

**CALIFORNIA HORSE RACING BOARD**

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

of the **California Horse Racing Board** will be held on Friday, **July 20, 2018**, commencing at **10:00 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.

### **AGENDA**

#### **Action Items:**

1. Discussion of new **Association of Racing Commissioners International (ARCI) model rules regarding trainer treatment records, veterinarians list, intra-articular corticosteroids, and horses ineligible.**
2. Discussion and action regarding the **proposed addition of CHRB Rule 1660.1, Delivery of Medical Records**, to require the transfer of medical records of horses claimed in a claiming race.
3. Report and update regarding the **disaster plan report.**
4. Discussion and action regarding the **proposed addition of CHRB Rules 1859.1, Out-of-Competition Testing Procedures and Requirements; and 1869, Prohibited Drug Substance in Out-of-Competition Testing, and the proposed amendment of CHRB Rules 1858, Test Sample Required; 1859, Taking, Testing and Reporting of Samples; 1859.25, Split Sample Testing; 1867, Prohibited Veterinary Practices**, to incorporate the Association of Racing Commissioners International (ARCI) model rule for out-of-competition testing into the CHRB's rules and regulations.
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 OF NEW  
ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL (ARCI) MODEL RULES  
REGARDING  
TRAINER TREATMENT RECORDS, VETERINARIANS LIST, INTRA-ARTICULAR  
CORTICOSTEROIDS, AND HORSES INELIGIBLE

Medication, Safety and Welfare Committee Meeting  
July 20, 2018

ARCI has added or update several rules regarding veterinary matters last few years. These are presented for informational purposes and discussion.

**Corticosteroid and Intra-Articular Injection Reporting Requirements** is similar to the proposed CHRB 1661.1. Horses that are claimed often go without any health history available to the new owner/trainer. The concern with corticosteroids and other joint treatments is that repeated injections within days or even weeks to months can potentially have detrimental effects on the health of a horse's joints. Additionally, repeated injections may forestall the use of diagnostic measures that may diagnose an underlying condition causing lameness or inflammation. The primary concerns include providing information regarding corticosteroid and all other joint injections to the horse's new owner/trainer. This reporting can forestall repeated joint injections and may alert horsemen to long-term corticosteroid issues or joint issues that might go undetected otherwise.

***ARCI-008-020(C)(19) Corticosteroid and Intra-Articular Injection Reporting Requirements  
"30-Day Records"***

A trainer is responsible for:

Trainers or their designee shall maintain complete records of all corticosteroid and intra- articular injections for all horses in his or her control. Complete corticosteroid and intra- articular injection records include:

- (a) The date of the injection;
- (b) ) The name of the veterinarian performing the injection;
- (c) The articular space(s) or structure(s) injected;
- (d) ) The medication or biologicals used to inject each articular space; and
- (e) ) The dose in milligrams of each corticosteroid used.

This information shall be maintained for a minimum of 30 days to facilitate compliance with this regulation. If a horse is successfully claimed by a new owner, the trainer of record at the time of that claiming race must provide that horse's complete corticosteroid and intra-articular injection record(s) for the last 30 days (30-day Record):

- (f) 30-day Records may be provided in paper or electronic form but must be provided in a format approved by the Regulatory Authority.
- (g) 30-day Records must be provided to the new trainer within 48 hours of the transfer of the horse. The trainer or his/her designee shall notify the regulatory veterinarian when the records have been provided.
- (h) ) Submission of 30-day Records may be delegated to the treating veterinarian, who shall provide the report to the new trainer within 48 hours of the transfer of the horse.
- (i) Failure of the trainer to provide the 30-day Record shall result in disciplinary action.

**Trainer Treatment Records** have been discussed previously in this committee. Maintenance and submission of training records largely remains unregulated in North American racing. Such records are required in some international jurisdictions and are included in IFHA articles. In some cases, horses are administered medications, absent a veterinary prescription, from the trainer's tack room supply. Additionally, there is often little or no record for racing authorities to refer to in the course of an investigation into a medication overage. The lack of medication oversight can lead to improper medication of a horse without a veterinary diagnosis as well as mistakes in medication administration leading to potential overages. Organized record keeping as outlined in the proposed rule below ensures appropriate shed row medication management. The benefits of this rule include: increased involvement of private veterinarians in prescription of oral medication and additional information for regulatory authorities and the respective horsemen when an overage of a therapeutic medication occurs.

