

## Minnesota Racing Commission

### Proposed Permanent Rules Relating to Horse Racing; Class C Licenses, Harness Races, Horse Medication, Physical Examination and Medical Testing, and Prohibited Acts

#### 7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. **Racing secretary.** The racing secretary shall have the responsibilities in items A to J I.

[For text of items A to G, see M.R.]

~~H. The racing secretary must post, in a location accessible to all trainers, a list of all horses registered as "nerved," pursuant to part 7897.0100, subpart 11.~~

I. H. The racing secretary shall establish a preference system for horses which have been excluded from races due to overfilling and shall maintain the system for the duration of a meeting. The racing secretary shall be allowed broad discretion with regard to the preference system but shall act in the best interest of racing and the meeting.

J. I. In the event that a race is declared off due to an insufficient number of entries, the racing secretary must post in a conspicuous place the names of all trainers that entered horses in each race that was declared off.

[For text of subps 2 and 3, see M.R.]

Subp. 4. **Paddock judge.** The paddock judge shall have the responsibilities in items A to L.

[For text of items A to K, see M.R.]

L. The paddock judge shall compile a schooling list of any horse that is fractious or unruly in the paddock, and shall supervise the paddock schooling of those horses. The schooling list shall be posted in the race office.

[For text of subps 4a to 7, see M.R.]

Subp. 8. **Commission veterinarian.** The commission veterinarian shall maintain a list of the following:

- A. horses that are scratched because of illness or injury;
- B. horses that are pulled up because of lameness or other injury during a race;
- C. horses that are bleeders, pursuant to part 7890.0140, subpart 1; and
- D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

The veterinarian's list shall be posted in the racing secretary's office, and any horse whose name is on the list shall be ineligible to start in a race for five calendar days, or until the commission veterinarian or association veterinarian removes it from the list, whichever is later. All workouts required by the commission veterinarian for the purpose of potentially removing a horse from the veterinarian's list must be conducted under the same medication requirements as those for race days. For purposes of this subpart, the five-day period during which a horse is ineligible to start begins to run on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission.

The commission veterinarian shall conduct racing soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race he or she shall notify the stewards immediately in writing.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian must post in a location accessible to all trainers, a list of all horses registered as "nerved" pursuant to part 7897.0100, subpart 11.

The commission veterinarian shall have the authority to draw and submit blood to the diagnostic laboratory from any horse or pony on the grounds of an association for the purpose of testing for equine infectious anemia (EIA) and other reportable infectious

diseases as determined by the Minnesota Board of Animal Health, and shall supervise the removal from the racetrack of any horse or pony having positive EIA or reportable infectious disease test results.

In the event of a veterinary emergency where the owner's veterinarian is not on racetrack grounds, the commission veterinarian or association veterinarian may administer emergency treatment to a horse after consulting with the owner or the owner's agent if they are present on racetrack grounds. In all cases, the owner's veterinarian will be notified and the case transferred to the owner's veterinarian as soon as the owner's veterinarian is present.

In the absence of an association veterinarian, a commission veterinarian shall assume the duties and responsibilities of the association veterinarian.

[For text of subps 8a to 15, see M.R.]

#### **7883.0150 PADDOCK TO POST.**

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Bandages and blankets.** Immediately upon arrival in the paddock, all blankets and bandages, except those bandages that will be worn during a race, must be removed. Should weather conditions so dictate, blankets may be worn after saddling with permission of the paddock judge. After saddling, all horses must be walked to allow a satisfactory examination. Bandages that will be worn during a race must not be fastened with safety pins or metal/plastic binders of any kind. No soft cast or gelatinous bandages may be used under the bandages worn during a race.

[For text of subps 4 to 13, see M.R.]

Subp. 14. **Flipping halters.** Any horse entered to race with a flipping halter must arrive in the paddock with the halter in place under the bridle. For purposes of this subpart, a "flipping halter" means a device used to prevent a horse from rearing up inside the starting gate.

**7884.0180 TIME TRIALS.**

Time trial performances are permitted provided:

- A. ~~urine~~ serum or plasma tests are required for all horses;

[For text of items B to G, see M.R.]

**7890.0100 DEFINITIONS.**

[For text of subps 1 to 10e, see M.R.]

