

**CALIFORNIA HORSE RACING BOARD**

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## **MEDICATION, SAFETY AND WELFARE COMMITTEE MEETING**

of the **California Horse Racing Board** will be held on **Wednesday, January 25, 2017**, commencing at **11:00 a.m.**, in the **Baldwin Terrace Room** at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. Non-committee Board members attending the committee meeting may not participate in the public discussion, official committee vote, or committee closed session.

### **AGENDA**

#### **Action Items:**

1. Discussion and action regarding the **proposed amendment to CHRB Rule 1588, Horse Ineligible to Start in a Race**, to provide that a horse that has not raced for a specified number of consecutive days at a recognized race meeting is ineligible to enter a race until such horse has satisfactorily completed enhanced testing or evaluation and has been declared eligible to start by the Official Veterinarian.
2. Discussion and action regarding the **proposed amendments to CHRB Rules 1689, Safety Helmets Required; and Rule 1689.1, Safety Vest Required**, to require drivers' riding in a jog cart to wear a safety helmet and safety vest.
3. Discussion and action regarding the **proposed amendments to CHRB Rules 1858, Test Sample Required; 1859, Taking, Testing and Reporting of Samples; 1859.25, Split Sample Testing; 1867, Prohibited Veterinary Practices; and the proposed addition of CHRB Rules 1859.1, Out-of-Competition Testing Procedures and Requirements; and 1868, Prohibited Drug Substance in Out-of-Competition Testing**, to incorporate the Association of Racing Commissioners International (ARCI) model rule for out-of-competition testing into the CHRB's rules and regulations.
4. Discussion and action regarding the **report on the New York racing jurisdiction's electronic corticosteroids reporting system**.
5. **General Business:** Communications, reports, requests for future actions of the Committee.

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

**MEDICATION, SAFETY AND WELFARE  
COMMITTEE**

Madeline Auerbach, Chairman

Alex Solis, Member

Rick Baedeker, Executive Director

Jacqueline Wagner, Assistant Executive Director

## STAFF ANALYSIS

DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENT TO CHRB RULE 1588, HORSE INELIGIBLE TO START IN A RACE, TO SPECIFY THAT A HORSE THAT HAS NOT RACED FOR A SPECIFIED NUMBER OF CONSECUTIVE DAYS AT A RECOGNIZED RACE MEETING IS INELIGIBLE TO ENTER A RACE UNTIL SUCH HORSE HAS SATISFACTORILY COMPLETED ENHANCED TESTING OR EVALUATION AND HAS BEEN DECLARED ELIGIBLE TO START BY THE OFFICIAL VETERINARIAN.

Medication, Safety and Welfare Committee  
January 25, 2017

## ISSUE

CHRB staff has recently discovered that nearly a fifth of all horses that suffer racing fatalities at California racetracks break down in one of their first three races back after coming off of an extended layoff. The proposed amendment to Rule 1588, Horse Ineligible to Start in a Race, is intended to help prevent such fatalities from occurring by requiring horses that come off of a layoff of a 120-days or more to undergo a special examination by either the Official Veterinarian or the Racing Veterinarian to verify that the horse is physically sound and able to safely and lawfully compete in a race.

## 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.

## ANALYSIS

This year, CHRB staff discovered that of the fatalities that occurred between 2013 and 2016, approximately 20% were suffered by horses that were racing after being laid up for 120 days or more. This statistic can be attributed to a variety of factors; however, many of these horses were shown to have had pre-existing conditions, veterinary treatments, or other injuries or illnesses necessitating the time off. Regardless the cause, it has become clear that horses which require a 120-day or greater break from racing should undergo an enhanced examination to verify that the horse is both raceably sound and in fit physical condition to exert its best effort before it is allowed to enter a race in California.

Accordingly, the proposed amendment to Rule 1588, Horse Ineligible to Start in a Race, would make a horse that has not raced at a recognized race meeting in 120 or more consecutive days ineligible to start until it has undergone an examination by the Official Veterinarian or the Racing Veterinarian prior to being entered into a race. Furthermore, the proposed amendment would give the Official Veterinarian the ability to have a horse returning from an extended layoff

to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness and then be tested in blood and/or urine.

RECOMMENDATION

This item is presented to the Committee for discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 6. ENTRIES AND DECLARATIONS  
PROPOSED AMENDMENT OF  
RULE 1588. HORSE INELIGIBLE TO START IN A RACE.

