

TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 45. ~~MEDICATION AND PROHIBITED PRACTICES AND EQUINE~~
TESTING PROCEDURES

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

325:45-1-1 [AMENDED]

325:45-1-2 [AMENDED]

325:45-1-3 [REVOKED]

325:45-1-4 [AMENDED]

325:45-1-5 [AMENDED]

325:45-1-6 [AMENDED]

325:45-1-6.1 [NEW]

325:45-1-6.2 [NEW]

325:45-1-7 [REVOKED]

325:45-1-9 [AMENDED]

325:45-1-9.1 [NEW]

325:45-1-11 [AMENDED]

325:45-1-12 [AMENDED]

325:45-1-13 [AMENDED]

325:45-1-14 [AMENDED]

325:45-1-15 [REVOKED]

325:45-1-16 [AMENDED]

325:45-1-17 [AMENDED]

325:45-1-18 [AMENDED]

325:45-1-19 [AMENDED]

325:45-1-20 [AMENDED]

325:45-1-21 [AMENDED]

325:45-1-22 [REVOKED]

325:45-1-23 [REVOKED]

325:45-1-24 [AMENDED]

325:45-1-26 [AMENDED]

325:45-1-27 [AMENDED]

325:45-1-29 [AMENDED]

AUTHORITY:

3A O.S. § 200 et seq.; Oklahoma Horse Racing Commission.

ADOPTION:

November 16, 2017

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2018, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed amendments extensively revise, update, and reorganize existing medication rules, including but not limited to, adding, amending, and deleting existing definitions and rules to clarify the rights and obligations of owners, trainers, and other licensees; define testing procedures; identify prohibited practices; and to add lists of permitted substances for specific breeds of horses. Pursuant to 3A O.S. § 203.7, it is in the “interest of public health, safety, and welfare” that the Oklahoma Horse Racing Commission “promulgate rules and regulations for the forceful control of race meetings held in this state.” Further, “[t]he rules and regulations shall ... maintain race meetings held in this state of the highest quality and free of any horse racing practices which are corrupt, incompetent, dishonest, or unprincipled.” The Commission’s emergency rules are needed to effectively control the use of chemicals, medications, and substances to cheat a horse race and the betting public during the calendar year 2018 racing season.

Accordingly, the proposed emergency rule amendments are necessary to protect the public health, safety, and welfare. As a result of the foregoing, the Oklahoma Horse Racing Commission determines that an emergency exists requiring amendments to the Commission's current rules on the subject.

GIST/ANALYSIS:

The proposed amendments extensively revise, update, and reorganize existing medication rules, including but not limited to, adding, amending, and deleting existing definitions and rules to clarify the rights and obligations of owners, trainers, and other licensees; define testing procedures; identify prohibited practices; and to add lists of permitted substances for specific breeds of horses.

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PURSUANT THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

325:45-1-1. Purpose

~~The It is the purpose of the rules in this Chapter establish requirements and describe procedures for Commission-sanctioned horse racing which to protect the integrity of horse racing, guard safeguard the health of the horse horses, and safeguards defend the interests of the public and the racing participants through the prohibition or control of all drugs, medication and substances foreign to the natural horse, as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 208-11 200 et seq. The rules contained within this Chapter shall be considered medication rules for the application of 75 O.S. § 250.4(B)(13)(b).~~

325:45-1-2. Definitions

In addition to the definitions provided in ~~Section 200.1 of Title 3A, of the Oklahoma Statutes at 3A O.S. § 200.1,~~ the following words or terms, when used in this Chapter, shall have the following ~~meaning~~ meanings, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [~~3A:200 et seq.~~] 3A O.S. § 200 et seq.

"Analog" means any chemical with structural or chemical similarity to the parent or original chemical.

"Assistant Trainer" means a person qualified and licensed by the Commission as an Assistant Trainer.

~~**"Authorized Agent"** means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner in whose behalf the Agent will act. Said affidavit must be on file with the Commission.~~

"Biological sample" means any physical sample collected from any part of a horse.

~~**"Bleeder"** means a horse which that during or following exercise or the race is observed to be shedding blood from bleeding through one or both nostrils, or the mouth, or hemorrhaging in the lumen of the respiratory tract during or following exercise or a race.~~

~~**"Bleeder list"** means a tabulation of all Bleeders which tabulation shall be maintained by the Commission.~~

"Chemical" means a substance having a specific molecular composition.

~~**"Commission-Sanctioned Thresholds"** mean threshold levels identified pursuant to a directive promulgated by the Commission as authorized by Oklahoma Statute Title 3A, Section 205.2(H) based upon scientific research and industry established standards which studies have shown have no pharmacological effect on the performance of the horse. Said directive shall be conspicuously posted within the enclosure by the Official Veterinarian.~~

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Conditions of a race" means the ~~qualifications~~ requirements which determine the eligibility of a horse to be entered in a race.

~~**"Controlled substance"** means any substance included in the five classification schedules of the Oklahoma Uniform Controlled Dangerous Substances Act.~~

"Day" means a 24-hour period ~~ending~~ beginning and ending at midnight.

"Drug (medication)" means a substance foreign to the normal physiology of the horse.

"Enclosure" means all buildings and grounds of the Organization licensee and shall include both public areas and areas with restricted access.

"Entered horse" means a horse appearing on the overnight sheet posted by the Racing Secretary.

~~**"Foreign substances"** means all substances except those which exist naturally in the untreated horse at normal physiological concentration and shall include, but not be limited to, all narcotics, stimulants, or depressants.~~

"Horse" means: any equine including mares, fillies, stallions, colts, and geldings.

(A) ~~any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;~~

(B) ~~an entire equine male five years of age and older.~~

"Listed threshold" means the maximum concentration of a substance detected in a post-race test which is permitted within a particular breed of horse by Commission rules.

"Metabolite" or "metabolic derivative" means any by-product resulting from a substance metabolizing within a horse's body.

"Medication" means a substance other than food intended to affect the structure or any function of the body of a human or a horse.

"ml" means the standard unit of volume, milliliter.

"Naturally occurring substance" means any chemical, analog, metabolite, or metabolic derivative that exists naturally in the body of an untreated horse.

"ng" means the standard unit of weight, nanogram.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Official Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma and employed by the Commission and qualified and licensed by the Commission as an Official Veterinarian.

"Out of competition testing" means any testing within the enclosure by the Official Veterinarian that is not pre-race testing or post-race testing.

"Organization license" means a state requirement for any person desiring to conduct or entity conducting a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee or Lessor of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Permitted substance" means any substance having a listed threshold for a particular breed of horse unless otherwise specified by Commission rules.

"pg" means the standard unit of weight, picogram.

"Plasma" means the fluid portion of the blood, which includes fibrinogen but does not include blood cells.

"Post-race testing" means the collection of biological samples by the Official Veterinarian or designee from any horse participating in a race and directed to report to the test barn following the finish of a race or as otherwise provided by Commission rules if the horse cannot report to the test barn.

"Practicing veterinarian" means a person employed by a trainer or owner to medically treat horses, is licensed to practice veterinary medicine by the State of Oklahoma, and is licensed as a veterinarian by the Commission.

"Pre-race testing" means the collection of biological samples by the Official Veterinarian or designee from any horse entered to participate in a race prior to the actual running of the race.

"Prima Facie evidence" means evidence that, until its effect is overcome by another evidence, will suffice as proof of fact in issue sufficient to establish a fact unless rebutted by other evidence.

