

CALIFORNIA HORSE RACING BOARD

1010 Hurley Way, Suite 300
Sacramento, CA 95825
www.chrb.ca.gov
(916) 263-6000 Fax (916) 263-6042



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

of the **California Horse Racing Board** will be held on **Wednesday, August 24, 2016**, commencing at **11:00 a.m.**, in 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.

AGENDA

Action Items:

1. Report and discussion on **California's medication violations for fiscal year 2015-16**.
2. Discussion regarding **New Mexico's new regulation (section 15.2.6 D.5 of the New Mexico Administrative Code) requiring that any horse subject to a positive test from the official laboratory for specified drugs substances, shall be placed immediately on the steward's list, and the feasibility of promoting a similar rule in California**.
3. Discussion regarding the **proposed amendments to CHRB Rule 1581, Racing Secretary to Establish Conditions**, to provide that the racing secretary may establish race conditions that prohibit the use and/or presence of drug substances or medications in biological test samples, if the medication conditions are agreed to in writing by the acknowledged horsemen's organization, and then approved by the Board before entries are taken; a description of the testing methods and procedures used by the racing association or fair to collect and analyze biological test samples other than the official test sample collected by the CHRB shall also be submitted to the Board for approval, and **CHRB Rule 1843, Medication, Drugs and Other Substances**, which provides that nothing in the Article shall prevent a racing association or fair from setting eligibility conditions, as agreed to with the acknowledged horsemen's organization, for individual races, or an entire race meet, that prohibit the use and/or presence of drug substances or medications in biological test samples from participating horses at detection levels lower than what is authorized by the Board. Such conditions, if established in accordance with Rule 1581, shall not be deemed in conflict with Board rules and regulations. (Proposed in response to the Los Angeles Superior Court's Order that the CHRB set aside approval of Los Alamitos Quarter Horse Racing Association's "house rule.")

4. Discussion regarding the proposed amendment to **CHRB Rule 1844, Authorized Medication**, to prohibit the presence of clenbuterol in official urine test samples from all horses participating in quarter horse races.
5. Discussion regarding **cell phone use by exercise riders, and the procedures used to curtail such use.**
6. **General Business:** Communications, reports, requests for future actions of the Committee.

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

**MEDICATION AND
TRACK SAFETY COMMITTEE**

Madeline Auerbach, Chairman

Alex Solis, Member

Rick Baedeker, Executive Director

Jacqueline Wagner, Assistant Executive Director

STAFF ANALYSIS
REPORT AND DISCUSSION ON CALIFORNIA'S MEDICATION
VIOLATIONS FOR FISCAL YEAR 2015-2016

Medication and Track Safety Committee Meeting
August 24, 2016

BACKGROUND

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

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

RECOMMENDATION

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

Class 1, 2 or 3 Violations FY 14-16

Drug	SoCal TB's	NorCal TB's	Fairs	Cal Expo	Los Al	Total
Acepromazine	2					2
Albuterol	1					1
Boldenone					1	1
Clenbuterol			5		3	8
Cobalt				5		5
Methamphetamine /Amphetamine	1				1	1
Procaine					1	1
Total	4	0	5	5	6	20

Class IV & V Violations FY 15-16

Betamethasone	1
Cobalt (<50ng/ml)	2
Dexamethasone	2
Flumethasone	4
Flunixin	8
Guaifenesin	1
Methocarbamol	4
Methylprednisolone	3
Phenylbutazone & Flunixin	4
Phenylbutazone & Ketoprofen	1
Phenylbutazone	27
Triamcinolone	3

There were **60** Class IV or V violations from **52** trainers and **59** different horses. **56** of the violations were during racing; **4** violations were working for removal from the Veterinarian's List under 1866 (**3** excess Phenylbutazone; **1** phenylbutazone/flunixin) and **1**. **One** phenylbutazone violations was over 5 ug/ml.

CHRB Medication violations for FY2015-2016.

There were 76 medication or drug violations in FY15-16 including 20 Class 1, 2 or 3 violations and 60 Class 4 or 5 violations from 43,032 samples

	Class 1, 2 or 3	Class 4 or 5
Post-race paired blood and urine (9,896) plus post-race blood only (1,116)	20 (0.18%	56 (0.28%
Work Bloods (498)	0	4 (0.8%
TCO2 (20,676)	0	0
Out-of-Competition (960)	0	0

- Post-race samples include 9,896 paired blood and urine samples plus 1,116 blood only samples for a total of 20,898 post-race samples.
- 498 Work Bloods are post-work blood samples required for removal from the Veterinarian's List
- 20,676 TCO2 samples are drawn on Thoroughbreds pre-race and harness primarily pre-race.
- 960 Out-of-Competition(OOCT) samples are obtained from horses at times other than race day.
- OOCT and post-race hair sampling is not included.