***ARCI-008-020(C)(17)***

**"Trainer Treatment Records"**

A trainer is responsible for:

Keeping a record of all treatments for every horse in his or her control. The treatment shall be recorded within 48 hours of administration.

- (a) Treatment, for the purposes of this section, means any medication or procedure containing a medication administered to a horse by a Licensed Trainer or his or her designee.

Treatment, for the purposes of this section, specifically excluded medications or procedures administered by a veterinarian licensed by the Regulatory Authority or that veterinarian's employee.

This section does not exclude the administration of medications that are prescribed by a veterinarian but administered by the trainer or his or her designee.

This section also does not exclude those treatments that are administered by a veterinarian not licensed by the Regulatory Authority.

- (b) ) Trainer Treatment Records must include the following information:
  - i. The name of the horse (or, if unnamed, the registered name of the dam and year of foaling);
  - ii. The generic name of the drug (e.g. phenylbutazone, methocarbamol);
  - iii. The name and address of the prescribing veterinarian;
  - iv. . The brand name of the drug if a non-generic is used;
  - v. The date of the treatment;
  - vi. The route of administration;
  - vii. The dosage administered;
  - viii. The approximate time (to the nearest hour) of each treatment;
  - ix. . The first and last name of the individual that administered the treatment; and
  - x. The treating veterinarian shall sign or initial the treatment log on the first day a horse receives a prescription medication.
- (c) Trainer Treatment Records shall be maintained electronically or on paper.
- (d) The Trainer Treatment Records are to be made available for inspection upon request of the Regulatory Authority.
- (e) Copies of the Trainer Treatment Records may be requested by the Regulatory Authority in the course of an investigation of a possible violation of these rules or in a proceeding before the Stewards or the Regulatory Authority.
- (f) Copies of Trainer Treatment Records must be maintained for 6 months.
- (g) Failure to provide accurate and complete Trainer Treatment Records shall result in disciplinary action.

**Veterinarian's List:** The need for a uniform national veterinarian's list was identified as a horse racing vulnerability several years ago. Horse restricted from racing because of being on the Veterinarian's List in one state would travel to another state and race without undergoing exam procedure. In addition, Veterinarian's List requirements and stand downs varied from state to state. The revised ARCI Model rule addresses many outstanding issues.

The official veterinarian list is an important regulatory tool to ensure the safety of both horse and rider. Most jurisdictions have provisions in their rules to allow for the use of a vets list and reciprocation of other jurisdictions' lists. However, due to the nuances of individual state rule books there has not been a consensus on the requirements for horses to be entered and/or released from the lists. Subsequently, horses that are on a list may race while on a list either in the state where the horse was placed on a list or in another jurisdiction. The InCompass RTO system does allow for the sharing of the vets list but some jurisdictions may not honor lists in other jurisdictions thus the need for a uniform way for jurisdictions to use them.

The changes will allow jurisdictions to better manage and mutually enforce rest periods of horses featured on any official veterinarian's list. The new protocol will promote collaboration among racing officials in different jurisdictions to ensure issues causing a horse to be placed on the veterinarian's list have been fully resolved before the horse returns to competition. The new protocol would provide regulatory officials adequate latitude to distinguish horses observed as unsound and/or infirm from horses that are the subject of a regulatory action related to drug testing and enforcement or reported therapeutic treatments. Horses would be required to pass a physical inspection by a regulatory veterinarian and successfully complete a timed workout with post

