

1. Monitoring/Detention Barn:

- a. Strengths – This technique provides the “gold standard” for securing the horse prior to the race and is the only technique that can most reliably do so.
- b. Weaknesses – Some horses may not race to form because they are being held in an unfamiliar environment. A requirement to be in the facility 8 hours prior to race time places an extreme burden on those trainers entered in early races. For example, a horse entered in the first race may have to be in the barn by 4 AM. It is quite conceivable that the horse will need to be loaded and shipped from a training center or nearby racetrack at 2 AM or earlier to make that deadline. Experience in New York has shown that the requirement to be in the detention barn will significantly reduce the number of horses that will be entered to race. There is a significant cost to the trainer and passed along to the owner to have a handler remain with the horse in the detention facility. Short time intervals (less than 8 hours) provide opportunity to treat the horse on race day prior to arrival at the detention barn. The use of detention barns for selective or high purse level races minimizes this burden.

2. Receiving Barns:

- a. Strengths – Security at receiving barns that is comparable to detention facilities helps to provide a level playing field by addressing the inherent discrepancies in pre-race conditions for ship-in horses and horses stabled on the grounds.
- b. Weaknesses –It is virtually impossible to secure ship-in horses in the same way that horses on the grounds may be secured.

3. Camera Surveillance:

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- a. Strengths – Supervision of horses can be achieved over large areas and for increased period of time, possibly avoiding the need to sequester horses in a detention barn. A few trained security persons can monitor a large number of barns/stalls from a remote location. Video records may be recorded for future review and use in investigations/prosecutions. Some video systems are capable of providing alarm functions (either covert or overt) as well as remotely activating exterior or interior lights to enhance security.
- b. Weaknesses – Cameras may malfunction and can be defeated by avoiding field of view or removing the horse from the stall (ostensibly for blacksmith work, for example). Cameras would need to be placed into the stalls of horses in order to provide appropriate surveillance of “in today” horses. Video surveillance is not currently in place and the costs of putting this system in place would likely represent a significant capital expense. Redundancy of hard drives will be required in order to provide backup for secure data storage. Surveillance cameras must be capable of providing clear detail of the faces of anyone entering the in today stall. Surveillance considerations include purchase and maintenance of hardware, staffing of the cameras and storage of the data.

4. In-today Horses:

- a. Strengths – Horses may remain in their natural environment and are more likely to perform up to their form. Trainers save the expense of having a groom dedicated to taking the horse to a detention barn. All licensees should be encouraged to report potential violations. Cell phones (with cameras) provide a unique technological opportunity to document and report possible violations. This security technique should be incorporated with an educational effort to enlist support and buy-in of all licensees on the backstretch of the racetrack. The presence of these signs reminds all licensees of the commitment to security.
- b. Weaknesses – If horses are not supervised, either by cameras or by security personnel, this technique will not reliably eliminate potential breaches of security by individuals who intend to administer inappropriate medication. There is increased opportunity provided to breach this system due to the decreased degree of direct observation.

5. Periodic Inspections:

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- a. Strengths – Randomness of this technique leverages the effect on potential violators.
- b. Weaknesses – Randomness creates opportunities to breach security.

6. Eight-Hour Rule:

- a. Strengths – This technique requires that horses be placed in an environment where security can be more easily provided. Scratching horses that do not arrive on time encourages compliance.
- b. Weaknesses - A requirement to be in the facility 8 hours prior to race time places an extreme burden on those trainers entered in early races. For example, a horse entered in the first race may have to be in the barn by 4 AM. It is quite conceivable that the horse will need to be loaded and shipped from a training center or nearby racetrack at 2 AM or earlier to make that deadline.

7. Vet “ride-along” program:

- a. Strengths - Properly done, this technique provides an opportunity, not only to discourage inappropriate behavior by veterinarians or veterinary technicians, but encourages relationship building between trained investigators and veterinarians that could lead to increased collaborative efforts.
- b. Weaknesses – Improperly done, this technique will antagonize both parties and create an adversarial relationship. It is also labor-intensive. It is critical that the security officer not be overly-intrusive so as to disrupt the veterinary-client-patient relationship. Training of security personnel will be required with an emphasis placed upon establishing a collaborative rapport with good communication.

8. Training of Security Personnel:

- a. Strengths – Training increases the ability of security personnel to be more effective. Training resources are currently available and minimal cost.
- b. Weaknesses – Apathy toward security on the part of many racing associations.

