

TEXAS RACING COMMISSION

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SAFETY AND MEDICATION WORKING GROUP

Wednesday, July 27, 2011
10:30 a.m.

Retama Park
Grandstand - Conference Room – 2nd Floor
One Retama Parkway
Selma, Texas 78154

Agenda

The Safety and Medication Working Group will meet to discuss the following items:

- I. Report on incidents of Equine Herpes Virus 1 (EHV-1) by the Texas Animal Health Commission.
- II. Discussion on changes to claiming rules that would void a claim when a claimed horse suffered a fatality during the running of the race or before returning to be unsaddled.
- III. Discussion of Racing Commissioners International Model Rule ARCI-010-035, Subsection A, regarding riding crops.
- IV. Discussion of Racing Commissioners International Model Rule ARCI-011-020, Subsection E, regarding the establishment of a maximum permissible phenylbutazone concentration of 2 micrograms per milliliter.
- V. Request by the American Quarter Horse Association for a rule change for Quarter Horses to establish a 30-day withdrawal time for clenbuterol prior to competition.
- VI. Report on the national discussion regarding the elimination of race day administration of furosemide (Lasix) to bring the United States jurisdictions in line with the international ban on furosemide.
- VII. Discussion on use of products such as Wind Aid and Trail Eze on race day.
- VIII. Request for comments pursuant to the rule review of Chapter 319, Veterinary Practices and Drug Testing, under Texas Government Code § 2001.039.

ITEM 1.

**REPORT ON INCIDENTS OF EQUINE
HERPES VIRUS 1 (EHV-1)**

By

**TEXAS ANIMAL HEALTH
COMMISSION**



Texas Animal Health Commission
"Serving Texas Animal Agriculture Since 1893"

Dee Ellis, DVM, MPA • Executive Director

P.O. Box 12966 • Austin, Texas 78711 • (800) 550-8242 <http://www.tahc.state.tx.us>

For more information contact the Public Information office at 1-800-550-8242, ext. 710 or at bonnie.ramirez@tahc.state.tx.us

Equine Herpesvirus Awareness

An outbreak of Equine Herpesvirus (EHV-1) has been traced to horses that attended the National Cutting Horse Association's (NCHA) Western National Championships in Odgen, UT on April 30 - May 8, 2011. Affected horses have been identified in Colorado. Additional states have possible cases pending and/or are looking for animals that attended the event and returned home.

Texas does **not** currently have any confirmed positives. The Texas Animal Health Commission (TAHC) has identified all horses that attended the show in Utah and are currently working on contacting the equine owners and advising them to isolate exposed horses for at least two weeks, follow good biosecurity practices and watch for possible clinical signs.

EHV-1 Information

Equine Herpes Virus is a common virus in equine populations worldwide. There are several strains of the virus, with EHV-1 and EHV-4 being most often involved in clinical disease. EHV-1 can cause respiratory disease, abortion and neurologic disease. The neurologic disease is sometimes referred to as Equine Herpes Myeloencephalopathy (EHM.) **Although EHV-1 is highly contagious among horses, it does not pose a threat to human health.**

Transmission

EHV is transmitted primarily by aerosol and through direct and indirect contact. Aerosol transmission occurs when infectious droplets are inhaled. The source of infectious droplets is most often respiratory secretions. In the case of abortions, virus may be present in the placenta, fetal membranes and fluid, and aborted fetuses.

Direct horse-to-horse contact is a common route of transmission of the virus, but indirect transmission is also important. This occurs when infectious materials (nasal secretions, fluids from abortions, etc.) are carried between infected and non-infected horses by people or fomites (inanimate objects such as buckets, etc).

Signs of EHV-1

Fever is one of the most common clinical signs and often precedes the development of other signs. Respiratory signs include coughing and nasal discharge. Abortions caused by EHV generally occur after 5 months of gestation. Neurologic signs associated with EHM are highly variable, but often the hindquarters are most severely affected. Horses with EHM may appear weak and uncoordinated. Urine dribbling and loss of tail tone may also be seen. Severely affected horses may become unable to rise.

It is important to remember that none of these signs are specific to EHV, and diagnostic testing is required to confirm EHV infection. Also, many horses exposed to EHV never develop clinical signs.

What to do if you suspect your horse has been exposed

If you suspect your horse has been exposed to EHV, contact your veterinarian. In general, exposed horses should be isolated and have their temperatures monitored twice daily for 10 days. If an exposed horse develops a fever or other signs consistent with EHV infection, diagnostic testing should be performed. Testing of healthy horses is generally not recommended.

Useful Links/Resources

- <http://www.agha.com/>
- <http://www.nchacutting.com/>
- http://www.nchacutting.com/ag/shows/pdf/csu_20110515.pdf
- http://www.aaep.org/pdfs/control_guidelines/Equine%20Herpes%20Virus.pdf
- <http://www.aphis.usda.gov/vs/nahss/equine/ehv/>



Ernie Morales
Chairman

Dee B. Ellis, D.V.M., M.P.A.
Executive Director

Equine Herpesvirus-1 (EHV-1) Update
June 8, 2011 (Final Release)

AUSTIN - The Texas Animal Health Commission (TAHC) has no new developments to report regarding the one confirmed "isolated" case of the neurologic form of EHV-1 in Ector County or the 26 horses in Texas that attended the National Cutting Horse Association (NCHA) Western National Championships event held in Ogden, Utah, April 30-May 8. Barring unforeseen circumstances, movement restrictions remaining on the last 9 of the 26 horses are expected to be lifted, Friday, June 10.