Subp. 10f. **Hemoglobin-based oxygen carrier.** "Hemoglobin-based oxygen carrier" is an intravenous solution consisting of chemically stabilized cross linked hemoglobin that carries oxygen to tissues upon infusion.

Subp. ~~10f~~ 10g. **Hemopure®.** "Hemopure®" is a chemically stabilized bovine cross-linked hemoglobin that carries oxygen to tissues. Chemically it is hemoglobin glutamer-250 (bovine) or HBOC-201.

[For text of subps 11 to 12b, see M.R.]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

[For text of item A, see M.R.]

B. Furosemide, provided, however, that it is administered pursuant to the provisions of part 7890.0140, subpart 7a, ~~and further provided that: the specific gravity of the post-race urine sample is not 1.010 or below or, if the specific gravity is 1.010 or~~

~~below or a urine sample is unavailable for testing.~~ The concentration of furosemide must not exceed 100 nanograms per milliliter of serum or plasma in the post-race blood sample.

[For text of items C and D, see M.R.]

[For text of subps 13a to 14, see M.R.]

Subp. 14a. **NSAID stacking.** "NSAID stacking" occurs when a post-race sample is found to contain the presence of multiple nonsteroidal anti-inflammatory drugs in violation of the restrictions in subpart 13, item A, and part 7890.0110, subpart 10.

~~Subp. 14a~~ 14c. **NSAIDs.** "NSAIDs" means nonsteroidal anti-inflammatory drugs.

Subp. 14b. [See repealer.]

Subp. 14d. **Overage.** "Overage" means the detection of any medication or metabolites, substance foreign to the natural horse, androgenic anabolic steroid, or endogenous, dietary, or environmental substance in a test sample that exceeds the regulatory limits as established by subpart 13, items A to D, and part 7890.0110, subparts 7, item C; 7a; 9; and 10.

~~Subp. 14e~~ 14e. **PO.** "PO" means orally.

Subp. 15. **Positive test.** "Positive test" means the detection of any medication or metabolites, substance foreign to the natural horse, androgenic anabolic steroid, or endogenous, dietary, or environmental substance thereof in a test sample ~~or a test level of NSAIDs or furosemide above the allowed level~~ above the limit of detection of the official testing laboratory.

[For text of subps 15a and 16, see M.R.]

Subp. 16a. **Synthetic analogue.** "Synthetic analogue" means a molecular or chemical compound made in a laboratory that is structurally similar to the natural compound and exhibits similar effects.

Subp. ~~16a~~ 16b. **TCO<sub>2</sub>**. "TCO<sub>2</sub>" means the total concentration of all forms of carbon dioxide in the sample including bicarbonate and carbonate as well as dissolved CO<sub>2</sub>.

Subp. 17. **Test level**. "Test level" means the concentration of NSAIDs ~~or~~, furosemide, medications or metabolites, substances foreign to the natural horse, androgenic anabolic steroids, or endogenous, dietary, or environmental substances found in a test sample.

Subp. 18. **Test sample**. "Test sample" means any bodily substance including blood, urine, saliva, hair, or other substance designated by the commission, taken from a horse under the supervision of the commission veterinarian for the purpose of analysis.

[For text of subps 18a to 21, see M.R.]

#### **7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.**

Subpart 1. **Administration**. No person shall administer or cause to be administered to a horse within 48 hours of a race in which it is scheduled to run any medication (except as permitted by part 7890.0100, subpart 13, items A to D) by injection, oral or topical administration, rectal infusion or suppository, or by inhalation and no horse participating in a race shall carry in its body any substance foreign to the natural horse, except as permitted by subparts 7, item C, 7a, 9, and 10 and part 7890.0100, subpart 13, items A to D. Post-race samples of plasma, serum, or urine must not contain any substances, drugs, medications, or metabolites of substances, drugs, or medications not specifically permitted by commission rule or law.

[For text of subps 2 to 7a, see M.R.]

Subp. 8. **Prohibition**. The possession or use of ~~venom or blood doping agents~~ of anabolic androgenic steroids other than as provided in subpart 7a, naturally occurring venoms, derivatives of venoms, synthetic analogues of venoms, derivatives of synthetic analogues of venoms, growth hormone, blood doping agents, or any substance that

enhances the oxygenation of equine tissue by any person on the grounds premises of any licensed facility under the jurisdiction of the commission is not permitted.