9. Earned Surveillance:

Version: 7.28.2011

- a. Strengths – This focuses surveillance in areas where the impact is likely to be increased. It also conveys the commitment of the security program to follow-up on egregious violators even after a first violation.
- b. Weakness – Cost. The cost of this surveillance should be imposed upon the violator.

10. Random Barn Inspections:

- a. Strengths – The randomness of this technique will have a deterrent effect upon potential violators. The presence of a horsemen's group representative and a racing commission official facilitates immediate action.
- b. Weaknesses – Improperly done, this technique will antagonize both parties and create an adversarial relationship. It is also labor-intensive. Training of security personnel will be required with an emphasis placed upon establishing a collaborative rapport with good communication. There needs to be an open line of communication established between investigators and stewards and commission officers regarding barn inspections. Investigators will need permission and authorization by the Stewards to perform these inspections and if the inspections are not properly conducted with commission officers present, they may compromise the investigation and will potentially embarrass or anger the Stewards and disrupt the important working relationship between security officers and the racing office.

11. Reporting and Communication:

- a. Strengths – Increased collaboration between association investigators, TRPB, and racing commission investigators will enhance overall security efforts in a more effective manner. The development and sharing of intelligence, while maintaining requisite confidentiality requirements, is essential toward proactively addressing security/integrity vulnerabilities.
- b. Weaknesses – Although the technical infrastructure for collecting, digitally cataloguing, and disseminating intelligence/investigative information is in place at TRPB for TRA-member racetrack association security departments, certain administrative and legal matters would need to be addressed before TRPB could expand services to all racing venues. Participants need to be mindful of legal pitfalls (FOI/PA requirements, due process, arm's-length relationships) when government and private sector investigators interact on an on-going basis (e.g., investigations).

Version: 7.28.2011

Funding Security:

It is our belief that current economic pressures are the primary limiting factor in regulators' "appetite" for security. Typically, the state racing commission is charged with ensuring the integrity of racing in their jurisdiction. Creating a rule to eliminate race day medication without funding security amounts to an unfunded mandate. Having said that, we believe that security is everyone's responsibility. Trainers should participate by funding private barn security to protect their horses from tampering. Owners should participate by funding initiatives that will ensure a level playing field. A small portion of the money spent on race day medication could be devoted to security to ensure the level playing field. Tracks should participate by providing basic security of the facility. Veterinarians should participate by providing security of their medication and supplies and use proper medical waste procedures in order to ensure that needles and syringes are not made available to laymen or other individuals who would use them inappropriately to breach security and violate the rules of racing. The cost of meaningful race day security will be reduced to the degree that some or many of the necessary components may already be in place. Our goal should be to be maximally efficient with the resources that we have at hand. If testing efficiencies can be realized (e.g. outsourcing testing to accredited regional laboratories), some of that money could be diverted to support security. Re-allocation of funds currently used to fund security/testing efforts should be investigated.

The actual cost of security programs will vary with the protocols designed to meet the needs of individual racetrack facilities. Once the RMTC determines the parameters to be included in a model rule recommendation, a range of cost estimates can be provided.

Summary/Conclusions:

The fundamental objective of race-day security is to prevent the administration of inappropriate medication to horses entered to race that day. If adequate security and surveillance measures are put in place within 24 hours of racing, then the advantage of cheating goes away. One of the major challenges inherent in our diverse horse racing industry is how to provide similar and appropriate levels of security and supervision for horses that are stabled both on track and at off-track facilities. ALL horses would have to be on the track at 24 hours to make security equal for all.

Race-day Security recommendations must be adequate to enable enforcement of whatever model rules are recommended. It is counterintuitive and undermines the credibility of the racing industry to create a model rule that is unenforceable. A model rule to eliminate race day medication without security in place to enforce that rule is

Version: 7.28.2011

simply “window dressing.” For example, if a model rule requires that horses not receive medication on race day, then effective security must be in place throughout the period defined as “race day.” Therefore it is critical at the start, to define the “race day” period. For example, requiring horses to report to a detention/monitoring barn 4 hours prior to a race will not secure them on “race day” if they are being treated in the barn area, at a training center or on the van prior to reporting to the detention/monitoring barn at the race track.

There is not a “one size fits all” specific strategy that will provide appropriate race-day security at all racing facilities. It is important to develop a strategic security plan as deemed appropriate by security/administrative officers based upon the unique facility and manpower requirements of a given venue. Nonetheless, minimum strategic concepts must be in place, employing a combination of the security techniques outlined above. The committee feels that uniformity of security policy among North American racing jurisdictions is critical to the success of our industry. At a minimum, a combination of a modest increase in race day security in combination with severe penalties for egregious or repeat violators should be encouraged in all jurisdictions.