1588. Horse Ineligible to Start in a Race.

In addition to any other valid ground or reason, a horse is ineligible to start in any race:

(a) if such horse is not registered by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;

(b) if the parentage verification to both the sire and the dam of all horses foaled in 1992 and thereafter has not been certified by the Jockey Club if a thoroughbred, the United States Trotting Association if a standardbred, the American Quarter Horse Association if a quarter horse, the Appaloosa Horse Club if an appaloosa horse, the Arabian Horse Registry of America if an Arabian horse, or the American Paint Horse Association if a paint horse;

(c) if, unless the stewards permit otherwise, the certificate of foal registration, eligibility papers, or other registration issued by the official registry for such horse is not on file with the racing secretary at the time of entry;

(d) if such horse has been entered or raced at any recognized race meeting under any name or designation other than the name or designation duly assigned by and registered with the official registry;

(e) if the certificate of foal registration, eligibility papers or other registration issued by the official registry has been altered, erased, or forged;

(f) if the identification markings of the horse do not agree with the identification markings as set forth in the registration of such horse;

(g) unless he is eligible to enter said race and is duly entered for such race;

(h) when such horse is owned in whole or in part by an unlicensed person or is in the care of an unlicensed trainer;

(i) when such horse is on the Steward's List, the Starter's List or the Veterinarian's List;

(j) when, except with prior approval of the stewards for good cause, such horse is on the Veterinarian's List in another racing jurisdiction. Good cause includes:

(1) unforeseen administrative issues in removing the horse from the Veterinarian's List of another racing jurisdiction;

(2) the location of the horse prevents it from being evaluated by the official veterinarian of another racing jurisdiction and cleared from that jurisdiction's Veterinarian's List, and the horse is approved to race by a California official veterinarian; or

(3) any other unforeseen event or reason that would prevent a horse that would otherwise not be on a Veterinarian's List from being cleared from the Veterinarian's List of another racing jurisdiction.

(k) when, except with prior approval of the stewards, such horse has not been on the grounds of the association or its approved auxiliary stable area for at least 24 hours prior to the time the race is to be run.

(l) if such horse has not raced at any recognized race meeting in 120 or more consecutive days and has not raced in California since the conclusion of that absence, unless such horse has been examined prior to entry by the Official Veterinarian or the Racing Veterinarian and declared raceably sound and in fit physical condition to exert its best effort in a race. The Official Veterinarian may require such horse 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.

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

NOTE: Authority cited: 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 AMENDMENTS TO CHRB  
RULE 1689, SAFETY HELMETS REQUIRED; AND RULE 1689.1, SAFETY VEST  
REQUIRED, TO REQUIRE DRIVERS RIDING IN A JOG CART TO WEAR A SAFETY  
HELMET AND SAFETY VEST.

Medication, Safety and Welfare Committee  
January 25, 2017

#### ISSUE

CHRB Rule 1689, Safety Helmets Required, and Rule 1689.1, Safety Vest Required, both indicate that drivers shall wear a helmet and vest when mounted in or riding on a sulky; however, the rule does not include the same requirements when a driver is in a jog cart. Accordingly, the proposed amendments to Rules 1689 and 1689.1 are intended to close this loophole so that drivers are required to wear a safety vest and helmet at all times when mounted on or riding in a sulky or jog cart.

#### 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 19481 states that the Board shall establish safety standards governing the equipment for horse and rider, amongst other responsibilities.

#### ANALYSIS

It was recently brought to the attention of CHRB staff that there is a loophole in current regulations which allows drivers to ride in jog carts without wearing safety vests and helmets. A "jog cart" is distinctive from a "sulky" both in construction and use. Jog carts are used solely for training purposes and are never used for racing. Because CHRB Rule 1420(y), Definitions, defines "sulky" as a "racing vehicle," a jog cart could not be considered a sulky under our current regulations.

Accordingly, staff is proposing that Rule 1689, Safety Helmets Required, and Rule 1689.1, Safety Vest Required, be amended to require use of helmets and vests when a person is mounted in or riding on a "sulky or jog cart." This would ensure that all persons riding behind a horse in a jog cart abide by the same safety standards established for drivers in sulkies.

#### RECOMMENDATION

This item is presented to the Committee for discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 8. RUNNING THE RACE  
PROPOSED AMENDMENT OF  
RULE 1689. SAFETY HELMETS REQUIRED

1689. Safety Helmets Required.

(a) A racing association, fair, or authorized training facility may not permit any person to be mounted on a horse on the racetrack, be mounted in or riding on a sulky or jog cart, or work as a member of the gate crew unless the person is wearing a properly fastened safety helmet.

(1) For purposes of this regulation, a member of the gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate.

(2) For purposes of this regulation, "racetrack" means the surface of the racing or training track.

(b) Safety helmets required under subsection (a) of this rule shall comply with one of the following product standards:

- (1) American Society for Testing Materials (ASTM) standard F-1163-04a, or
- (2) European Standard (EN) 1384:1996, or
- (3) Australian and New Zealand Racing Boards (AS/NZS) standard 3838:2006, or
- (4) Snell Memorial Foundation (Snell) Standard for Protective Headgear H2000.

NOTE: Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19481 and 19460, Business and Professions Code.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 8. RUNNING THE RACE  
PROPOSED AMENDMENT OF  
RULE 1689.1. SAFETY VEST REQUIRED

1689.1. Safety Vest Required.

(a) No jockey or apprentice jockey shall ride in a race unless wearing a safety vest, nor shall a jockey, apprentice jockey, or exercise rider, train or exercise any horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(1) Any person licensed by the Board mounted on a horse on a track of a racing association, racing fair, or authorized training facility shall wear a safety vest.