Final Texas stats:

- 2 "confirmed cases"
 - Horse from New Mexico that attended the cutting event that sought treatment at a Texas vet clinic (horse returned to premises of origin and is recovering)
 - Quarter Horse racehorse stabled in Ector County (unrelated to Utah event)

TAHC officials advise Texas equine owners that they should feel free to participate in horse shows, rodeos, and other equine related events as "confirmed" and "suspect" cases of the neurological form of EHV-1 appear to have been contained.

"Sufficient time has passed for most horses that may have been exposed to the virus traced to the cutting event held in Ogden, Utah, last month. Though none showed symptoms of the disease, the few horses in Texas that tested positive will remain quarantined on their premises and monitored closely until the virus shedding period has passed," Dr. Dee Ellis, State Veterinarian, said.

TAHC officials have maintained good communication with owners of the affected horses and their stablemates. The horses have been isolated and monitored closely the past few weeks by their owners and their veterinarians.

TAHC emphasizes the continued need for horse owners to practice good biosecurity. Herpes viruses are common in horse populations just as they are with humans. As a general rule of thumb, all horse owners should always be vigilant in practicing good biosecurity and hygiene to minimize the threat of disease.

Tips to help prevent the spread of EHV-1 include:

- Don't share equipment among horses. The virus can be spread through objects such as water, feed buckets or bridles.
- Prevent spreading the virus from horse to horse via hands and clothing. People should thoroughly wash hands after handling one horse and before handling another.

USDA's EHV-1 situation report is available http://www.aphis.usda.gov/vs/nahss/equine/ehv/ehv_2011_sitrep_060811.pdf

This update will be the final EHV-1 report unless new situations arise. For general EHV-1 biosecurity measures and suggestions for horse owners and event organizers, visit www.tahc.state.tx.us.

Randy C. Brown
Reta K. Dyess
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COMMISSIONERS:

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ITEM III.

**DISCUSSION ON CHANGES TO
RIDING CROP RULE**

Welfare and Safety of the Racehorse Summit

Sponsored by the Grayson-Jockey Club Research Foundation

Issue 8

October 2009

Horsemen's Update

Safety Crop Regulations

The RCI passed a model rule pertaining to riding crops in December 2008. The new rule states that the crop must be a maximum of 8 oz in weight, 30 inches in length, and the shaft must be a minimum of .5 inch in diameter and covered with a soft, shock-absorbing material. These crops sound louder to a bystander but are actually softer to the horse because of the shock absorption.

Many top jockeys have agreed that these crops are good for horse racing.

On *Bloodhorse.com* on August 6, jockey Garrett Gomez stated, "This is a great step for racing; all the jocks discussed it and wanted to make this move. One of our biggest problems was getting enough riding crops for everybody. With Del Mar's help, we were able to get a big enough supply, including for riders who couldn't necessarily afford them. With the new riding crop, horses seem to react to the sound of the popper rather than from a

physical reaction to the whip. It's good for racing and we wanted to be at the forefront." Jockey Mike Smith said, "I'm really happy we have made this change, I've used one for quite

a while. They are very equine friendly. With the old crop, if you knew how to use it, it was fine. Sometimes though in the heat of battle you might make a mistake. With these new riding crops, it really eliminates that possibility. They make noise, but they are all cushion and don't cause any harm to the horse."



Many states are adopting the RCI model rule for their racetracks. The following states have fully adopted the model rule for all their jurisdictional racetracks: Indiana, Kentucky, and South Dakota. In addition, these racetracks have passed

house rules to utilize the new crops: NYRA and CDI tracks, Del Mar, Hollywood Park, Delaware Park, Monmouth Park, Philadelphia Park, and Santa Anita.

Texas Rules of Racing

Sec. 313.405 Whips and Other Equipment

(a) The use of a whip is not required and a jockey who uses a whip during a race may do so only in a manner consistent with using the jockey's best efforts to win. The correct uses of a whip include:

- (1) showing the whip to the horse before hitting the horse;
- (2) using the whip in rhythm to the horse's stride; and
- (3) using the whip as an aid to keep a horse running straight.**

(b) A whip used in races must be at least 1/4-inch in diameter and have a looped leather "popper" affixed to one end. The whip must have at least three rows of leather feathers above the popper and each feather must be at least one inch long. The popper must be at least 1 1/4 inch wide and three inches long. A whip may not exceed one pound in weight or 31 inches in length, including the popper.

(c) If a jockey is to ride without a whip, the stewards shall ensure that fact is announced over the public address system.