It is extremely unlikely that any single recommendation option, in and of itself, will enable us to secure horses on race day. Rather a comprehensive security plan will need to be created for each racing facility. The culture of security and cooperation by licensees is a laudable goal, but will take years to cultivate and nurture. In the meantime, a strong commitment to physical security methods is needed to begin to achieve that goal.

Security works hand-in-hand with testing and enforcement. The key to the success of an effective security program is to enable racing officials to identify violators and prosecute them to the extent that the penalty for violation is significant enough to deter others from cheating. The racing association must have the option to seek the removal of a trainer or veterinarian from its grounds in the best interest of racing. National uniformity of penalties will be helpful to support security and consideration should be given to encourage legislatures to pass laws that make tampering with the outcome of a race (including the illegal drugging of racehorses) a felony offense. A horse with an egregious positive test should be prohibited from racing for a specified period of time in order to impose a significant penalty against the owner of the horse, not just the trainer. Although quality testing is critical to the elimination of race day medication, security is equally as important, since many of the medications that we seek to regulate are not currently detectable. Out-of-competition testing will play an increasing role in enforcement of medication rules in the future. Authorization for random out-of-competition testing should be included in license documents for owners and trainers and stall applications.

Version: 7.28.2011

Reporting and communication is an extremely important component of any national policy and although the infrastructure for this is largely in place, the desire for collaboration is currently lacking. Commissions and racetracks are protective of their turf and often reluctant to share what may be perceived as security or integrity failures. This behavior must be discouraged and the value of reporting and communication must be emphasized and the practice encouraged by incorporating this strategy in a model rule.

If these fundamental strategic concepts are put in place, monitored and subjected to regular quality control review processes, security will be achieved to the degree supported by the political will of the regulatory body for a particular racing jurisdiction/facility.

Minimum Standards Recommended for increasing race-day security:

- Match requirements for race day security with the scope of model rule recommendations
- Provide security in receiving barns
- Use “in today” signage on stalls with emergency phone numbers to report violations
- Random barn inspections should be performed weekly
- Implementation of “earned security” procedures, including Vet “ride along” procedures, video surveillance and random inspections
- Severe penalties for repeat or egregious violations
- Create reporting and communication programs across all racing jurisdictions
- Promote use of TRPB tip line to reporting violations of racing rules in all racing jurisdictions

These minimum recommendations by no means represent what we consider to be the best practices for providing race day security. We recommend these standards as a starting point in order to provide a cost-effective program that will demonstrate a uniform commitment to meaningful security procedures across North America. As is the case with the NTRA Safety and Integrity Alliance protocol, security measures should be upgraded over time with the goal of continual improvement in mind.

“Best Practices” for race day security would employ a combination of the above recommendations and would likely include a secure monitoring barn for all horses to be housed prior to racing for the period specified in the language of a model rule.

Respectfully Submitted:

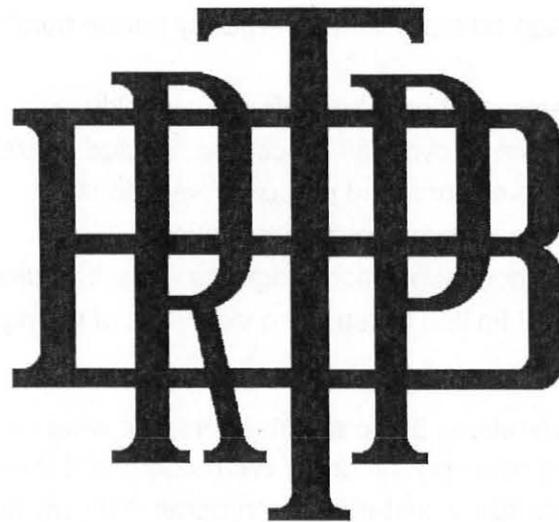
Version: 7.28.2011

RMTC Security/Surveillance Committee

Frank Fabian, Chris Scherf, Terry Meocks, Dr. Scott Hay, Tim Read, John Ward, Jamie Haydon, Mike Ziegler, Rogers Beasley, Mike Hopkins and Scott Palmer, Chairman

APPENDIX:

The following is a reference document for the RMTC Board to review at its discretion. This document represents the work of the TRPB and has not been modified in any way. TRPB's recommendations as stated in this document reflect that which its TRA-member racetrack associations have previously been presented, and have incorporated, in varying degrees, into their security protocols. Portions of the content of this document have been incorporated into the body of the committee report.