### ***ARCI-011-030 General Provisions***

#### **B. Veterinarian's List**

- (1) ) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, unsoundness, injury, infirmity, heat exhaustion, positive test or overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out-of-competition test, or any other assessment or determination by the regulatory veterinarian that the horse is unfit to race.
- (2) Horses so listed are ineligible to start in a race in any jurisdiction until released by an official veterinarian or racing veterinarian except when there is an unforeseen administrative issue in releasing the horse from the Veterinarian's List of another racing jurisdiction.
- (3) A horse may be released from the Veterinarian's List when a minimum of seven days has passed from the time the horse was placed on the Veterinarian's List.
- (4) A horse placed on the Veterinarian's List for being unfit to compete in a race due to illness, physical distress, unsoundness, injury, infirmity, heat exhaustion, or any other assessment or determination by the regulatory veterinarian that warrants withdrawal from the race shall be released from the list only after the following has been met:
  - (a) establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or pass the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian,
  - (b) provide a published work of a minimum of four furlongs at 0:52 for Thoroughbreds (220 yards at 13.3 seconds for Quarter Horses) observed by the official veterinarian and/or the racing veterinarian for horses that are listed as unsound or lame; other listed reasons above may be required to work at the discretion of the official veterinarian. Prior to such work, a declaration in writing

must be provided by the attending veterinarian as the the fitness of the subject horse, and,

(c) submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner unless otherwise provided in the local jurisdiction. Violations of ARCI-011-020 may result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health, and Medication.

(5) A horse placed on the Veterinarian's List for Positive Test or Overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out-of-competition test, or any other veterinary administrative withdrawal shall be released from the list only after the following have been met:

(a) establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or it has passed the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian, and

(b) ) at the discretion of the official veterinarian, it has provided a published work at a minimum of four furlongs in 0:52 (220 yards in 13.3 seconds for Quarter Horses) observed by the official veterinarian and/or the racing veterinarian and submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner. Violations of ARCI-011-020 may result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health, and Medication.

(6) Horses having generated a positive finding on a biological sample collected pursuant to this section shall not be released from the vet's list until generating a negative test.

**Horses Ineligible** is similar to the recently proposed amendment to 1588 for non-started maidens 4 YO and up and for horses off for 120 days or more. In the ARCI model rule, non-started maidens 4 YO and up and horses off for horses off for a year or more are required to work for the veterinarian.

***ARCI-010-030 Horses Ineligible***

A horse is ineligible to start in a race when:

(10) it has not raced in 12 months since its previous start, until the horse has been subjected to the protocols within ARCI-011-030(B)(4)

(11) it is a first-time starter four (4) years of age or older, until the horse has been subjected to the protocols within ARCI-011-030(B)(4)



# REGULATORY VETERINARY CONTINUING EDUCATION



## New Model Rules Affecting the Regulatory Veterinarian

### *ARCI-011-030 General Provisions*

#### **B. Veterinarian's List**

(1) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, unsoundness, injury, infirmity, heat exhaustion, positive test or overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out-of-competition test, or any other assessment or determination by the regulatory veterinarian that the horse is unfit to race.

(2) Horses so listed are ineligible to start in a race in any jurisdiction until released by an official veterinarian or racing veterinarian except when there is an unforeseen administrative issue in releasing the horse from the Veterinarian's List of another racing jurisdiction.

(3) A horse may be released from the Veterinarian's List when a minimum of seven days has passed from the time the horse was placed on the Veterinarian's List.

(4) A horse placed on the Veterinarian's List for being unfit to compete in a race due to illness, physical distress, unsoundness, injury, infirmity, heat exhaustion, or any other assessment of determination by the regulatory veterinarian that warrants withdrawal from the race shall be released from the list only after the following has been met:

(a) establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or pass the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian,

(b) provide a published work of a minimum of four furlongs at 0:52 for Thoroughbreds (220 yards at 13.3 seconds for Quarter Horses) observed by the official veterinarian and/or the racing veterinarian for horses that are listed as unsound or lame; other listed reasons above may be required to work at the discretion of the official veterinarian. Prior to such work, a declaration in writing must be provided by the attending veterinarian as the the fitness of the subject horse, and,

(c) submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner unless otherwise provided in the local jurisdiction. Violations of ARCI-011-020 may result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health, and Medication.