(b) No driver shall be mounted in or riding on a sulky or jog cart, nor shall an assistant starter handle any horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest.

(c) Safety vests required to be worn in accordance with this regulation shall:

(1) Provide a minimum of shock absorbing protection to the upper body, as evidenced by a label indicating that the safety vest meets one of the following standards:

(A) "Level 1" under the British Equestrian Trade Association (BETA) 2009 Standard for Horse Riders' Body and Shoulder Protectors, or

(B) American Society for Testing Materials (ASTM) standard F2681-08, or

(C) Shoe and Allied Trades Research Association (SATRA) (1999) Jockey Vest Standard, Document M6 Issue 3, Australian Racing Board (ARB) 3.

(2) Cover the entire torso from the collarbone to a line level with the hip bone allowing a vee opening in the front neckline;

(3) Weigh no more than 2 pounds.

(4) No vest shall be altered from its original manufactured design. This includes, but is not limited to:

(A) Cutting the vest to customize fit.

(B) Removal of manufacturer's labels.

(C) Removal of protective padding.

(d) The weight of a safety vest shall not be included in the weight of a jockey or apprentice jockey when weighing out or weighing in or when adding weight to make up a weight assignment.

NOTE: Authority cited: Sections 19420, 19481 and 19562, Business and Professions Code.

Reference: Section 19481, Business and Professions Code.

## STAFF ANALYSIS

DISCUSSION AND ACTION REGARDING THE PROPOSED AMENDMENTS TO CHRB RULES 1858, TEST SAMPLE REQUIRED; 1859, TAKING, TESTING AND REPORTING OF TEST SAMPLES; 1859.25, SPLIT SAMPLE TESTING; 1867, PROHIBITED VETERINARY PRACTICES; AND THE PROPOSED ADDITION OF CHRB RULES 1859.1, OUT-OF-COMPETITION TESTING PROCEDURES AND REQUIREMENTS; AND 1868, PROHIBITED DRUG SUBSTANCE IN OUT-OF-COMPETITION TESTING, TO INCORPORATE THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL (ARCI) MODEL RULE FOR OUT-OF-COMPETITION TESTING INTO THE CHRB'S RULES AND REGULATIONS.

Medication, Safety and Welfare Committee  
January 25, 2017

## ISSUE

In December 2016 the Association of Racing Commissioners International (ARCI) adopted a robust Model Rule that establishes a uniform set of procedures and guidelines for out-of-competition testing. Additionally, the Model Rule introduced a broad set of prohibitions and restrictions regarding the use of certain medications, drugs, and other substances for horses that are engaged in racing but currently out-of-competition.

The proposed rule amendments and additions are intended to incorporate the substance of these Model Rules into the California Horse Racing Board's (CHRB or Board) existing regulatory scheme, and otherwise enhance the Board's current out-of-competition testing efforts.

## 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 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.

Although the CHRB has been conducting out-of-competition testing for years now, there has been little occasion to use the results of those tests for anything beyond information and research purposes. Upon discovering the presence of certain substances in an out-of-competition test, staff has only conducted follow-up investigations in those instances where it appeared the administration of a certain medication had not been properly reported. To date, however, the only drugs and medications that would trigger a complaint if found in an out-of-competition test sample, are those listed currently in CHRB Rule 1867, Prohibited Veterinary Practices (e.g. zilpaterol, ractopamine, snake venom, etc.).

## ANALYSIS

The out-of-competition testing Model Rules adopted by the ARCI have been in development for several years by the Racing Medication and Testing Consortium (RMTC), and are based on the knowledge, expertise, and input of horse racing stakeholders throughout the country. In short, they accomplish two things: 1) a transparent and uniform process to be followed by racing commissions when collecting out-of-competition samples, and 2) an enhanced list of prohibited and/or restricted medications and drug substances for horses that are engaged in horse racing but not currently entered in any particular race (i.e. horses that are "out-of-competition").

The proposed regulatory amendments and additions implement the substance of these Model Rules, and create a more effective mechanism for the CHRB to monitor and control the use of medications, drugs, and other substances in horses that will race in this State. This not only will enhance the safety and welfare of the horse, but will also ensure greater integrity in California racing.

The proposed amendment to Rule 1858, Test Sample Required, clarifies the Board's authority to collect official blood, urine, and other biological test samples, as well as describes specifically which horses are eligible for out-of-competition testing. Additionally, the proposed amendment makes it a condition of a trainer and owner's license that the Board be given consent to collect out-of-competition test samples at any location where an eligible horse is present.

The proposed amendment to Rule 1859, Taking, Testing and Reporting of Samples, makes minor technical changes to existing language to ensure out-of-competition testing does not conflict with existing official test sample collection processes.

