

well-muscled horse, which is easily accomplished and enhanced with the use of anabolic steroids.

The FDA approved formulation for horses was specifically formulated to make Ventiplulmin, the FDA approved brand, unpalatable to humans. Unapproved clenbuterol can be readily obtained though, and in fact in some countries it is allowed in food for animals to promote muscle weight gain. The official CHRB laboratory, the Maddy lab at UC Davis School of Veterinary Medicine, has analyzed a number of non-FDA clenbuterol preparations from quarter horse racing in California and other southwest racing locations where quarter horse racing is prominent. Furthermore, at least one study has described numerous side-effects associated with clenbuterol administration, including a repartitioning effect and major alterations in cardiac and skeletal muscle function, as well as affects on bone, immune, endocrine, and reproductive systems.³

Los Alamitos Racecourse and the Pacific Coast Quarter Horse Racing Association (PCQHRA), the horsemen's group representing quarter horse owners and trainers in California, began expressing concern to the CHRB in 2010 about what they perceived as unfair racing at Los Alamitos. Public confidence is critical to horse racing, and the perception of unfair competition amongst owners and trainers due to the use of clenbuterol became a serious issue for the public and licensees.

The CHRB conducted testing at Los Alamitos for their 2010 signature end of season races, the \$2,000,000 Futurity and Champion of Champions. A total of 72 blood samples were obtained and tested. Of those samples, every sample (72 out of 72) contained detectable levels of clenbuterol in the horse's blood. Realistically, clenbuterol can be detected in blood for no more than 4-7 days after administration, indicating that all of the tested horses had recently been administered clenbuterol. At the request of Los Alamitos Racecourse and PCQHRA, the CHRB suspended authorization to clenbuterol by breed and track for one year at a time, pursuant to Rule 1844.1. The suspension was in place for 2011, and upon conducting a similar testing program, the CHRB found that no horses tested positive for clenbuterol this time around. In 2013, however, a number of trainers began to once again push the limits on clenbuterol use. In Fiscal Year 2013-14 there were 13 clenbuterol violations at Los Alamitos. While trainers are sanctioned when caught, the public is not protected in these instances. Those who wager on races where certain horses have been administered clenbuterol have no recourse. The people who bet on a winning horse that has been administered clenbuterol—which often includes the horse's owners and trainers—are rewarded, while those who bet on a losing horse not administered clenbuterol become victims of an unfair and illegal performance enhancing scheme.

In response to these instances of unlawful clenbuterol use, the CHRB implemented the abovementioned memorandum to enhance reporting requirements and suspend authorization for clenbuterol in quarter horses. Los Alamitos Racecourse, with PCQHRA support, established additional internal clenbuterol regulations as well. As a direct consequence, there have been no clenbuterol violations so far in Fiscal Year 2014-15 and no

³ Charles F. Kearns & Kenneth H. McKeever, *Clenbuterol and the horse revisited*, *The Veterinary Journal* 182 (2009) 384-391.

clenbuterol was found in OOCT at Los Alamitos for the \$2,000,000 Futurity and Champion of Champions.

Because of the Office of Administrative Law's recent determination, however, the memorandum has effectively become unenforceable by the CHRB without seriously risking adverse litigation and judgments in court. Accordingly, trainers and veterinarians can presently administer clenbuterol to quarter horses entered to race in California, which not only can harm the animal as described above, but also severely degrade the integrity of quarter horse racing in California.

Authority and Reference Citations (pursuant to Gov Code 11346.5(a)(2))

The CHRB, pursuant to the authority granted by Business and Professions Code sections 19440 and 19580, in order to implement, interpret and make specific Title 4 California Code of Regulations (CCR) sections 1844, 1855, and 1866, proposes to add CCR section 1866.1 and amend section 1844.

Informative Digest (pursuant to Gov Code 11346.5(a)(3))

Title 4 CCR 1844, Authorized Medication, presently provides that official urine test samples from a horse may contain clenbuterol in an amount that does not exceed 140 picograms per milliliter. The proposed emergency regulations would revise the amount to 0 picograms per milliliter in quarter horses, making detection of clenbuterol in an official urine test sample impermissible for that breed of horse.

Title 4 CCR 1866, Veterinarian's List, provides that the official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity. The proposed emergency regulations would make the prescription of clenbuterol to a quarter horse a "veterinary treatment" under 1866, and further require any quarter horse who tests positive for clenbuterol in a blood, urine, or other official test sample to be placed on the Veterinarian's List until the presence of clenbuterol is no longer detected by an official test sample.

The proposed emergency regulations do not differ substantially from an existing comparable federal regulation or statute.

The CHRB finds that the broad objective of the regulation is to protect quarter horses from the unregulated and potentially harmful administration of clenbuterol, as well as to protect the wagering public from unfair advantages gained by trainers and owners who illegitimately enhance the performance of their horses using clenbuterol. The anticipated benefits of these regulations are that quarter horses receiving clenbuterol will not be permitted to race in California, protecting both the horse from potential injury and the public from negative perceptions of horse racing.

The proposed emergency regulations are not inconsistent or incompatible with existing state regulations.

Statutory Requirements Specific to Agency (pursuant to Gov Code 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations.

Local Mandate Determination (pursuant to Gov Code 11346.5(a)(5))

These proposed regulations impose no mandates on local agencies or school districts, or mandates which require reimbursement of costs or savings pursuant to Government Code sections 17500 – 17630.

Fiscal Impact Statements of Cost or Savings for the Following (pursuant to Gov Code 11346.5(a)(6))

- Cost to any local agency or school district that is required to be reimbursed: None
- Cost or savings to any state agency: None
- Cost or savings in federal funding to the state: None
- Other nondiscretionary cost or savings imposed on local agencies: None

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

1844. Authorized Medication.

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

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

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

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

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

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

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

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

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

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

(1) Acepromazine; 10 nanograms per milliliter

(2) Mepivacaine; 10 nanograms per milliliter

(3) Albuterol; 1 nanograms per milliliter

(4) Procaine; 25 nanograms per milliliter

(5) Salicylates; 750 micrograms per milliliter

(6) Clenbuterol; 140 picograms per milliliter, except in Quarter Horses the amount of clenbuterol cannot exceed 0 picograms per milliliter

(7) Omeprazole; 1 nanogram per milliliter

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

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

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

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

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

(12) Butorphanol 300 nanograms per milliliter

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

(1) Bethamethasone; 10 picograms per milliliter

(2) Dantrolene; 100 picograms per milliliter

(3) Detomidine; 1 nanogram per milliliter

(4) Dexamethasone; 5 picograms per milliliter

(5) Diclofenac; 5 nanograms per milliliter

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

(7) Firocoxib; 20 nanograms per milliliter

(8) Lidocaine; 20 picograms per milliliter

(9) Methocarbamol; 1 nanogram per milliliter

(10) Methylprednisolone; 100 picograms per milliliter

(11) Glycopyrrolate; 3 picograms per milliliter

(12) Prednisolone; 1 nanogram per milliliter

(13) Triamcinolone Acetonide; 100 picograms per milliliter

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

(15) Butorphanol; 2 nanograms per milliliter

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

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

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

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

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

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

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

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

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