

**CALIFORNIA HORSE RACING BOARD**  
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## **MEDICATION COMMITTEE MEETING**

Notice is hereby given that a meeting of the **California Horse Racing Board Medication Committee** will be held on, **Tuesday, July 12, 2005**, commencing at **1:30 p.m.**, at the **Holiday Inn Hotel, 924 West Huntington Drive, Monrovia, California.**

### **AGENDA**

1. Presentation by Dr. Sue Stover on the **Toe Grabs** research study.
2. Discussion and action by the Committee on **penalty guidelines for medication violations.**
3. Report from the **Medication Advisory Committee.**

#### **CALIFORNIA HORSE RACING BOARD**

Chairman John C. Harris, Chairman  
Vice Chairman William A. Bianco, Member  
Commissioner Richard B. Shapiro, Member  
Ingrid Fermin, Executive Director

**CALIFORNIA HORSE RACING BOARD**

**JULY 12, 2005 MEDICATION MEETING**

**There is no committee package material for Item 1.  
Information to be presented at the committee meeting.**

STAFF ANALYSIS

DISCUSSION ON PENALTY  
GUIDELINES  
FOR  
MEDICATION VIOLATIONS

Medication Committee Meeting  
July 12, 2005

BACKGROUND

At the February 2005 Medication committee meeting, the issue of establishing penalties for medication violations was discussed. It was suggested that Association of Racing Commissioners International (ARCI), and Racing Medication and Testing Consortium (RMTC) penalty guidelines be reviewed to determine which would be best suited for California.

The RMTC Board of Directors has recently developed uniform penalty guidelines for medication violations. These guidelines will now be presented to the ARCI and the National Association of Professional Racing Administrators (NAPRA) Joint Model Rules Committee for their consideration. When the ARCI and NAPRA Joint Model Rules Committee approve the uniform penalty guidelines, they will then be submitted to their member jurisdictions for the jurisdictions to approve and implement.

A copy of the RMTC penalty guidelines is enclosed and will be discussed during the CHRB Medication Committee meeting.

Should the committee determine to adopt, the RMTC guidelines, it may be necessary to amend 1843.2, Classification of Drug Substances, from seven into five drug classifications.

RECOMMENDATION

This item is presented for discussion.

# RACING MEDICATION AND TEST CONSORTIUM

ITEM 2 A

## SECTION VII: PENALTIES

DRAFT

JUNE 28, 2005

- A regulatory distinction must be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in a test sample on race day.
- Penalties for all medication and drug violations should be investigated and reviewed on a case-by-case basis. Extenuating factors include, but are not limited to:
  - The past record of the trainer, veterinarian and owner in drug cases;
  - The potential of the drug(s) to influence a horse's racing performance;
  - The legal availability of the drug;
  - Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
  - The steps taken by the trainer to safeguard the horse;
  - The probability of environmental contamination or inadvertent exposure due to human drug use;
  - The purse of the race;
  - Whether the drug found was one for which the horse was receiving a treatment as determined by Medication Report Form, and;
  - Whether there was any suspicious betting pattern in the race.
  - Whether the licensed trainer was acting under the advice of a licensed veterinarian.

There may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors which may increase the penalty beyond the minimum.

- A uniform, reasonable and equitable penalty schedule has been developed for each drug listed in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Each drug was placed in one of four penalty schedules based upon the following criteria:
  - Whether the drug is approved by the U.S. Food and Drug Administration for use in the horse;
  - Whether the drug is approved by the U.S. Food and Drug Administration for use in any species;
  - Whether the drug has any legitimate therapeutic application in the equine athlete;
  - Whether the drug was identified as "necessary" by the RMTC Veterinary Advisory Committee
  - Whether legitimate, recognized therapeutic alternatives exist;
  - The current RCI Class of the drug.

- The following are recommended penalties for violations due to the presence of a Category “A” drug in pre- or post-race samples and for violations of Section V: Prohibited Practices:

<b>LICENSEE</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense</b>	<b>3<sup>rd</sup> LIFETIME offense</b>
<ul style="list-style-type: none"> <li>◦ Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$10,000 or 10% of advertised purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$25,000 or 25% of advertised purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$50,000 or 50% of advertised purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>
<b>LICENSED OWNER</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense in owner's stable</b>	<b>3<sup>rd</sup> LIFETIME offense in owner's stable</b>
<ul style="list-style-type: none"> <li>◦ Disqualification and loss of purse.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian's list for 90 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification and loss of purse.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian's list for 120 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification, loss of purse and \$50,000 fine.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian's list for 180 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.</li> </ul>

- The following are recommended penalties for violations due to the presence of a Category “B” drug in pre- or post-race samples, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in Section II and for violations of the established levels for total carbon dioxide: .

