

CALIFORNIA HORSE RACING BOARD
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MEDICATION AND TRACK SAFETY COMMITTEE MEETING

of the California Horse Racing Board Medication Committee will be held Friday, August 26, 2011, commencing at 10:30 a.m., at the Del Mar Surfside Race Place (Downstairs General Admission Area), 2260 Jimmy Durante Blvd., Del Mar, California. Non-committee Board members attending the committee meeting may not participate in the public discussion, official committee vote or committee closed session.

Discussion Items

1. Update and discussion regarding national issues concerning race day medications.
2. Discussion and action regarding the proposed amendment of CHRB Rule 1843.3 Penalties for Medication Violations, to change the time period for imposing a Category "B" second offense penalty from a 365 day-period to two years; and for a third offense penalty for a Category "B" violation from a 365 day-period to five years.
3. Update and discussion regarding the CHRB track safety standards program.
4. Discussion regarding the procedures for removal of inactive and out-of-state horses from the California Veterinarian's List.
5. Discussion regarding procedures for implementation of the adopted amendment to CHRB Rule 1844, Authorized Medication, that reduced the permitted level of phenylbutazone in an official test sample from five micrograms per milliliter of blood plasma or serum to two micrograms per milliliter of blood plasma or serum, and reduced the permitted level of flunixin in an official test sample from 50 nanograms per milliliter of blood plasma or serum to 20 nanograms per milliliter of blood plasma or serum.
6. Discussion regarding conducting on-track medication withdrawal studies for commonly used therapeutic medications.
7. Discussion regarding procedures for implementation of the adopted amendment of CHRB Rule 1658, Vesting of Title to Claimed Horse, which allows a claim to be void if a claimed horse suffers a fatality during the running of the race or before it is returned to be unsaddled.

8. Discussion regarding alternatives to the proposed amendment of CHRB Rule 1846.5, Postmortem Examination, which would have required the preceding six months of veterinary records be submitted within 48 hours after submission of the Necropsy Submission Form.

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 agenda 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
Commissioner John C. Harris, Member
Kirk E. Breed, Executive Director

CALIFORNIA HORSE RACING BOARD

AUGUST 26, 2011

MEDICATION AND TRACK SAFETY COMMITTEE MEETING

There is no Medication and Track Safety Committee package material for
Item 1

STAFF ANALYSIS
DISCUSSION AND ACTION REGARDING THE
PROPOSED AMENDMENT OF
RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS,
TO CHANGE THE TIME PERIOD FOR IMPOSING A CATEGORY "B"
SECOND OFFENSE PENALTY FROM A 365 DAY-PERIOD TO TWO YEARS;
AND FOR A THIRD OFFENSE PENALTY FOR A CATEGORY "B"
VIOLATION FROM A 365 DAY-PERIOD TO FIVE YEARS

Medication and Track Safety Committee Meeting
August 26, 2011

BACKGROUND

Business and Professions Code section 19440 specifies that the Board shall have all powers, including but not limited to adopting rules and regulations for the protection of the public and the control of horseracing and pari-mutuel wagering. Business and Professions Code section 19461 provides that every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19580 states that the Board shall adopt regulations to establish policies, guidelines and penalties relating to equine medication to preserve and enhance the integrity of horse racing in this State. Section 19581 of the Business and Professions Code specifies that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Business and Professions Code section 19582 provides that violations of section 19581, as determined by the Board, are punishable in regulations adopted by the Board, and that the Board may classify violations based upon each class of prohibited drug substances, prior violations within the previous three years and prior violations within the violator's lifetime. The Board may provide for suspensions of not more than 3 years. The Board may also provide for disqualification from purses, except for a third violation during the lifetime of the licensee, for a drug substance determined to be class 1 or class 2, which shall result in the permanent revocation of the person's license. The punishment for second and subsequent violations of Business and Professions Code section 19581 shall be greater than the punishment for a first violation of section 19581 with respect to each class of prohibited drug substance.