**Prevention of Improper Pre-Race Administrations
in Thoroughbred Racing**

Section I

Introduction

Industry Focus on Race Day Medication, Exercised-Induced Pulmonary Hemorrhage (EIPH), and the Racehorse

On June 13-14, 2011, an International Summit on Race Day Medication, EIPH, and the racehorse was conducted at Belmont Park, Elmont, New York, as part of the United States horse racing industry's undertaking a thorough evaluation of the use of medications on race day.

At the conclusion of the summit, sponsored by the Racing Medication Testing Consortium (RMTC), American Association of Equine Practitioners, and the National Thoroughbred Racing Association, a meeting of the Board of Directors of the RMTC was convened, and four subcommittees created within the RMTC to develop strategies to further some of the findings from those participating in the summit. One such subcommittee was the Security Subcommittee, to which this submission by TRPB responds.

TRPB, created in 1946 as a wholly-owned subsidiary of the Thoroughbred Racing Associations of North America (TRA), provides investigative, security, information management, wagering analytic and tote security services to its TRA-member racetrack association ownership. It has assessed the issue of preventing improper pre-race medications on a number of occasions over the years, and presented recommendations to its member associations.

Definitions

In its previous reviews on this subject, TRPB defined improper pre-race administrations to mean the infusion of a drug, chemical, or other substance in a horse that is entered to race, generally (but not exclusively) within a few hours of a race, and with such infusion intended to alter the condition of the horse and affect racing performance, as well as escape post-race detection.

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The principal purpose of improper pre-race administration is to gain an unfair or exclusive advantage over other competitors - that is, to cheat.

Improper pre-race administrations were not taken to mean treatment of an entered horse with medications currently permitted by individual regulatory jurisdictions on race day, such as Furosemide, Phenylbutazone, similar non-steroidal anti-inflammatory agents, or adjunct medications.

Improper pre-race administrations were also not taken to mean the administration of therapeutic medications by veterinary practitioners to maintain the normal health and well-being of a horse during training, even if such medications might constitute a "positive" if detected in post-race sampling. However, infusion of a normally acceptable therapeutic medication on race day or within time frames not permitted by individual commission regulation would constitute an improper administration.

Approaches to the Problem

While effective post-race testing and diligent investigation of all reports of improper use of drugs and medications are both necessary in the ongoing effort to address improper pre-race administrations, more needs to be done in two particular areas.

First, current operating practices and procedures that might facilitate improper pre-racing need to be amended or discontinued. In so doing, the opportunity to improperly pre-race a horse might be stopped outright or at least made as difficult as possible. In either case, a strong message would be sent that improper pre-racing is unacceptable and subject to a greater chance of detection.

Second, and perhaps more difficult, there needs to be a change in attitude among that segment of licensees (trainers, owners, veterinarians, and vendors) who see improper pre-racing as "taking their best shot" at the expense of other competitors, the betting public, and race tracks, all of whom have a capital investment in play. Instead, an attitude of greater personal responsibility needs to supplant that of personal self-gain at the expense of others.

Version: 7.28.2011

Closing off the opportunity to improperly pre-race and working toward attitudinal changes is the principal reason for offering the following practical security controls and operating procedures as guidelines for the thoroughbred racing industry. It is thought that the guidelines as presented can be used as a starting point for additional discussion

The guidelines that have been assembled are offered to the thoroughbred industry in good faith and without any agenda beyond seeking to address what is thought to be a problem that is compromising the thoroughbred industry. The guidelines are the work product of the TRPB, and cover:

- ◆ Detention Barns
- ◆ Receiving Barns
- ◆ General Stable Area
- ◆ Veterinary Considerations
- ◆ Vendors

Section II

Recommended Guidelines

to Prevent

Improper Pre-Race Administrations

Detention Barns

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Conclusions - Detention barns are the best and most effective way to prevent or reduce improper pre-race administrations.

The expense of operating detention barns and physical limitations within a stable area works against the use of a detention program for every horse in every race.

While detention barns are generally being used for selective stakes or high purse level races or other circumstances in *standardbred* racing, this **is not** the case in *thoroughbred* racing.

Recommended

Guidelines - At a minimum, one race per day should be designated on a random basis for detention barn coverage. All races would be eligible for detention barn designation, which would occur after entries were taken and then announced on the overnight. Said designation would be made by appropriate executive(s) of the racing association.