STAFF ANALYSIS

DISCUSSION REGARDING NEW MEXICO'S NEW REGULATION (SECTION 15.2.6 D.5 OF THE NEW MEXICO ADMINISTRATIVE CODE) REQUIRING THAT ANY HORSE SUBJECT TO A POSITIVE TEST FROM THE OFFICIAL LABORATORY FOR SPECIFIED DRUG SUBSTANCES, SHALL BE PLACED IMMEDIATELY ON THE STEWARD'S LIST, AND THE FEASIBILITY OF PROMOTING A SIMILAR RULE IN CALIFORNIA

Medication and Track Safety Committee Meeting
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BACKGROUND

At its June 23, 2016 meeting, the New Mexico Racing Commission (NMRC) voted unanimously to implement a new rule intended to further deter drug abuse in their racing jurisdiction. Specifically, the rule functions to suspend any horse that tests positive for certain prohibited substances from racing for a minimum of 60 days. Detected medications and drug substances that can trigger this automatic placement on the stewards list include, but are not limited to, Penalty Class A substances, prohibited anabolic androgenic steroids or any anabolic androgenic steroid in excess of the permitted concentrations, Clenbuterol and other beta-agonist drugs, and Cobalt.

According to NMRC's press release (attached), the new regulation was supported by the New Mexico Horse Breeders Association, the New Mexico Horsemen's Association, and all track managements in New Mexico. In a statement made by NMRC's Medical Director, Dr. Scot Waterman, he explained the driving purpose behind the rule: "Those that wager on horse racing must be confident that the form of the horse is based on its true athletic ability and not based on the use of performance enhancing substances. The placement of the horse on the stewards list will remove the horse from the racing population for a period of time necessary to ensure the effect of the drug is no longer present by the time the horse is allowed to race again, thereby protecting the betting public and other participants in the race."

ANALYSIS

This Agenda Item is being brought before the Committee for discussion about the viability of a similar regulation in California. Presently, 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, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and parimutuel wagering. Business and Professions Code section 19580 further requires that the Board adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 states that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Business and Professions Code section 19582 then explains that any violation of section 19581 is punishable by the Board, and may include suspension of a license for up to three years, disqualification from purses, and/or a monetary penalty of not more than

\$100,000. Business and Professions Code section 19582.5 finally states that the Board “may adopt regulations that prohibit the entry in a race of a horse that tests positive for a drug substance in violation of Section 19581.”

Consequently, the Horse Racing Law presently permits the adoption of a regulation similar to New Mexico’s by the California Horse Racing Board (CHRB). Such a regulation would be in compliance with, and in furtherance of, Business and Professions Code sections 19440, 19580, and 19582.5.

RECOMMENDATION

This item is presented to the Committee for discussion.

NEW MEXICO RACING COMMISSION ESCALATES POSITION ON DRUG ABUSE IN HORSES

July 1, 2016- In what some are describing as a monumental maneuver in the regulation of horse racing, The New Mexico Racing Commission (NMRC), during their monthly meeting on June 23, 2016, voted unanimously to implement a new rule to be used as a tool to fight drug abuse in the horse racing industry. The implementation of this rule by the NMRC and support by the New Mexico Horse Breeders Association, the New Mexico Horsemen's Association, and all track managements in New Mexico, shows the united front the local industry has in battling its issues. Executive Director of the NMRC and University of Arizona Race Track Industry Program graduate, Ismael "Izzy" Trejo said, "In all my time spent regulating horse racing in other jurisdictions, never have I experienced such unity amongst all stakeholders in creating an environment that is best for horse racing and the horse itself".

The new rule's verbiage, written by NMRC Medical Director, Dr. Scot Waterman, will fall under section 15.2.6 D.5. of the New Mexico Administrative Code (NMAC). The teeth of the rule state that: Any horse that is subject of a positive test report from the official laboratory for a drug in one of the following categories shall be placed immediately on the stewards list;

1. Any drug categorized by the association of racing commissioner's international "uniform classification guidelines for foreign substances and recommended penalties and model rule" incorporated by reference under NMAC 15.2.6.9 as a Penalty Class A substance
2. Any prohibited anabolic androgenic steroid or any anabolic androgenic steroid in excess of the permitted concentrations listed pursuant to NMAC 15.2.6.9
3. Clenbuterol or other beta-agonist drugs with significant anabolic effects that are not currently Penalty Class A drugs.
4. Other drugs designed to promote growth or muscle, including but not limited to growth hormones, somatotropins, insulin growth factors and gene modifying agents.
5. Cobalt in excess of allowable concentrations specified, pursuant to NMAC 15.2.6.9.

