

**Minnesota Racing Commission****Proposed Permanent Rules Relating to Horse Racing; Medication****7869.0100 DEFINITIONS.**

*[For text of subparts 1 to 20, see Minnesota Rules]*

Subp. 20a. **Digital tattoo.** "Digital tattoo" or "tattooed digitally" means authentication of horse identity by a Thoroughbred Racing Protective Bureau (TRPB) technician through an in-person inspection that includes scanning the thoroughbred's microchip, comparing markings and photos from The Jockey Club database, and uploading updated digital photographs to the breed registry.

*[For text of subparts 21 to 69, see Minnesota Rules]*

**7869.0200 INCORPORATION BY REFERENCE.**

*[For text of subpart 1, see Minnesota Rules]*

**Subp. 2. Association of Racing Commissioners International.**

A. For the purposes of chapters 7869 to 7899, the Association of Racing Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances Schedule is incorporated by reference. The ARCI Endogenous, Dietary, or Environmental Substances Schedule is subject to frequent change and is available to the public free of charge at the State Law Library; and on the Minnesota Racing Commission website; ~~and through ARCI.~~

B. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule for Horses is incorporated by reference. The ARCI Controlled Therapeutic Medication Schedule for Horses is subject to frequent change and is available to the public free of charge at the State Law Library; and on the Minnesota Racing Commission website; ~~and through ARCI.~~

C. For the purposes of chapters 7869 to 7899, and except as limited by part 7897.0130, subpart 5 otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties are Model Rule is incorporated by reference. ~~These guidelines and recommended penalties are~~ This model rule is subject to frequent change and ~~are~~ is available to the public free of charge at the State Law Library, and on the Minnesota Racing Commission website, ~~and through ARCI~~.

D. For the purposes of chapters 7869 to 7899, and except as otherwise specifically provided therein, the Association of Racing Commissioners International (ARCI) Multiple Medication Violation Model Rule is incorporated by reference. This model rule is subject to change and is available to the public free of charge at the State Law Library and on the Minnesota Racing Commission website.

*[For text of subpart 3, see Minnesota Rules]*

#### **7876.0100 ON-TRACK STABLING.**

*[For text of subparts 1 to 11, see Minnesota Rules]*

Subp. 12. **Bisphosphonates.** When a horse enters the grounds of a licensed racetrack, the horse's trainer of record must immediately notify the commission veterinarian on a form prescribed by the commission of any known administration of a bisphosphonate drug to that horse within the last six months. The horse will be placed on the veterinarian's list for a minimum of six months following the most recent administration of any bisphosphonate drug.

#### **7876.0110 OFF-TRACK STABLING.**

*[For text of subparts 1 and 2, see Minnesota Rules]*

Subp. 3. **Horses must be at racetrack for race day inspection.** All horses shipped from another racetrack or off-track stabling facility to a racetrack for a race must be at the

racetrack no later than 8:00 a.m. or later if approved by the stewards on the day on which the horse is scheduled to race. When any horse enters the grounds of a licensed racetrack, the horse's trainer of record must ensure that the commission veterinarian is immediately informed on a form prescribed by the commission of any known administration of a bisphosphonate drug to that horse within the last six months. The horse will be placed on the veterinarian's list for a minimum of six months following the most recent reported administration of any bisphosphonate drug.

*[For text of subparts 4 to 6, see Minnesota Rules]*

#### **7877.0120 FEES.**

Subpart 1. **License fees.** Each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

*[For text of items A to V, see Minnesota Rules]*

W. veterinary assistant or equine masseuse, \$50;

*[For text of items X to CC, see Minnesota Rules]*

*[For text of subparts 2 to 4, see Minnesota Rules]*

#### **7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.**

Subpart 1. **Individual owners.** An applicant for an individual owner's license must own, lease, or be a lessor of a horse eligible to race in Minnesota which is registered with the racing secretary and under the care of a trainer licensed by the commission. The applicant must give consent for the commission to share the following data on each such horse registered with The Jockey Club:

A. all prerace examination data collected or created by the commission veterinarian and the veterinarian's designees pursuant to part 7891.0100; and

B. all injury data collected or created by the commission, the commission veterinarian, or their designees.

If younger than 18 years of age, an applicant for an individual owner's license must submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. A parent or legal guardian submitting such an affidavit also shall submit information required in part 7877.0110, subpart 2. If the commission has reason to doubt the financial responsibility of an applicant for an individual owner's license, the applicant shall complete a verified financial statement.

