

CALIFORNIA HORSE RACING BOARD
TITLE 4. DIVISION 4. CALIFORNIA CODE OF REGULATIONS
RULE 1845. AUTHORIZED BLEEDER MEDICATION
INITIAL STATEMENT OF REASONS

SPECIFIC PURPOSE OF THE REGULATION

The proposed amendment to California Horse Racing Board (Board) Rule 1845, Authorized Bleeder Medication, will reduce the maximum allowable dose of race day furosemide from 500 milligrams to 250 milligrams and will prohibit all race day administration of furosemide to foals born in or after 2018.

PROBLEM

Furosemide, or Lasix, is a medication used for the treatment of Exercise-Induced Pulmonary Hemorrhage (EIPH) in race horses. EIPH refers to a condition wherein pulmonary bleeding occurs when capillaries in horses' lungs burst as a result of the exertion from intense exercise or racing and is seen in race horses and other horses participating in equine sports.

In March, 2019, The Stronach Group (TSG), which owns Golden Gate Fields (GGF) and Santa Anita Park Race Track (SA), declared its intent to progress toward a zero-tolerance policy for race day medication at its racetracks and entered into an agreement with the Thoroughbred Owners of California (TOC) to reduce the maximum allowable level of furosemide administration from 500 milligrams to 250 milligrams. The agreement will also phase out race day medication in horses born in or after 2018. Board Rule 1581, Racing Secretary to Establish Conditions, provides that if participating horsemen's organizations agree in advance to conditions that restrict the use of a drug substance or medication, the Board can approve an agreement to allow the racing secretary to condition races based on the exclusion of those prohibited substances or medications. The Board approved the agreement between TSG and TOC at its March 2019 Regular Board Meeting. This agreement reduces the maximum dose of race day furosemide allowable in horses born before 2018 and prohibits its administration in any amount in horses born in or after 2018, but only at SA and GGF.

The 2019 agreement between TSG and TOC represents a larger horse racing industry trend. The United States (U.S.) is one of the few major racing jurisdictions worldwide that still allows horses to receive medication on the day of the race, but many industry leaders are taking action to align their policies with international standards. The Board has accommodated TSG and TOC in this effort under Board Rule 1581, but the Board-approved agreement did not apply to all of California's racetracks. Without a change in the Board's regulations regarding race day medication, each racing association must individually apply through Board Rule 1581 to condition races at their track if they wish to

join the effort to prohibit race day medication. Following the March 2019 agreement, most racing associations and racing fairs in California did just that. California's racing associations and racing fairs have demonstrated that they wish to prohibit race day use of medication, including Lasix, so the Board has amended Board Rule 1845 to bring California's race day authorized bleeder medication rules in line with the industry's initiative.

NECESSITY

EIPH is common among race horses and other horses participating in equine sports. EIPH is a condition wherein pulmonary bleeding occurs when capillaries¹ in horses' lungs burst as a result of the exertion from intense exercise or racing. When horses experience intense exertion from exercise, their hearts and spleen work together to pump vast amounts of blood into the vessels of the lungs. The blood pressure can become so great that the vessels burst, causing microscopic bleeding in the horse's lungs. Repeated bleeding is thought to cause inflammation, tissue damage and decreased lung capacity.

Furosemide is an authorized bleeder medication used to treat EIPH in race horses. Board Rule 1845 currently allows a furosemide dosage of not less than 150 milligrams and not more than 500 milligrams to be administered on racetrack grounds not less than four hours before the race that the treated horse is intended to start. The March 2019 Board-approved agreement between TSG and TOC, however, sets lower maximum levels of allowable race day furosemide treatment and prohibits the administration of furosemide altogether in foals of the 2018 crop and thereafter at SA and GGF.

Furosemide is the only authorized bleeder medication currently permitted by the Board to treat EIPH. According to a review conducted by the American College of Veterinary Internal Medicine (ACVIM) of the veterinary literature regarding EIPH, there is high quality evidence that furosemide administered before strenuous exercise decreases the severity and incidence of EIPH. However, furosemide is a diuretic and causes horses to whom it is administered to urinate approximately 10 to 15 liters of urine. The loss of bodily fluid before a race, if the horse is not allowed to rehydrate, results in the horse weighing 10 to 20 pounds lighter by the start of the race, leading some in the industry to assert that furosemide gives horses an unfair advantage by allowing them to race with less weight than they otherwise would naturally. The international racing community has largely banned the use of any race day medication, including furosemide. The U.S. is one of the few major racing jurisdictions that still allows for race day administration of furosemide. Countries such as South Africa, Australia, Malaysia, Brazil, Ireland, Germany and Switzerland all prohibit race day furosemide administration.

¹ A capillary is any of the fine branching blood vessels of hair-like thickness that form a network to carry blood between the arterioles and venules.