"Primary Laboratory" means the laboratory or subcontractor of the laboratory approved by the Commission to be used for primary analysis of urine, blood or other specimens biological samples.

"Program" means the published listing of all contests and contestants for a specific performance.

"Prohibited substance" means any substance, chemical, or analog that is not listed by Commission rules as a permitted substance for a particular breed of horse or is not a naturally occurring substance.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races are conducted at that racetrack.

"Racing Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma, employed by the organization licensee, and qualified and licensed by the Commission as a Racing Veterinarian.

"Referee Laboratory" means a Commission approved laboratory which accepts referee/split samples previously reported positive for prohibited substances, ~~or drugs reported as exceeding the listed threshold for a permitted substance, or reported as exceeding the concentration that naturally occurring substance may occur~~ by the ~~Primary Laboratory~~ primary laboratory.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. ~~Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.~~

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Salix list" means a tabulation of all horses which are authorized by the Official Veterinarian for race day use of Salix (Furosemide).

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Serum" means the liquid portion of plasma that remains after fibrinogen has been removed.

"Substance" means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the Oklahoma Horse Racing Act, 3A O.S. § 200 et seq..

"Substance violation" means any violation of medication laws or the rules contained within this Chapter.

"Substantial evidence" means evidence which a reasonable person would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be less than a preponderance of the evidence.

"Test Barn" means a structure with sufficient facilities to collect biological samples in the manner required by Commission rules.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"ug" means the standard unit of weight, microgram."

"Veterinarian" means a person licensed to practice veterinary medicine by the State of Oklahoma and licensed as a Veterinarian by the Commission.

"Veterinarian's list" means the veterinarian's list specified by OAC 325:20-1-23.

"Week" means a seven (7) day period.

"Year" means a 365 day period.

325:45-1-3. Intent of Medication Rules [REVOKED]

It shall be the intent of the rules of this Chapter to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and the racing participants through the prohibition or control of all drugs, medication, and substances foreign to the natural horse.

325:45-1-4. Drugs or Medication Substance Violations

(a) Except as authorized by the provisions of this Chapter and Chapter 40 of this Title the rules of the Commission, no drug or medication substance shall be administered to any horse within 24 hours prior to the running of a race in which a the horse is entered. Presence of any drug or its metabolites or analogs, any substance foreign to the natural horse, or Furosemide (Salix) or Phenylbutazone exceeding the Commission established tolerance level found in the testing sample of a horse participating in a Commission sanctioned race may result in disqualification by the Stewards. When a horse is disqualified because of an infraction of this Section, except as provided in 325:45-1-9 and in 325:45-1-22, the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned.

(b) The primary laboratory's detection of a prohibited substance in a biological sample collected from any horse during out-of-competition testing, pre-race testing, or post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, placement of the horse on the veterinarian's list, placement of the horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(c) The primary laboratory's detection of a permitted substance exceeding listed thresholds in a biological sample collected from any horse during post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, placement of the horse on the veterinarian's list, placement of the horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(d) The primary laboratory's detection of a naturally occurring substance exceeding listed thresholds or exceeding concentrations that the substance may naturally occur in a biological sample collected from any horse during post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, placement of the horse on the veterinarian's list, placement of the horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(e) It shall be presumed that biological samples tested by a laboratory approved by the Commission are collected from the horse in question; that the integrity of the biological sample is preserved; that all accompanying procedures of collection, preservation, transfer to the laboratory, and analyses of the sample are correct and accurate; and that the report received from the laboratory pertains to the sample collected from the horse in question and correctly reflects the condition of the horse on the day the biological sample was collected.

(f) Except as otherwise provided by Commission rules, the owner or owners of a horse disqualified for a substance violation shall not participate in any portion of the purse or stakes and any trophy or other awards shall be returned to the Stewards for redistribution to other race participants.

(g) The trainer or owner contesting prima facie evidence of a substance violation shall have the burden of proof to establish that no substance violation occurred or that other evidence mitigates the severity of punishment.

325:45-1-5. Power to Have Tested Collection and Testing of Biological Samples

~~(a) As a safeguard against the prohibited use of drugs, medication, and substances foreign to the natural horse, and against the use of Furosemide (Salix) or Phenylbutazone in excess of the Commission approved tolerance level, a blood, urine or other acceptable sample shall be taken under the direction of the The Official Veterinarian or designee shall collect biological samples from the winner of every race and from such other horses as the Stewards or the Commission may designate. [3A:208.11]. The costs of quantitative testing shall be the responsibility of the horse Owner.~~

(b) The Official Veterinarian or designee may collect biological samples for pre-race testing, post-race testing, and out-of-competition testing as required by Commission rules, at his own discretion, or at the direction of the Stewards or the Commission.

(c) The Official Veterinarian or designee shall either retain the biological samples or submit the biological samples for testing as required by Commission rules.

(d) The primary biological sample shall be tested for the presence of prohibited substances, permitted substances, and naturally occurring substances by the primary laboratory.

(e) Both the trainer and owner of a horse shall be notified of any finding by the primary laboratory of a substance violation and may request a split test as provided in this Chapter. The Commission employee that notifies a trainer or owner shall document the communication with sufficient detail to verify notice was provided.

325:45-1-6. Authorized Medication Use of Permitted Substances

~~(a) The Commission recognizes that therapeutic medications are necessary to preserve the health and welfare of horses and that horses in training, like all other athletes, may at times require the administration of certain therapeutic medications to preserve their health.~~

~~(b) As authorized under the provisions of 3A O.S., § 208.11, Furosemide (Salix) and Phenylbutazone are medications or drug substances that may be administered to a horse (treated horse), as prescribed in this Chapter, which is entered to compete in a race.~~

~~(c)(a) Except as otherwise authorized by the Commission rules, a horse participating in a race shall not carry in its body any drug, medication, substance, or metabolic derivative that:~~

~~(1) is a narcotic no horse carrying a prohibited substance in its body shall be brought within the enclosure, entered into a race, or participate in a race;~~

~~(2) could serve as an anesthetic or tranquilizer no horse carrying a permitted substance in its body with a concentration exceeding listed thresholds shall participate in a race; or~~

~~(3) could stimulate, depress, or affect the circulation, respiratory, cardiovascular, musculoskeletal or central nervous system of a horse; no horse carrying a naturally occurring substance in its body with a concentration exceeding the concentration such substance could occur naturally shall participate in a race.~~

~~(d)(b) A medication, drug, Any substance, or metabolic derivative thereof that might mask or screen masks or screens the presence or concentration of prohibited drugs, substances, permitted substances, or naturally occurring substances; or prevent or delay testing procedures shall be considered a prohibited substance.~~

~~(e) The presence of anabolic steroids in a race horse is strictly prohibited except for the presence of the following approved anabolic steroids at plasma/serum levels below Commission-Sanctioned Thresholds:~~

~~(1) Stanozolol (Winstrol);~~

~~(2) Boldenone (Equipoise);~~

- ~~(3) Nandrolone; and~~
- ~~(4) Testosterone.~~
- ~~(f) Testosterone at levels above the normal physiological state of the stallion, gelding or mare is strictly prohibited. A violation of this Anabolic Steroid Rule shall be regarded as a Class III violation under the penalty guidelines.~~
- ~~(g) The Commission shall establish a procedure for out-of-competition screening for anabolic steroids. The cost of out-of-competition testing shall be the responsibility of the owner of the tested horse.~~
- ~~(h) Therapeutic medications in excess of Commission Sanctioned Threshold levels established by Commission Directive [3A:205.2(H)]. Said directive shall be conspicuously posted within the enclosure by the Official Veterinarian.~~
- ~~(i) Substances present in a horse in excess of concentrations at which substances could occur naturally shall be prohibited.~~
- ~~(j) It shall be prima facie evidence that a horse had been administered and carried a drug, medication, substance, or metabolic derivative thereof, prohibited by this Section while running a race if:

 - ~~(1) a saliva, urine, blood or other sample or specimen from the horse was taken pursuant to Rule 325:45-1-18 in this Chapter; and~~
 - ~~(2) the Primary Laboratory detected a drug, medication, substance, or metabolic derivative thereof, prohibited by or in excess of Commission Sanctioned Threshold levels established by Commission Directive [3A:205.2(H)]. Said directive shall be conspicuously posted within the enclosure by the Official Veterinarian. The Affidavit submitted by the Primary Laboratory shall be supported by urine and/or plasma/serum results.~~~~

325:45-1-6.1. Listed Thresholds for Thoroughbreds

- (a) The thresholds listed in this section shall be considered listed threshold for permitted substances or, if specified as such, naturally occurring substances in Thoroughbreds.
- (b) Non-steroidal anti-inflammatories shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

 - (1) Diclofenac: 5 ng/ml in biological samples consisting of plasma or serum;
 - (2) Dipyron: 20 ng/ml in biological samples consisting of plasma or serum;
 - (3) Firocoxib: 20 ng/ml in biological samples consisting of plasma or serum;
 - (4) Flunixin: 20 ng/ml in biological samples consisting of plasma or serum;
 - (5) Ketoprofen: 2 ng/ml in biological samples consisting of plasma or serum;
 - (6) Naproxen: 750 ng/ml in biological samples consisting of plasma or serum; or
 - (7) Phenylbutazone: 2 ug/ml in biological samples consisting of plasma or serum.
- (c) Corticosteroids shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

 - (1) Betamethasone: 10 pg/ml in biological samples consisting of plasma or serum;
 - (2) Dexamethasone: 5 pg/ml in biological samples consisting of plasma or serum;
 - (3) Isoflupredone: 100 pg/ml in biological samples consisting of plasma or serum;
 - (4) Methylprednisolone: 100 pg/ml in biological samples consisting of plasma or serum;
 - (5) Prednisolone: 1ng/ml in biological samples consisting of plasma or serum; or

- (6) Triamcinolone Acetonide: 100 pg/ml in biological samples consisting of plasma or serum.
- (d) Other substances shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:
- (1) Acepromazine: 10 ng/ml in biological samples consisting of urine;
 - (2) Albuterol: 1 ng/ml in biological samples consisting of urine;
 - (3) Butorphanol: 300 ng/ml of total Butorphanol in biological samples consisting of urine or 2 ng/ml of free butorphanol in biological samples consisting of plasma or serum;
 - (4) Cetirizine: 6 ng/ml in biological samples consisting of plasma or serum;
 - (5) Cimetidine: 400 ng/ml in biological samples consisting of plasma or serum;
 - (6) Clenbuterol: 140 pg/ml in biological samples consisting of urine or at the level of detection in biological samples consisting of plasma or serum;
 - (7) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in biological samples consisting of plasma or serum;
 - (8) Detomidine: 1 ng/ml in biological samples consisting of plasma or serum;
 - (9) Dimethyl Sulfoxide (DMSO): 10 ug/ml in biological samples consisting of plasma or serum;
 - (10) Furosemide: 100 ng/ml in biological samples consisting of plasma or serum;
 - (11) Glycopyrrolate: 3 pg/ml in biological samples consisting of plasma or serum;
 - (12) Guaifenesin: 12 ng/ml in biological samples consisting of plasma or serum;
 - (13) Lidocaine: 25 pg/ml of total 30H-lidocaine in biological samples consisting of plasma or serum;
 - (14) Mepivacaine: 10 ng/ml in biological samples consisting of urine or at the level of detection in biological samples consisting of plasma or serum;
 - (15) Methocarbamol: 1 ng/ml in biological samples consisting of plasma or serum;
 - (16) Omeprazole: omeprazole sulfide- 10 ng/ml in biological samples consisting of plasma or serum;
 - (17) Procaine Penicillin: 25 ng/ml in biological samples consisting of plasma or serum;
 - (18) Pyrilamine: 50 ng/ml in biological samples consisting of plasma or serum;
 - (19) Ranitidine: 40 ng/ml in biological samples consisting of plasma or serum; or
 - (20) Xylazine: 200 pg/ml in biological samples consisting of plasma or serum.
- (e) Androgenic-Anabolic Steroids (AAS) shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:
- (1) The naturally occurring substance, boldenone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in biological samples consisting of plasma or serum for all horses, regardless of sex;
 - (B) 1 ng/ml in biological samples consisting of urine for fillies, mares, or geldings;
 - or
 - (C) 15 ng/ml in biological samples consisting of urine for male horses other than geldings.
 - (2) The naturally occurring substance, nandrolone, shall be permitted in concentrations not exceeding:

- (A) 25 pg/ml in biological samples consisting of plasma or serum for fillies, mares, and geldings;
- (B) 1 ng/ml in biological samples consisting of urine for fillies, mares, or geldings;
- or
- (C) 45 ng/ml in biological samples consisting of urine for male horses other than geldings.
- (3) The naturally occurring substance, testosterone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in biological samples consisting of plasma or serum for fillies, mares, and geldings;
 - (B) 55 ng/ml in biological samples consisting of urine for fillies, mares (unless in foal); or
 - (C) 20 ng/ml in biological samples consisting of urine for geldings.
 - (D) The concentration of testosterone is not regulated or restricted in fillies or mares that are confirmed pregnant on the day of racing or in male horses other than geldings.
- (f) Environmental contaminants shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding listed threshold:
 - (1) Arsenic: 0.3 ug/ml total arsenic in biological samples consisting of urine;
 - (2) Atropine: 70 ng/ml in biological samples consisting of urine;
 - (3) Gamma Aminobutyric Acid (GABA): 110 ng/ml in biological samples consisting of plasma or serum;
 - (4) Hydrocortisone: 1 ug/ml in biological samples consisting of urine;
 - (5) Methoxytyramine: 4 ug/ml, in biological samples consisting of urine;
 - (6) Salicylate, Salicylic Acid: 750 ug/ml in biological samples consisting of urine or 6.5 ug/ml in biological samples consisting of plasma or serum;
 - (7) Theobromine: 2 ug/ml in biological samples consisting of urine or 0.3 ug/ml in biological samples consisting of plasma or serum;
 - (8) Cobalt: 50 ng/ml in biological samples consisting of plasma or serum;
 - (9) Caffeine: 100 ng/ml in biological samples consisting of plasma or serum; or
 - (10) Estradiol: 0.045 ug/ml in biological samples consisting of urine for male horses other than geldings.
- (g) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:
 - (1) The presence of more than two permitted non-steroidal anti-inflammatories in a biological sample consisting of plasma or serum is prohibited; or
 - (2) The presence of more than two corticosteroids in a biological sample consisting of plasma or serum is prohibited.

325:45-1-6.2. Listed Thresholds for Quarter Horses, Paints, and Appaloosas

- (a) The thresholds listed in this section shall be considered listed threshold for permitted substances or, if specified as such, naturally occurring substances in Quarter Horses, Paints, and Appaloosas.