(d) A jockey may not whip a horse:

- (1) on the head, flanks, or on any part of the horse's body other than the shoulders or hind quarters;
- (2) excessively or brutally causing welts or breaks in the skin;
- (3) in the post parade except when necessary to control the horse;
- (4) when the horse is clearly out of the race or has obtained its maximum placing; or
- (5) persistently, if the horse is not responding to the whip.

(e) A jockey may not ride in a race unless the jockey wears a safety vest. A safety vest may weigh no more than two pounds and must be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association.

RCI MODEL RULE - ARCI-010-035

Subsection A. Equipment

(1) All riding crops are subject to inspection and approval by the stewards and the clerk of scales.

(a) Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows.

(A) Maximum weight of eight ounces;

(B) Maximum length, including flap of 30 inches

(C) Minimum diameter of the shaft of three-eighths (3/8) inch; and

(D) Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one-millimeter through out its circumference.

(b) The flap is the only allowable attachment to the shaft and must meet these specifications:

(A) Length beyond the end of the shaft a maximum of one inch;

(B) Width a minimum of 0.8 inch and a maximum of 1.6 inches;

(C) No reinforcements or additions beyond the end of the shaft;

(D) No binding within seven inches of the end of the shaft; and

(E) Shock absorbing characteristics similar to those the contact area of the shaft.

KENTUCKY

810 KAR 1:012. Horses.

Section 11. Equipment.

(9)(a) Any riding crop may be subject to inspection and approval by the stewards or the clerk of the scales to ensure conformity with the specifications of paragraphs (c) through (e) of this subsection.

(b) Only riding crops meeting the specifications of this subsection, including the mandatory shock absorbing characteristics, may be used in thoroughbred racing and training.

(c) A riding crop shall have a:

- 1. Maximum weight of eight (8) ounces;**
- 2. Maximum length, including flap, of thirty (30) inches; and**
- 3. Minimum diameter of the shaft of ~~one-half (1/2)~~ three-eighths (3/8) inch.**

(This change just proposed at May 2011 meeting.)

(d) The only additional feature that may be attached to the riding crop is a flap, which shall have a:

- 1. Maximum length from the end of the shaft of one-half (1/2) inch; and**
- 2. Maximum width of one and six-tenths (1.6) inches, with a minimum width of eight-tenths (0.8) inch.**
- 3. The flap from the end of the shaft shall not contain any reinforcements or additions;**
- 4. There shall not be binding within seven (7) inches of the end of the flap;**
- 5. The contact area of the shaft shall be smooth, with no protrusion or raised surface, and covered by shock absorbing material throughout its circumference; and**
- 6. The flap shall have a similar shock absorbing characteristics to that of the contact area.**

(e) A riding crop shall not have:

- 1. Stingers or projections extending through the hole of a popper; and**
- 2. Any metal parts.**

ITEM IV.

**DISCUSSION ON CHANGES TO
MAXIMUM PERMISSABLE
PHENYLBUAZONE CONCENTRATION**

Texas Rules of Racing

Sec. 319.3. Medication Restricted.

(a) Except as otherwise provided by this section, a horse or greyhound participating in a race may not carry in its body a prohibited drug, chemical, or other substance.

(b) The maximum permissible plasma or serum concentration of phenylbutazone in horses is 5.0 micrograms per milliliter.

(c) Furosemide at or below the approved tolerance level in a horse that has been admitted to the furosemide program is permissible. The approved tolerance level shall be published on the list of therapeutic drugs posted under subsection (d) of this section.

(d) Trace levels of drugs which are therapeutic and necessary for treatment of illness or injury in race animals are permissible, provided:

(1) the therapeutic drug is on a written list approved by the executive secretary, maintained by the commission veterinarian, and posted in the commission veterinarians' office; and

(2) the maximum permissible urine or blood concentration of the drug does not exceed the published limit, if any, on the written list of therapeutic drugs.

(e) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse or greyhound a prohibited drug, chemical, or other substance, by injection, by oral or topical administration, by rectal infusion or suppository, by nasogastric intubation, or by inhalation, and any other means during the 24-hour period before the post time for the race in which the animal is entered.

(f) A positive finding by a chemist of a prohibited drug, chemical, or other substance in a test specimen of a horse or greyhound collected before or after the running of a race, subject to the rules of the commission relating to split specimens, is prima facie evidence that the prohibited drug, chemical, or other substance was administered to the animal and was carried in the body of the animal while participating in a race. (Added eff.

8/14/89; (a), (f), (g) amended eff. 11/29/90; (h) added eff. 11/29/90; (b) amended 4/3/91; (h) deleted eff. 11/22/91; (d), (f) amended eff. 8/3/92; amended eff. 11/1/98; (c) amended eff. 11/1/01)

RCI Model Rule ARCI-011-020

Subsection E. Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

(1) The use of one of three approved NSAIDs shall be permitted under the following conditions:

(a) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:

(A) Phenylbutazone – 2 micrograms per milliliter;

(B) Flunixin – 20 nanograms per milliliter;

(C) Ketoprofen – 10 nanograms per milliliter.

(b) These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.