ANALYSIS

The Board's Equine Medical Director has proposed that the Board consider an amendment to Rule 1843.3, Penalties for Medication Violations, to change the time period for imposing a Category "B" second offense penalty from a 365 day-period to two

years; and for a third offense penalty for a Category "B" violation from a 365 day-period to five years.

RECOMMENDATION

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

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

Medication and Track Safety Committee Meeting
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Single underlined text and ~~text with a single strikethrough~~ represent the changes to Rule 1843.3 as adopted by the Board at the July 2011 regulatory hearing.

Double underlined text and ~~text with a double strikethrough~~ represent changes proposed subsequent to the July 2011 regulatory hearing to be discussed at the August 2011 Medication and Track Safety Committee Meeting.

1843.3. Penalties for Medication Violations.

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

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

- (1) The past record of the licensee regarding violations of Business and Professions Code section 19581;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The legal availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;

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

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

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

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

(8) The purse of the race;

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

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

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

(c) For the purpose of this regulation, the Board shall consider the classification of a drug substance as referred to in Rule 1843.2 of this division and the California Horse Racing Board (CHRB) Penalty Categories Listing By Classification, (1/08), which is hereby incorporated by reference, if a determination is made that an official test sample from a horse contained:

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

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

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

CATEGORY "A" PENALTIES

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

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

CATEGORY "B" PENALTIES

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

LICENSED TRAINER:		
1st offense	2nd offense (365-day period <u>two years.</u>)	3rd offense (365-day period <u>five years</u>)
<ul style="list-style-type: none"> ◦ Minimum 30 -day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$20,000. 	<ul style="list-style-type: none"> ◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 10% of purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Board for any further action deemed necessary by the Board.
LICENSED OWNER:		
1st offense	2nd offense in stable (365-day period <u>two years.</u>)	3rd offense in stable (365-day period <u>five years.</u>)
<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1. 	<ul style="list-style-type: none"> ◦ Disqualification of horse, loss of purse and absent mitigating circumstances minimum fine of \$5,000. The presence of aggravating factors could be used to impose a maximum fine of \$20,000. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Horse shall be placed on the veterinarian's list for up to 45 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.

CATEGORY "B" PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO₂) TESTING

Penalties for violations due to exceeding permitted levels of TCO₂ as defined in Rule 1843.6 are as set forth below. All concentrations are for measurements in serum or plasma.

LICENSED TRAINER:		
1st offense TCO₂ (> 37.0mmol/l- <39mmol/l)	2nd offense TCO₂ (> 37.0mmol/l- <39mmol/l)	3rd offense TCO₂ (> 37.0mmol/l- <39mmol/l)
<ul style="list-style-type: none"> ◦ Up to a 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$1,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000. 	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 120-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> ◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.
LICENSED OWNER:		
1st offense TCO₂ (> 37.0mmol/l- <39mmol/l)	2nd offense TCO₂ (> 37.0mmol/l- <39mmol/l)	3rd offense TCO₂ (> 37.0mmol/l- <39mmol/l)
<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> ◦ Disqualification of horse, loss of purse and in the absence of mitigating circumstances, \$2,500 fine.
LICENSED TRAINER:		
1st offense TCO₂ (≥ 39.0mmol/l)	2nd offense TCO₂ (≥ 39.0mmol/l)	3rd offense TCO₂ (≥ 39.0mmol/l)
<ul style="list-style-type: none"> ◦ Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000. 	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000. 	<ul style="list-style-type: none"> ◦ Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension. <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000.
LICENSED OWNER:		
1st offense TCO₂ (≥ 39.0mmol/l)	2nd offense TCO₂ (≥ 39.0mmol/l)	3rd offense TCO₂ (≥ 39.0mmol/l)
<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> ◦ Disqualification of horse and loss of purse. 	<ul style="list-style-type: none"> ◦ Disqualification of horse, loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.

CATEGORY "C" PENALTIES

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

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

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

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

The official veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). With permission of the official veterinarian the trainer may elect to pay the minimum fine in lieu of a stewards' hearing. If the trainer has not had an 1844 (c) violation within the previous three years, the official veterinarian or the board of stewards may issue a warning in lieu of a fine for violations of 1844 (c)(1), phenylbutazone, provided the reported level is below ~~7.5~~ 5.1 mcg/ml.