(b) Non-steroidal anti-inflammatories shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

- (1) Diclofenac: 5 ng/ml in biological samples consisting of plasma or serum;
- (2) Dipyron: 20 ng/ml in biological samples consisting of plasma or serum;
- (3) Firocoxib: 20 ng/ml in biological samples consisting of plasma or serum;
- (4) Flunixin: 20 ng/ml in biological samples consisting of plasma or serum;
- (5) Ketoprofen: 2 ng/ml in biological samples consisting of plasma or serum;
- (6) Naproxen: 750 ng/ml in biological samples consisting of plasma or serum; or
- (7) Phenylbutazone: 2 ug/ml in biological samples consisting of plasma or serum.

(c) Corticosteroids shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

- (1) Betamethasone: 10 pg/ml in biological samples consisting of plasma or serum;
- (2) Dexamethasone: 5 pg/ml in biological samples consisting of plasma or serum;
- (3) Isoflupredone: 100 pg/ml in biological samples consisting of plasma or serum;
- (4) Methylprednisolone: 100 pg/ml in biological samples consisting of plasma or serum;
- (5) Prednisolone: 1ng/ml in biological samples consisting of plasma or serum; or
- (6) Triamcinolone Acetonide: 100 pg/ml in biological samples consisting of plasma or serum.

(d) Other substances shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:

- (1) Acepromazine: 10 ng/ml in biological samples consisting of urine;
- (2) Butorphanol: 300 ng/ml of total Butorphanol in biological samples consisting of urine or 2 ng/ml of free butorphanol in biological samples consisting of plasma or serum;
- (3) Cetirizine: 6 ng/ml in biological samples consisting of plasma or serum;
- (4) Cimetidine: 400 ng/ml in biological samples consisting of plasma or serum;
- (5) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in biological samples consisting of plasma or serum;
- (6) Detomidine: 1 ng/ml in biological samples consisting of plasma or serum;
- (7) Dimethyl Sulfoxide (DMSO): 10 ug/ml in biological samples consisting of plasma or serum;
- (8) Furosemide: 100 ng/ml in biological samples consisting of plasma or serum;
- (9) Glycopyrrolate: 3 pg/ml in biological samples consisting of plasma or serum;
- (10) Guaifenesin: 12 ng/ml in biological samples consisting of plasma or serum;
- (11) Lidocaine: 25 pg/ml of total 30H-lidocaine in biological samples consisting of plasma or serum;
- (12) Mepivacaine: 10 ng/ml in biological samples consisting of urine or at the level of detection in biological samples consisting of plasma or serum;
- (13) Methocarbamol: 1 ng/ml in biological samples consisting of plasma or serum;
- (14) Omeprazole: omeprazole sulfide- 10 ng/ml in biological samples consisting of plasma or serum;
- (15) Procaine Penicillin: 25 ng/ml in biological samples consisting of plasma or serum;
- (16) Pyrilamine: 50 ng/ml in biological samples consisting of plasma or serum;
- (17) Ranitidine: 40 ng/ml in biological samples consisting of plasma or serum; or

- (18) Xylazine: 200 pg/ml in biological samples consisting of plasma or serum.
- (e) Androgenic-Anabolic Steroids (AAS) shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding the listed threshold:
- (1) The naturally occurring substance, boldenone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in biological samples consisting of plasma or serum for all horses, regardless of sex;
 - (B) 1 ng/ml in biological samples consisting of urine for fillies, mares, or geldings;
or
 - (C) 15 ng/ml in biological samples consisting of urine for male horses other than geldings.
 - (2) The naturally occurring substance, nandrolone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in biological samples consisting of plasma or serum for fillies, mares, and geldings;
 - (B) 1 ng/ml in biological samples consisting of urine for fillies, mares, or geldings;
or
 - (C) 45 ng/ml in biological samples consisting of urine for male horses other than geldings.
 - (3) The naturally occurring substance, testosterone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in biological samples consisting of plasma or serum for fillies, mares, and geldings;
 - (B) 55 ng/ml in biological samples consisting of urine for fillies, mares (unless in foal); or
 - (C) 20 ng/ml in biological samples consisting of urine for geldings.
 - (D) The concentration of testosterone is not regulated or restricted in fillies or mares that are confirmed pregnant on the day of racing or in male horses other than geldings.
- (f) Environmental contaminants shall be considered prohibited substances except for the chemicals listed below and their corresponding analogs and metabolites in concentrations not exceeding listed threshold:
- (1) Arsenic: 0.3 ug/ml total arsenic in biological samples consisting of urine;
 - (2) Atropine: 70 ng/ml in biological samples consisting of urine;
 - (3) Gamma Aminobutyric Acid (GABA): 110 ng/ml in biological samples consisting of plasma or serum;
 - (4) Hydrocortisone: 1 ug/ml in biological samples consisting of urine;
 - (5) Methoxytyramine: 4 ug/ml, in biological samples consisting of urine;
 - (6) Salicylate, Salicylic Acid: 750 ug/ml in biological samples consisting of urine or 6.5 ug/ml in biological samples consisting of plasma or serum;
 - (7) Theobromine: 2 ug/ml in biological samples consisting of urine or 0.3 ug/ml in biological samples consisting of plasma or serum;
 - (8) Cobalt: 50 ng/ml in biological samples consisting of plasma or serum;
 - (9) Caffeine: 100 ng/ml in biological samples consisting of plasma or serum; or

(10) Estradiol: 0.045 ug/ml in biological samples consisting of urine for male horses other than geldings.

(g) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:

(1) The presence of more than two permitted non-steroidal anti-inflammatories in a biological sample consisting of plasma or serum is prohibited; or

(2) The presence of more than two corticosteroids in a biological sample consisting of plasma or serum is prohibited.

325:45-1-7. Authority to test sample [REVOKED]

~~Prior to or following a race, a horse may be subjected to having a blood and/or serum or other specimen taken at the direction of the Official Veterinarian to determine quantitative Furosemide (Salix) and Phenylbutazone levels and/or the presence of other drugs which may be contained in the blood, urine or other specimen sample. [3A:204(A)(14); see also 3A:204.1B and 3A:208.11] It shall not be a violation of this Chapter unless the Primary Laboratory confirms the presence of therapeutic medications by plasma/serum results above the Commission sanctioned levels.~~

325:45-1-9. Furosemide (Salix) use without detention barn Use

(a) The use of Furosemide (Salix) shall be permitted under the following conditions:

(1) The dose of Furosemide shall be administrated intravenously.

(2) The Commission has established a post race plasma/serum concentration level not to exceed 100 ng/ml of Furosemide (Salix). Furosemide shall not be administrated within four hours of post time for the race in which the horse is entered.

(3) Any treated horse may be subject to having a blood and/or urine sample taken at the direction of the Official Veterinarian to determine the quantitative Furosemide (Salix) levels and/or the presence of other drugs which may be present in the blood or urine sample. The cost of such testing shall be at the expense of the Owner. The concentration of Furosemide in the post-race biological sample consisting of blood or plasma shall not exceed the listed threshold.

(4) The permitted quantitative Furosemide (Salix) level (tolerance level) shall not exceed the tolerance level established by Commission directive [3A:205.2(H)]. Said directive shall be conspicuously posted within the enclosure by the Official Veterinarian.

