

**CALIFORNIA HORSE RACING BOARD**  
**15-DAY NOTICE OF MODIFICATION TO THE TEXT OF THE PROPOSED**  
**AMENDMENT OF RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS, RULE**  
**1843.5. MEDICATION, DRUGS AND OTHER SUBSTANCES PERMITTED AFTER**  
**ENTRY IN A RACE, AND RULE 1844, AUTHORIZED MEDICATION**

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations, the California Horse Racing Board (Board) is providing notice of changes that have been made to the text of the proposed addition of Board Rule 1843.3, Penalties for Medication Violations, Rule 1843.5, Medication, Drugs, and Other Substances Permitted After Entry in a Race, and Rule 1844, Authorized Medication.

The Board is also providing notice that a document incorporated by reference is available for public inspection and comment.

**CHANGES TO THE PROPOSED TEXT**

The originally proposed text was noticed to the public on January 3, 2020 and was subject of a public hearing on February 20, 2020. The rulemaking was returned to the Board for further discussion and amendments at the March 26, 2020 regular Board meeting. The modifications reflected in this Notice are in response to recommendations made by stakeholders and Board members.

A copy of the full text of the regulations with the proposed changes indicated is attached for your review. Additions to the originally proposed text appear in double underlined text and deletions are shown in ~~double strikethrough~~.

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

Proposed section (a) has been modified to reflect the original, pre-emergency amendment language following concerns from stakeholders objecting to some of the changes implemented. An emergency regulation that went into effect on February 26, 2020 amended subsection (a) and modified the definition of “entered to race” from 48 hours prior to post time to midnight the day entries are closed. In California, some entries to race close as far as 5 days before a race, so there were concerns from horsemen that the new amendment prohibited them from administering feed supplements, electrolytes, and other medications or substances up to 5 days before the race.

Proposed subsection (g) has been stricken as it previously indicated only one corticosteroid was authorized, but the Board has indicated they want no corticosteroids and are moving towards medication-free racing. As a result, the Board decided to strike subsection (g) and all subsequent letters have been modified accordingly.

## WRITTEN COMMENT PERIOD

Any interested person may submit a written statement relating to the modified language during the public comment period from **March 27, 2020 to April 11, 2020**. All written comments must be submitted to the CHRB no later than **5:00 p.m. on April 11, 2020**. The Board will only consider comments received at the Board's office by that time. Submit written comments to:

Zachary Voss, Policy and Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Email: [zavoss@chrb.ca.gov](mailto:zavoss@chrb.ca.gov)

All written comments received by April 11, 2020, which pertain to the indicated text changes will be reviewed and responded to by the Board's staff as part of the completion of the rulemaking file. Please limit your comments to the modifications to the text and form incorporated by reference. Text proposed to be added to the rulemaking in this comment period is displayed in double underline and proposed deletions to the rulemaking in this comment period is displayed in ~~double strikethrough~~.

Questions concerning the proposed amendments may be addressed to Zachary Voss at (916) 263-6036, emailed to [zavoss@chrb.ca.gov](mailto:zavoss@chrb.ca.gov), or mailed to the address above. If Zachary Voss is not available, questions concerning the proposed amendment may be directed to Amanda Drummond, Policy and Regulations Manager, at (916) 263-6033 or [amdrummond@chrb.ca.gov](mailto:amdrummond@chrb.ca.gov).

## AVAILABILITY OF RULEMAKING DOCUMENTS ON THE INTERNET

Copies of this notice, the original Notice of Proposed Rulemaking, the Initial Statement of Reasons, the original proposed text of the regulations, additional documents and information to the record, and the revisions to the proposed text of the regulations can be accessed via the CHRB website at: [http://www.chrb.ca.gov/rules\\_law.asp](http://www.chrb.ca.gov/rules_law.asp).

CALIFORNIA HORSE RACING BOARD  
March 27, 2020

CALIFORNIA HORSE RACING BOARD  
TITLE 4., CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1843.3. PENALTIES FOR MEDICATION VIOLATIONS

1843.3. Penalties for Medication Violations.

(a) In reaching a decision on a penalty for a violation of Business and Professions Code section 19581, the Board, the board of stewards, the hearing officer or the administrative law judge shall consider the penalties set forth in subsections (d) and (e) of this Rule and any aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors for which a greater penalty is appropriate.