Subp. 2. **Multiple owners.** Applicants for a multiple owner's license must comply with subpart 1 and the following requirements.

*[For text of item A, see Minnesota Rules]*

B. Directors, officers, general partners, policymakers, and all holders of direct or indirect record or beneficial ownership or other voting interests or control, whether absolute or contingent, of five percent or more in a multiple owner also must obtain Class C licenses issued by the commission. The applicant must give consent for the commission to share the following data on each such horse registered with The Jockey Club:

(1) all prerace examination data collected or created by the commission veterinarian and the veterinarian's designees pursuant to part 7891.0100; and

(2) all injury data collected or created by the commission, the commission veterinarian, or their designees.

*[For text of items C to H, see Minnesota Rules]*

*[For text of subparts 3 to 9, see Minnesota Rules]*

Subp. 9a. **Equine masseuse.** An applicant for an equine masseuse license must:

A. provide documentation of completion of formal training as an equine masseuse;  
and

B. demonstrate to the commission veterinarian that the applicant is familiar with equine anatomy, equine behavior, devices used by an equine masseuse, and with current equine masseuse practices.

*[For text of subparts 10 to 16, see Minnesota Rules]*

**7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.**

*[For text of subpart 1, see Minnesota Rules]*

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

*[For text of items A to T, see Minnesota Rules]*

~~U. A trainer shall ensure that complete written records are kept of all corticosteroid and intra-articular joint injections for each horse in the trainer's control. These records must be kept for a minimum of 30 days and must include:~~

- ~~(1) name of the horse;~~
- ~~(2) date of the injection;~~
- ~~(3) specific product name;~~
- ~~(4) dose injected;~~
- ~~(5) location of the injection; and~~
- ~~(6) name of the person performing the injection.~~

U. A trainer shall ensure that complete written records are kept of all treatments provided to each horse that is registered with the racing secretary under item E or entered to race at a licensed racetrack. Each treatment shall be recorded within 48 hours of treatment.

(1) For purposes of this subpart, "treatment" means any medication administered or procedure containing a medication given to a horse by a licensed trainer or a designee. Treatment also includes any medication or treatment prescribed by a veterinarian licensed by the commission but administered or given by a trainer or a designee and those administered or provided by a veterinarian not licensed by the commission. Treatment does not include medications given by a veterinarian licensed by the commission or the veterinarian's designee.

(2) The written record must include the following information on a form prescribed by the commission:

(a) the name of the horse or, if unnamed, the registered name of the dam and year of foaling;

(b) the generic or brand name of the drug or biological;

(c) the name of the prescribing veterinarian;

(d) the date of administration;

(e) the method of administration;

(f) the dosage administered;

(g) the approximate time of administration;

(h) the first and last name of the individual that administered the treatment, medication, or injection;

(i) the anatomical location of the injection, if any; and

(j) the signature of the prescribing veterinarian.

(3) The record shall be maintained electronically or on paper until the end of the calendar year in which the trainer is licensed by the commission.

(4) The record must be made available for inspection upon request of the commission, stewards, or commission veterinarian.

(5) For any horse that has not been in a trainer's control for at least 14 days, the trainer must obtain and make available a record going back at least 14 days that complies with this subpart.

(6) A licensed trainer whose horse is transferred to a new trainer shall provide the new trainer with the complete written or electronic records required by this subpart.