The new rule mandates that the horse stays on the stewards list for a minimum of 60 days. After the 60 days is up, the owner or trainer of the horse must present the horse to the test barn for the official veterinarian to obtain a blood sample for analysis. If the sample comes back positive for any of the prohibited substances previously mentioned, the horse shall remain on the stewards list for an additional 60 days. If the analysis comes back negative, the horse will be removed from the stewards list and be permitted to enter and run in races once again.

The new rule will have a positive effect on different facets of the industry, most importantly the welfare of the horse and the gambler. Dr. Waterman, also a graduate of the University of Arizona's Race Track Industry Program stated, "Those that wager on horse racing must be confident that the form of the horse is based on its true athletic ability and not based on the use of performance enhancing substances. The placement of the horse on the stewards list will remove the horse from the racing population for a period of time necessary to ensure the effect of the drug is no longer present by the time the horse is allowed to race again, thereby protecting the betting public and other participants in the race".

The new rule went into effect at approximately 3pm on Wednesday June 29, 2016.

(The New Mexico Racing Commission is a State Government Agency whose mission is to provide regulation in an equitable manner to New Mexico's pari-mutuel horse racing industry; to protect the interest of wagering patrons and the State of New Mexico in a manner which promotes a climate of economic prosperity for horsemen, horse breeders and track managements)

STAFF ANALYSIS

DISCUSSION REGARDING THE PROPOSED AMENDMENTS TO CHRB RULE 1581, RACING SECRETARY TO ESTABLISH CONDITIONS, TO PROVIDE THAT THE RACING SECRETARY MAY ESTABLISH RACE CONDITIONS THAT PROHIBIT THE USE AND/OR PRESENCE OF DRUG SUBSTANCES OR MEDICATIONS IN BIOLOGICAL TEST SAMPLES, IF THE MEDICATION CONDITIONS ARE AGREED TO IN WRITING BY THE ACKNOWLEDGED HORSEMEN'S ORGANIZATION, AND THEN APPROVED BY THE BOARD BEFORE ENTRIES ARE TAKEN; A DESCRIPTION OF THE TESTING METHODS AND PROCEDURES USED BY THE RACING ASSOCIATION OR FAIR TO COLLECT AND ANALYZE BIOLOGICAL TEST SAMPLES OTHER THAN THE OFFICIAL TEST SAMPLE COLLECTED BY THE CHRB SHALL ALSO BE SUBMITTED TO THE BOARD FOR APPROVAL, AND CHRB RULE 1843, MEDICATION, DRUGS AND OTHER SUBSTANCES, WHICH PROVIDES THAT NOTHING IN THE ARTICLE SHALL PREVENT A RACING ASSOCIATION OR FAIR FROM SETTING ELIGIBILITY CONDITIONS, AS AGREED TO WITH THE ACKNOWLEDGED HORSEMEN'S ORGANIZATION, FOR INDIVIDUAL RACES, OR AN ENTIRE RACE MEET, THAT PROHIBIT THE USE AND/OR PRESENCE OF DRUG SUBSTANCES OR MEDICATIONS IN BIOLOGICAL TEST SAMPLES FROM PARTICIPATING HORSES AT DETECTION LEVELS LOWER THAN WHAT IS AUTHORIZED BY THE BOARD. SUCH CONDITIONS, IF ESTABLISHED IN ACCORDANCE WITH RULE 1581, SHALL NOT BE DEEMED IN CONFLICT WITH BOARD RULES AND REGULATIONS. (PROPOSED IN RESPONSE TO THE LOS ANGELES SUPERIOR COURT'S ORDER THAT THE CHRB SET ASIDE APPROVAL OF LOS ALAMITOS QUARTER HORSE RACING ASSOCIATION'S "HOUSE RULE.")

