

The emergency regulatory Amendment to Rules 1843.5, Medication, Drugs and Other Substances Permitted After Entry in a Race; and 1844, Authorized Medication was filed with the Secretary of State February 26, 2020 and became effective February 26, 2020.

The emergency action will expire on August 25, 2020 if the Certificate of Compliance for this action is not received by August 24, 2020.

**State of California
Office of Administrative Law**

In re:
California Horse Racing Board

Regulatory Action:

Title 04, California Code of Regulations

Adopt sections:

Amend sections: 1843.5, 1844

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2020-0219-07

OAL Matter Type: Emergency (E)

The California Horse Racing Board submitted this emergency action to amend two regulations to significantly limit the medications, drugs, and other substances that are authorized to be given to a racehorse after entry into a race.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 2/26/2020 and will expire on 8/25/2020. The Certificate of Compliance for this action is due no later than 8/24/2020.

Date: February 26, 2020


Richard L. Smith
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Rick Baedeker, Executive
Director

Copy: Zachary Voss

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

EMERGENCY

| | | | |
|------------------|--------------------|--------------------------|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER |
| | Z- | | 2020-0219-07E |

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

FEB 26 2020

1:30pm

2020 FEB 19 P 2:55
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Horse Racing Board

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | |
|--|--|--------------------------|------------------------|-------------------------------|-----------------------|
| 1. SUBJECT OF NOTICE | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|---|--|
| 1a. SUBJECT OF REGULATION(S) Medication, Drugs, and Other Substances/Authorized Medication | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2010-1220-04 per agency request |
|---|--|

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

| | |
|--|-----------------------|
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT |
| | AMEND 1843.5, 1844 |
| | REPEAL |
| TITLE(S) 4 | |

3. TYPE OF FILING

| | | | |
|---|---|---|---|
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | | <input type="checkbox"/> Other (Specify) | |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

| | | | |
|---|---|--|--|
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input checked="" type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> \$100 Changes Without Regulatory Effect | <input type="checkbox"/> Effective other (Specify) |
|---|---|--|--|

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

| | | |
|--|--|---|
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) | | |

| | | | |
|-----------------------------------|----------------------------------|---------------------------------------|--|
| 7. CONTACT PERSON Zachary Voss | TELEPHONE NUMBER 916-263-6036 | FAX NUMBER (Optional) 916-263-6042 | E-MAIL ADDRESS (Optional) zavoss@chr.ca.gov |
|-----------------------------------|----------------------------------|---------------------------------------|--|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|--------------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE | DATE 02/19/2020 |
| TYPED NAME AND TITLE OF SIGNATORY Amanda Drummond, Policy and Regulations Manager | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 26 2020

Office of Administrative Law

CALIFORNIA HORSE RACING BOARD
TITLE 4., CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1843.5. MEDICATION, DRUGS AND OTHER SUBSTANCES PERMITTED
AFTER ENTRY IN A RACE

1843.5. Medication, Drugs and Other Substances Permitted After Entry in a Race.

(a) In this ~~rule~~ article a horse is deemed "entered" in a race ~~48 hours before post time of the running of the race~~ at midnight the day entries close for the race.

(b) ~~Water, and feed, including hay, and grain, and feed supplements that do not contain prohibited drugs~~ may be provided to the horse up until post time.

(c) Drugs, medications or any other substances shall not be administered by any means to a horse after it is deemed entered to race ~~within 48 hours of the post time of the race in which the horse is entered~~ except:

(1) Topical medications, (such as antiseptics, ointments, salves, leg rubs, leg paints, hoof dressings, liniments and antiphlogistics) which do not contain anesthetics or other prohibited drugs.

(d) Any drug, medication or any other substance found in a test sample taken from a horse which is not authorized under this rule shall be deemed a prohibited drug substance.

(e) Any of the following substances may be administered by injection until 24 hours before the post time of the race in which the horse is entered:

(1) Injectable Vitamins;

~~(2) Electrolyte Solutions;~~

~~(3) Amino Acid Solutions;~~

~~(4)~~(2) Tetanus Antitoxin or Tetanus Toxoid, if the horse has sustained a wound.