The proposed addition of Rule 1859.1, Out-of-Competition Testing Procedures and Requirements, describes in detail the procedures by which the Board will collect out-of-competition test samples, as well as penalties for non-compliance. In practice, out-of-competition testing conducted pursuant to this regulation will be substantially similar to how it is currently done in California.

The proposed amendment to Rule 1859.25, Split Sample Testing, extends the same split sample process and rights currently in place for post-race testing to licensees who have a horse in their custody test positive for a prohibited substance in an out-of-competition sample.

The proposed amendment to Rule 1867, Prohibited Veterinary Practices, adds a number of medications and drug substances to the current prohibited list, and extends its application to substances detected in out-of-competition test samples.

The proposed addition of Rule 1869, Prohibited Drug Substances in Out-of-Competition Testing, lists all medications, drugs, and other substances that are prohibited from being present in an out-of-competition test sample. Additionally, the proposed rule includes exceptions for certain therapeutic medications in cases where specific procedural and reporting requirements are followed. Finally the proposed rule describes the liability and rights of trainers, owners, and other licensees who have the care and custody of a horse that tests positive for a prohibited substance in an out-of-competition test sample.

RECOMMENDATION

This item is presented to the Committee for discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1858. TEST SAMPLE REQUIRED.

1858. Test Sample Required.

(a) Blood and urine test samples shall be taken daily from the winner of every race, from horses finishing second and third in any stakes race with a gross purse of \$75,000 or more, and from not less than six other horses designated for testing by the Equine Medical Director, the stewards or the official veterinarian.

(b) The Board may at any time on any date take official blood, urine or other biological samples, in accordance with Rules 1859 and 1859.1, from a horse to enhance the ability of the Board to enforce its medication and anti-doping rules.

(b) Every horse within the inclosure, every horse registered to race at an inclosure, every horse under the care or control of a licensed trainer, or owned by a licensed owner, or nominated, pre-entered or entered in any race that will be held within a licensed inclosure is subject to pre-race, post-race, and out-of-competition testing by the Board. and ~~n~~No owner, trainer or other person having the care of a horse shall refuse to submit it for testing when directed by the Equine Medical Director, the Executive Director, the stewards or the official veterinarian.

(1) For the purposes of this regulation, a horse is "registered to race at an inclosure" when the horse's registration papers are on file with a racing association under the jurisdiction of the Board, and/or the horse has raced at a licensed inclosure within the previous 12 months.

(2) A horse is "out-of-competition" when it is not entered in a race as defined in this Article. This regulation does not permit out-of-competition testing outside of a licensed inclosure on weanlings, yearlings, or any horse proven to be no longer engaged in horse racing unless such

horse is entered in a horse sale authorized by the Board pursuant to Rule 1807.

(3) Persons who apply for and are granted a trainer or owner license shall be deemed to have given their consent, as a condition of licensure, for the Board and its representatives to access any location, whether inside or outside of a licensed inclosure, where a horse eligible for testing may be found for the purpose of collecting official out-of-competition test samples. Such consent, however, does not permit the Board or its representatives to search the surrounding premises when collecting a test sample from a horse not within a licensed inclosure. Licensees shall take any steps necessary to authorize access by Board representatives to any location where a horse eligible for testing is present, and no person shall knowingly interfere with or obstruct the collection of an official test sample.

NOTE: Authority cited: Sections 19440, 19562 and 19580, Business and Professions Code.

Reference: Section 19580(b), Business and Professions Code; and Sections 337f, 337g and 337h, Penal Code.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1859. TAKING, TESTING AND REPORTING OF SAMPLES.

1859. Taking, Testing and Reporting of Samples.

(a) Urine, blood or other biological official test samples shall be taken under the direction of the official veterinarian, the Equine Medical Director or a person designated by the official veterinarian. All samples shall be taken in a detention area approved by the Board, unless it is an official out-of-competition test sample taken in accordance with Rule 1859.1, or the official veterinarian or the Equine Medical Director approves otherwise. The taking of any test sample shall be witnessed, confirmed or acknowledged by the owner or trainer of the horse being tested or his or her agent or employee, and may be witnessed by the owner, trainer or other person designated by them. All official test samples shall be sent to the official laboratory approved and designated by the Board, in such manner as the Board may direct. All required samples shall be in the custody of the official veterinarian, his or her assistants or other persons approved by the official veterinarian, from the time they are taken until they are delivered to the custody of the official laboratory.

(b) The Executive Director and the Equine Medical Director shall immediately be notified by the official laboratory of each finding that an official test sample contains a prohibited drug substance, as defined in this article. The official laboratory shall further provide all information and data on which the finding is based to the Equine Medical Director, and shall transmit its official report of the finding to the Executive Director within five working days after the initial notification is made.

(c) The Board has the authority to direct the official laboratory to retain and preserve by freezing samples for future analysis.

(d) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no drug substance prohibited by this article has been administered, in violation of these rules, to the horse earning such purse money.