(5) A horse placed on the Veterinarian's List for Positive Test or Overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out-of-competition test, or any other veterinary administrative withdrawal shall be released from the list only after the following have been met:

(a) establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or it has passed the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian, and

(b) at the discretion of the official veterinarian, it has provided a published work at a minimum of four furlongs in 0:52 (220 yards in 13.3 seconds for Quarter Horses) observed by the official veterinarian and/or the racing veterinarian and submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner. Violations of ARCI-011-020 may result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health, and Medication.

(6) Horses having generated a positive finding on a biological sample collected pursuant to this section shall not be released from the vet's list until generating a negative test.

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#### ***ARCI-010-030 Horses Ineligible***

A horse is ineligible to start in a race when:

(10) it has not raced in 12 months since its previous start, until the horse has been subjected to the protocols within ARCI-011-030(B)(4)

(11) it is a first-time starter four (4) years of age or older, until the horse has been subjected to the protocols within ARCI-011-030(B)(4)

**ARCI-009-010 General Provisions****"Void Claim"**

(5) A claim shall be voided if a horse is a starter as determined by the regulatory authority, and the horse:

- (a) Dies on the racetrack; or
- (b) Suffers an injury which requires the euthanasia of the horse as determined by the Official Veterinarian while the horse is on the racetrack.

(6) A claim is voidable at the discretion of the new owner for a period of one hour after the race is made official, for any horse:

- (a) That is vanned off the track at the direction of the Official Veterinarian; or
- (b) That is observed by the Official Veterinarian to be lame or unsound while on the racetrack for that race.

**ARCI-008-020(C)(17)****"Trainer Treatment Records"**

A trainer is responsible for:

Keeping a record of all treatments for every horse in his or her control. The treatment shall be recorded within 48 hours of administration.

(a) Treatment, for the purposes of this section, means any medication or procedure containing a medication administered to a horse by a Licensed Trainer or his or her designee.

Treatment, for the purposes of this section, specifically excluded medications or procedures administered by a veterinarian licensed by the Regulatory Authority or that veterinarian's employee.

This section does not exclude the administration of medications that are prescribed by a veterinarian but administered by the trainer or his or her designee.

This section also does not exclude those treatments that are administered by a veterinarian not licensed by the Regulatory Authority.

(b) Trainer Treatment Records must include the following information:

- i. The name of the horse (or, if unnamed, the registered name of the dam and year of foaling);
- ii. The generic name of the drug (e.g. phenylbutazone, methocarbamol);
- iii. The name and address of the prescribing veterinarian;
- iv. The brand name of the drug if a non-generic is used;
- v. The date of the treatment;

- vi. The route of administration;
- vii. The dosage administered;
- viii. The approximate time (to the nearest hour) of each treatment;
- ix. The first and last name of the individual that administered the treatment; and
- x. The treating veterinarian shall sign or initial the treatment log on the first day a horse receives a prescription medication.

(c) Trainer Treatment Records shall be maintained electronically or on paper.

(d) The Trainer Treatment Records are to be made available for inspection upon request of the Regulatory Authority.

(e) Copies of the Trainer Treatment Records may be requested by the Regulatory Authority in the course of an investigation of a possible violation of these rules or in a proceeding before the Stewards or the Regulatory Authority.

(f) Copies of Trainer Treatment Records must be maintained for 6 months.

(g) Failure to provide accurate and complete Trainer Treatment Records shall result in disciplinary action.

***ARCI-008-020(C)(19) Corticosteroid and Intra-Articular Injection Reporting Requirements  
"30-Day Records"***

A trainer is responsible for:

Trainers or their designee shall maintain complete records of all corticosteroid and intra-articular injections for all horses in his or her control. Complete corticosteroid and intra-articular injection records include:

- (a) The date of the injection;
- (b) The name of the veterinarian performing the injection;
- (c) The articular space(s) or structure(s) injected;
- (d) The medication or biologicals used to inject each articular space; and
- (e) The dose in milligrams of each corticosteroid used.