(b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:

(1) The past record of the licensee regarding violations of Business and Professions Code section 19581;

(2) The potential of the drug(s) to influence a horse's racing performance and the amount of the drug present;

(3) The legal availability of the drug and whether the drug was prescribed to the horse by a California Horse Racing Board (CHRB) licensed veterinarian;

(4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;

(5) The steps taken by the trainer to safeguard the horse;

(6) The steps taken by an owner to safeguard against subsequent medication violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer;

(A) "Unaffiliated trainer" means a trainer or an assistant trainer who is not related by blood,

marriage or domestic partnership, or who is not or was never employed by the trainer from whose care such horse(s) were transferred.

(7) The probability of environmental contamination or inadvertent exposure due to human drug use or other factors;

(8) The purse of the race;

(9) Whether the drug found to be present in the official test sample was one for which the horse was receiving treatment as determined and documented through the process described in Rule 1842 of this division;

(10) Whether there was any suspicious wagering pattern on the race;

(11) Whether the licensed trainer was acting under the advice of a CHRB licensed veterinarian.

(c) The Board shall consider the classification of a drug substance as referred to in Rule 1843.2 of this division and the California Horse Racing Board (CHRB) Penalty Categories Listing by Classification, (Revised 4/15), which is hereby incorporated by reference, if a determination is made that an official test sample from a horse contained:

(1) Any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this division, or

(2) Any drug substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in the article.

(d) Penalties for violation of each classification level are as follows:

## CATEGORY “A” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category A penalty are as follows:

<b>LICENSED TRAINER:</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><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$10,000 or 10% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000 or 25% of purse (greater of the two).</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum two-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><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$20,000 or 25% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 50% of purse (greater of the two).</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</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 permanent license revocation.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$25,000 or 50% of gross 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><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</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 of horse and loss of purse.</li> </ul> <p><b>AND</b></p> <p>Horse may be placed on the veterinarian’s list for up to 90 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</p> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian’s list for up to 120 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse, loss of purse and absent mitigating circumstances, minimum fine of \$10,000. The presence of aggravating factors could be used to impose a maximum fine of \$50,000.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian’s list for up to 180 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Referral to the Board with a recommendation of a suspension of owners license for a minimum of 90 days.</li> </ul>

## CATEGORY “B” PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category B penalty are as follows:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (within two year time period)</b>	<b>3<sup>rd</sup> offense (within five year time period)</b>
<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 60-day suspension.</li> </ul> <p><b>AND/OR</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 fine of \$10,000.</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 180-day suspension.</li> </ul> <p><b>AND/OR</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 fine of \$20,000.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum 90-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><b>AND/OR</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 fine of \$50,000 or 10% of purse (greater of the two).</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense in stable (within two year time period)</b>	<b>3<sup>rd</sup> offense in stable (within five year time period)</b>
<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse, loss of purse and absent mitigating circumstances minimum fine of \$5,000. The presence of aggravating factors could be used to impose a maximum fine of \$20,000.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian’s list for up to 45 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner’s expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>

## CATEGORY “B” PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO<sub>2</sub>) TESTING

Penalties for violations due to exceeding permitted levels of TCO<sub>2</sub> as defined in Rule 1843.6 are

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (&gt; 37.0 mm/l/-&lt;39 mm/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (&gt; 37.0 mm/l/-&lt;39 mm/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (&gt; 37.0 mm/l/-&lt;39 mm/l)</b>
<ul style="list-style-type: none"> <li>Up to a 30-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><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$1,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.</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 120-day suspension.</li> </ul> <p><b>AND/OR</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 fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-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><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (&gt; 37.0 mm/l/-&lt;39mm/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (&gt; 37.0 mm/l/-&lt;39 mm/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (&gt; 37.0 mm/l/-&lt;39 mm/l)</b>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse, loss of purse and in the absence of mitigating circumstances, \$2,500 fine.</li> </ul>
<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (≥ 39.0 mm/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (≥ 39.0 mm/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (≥ 39.0 mm/l)</b>
<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 60-day suspension.</li> </ul> <p><b>AND/OR</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 fine of \$10,000.</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 180-day suspension.</li> </ul> <p><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension.</li> </ul> <p><b>AND/OR</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (≥ 39.0 mm/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (≥ 39.0 mm/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (≥ 39.0 mm/l)</b>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse, loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.</li> </ul>

as set forth below. All concentrations are for measurements in serum or plasma.