NOTE: Authority cited: Sections 19420, 19440, 19562 and 19577, Business and Professions Code. Reference: Sections 19401, 19440 and 19577, Business and Professions Code.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED ADDITION OF  
RULE 1859.1. OUT-OF-COMPETITION TESTING PROCEDURES AND REQUIREMENTS.

1859.1. Out-of-Competition Testing Procedures and Requirements

(a) Official out-of-competition test samples shall be collected under the supervision and direction of the official veterinarian, the Equine Medical Director, or a person designated by the official veterinarian or Equine Medical Director. All blood samples shall be collected by a veterinarian licensed by the Board, or by a veterinary technician licensed by the Board who is acting under the supervision of the official veterinarian or Equine Medical Director.

(b) Upon request of the Equine Medical Director, the Executive Director, the stewards or the official veterinarian, the trainer, owner, or their specified designee shall disclose the location of their horses eligible for out-of-competition testing as described in Rule 1858.

(c) The Board need not provide advance notice to the trainer or owner before arriving at any location, whether or not the location is within a licensed inclosure, to collect official out-of-competition test samples. However, if the trainer, owner, or their specified designee requests that the sample be collected in an alternative location, the Board may, in its sole discretion, collect the sample at an alternative time and location designated by the Board.

(d) The trainer, owner, or their specified designee shall cooperate with the person who collects official out-of-competition test samples on behalf of the Board, which shall include without limitation:

(1) Assisting in the immediate location and identification of the horse;

(2) Making the horse available as soon as practical upon arrival of the person who is responsible for collecting the samples;

(3) Providing a stall or other safe location to collect the samples;

(4) Assisting the person who is collecting samples in controlling the horse; and

(5) Witnessing the taking of samples, including sealing of sample collection containers.

(e) The management and employees of a licensed racetrack or training facility where a horse is located shall cooperate fully with any person collecting official out-of-competition test samples on behalf of the Board. The person who collects samples for the Board may require that the collection be done at a specified location on such premises.

(f) The Board may arrange to have test samples collected from a horse that is physically located outside of California, but otherwise subject to out-of-competition testing pursuant to Rule 1858. Such test samples may be collected by the racing commission or racing authority that regulates the jurisdiction in which the horse is physically located, or by any other person that the Board designates. Such racing commission or other designated person shall follow the collection procedures described in this regulation in order for the sample to be designated an official out-of-competition test sample.

(1) The test results of an official out-of-competition test sample collected outside of California may be made available, at the discretion of the Board, to each racing commission that participates in the process of collecting the sample.

(2) The Board, if requested and in its sole discretion, may permit the trainer, owner or their designee to transport their horse into California for out-of-competition testing at a time and place designated by the Board instead of having the horse tested outside of California.

(g) The person who collects official out-of-competition test samples for the Board shall, at the time of sample collection, provide their CHRB identification and disclose to the owner and/or trainer of the horse that the purpose of the sampling is for out-of-competition testing.

(h) If the trainer or any other person having care and custody of a horse selected for out-of-competition testing refuses or declines to make the horse available for test sample collection, the Board shall attempt to notify the owner and give them the opportunity to make the horse available for immediate testing.

(i) All available records demonstrating the chain of custody for an official out-of-competition test sample shall be made available to the trainer, owner, or their designee, at their request, when a complaint results from an out-of-competition test.

(j) Any licensee who willfully fails to make a horse available for out-of-competition testing, or commits other willfully deceptive acts in connection with out-of-competition testing, or causes interference or obstruction to the sampling process, shall receive a minimum penalty of a one-year license suspension.

(k) A horse that is not made available for out-of-competition testing when requested by the Board in accordance with this regulation shall be placed on the Steward's List for a minimum of 180 days. If the trainer, owner, or their designee refuses to submit their horse for out-of-competition testing based on their assertion that the horse is no longer engaged in horse racing activities, the horse shall be placed on the Steward's List for a minimum of 180 days.

NOTE: Authority cited: Sections 19420, 19440, 19562, and 19580, Business and Professions Code. Reference: Sections 19401, 19440, 19580, and 19583, Business and Professions Code.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1859.25. SPLIT SAMPLE TESTING.

1859.25. Split Sample Testing.

(a) In addition to the blood, ~~and urine,~~ and other biological official test samples transmitted to the official laboratory for testing as provided in Rules 1859 and 1859.1 of this Article, the Board shall maintain a portion of the official test sample for each horse tested if sufficient sample is available after the official test samples are taken. That portion shall be designated the split sample. The Board makes no guarantee as to the amount of sample which will be available for the split sample. All samples taken by representatives of the Board are under the jurisdiction of and shall remain the property of the Board at all times. The Board shall ensure the security and storage of the split sample.