V. The trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the commission veterinarian ~~a~~ the complete written record, as specified in item U, of all ~~corticosteroid and intra-articular joint~~ interarticular treatments, medications, and injections that were administered to the horse within the 30 days preceding the race. In the case of a horse that has been in the trainer's control for less than 30 days, the trainer shall provide a record going back as long as the horse has been in the trainer's control. The trainer of the claimed horse shall authorize the commission veterinarian to provide the record to the new trainer.

*[For text of subparts 2a to 9a, see Minnesota Rules]*

Subp. 9b. **Equine masseuse.** The following shall apply to an equine masseuse licensed by the commission.

A. An individual licensed as an equine masseuse shall not:

- (1) diagnose disease, lameness, or illness;
- (2) provide a prognosis;
- (3) prescribe any treatments, drugs, medications, or appliances or administer medications;
- (4) dispense, compound, or mix drugs or medications;

- (5) perform surgery;
- (6) draw blood;
- (7) place catheters, needles, swabs, or tubes of any kind in any body part of the horse;
- (8) apply splints, slings, or tourniquets; or
- (9) administer injectable medications.

B. An equine masseuse must keep a daily log either in writing or electronically on a form prescribed by the commission of horses treated at a licensed racetrack and must show the log to the commission veterinarian upon request. The log must be kept until the end of the calendar year in which the equine masseuse is licensed by the commission. The log must contain the following:

- (1) date and time of treatment;
- (2) name of the horse treated;
- (3) trainer of the horse;
- (4) anatomical location of treatment; and
- (5) device name used during the treatment session.

*[For text of subparts 10 and 11, see Minnesota Rules]*

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

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

*[For text of items A to H, see Minnesota Rules]*



I. Effective January 1, 2020, the racing secretary shall ensure that the foal certificates for all thoroughbred horses entered to race at a licensed racetrack that were foaled in 2018 or thereafter have a digital tattoo as defined in part 7869.0100, subpart 20a.

*[For text of subparts 2 to 4, see Minnesota Rules]*

Subp. 4a. **Paddock judge responsibilities for harness races.** Under the direction and supervision of the stewards, the paddock judge will have complete charge of the paddock activities. The paddock judge is responsible for:

*[For text of items A to C, see Minnesota Rules]*

D. Proper check-in and check-out of horses and drivers and checking the identification of all horses coming into the paddock including the tattoo, microchip, or freeze brand number.

*[For text of items E to H, see Minnesota Rules]*

*[For text of subparts 5 to 15, see Minnesota Rules]*

#### **7877.0180 CONFLICTS.**

*[For text of subparts 1 and 1a, see Minnesota Rules]*

Subp. 2. **Veterinarians.** No veterinarian, equine masseuse, or veterinary assistant may participate in pari-mutuel wagering while licensed by the commission. No veterinarian designated as an official at a race meeting shall treat or prescribe treatment for a horse racing at that meeting, except in emergencies or if no other veterinarian licensed by the commission is on the grounds of the association. In that case, the official veterinarian shall notify the commission of any compensation received.

*[For text of subpart 3, see Minnesota Rules]*

#### **7883.0100 ENTRIES AND SUBSCRIPTIONS.**

*[For text of subpart 1, see Minnesota Rules]*

Subp. 2. **Horse must be registered and eligible.** No horse shall be permitted to start unless:

*[For text of item A, see Minnesota Rules]*

B. its registration certificate and Arabian ID Supplement or any supplement relative to other breeds as required showing the lip tattoo number, microchip number, or freeze branded registration number of the horse is physically or electronically filed with the racing secretary by scratch time for that race. In stakes races only, a horse shall be allowed to start without the registration certificate on file, if a photocopy or telefacsimile copy of both sides of the foal certificate is on file with the racing secretary. This copy must have been forwarded to the secretary along with a photocopy or a telefacsimile copy of the horse's equine infectious anemia certificate;

*[For text of items C to G, see Minnesota Rules]*

Subp. 2a. **Prohibited starters.** No horse shall be permitted to start if:

A. it is wholly or partially owned by, or under the care, custody, or control of, a person who for any reason is unlicensed by the commission; ~~or~~

B. it is on the ~~starter's list, steward's~~ stewards' list, or veterinarian's list; in any racing jurisdiction and not removed from that list; or

C. it is on the starter's list or paddock judge's list in any racing jurisdiction and not removed from that list by the other jurisdiction or racing official in Minnesota.