[For text of subps 9 to 12, see M.R.]

### **7890.0130 FINDINGS OF CHEMIST.**

Subpart 1. **Prima facie evidence.** A post-race finding by a chemist of any ~~medication or metabolite, substance foreign to the natural horse, or NSAIDs or furosemide exceeding the allowable test levels provided in part 7890.0100, subpart 13, item A,~~ positive test or overage in the test sample of a horse shall be considered prima facie evidence that the medication or metabolites, androgenic anabolic steroids, substance foreign to the natural horse, or endogenous, dietary, or environmental substances, NSAIDs or furosemide was administered to the horse prior to the race and carried in the body of the horse while participating in a race. ~~Horses racing on NSAIDs or~~ A horse racing on furosemide must show a detectable concentration of the drug or metabolites in the post-race serum, or plasma, ~~or urine~~ sample. A finding by a chemist of any venom or blood doping agent in the test sample of a horse shall be considered prima facie evidence that the venom or blood doping agent was administered to the horse prior to the race and carried in the body of the horse while participating in a race. A finding by a chemist of a level of TCO<sub>2</sub> greater than 37 millimoles per liter of blood in the test sample of a horse shall be considered prima facie evidence that an alkalinizing agent was administered to the horse prior to the race.

Subp. 2. **Distributed purse money.** The fact that purse money has been distributed prior to the issuance of the chemist's report shall not be deemed a finding that no medication or metabolites, androgenic anabolic steroids, substance foreign to the natural horse, or endogenous, dietary, or environmental substances, NSAIDs or furosemide exceeding allowable levels was administered to the horse earning such purse money in violation of this chapter.

**7890.0140 BLEEDERS.**

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Furosemide may be permitted.** A horse is eligible to race with furosemide if the licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide. ~~Notification using prescribed commission forms must be given to the commission veterinarian no later than scratch time for that day's racing.~~ Once a horse has raced with furosemide, it must continue to race with furosemide in all subsequent races unless a request is made to discontinue the use. If the use of furosemide is discontinued, the horse shall be prohibited from again racing with furosemide unless it is later observed to be bleeding pursuant to subpart 1. Requests for the use of or discontinuance of furosemide must be made to the commission veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made.

[For text of subps 7 to 10, see M.R.]

**7891.0110 POSTMORTEM EXAMINATION.**

[For text of subp 1, see M.R.]

Subp. 2. **Test samples to be taken for analysis.** Test samples must be obtained from every horse ~~which undergoes a postmortem examination~~ that dies or is euthanized from a training or race-related injury. The samples shall be sent for analysis to a laboratory approved by the commission and the commission may direct the laboratory to retain and preserve such samples for future analysis.

When practical, both blood and urine test samples shall be obtained prior to euthanasia.

[For text of subp 3, see M.R.]



Subp. 4. **Report of exam.** A report of every ~~postmortem examination~~ each deceased horse shall be filed with the commission within 72 hours of the horse's death on a form prepared by the commission.

#### **7892.0120 TAKING OF SAMPLES.**

[For text of subps 1 to 4, see M.R.]

##### **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 ~~which may provide~~ 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 do so in writing to notify the stewards in writing~~ within 72 hours of receiving notice of the official commission 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~~ a list of approved split sample laboratories.

C. A person making a request for split sample testing must ~~select from among the laboratories approved by the commission pursuant to item A,~~ provide the request in writing on a form prescribed by the commission to the commission veterinarian within 24 hours of receipt of the list 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. Shipping and handling fees are payable to the Minnesota Racing Commission within seven days of shipment.

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

[For text of subps 5a and 6, see M.R.]

#### **7892.0130 TESTING.**

[For text of subp 1, see M.R.]

Subp. 2. **Equipment.** The ~~official~~ commission 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 ~~proof~~ 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 and ~~blood~~ serum or plasma samples must be subjected to sufficient analytical procedures to ensure that the medication rules of the ~~Racing~~ commission are not violated. The exact analytical techniques performed must be

determined by contract with the Racing commission in consultation with the commission veterinarian and must include, at a minimum, the following:

- ~~A. analysis of blood samples for violations of the use of permitted medications;~~
  - ~~B. screening analysis of blood samples for drugs of abuse, when applicable, as determined by the commission veterinarian;~~
  - ~~C. analysis of urine samples for excessive dilution;~~
  - ~~D. analysis of urine samples for drugs of abuse using a combination of immunoassay and chromatographic techniques; and~~
  - ~~E. confirmation analysis of violations using mass spectral analysis.~~
- 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 official chemist employed by the commission-contracted laboratory shall report the results of the sample analyses to the commission veterinarian ~~and the~~ executive director, and deputy director as described by contract with the Racing commission.