(5) The Stewards shall impose a fine of Five Hundred Dollars (\$500.00) for any Trainer in violation of this Section for a first time offense. For a second time offense involving the same horse in a one (1) year period for violation of this Section, the Stewards shall impose a fine of Dollars (\$1,000.00) unless the Trainer was not notified of the first offense prior to the horse running the second time, in which case the Stewards shall impose a fine of Five Hundred Dollars (\$500.00). The Stewards shall impose a fine of Two Thousand Five Hundred Dollars (\$2,500.00) and may suspend for up to one year the license of any person for a third time violation within a one (1) year period of this Section involving the same horse. When a Trainer has a third violation within a one (1) year period, the horse shall be disqualified and the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned unless the Trainer was not notified of the second offense prior to the horse running the third time, in which case the Stewards shall impose a fine of Two Thousand, Five Hundred Dollars (\$2,500.00).

- (b) The following penalties shall be imposed for violations of this section:
- (1) For a first offense, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500.00) for violation of this section.
 - (2) For a second offense involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of One Thousand Dollars (\$1,000) for violation of this section unless the trainer was not notified of the first offense prior to the second running of the horse, in which case the Stewards shall impose a fine of Five Hundred Dollars (\$500.00) for the second offense.
 - (3) For a third offense or additional offenses involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of Two Thousand Five Hundred Dollars (\$2,500) and may suspend the trainer for up to one year for violation of this section unless the trainer was not notified of the second offense prior to the third running of the horse, in which case the Stewards shall impose a fine of Two Thousand Five Hundred Dollars (\$2,500) and no trainer suspension for the third offense.
 - (4) When trainer has a third offense or additional offenses involving the same horse within a one year period, the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award shall be returned unless the trainer was not notified of the second offense prior to the third running of the horse.
- (c) Entering a horse to race with Furosemide and failure to have a detectable concentration of Furosemide in the biological sample consisting of plasma or serum collected during post-race testing shall be a substance violation.
- (1) The trainer of a horse entered to race with Furosemide without a detectable level of Furosemide in the biological sample collected during post-race testing shall be fined Five Hundred Dollars (\$500.00).
 - (2) The practicing veterinarian treating a horse entered to race with Furosemide without a detectable level of Furosemide in the biological sample collected during post-race testing shall also be subject to a Five Hundred (\$500.00) fine should the Stewards determine that there was negligence on the practicing veterinarian's part.

325:45-1-9.1. Phenylbutazone Use

- (a) Phenylbutazone shall be permitted under the following conditions:
- (1) Phenylbutazone shall not be administered within twenty-four (24) hours prior to post time for the race in which the horse is entered.
 - (2) The concentration of Phenylbutazone in the post-race biological sample consisting of blood or plasma shall not exceed the listed threshold.
- (b) The following penalties shall be imposed for violations of this section when the concentration of Phenylbutazone exceeds 2 ug/ml but does not exceed 5 ug/ml in a biological sample consisting of plasma or serum:
- (1) For a first offense, the Stewards shall give the trainer a written warning of the violation of this section.
 - (2) For a second offense involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of Two Hundred Fifty Dollars (\$250) and the Stewards may require the horse which is the subject of the second offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.

(3) For a third offense or additional offenses involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the third or additional offenses to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.

(c) The following penalties shall be imposed for violations of this section when the concentration of Phenylbutazone exceeds 5 ug/ml in a biological sample consisting of plasma or serum:

(1) For a first offense, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500) and the Stewards shall require the horse which is the subject of the second offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.

(2) For a second offense within a one year period, the Stewards shall impose a fine on the trainer of One Thousand Dollars (\$1,000), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the second offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race. If the horse which is the subject of the second offense is also the subject of the first offense, the horse shall be placed on the veterinarian's list for forty-five (45) days.

(3) For a third offense or additional offenses within a one year period, the Stewards shall impose a fine on the trainer of Two Thousand Five Hundred Dollars (\$2,500), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the third offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race. If the horse which is the subject of the second offense is also the subject of the first offense, the horse shall be placed on the veterinarian's list for sixty (60) days.

(4) For a fifth offense or additional offenses within a one year period, the trainer shall be referred to the Stewards for disciplinary action.

325:45-1-11. Trainer Responsibility – ~~Furosemide (Salix)~~

(a) Should the chemical analysis of the urine, blood, other sample or specimen taken from a horse under the Trainer's supervision show that the drug ~~Furosemide (Salix)~~ is present in an amount exceeding the Commission approved tolerance level, it shall be taken as prima facie evidence that the same was administered by or with the knowledge of the Trainer or person or persons under his/her supervision having care or custody of such horse. The trainer of a horse which is the subject of a substance violation shall be responsible for the substance violation. At the discretion of the Stewards or Commission, ~~the Trainer~~ a trainer and all other Commission licensed persons shown to have ~~had care or custody of such~~ cared for, had custody of, or treated the horse which is the subject of a substance violation may be fined or suspended or both ~~in~~ accordance with this Chapter. If the Trainer cannot be present on race days, s/he shall designate an Assistant Trainer. Such designation shall be made prior to time of entry unless otherwise approved by the Stewards. Failure to fully disclose the actual Trainer of a horse participating in

~~an approved race shall be grounds to disqualify the horse and subject the actual Trainer to possible disciplinary action by the Stewards or the Commission. Designation of an Assistant Trainer shall not relieve the Trainer's absolute responsibility for the conditions and eligibility of the horse but shall place the Assistant Trainer under absolute responsibility also. Willful failure on the part of the Trainer to be present at, or refusal to allow the taking of any specimen, or any act or threat to prevent or otherwise interfere therewith shall be cause for disqualification of the horse involved; and the matter shall be referred by the Official Veterinarian to the Stewards for further action.~~

~~(b) **Failure to Detect a Reported Permitted Medication.** A horse that is an official Salix user pursuant to this Chapter that does not show a detectable concentration of Furosemide (Salix) in the post-race plasma or serum sample shall be in violation of this Section. The Trainers of the horse which fails to show a detectable level of Furosemide (Salix) shall be fined Five Hundred Dollars (\$500.00). Veterinarians shall also be subject to a Five Hundred (\$500.00) fine should the Stewards determine that there was negligence on his/her part. If the trainer is or plans to be absent from the enclosure on race day, the trainer may designate another licensed trainer or assistant trainer to be responsible for saddling horses after obtaining the Stewards approval for the substitution. Designation of another licensed trainer or assistant trainer shall not relieve the trainer from absolute responsibility for the condition and eligibility of a horse.~~

~~(c) Failure to disclose the actual trainer of a horse participating in a race shall be grounds to disqualify the horse and subject the actual trainer to possible disciplinary action by the Stewards or the Commission.~~

~~(d) Any act or omission by a trainer or a person under the supervision of the trainer which prevents or interferes with the collection of biological samples as described by this Chapter shall be a violation of rules and a cause for disqualification of the horse involved and such other penalties as the Stewards or the Commission deem appropriate.~~

325:45-1-12. Bleeder and Furosemide (Salix) User List Lists

~~(a) The At each race meeting, the Official Veterinarian at each race meeting or designee shall maintain on a current Bleeder and Furosemide (Salix) User List (hereinafter referred to as the "List") a list of horses classified as known Bleeders or Salix users a bleeder list. The Official Veterinarian shall make the list available to Racing Officials at other racetracks operating in Oklahoma. Once a horse is a known Bleeder, the Official Veterinarian shall record and initial on the foal certificate of the horse.~~

~~(1) Furosemide (Salix) User:~~

~~(A) A horse shall be placed on the List if administered Salix prior to a race.~~