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ISSUE

At its July 14, 2016 regular meeting, the California Horse Racing Board (CHRB or Board) approved for submission to the Office of Administrative Law (OAL) an emergency rulemaking file which would amend Rule 1581, Racing Secretary to Establish Conditions, and Rule 1843, Medication, Drugs and Other Substances, to clarify the Board's intent, and specify a process, for approving a racing association or fair's implementation of an eligibility drug testing program. On July 25, 2016, OAL approved these emergency regulations, making them effective immediately. Pursuant to the Administrative Procedure Act (APA), the Board now has until January 2016 to pass these regulatory changes through the regular rulemaking process in order for them to become permanent CHRB regulations.

BACKGROUND

On April 21, 2016, the Honorable James C. Chalfant of the Los Angeles County Superior Court signed a judgment in the matter of *Gustavo De La Torre v. California Horse Racing Board and Los Alamitos Quarter Horse Racing Association*, ordering the CHRB to set aside approval of the Los Alamitos Quarter Horse Racing Association (LAQHRA) "house rule," which provided for eligibility testing based on the presence of Clenbuterol, Albuterol, Zilpaterol, and Ractopamine in hair samples.

Upon issuing his Order, Judge Chalfant made it clear that if the CHRB wished to allow for the LAQHRA to continue with its eligibility testing program, it would need to implement new regulations which remove current conflicts that exist between their testing program and CHRB rules. If such regulations were not established and the Board continued to approve LAQHRA's testing program, the CHRB could be found in contempt of court.

At that time, CHRB staff determined that the court's ruling had created an emergency situation that called for immediate action to avoid serious harm to the public peace, health, safety, or general welfare. Specifically, the Judge's Order had created two options for the CHRB: withdraw approval of LAQHRA's eligibility conditions, or risk being found in contempt of court.

LAQHRA's eligibility testing program—which operates separate from, and in addition to, the CHRB's official testing program—sought to further prevent public harm by declaring horses that test positive for Clenbuterol, Albuterol, Zilpaterol, or Ractopamine ineligible to participate in races held at their track. Based on the widespread overuse and abuse of these medications in the quarter horse racing industry, and the potential they have to enhance performance, all four of these medications are presently not authorized by the Board to be present in any post-race official quarter horse test sample. By implementing their eligibility testing program, LAQHRA was furthering the intent of the Board's medication regulations by helping prevent unfair performance enhancement (and the resulting CHRB violations) from ever occurring.

Additionally, by conducting pre-race testing, LAQHRA was further enhancing the safety of participating horses and jockeys. By preventing horses that test positive for these unauthorized medications from ever entering races, LAQHRA was decreasing the likelihood that an injury could occur as a result of an unauthorized medication being present in a horse's system during a race.

Nevertheless, because the Los Angeles Superior Court had found such efforts by the LAQHRA to be in conflict with existing Board regulations, the program had been ordered to cease until new regulations explicitly authorizing its implementation were enacted. Accordingly, at its July 14, 2016 regular meeting, the Board voted to submit emergency amendments to Rules 1581, Racing Secretary to Establish Conditions, and 1843, Medication, Drugs and Other Substances, to remove the court-determined conflict.

The emergency amendment to Rule 1843, Medication, Drugs and Other Substances, clarifies the intent of the Board in its authorization of certain medications to be present in official post-race test samples. Specifically, it explains that despite such authorization, nothing in Article 15, Veterinary Practices, shall prohibit a racing association or fair from setting eligibility standards which require lower detection levels of a drug substance or medication in privately conducted pre-race testing than what the Board has authorized, if done in conformity with Rule 1581, Racing Secretary to Establish Conditions.

The emergency amendment to Rule 1581 explains that if an association or fair sets a race condition based on the participating horse's use or non-use of a drug substance or medication, or the presence or lack of presence of a drug substance or medication in a biological test sample taken from that horse, that it shall be first agreed to by the acknowledged horsemen's

association, and then approved by the Board. Furthermore, if the association or fair intends to use biological test samples other than the official test samples collected by the CHRB, a description of the testing methods and procedures the racing association or fair will use to collect and analyze the samples shall be submitted to the Board for approval as well.

On July 25, 2016, OAL approved these emergency regulations, making them effective immediately.

ANALYSIS

The emergency amendments to Rule 1581, Racing Secretary to Establish Conditions, and Rule 1843, Medication, Drugs and Other Substances, will remain in effect as emergency regulations until January 2016. If the Board wishes these changes to become permanent regulations, it must submit these amendments to OAL through the regular rulemaking process, which includes written notice, opportunity for public comment, and approval by OAL.