Subp. 5. **Laboratory accreditation.** The official laboratory shall be accredited by and in good standing with the Racing Medication Testing Consortium accreditation program.

**7897.0100 PROHIBITED ACTS.**

[For text of subps 1 to 19, see M.R.]

Subp. 20. **Possession ~~or use~~, administration to, or presence in a horse of a prohibited drug, substance, medication or metabolites, biological product, venom, or synthetic analog of venom.**

A. ~~No person may possess or use a drug, substance, medication, biological product, or venom on the premises of a facility under the jurisdiction of the commission; administer, on the premises of a licensed association under the jurisdiction of the commission, a prohibited drug, substance foreign to the natural horse, medication or metabolites, biological product, blood doping agent, growth hormone, venom, synthetic analogue of venom, derivative of venom, or synthetic analogue of a derivative of venom that has not been approved by the United States Department of Agriculture (USDA) or the United States Food and Drug Administration (FDA) for any use in humans or animals without prior permission of the stewards or judges and commission veterinarian.~~

(1) ~~for which a recognized analytical method has not been developed to detect and confirm the administration of such substance;~~

(2) ~~the use of which may endanger the health and welfare of the horse or endanger the safety of the rider.~~

B. ~~No person may possess or use, on the premises of a facility under the jurisdiction of the commission, administer a prohibited drug, substance, medication or metabolites, biological product, or venom that has not been approved by the United States Department of Agriculture (USDA) or the FDA for any use in human or animal without prior permission of the stewards and commission veterinarian., synthetic analogue of venom, derivative of venom, synthetic analogue of a derivative of venom, or growth hormone on the premises of a facility under the jurisdiction of the commission:~~

- (1) for which a recognized analytical method has not been developed to detect and confirm the administration of such substance;
- (2) the use of which may endanger the health and welfare of the horse or endanger the safety of the rider;
- (3) the use of which results in concentrations in the horse in excess of those that occur naturally; or
- (4) the use of which in established concentrations would cause interference with testing procedures.

~~C. No person may possess or use venom or blood doping agents, including but not limited to those listed in subitems (1) to (4) on the premises of a facility under the jurisdiction of the commission.~~

- ~~(1) Hemopure®;~~
- ~~(2) Erythropoietin;~~
- ~~(3) Darbepoetin; or~~
- ~~(4) Oxyglobin®.~~

C. The presence in or administration to a horse of the following, on the premises of a licensed association under the jurisdiction of the commission, is prohibited at any time:

- (1) blood doping agents, including erythropoietin, darbepoetin, hemoglobin-based oxygen carriers, or any other substance that abnormally enhances the oxygenation of equine body tissue;
- (2) naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, synthetic analogues of derivatives of venoms, or growth hormone;
- (3) androgenic anabolic steroids other than as provided in part 7890.0110, subpart 7a; or

(4) whole blood or packed red blood cells except as provided in item D.

D. No person other than a licensed veterinarian rendering emergency care may possess, on the premises of a licensed association under the jurisdiction of the commission, whole blood or packed red blood cells. The licensed veterinarian shall notify the commission veterinarian of the intent to administer whole blood or packed red blood cells prior to collection or possession of the whole blood or packed red blood cells.

~~D. E.~~ No person shall feed, or cause or knowingly permit to be fed, or conspire in any manner to feed products that contain any drug not permitted by chapter 7890 to a horse entered or to be entered for a race.

~~E. F.~~ No person shall have in the person's possession, within the confines of a racetrack or within its stables, buildings, sheds, or grounds, where horses are lodged or kept which are eligible to race over a racetrack, any feed products containing drugs not otherwise and expressly approved for use in race horses.

Subp. 21. **Pregnant filly or mare.** No filly or mare over 150 days gestation may be entered to race.

**REPEALER.** Minnesota Rules, part 7890.0100, subpart 14b, is repealed.