This information shall be maintained for a minimum of 30 days to facilitate compliance with this regulation. If a horse is successfully claimed by a new owner, the trainer of record at the time of that claiming race must provide that horse's complete corticosteroid and intra-articular injection record(s) for the last 30 days (30-day Record):

- (f) 30-day Records may be provided in paper or electronic form but must be provided in a format approved by the Regulatory Authority
- (g) 30-day Records must be provided to the new trainer within 48 hours of the transfer of the horse. The trainer or his/her designee shall notify the regulatory veterinarian when the records have been provided.
- (h) Submission of 30-day Records may be delegated to the treating veterinarian, who shall provide the report to the new trainer within 48 hours of the transfer of the horse.
- (i) Failure of the trainer to provide the 30-day Record shall result in disciplinary action.

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING  
THE PROPOSED ADDITION OF  
CHRB RULE 1660.1, CLAIMED HORSE HEALTH RECORD,  
TO REQUIRE THE TRANSFER OF MEDICAL RECORDS TO HORSES CLAIMED IN A  
CLAIMING RACE.

Medication, Safety and Welfare Committee Meeting  
July 20, 2018

ISSUE

Upon purchase of a horse in a claiming race, the medical record of the horse is not routinely transferred to the new owner. As a result, the horse's pre-existing medical conditions and treatments are not known to the new owner. Consequently, a horse may be treated with an injection a week before it races, be claimed and transferred to a new owner, and the new veterinarian will have no way of knowing the horse's history, leaving open the possibility of the immediate injection of the same joint. The proposed addition of CHRB Rule 1660.1, Claimed Horse Health Record, seeks to remedy this issue by requiring a health record listing pertinent medical information from a horse claimed in a claiming race to be transferred from the horse's former attending veterinarian(s) to the horse's new attending veterinarian prior to any treatments being performed.

ANALYSIS

Claiming Races are an important part of horse racing in California. In a claiming race, all horses participating are for sale and can be "claimed" or purchased prior to the beginning of the race. Claiming races account for 60% of all races run at California racetracks and represent a common practice in which horses are bought and sold among owners. When a horse is purchased in a claiming race, the medical history of the horse is rarely provided to the new owner. The lack of relevant medical records creates a risk for the health and safety of both horse and rider. Without access to the horse's medical history veterinarians and trainers may be impaired in accurately assessing the horse's soundness.

On February 21, 2018, the Executive Director of the California Horse Racing Board brought this matter before the California Veterinary Medical Board during its regularly scheduled meeting. After discussion, the California Veterinary Medical Board approved and endorsed the CHRB's proposal of requiring the transfer of all existing veterinary medical records for a horse claimed in a claiming race to the horse's new owner. The vote by the California Veterinary Medical Board was unanimous.

This proposed addition of Rule 1660.1, Claimed Horse Health Record, provides an additional safeguard for horses claimed in a claiming race by ensuring the horse's significant medical treatments are transferred to the new attending veterinarian.

## BACKGROUND

Business and Professions Code section 4857 prohibits veterinarians from releasing medical records relating to veterinarian services performed on an animal unless certain exceptions are met. One exception recognized under Business and Professions Code section 4857(a)(4) provides that the release of information is required in order to comply with "any federal, state, county or city law or regulation."

Business and Professions Code section 19440 provides that the California Horse Racing 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 this State. Business and Professions Code section 19580 provides that authority is vested with the Board to adopt regulations to establish policies, guidelines and penalties related to equine medication in order to preserve and enhance the integrity of horse racing in the state.

## RECOMMENDATION

This item is presented for Committee discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 7. CLAIMING RACES  
PROPOSED ADDITION OF  
RULE 1660.1. CLAIMED HORSE HEALTH RECORD

1660.1. Claimed Horse Health Record.

(a) The Claimed Horse Health Record form (CHRB-245) shall be provided by the Official Veterinarian or his or her designee to the previous attending veterinarian upon a horse being claimed in a claiming race.

(b) The previous attending veterinarian shall complete the Claimed Horse Health Record form (CHRB-245) in its entirety and return the form to the Official Veterinarian within five days of the claim.

(c) The Official Veterinarian or his or her designee shall provide the completed Claimed Horse Health Record (CHRB-245) to the new attending veterinarian.