~~Furosemide (Salix) may be administered to a horse that is entered to compete in a race. It is recommended that the dosage not exceed two hundred fifty (250) milligrams or be less than one hundred~~

~~(150) milligrams. The dosage is recommended to be administered not less than four (4) hours prior to post time.~~

~~(B) A horse whose most recent past performance line indicates the horse has been participating on Furosemide (Salix) may be allowed to continue to use Salix. No Bleeder Certificate shall be issued.~~

~~(2) Bleeder: A horse shall be a known Bleeder and be placed on the List under the following conditions:~~

- ~~(A) When such horse demonstrates visible external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post-exercise upon endoscopic examination, and such hemorrhage is sufficient to impair the ability of the horse to race safely. Such examination must be performed by an Oklahoma Horse Racing Commission-licensed Veterinarian practicing within the enclosure, providing the bleeding occurred at a licensed Oklahoma Horse Racing Commission racetrack. The Racing or Official Veterinarian may be present during the examination.~~
- ~~(B) A horse with a Bleeder Certificate from another jurisdiction which employs Bleeder qualification criteria deemed satisfactory to the Commission, as specified in (1) of this Section, and such horse is approved to participate by the Official Veterinarian. Once a horse is placed on the Bleeder List, the Owner will receive a Bleeder Certificate signed by the practicing Veterinarian and the Official Veterinarian. A horse shall be removed from the Salix List only by the Official Veterinarian, who shall provide written notification to the Stewards of the reason for~~
- (b) The Official Veterinarian shall identify horses demonstrating visible external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post-exercise upon endoscopic examination sufficient to impair the ability of the horse to race safely on the bleeder list.
- (c) The Official Veterinarian shall post bleeder lists in the racing office and make bleeder lists available to Stewards and racing officials at all Oklahoma racetracks .
- (d) The Official Veterinarian shall record any determination that a horse is a bleeder on the foal certificate of the horse.

325:45-1-13. Racing After Bleeding

- ~~(a) A Following an occurrence of bleeding in which a horse demonstrates visible external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post-exercise upon endoscopic examination, the horse that is a known Bleeder shall not be eligible to race for a period of not less than ten (10) days after it is placed on the Bleeder and Furosemide (Salix) User List, except as otherwise determined by the Official Veterinarian, and has been approved by the Racing Veterinarian or Official Veterinarian or some longer period specified by the Official Veterinarian.~~
- (b) A horse that has a second occurrence of bleeding within 365 days of the first bleeding occurrence shall not be eligible to race for thirty (30) days ~~from the date of such bleeding occurrence~~ or some longer period specified by the Official Veterinarian.
- (c) A horse that has a third occurrence of bleeding within 365 days of the first bleeding occurrence shall not be eligible to race in this jurisdiction for ~~ninety (90)~~ 180 days from the date of such bleeding occurrence or some longer period specified by the Official Veterinarian.
- (d) Should a horse experience more than three occurrences of bleeding in a 365 day period, it shall not be eligible to race ~~in this jurisdiction for 365 days from the date of any subsequent bleeding occurrence in Oklahoma.~~

325:45-1-14. Racing Soundness Examination

- (a) Each horse entered to race may be subject to a veterinary examination by the Official Veterinarian or his/her authorized representative designee for racing soundness and health on race day.

(b) Refusal or failure to present a horse for a veterinary examination by the Official Veterinarian may result in disqualification of the horse, placement of the horse on the veterinarian's list, or both.

325:45-1-15. Equine Drug Testing Laboratory Reports [REVOKED]

~~A finding by a chemist at a Commission-approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse in excess of the Commission Sanctioned Threshold shall be prima facie evidence that such has been administered to the horse either internally or externally in violation of these rules. It is presumed that the sample of urine, blood or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question; its integrity is preserved; that all accompanying procedures of collection, preservation, transfer to the laboratory, and analyses of the sample are correct and accurate; and that the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered, with the burden on the Trainer, Assistant Trainer and/or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the Stewards or the Commission.~~

325:45-1-16. Pre-Race Testing

(a) The Official Veterinarian, Stewards, or Commission may require any horse entered to race to submit to a blood or other pre-race test pre-race testing, and no horse is eligible to start in a race until the Owner or Trainer complies with the required testing procedure [3A:204(A)(14)].

(b) If pre-race testing is required by the Official Veterinarian, Stewards, or Commission, no horse shall be eligible to start in a race until a biological sample has been collected from the horse by the Official Veterinarian.

325:45-1-17. Requirements for Official Testing

~~Organization Licensees shall provide the equipment, necessary supplies, and services prescribed required by the Commission and the Official Veterinarian for the taking or administration of blood, urine, or other tests collection of biological samples.~~

325:45-1-18. Taking Collection of Post-Race Samples

~~Pursuant to the provisions of 3A:204(A)(14):~~

~~(1)(a) Blood Biological samples shall be taken collected only by the Official Veterinarian or designee except as otherwise provided in the *Rules of Racing* by Commission rules.~~

~~(2)(b) In the ease of event a horse which has suffered a suffers catastrophic injury, the Racing Veterinarian may obtain collect a blood sample biological sample from the injured horse prior to taking any necessary humane actions necessary action. If the Trainer is immediately available, he or she may witness the collection process. If the Trainer is not immediately available to witness the collection process, any other licensed individual shall act as the witness to the collection process.~~

(1) If the trainer is immediately available, the trainer may witness the collection of the biological sample.

(2) If the trainer is not immediately available, any other licensed individual may act as witness to the collection of the biological sample.

~~(3)(c) Urine, other Biological samples or specimens shall be taken under the direction of the collected by the Official Veterinarian or designee persons appointed or assigned by the Official Veterinarian for such purposes. All Biological samples shall be taken collected in a detention area the test barn approved by the Commission, unless the Official Veterinarian approves otherwise, as follows:- Each horse shall be cooled out for a minimum of thirty (30) minutes after the race before a urine sample is to be taken. The taking of any test samples shall be witnessed, confirmed or acknowledged by the Trainer of the horse being tested or his/her authorized representative or employee, and may be witnessed by the Owner, Trainer, or other licensed person designated by them. Such samples shall be sent to racing laboratories approved and designated by the Commission, in such manner as the Commission or its designee may direct. All required samples shall be in the custody of the Official Veterinarian, his/her assistants, or other persons approved by the Official Veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory. Except for 1) the decanting of the sample by the Official Veterinarian or other person authorized by the Official Veterinarian to do so, 2) for the addition of preservatives or substances necessarily added by the Commission approved laboratory for preservation of the sample, and 3) or in the process of analysis, no person shall break the seal of, remove, or otherwise attempt to alter any sample required to be collected by this Chapter.~~

(1) Each horse shall be cooled out for a minimum of thirty (30) minutes after the race before a post-race biological sample is collected;

(2) The collection of biological samples shall be witnessed, confirmed or acknowledged by the trainer of the horse being tested or the trainer's authorized representative or employee;

(3) The collection of biological samples may be witnessed by the owner;

(4) The Official Veterinarian or designee may decant the biological sample consisting of blood and may use such preservatives or substances necessary for the preservation of the biological sample;

(5) The trainer, the trainer's authorized representative or employee, or the owner, may witness the decanting of blood. Failure to witness the decanting process constitutes a waiver of the right to do so;

(6) Biological samples shall be sent to a primary laboratory designated by the Commission;

(7) When available, biological samples used for split testing may be sent to a referee laboratory at the election of the trainer or owner as otherwise provided by Commission rules;

(8) Biological samples shall remain in the custody of the Official Veterinarian or designee from the time the biological sample is collected until the biological sample is delivered for shipment to the primary or referee laboratory.