(b) When the Executive Director or the Executive Director's designee is notified of a finding by the official laboratory that a test sample from a horse ~~participating in any race~~ contained a prohibited drug substance as defined in this Article, the Executive Director, after consulting with the Equine Medical Director or the Equine Medical Director's designee as to the presence of the prohibited drug substance shall notify a Supervising Investigator. The owner and the trainer shall be confidentially notified of the finding by a Supervising Investigator or his/her designee and the owner and trainer shall each have 72 hours from the date he or she is notified to request that the split sample of the official test sample that was found to contain the prohibited drug substance(s) be tested by an independent Board-approved laboratory.

(c) If the owner or trainer wishes to have the split sample tested, he or she shall comply with the following procedures:

(1) The request shall be made on CHRB-56, (Rev. 5/97), Request to Release Evidence, which is hereby incorporated by reference. CHRB-56 shall be made available at all CHRB offices.

(2) The owner or trainer requesting to have the split sample tested shall be responsible for all charges and costs incurred in transporting and testing the split sample. By signing CHRB-56, the owner or trainer certifies he or she has made arrangements for payment to the designated Board-approved laboratory for laboratory testing services.

(3) Verification of payment for costs incurred in transporting and testing the split sample must be received by the CHRB within five (5) working days from the CHRB receipt of CHRB-56. If such verification of payment is not received, the split sample will not be released or shipped to the Board-approved laboratory designated by the owner or trainer to test the split sample and the owner and trainer will have relinquished his/her right to have the split sample tested. If a complaint issues, the only test results that will be considered will be the results from the Board's official laboratory.

(d) Upon approval by the Executive Director or the Executive Director's designated representative of a valid request on CHRB-56, CHRB-29 (Rev. 5/97), Authorization to Release Split Sample Urine Evidence, or CHRB-29A (Rev. 5/97), Authorization to Release Split Sample Blood Evidence, which are hereby incorporated by reference, shall be completed and the Board shall ensure that the split sample is sent to the designated laboratory for testing.

(1) If the findings by the independent Board-approved laboratory fail to confirm the findings of the prohibited drug substance as reported by the official laboratory, it shall be presumed that the prohibited drug substance was not present in the official sample.

(2) If the findings by the independent Board-approved laboratory confirm the findings of

the prohibited drug substance as reported by the official laboratory, the Executive Director shall report these findings to the Board within 24 hours after receiving confirmation of the prohibited drug substance in the split sample.

(e) If the owner or trainer fails to request the testing of the split sample in accordance with the procedures specified in this rule, they shall be deemed to have waived their rights to have the split sample tested.

(f) Results of the official test sample and the split sample shall be, and shall remain, confidential and shall be provided only to the Executive Director or the Executive Director's designee, the Board, the Equine Medical Director or the Equine Medical Director's designee, and to the owner and trainer, unless or until the Board files an official complaint or accusation.

NOTE: Authority cited: Sections 19420, 19440 and 19577, Business and Professions Code.  
Reference: Sections 19420, 19440 and 19577, Business and Professions Code; and Section 603, Evidence Code.

CALIFORNIA HORSE RACING BOARD  
 TITLE 4. CALIFORNIA CODE OF REGULATIONS  
 ARTICLE 15. VETERINARY PRACTICES  
 PROPOSED AMENDMENT OF  
 RULE 1867. PROHIBITED VETERINARY PRACTICES.

1867. Prohibited Veterinary Practices.

For purposes of this division, prohibited veterinary practices means:

(a) The possession and/or use on the premises of a facility under the jurisdiction of the Board of any drug, substance, doping agent, or medication specified below for which a recognized analytical method has not been developed to detect and confirm its administration; or the use of which may endanger the health and welfare of the horse, or the safety of the rider or driver, or alter equine performance.

(1) Erythropoietin (EPO) and analogs;

(2) Darbepoietin and analogs;

(3) Venoms or derivatives thereof~~Snake venom~~;

~~(4) Snail venom;~~

(45) Growth hormone and analogs, except platelet rich plasma and autologous conditioned plasma are permitted provided such treatment is pursuant to a valid veterinary prescription made in accordance with all rules and regulations in this division, and the treatment is reported to the Official Veterinarian on form CHRB-60 (Rev. 7/15) (Trainer Medication Report), regardless of whether or not the horse is treated within or outside of a licensed inclosure;

~~(56)~~ Ractopamine and ractopamine metabolites or analogs;

~~(67)~~ Zilpaterol and zilpaterol metabolites or analogs;

~~(7)~~ Aminoimidazole carboxamide ribonucleotide (AICAR);

(8) Hemopure;

(9) Myo-Inositol Trispyrophosphate (ITPP);

(10) Oxyglobin;

(11) Thymosin beta;

(b) The possession and/or use on the premises of a facility under the jurisdiction of the Board of any drug, substance or medication that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States.