*[For text of subparts 3 to 5, see Minnesota Rules]*

Subp. 6. **Prohibited entries.** No person shall:

*[For text of items A to G, see Minnesota Rules]*

H. enter a horse that is barred or suspended in any racing jurisdiction; ~~or~~

I. enter a horse that has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered means of identification-; or

J. enter a horse that has been treated with any bisphosphonate drug within the past six months.

*[For text of subparts 7 to 15a, see Minnesota Rules]*

Subp. 16. **Workout requirements.** In order to be eligible:

*[For text of items A and B, see Minnesota Rules]*

C. A first-time starter less than four years of age must have gate approval and a minimum of two timed workouts, one of which must be out of the gate, no more than 60 days prior to the race in which it is entered.

D. A first-time starter four years of age or older must have gate approval and a minimum of three timed workouts, at least one of which must be out of the gate and one of which must be an official timed workout observed and approved by a commission veterinarian, no more than 30 days prior to the race for which the horse is entered.

~~E.~~ E. A horse, other than a first-time starter, which has not started for a period of more than one year shall not be eligible to start until it has completed three timed workouts, at least one of which must be an official timed workout observed and approved by a commission veterinarian no more than 30 days ~~and no less than 48 hours~~ prior to the race for which the horse is entered.

~~F.~~ F. Official timed workouts shall be conducted under the same medication and testing rules applicable to racing. A horse is not eligible to be entered in a race until negative results of post-workout medication testing have been returned to the commission veterinarian.

F G. For all county fairs in which the average daily handle for the preceding year was less than \$150,000 all workout requirements shall be waived except that in the case of a horse that has not started for a period of one year, the owner or trainer must contact the commission veterinarian prior to entry for an examination and workout as determined by the commission veterinarian.

For the ~~purposes of items D and F~~ purpose of items E and G, and removing a horse from the stewards' list, all workouts must be conducted under the same medication requirements as those for race days.

*[For text of subparts 17 to 19, see Minnesota Rules]*

#### **7883.0140 CLAIMING RACES.**

*[For text of subparts 1 to 7, see Minnesota Rules]*

Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

The stewards shall void a claim if:

*[For text of item A, see Minnesota Rules]*

B. the horse is placed on the veterinarian's list for exhibiting clinical signs of any of the following within one hour of racing: a musculoskeletal injury ~~within one hour of racing~~, lameness, or unsoundness of heart or lung. However, the claim shall not be voided for this reason if the claimant elected to claim the horse regardless of whether the horse is placed on the veterinarian's list. An election made under this provision shall be made on the claim form. For purposes of this subpart, "unsoundness of heart" means atrial fibrillation or cardiac arrhythmias, and "unsoundness of lung" means recurrent airway obstructive pulmonary disease or bleeding from one or both nostrils.

*[For text of subparts 9 to 11, see Minnesota Rules]*

Subp. 12. **Disclosure Ineligibility of bred mare.** If a filly or mare has been bred and is in foal, she is ineligible to be entered into a claiming race ~~unless:~~

~~A. full written disclosure of that fact, on a form prescribed by the commission, is on file with the racing secretary and posted in a conspicuous and accessible place outside the office of the commission veterinarian. The written disclosure must include, at a minimum, the date of last cover and the name of the stallion;~~

~~B. all payments due for the service in question and for any live progeny resulting from that service are paid in full; and~~

~~C. the release of the breeding slip to the successful claimant at the time of the claim is guaranteed.~~

*[For text of subparts 13 to 32, see Minnesota Rules]*

#### **7883.0160 POST TO FINISH.**

Subpart 1. **Horse must be tattooed digitally or physically or microchipped.** No horse shall be permitted to start unless it has been tattooed digitally or physically or microchipped and fully identified.