(9) No person shall break the seal of, remove, or otherwise attempt to alter any biological sample except for:

(A) The decanting of the biological sample by the Official Veterinarian or designee,

(B) The addition of preservatives or substances necessary for the preservation of the biological sample by the Official Veterinarian or designee, and

(C) The primary or referee laboratory in the process of testing.

~~(4)(d) The Commission has the authority to may direct the approved primary or referee laboratory to retain and preserve samples for future analysis.~~

~~(5)(e) The fact that distribution of purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this Chapter to the horse earning such purse money considered evidence of any official finding by the Commission regarding a substance violation.~~

~~(6) The decanting of a blood sample at the Trainer's/Owner's option may be witnessed by the Trainer/Owner of the horse being tested or by his/her authorized representative or employee or other licensed person designated by the Trainer/Owner. The Trainer/Owner exercises his/her option to witness the decanting of a blood sample by making himself/herself or authorized representative or employee or other licensed person designated by the Trainer/Owner present at the time of the decanting of the blood sample. If not present at the time of decanting, the Trainer/Owner or authorized representative or employee or other licensed person designated by the Trainer/Owner waives the right to witness the decanting process.~~

325:45-1-19. Laboratories Approved and Designated by the Commission Official Testing

~~(a) Only laboratories approved by the Commission may be used in obtaining analysis reports on urine, blood, or other specimens, taken to test biological samples collected from the winners or other designated horses of each race meeting. The Commission and the Board of Stewards shall receive reports directly from the laboratory. [3A:204(A)(14)]~~

~~(b) Approved primary and referee laboratories shall report directly to the Commission and Stewards.~~

~~(b)(c) The Commission shall publish a list of approved Referee Laboratories which must be able to demonstrate competency for that drug or substance reported by the Primary Laboratory, at the limit of detection (LOD) applied by the Primary Laboratory, from which an Owner/Trainer shall select one referee laboratories available for split testing.~~

325:45-1-20. Split Samples Tests

~~(a) As determined by the Official Veterinarian, when sample When the quantity of biological samples collected by operation of Commission rules permits, each test sample shall be divided into two (2) portions so that one (1) portion shall be used for the initial primary testing for substances in the sample and the second portion shall, if available, be retained for split testing. Urine and blood samples shall be collected unless otherwise provided by rule. Both the Trainer and Owner shall be notified in writing of positive lab report of the horse. If the duly notified Trainer and/or Owner so requests in writing to the Stewards within forty eight (48) hours of notice of a positive lab report on the test sample of his/her horse, the split sample shall be sent for further testing to a drug testing laboratory approved by the Commission. Nothing in this Section shall prevent the Commission or Executive Director from ordering first use of both sample portions for testing purposes. The results of said split sampling may not prevent the disqualification of the horse pursuant to the provisions of 325:45-1-15 and 325:45-1-4. All costs for the transportation, shipment and testing of the split sample shall be the financial responsibility of the requesting person, and payment shall be paid by the requesting person through the Horsemen's Bookkeeper or otherwise at the time of packaging. The Official Veterinarian shall have overall responsibility for the freezing, storage, and safeguarding of the split sample. Failure of an Owner and/or Trainer to make a written request of the Stewards for split sample testing within 48 hours or failure to make payment as required by this rule constitutes a waiver of any and all rights to have the split sample tested. If the split sample is not~~

confirmed as positive by the Referee Laboratory, the Owner or Trainer will be reimbursed the cost of testing by the Commission.

(b) Biological sample consisting of blood shall be collected and processed as provided by Commission rules. Biological samples consisting of urine shall be collected if available. Other biological samples may be collected at the direction of the Stewards or the Commission.

(c) The Official Veterinarian or designee shall be responsible for the freezing, storage, safeguarding, and shipment of biological samples to primary or referee laboratories

(d) When biological samples are available for split testing, an owner or trainer may request a split test, subject to the following conditions:

(1) The owner or trainer shall make the request for a split test in writing within forty-eight (48) hours following notification of a substance violation.

(2) All costs for split testing, including the shipment and testing of biological samples, shall be the financial responsibility of the requesting trainer or owner.

(3) Payment for the costs of split testing shall be paid within seventy-two (72) hours following notification of the cost of split testing to the requesting trainer or owner. Failure to make timely payment of split testing costs shall be deemed a waiver of a person's right to conduct a split test.

(4) Payment for the costs of split testing shall be in the form of a check from the horseman's bookkeeper account or cashier's check. No other forms of payment shall be accepted.

(5) The trainer, the trainer's authorized representative or employee, the owner, or other licensed person designated by the owner may witness the packaging and shipping of biological samples. Failure to appear at the appointed time to witness the packaging and shipping of biological samples constitutes a waiver of the right to do so;

(6) Failure of a trainer or owner to submit a timely request for split testing or failure to make timely payment for the costs of split testing shall constitute a waiver of any and all rights to have a split test performed.

(e) The results of the split test shall not prohibit the Commission from imposing appropriate penalties for substance violations, including the disqualification of a horse or other penalties imposed against the trainer.

(1) If the primary test results are not confirmed by the split test, the Commission shall reimburse the trainer or owner requesting the split test the cost of shipment and testing.

(2) Contradictory split test results or split test results that do not confirm the primary test results may be offered by an owner or trainer as evidence to rebut the prima facie evidence of a substance violation established by the primary test results. However, a request for a split test shall not obligate Commission staff to submit evidence of confirmatory split test results for the purposes of proving that a substance violation occurred.

(f) Nothing in this Section shall prevent the Commission or Executive Director from ordering first use of both sample portions for testing purposes.

325:45-1-21. Facilitating the Taking Collection of Post-Race Urine Samples

When a horse has been in the test barn more than one-and-one-half (1-1/2) hours, a diuretic may be administered by the Official Veterinarian or designee for the purpose of facilitating the collection of a urine sample with permission of the Stewards and the ~~Trainer~~ trainer or the ~~Trainer's~~ trainer's authorized test barn representative. The cost of administration of the diuretic is

the responsibility of the Trainer owner. Prior to the administration of a diuretic, a blood sample may be collected from the horse.

325:45-1-22. Phenylbutazone Use [REVOKED]

The use of Phenylbutazone shall be permitted under the following conditions:

(1) — Any horse to which Phenylbutazone has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the Official Veterinarian to determine the quantitative Phenylbutazone level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s). The cost of such testing shall be at the expense of the horse Owner.

(2) — The permitted quantitative test level of Phenylbutazone shall not exceed 5 micrograms (ug) per milliliter (ml) of plasma/serum.