It should be noted that CHRB staff has made a minor adjustment to the text of Rule 1581 from how it was enacted as an emergency regulation in order to clarify exactly which horsemen's organizations must give consent for a racing association or fair's racing secretary to write a medication based eligibility condition.

RECOMMENDATION

This item is presented to the Committee for discussion.

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 6. ENTRIES AND DECLARATIONS
PROPOSED AMENDMENT OF
RULE 1581. RACING SECRETARY TO ESTABLISH CONDITIONS.

1581. Racing Secretary to Establish Conditions.

The racing secretary may establish the conditions for any race, the allowances or handicaps to be established for specific races, the procedures for the acceptance of entries and declarations, and such other conditions as are necessary to provide and conduct the association's race meeting. Any conditions that are based on a participating horse's use or non-use of a drug substance or medication, or the presence or lack of presence of a drug substance or medication in a biological test sample taken from a participating horse, shall be agreed to in advance in writing by the acknowledged horsemen's organization, which shall include both the owners and trainers organizations in the case of Thoroughbreds, and approved by the Board before entries are taken for the race. If such conditions are based on the results of a biological test sample other than an official test sample collected by the CHRB, a description of the testing methods and procedures the racing association or fair will use to collect and analyze the biological test samples shall be submitted to the Board for approval. For purposes of this section, "biological test sample" refers to any biological sample, including but not limited to, blood, urine, hair, tissue, or saliva, that is taken from a horse.

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

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1843. MEDICATION, DRUGS AND OTHER SUBSTANCES.

1843. Medication, Drugs and Other Substances.

It shall be the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and the racing participants through the prohibition or control of all drugs, medications and drug substances foreign to the horse. In this context:

(a) No horse participating in a race shall carry in its body any drug substance or its metabolites or analogues, foreign to the horse except as hereinafter expressly provided.

(b) No drug substance shall be administered to a horse which is entered to compete in a race to be run in this State except for approved and authorized drug substances as provided in these rules.

(c) No person other than a licensed veterinarian or animal health technician shall have in his/her possession any drug substance which can be administered to a horse, except such drug substance prescribed by a licensed veterinarian for a specific existing condition of a horse and which is properly labeled.

(d) A finding by an official chemist that a test sample taken from a horse contains a drug substance or its metabolites or analogues which has not been approved by the Board, or a finding of more than one approved non-steroidal, anti-inflammatory drug substance or a finding of a drug substance in excess of the limits established by the Board for its use shall be prima facie

evidence that the trainer and his/her agents responsible for the care of the horse has/have been negligent in the care of the horse and is prima facie evidence that the drug substance has been administered to the horse.

(e) Nothing in this Article shall prevent a racing association or fair from setting eligibility conditions, as agreed to with the acknowledged horsemen's organization(s), for individual races, or for its entire race meet, that prohibit the use and/or presence of drug substances or medications in biological test samples collected from participating horses at detection levels lower than what is authorized by the Board. Such conditions, if established in accordance with Rule 1581, shall not be deemed in conflict with the rules and regulations of the Board.

NOTE: Authority cited: Sections 19440, 19580, 19581 and 19582, Business and Professions Code. Reference: Sections 19401, 19440, 19580, 19581 and 19582; Sections 337f, g and h, Penal Code.

STAFF ANALYSIS

DISCUSSION REGARDING THE PROPOSED AMENDMENT TO CHRB RULE 1844,
AUTHORIZED MEDICATION, TO PROHIBIT THE PRESENCE OF CLENBUTEROL IN
OFFICIAL URINE TEST SAMPLES FROM ALL HORSES PARTICIPATING IN QUARTER
HORSE RACESMedication and Track Safety Committee Meeting
August 24, 2016

BACKGROUND

At its February 25, 2016 regular meeting, the California Horse Racing Board (CHRB or Board) voted to adopt an amendment to Rule 1844, Authorized Medication, deauthorizing any detectable level of clenbuterol in a quarter horse's post-race urine sample. During the general discussion of the agenda item, however, some concerns were expressed about how the new amendment would affect quarter horse races in which thoroughbreds and/or appaloosas also compete. In order to alleviate these concerns, the Board voted at its March 24, 2016 regular meeting to suspend authorization of clenbuterol in urine samples for "all horses participating in Quarter Horse races" for 12 months, pursuant to its authority under Rule 1844.1, Suspension of Authorized Medication.

While the actions taken by the Board have addressed all issues for the immediate future, the present suspension of clenbuterol for horses participating in a "Quarter Horse race" is only temporary. Accordingly, in order for the Board to make this a permanent regulation, it will need to adopt the proposed amendment to Rule 1844 (attached).