*[For text of subparts 2 to 14, see Minnesota Rules]*

#### **7884.0120 ELIGIBILITY AND ENTERING.**

*[For text of subparts 1 to 6, see Minnesota Rules]*

Subp. 7. **Conditions precedent to entering.** No horse shall be permitted to enter to race unless:

A. a valid eligibility certificate has been granted or validated for that horse by the USTA, and the eligibility certificate has been physically or electronically filed with the racing secretary;

B. the current ownership of the horse has been registered with the USTA, and the registration papers have been physically or electronically filed with the racing secretary. For purposes of this subpart, a photocopy of the current registration papers will be accepted to the same extent as the original unless:

*[For text of subitems (1) and (2), see Minnesota Rules]*

*[For text of items C and D, see Minnesota Rules]*

E. the horse has been lip tattooed, microchipped, or freeze branded;

*[For text of items F and G, see Minnesota Rules]*

*[For text of subparts 8 to 12, see Minnesota Rules]*

Subp. 13. **Horses denied entry.** A horse that is on the qualifying list, starter's schooling list, paddock judge's list, stewards' list, or bleeder list; in any racing jurisdiction and not removed from that list; shall not be entered. A horse that has been treated with any bisphosphonate drug within the past six months shall not be entered.

*[For text of subparts 14 to 17, see Minnesota Rules]*

#### **7884.0210 CLAIMING RACES.**

*[For text of items A to C, see Minnesota Rules]*

D. The stewards shall void a claim if:

*[For text of subitem (1), see Minnesota Rules]*

(2) the horse is placed on the veterinarian's list for exhibiting clinical signs of any of the following within one hour of racing: a musculoskeletal injury ~~within one hour of racing~~, lameness, or unsoundness of heart or lung. However, the claim shall not be voided for this reason if the claimant elected to claim the horse regardless of whether the horse is placed on the veterinarian's list. An election made under this part shall be made on the claim

form. For purposes of this subpart, "unsoundness of heart" means atrial fibrillation or cardiac arrhythmias, and "unsoundness of lung" means recurrent airway obstructive pulmonary disease or bleeding from one or both nostrils.

*[For text of items E and F, see Minnesota Rules]*

#### **7890.0100 DEFINITIONS.**

*[For text of subparts 1 to 3c, see Minnesota Rules]*

Subp. 3d. **Bisphosphonates.** "Bisphosphonates" means any of a class of drugs that slows the breakdown of bone by osteoclasts.

*[For text of subparts 4 to 7a, see Minnesota Rules]*

Subp. 7b. ~~Darbepoietin~~ **Darbepoetin alfa.** "~~Darbepoietin~~ Darbepoetin alfa" is a synthetic analog of erythropoietin that stimulates the bone marrow to produce red blood cells. Chemically, it is a 165 amino acid protein containing five N-linked oligosaccharide chains.

*[For text of subparts 8 to 12b, see Minnesota Rules]*

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. Medication includes all alkalinizing agents, analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

A. Nonsteroidal anti-inflammatory drugs (NSAIDs):

(1) The use of one of the following three approved NSAIDs shall be permitted under the following conditions, ~~with the exception of two-year-old race horses where no~~

~~concentration of any NSAIDs, other than phenylbutazone, are allowed in the plasma or serum sample taken after racing or official timed workouts:~~

(a) phenylbutazone, provided that the test sample does not contain more than ~~two~~ 0.3 micrograms of the substance thereof per milliliter of blood plasma or serum; or

(b) flunixin, provided that the test sample does not contain more than ~~20~~ five nanograms of the substance thereof per milliliter of blood plasma or serum; ~~and~~ or

(c) ketoprofen, provided that the test sample does not contain more than two nanograms of the substance thereof per milliliter of blood plasma or serum.

(2) No NSAIDs can be administered within the ~~24~~ 48 hours before post time for the race in which the horse is entered. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(3) The presence of more than one NSAID in the post-race serum or plasma sample, or sample taken after an official timed workout, is not permitted and shall constitute ~~an NSAID stacking violation as follows:~~ a Class B violation under the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances and Recommended Penalties.