(c) The presence of any drug, substance or medication described in subsections (a)(1) through (a)(~~5~~13), and subsection (b) of this regulation in any test sample obtained consistent with Rules 1858, 1859, 1859.1, and 1859.25 of this article, and the provisions of this article, shall apply to such sample in the same manner as if the horse were entered to race (See Title 4, California Code of Regulations, section 1843.3). The Board may grant an exception to this subsection if the person or persons seeking the exemption submits written documentation that demonstrates an FDA exemption has been obtained pursuant to Guide 1240.3025 of the FDA Center for Veterinary Medicine (CVM) Program Policy and Procedures Manual, which is hereby incorporated by reference. Guide 1240.3025 of the FDA CVM Program Policy and Procedures Manual may be obtained at the California Horse Racing Board's headquarters office.

NOTE: Authority cited: Sections 19440, 19562, 19580, and 19582, Business and Professions Code. Reference: Sections 19580, 19581, and 19582, Business and Professions Code.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED ADDITION OF  
RULE 1869. PROHIBITED DRUG SUBSTANCES IN OUT-OF-COMPETITION TESTING.

1869. Prohibited Drug Substances in Out-of-Competition Testing

(a) In addition to those drugs, substances, doping agents, and medications described in Rule 1867(a), the following substances are prohibited from being present in any official out-of-competition test sample collected in accordance with Rules 1859, 1859.1, and 1859.25:

(1) Anabolic androgenic steroids and their metabolites and isomers, except naturally occurring endogenous anabolic steroids as authorized in Rule 1844;

(A) Notwithstanding the foregoing, anabolic androgenic steroids may be used in a horse that is out-of-competition, provided that:

(i) The anabolic agent has been approved by the United States Food and Drug Administration (FDA) for use in the United States;

(ii) The administration is pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division;

(iii) The administration is reported to an Official Veterinarian on form CHRB-60 (Rev. 7/15 (Trainer Medication Report), regardless of whether or not the horse is treated within or outside of a licensed inclosure;

(iv) The horse remains on the Veterinarian's List for a minimum of six months following the administration of the anabolic androgenic steroids, and shall be removed from the list only after the horse demonstrates, to the satisfaction of the official veterinarian or the racing veterinarian, that it is raceably sound and in fit physical condition to exert its best effort in a race

by performing satisfactorily in a workout or qualifying race. Additionally, a blood, urine and/or other biological test sample taken after such workout or qualifying race shall be free of all prohibited substances described in Rule 1843 before the horse can be removed from the Veterinarian's List.

(2) The following anabolic agents: selective androgen receptor modulators, tibolone, and zeranol;

(3) Erythropoietin-Receptor agonists;

(4) Hypoxia-inducible factor stabilizers, except out-of-competition blood samples may contain cobalt in an amount that does not exceed 50 nanograms per milliliter;

(5) Chorionic G

onadotropin and Luteinizing Hormone and their releasing factors;

(6) Corticotrophins and their releasing factors;

(A) Notwithstanding the foregoing, adrenocorticotrophic hormone (ACTH) may be used in a horse that is out-of-competition, provided that:

(i) The substance has been approved by the FDA for use in the United States;

(ii) The administration is pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division;

(iii) The administration is reported to an Official Veterinarian on form CHRB-60 (Rev. 7/15 (Trainer Medication Report), regardless of whether or not the horse is treated within or outside of a licensed inclosure.

(7) Beta-2 agonists, including all optical isomers;

(A) Notwithstanding the foregoing, clenbuterol and albuterol may be used in a horse that

is out-of-competition, provided that the administration is pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division.

(8) The following aromatase inhibitors: aminoglutethimide, anastrozole, androsta-1,4,6-triene-3,17-dione (androstatrienedione), 4-androstene-3,6,17 trione (6-oxo), exemestane, formestane, letrozole, testolactone;

(9) The following selective estrogen receptor modulators: raloxifene, tamoxifen, toremifene;

(10) The following anti-estrogenic substances: clomiphene, cyclofenil, fulvestrant;

(11) The following agents modifying myostatin function(s): myostatin inhibitors;

(12) The following metabolic modulators: activators of the AMP-activated protein kinase, Peroxisome Proliferator Activated Receptor  $\delta$  (PPAR $\delta$ ) agonists, insulins, trimetazidine, Thyroxine, and thyroid modulators/hormones containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof.

(A) Notwithstanding the foregoing, Thyroxine (T4) shall not be considered a prohibited substance provided that such treatment is made pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division.

(B) Additionally, notwithstanding the foregoing, altrenogest shall not be considered a prohibited substance in fillies and mares, provided that such treatment is made pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division.

(13) The following diuretics and masking agents: desmopressin, furosemide , plasma

expanders, probenecid, torsemide, acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, etacrynic acid, indapamide, metolazone, spironolactone, thiazides, triamterene, trichlormethiazide, vasopressin receptor antagonists, and vaptans.

(A) Notwithstanding the foregoing, furosemide and trichlormethiazide may be used in a horse that is out-of-competition, provided that the administration is pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division.