(c) The presence of more than one of the three approved NSAIDs with the exception of phenylbutazone in the concentration below 0.5 microgram per milliliter of serum or plasma, or any unapproved NSAID in the post-race serum or plasma 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 Equine Chronicle Online

New Phenylbutazone Threshold Level Recommended in Racehorses

April 17, 2010

RMTC Press Release



Photo Credit: Brian Hoskins

Based on the recommendation of its Scientific Advisory Committee, the Racing Medication and Testing Consortium (RMTC) board of directors has revised its recommended threshold for the non-steroidal anti-inflammatory drug (NSAID) phenylbutazone from 5 micrograms per milliliter to 2 micrograms per milliliter of plasma or serum. Under the current model rule, one of three approved NSAIDs is permitted at least 24 hours prior to racing. The permitted NSAIDs are phenylbutazone, flunixin and ketoprofen.

“This action was taken in response to concerns expressed by the regulatory veterinary community regarding the effects of NSAID administration on pre-race examinations,” said Dr. Rick Arthur, chair of the RMTC Scientific Advisory Committee and equine medical director for the California Horse Racing Board (CHRB). “The committee felt that the regulatory veterinarians’ concerns that NSAID levels may compromise pre-race examinations were justified. This adjustment in permitted phenylbutazone level is measured and appropriate.” The Scientific Advisory Committee will continue to research whether further restrictions on NSAID use are warranted.

The board made this recommendation at its meeting in Lexington, Ky., on April 12, 2010, held in conjunction with the Association of Racing Commissioners International 2010 Annual Conference.

Dr. Tom David, equine medical director for the Louisiana State Racing Commission, applauded the RMTC board’s action.

"We are very pleased with this step and appreciate the RMTC's willingness to address the concerns of the regulatory veterinarians," Dr. David says. "We look forward to a continuing dialogue on the subject."

Also during the board meeting, RMTC Director of Communications Hallie Lewis announced the creation of a Recent Rulings Database to go live immediately on rmtcnet.com.

"I am excited about this project because I believe it fulfills a need in the industry," says RMTC Executive Director Dr. Scot Waterman. "Members of HANA (Horseplayers Association of North America), racing fans and participants have voiced their desire for transparency and easy-to-access data on drug-related rulings. To our knowledge, this is the only database in existence that allows viewers to see not only the infractions but also a description of the possible uses and effects of the drug in the horse. We hope that this will begin the process of better clarifying the difference between medication management mistakes and more serious drug violations."

Dr. Rick Sams of the University of Florida Racing Laboratory presented an update on RMTC-funded research to determine thresholds and withdrawal times for 13 medications often used by practicing veterinarians to treat horses in race training. This research is being conducted at the University of Florida, University of Pennsylvania New Bolton Center, Pennsylvania Equine Toxicology and Research Laboratory, Iowa State University and the University of California-Davis.

"My colleagues and I expect to publish withdrawal time recommendations on acepromazine, boldenone, butorphanol, detomidine, firocoxib, fluphenazine, testosterone, nandrolone, stanozolol and glycopyrrolate in the next 90 to 120 days," Dr. Sams told RMTC board members.

Dr. Waterman announced that negotiations are close to completion to begin the External Quality Assurance Program through an independent third-party provider. Once initiated, the program will provide proficiency, masked and double-masked urine and blood samples for participating testing laboratories to analyze for the presence and quantity of prohibited and regulated drugs.

According to Dr. Waterman, "This is the first step in implementing the RMTC Drug Testing Initiative. We expect to have a full external quality assurance program up and running in 2011."

In the interim, the Testing Integrity Program Inc. and the Interstate Drug Testing Alliance will continue their single- and double-masked sample programs with RMTC subsidization.

Dr. Scott Stanley, director of the University of California-Davis Kenneth L. Maddy Laboratory, presented a report on the CHRB frozen sample and retrospective testing program for growth hormone. This program, based on methods published by LCH, the

French racing laboratory, retrospectively tested 2,000 samples that have been frozen over the past two years under the CHRB's drug testing program. The growth hormone analysis of the CHRB's frozen sample program was made possible by funds provided by The Jockey Club.

In other RMTC business:

- A strategic plan was adopted that outlines research, reorganization and regulatory communications as key areas of focus in the organization's future.
- An update was given on the current research strategies involving the intra-articular administration of corticosteroids. • An update on the efforts toward international harmonization of racing medications was given, including the steps undertaken to exchange research data.
- RMTC will create a committee to confront regulation issues and encourage uniformity across racing jurisdictions regarding policy language on out-of-competition testing.
- Current RMTC officers Dr. Scot Waterman, Dr. Robert Lewis, Alan Foreman, Chris Scherf, Dr. Rick Arthur and Tom Charters were re-elected to serve another term.
- It was announced that RMTC CEO Dan Fick has stepped down to focus on his new position as a steward for the Indiana Racing Commission.

"On behalf of the board of directors, I would like to give a heartfelt thank-you to Dan for his tireless efforts to move this organization forward over the last several years. His commitment and dedication were truly remarkable and we wish him the best in his future endeavors," says RMTC Chairman Dr. Robert Lewis.

The RMTC consists of 25 racing industry stakeholders and organizations that represent Thoroughbred, Standardbred, American Quarter Horse and Arabian racing. The organization works to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and protect the interests of the racing public.