## CATEGORY "C" PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category C penalty ~~and for the presence of more than one non-steroidal anti-inflammatory (NSAID) in a plasma/serum sample, as defined in Rule 1844 of this division, and furosemide as defined in Rule 1845 of this division in an official test sample~~ are as set forth below. All concentrations are for measurements in serum or plasma.

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (within 365-day period)</b>	<b>3<sup>rd</sup> offense (within 365-day period)</b>
<ul style="list-style-type: none"><li>◦ Minimum fine of \$500 to a maximum fine of \$1,000 absent mitigating circumstances.</li></ul>	<ul style="list-style-type: none"><li>◦ Minimum fine of \$1,000 to a maximum fine of \$2,500, and up to a 15 - day suspension absent mitigating circumstances.</li></ul>	<ul style="list-style-type: none"><li>◦ Minimum fine of \$2,500 and up to a 30 - day suspension absent mitigating circumstances</li></ul>

Penalties for a fourth violation within a 365-day period shall require a minimum 15-day suspension and \$2500 fine. Penalties for any subsequent violation within a 365-day period shall require a greater suspension and fine than the penalty imposed for the previous violation.

## **CATEGORY "C" PENALTIES FOR RULE 1844, AUTHORIZED MEDICATION (C) (1), (2), (3)**

~~Penalties for violations due to overages for permitted non-steroidal anti-inflammatory drug substances (NSAIDs) as defined in Rule 1844 (c) (1), (2) and (3) of this division. All concentrations are for measurements in serum or plasma.~~

~~The official veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). If the trainer has not had an 1844 (c) violation within the previous three years, the board of stewards may issue a warning in lieu of a fine for violations of 1844 (c)(1), phenylbutazone, provided the reported level is below 5.1 mcg/ml.~~

<b>LICENSED TRAINER:</b>	<b>Phenylbutazone (2.1-&lt;5.0 mcg/ml) Flunixin (20-&lt;100 ng/ml) Ketoprofen (2-&lt;50 ng/ml)</b>	<b>Phenylbutazone (2.1-&lt;5.0 mcg/ml) Flunixin (20-&lt;100 ng/ml) Ketoprofen (2-&lt;50 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (within 365-day period)</b>	<b>3<sup>rd</sup> offense (within 365-day period)</b>
⌚ Minimum fine of \$500 to a maximum fine of \$1,000.	⌚ Minimum fine of \$1,000 to a maximum fine of \$2,500.	⌚ Minimum fine of \$2,500 to a maximum fine of \$5,000.
<b>LICENSED OWNER:</b>	<b>Phenylbutazone (2.1-&lt;5.0 mcg/ml) Flunixin (20-&lt;100 ng/ml) Ketoprofen (2-&lt;50 ng/ml)</b>	<b>Phenylbutazone (2.1-&lt;5.0 mcg/ml) Flunixin (20-&lt;100 ng/ml) Ketoprofen (2-&lt;50 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (within 365-day period)</b>	<b>3<sup>rd</sup> offense (within 365-day period)</b>
No penalty administered.	No penalty administered.	No penalty administered.
<b>LICENSED TRAINER:</b>	<b>Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>	<b>Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (within 365-day period)</b>	<b>3<sup>rd</sup> offense (within 365-day period)</b>
⌚ Minimum fine of \$1,000 to a maximum fine of \$2,500.	⌚ Minimum fine of \$2,500 to a maximum fine of \$5,000.	⌚ Minimum fine of \$5,000 to a maximum fine of \$10,000.
<b>LICENSED OWNER:</b>	<b>Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>	<b>Phenylbutazone (≥ 5.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)</b>
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> offense (within 365-day period)</b>	<b>3<sup>rd</sup> offense (within 365-day period)</b>
⌚ Horse must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	⌚ Disqualification of horse and loss of purse. If same horse, placed on veterinarian's list for up to 45 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	⌚ Disqualification of horse and loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.