(d) Veterinarians attending a horse for the first time after it is claimed shall review the Claimed Horse Health Record (CHRB-245) prior to performing any intra-articular injections, any other intra-lesional musculoskeletal corticosteroid treatment, or extracorporeal shock wave therapy to the horse

(1) In case of a medical emergency or medical necessity, corticosteroid treatment may be initiated prior to review of the Claimed Horse Health Record after which the horse shall be placed on the Veterinarians List for a minimum of 14 days.

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

STAFF ANALYSIS  
REPORT AND UPDATE REGARDING  
THE DISASTER PLAN REPORT

Medication, Safety and Welfare Committee Meeting  
July 20, 2018

## BACKGROUND

In recent years, the California horse racing industry has been affected by several potential and realized disasters. In 2015, Equine Infectious Anemia (EIA) was detected in racing Quarter Horses, threatening the entire horse population at Los Alamitos Race Course. The end of 2017 saw historical wild fires across southern California, resulting in the well-publicized tragedy at San Luis Rey Downs training center. This past winter, Equine Herpes Virus was detected at Los Alamitos, with a subsequent quarantine order imposed by the California Department of Food and Agriculture (CDFA). Similar events have taken place in other racing jurisdictions across the country.

The first disaster plan developed in 2008 focused on infectious disease. In 2011, the plan was expanded to include other potential disasters. Both documents were developed with support and assistance from Southern California Equine Foundation and assistance from Dr. John Madigan from the UCD-SVM. Disaster planning has become much more sophisticated since the last disaster plan was produced.

CHRB official veterinarian Dr. Tim Grande is developing a new disaster plan template. The new disaster plan presents a template to help CHRB-sanctioned facilities prepare for natural and man-made disasters. It identifies potential emergency situations and sets forth guidelines to be followed to minimize or prevent loss of life and property. The new disaster plan will serve as a framework to help all CHRB facilities detect and respond to potential disasters, and define the appropriate responses by way of an emergency action plan (EAP).

The EAP will outline the coordination of required actions by individual horsemen, on-site emergency response teams, local emergency service agencies (police, fire, ambulance), and state officials to provide for timely notification, warning, and evacuation (if warranted) in the event of a catastrophic emergency. The overarching goal of this disaster plan is to reduce the risk of loss of life, property damage, and business disruption resulting from a catastrophic emergency.

## RECOMMENDATION

This item is presented for Committee Discussion.

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING THE  
PROPOSED ADDITION OF  
RULE 1859.1, OUT-OF-COMPETITION TESTING PROCEDURES AND REQUIREMENTS  
RULE 1869, PROHIBITED DRUG SUBSTANCES IN OUT-OF-COMPETITION TESTING  
AND THE AMENDMENT OF  
RULE 1858, TEST SAMPLE REQUIRED  
RULE 1859, TAKING, TESTING AND REPORTING OF SAMPLES  
RULE 1859.25, SPLIT SAMPLE TESTING  
RULE 1867, PROHIBITED VETERINARY PRACTICES

Medication, Safety and Welfare Committee Meeting  
July 20, 2018

## ISSUE

Currently, the California Horse Racing Board's (CHRB/Board) drug enforcement efforts focus almost exclusively on testing for and restricting substances that are physically detectable in a horse immediately after a race. Although this has effectively curtailed the use of performance enhancing/altering substances immediately prior to a race, it does little to address the issue of substances that enhance performance long after they have been eliminated from the horse's body. While the CHRB regularly tests horses that are out-of-competition, it presently has no recourse when a known performance enhancing substance is detected. To allow the CHRB to affirmatively test for and restrict certain medications and drug substances in race horses that are intended to compete but not currently entered for a specific race, the Board has proposed the addition of Rule 1859.1, Out-of-Competition Testing Procedures and Requirements, and Rule 1869, Prohibited Drug Substances in Out-of-Competition Testing. In addition, the Board has proposed the amendment of the following rules: 1858, Test Sample Required; 1859, Taking, testing and Reporting of Samples; 1859.25, Split Sample Testing; and 1867, Prohibited Veterinary Practices.

