

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*

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**7892.0110 OUT-OF-COMPETITION TESTING FOR QUARTER HORSE AND
STANDBRED RACEHORSES.****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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7892.0120 TAKING OF SAMPLES FOR QUARTER HORSE AND STANDARD BRED RACEHORSES.

Subpart 1. Horses tested.

A. After every race, test samples shall be taken from at least two horses, one of which must be the winning horse.

B. Test samples may be taken from other horses on the grounds of a licensed racetrack as designated by the stewards or the commission veterinarian at any time. Horses to be tested may be selected at random or as otherwise reasonably determined by the stewards or commission veterinarian. A positive test shall result in the horse being placed on the commission veterinarian's list under part 7877.0175, subpart 8b.

C. The stewards or commission veterinarian may require that specimens of hair, 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. A hair sample collected any time after a horse is entered to race at a licensed racetrack shall be deemed a post-race sample for purposes of parts 7869.0200 and 7890.0110.

E. 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 serum, plasma, urine, hair, and saliva samples shall be taken, sealed, identified, and delivered to the testing laboratory under the direction of the commission veterinarian or his or her designee. Samples taken for TCO₂ analysis may be taken, sealed, identified, and submitted to the testing laboratory or securely analyzed by a reliable on-site analyzer, or both.

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 the trainer's designee or in the event of an emergency involving an entered horse on race day in the stable area of a Class A licensee by another licensee present at the scene. The owner or trainer of a horse, or a designee, 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. In the absence of urine or blood (serum or plasma) for split sample testing, urine or blood (serum or plasma) from the original testing laboratory, if available, may be sent to the designated split sample laboratory for analysis. The commission shall approve a list of laboratories that are capable of providing 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 and submitting results for the substance within 14 days of sample receipt. 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 notify the stewards in writing within 72 hours of receiving notice of the commission laboratory's findings and a list of approved split sample laboratories.

C. A person making a request for split sample testing must provide the request in writing on a form prescribed by the commission to the commission veterinarian within 24 hours of notification to the stewards of the intent to submit a split sample.

D. The trainer is responsible for the cost of split sample testing and fees for shipping and handling of the sample. Payment for split sample testing must accompany the sample or be made in advance directly to the split sample laboratory. Shipping and handling fees are payable to the Minnesota Racing Commission within seven days of shipment.

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

Subp. 5a. Split sample testing for TCO₂ and any hair test (subpart 5 does not apply).

A. For any TCO₂ test or any hair test, provisions for split sample testing shall be made prior to or at the time of the taking of the original sample.

B. The trainer or designee is responsible for requesting a split sample prior to or at the time of the original sampling and for arranging payment.

C. The sample shall be sent to the Minnesota Racing Commission contract laboratory as a separate and blinded sample.

D. No further provisions for split sample testing for TCO₂ or hair testing shall be available.

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 240.03; 240.23; 240.24*

History: *9 SR 2527; 14 SR 332; 14 SR 2008; 15 SR 2307; 16 SR 2207; 20 SR 2592; 33 SR 2095; 34 SR 1135; 39 SR 1739; 40 SR 1393; 41 SR 1322; 42 SR 1258; 44 SR 1047; 46 SR 6; 47 SR 990*

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7892.0130 TESTING FOR QUARTER HORSE AND STANDARD BRED RACEHORSES.

Subpart 1. Chemist. The official testing laboratory must have sufficient personnel to perform all analytical procedures required for the identification and forensic proof of a medication violation. The chemist responsible for the operation of the official testing laboratory must be a member in good standing of the Association of Official Racing Chemists.

Subp. 2. Equipment. The official testing laboratory must be equipped with sufficient laboratory equipment and personnel to perform:

A. analytical screening procedures for the detection and identification of prohibited substances;

B. confirmation procedures to provide forensic analytical evidence of a medication violation; and

C. quantitative analyses consistent with commission standards in those cases where an exact quantitative value is warranted.

Subp. 3. Procedures. Urine, serum or plasma samples, hair, and other biological samples must be subjected to sufficient analytical procedures to ensure that the medication rules of the commission are not violated. The exact analytical techniques performed must be determined by contract with

the commission in consultation with a commission veterinarian and must include, at a minimum, the following:

A. quantitative screening analysis of serum or plasma or urine samples for detection of overages;

B. qualitative screening analysis of serum or plasma or urine or hair samples for the presence of any medication and metabolites, substance foreign to the natural horse, androgenic anabolic steroids, or endogenous, dietary, or environmental substance without regulatory limits that may result in a positive test; and

C. confirmation of overage and positive test results using mass spectrometry and laboratory criteria that meet or exceed commission requirements.

Subp. 4. **Reports.** The chemist employed by the official testing laboratory shall report the results of the sample analyses to a commission veterinarian, executive director, and deputy director as described by contract with the commission.

Subp. 5. **Laboratory accreditation.**

A. The official testing laboratory must have a least one member in good standing with the Association of Racing Chemists (AORC).

B. The official testing laboratory must be accredited by the most recent version of the International Organization for Standardization (ISO) 17025 quality standards.

C. The official testing laboratory shall be accredited by and in good standing with the Racing Medication Testing Consortium accreditation program.

Subp. 6. **Official testing laboratory.** "Official testing laboratory" means a laboratory facility that is designated by the commission to perform medication and drug-testing duties.

Statutory Authority: *MS s 240.03; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: *9 SR 2527; 24 SR 1568; 39 SR 1739; 40 SR 1393; 46 SR 1210*

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7892.0140 RECORDS FOR QUARTER HORSE AND STANDARD BRED RACEHORSES.

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*

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7892.0150 PURSES FOR QUARTER HORSE AND STANDARD BRED RACEHORSES.

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*

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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*

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