For additional information, visit the RMTC website at rmtcnet.com or contact Hallie Lewis, RMTC director of communications, at (859) 224-2848.

ITEM V.

**REQUEST BY AQHA FOR RULE
CHANGE REGARDING CLENBUTEROL**

February 11, 2011

Chuck Trout
Texas Racing Commission
8505 Cross Park Drive #110
Austin, TX 78754

2011 FEB 14 PM 4:06

RECEIVED
TEXAS RACING
COMMISSION

AMERICAN
QUARTER
HORSE
ASSOCIATION

Dear Chuck:

On November 17, at the request and urgency voiced by our horsemen and members, AQHA held a meeting prior to our annual Racing Conference and Bank of America Challenge Championships to discuss medication and drugs being used in American Quarter Horse racing. That meeting quickly turned to the use/misuse of Clenbuterol and what the anabolic effect of this drug is doing to our equine athletes. As you can see from the enclosed list we have had representatives from several of the top laboratories in the nation, the RMTTC, the AAEP, racing commissions, racetracks and horsemen involved in this and subsequent meetings. The overwhelming feeling is that something is being done to give horses an unfair and illegal advantage in all types of races across North America. Based on these meetings AQHA is requesting that your state adopt the following measures to begin to address this very serious issue:

- Establish a 30 day withdrawal of clenbuterol prior to a horse competing in a race. This does not ban clenbuterol. It establishes a 30-day prior to racing mark/threshold after which clenbuterol could not be administered. For training purposes and for horses competing beyond the 30-day window, clenbuterol use would still be allowed in racing American Quarter Horses.
- The threshold levels should be 200 pg/ml or less in urine and 1 – 2 pg/ml in blood.

Other information that you should be aware of:

- We are beginning the process in the following states:
 - a. California
 - b. New Mexico
 - c. Oklahoma
 - d. Texas
 - e. Louisiana
- This will be a coordinated effort with all American Quarter Horse racing states with a goal of having a rule adopted by May 1. This rule will only apply to American Quarter Horses (we are not recommending testing or procedures for other racing breeds). This date was chosen because it will be before the bulk of the racing season and the two-year-old season begins. As other states request information regarding this rule we will assist as much as we can.

- As far as other non-permitted or illegal medications and drugs are concerned, as “samples” of the products are obtained, we will funnel these through the RMTC Scientific Committee (or possibly other avenues) to determine what the product is and its affect on horses.

Additional actions will be discussed regarding medication during the Racing Committee meeting on Saturday, March 5 during the AQHA Convention in Grapevine, TX. If you would like to attend this meeting please contact me as soon as possible. AQHA and our horsemen are dedicated to addressing and eliminating the use and misuse of medications and illegal drugs in our sport. We will partner with the racing commissions, racetracks and our state affiliates and horsemen to make sure we take care of our equine and human athletes for the longevity and health of this industry.

Please feel free to contact me should you need further information, or if you would like AQHA to make a presentation to your commissioners.

Sincerely,

A handwritten signature in black ink, appearing to read "Trey Buck". The signature is fluid and cursive, with the first name "Trey" and the last name "Buck" clearly distinguishable.

Trey Buck
Executive Director of Racing
American Quarter Horse Association

Cc: Ed Martin, Association of Racing Commissioners International
Barbara Linke, Texas Quarter Horse Association
Rob Werstler, Texas Quarter Horse Association – Racing

ITEM VI.

**REPORT ON NATIONAL DISCUSSION
REGARDING ELIMINATION OF RACE
DAY ADMINISTRATION OF
FUROSEMIDE**

<http://www.thoroughbredtimes.com/national-news/2011/07/19/race-day-medication-hot-topic-at-upcoming-meetings.aspx>

Race-day medication hot topic at upcoming meetings

Posted: Tuesday, July 19, 2011 12:36 PM

by **Frank Angst**

Breeders' Cup Ltd. will implement changes to its race-day medication policies starting with next year's Breeders' Cup World Championships, and several other industry leaders will be busy discussing the topic in the next several weeks.

The Association of Racing Commissioners International called for the end of race-day medication within five years earlier this year. Last week, Breeders' Cup Ltd. announced plans to ban race-day medication, specifically Salix (furosemide, commonly referred to as Lasix), in its juvenile races at the 2012 World Championships. Race-day medication will not be allowed in any of the Breeders' Cup World Championships races in 2013, bringing the event in line with other international race days.

Other organizations will consider the issue in the days ahead.

On Friday, Saturday, and Sunday, the National Horsemen's Benevolent and Protective Association will discuss the issue at its summer convention in Seattle. National HBPA Chief Executive Officer Remi Bellocq said members will review information that was presented in June at the International Summit on Race Day Medication at Belmont Park and will examine the new Breeders' Cup policy.

On July 26 and 27, RCI will again tackle the issue during committee and board meetings in Saratoga Springs, New York. On July 26, the RCI's Drug Testing Standards and Practices Committee (DTSP) will hold a special meeting to consider expert opinions relevant to the association's review of current regulatory policy on Salix.