(f) Approved anti-ulcer medications may be administered until 24 hours before the post time of the race in which the horse is entered. A list of approved anti-ulcer medications, and route of administration, shall be posted at each racetrack in the office of the official veterinarian.

~~(g) One of the following non-steroidal anti-inflammatory medications may be administered until 24 hours before the post time of the race in which the horse is entered under Rule 1844 of this division:~~

~~(1) Phenylbutazone;~~

~~(2) Flunixin;~~

~~(3) Ketoprofen.~~

(gh) In addition to the substances named in subsection (c)(1), any of the following substances may be administered under Rule 1845 of this division within 24 hours of the post time of the race in which the horse is entered:

(1) Furosemide;

~~(2) Other Authorized Bleeder Medication.~~

(2) Only water may be used to wash the horse's mouth on race day.

(hi) Drugs, medications or any other substances may not be administered to a horse by injection, via nasogastric tube (stomach tubing) or any other means after the horse is entered to race, except under these regulations.

Authority: Sections 19580, 19581 and 19582,
Business and Professions Code.

Reference: Sections 19580, 19581 and 19582,
Business and Professions Code;
Section 337 (f), (g) and (h), Penal Code.

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

1844. Authorized Medication.

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

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

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

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

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

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

~~(3) Ketoprofen in a dosage amount that the test sample shall contain not more than 2 nanograms of the drug substance per milliliter of blood plasma or serum.~~

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

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

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

- (1) Acepromazine; 10 nanograms per milliliter
- (2) Mepivacaine; 10 nanograms per milliliter
- (3) Albuterol; 1 nanograms per milliliter
- (4) Procaine; 25 nanograms per milliliter
- (5) Salicylates; 750 micrograms per milliliter
- (6) Detomidine; 2 nanograms per milliliter
- (7) Nandrolone; 1 nanograms per milliliter for geldings, fillies and mares; 45 nanograms for males other than geldings.
- (8) Boldenone; 15 nanograms per milliliter in males other than geldings.
- (9) Testosterone; 20 nanograms per milliliter in geldings.
- (A) Testosterone at any level in males other than geldings is not a violation of this regulation.
- (10) Testosterone; 55 nanograms per milliliter in fillies or mares (unless in foal)

(11) Butorphanol 300 nanograms per milliliter

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

~~(1) Bethamethasone; 10 picograms per milliliter~~

~~(12) Dantrolene; 100 picograms per milliliter~~

~~(23) Detomidine; 1 nanogram per milliliter~~

~~(4) Dexamethasone; 5 picograms per milliliter~~

~~(5) Diclofenac; 5 nanograms per milliliter~~

~~(36) Dimethylsulfoxide (DMSO); 10 micrograms per milliliter~~

~~(7) Firocoxib; 20 nanograms per milliliter~~

~~(48) Lidocaine; 20 picograms per milliliter~~

~~(59) Methocarbamol; 1 nanogram per milliliter~~

~~(10) Methylprednisolone; 100 picograms per milliliter~~

~~(611) Glycopyrrolate; 3 picograms per milliliter~~

~~(12) Prednisolone; 1 nanogram per milliliter~~

~~(13) Triamcinolone Acetonide; 100 picograms per milliliter~~

~~(714) Xylazine; 200 picograms per milliliter~~

~~(815) Butorphanol; 2 nanograms per milliliter~~

~~(16) Isoflupredone; 100 picograms per milliliter~~

~~(917) Cetirizine; 6 nanograms per milliliter~~

~~(1018) Cimetidine; 400 nanograms per milliliter~~

~~(1119) Guaifenesin; 12 nanograms per milliliter~~

(~~1220~~) Omeprazole; 10 nanograms per milliliter

(~~1324~~) Ranitidine; 40 nanograms per milliliter

(~~eg~~) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (~~ec~~)(1) to (5) and (~~ec~~)(7) to (10).

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

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

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

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

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

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

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

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