ANALYSIS

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 the Horse Racing Law. Responsibilities of the Board 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 and medications that may be found in official test samples, as well as the maximum levels at which such substances may be detected.

The amendment to Rule 1844, Authorized Medication, which was adopted by the Board at its February 25, 2016 meeting, states that a post-race urine sample may carry clenbuterol in an

amount not to exceed 140 picograms per milliliter, "except in quarter horses for which no level of clenbuterol is authorized." This change was adopted by the Board in response to the heightened abuse of clenbuterol in quarter horses, and therefore intentionally targeted stricter restrictions on this single breed of horse. Nevertheless, the amendment triggered a scenario in which different breeds of horses could potentially race against each other under differing medication restrictions.

CHRB Rule 1743, Thoroughbred and Appaloosa Horses Competing in Quarter Horse Races, states that thoroughbred and appaloosa horses may be entered into "Quarter Horse races" under specific conditions. One of those conditions is that a race with thoroughbreds and/or appaloosas participating shall be designated as a "Quarter Horse race." Although that condition defines the type of race, it does not alter how Rule 1844, Authorized Medication, applies to horses racing in California. Accordingly, prior to the Board's temporary suspension of clenbuterol for all horses participating in a Quarter Horse race, a thoroughbred or appaloosa horse could technically carry up to 140 picograms per milliliter of clenbuterol in a post-race urine sample, while in the same race, the quarter horses participating were not allowed to have any detectable level of clenbuterol in a post-race urine sample.

Nothing in the Business and Professions Code or existing CHRB Regulations prohibits the Board from adopting varied medication authorizations and thresholds for different breeds of horses. Indeed, as stated above, the Board's recent amendment to Rule 1844 purposefully deauthorized use of clenbuterol in only quarter horses because abuse of the medication was exclusive to the quarter horse industry. Nevertheless, there was concern from quarter horse owners and trainers about the fact that thoroughbreds and appaloosas participating in these mixed breed races were permitted to race with threshold levels of clenbuterol when their quarter horses were not. Regardless of whether or not clenbuterol actually gave these thoroughbreds and appaloosas an advantage, the perception was that they may not be racing on a level playing field with the competing quarter horses.

Accordingly, in order for the Board to make permanent what is now only a temporary 12-month suspension of clenbuterol for any horse participating in a Quarter Horse race, it will need to amend Rule 1844. Specifically, instead of stating that clenbuterol is not authorized for "quarter horses," the amended regulation will state that clenbuterol is not authorized for "any horse participating in a Quarter Horse race." This will ensure that all horses competing in a Quarter Horse race, regardless of breed, will compete under the same medication restrictions.

RECOMMENDATION

This item is presented to the Committee for discussion.

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

1844. Authorized Medication.

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

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

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

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

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

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

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

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

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

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

(1) Acepromazine; 10 nanograms per milliliter

(2) Mepivacaine; 10 nanograms per milliliter

(3) Albuterol; 1 nanograms per milliliter

(4) Procaine; 25 nanograms per milliliter

(5) Salicylates; 750 micrograms per milliliter

(6) Clenbuterol; 140 picograms per milliliter, except for any horse participating in a "Quarter Horses race," for which no level of clenbuterol is authorized.

(7) Omeprazole; 1 nanogram per milliliter

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

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

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

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

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

(12) Butorphanol 300 nanograms per milliliter

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

(1) Bethamethasone; 10 picograms per milliliter

(2) Dantrolene; 100 picograms per milliliter

(3) Detomidine; 1 nanogram per milliliter

(4) Dexamethasone; 5 picograms per milliliter

(5) Diclofenac; 5 nanograms per milliliter

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

(7) Firocoxib; 20 nanograms per milliliter

(8) Lidocaine; 20 picograms per milliliter

(9) Methocarbamol; 1 nanogram per milliliter

(10) Methylprednisolone; 100 picograms per milliliter

(11) Glycopyrrolate; 3 picograms per milliliter

(12) Prednisolone; 1 nanogram per milliliter

(13) Triamcinolone Acetonide; 100 picograms per milliliter

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

(15) Butorphanol; 2 nanograms per milliliter

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

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

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

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

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

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

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

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

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

CALIFORNIA HORSE RACING BOARD

AUGUST 24, 2016

**MEDICATION AND
TRACK SAFETY COMMITTEE**

There is no package material for Item 5