

CHAPTER 7892

MINNESOTA RACING COMMISSION

HORSES; MEDICAL TESTING

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7892.0100 DETENTION BARN.

Subpart 1. **Barn.** Each association shall provide a detention barn suitable for taking test samples. The barn shall include:

- A. an office area which can be locked, and which has a floor area of not less than 100 square feet;
- B. three wash racks not less than ten feet by 12 feet;
- C. not fewer than six stalls ten feet by ten feet each, with dutch doors and observation holes;
- D. a refrigerator of not less than ten cubic feet;
- E. a freezer not less than 16 cubic feet;
- F. hot and cold running water;
- G. a walking ring;
- H. other equipment considered necessary by the commission for the bathing and watering of horses; and

I. except in the situation of a county fair meet in which the average daily handle for the preceding year was less than \$150,000, items B and C shall be reduced to two wash areas and three stalls.

Subp. 2. **Security.** Each association shall furnish not less than one security officer to guard the detention barn during racing hours and until the last specimen is secured for the day.

Statutory Authority: *MS s 240.23; 240.24*

History: *9 SR 2527; 12 SR 2393; 18 SR 886*

7892.0120 TAKING OF SAMPLES.

Subpart 1. **Horses tested.**

A. Blood and/or urine test samples shall be taken from at least two horses, one of which must be the winning horse in every race.

B. Blood and/or urine test samples may be taken from randomly selected horses during each racing program, from horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred, or for testing the quantitative levels of furosemide in the plasma or urine and the level of urine creatinine of treated horses.

C. The stewards or commission veterinarian may require that specimens of saliva or other body fluid or excretion may be taken from a tested horse as deemed necessary by the stewards or the commission veterinarian to determine whether a violation of chapter 7890 has occurred.

D. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. **Samples taken.** All samples shall be taken in the detention barn unless the commission veterinarian determines it necessary to take a sample elsewhere. All samples shall be taken, sealed, identified, and delivered to the testing laboratory under the direction of the commission veterinarian or his or her designee.

Subp. 3. **Witnesses.** The taking and sealing of any test sample must be witnessed or acknowledged by the signature of the trainer of the horse or his or her designee. The owner and/or trainer of a horse, or their designees, may be present at all times during the taking and sealing of the test samples.

Subp. 4. **Identification.** An identification tag must be attached to each sealed sample. The commission veterinarian shall retain a stub from each tag. The portion of the tag accompanying a sample to the testing laboratory must bear all information necessary to allow for proper analysis, but the identity of the horse from which the sample was taken and of the identity of its owner, trainer, jockey, driver, or stable must not be revealed to laboratory personnel.

Subp. 5. **Split samples.**

A. A portion of the sample from each horse tested, after a sufficient amount has been sent to the official laboratory, must be preserved by the commission. It must be available for testing at the request of a person accused of a violation of chapter 7890. The commission shall approve a list of laboratories which may provide split sample testing. From this list, a person accused of a violation of chapter 7890 shall designate the laboratories in descending order of preference. The sample must be sent to the laboratory given the highest preference and that is capable of testing for the substance within 14 days. The commission veterinarian shall have overall responsibility for the storage, safeguarding, and shipment of the split sample and for the receipt of results from the drug testing laboratory to which the sample was sent.

B. A person making a request for split sample testing must do so in writing to the stewards within 72 hours of notice of the official laboratory's findings and must bear the cost of shipment and additional testing. The cost of additional testing shall be paid in the form of a check or money order payable to the Minnesota Racing Commission or in cash at the commission's administrative offices.

C. A person making a request for split sample testing must select from among the laboratories approved by the commission pursuant to item A, within 24 hours of receipt of the list.

D. Failure to comply with the provisions of items B and C shall render the request for split sample testing null and void.

Subp. 6. **Other materials.** The stewards or commission veterinarian may direct that a sample be taken of any material on the grounds of an association if the stewards or commission veterinarian suspect the material contains a substance which has been used or will be used in violation of chapter 7890.

Statutory Authority: *MS s 240.23; 240.24*

History: *9 SR 2527; 14 SR 332; 14 SR 2008; 15 SR 2307; 16 SR 2207; 20 SR 2592*

7892.0130 TESTING.

Subpart 1. **Chemist.** The chemist responsible for detecting and identifying prohibited substances at an official laboratory must be a member in good standing of the Association of Official Racing Chemists.