RCI President Ed Martin said the committee meeting will follow the lead of the June international summit that was presented by the National Thoroughbred Racing Association, American Association of Equine Practitioners (AAEP), and the Racing Medication and Testing Consortium (RMTC).

"Although the summit was helpful, there was limited opportunity for regulators to ask questions of the participants. It was the consensus of those present that a follow-up meeting was necessary," Martin said. "The central question for regulators is the extent to which the removal of this medication on those days a horse actually races would pose any significant equine health risk."

Some of the experts scheduled to discuss the issue include RCI Regulatory Veterinarian Committee Chairman Tom David, D.V.M., and AAEP Racing Committee Chairman Scott Palmer, D.V.M. Expert testimony also will be presented by N. Edward Robinson, D.V.M., from the Center for Integrative Toxicology at the Veterinary Medical Center at Michigan State University and journalist and author Bill Heller, who will outline the history of Salix in North American racing.

Both the Thoroughbred Horsemen's Association and the HBPA have been invited to participate.

"The committee is also interested in the views of horsemen's organizations as to how a transition to a new furosemide policy should be implemented if it is determined that a change is warranted," Martin said.

The topic also is listed on the agenda for the July 27 RCI board of directors meeting.

The RMTC will hold a special board meeting on August 4 in Cincinnati to discuss race-day medication. Topics on the agenda include penalty guidelines, proposals to phase out race-day medication, enhanced stable area security and surveillance, and guidelines for the administration of race-day medication. The RMTC represents 25 industry stakeholders and organizations in horse racing.

Frank Angst is senior writer of Thoroughbred Times



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07/18/2011 3:50 PM

Racing commissioners schedule hearing on Lasix

By Matt Hegarty

A standing committee of an organization representing state racing commissions has scheduled a meeting for July 26 to examine issues related to the raceday use of furosemide in North American racing, the organization, the Association of Racing Commissioners International, announced on Monday.

According to the RCI, the meeting of the Drug Testing Standards and Protocols Committee will allow members of the committee to ask questions of veterinarians and other medication experts about the impact of a proposed raceday ban of the drug, a diuretic that is used to treat bleeding in the lungs.

"The central question for regulators is the extent to which the removal of this medication on those days a horse actually races would pose any significant health risk," said Ed Martin, the president of the RCI.

Presenters who have been asked to speak at the committee meeting include N. Edward Robinson, a Michigan State University professor who is an expert on equine airway disease; Tom David, a veterinarian who is the chairman of the RCI's Regulatory Veterinarian Committee; and Scott Palmer, a veterinarian who is the chairman of the American Association of Equine Practitioners's Racing Committee.

Earlier this year, the RCI's chairman, William Koester, said in a speech at the association's annual convention that raceday use of Lasix should be banned. The comments triggered an industry-wide debate on the drug, which is legal to administer on race day in every North American racing jurisdiction but banned in every other racing country.

The debate led to the organization of a conference held in early June to discuss Lasix use and the drug's efficacy in treating bleeding. Several RCI officials attended the conference.

Last week, the Breeders' Cup announced that it will ban the use of Lasix on race day for its year-end event, beginning in 2013. Next year, use of the drug will be banned at the five races on the two-day card restricted to 2-year-olds.

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THOROUGHBRED TIMES

Stronach hopes to phase out race-day medication at his tracks

Posted: Tuesday, July 19, 2011 12:41 PM
by **Frank Angst**

Frank Stronach hopes to phase out race-day medication at racetracks currently owned and operated by The Stronach Group.

Stronach has sent a letter to Florida regulators requesting help with his plans to end race-day medication, specifically Salix (furosemide) which is often referred to as Lasix. Stronach requested that current juveniles, next year's three-year-olds, not be allowed to race on Salix as race-day medications are phased out.

A multiple Eclipse Award-winning owner and breeder who is the owner of the Adena Springs breeding and racing operations, Stronach said the policy change is needed because the public is losing confidence in the sport.

"There are great concerns between the horse racing community and the public with regard to medication for race horses, especially on race day," Stronach said in the letter. "Therefore I respectfully request this commission to help me implement a program that will phase out all race-day medications, including [Salix]."

Beth Frady, deputy communications director for Florida's Department of Business and Professional Regulation's Pari-Mutuel Wagering Division, said Stronach's letter currently is being reviewed. If the division decides to make any policy changes, it would begin a formal rule-making process with a rule workshop.

In an interview with *Daily Racing Form*, Stronach said he hopes to put similar policies in place at his other tracks, including Santa Anita Park and Golden Gate Fields.

To read Stronach's letter to the Florida's horse racing commission, [click here](#).

Frank Angst is senior writer of Thoroughbred Times



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07/15/2011 3:28 PM

Lasix-free Breeders' Cup races may prompt wider action

By Matt Hegarty

The decision by Breeders' Cup on Thursday to ban the use of Lasix for its year-end races is likely to embolden other organizations that oppose the raceday use of the drug, officials said on Friday.