~~(a) a Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:~~

~~i. two nonsteroidal anti-inflammatory drugs are found at individual levels exceeding the following restrictions:~~

- ~~Diclofenac~~                      ~~5 nanograms per milliliter of plasma or serum;~~
- ~~Firocoxib~~                      ~~20 nanograms per milliliter of plasma or serum;~~
- ~~Flunixin~~                         ~~20 nanograms per milliliter of plasma or serum;~~
- ~~Ketoprofen~~                    ~~2 nanograms per milliliter of plasma or serum;~~



~~Phenylbutazone 2 micrograms per milliliter of plasma or serum; or  
all other nonsteroidal  
anti-inflammatory drugs laboratory concentration of detection;~~

~~ii. three or more nonsteroidal anti-inflammatory drugs are found at individual levels exceeding the following restrictions:~~

~~Diclofenac 5 nanograms per milliliter of plasma or serum;  
Firocoxib 20 nanograms per milliliter of plasma or serum;  
Flunixin 3 nanograms per milliliter of plasma or serum;  
Ketoprofen 1 nanogram per milliliter of plasma or serum;  
Phenylbutazone 0.3 micrograms per milliliter of plasma or serum; or  
all other nonsteroidal  
anti-inflammatory drugs laboratory concentration of detection;~~

~~(b) a Class 2 NSAID Stacking Violation (Penalty Class C) occurs when any one substance noted in unit (a), subunit (i), is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:~~

~~Flunixin 3 nanograms per milliliter of plasma or serum;  
Ketoprofen 1 nanogram per milliliter of plasma or serum; or  
Phenylbutazone 0.3 micrograms per milliliter of plasma or serum; or~~

~~(c) a Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when any combination of two of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in unit (a), but in excess of the noted restrictions:~~

~~Flunixin 3 nanograms per milliliter of plasma or serum;  
Ketoprofen 1 nanogram per milliliter of plasma or serum; or  
Phenylbutazone 0.3 micrograms per milliliter of plasma or serum.~~

*[For text of subitem (4), see Minnesota Rules]*

[For text of item B, see Minnesota Rules]

C. Topical applications, such as antiseptics, ointments, salves, leg rubs, and leg paints which may contain antibiotics (excluding procaine, penicillin, and chloramphenicol) but which shall not contain ethanol, ~~benzocaine~~, DMSO, ~~lidocaine~~, ~~steroids~~ corticosteroids, topical anesthetics including benzocaine and lidocaine, or other medications.

D. Vitamins and electrolytes, provided the vitamins and electrolytes are administered orally and do not contain any medications, sodium bicarbonate, or other alkalinizing agents.

E. Electrolytes except those containing sodium bicarbonate or other alkalinizing agents.

[For text of subparts 13a to 21, see Minnesota Rules]

#### **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, hair, or urine must not contain any substances, drugs, medications, or metabolites of substances, drugs, or medications not specifically permitted by commission rule or law.

Subp. 2. **Nasogastric tube.** The use of a nasogastric tube (~~a tube longer than six inches, inserted in a horse's nostril~~) for the administration of any substance to an entered horse within the 48-hour period prior to post time shall not be permitted without prior permission of the commission veterinarian. No licensee other than a veterinarian shall possess a

nasogastric tube ~~as described in this subpart~~ on the grounds of an association under the jurisdiction of the commission. For purposes of this subpart, "nasogastric tube" means any hose or tube more than 12 inches in length and more than one-quarter inch in diameter.

Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.** The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

A. any treated horse shall not be permitted to have a timed workout or race for a minimum of ten days following treatment with day one being the first day of treatment;

*[For text of items B to D, see Minnesota Rules]*

Subp. 4. **Blood doping agents.** The possession or use of blood doping agents by any person, including but not limited to the following blood doping agents, on the premises of a facility under the jurisdiction of the commission is forbidden:

- A. Erythropoietin;
- B. ~~Darbepoietin~~ Darbepoetin;
- C. Oxyglobin®; and
- D. Hemopure®.

