

**7892.0110 OUT-OF-COMPETITION TESTING.****Subpart 1. Cooperation with the commission.**

- A. Licensees of the commission are required to cooperate and comply fully with this rule.
- B. No person shall knowingly interfere with or obstruct a sampling.

**Subp. 2. General procedure for collecting samples.**

- A. Samples must be taken under the supervision and direction of a person who is employed by the commission for the purpose of collecting samples. All blood samples shall be collected by a veterinarian licensed in the state where the sample is collected.
- B. Upon request of a representative of the commission, the trainer, the owner, or a specified designee shall provide the location of the horses eligible for out-of-competition testing.
- C. The commission need not provide advance notice before arriving at any location to collect samples.

Subp. 2a. **Taking of samples.** Out-of-competition testing for prohibited substances, blood doping agents, gene doping agents, growth hormone, exogenous anabolic steroids, and clenbuterol may be performed at the request and under the direction of the stewards or the commission veterinarian on any horse present on the grounds of a racetrack licensed by the commission or nominated for stakes or specific racing series. Horses to be tested may be selected at random or as otherwise reasonably determined by the stewards or commission veterinarian. Split samples shall be collected in accordance with subpart 5. A positive test shall require the horse to be placed on the commission veterinarian's list under part 7877.0175, subpart 8b.

**Subp. 3. Additional procedures.**

- A. The person who takes samples for the commission shall provide identification and disclose the purpose of the sampling to the trainer or designated attendant of the horse.
- B. A written protocol, prepared by the chief commission veterinarian, for the collection of samples shall be made available to the trainer, the owner, or a designee prior to the collection of a sample.
- C. The chain of custody record for the sample, including a split sample where appropriate, shall be maintained by the commission veterinarian and made available to the trainer, the owner, or a designee when a complaint results from an out-of-competition test.

**Subp. 4. Analysis of collected samples.**

- A. The commission must have out-of-competition samples tested if the commission determines testing is necessary to produce information that may enhance the ability of the commission to enforce its medication and antidoping rules.
- B. Split sample rules and procedures for postrace testing under part 7892.0120, subpart 5, apply to out-of-competition testing.

C. Further testing on any remaining sample performed by the official testing laboratory is done only for the investigation of unknown substances and has no effect on the results of the out-of-competition testing.

**Subp. 5. Responsible persons.**

A. The trainer of the horse is responsible for the condition of a horse sampled for an out-of-competition test while on the grounds of a licensed training facility or racetrack.

B. If a horse sampled for an out-of-competition test was claimed, sold, or otherwise transferred during the time the substance that produced the positive test may have been administered, then the commission shall investigate to determine, by a preponderance of the evidence, the identity of the responsible person at the time the substance may have been administered.

C. If the commission cannot determine a responsible person, then the commission may deem the owner responsible and may place the horse on the veterinarian's list for the time necessary to protect the integrity of racing.

**Statutory Authority:** *MS s 240.03; 240.23; 240.24*

**History:** *46 SR 1210; 47 SR 990*

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