(3) — The Stewards shall impose a fine of Five Hundred Dollars (\$500.00) for violation of paragraph (2) of this Section if the result of quantitative testing exceeds 5 micrograms (ug) per milliliter (ml) of plasma/serum but not greater than 10 micrograms (ug) per milliliter (ml) of plasma/serum. In the event any Trainer violates paragraph (2) of this Section not exceeding 10 micrograms per milliliter of plasma/serum five (5) or more times within a one (1) year period, that Trainer shall be subject to a One Thousand Dollar (\$1,000.00) fine. If the result of quantitative testing of the sample(s) exceed 10 micrograms (ug) per milliliter (ml) of plasma/serum, the Stewards shall impose a fine of One Thousand Dollars (\$1,000.00); and the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned. For a second time offense for violation of greater than 10 micrograms (ug) per milliliter (ml) of plasma/serum, the Stewards shall impose a fine of Two Thousand, Five Hundred Dollars (\$2,500.00); and the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned; and if the second time offense is on the same horse within a one (1) year period, the Stewards shall impose a fine of Two Thousand, Five Hundred Dollars (\$2,500.00) and may suspend the Trainer for up to thirty (30) days; and the Owner or Owners of such horse shall not participate in any portion of the purse or stakes; and any trophy or other award shall be returned. Penalties for third time and subsequent violations on the same horse shall be assessed by the Stewards to include fines not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per person per violation, suspension of a license for up to one year, revocation of a license, ordering that a person be ineligible to hold a license, referral of the matter to the Commission with or without recommendation, or any combination of these assessments.

(4) — If within one (1) year, any Licensee violates paragraph 3 of this Section by exceeding 10 ug/ml of plasma/serum five (5) times or more, the Stewards shall refer that Licensee to the Commission for disciplinary

325:45-1-23. Trainer Responsibility – Phenylbutazone [REVOKED]

Should the chemical analysis of the urine, blood, other sample or specimen taken from a horse under the Trainer's supervision show that the drug Phenylbutazone is present in an amount exceeding the Commission approved tolerance levels, it shall be taken as prima facie evidence that the same was administered by or with the knowledge of the Trainer or person or persons under his/her supervision having care or custody of such horse. At the discretion of the Stewards or Commission, the Trainer and all other persons shown to have had care or custody of such horse may be fined or suspended or both in accordance with this Chapter. If the Trainer cannot be present on race days, s/he shall designate an Assistant Trainer. Such designation shall be

~~made prior to time of entry unless otherwise approved by the Stewards. Failure to fully disclose the actual Trainer of a horse participating in an approved race shall be grounds to disqualify the horse and subject the actual Trainer to possible disciplinary action by the Stewards or the Commission. Designation of an Assistant Trainer shall not relieve the Trainer's absolute responsibility for the conditions and eligibility of the horse but shall place the Assistant Trainer under absolute responsibility also. Willful failure on the part of the Trainer to be present at, or refusal to allow the taking of any specimen, or any act or threat to prevent or otherwise interfere therewith shall be cause for disqualification of the horse involved; and the matter shall be referred by the Official Veterinarian to the Stewards for further action.~~

325:45-1-24. Drug Substance classification Classification and penalties Penalties

~~Upon a finding of a violation of any medication substance violation or prohibited substances rule in this Chapter, the Stewards shall consider the classification level of the substance violation as currently established by the UNIFORM CLASSIFICATION GUIDELINES OF FOREIGN SUBSTANCES (~~Version 12.0~~) (Version 13.2) as promulgated by the Association of Racing Commissioners International, Inc. and may impose penalties and disciplinary measures consistent with the recommendations contained therein, except not to conflict with the mandates of 325:45-1-9 and 325:45-1-22. Provided, however, that in the event a majority of the Stewards determine that aggravating or mitigating circumstances require imposition of a different penalty than the penalty suggested by the guidelines, the Stewards may impose a different penalty. In the event a majority of the Stewards wish to impose a penalty in excess of the authority granted them by 325:1-1-7, the Stewards may impose a penalty up to the maximum penalty authorized by state law and refer the matter to the Commission with specific recommendations for further action.~~

325:45-1-26. Primary Laboratory's Request for Additional Test Time

~~In the event that the Primary Laboratory's The primary laboratory's official chemist should find a specimen sample suspicious of a prohibited substance or medication, he/she may request in writing additional time not exceeding ten (10) business days for test testing and analysis and/or confirmation from the Commission. The Owner/Trainer Commission shall be notified notify the trainer and owner in writing in the event that additional time is granted.~~

325:45-1-27. Prohibited Practices and Certain Penalties

~~In addition to other prohibitions set forth in this administrative regulation, the The following items or therapies shall be prohibited at a location under the jurisdiction of the Commission within the enclosure:~~

- ~~(1) The possession and use of a drug, medication or Any substance (a) which may endanger the health and welfare of the a horse or (b) the use of which may endanger the safety of the rider;~~
- ~~(2) The possession or use of a drug, Any medication or substance that which has not been approved by the United States Food and Drug Administration (~~FDA~~) for use in humans or animals;~~
- ~~(3) The possession or use of the following Agents at a location under the jurisdiction of the Commission: Erythropoietin;~~
 - ~~(A) Erythropoietin;~~

- ~~(B) Darbepoietin;~~
- ~~(C) Oxyglobin;~~
- ~~(D) Hemopure; or~~
- ~~(E) Any substance that abnormally enhances the oxygenation of body tissue.~~
- (4) Darbepoietin;
- (5) Oxyglobin;
- (6) Hemopure;
- (7) Any substance that abnormally enhances the oxygenation of body tissue;
- ~~(4)(8) The practice, administration or application of a treatment, procedure or therapy which may (a) endanger the health or welfare of a horse or (b) endanger the safety of a rider. Any device or machine which may endanger the health and welfare of a horse or may endanger the safety of a rider;~~
- ~~(5)(9) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall not be permitted unless the following conditions are met:~~
 - ~~(A) Any treated horse shall not be permitted to race for a minimum of ten (10) days following treatment.~~
 - ~~(B) The use and possession of Extracorporeal Shock Wave Therapy machines shall be limited to Commission Licensed Veterinarians only restricted to practicing veterinarians.~~
 - ~~(C) Extracorporeal Shock Wave Therapy machines which are within the enclosure shall be registered with and approved by the Commission.~~
 - ~~(D) Any treatments administered using a Extracorporeal Shock Wave Therapy machine shall be reported to the Official Veterinarian by the Trainer and/or Veterinarian or practicing veterinarian no later less than twenty-four (24) hours post administration following treatment.~~
- ~~(6)(10) The administration, within 24 hours of prior to a race, of an alkalinizing substance that could can alter the pH of serum or plasma, pH or concentration of bicarbonates, or total dissolved carbon dioxide in a horse.~~
- ~~(7)(11) Possession or use of a A blood gas machine by other than or ozone generator, an authorized representative of the Commission at a location under the jurisdiction of the Commission.~~

325:45-1-29. Environmental Contaminants and Substances of Human Use

- ~~(a) The Commission recognizes that environmental contaminants are endogenous to the horse or they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation processing treatment, storage or transportation phases. testing of biological samples may detect the presence of prohibited substances that are caused by environmental contamination and not through any fault of the trainer.~~
- ~~(b) The following drugs are recognized as substances of human use and addiction and which could be found in the horse due to its close association with humans; included but are not limited to:~~
 - ~~(1) caffeine~~
 - ~~(2) cocaine~~
 - ~~(3) morphine~~
 - ~~(4) lidocaine~~

(5) ~~strycenine~~

(6) ~~atropine~~

(e)(b) Any biological sample containing an environmental contaminant found to be over the Commission Sanctioned Thresholds shall be treated as a positive substance violation; however, if substantial evidence may be presented in a Hearing pursuant to Rule 325:45-1-26 shows showing that a positive test the substance violation is the likely result of environmental contamination or inadvertent exposure due to human drug use, it should be considered as a mitigating factor in any disciplinary action taken against the affected Trainer. The Stewards shall consider evidence of environmental contamination as a mitigating or explanatory evidence when making a determination about the appropriate punishment for the substance violation.