With the ban, which will be applied to the five races for 2-year-olds in the 2012 championships and all 15 races for the 2013 event, the Breeders' Cup has signaled that it will not wait for ongoing talks to produce an agreement on an overall Lasix policy for the industry. Instead, Breeders' Cup has struck out on its own, familiar ground for an organization that adopted house rules banning the non-therapeutic use of anabolic steroids in 2008 before state racing commissions adopted prohibitions on such drugs.

"Whenever you go out and talk to people in the industry, all you hear is people talking about the need for leadership," Tom Ludt, the chairman of the Breeders' Cup, said. "This is a step in that direction. We felt this is important, and we're hoping the states are going to follow along."

Lasix, a diuretic that is used to treat bleeding in the lungs, is legal in every racing jurisdiction in the United States and Canada. It is banned, however, in every other major racing jurisdiction in the world, and the North American policy has been criticized consistently by participants in international racing, who cite its perception as a performance enhancer.

It remains unclear whether the ban by Breeders' Cup will have an immediate impact on the willingness of state racing commissions to tackle the subject, especially in light of industry-wide talks about the issue at a conference in June. Following the conference, the Racing Medication and Testing Consortium, a research group that has a cross-section of industry stakeholders on its board, was given the task of developing an overall policy.

Supporters of a ban include the Jockey Club, the racetrack trade group Thoroughbred Racing Associations, the Thoroughbred Owners and Breeders Association, and the Association of Racing Commissioners International, an umbrella group for state racing commissions. But horsemen remain opposed and contend Lasix is the only treatment proven to reduce the severity and frequency of bleeding in the lungs, a condition that affects all horses who exercise strenuously.

In addition to invigorating efforts for an industry-wide ban, the Breeders' Cup decision may sap momentum for a compromise that is being sought by horsemen to allow raceday use of the drug but restrict the injections to state veterinarians rather than private veterinarians and ban the use of so-called adjunct bleeder medications, which are legal in only three states. Horsemen were hopeful that the compromise could be reached as part of the larger discussion being led by the medication consortium, but the prospect of more aggressive efforts to ban the drug outright on raceday will probably move compromise talks to the backburner.

Remi Bellocq, the executive director of the National Horsemen's Benevolent and Protective Association, said that the Breeders' Cup ban did not "come as a surprise," citing talk in the industry that such a decision was forthcoming. But he suggested that the ban may have been premature because of the discussions conducted by

<http://www.thoroughbredtimes.com/national-news/2011/06/13/public-perception-key-to-race-day-medication-debate.aspx>

THOROUGHBRED TIMES

Public perception a key to race-day medication debate

Posted: Monday, June 13, 2011 1:02 PM

by **Frank Angst**

As the industry considers changing race-day medication policies, it is clear public relations lessons learned in its recent abolition of anabolic steroids in racehorses will factor heavily into any decisions.

Presenters at a race-day medication conference not only outlined uses of Salix (furosemide) in the treatment of exercise-induced pulmonary hemorrhage (EIPH) and the impact of any policy changes, but also examined the public relations and political impacts of current policy and potential changes.

Presenters at the "International Summit on Race-Day Medication, EIPH, and the Racehorse" on Monday at Belmont Park emphasized that racing can no longer make decisions in an industry vacuum.

John Della Volpe, of SocialSphere Inc., said a poll showed dramatic improvements in fan confidence following sweeping changes that followed the breakdown of Eight Belles in the 2008 Kentucky Derby Presented by Yum! Brands (G1).

Those changes included eliminating anabolic steroids, standardizing equine injury reporting, the launching of the NTRA Safety and Integrity Alliance, and increasing equine aftercare efforts. Della Volpe said those initiatives were made possible because horsemen, tracks, and industry leaders came together.

"Racing made significant progress on integrity issues with the fans from 2008 to 2009," Della Volpe said. "We saw 23%, 24% shifts in positive public opinion. I believe the reason we've seen such significant progress is because many in this industry acted with clarity and a unified voice."

Della Volpe said racing cannot afford to be insular with increased media scrutiny and social media access. While presenters outlined studies that show Salix does reduce EIPH, Della Volpe said the public opposes drug use in race horses and makes little delineation between performance-enhancing drugs and therapeutic drugs.

"This is the era of transparency, the era of sunlight," Della Volpe said. "Consumers expect and demand authenticity and transparency."

Greg Means, a decade-long industry lobbyist, outlined current legislation being considered that would address race-day medications. He said the proposed legislation could stall behind more important issues but cautioned the industry that it could face some unwanted regulation if it does not take the lead.

"A divided industry will have a much more difficult time achieving its goals in Washington compared with a unified industry," Means said.

NTRA President Alex Waldrop said it was important to include international insight on the issue. Most non-U.S. racing jurisdictions do not allow race-day Salix, which is administered to about 95% of U.S. horses. Waldrop said the consequences, good and bad, of any policy change would be weighed, noting potential impact on racing, regulation, breeding, and sales.

About 200 people attended the open summit session on Monday, including many horsemen who generally favor the current Salix policy.

For Kelly Breen, race-day medication issues were important enough that the trainer addressed the topic moments after saddling Ruler On Ice to a Belmont Stakes (G1) victory.