Subp. 5. ~~**Presence**~~ **Discontinuance of treatments.** ~~The presence of more than one of the three approved NSAIDs, with the exception of phenylbutazone in a concentration below 0.5 micrograms per milliliter of serum or plasma or any unapproved NSAID in the post-race serum, plasma, or urine sample is not permitted.~~ The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered. The use of any intra-articular corticosteroid shall be discontinued at least seven days before post time for the race in which the horse is entered. The presence of only one intra-articular corticosteroid is permitted in a post-race sample.

[For text of subpart 6, see Minnesota Rules]

Subp. 7. **Use.** The use of agents that elevate the horse's bicarbonate level, TCO<sub>2</sub>, or pH level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited. The following also apply to TCO<sub>2</sub>:

A. A commission veterinarian may draw whole blood, serum, or plasma samples from a horse for the purpose of obtaining a TCO<sub>2</sub> level.

[For text of items B to E, see Minnesota Rules]

[For text of subparts 7a to 13, see Minnesota Rules]

#### **7890.0140 BLEEDERS.**

Subpart 1. **Examination of bleeders.** A horse ~~which~~ that is alleged to have bled externally from one or both nostrils in Minnesota must be physically examined by a ~~veterinarian currently licensed by the commission~~ veterinarian in order to confirm its inclusion on the bleeder list, and veterinarian's list, ~~or both.~~ The examination must be performed within 1-1/2 hours following the finish of a race or exercise in which the horse has participated ~~and the examination report must be provided to the commission's veterinary office by 10:00 a.m. on the day following the examination.~~

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. **Restrictions on confirmed bleeders.** Confirmed bleeders shall be subject to the following restrictions.

[For text of item A, see Minnesota Rules]

B. When a horse has been observed bleeding for the second time ~~in the previous 12 months~~ within a 365-day period, the horse shall be placed on the veterinarian's list and shall not be removed from the list without the approval of the commission veterinarian. Such a horse shall be ineligible to race for at least 30 days following the observed bleeding.

C. When a horse has been observed bleeding for the third time ~~in the previous 12 months~~ within a 365-day period, the horse shall be placed on the veterinarian's list and shall not be removed from the list for at least 180 days, and not until the commission veterinarian has approved its removal.

D. When a horse is has been observed bleeding for a fourth time ~~in the previous 12 months~~ within a 365-day period, the horse shall be ~~barred from further pari-mutuel horse racing~~ placed on the veterinarian's list and will be permanently ineligible to race in Minnesota.

*[For text of items E to G, see Minnesota Rules]*

*[For text of subparts 6 and 7, see Minnesota Rules]*

Subp. 7a. **Conditions required for furosemide administration.** Furosemide shall be administered intravenously by a licensed veterinarian employed by the owner or trainer of the horse, or by the commission veterinarian. The furosemide must be administered a minimum of four hours before scheduled post time for any bleeder entered to race and the dose level of furosemide must be no less than 150 milligrams and must not exceed 250 milligrams (no less than three nor more than five milliliters of a 50 milligram/milliliter or five percent solution) per administration, ~~except in cases where the horse has been determined by the commission veterinarian and the treating veterinarian to be a severe bleeder. In these cases, doses of up to 500 milligrams (no more than ten milliliters of a 50 milligram/milliliter or five percent solution) may be permitted. Any such horse that is claimed or transferred to a different licensed trainer shall revert to a dose of 150 mg to 250 mg unless the new trainer and a licensed veterinarian request a different dose and that dose is approved by the commission veterinarian.~~

The practicing veterinarian must deposit with the commission veterinarian an unopened supply of furosemide and sterile hypodermic needles and syringes to be used for the administration. The furosemide must be administered under the supervision of a person employed by the commission.

A horse on the official furosemide list must show a detectable concentration of the drug in the post-race serum or plasma sample.