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

(e) Violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category "D" penalty, may result in a written warning for a first offense to the licensed trainer and owner. ~~A Category "D" penalty is a written warning to the licensed trainer or~~

~~owner.~~ A Category "D" penalty for a first offense may result in a written warning or fine that will remain on the licensee's record for a period of two years. After the two year period, if the licensee has had no further violations of CHRB Rule 1843, the Category "D" penalty will be expunged from the licensee's record for penalty purposes.

CATEGORY "D" PENALTIES

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

CATEGORY "D" PENALTIES FOR RULE 1844(C)(1) VIOLATIONS

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

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

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

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

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

(2) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category "B" or "C" may be referred to the CVMB for consideration of further

disciplinary action upon the recommendation of the Equine Medical Director, the board of stewards or hearing officers.

(i) A licensee who is suspended, or whose license is revoked, because of a medication violation is not able to benefit financially during the period of suspension or revocation. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

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

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

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

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

Section 11425.50,
Government Code.

CALIFORNIA HORSE RACING BOARD

AUGUST 26, 2011

MEDICATION AND TRACK SAFETY COMMITTEE MEETING

There is no Medication and Track Safety Committee package material for
Item 3

STAFF ANALYSIS
DISCUSSION REGARDING THE PROCEDURES FOR REMOVAL
OF INACTIVE AND OUT-OF-STATE HORSES
FROM THE CALIFORNIA VETERINARIAN'S LIST

Medication and Track Safety Committee Meeting
August 26, 2011

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, Veterinarians 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, injury, lameness, unsoundness, or infirmity. 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.

RECOMMENDATION

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

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

Medication and Track Safety Committee Meeting
August 26, 2011

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 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.

(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
PROCEDURES FOR IMPLEMENTATION OF THE ADOPTED
AMENDMENT TO CHRB RULE 1844, AUTHORIZED MEDICATION, THAT REDUCED
THE PERMITTED LEVEL OF PHENYLBUZAZONE IN AN OFFICIAL
TEST SAMPLE FROM FIVE MICROGRAMS PER MILLILITER OF BLOOD PLASMA
OR SERUM TO TWO MICROGRAMS PER MILLILITER
OF BLOOD PLASMA OR SERUM,
AND REDUCED THE PERMITTED LEVEL OF FLUNIXIN (LASIX) IN AN
OFFICIAL TEST SAMPLE FROM 50 NANOGRAMS PER MILLILITER OF
BLOOD PLASMA OR SERUM TO 20 NANOGRAMS PER MILLILITER OF
BLOOD PLASMA OR SERUM

Medication and Track Safety Committee Meeting
August 26, 2011

BACKGROUND

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1844, Authorized Medication, names drug substances and medications authorized by the Board that may be administered to safeguard the health of the horse entered to race. The rule lists the drug substances that may be found in official test samples and the level at which such drugs may occur.

At its July 2011 Regular Board Meeting the Board adopted the proposed amendment to Board Rule 1844. The amendment reduced the permitted level of phenylbutazone in an official test sample from five micrograms per milliliter of blood plasma or serum to two micrograms per milliliter of blood plasma or serum, and reduced the permitted level of flunixin in an official test sample from 50 nanograms per milliliter of blood plasma or serum to 20 nanograms per milliliter of blood plasma or serum. At the hearing for adoption, the Board instructed staff to delay the submission of the rulemaking file to the Office of Administrative Law so as to cause an effective date of not earlier than January 2012. The delayed submissions would provide time to develop procedures for implementation of the regulation and to educate horsemen.

RECOMMENDATION

This item is presented for Committee discussion.

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

Medication and Track Safety Committee Meeting
August 26, 2011

1844. Authorized Medication.

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

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

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

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

(1) Phenylbutazone in a dosage amount that the test sample shall contain not more than ~~5~~ 2 micrograms of the drug substance per milliliter of blood plasma or serum.

(2) Flunixin in a dosage amount that the test sample shall contain not more than ~~50~~ 20 nanograms of the drug substance per milliliter of blood plasma or serum.