(e) Violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category "D" penalty, may result in a written warning to the licensed trainer and owner.

## CATEGORY “D” PENALTIES

1 <sup>st</sup> offense ( <b>within 365-day period</b> )	2 <sup>nd</sup> offense ( <b>within 365-day period</b> )	3 <sup>rd</sup> offense ( <b>within 365-day period</b> )
Minimum of an official written warning to a maximum fine of \$250.	Minimum of a \$250 fine to a maximum fine of \$500.	Minimum of a \$500 fine to a maximum fine of \$750.

(f) If a licensee has received a penalty for a Class A, B or C medication violation, and within a 365-day period has a subsequent lesser violation (e.g. an A violation followed by a B violation), the earlier violation shall count as a “prior violation” for the purposes of determining the penalty for the subsequent lesser violation.

(g) If a licensee has received a penalty for a Class B, C or D medication violation, and within a 365-day period has a subsequent greater violation (e.g. a D violation followed by a C violation), the earlier violation shall count as an aggravating factor for the purposes of determining the penalty for the subsequent greater violation.

(h) Any drug or its metabolite or analogue thereof found to be present in an official test sample that is not classified in Rule 1843.2 of this division shall be classified as a Class 1 substance and a Category “A” penalty until classified by the Board.

(i) The administration of a drug substance to a race horse must be documented by the treating veterinarian through the process described in Rule 1842 of this division.

(j) Any licensee found to be responsible for the administration of any drug substance resulting in a positive test may be subject to the same penalties set forth for the licensed trainer and his presence may be required at any and all hearings relative to the case.

(1) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category “A” shall be referred to the California Veterinary Medical Board (CVMB) for consideration of further disciplinary action.

(2) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category “B” or “C” may be referred to the CVMB for

consideration of further disciplinary action upon the recommendation of the Equine Medical Director, the board of stewards or hearing officers.

(k) A licensee who is suspended because of a medication violation is not able to benefit financially during the period of suspension. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members or, for any licensee whose suspension is for more than 30 days, to any other licensee who has been an employee of the suspended licensee within the previous year.

(1) A licensee whose license is revoked because of a medication violation is not able to benefit financially following the revocation of his or her license. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members or to any other licensee who has been an employee of the licensee whose license is revoked within the previous year.

(l) "Licensed family members" means any person who holds an occupational license issued by the CHRB and who is related to the suspended licensee, or the licensee whose license is revoked, by blood, or by marriage or domestic partnership, or who is related by blood to the spouse or domestic partner of such licensee.

(1) Licensed trainers suspended 60 days or more shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, during the period of suspension, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, colors, advertisements, training-related equipment, tack, office equipment, and any other property.

(2) A trainer whose license is revoked shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, colors, advertisements, training-related equipment, tack, office equipment, and any other property.

Authority: Sections 19440, 19461 and 19580,  
Business and Professions Code.

Reference: Sections 19461, 19580, 19581 and 19582,  
Business and Professions Code; and  
Section 11425.50, Government Code.

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 48 hours before post time of the running of 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 enter 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.~~

~~(g) Not more than one glucocorticoid including adrenocorticotrophic hormone (ACTH) may be administered to a horse that is entered to race.~~

~~(g)~~(h) 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.

~~(h)~~(i) 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.

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.~~

(e~~c~~) 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~~

(644) Glycopyrrolate; 3 picograms per milliliter

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

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

(744) Xylazine; 200 picograms per milliliter

~~(845) Butorphanol; 2 nanograms per milliliter~~

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

(947) Cetirizine; 6 nanograms per milliliter

(1048) Cimetidine; 400 nanograms per milliliter

(1149) 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.

~~(gt)~~ 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.