In the above scenario, horses entered in a designated race would enter detention at 6:00 p.m. on the day prior to race day (preferred) or at a minimum 6:00 a.m. on race day.

For night racing, a comparable arrival time would be established, e.g. 8:00 a.m. morning of race.

- A track's detention barn should have sufficient stalls to accommodate those horses in pre-race detention, and post-race cool out period, and incoming detention horses for the next day; also to allow for cleaning and disinfecting vacated stalls.

The operating standards and conditions of a detention barn should include the following:

- ◆ Secure facility - fenced, one entry/exit point that is controlled by trained security personnel
- ◆ Limited number of licensed personnel permitted to enter - maximum of three (e.g. trainer, groom, and owner).
Unlicensed guests not permitted.
- ◆ Entry-exit logs kept
- ◆ Administrative searches and checks of all equipment, feed, hay, bales, etc.
- ◆ Video surveillance of all areas from a top down or ceiling vantage point -- prominent posting of signs that video surveillance is in use
- ◆ Limited and controlled veterinary access - monitoring of veterinary approach to an entered horse. Veterinarians logged in and escorted.
- ◆ Security personnel and/or investigators on patrol within the detention barn
- ◆ No food and beverage for human consumption allowed in or around stall space
- ◆ Horses stabled on the grounds that are entered in a race desig-

Version: 7.28.2011

nated for detention must also go into detention to insure level
(same) conditions for all participants in the race

- ◆ Horses identified upon arrival and assigned to specific (numbered) stall
- ◆ Lasix administration in designated stalls by single veterinarian designated by track management and agreement of horsemen's association.

Version: 7.28.2011

Receiving Barns

Conclusions - The arrival time of a ship-in horse is the most important (but not the only) factor in preventing improper pre-race administrations.

The closer an arrival time is to race time, the greater the opportunity for improper pre-race administrations. Conversely, the further the arrival time is from race time, the better the opportunity to reduce or close off such administrations.

Race tracks should have a receiving barn(s) with capacity sufficient to accommodate the maximum number of shippers on any given day/race card.

The degree of security conditions/controls used for shippers at a receiving barn should be matched for horses stabled on the grounds so that the same racing conditions exist for all entrants. This *might*

include horses stabled on the grounds going to a receiving barn if security operations and conditions at the facility approach that of a detention barn.

Security measures at receiving barns are necessary if improper pre-race administrations are to be prevented.

There also needs to be a workable balance (in the arrival time) between the respective operations of tracks and horsemen.

Recommended

Version: 7.28.2011

Guidelines - Arrival Times

For tracks with day racing, the following arrival times for horses in the receiving barn of the track where live racing is being held are suggested:

| <u>Post Time</u> | <u>Arrival Time</u> |
|------------------|----------------------------------|
| 12:30 p.m. | 6:30 a.m. preferred arrival time |
| | 7:30 a.m. minimum |

| <u>Post Time</u> | <u>Arrival Time</u> |
|------------------|---|
| 1:00 p.m. | 7:00 a.m. preferred arrival time 8:00 a.m. minimum |

| | |
|-----------|---|
| 1:30 p.m. | 7:30 a.m. preferred arrival time 8:30 a.m. minimum |
|-----------|---|

Recommended

Guidelines -

Arrival Times

For tracks with night racing --

| <u>Post Time</u> | <u>Arrival Time</u> |
|------------------|--|
| 6:30 p.m. | 12:30 p.m. preferred arrival time 1:30 p.m. minimum |
| 7:00 p.m. | 1:00 p.m. preferred arrival time 2:00 p.m. minimum |
| 7:30 p.m. | 1:30 p.m. preferred arrival time 2:30 p.m. minimum |

Version: 7.28.2011

- If a trainer who is shipping in to race also has regularly assigned stall space, the ship-in horse could be placed in one of the trainer's regular stalls rather than going into a stall at the receiving barn. This assumes that the track does not have any pre-existing policy that prohibits this practice. The foregoing will not apply if a horse is entered in a race designated for detention barn coverage.

While pre-race arrival time is the most important factor in controlling improper pre-race administrations, it is not the only one. The degree of security controls at receiving barns is also important to closing the window of opportunity to pre-race a horse. Thus, depending on exactly what other conditions are linked to arrival time, there could be two separate levels of receiving barn operations that in turn would create **minimum** and **maximum** levels of prevention against improper pre-race administrations.