(B) Additionally, notwithstanding the foregoing, the above diuretics may be administered in an emergency situation in order to safeguard the health of the horse, provided that such treatment is:

(i) Made pursuant to a valid veterinary prescription, and both the administration and prescription are carried out in accordance with all rules and regulations in this division, and

(ii) The administration is reported to the Official Veterinarian on either form CHRB-60 (Rev. 7/15) (Trainer Medication Report) by the trainer, or on form CHRB-24 (Rev. 7/15) (Veterinarian Report) by the treating veterinarian within twenty-four (24) hours.

(b) Therapeutic substances that are not otherwise prohibited pursuant to this regulation are permitted for use when a horse is out-of-competition, provided such substances have been approved by the FDA for use in the United States, and are prescribed and administered in accordance with all applicable federal and state laws and regulations, including all CHRB rules and regulations.

(c) A finding by the official laboratory that an official out-of-competition test sample taken from a horse contains a drug substance or its metabolites or analogues which is prohibited under this regulation shall be prima facie evidence that the trainer and/or any other licensee

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. In such an event, the trainer, owner, foreman in charge of the horse, groom, and/or any other person shown to have had the care or attendance of the horse may be fined, and/or have his/her license suspended or revoked.

(1) The trainer is the absolute insurer of and responsible for the condition of the horses under his/her care while such horses are physically located within a licensed inclosure, regardless of the acts of third parties, except as otherwise provided in this article.

(2) The owner of a horse that is not physically located within a licensed inclosure and is not under the care and custody of another person licensed by the Board shall be the absolute insurer of and responsible for the condition of the horse, regardless of the acts of third parties.

(3) The defenses described in Rule 1888 shall be available to any person charged with a violation of this regulation.

(c) The Board, the board of stewards, the hearing officer, or the administrative law judge shall assess a penalty for violation of this section based upon the classifications and penalties set forth in Rules 1843.2 and 1843.3.

(d) A race day prohibition or restriction of a substance under this Article is not applicable to an out-of-competition test unless otherwise stated.

NOTE: Authority cited: Sections 19420, 19440, 19562, and 19580, Business and Professions Code. Reference: Sections 19440, 19580 and 19583, Business and Professions Code.

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING THE REPORT ON THE NEW YORK RACING  
JURISDICTION'S ELECTRONIC CORTICOSTEROIDS REPORTING SYSTEM

Medication, Safety and Welfare Committee  
January 25, 2017

## BACKGROUND

After a cluster of fatalities at Aqueduct Racecourse in 2011-2012 fall-winter meet, New York Governor Andrew Cuomo established the New York Task Force on Racehorse Health and Safety. After thoroughly reviewing the deaths at Aqueduct, the task force made a number of recommendations.<sup>1</sup> Included in the many recommendations were additional restrictions on intra-articular corticosteroids and a trainer reporting requirement for intra-articular corticosteroid injections. The prohibition of racing after an intra-articular corticosteroid injection was moved from 5 to 7 days, and NY Gaming Commission (NYSRWB at the time of the report) constructed an on-line reporting portal and passed regulations to require reporting of all corticosteroid injections. The on-line entry portal was ready in early 2013. The regulatory requirement was adopted as § 4043.4 (b), which states:

(b) Trainers shall maintain accurate records of all corticosteroid joint injections to horses trained by them. The record(s) of every corticosteroid joint injection shall be submitted, in a form and manner approved by the commission, by the trainer to the commission within 48 hours of the treatment. The trainer may delegate this responsibility to the treating veterinarian, who shall make the reports when so designated. The reports shall be accessible to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations.

The on-line reporting site is called the *Equine Steroid Administration Log* (ESAL). Each NY Gaming licensed trainer is provided a login ID and password. The horses/tattoos are entered by the trainer. The trainer can share his password and login with his veterinarian or designated stable employee; however, the trainer is still the person responsible for the treatment entries. Access to the history of intra-articular corticosteroid treatments is potentially useful in assisting examining veterinarians when they assess individual horses as the regulation indicates. Intra-articular corticosteroids have been associated with musculoskeletal injuries in Australia<sup>2</sup> and were implicated in the aforementioned New York Task Force on Racehorse Health and Safety report. These are not new concerns. While intra-articular corticosteroids can be used safely, there are inherent risks in using these drugs in joints or in other musculoskeletal tissues either from

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1. New York Task Force on Racehorse Health and Safety. (2012) accessed January, 2017 at: <http://www.governor.ny.gov/sites/governor.ny.gov/files/archive/assets/documents/Report.pdf>

2. Whitton, R.C., Jackson, M.A., Campbell, G.A., Anderson, T.D., Parkin, T.D., Morton, J.M., Boden, L.A., 2014. Musculoskeletal rates in Thoroughbred racehorses following local corticosteroid injection. *The Veterinary Journal* 200: 71-76 (2014).

masking detection or true extent of an injury or accelerating joint degeneration. Collecting intra-articular corticosteroid treatment information electronically will provide the opportunity to correlate intra-articular corticosteroid injections with fatality data.

#### RECOMMENDATION

This item is presented to the Committee for discussion and action.