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

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

(d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed

the authorized drug substance, establish a dosage amount or time of administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.

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

(1) Acepromazine; 25 nanograms per milliliter

(2) Mepivacaine; 10 nanograms per milliliter

(3) Promazine; 25 nanograms per milliliter

(4) Albuterol; 1 nanograms per milliliter

(5) Atropine; 10 nanograms per milliliter

(6) Benzocaine; 50 nanograms per milliliter

(7) Procaine; 50 nanograms per milliliter

(8) Salicylates; 750 micrograms per milliliter

(9) Clenbuterol; 5 nanograms per milliliter

(10) Stanazolol; 1 nanograms per milliliter

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CALIFORNIA HORSE RACING BOARD

AUGUST 26, 2011

MEDICATION AND TRACK SAFETY COMMITTEE MEETING

There is no Medication and Track Safety Committee package material for
Item 6

STAFF ANALYSIS
DISCUSSION REGARDING PROCEDURES FOR
IMPLEMENTATION OF THE ADOPTED AMENDMENT OF
CHRB RULE 1658, VESTING OF TITLE TO CLAIMED HORSE,
WHICH ALLOWS A CLAIM TO BE VOID IF A CLAIMED HORSE SUFFERS A
FATALITY DURING THE RUNNING OF THE RACE
OR BEFORE IT IS RETURNED TO BE UNSADDLED

Medication and Track Safety Committee Meeting
August 26, 2011

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.

Rule 1658, Vesting of Title to Claimed Horse, 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 whether it is alive or dead, sound or unsound, or injured during the race or after it. However, the claim shall be void if the race is called off, canceled, or declared no contest.

At its July 2011 Regular Meeting the Board adopted the proposed amendment of Board Rule 1658. The amendment of Rule 1658 would void a successful claim if the claimed horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled. The claim would be voided automatically, so the claimant would not have to take any action if the claimed horse suffers a fatality, as specified. If the horse were removed from the track and later euthanized, the claim would stand.

RECOMMENDATION

This item is presented for Committee discussion.

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

Medication and Track Safety Committee Meeting
August 26, 2011

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 whether it ~~is be alive or dead~~, sound or unsound, or injured during the race or after it. 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 if the horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled.

(~~b~~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.

STAFF ANALYSIS
DISCUSSION REGARDING ALTERNATIVES TO THE
PROPOSED AMENDMENT OF CHRB
RULE 1846.5 POSTMORTEM EXAMINATION
WHICH WOULD HAVE REQUIRED THE PRECEDING SIX MONTHS OF
VETERINARY MEDICAL RECORDS
BE SUBMITTED WITHIN 48 HOURS AFTER SUBMISSION OF
THE NECROPSY SUBMISSION FORM

Medication and Track Safety Committee Meeting
August 26, 2011

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.

At the July 2011 Regular Board Meeting a hearing was held for the adoption of a proposed amendment of Rule 1846.5, Postmortem Examination. The proposed amendment to Rule 1846.5 would add a new subsection 1846.5(e)(1), to require the owner's or trainer's veterinarian to provide the veterinary medical history for the preceding six months of any horse that dies or is euthanized on the grounds of a facility under the jurisdiction of the Board. The documents, which must be delivered to the official veterinarian within 48 hours of submitting the CHRB-72, Necropsy Submission Form, would allow for the correlation of postmortem data with medical records to look for causal relationships. Under the proposed amendment the documents would be considered confidential and their contents would not be disclosed except as specified under subsection 1846.5(e)(2). After discussion and hearing comments from industry representatives, the Board determined that it would put over the proposed amendment until veterinarians, staff counsel and the Equine Medical Director could meet to address the industry's concerns.

RECOMMENDATION

This item is presented for Committee discussion.

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

Medication and Track Safety Committee Meeting
August 26, 2100

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 cost 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 48 hours of the submission of the CHRB-72, the owner's or trainer's veterinarian shall provide the official veterinarian with the preceding six months of veterinary records that pertain to the horse submitted for the postmortem examination.

(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.