*[For text of subparts 8 to 10, see Minnesota Rules]*

#### **7890.0150 DISCLOSURE OF APPROVED MEDICATIONS TO PUBLIC.**

The names of all horses that have been approved for race day use of NSAIDs or furosemide must be identified in the daily racing program. Horses that are racing for the first time using furosemide, must be so identified in the daily racing program.

#### **7891.0100 RACING SOUNDNESS EXAMINATION.**

Subpart 1. **Horses subject to examination.** Every horse entered to race at a licensed racetrack under the jurisdiction of the commission shall be subjected to a veterinary examination for racing soundness and health on race day. The examination shall be conducted by the commission veterinarian or the association veterinarian in or near the stall to which the horse is assigned. The trainer of each horse or a representative of the trainer must present the horse for examination and move the horse as required by the examining veterinarian. Every horse to be examined must have had its legs cleaned of any poultice or other topical applications, must be free of leg bandages or be wearing bandages which are easily removed, and must not have been subjected within one hour of examination to freezing, icing, prolonged hosing with cold water, or any other means of reducing the temperature of the legs.

*[For text of subparts 1a to 1c, see Minnesota Rules]*

Subp. 2. **Record of examination.** The commission veterinarian shall maintain a continuing health and racing soundness record of each horse examined. The record shall not constitute a veterinary medical record for purposes of part 9100.0800.

**7891.0120 MORTALITY REVIEW COMMITTEE.**

Subpart 1. **Committee.** The chief steward or designee shall convene and chair a mortality review committee for the purpose of gathering data surrounding the death of each racehorse occurring during racing or training at a licensed racetrack. The committee shall consist of the following:

- A. the chief steward or a designee;
- B. the commission veterinarian or a designee;
- C. the trainer or assistant trainer of the deceased horse;
- D. the jockey, exercise rider, or driver of the deceased horse;
- E. the attending veterinarian;
- F. the racetrack's director of racing or a designee;
- G. the track superintendent; and

H. any other person the chief steward or designee determines is necessary to adequately examine the death.

Subp. 2. **Participation.** Participation at a mortality review committee meeting is mandatory unless a member is excused by the chief steward.

Subp. 3. **Treatment records.** Treatment records required of the trainer by part 7877.0170, subpart 2, item U, shall be available to the committee upon request of the chief steward or commission veterinarian.

**7892.0120 TAKING OF SAMPLES.**

Subpart 1. **Horses tested.**

*[For text of item A, see Minnesota Rules]*

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. ~~Test results shall note whether the tested horse was racing in a competition at the time of the test.~~ A positive test shall result in the horse being placed on the commission veterinarian's list under part 7877.0175, subpart 8.

C. 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 nominated for stakes or specific racing series ~~or events as agreed to on the nomination form by the owner of the horse.~~ 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 result in the horse being placed on the commission veterinarian's list under part 7877.0175, subpart 8.

*[For text of item D, see Minnesota Rules]*

E. 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~~ F. 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 TCO<sub>2</sub> analysis may be taken, sealed, identified, and submitted to the testing laboratory or securely analyzed by a reliable on-site analyzer, or both.



[For text of subparts 3 and 4, see Minnesota Rules]

**Subp. 5. Split samples.**

[For text of items A to C, see Minnesota Rules]

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.

[For text of item E, see Minnesota Rules]

**Subp. 5a. Split sample testing for TCO<sub>2</sub> and any hair test (subpart 5 does not apply).**

A. For any TCO<sub>2</sub> 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.

[For text of items B and C, see Minnesota Rules]

D. No further provisions for split sample testing for TCO<sub>2</sub> or hair testing shall be available.

[For text of subpart 6, see Minnesota Rules]

**7897.0100 PROHIBITED ACTS.**

[For text of subparts 1 to 19, see Minnesota Rules]

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

[For text of items A to F, see Minnesota Rules]

G. No person shall possess any bisphosphonate drug on the grounds of a licensed racetrack.

*[For text of subparts 21 to 23, see Minnesota Rules]*

**REPEALER.** Minnesota Rules, part 7890.0120, subpart 2, is repealed.