Version: 7.28.2011

Minimum Level of Prevention

- ◆ Designated stall space at receiving barn is assigned by a security person or stall office personnel
- ◆ Receiving barn has on-site supervisors/administrators during pre-race ship-in hours and during racing until last race goes to the paddock
- ◆ Random security patrols of receiving barn same as in the general (on the grounds) stable population
- ◆ For ship-in horses, all Lasix administrations given at the receiving barn

Maximum Level of Prevention

- ◆ Designated stall space at receiving barn is assigned by a security person or stall office personnel
- ◆ Receiving barn has on-site supervisors/administrators during pre-race ship-in hours and during racing until last race goes to the paddock
- ◆ At least one trained security guard/investigator assigned to patrol the receiving barn
- ◆ For ship-in horses, all Lasix administrations given at the receiving barn except that ship-in horses eligible to be placed in a trainer's regular assigned stall space would be given Lasix treatment in said

Version: 7.28.2011

stall and not at the receiving barn

- ◆ Introduction/use of *some* aspects of a detention barn, e.g. secure facility, controlled access, spot checks of equipment and feed, use of video surveillance, and controlled veterinarian access

Alternate Maximum Level of Prevention

- ◆ Designated stall space at receiving barn is assigned by a security person or stall office personnel
- ◆ Receiving barn has on-site supervisors/administrators during pre-race ship-in hours and during racing until last race goes to the paddock
- ◆ At least one trained security guard assigned to patrol the receiving barn
- ◆ With introduction of *some* aspects of a detention barn at a receiving barn, horses stabled on the grounds would be required to be in the receiving barn - same as ship-in horses – 5-6 hours before race time.
- ◆ All Lasix administrations given at the receiving barn except that ship-in horses eligible to be placed in a trainer's regular assigned stall space would be given Lasix treatment in said stall and not at the receiving barn.
- ◆ Having all horses in the receiving barn would concentrate all security patrols in that area vs. widespread checks in general stable area of "In Today" horses.* Increased security could be obtained with reduced security personnel (cost) since general stable patrols of "In Today" horses would not be necessary.

*See General Stable Area

Version: 7.28.2011

General Stable Area

Recommended

- Guidelines
- "In Today" signs posted at the stalls of all entered horses that are stabled on the grounds as well as any horse that ships into a trainer's regularly assigned stall space. Signs posted a minimum of 8 hours before race time or upon arrival of a ship-in horse. Tattoo number of the entered horse posted on the sign.
 - Copies of a Horse Identifier's List of entered horses with their tattoo numbers should be made available to security personnel who patrol the general barn area; to be used for checks of "In Today" horses.
 - Security personnel, as a matter of standard policy and practice, should not touch or handle an "In Today" horse in any manner. This would specifically include a check and verification of the horse's tattoo brand number. Any such check should be performed for security personnel by a trainer, vet, or caretaker of the horse.
 - For entered horses stabled on the grounds, use of designated and *trained* security personnel to regularly patrol and check at the stalls of all "In Today" horses. Spot checks made to verify that correct (entered) horse is in the "In Today" stall.
 - Security personnel would challenge and review activity of any veteri-

Version: 7.28.2011

narian observed at or in the stall of an "In Today" horse.

- No horse stabled on the grounds of a race track hosting live racing should be permitted to leave its stall or ship off the grounds after the posting of the "In Today" sign.

- Trained security personnel or investigators should on a random or probable cause basis select a limited number of entered horses each day for escort from its stall to the paddock with such escort beginning a minimum of 1 hour before post time.

Version: 7.28.2011

Veterinary Considerations

Recommended

Guidelines - Veterinarians have *limited* reasons to approach an entered horse on race day whether it is in detention, the receiving barn, or its own stall. They should not do so except for:

- Approved Lasix administration or other permitted race day medications

- Examination of an ongoing condition, for illness, and scratch from race

Excluding the use of a hypodermic to administer Lasix or other permitted medication, a veterinarian should not approach an entered horse with a hypodermic containing any other drug or with other implements used to infuse, e.g. tubing, dose syringes,

or similar.

Regular monitoring of veterinarians by trained track security/

investigative personnel should be conducted when a veterinarian

is present at the receiving barn of the live race track and/or when a veterinarian is present at the stall of an "In Today" signed horse.

Wherever feasible or practical, different veterinarians should be selected at least twice a week for a "ride along" program whereby a trained track security officer/investigator accompanies the veterinarian on his rounds for several pre-race hours.

Version: 7.28.2011

On a bi-annual basis, upon arrival at the racetrack, a random inspection of a veterinarian's vehicle and equipment should be conducted by qualified security personnel, and any unapproved, outdated, or unlabeled medications or substances confiscated for testing or disposal.