Subsection 1845(a) of the proposed amendment to Board Rule 1845 has been amended to lower the maximum dosage of furosemide from 500 milligrams to 250 milligrams. The 250-milligram maximum dosage is a return to the 1991 – 2005 standard maximum dose². The reduction in maximum dosage is necessary for purposes of consistency with the racing industry initiative to move to a drug and medication free race day standard, but the amendment will not fully prohibit the use of furosemide immediately. Furosemide administration is common in the U.S. and the amendment to Board Rule 1845 provides that older horses that are currently running on furosemide can continue their treatment regimen but do so at lower maximum levels. The abrupt and total prohibition of furosemide could carry health risks for horses currently receiving furosemide treatment. In a worst case, a horse on a furosemide regimen that was taken off prematurely could bleed into its lungs to the point of becoming incapacitated during a race. The proposed amendment allows for a gradual reduction in furosemide levels to ease the process of phasing out furosemide administration in California horse racing while protecting the horses currently receiving furosemide.

New subsection 1845(a)(1) of the proposed amendment to Board Rule 1845 provides that furosemide is prohibited for foals of the 2018 crop year and thereafter. The 2019 agreement between TSG and TOC to prohibit the use of furosemide in racehorses born in or after 2018 at SA and GGF comes on the heels of a similar agreement between organizations representing a group of racetracks that account for 90 percent of the total handle³ on U.S. races, including all three hosts of the Triple Crown⁴. The amendment to Board Rule 1845 is necessary to achieve consistency with the larger trend in the U.S. horse racing industry to prohibit race day furosemide and aligns Board medication rules with most international racing jurisdictions.

All other changes to the regulation are for purposes of clarity and consistency.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

The proposed amendment to Board Rule 1845 will reduce the maximum allowable dose of race day furosemide from 500 milligrams to 250 milligrams and will prohibit all race day administration of furosemide to foals born in or after 2018. The proposed amendment is consistent with the 2019 Board-approved agreement between TSG and TOC to reduce the maximum allowable dosage of furosemide to 250 milligrams and prohibit all race day administration of furosemide to race horses born in or after 2018 at TSG's California

² From 1991 – 2005 the maximum dose of furosemide administration permissible on race day was 250 milligrams. In 2005, the Board amended Rule 1845 to increase the maximum dose to 500 milligrams to provide consistency with Association of Racing Commissioners International Model Rules of Racing.

³ The handle is the total amount of money bet on a race, or during the entire day or season.

⁴ The Triple Crown is a series of three thoroughbred horse races consisting of the Kentucky Derby, Preakness Stakes and Belmont Stakes. The Triple Crown is the U.S. horse racing industry's most valuable asset and it generates millions of dollars for the horse racing industry.

racetracks, and with race day furosemide policies subsequently enacted at all other California racetracks. The proposed amendment will align Board authorized bleeder medication rules with both the 2019 agreement and the wider industry initiative to prohibit race day medication but will do so gradually by allowing horses that currently run on furosemide to continue doing so at a reduced dosage. The proposed amendment will also prevent future crops of race horses from being administered the treatment. The gradual phase out of furosemide proposed in the amendment has the benefit of minimizing the health risks to horses currently running on furosemide that might result from an abrupt ban, while at the same time preventing over-medication of race horses by returning to the lower maximum dose that the Board adhered to in the past. The proposed amendment also has the benefit of providing consistent standards for race day furosemide throughout the state.

The proposed amendment has the benefit of promoting an image of integrity and fairness in California racing by eliminating the use of a substance that could be perceived as performance enhancing. Furosemide is a diuretic and leads to increased urination in race horses when administered. Horses administered furosemide can pass between 10 to 15 liters of urine in the first hour after administration, leading to approximately 10 to 20 pounds of weight loss. The weight loss makes the treated horse lighter and potentially faster in a race, leading some in the racing community to assert that furosemide treatment provides horses an unfair advantage over those horses racing without it. By prohibiting race day furosemide, the amendment eliminates the administration of a treatment that some believe is associated with improved racing outcomes. Additionally, the proposed amendment has the benefit of promoting a positive view of the horse racing industry in the eyes of the wagering public, which could result in an increase in wagering activity and a positive economic impact for the industry.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS

International Federation of Horseracing Authorities: “International Agreement on Breeding, Racing and Wagering and Appendixes” (Published 5/7/18).

The Jockey Club: “Statement from The Jockey Club Re Race-Day Medication” (Published 4/28/11).

Journal of Veterinary Internal Medicine: “Exercise Induced Pulmonary Hemorrhage in Horses: American College of Veterinary Internal Medicine Consensus Statement” (2015 May-June issue).

RMTC Racing Medication and Testing Consortium: “Info Bulletin No. 70 – Ban on Race Day Medication: Introduction of a Standards-Based Rule: AGCO 3/29/19” (Published 3/29/19).

The Stronach Group: “An Open Letter About the Future of Thoroughbred Racing in California” (Published 3/14/19).