<b>LICENSED DRIVER</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (365-day period)</b>	<b>3<sup>rd</sup> offense (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$1,000.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$2,500.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>
<b>LICENSED OWNER</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense in stable (365-day period)</b>	<b>3<sup>rd</sup> offense in stable (365-day period)</b>
<ul style="list-style-type: none"> <li>◦ Disqualification and loss of purse in the absence of mitigating circumstances.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification and loss of purse in the absence of mitigating circumstances.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification, loss of purse and \$5,000 fine in the absence of mitigating circumstances.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian’s list for 45 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>

- The following are recommended penalties for violations due to the presence of a Category “C” drugs and overages for permitted NSAIDs and furosemide in pre- or post-race samples:

<b>LICENSED TRAINER</b>	<b>Phenylbutazone (5.1-9.9 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (11-49 ng/ml) Furosemide (&gt;100 ng/ml) and no furosemide when identified as administered**</b>	<b>Phenylbutazone (≥10.0 mcg/ml) Flunixin (≥100 ng/ml) Ketoprofen (≥50 ng/ml) and CLASS C Violations</b>
1 <sup>st</sup> Offense (365-day period)	Minimum fine of \$250 absent mitigating circumstances	Minimum fine of \$500 absent mitigating circumstances
2 <sup>nd</sup> Offense (365-day period)	Minimum fine of \$500 absent mitigating circumstances	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances
3 <sup>rd</sup> Offense (365-day period)	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances
<b>LICENSED OWNER</b>	<b>Phenylbutazone (5.1-9.9 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (11-50 ng/ml) Furosemide (&gt;100 ng/ml) and no furosemide when identified as administered**</b>	<b>Phenylbutazone (&gt;10.0 mcg/ml) Flunixin (&gt;100 ng/ml) Ketoprofen (&gt;50 ng/ml) AND CLASS C VIOLATIONS</b>
1 <sup>st</sup> Offense (365-day period)		Loss of purse. Horse must pass commission-approved examination before being eligible to run
2 <sup>nd</sup> Offense (365-day period)		Loss of purse. If same horse, placed on veterinarian’s list for 45 days, must pass commission-approved examination before being eligible to run
3 <sup>rd</sup> Offense (365-day period)		Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian’s list for 60 days, must pass commission-approved examination before being eligible to run

*All concentrations are for measurements in serum or plasma.*

- Any Category “D” drug found to be present in a pre- or post-race sample may result in a written warning.
- Any drug or metabolite thereof found to be present in a pre- or post-race sample which is not classified in the most current RCI Uniform Classification Guidelines for Foreign Substances shall be classified by the regulatory body, which may seek the assistance of the Racing Commissioners International Drug Testing Standards and Practices Committee and/or the Racing Medication and Testing Consortium.
- The administration of a drug to a racing horse must be documented by the treating veterinarian through the filing of a Medication Report Form prescribed by the regulatory agency and filed with the regulatory agency designee at the racetrack where the horse is entered to run or as otherwise specified by the regulatory agency. The Medication Report Form must be filed not later than post time of the race for which the horse is entered. A timely and accurate filing of the Medication Report Form that is consistent with the analytical results of a positive test may be a mitigating factor in determining the nature and extent, if any, of a rules violation.
- Any veterinarian licensed by the regulatory agency or other licensee found to be responsible for the administration of any drug resulting in a positive test may be subject to the same penalties set forth for the licensed trainer.
  - In addition, any veterinarian found to be involved in the administration of any drug in Penalty Schedule A shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation.
- The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of any action and their presence may be required at any and all hearings relative to the case. Administrative action may be taken against any licensed person found to be responsible or party to the improper administration of a drug or the intentional administration of a drug resulting in a positive test.
- Any licensee found to be in violation of state criminal statutes may be referred to the appropriate law enforcement agency.
- Administrative action taken by the regulatory body in no way prohibits a prosecution for criminal acts committed.
- Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

**CALIFORNIA HORSE RACING BOARD**

**JULY 12, 2005 MEDICATION MEETING**

**There is no committee package material for Item 3.  
Information to be presented at the committee meeting.**