Track management and practicing veterinarians on the grounds are encouraged to have regular meetings to ensure conditions, policies, and concerns are effectively communicated and understood.

It is recognized that many jurisdictions require submission of daily treatment reports to a Commission/State Veterinarian and that handling and release of these reports is privileged, e.g. Stewards;

however, in the absence of Commission requirements, veterinarians should voluntarily maintain daily billing/treatment records that fully identify the patient (horse), date and time of treatment/medication dispensed, and related information, making such records promptly available during a bona fide inquiry by authorized Commission or racing association investigative personnel. It is understood that such records would be requested only when veterinary treatment is at issue.

(Similarly, a Trainer should be required to keep a daily log of horses receiving medication/treatment, including the horse's name; medication/treatment; route and dosage; name of person administering medication/treatment; and name of person prescribing medication/treatment, making such records promptly available during a bona fide inquiry by authorized Commission or racing association investigative personnel.)

Vendors

Recommended Vendors seeking entry onto the grounds to sell to tack shops Guidelines - or veterinarians should not be allowed access unless and until each

Version: 7.28.2011

is fully identified and licensed, and specific authorization/approval is received from track security or an authorized track representative.

Before authorization/approval is given, vendors should

- complete a Personal History form
- identify their product(s)
- have product(s) reviewed and approved by state veterinarian
- have a background check completed through TRPB files
- execute a Consent to Search form
- agree not to make direct deliveries to veterinarians; rather, drop ship at the main stable gate or to the veterinarian's off-track place of business/residence
- agree not to bring any hypodermics, other implements used for infusion, or injectable medications on the grounds at any time.

Violations

In the event that a trainer, his employee, or agent commits a serious violation of established track policies such as:

- ◆ Repeated or flagrant late ship-in to detention or receiving barn

Version: 7.28.2011

- ◆ Wrong horse in stall marked "In Today"
- ◆ Improper administration or in-stall approach to an entered horse with improper substances and/or implements

said violation should first be referred to the Stewards and, second, may become the basis of a separate hearing by track management for imposition of its own penalty that may, as an example, include any of the following:

- ◆ Barring further entry of the horse for a limited period of time, e.g. minimum 180 days
- ◆ Barring further entry by the trainer for a limited period of time, e.g. minimum 180 days
- ◆ Mandatory detention for a limited period of time for all horses entered by the offending trainer
- ◆ In the event a horse is post-race positive for a prohibited substance, bar its entry for 30-45 days independent of any Stewards' action against the trainer.

STAFF ANALYSIS
DISCUSSION REGARDING
CLONING OF RACEHORSES

Medication and Track Safety Committee
September 18, 2013

BACKGROUND

On August 22, 2013, a U.S. District Court judge issued a final ruling in favor of plaintiffs Jason Abraham and Gregg Veneklasen in an antitrust lawsuit against the American Quarter Horse Association to require the breed registry to register clones and their offspring. The ruling upheld a jury's decision in favor of Abraham and Veneklasen on July 30 in the U.S. District Court for the Northern District of Texas. The plaintiffs filed an anti-trust suit against the AQHA after the organization denied registry to at least eight cloned horses belonging to Abraham. The AQHA advised the CHRB on September 5 that they will file a motion to stay the enforcement of the judgment, pending an appeal by the organization.

ANALYSIS

Cloning, which involves placing the nucleus of a skin cell into an empty egg – a process also known as somatic-cell nuclear transfer – currently is not permitted by the quarter horse, thoroughbred, and standardbred breed registration organizations.

In response to the quarter horse litigation, the Jockey Club issued the following statement on July 30:

“The facts involved in the AQHA case are very different from those applicable to the registration of Thoroughbreds and the decision in that case has no bearing on the rules for registering Thoroughbreds. The Jockey Club, as an organization dedicated to the improvement of Thoroughbred racing and breeding, believes that the short- and long-term welfare of the sport of Thoroughbred racing and the Thoroughbred breed are best served by the current rules. The Jockey Club believes the (following) studbook rule below precludes clones from being registered as Thoroughbreds:

“1D. Eligibility For Foal registration: To be eligible for registration, a foal must be the result of a stallion's Breeding with a broodmare (which is the physical mounting of a broodmare by a stallion with intromission of the penis and ejaculation of semen into the reproductive tract). As an aid to the Breeding, a portion of the ejaculate produced by the stallion during such mating may immediately be placed in the uterus of the broodmare being bred. A natural gestation must take place in, and delivery must be from, the body of the same broodmare in which the foal was

conceived. Without limiting the above, any foal resulting from or produced by the processes of Artificial Insemination, Embryo Transfer or Transplant, Cloning or any other form of genetic manipulation not herein specified, shall not be eligible for registration."