The Stronach Group and Thoroughbred Owners of California: “The Stronach Group and the Thoroughbred Owners of California Reach Historic Agreement to Improve Horse Safety, Welfare and Integrity of Horse Racing in California” (Published 3/16/19).

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The results of the Board’s Economic Impact Assessment as required by Government Code (GC) section 11346.3(b) are as follows:

- The proposed regulation will not impact the creation or elimination of jobs within the state of California.
- The proposed regulation will not have an impact on the creation of new businesses or the elimination of existing businesses in the state of California.
- The proposed regulation will not have an impact on the expansion of businesses currently doing business in California.
- The proposed regulation will benefit the state of California by helping to ensure the health and safety of horse and rider and promote a positive image of California’s horse racing industry. The proposed regulation will not benefit the state of California’s environment.

The Board has made the initial determination that the proposed amendment to Board Rule 1845 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The proposed regulation will reduce the maximum allowable dose of race-day furosemide from 500 milligrams to 250 milligrams and will prohibit all race-day administration of furosemide to foals born in or after 2018. The proposed regulation will align the Board’s rules for authorized bleeder medication with the practices already being implemented through Board Rule 1581 at all California race tracks. As such, the proposed regulation will not impose any new requirements or costs to California businesses, but will simply codify already existing practices.

Purpose:

The proposed amendment to Board Rule 1845 will reduce the maximum allowable dose of race day furosemide from 500 milligrams to 250 milligrams and will prohibit all race day administration of furosemide to foals born in or after 2018. The purpose of the proposed regulation is to begin the phase out of race day furosemide administration to race horses in California. While furosemide is an effective treatment for EIPH in race horses, many in the horse racing industry advocate a medication-free race day standard. Furosemide is also perceived as having performance enhancing effects by some industry

organizations and members of the wagering public. Eliminating race day furosemide in horses born in or after 2018 will promote an image of fairness and integrity of the California racing industry and align Board rules with the industry's initiative to eliminate race day medication, and with international standards.

The Creation or Elimination of Jobs Within the State of California

The proposed amendment to Board Rule 1845 will reduce the maximum allowable dose of race day furosemide from 500 milligrams to 250 milligrams and will prohibit all race day administration of furosemide to foals born in or after 2018. The proposed regulation will affect the California horse racing industry. The proposed regulation will not have an effect on any other type of California business. Therefore, the Board has determined that this regulatory action will not have a significant impact on the creation or elimination of jobs in the state of California.

The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The proposed amendment to Board Rule 1845 will reduce the maximum allowable dose of race day furosemide from 500 milligrams to 250 milligrams and will prohibit all race day administration of furosemide to foals born in or after 2018. The proposed regulation will affect a limited number of Board licensees, and as such only has an effect on horseracing and no other type of California businesses. The proposed regulation will not create or eliminate any horseracing enterprises, and therefore, the Board has determined this regulatory proposal will not have an impact on the creation of new businesses or the elimination of existing businesses within the state of California.

The Expansion of Businesses Currently Doing Business Within the State of California

The proposed amendment to Board Rule 1845 will reduce the maximum allowable dose of race day furosemide from 500 milligrams to 250 milligrams and will prohibit all race day administration of furosemide to foals born in or after 2018. The proposed regulation will affect horseracing and not any other type of businesses within California. Therefore, the Board has determined that the proposed regulatory action is not relevant to the expansion of businesses currently doing business within the state of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed amendment to Board Rule 1845 will align Board authorized bleeder medication rules with the March 2019 Board-approved agreement, between TSG and TOC, to reduce the currently allowable maximum dose of furosemide from 500 milligrams

to 250 milligrams and prohibit all administration of furosemide to foals of the crop year 2018 and thereafter at TSG's California racetracks, and all other California racetracks that have entered into Board-approved deals restricting race day medication under Board Rule 1581. The proposed amendment has the benefit of providing consistency by bringing the Board's race day medication rules in line with the industry's initiative. The proposed amendment is also consistent with emerging industry standards.

The proposed amendment to Board Rule 1845 will also reinforce the public's perception of California horse racing as fair and principled. While furosemide is effective at treating EIPH, the substance is also viewed by some in the racing community as performance enhancing. The elimination of race day furosemide in horses born in or after 2018 has the benefit of gradually phasing out a treatment viewed by some as performance enhancing while ensuring that horses currently running on furosemide can avoid potential health risks that could result from an abrupt ban. The proposed amendment to Board Rule 1845 will not benefit the state's environment.

ALTERNATIVE TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR BUSINESSES

The Board has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION

The proposed amendment to Board Rule 1845 was discussed at the July 2019 regular Board meeting. No alternatives to the recommendation were proposed by the Board or by any other individual or entity at the meeting. No subsequent alternative recommendations were made prior to the notice. The Board invites any interested party to submit comments which offer any alternative proposal.

California Horse Racing Board

January 31, 2020