Subp. 2. **Equipment.** Every official laboratory must be equipped with the following:

A. extraction apparatus consisting of:

- (1) direct column,
- (2) rotation apparatus,
- (3) concentration-distillation, and
- (4) resin absorption apparatus, or any combination thereof;

B. at least one steam bath;

C. a hot water bath with a controlled temperature;

D. a water still;

E. a centrifuge;

F. a refrigerator;

- G. an analytical balance;
- H. laboratory scales;
- I. a polarizing microscope;
- J. a photomicrographic camera with attachments;
- K. a paper strip chromatographic apparatus;
- L. a thin layer chromatographic apparatus;
- M. ultra-violet lamps including short and long wave lamps;
- N. a laboratory oven with a heat range of 93.3 degrees Celsius to 120 degrees Celsius, and a sensitivity of plus or minus 1 degree Celsius;
- O. photographic equipment for the purpose of photographing color spot tests and chromatographs;
- P. a pH meter;
- Q. a gas chromatograph equipped with electron capture, flame ionization, and thermionic specific detectors;
- R. a mass spectrometer interfaced to a gas chromatograph with solid probe capability and with a computer based data library storage system;
- S. a microcrystal testing kit;
- T. a color spot testing kit;
- U. a high performance liquid chromatograph equipped with ultra-violet and fluorescence detectors;
- V. assorted laboratory glassware; and
- W. other equipment the commission determines is necessary for the detection and identification of prohibited substances.

Subp. 3. **Procedure.** The method for analysis of test samples by an official laboratory shall be:

- A. process by extraction of a sample:
 - (1) using direct column apparatus;
 - (2) using rotation or other agitation apparatus;
 - (3) by concentration-distillation;
 - (4) by resin absorption; or
 - (5) by any combination employing such solvents as are deemed appropriate by an official chemist; and

B. examination of the residue resulting from extraction by three separate tests selected from any of the following analytical methods:

- (1) thin layer chromatography;
- (2) ultra-violet spectrophotometry;
- (3) color spot test;
- (4) gas liquid chromatography;
- (5) high pressure liquid chromatography;
- (6) mass spectrometry; or
- (7) immunoassay.

If during a test an official chemist suspects the presence of a prohibited drug in a sample, the chemist shall continue analysis by any method he or she believes will ensure detection and identification of the substance.

Subp. 4. **Reports.** An official chemist shall report the results of tests promptly to the stewards and commission veterinarian.

Statutory Authority: *MS s 240.23; 240.24*

History: 9 SR 2527

7892.0140 RECORDS.

All documents relating to test samples must be retained for three years or until legal proceedings in which they may be evidence are concluded, whichever is later.

Statutory Authority: *MS s 240.23; 240.24*

History: *9 SR 2527*

7892.0150 PURSES.

Subpart 1. **Purse may be redistributed.** Upon receipt of a positive laboratory report, the stewards shall direct that no undistributed purse money won by the horse tested may be awarded pending final determination of the matter. The stewards shall order distributed purse money returned, and it must be returned. If it is determined finally that a violation of chapter 7890 has occurred, the purse money won by the horse involved may be forfeited and redistributed among the other horses in the race according to their order of finish. No forfeiture and redistribution shall affect the distribution of pari-mutuel pools. Distribution of purse money prior to issuance of a laboratory report shall not be deemed a determination that chapter 7890 has not been violated.

Subp. 2. **Determination of purse redistribution.** In determining whether or not to redistribute a purse, the commission or stewards shall consider the following factors:

A. inherent severity of the conduct as indicated by the potential harm to person, property, or the integrity of racing;

B. culpability of the violator;

C. frequency of the violator's failure to comply with law or rule;

D. actual harm caused to person, property, or the integrity of racing;

E. ineligible horse;

F. ineligible owner;

G. improper underweight carried in race and not discovered prior to official;

H. fraud; and

I. any other factors related to the seriousness of violations which the commission or stewards deem crucial to the determination as long as the same factors are considered with regard to all violators. The commission or stewards, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies.

Statutory Authority: *MS s 240.23; 240.24*

History: *9 SR 2527; 10 SR 2161; 16 SR 2684*

7892.0160 COST RECOVERY.

The commission shall assess each association for its share of the total cost of medical testing.

Statutory Authority: *MS s 240.23; 240.24*

History: *9 SR 2527; 19 SR 2307*