## ANALYSIS

The proposed amendment/addition of the out-of-competition regulations was noticed for a 45-day public comment period on March 23, 2018. During the public notice period comments were received from the California Thoroughbred Trainers (CTT), Thoroughbred Owners of California (TOC), North American Association of Racetrack Veterinarians (NAARV) and from Donald C. Smith II, D.V.M. The Board heard the matter during a regular Board meeting on June 21, 2018. During the public comment portion, representatives from the TOC and the CTT were heard. At the conclusion of the hearing, the Board moved to send the proposed regulations back to committee for discussion and action.

The proposed addition of Rule 1859.1, Out-of-Competition Testing Procedures and Requirements, will establish procedures by which the Board will collect out-of-competition test samples, as well as penalties for non-compliance. Specifically, out-of-competition test samples will be collected at the direction of the official veterinarian, the Equine Medical Director, or his/her designee at any time and in any location. Trainers, owners, and their designees are required to disclose the location

of all of their horses that are eligible for out-of-competition testing; however, any party may request that their horse be tested in an alternative location. Additionally, trainers, owners, their designee(s), and racing association employees are required to cooperate with persons collecting out-of-competition test samples. Licensees who willfully fail to make a horse available for out-of-competition testing, or who cause interference or obstruction to the sampling process will receive a minimum one-year license suspension, and horses not made available for out-of-competition testing will be placed on the Steward's List for a minimum of 180 days.

The proposed addition of Rule 1869, Prohibited Drug Substances in Out-of-Competition Testing, will list all medications, drugs, and other substances that are prohibited from being present in an out-of-competition test sample. Additionally, the proposed rule will describe exceptions for certain therapeutic medications in cases where specific procedural and reporting requirements are followed by the trainer and/or their veterinarian. Finally, the rule will describe 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.

The propose amendment of Rule 1858, Test Sample Required, will clarify the Board's authority to collect official blood, urine, and other biological test samples, as well as describe specifically which horses are eligible for out-of-competition testing. Additionally, the proposed amendment will make it a condition of trainers' and owners' licenses 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 of Rule 1859, Taking, Testing and Reporting of Samples, will make minor technical changes to existing language that ensures out-of-competition testing procedures do not conflict with existing official test sample collection requirements.

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

The proposed amendment of Rule 1867, Prohibited Veterinary Practices, will add a number of medications and drug substances to the current prohibited list, and extend the regulation's application to substances detected in out-of-competition test samples.

## BACKGROUND

Business and Professions Code section 19401(a) explains that it is the intent of the Horse Racing Law to allow pari-mutuel wagering on horse races while assuring protection of the public. Business and Professions Code section 19420 states that the Board has jurisdiction and supervision over meetings in this State 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 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 19583 states that every veterinarian who treats a horse within the inclosure shall report the details of such treatment to the official veterinarian in writing.

#### RECOMMENDATION

This item is presented for Committee 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)c) 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 nNo 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 twelve (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. For purposes of this regulation, the following criteria may be used to prove that a horse is no longer engaged in horse racing:

(i) it is registered as retired with one of the breed registry organizations identified in Rule 1402;

(ii) it is not a breed of horse that races in California;

(iii) it becomes breeding stock;

(iv) it has suffered an injury, or been subject to a procedure, that renders the horse permanently unfit to participate in a race as determined by the Official Veterinarian or Equine Medical Director; or

(v) any other evidence is provided that proves the horse will no longer engage in racing in California as decided by the Equine Medical Director, the Executive Director, the stewards, or the official veterinarian.

(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 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, except they are not required to comply with the CHRB license and identification requirements described in subsections (a) and (g).

(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 within seventy-two (72) hours by the trainer or owner on form CHRB-60 (Rev. 7/15) (Trainer Medication Report), which is hereby incorporated by reference, 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 Gonadotropin 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 within seventy-two (72) hours by the trainer or owner 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), which is hereby incorporated by reference, 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.

**CALIFORNIA HORSE RACING BOARD**

**JULY 20, 2018**  
**COMMITTEE MEETING**

**There is no material for Item 5**