The American Quarter Horse Association issued the following position statement:

1. *It is AQHA's position that when people with shared interests, goals and values come together to form a voluntary private association to serve a common purpose, the members have a right to determine the rules for their association.*
 - *Setting rules around registering American Quarter Horses and defining the American Quarter Horse breed is key to what AQHA does.*
 - *AQHA registration rules have always required that only horses resulting from the breeding of a mother and a father (the joining of an egg and a sperm) are eligible for registration.*
 - *Cloning involves taking tissue cells from a horse -- even from a dead horse -- and injecting it into an egg to make a copy of that horse. Clones don't have parents. Cloning is not breeding.*
 - *Like a number of other breed registries, including the Jockey Club and the American Kennel Club, AQHA does not register clones.*
 - *In 2004, the AQHA membership passed Rule 227(a) to further stipulate that clones are not eligible for registration.*
 - *A survey of the AQHA membership showed that an overwhelming 86% of the members do not believe clones should be registered with AQHA.*
 - *Since the first cloning proposal in 2008, not a single AQHA member attending the convention membership business meeting has spoken or voted at such meeting in favor of registering clones or their offspring. Likewise, since 2008, not a single member of the Board of Directors attending the final Board meeting has spoken or voted at such meeting in favor of registering clones or their offspring.*
 - *This lawsuit is an attempt by two members of AQHA to force AQHA to register clones against the wishes of the membership.*
2. *Since its inception in 1940, American Quarter Horse breeders have been in the honorable business of working to make each generation of horses better than the generation before.*
 - *There is a fundamental, shared belief among AQHA members that the art and science of breeding is the way to improve the breed.*
 - *Cloning doesn't improve the breed; it just makes Xerox copies of the same horses.*
 - *With clones we're not moving forward, we're staying the same.*
3. *A key purpose of a breed registry is to be able to prove who the parents of a particular horse are. AQHA maintains records regarding the family trees or lineages of horses.*
 - *AQHA uses DNA testing to verify who a horse's mother and father are.*
 - *Prior to the registration of any foal, a genetic type must be on file for mothers born after January 1, 1989 and for fathers exposed to more than one mare after January 1, 1998.*
 - *Parentage verification has been part of AQHA rules as far back as the 1960's. Currently, a horse must be parentage verified through genetic testing before it can be registered if:*

- *AQHA has cause to question its parentage.*
 - *Either of the parents was less than 2 years of age at time of conception.*
 - *It was the result of the use of embryo/oocyte transfer or cooled/frozen sperm.*
 - *It was more than 48 months of age at time of application.*
 - *Its mother was exposed to more than one stallion within a 30 day period.*
 - *It has excessive white markings.*
 - *It was born on or after January 1, 2007 and is a relative of the horse Impressive*
 - *For racehorses, in order to be tattoo identified, all horses foaled on or after January 1, 1992 shall be parentage verified through genetic testing.*
 - *When people buy a registered American Quarter Horse, they expect AQHA to be able to tell them exactly who a horse's mother and father are. If such people question the parentage of a horse, or it becomes necessary to check parentage for other reasons, AQHA has the ability to do so through DNA testing.*
 - *If a father is cloned, DNA testing is unable to determine whether the original father or its clone is the real father of a horse.*
 - *This problem also exists with respect to a mother if the egg used in cloning the mother comes from the same maternal line as the mother being cloned.*
4. *The consequences of cloning horses are not yet clear.*
- *Given the \$150,000 + cost of cloning, only very popular and elite horses will be cloned.*
 - *Breeders already use popular and elite horses over and over again in their breeding programs.*
 - *Sometimes too much of a "good" thing -- like copying a popular or elite horse over and over again for breeding purposes -- can lead to a bad thing.*
 - *Cloning has the potential to intensify the narrowing of the gene pool resulting in the worsening of known and unknown genetic diseases or the creation of new genetic diseases.*
5. *Plaintiffs allege that there is a shortage of elite horses and cloning would alleviate this problem.*
- *Statistics show that there is no shortage of elite horses for buyers and breeders to choose from.*

RECOMMENDATION

This agenda item is primarily for informational purposes. The committee may wish to hear interested parties.