"We have a horse that ran in the Kentucky Derby, Pants On Fire, that bled through Lasix [Salix]," Breen said. "And I know it seems like everybody talks about the problems with medication and horses, but when you have a horse that you think that highly of, and you have something that we know stops horses from bleeding in Lasix, I don't understand why they're trying to take it away."

Tom Albertrani, who has trained in the U.S. and internationally, said the need for early speed in dirt racing makes U.S. racing different than most of the world. He said the elimination of Salix would result in EIPH for many horses asked to compete.

While many horsemen favor current policy and have pointed to studies that show Salix is effective in treating EIPH, the Association of Racing Commissioners International said race-day medications create both real and perceived integrity problems. The RCI has called for an end of race-day medications within the next five years.

The regulators appear to be attempting to take action before any action advances federally. U.S. Rep. Ed Whitfield (R-Kentucky) and U.S. Sen. Tom Udall (D-New Mexico) proposed legislation in May that aims to end race-day medications.

Compared to the rest of the world, many industry leaders believe U.S. racing is losing ground with the continued use of Salix. Barry Irwin, president of the Team Valor International partnership that campaigns Kentucky Derby winner Animal Kingdom, said he has favored purchasing horses outside of the U.S. because he does not trust racing performance of U.S. horses because of race-day medications.

International buyers are turning their backs on U.S. breeders. Exports to Europe from the U.S. have declined 50% from 1,604 in 1990 to 906 in 2010.

Frank Angst is senior writer for Thoroughbred Times

<http://www.thoroughbredtimes.com/national-news/2011/05/04/horse-racing-drug-legislation.aspx>

THOROUGHBRED TIMES

Introduced federal legislation targets drugs in Thoroughbred racing

Posted: Wednesday, May 04, 2011 2:44 PM

by Frank Angst

Calling current industry rules regarding horse racing medication too permissive, bipartisan legislation was introduced Wednesday targeting the issue.

Rep. Ed Whitfield (R-Kentucky) and Sen. Tom Udall (D-New Mexico) on Wednesday introduced the Interstate Horseracing Improvement Act of 2011, "to end the use of performance-enhancing drugs in the sport of horse racing." The legislation will be introduced in the House, where it is co-sponsored by Joe Pitts (R-Pennsylvania), Ben Chandler (D-Kentucky) and Jan Schakowsky (D-Illinois).

"This weekend, the very best of horse racing will be on display at the Kentucky Derby [presented by Yum! Brands (G1)]. Yet, for too long, the safety of jockeys and equine athletes has been neglected for the pursuit of racing profits," Whitfield said. "The doping of injured horses and forcing them to compete is deplorable and must be stopped. Despite repeated promises from the racing industry to end this practice, meaningful action and oversight has yet to come forth. This legislation will bring much-needed reforms to an industry that supports thousands of jobs and is enjoyed by spectators nationwide."

The legislation would update the Interstate Horseracing Act of 1978 which paved the way for simulcast and advance-deposit wagering. With 90% of betting taking place off-track, the bill would carry the stick of requiring tracks to ban "performance-enhancing drugs and test the winning horse plus one additional horse from each race," or risk losing their ability to export and import simulcast signals. The bill also would require stiff penalties for violations.

More study will be needed to determine how the introduced legislation would differ from current rules handled by state regulators. Jay Hickey, president of the American Horse Council, said the industry will have to keep close track of the legislation.

"Once you open a piece of federal legislation, there is always the risk of not knowing what will be added to it," Hickey said. "The concern with Congress is that too often they write legislation with a meat cleaver rather than a scalpel."

Possibly in anticipation of the federal legislation, in March the Association of Racing Commissioners International (RCI) established a goal of removing race-day medications, like Salix (furosemide), from racing within the next five years. RCI is made up of regulators from racing states. Since then, many industry groups have endorsed

the idea, although the National Horsemen's Benevolent and Protective Association has not.

"I always prefer that the industry address these issues rather than the federal government," Hickey said, noting that the industry has made a lot of progress in recent years and seems committed to further steps.

Udall said change has not come fast enough.

"Chemical warfare is rampant on American racetracks, and unlike other countries, our law does not reject this unscrupulous practice," Udall said. "A racehorse has no choice when it comes to using performance-enhancing drugs, but this legislation takes away that option from those who would subject these magnificent animals to such abuse for gambling profit. Those involved in horse racing will have to play by the rules or face getting kicked out of the sport."

While horsemen, and others, would dispute calling Salix a performance-enhancing drug, the legislation would end all race-day medications.

To read the legislation that was introduced on Wednesday, [click here](#).

RELATED: Industry leaders support federal legislation, [click here](#).

ITEM VII.

**DISCUSSION ON RACE DAY USE OF
PRODUCTS SUCH AS WIND AID AND
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ITEM VIII.

**RULE REVIEW
REQUEST FOR COMMENTS TO
CHAPTER 319, VETERINARY
PRACTICES AND DRUG TESTING**

CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

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CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

Subchapter A. General Provisions

Sec. 319.1. Purpose and Definitions.

(a) The purpose of this chapter is to protect the integrity of horse and greyhound racing, to ensure the health of race animals, and to safeguard the interests of the public and the participants in racing through the prohibition and control of all prohibited drugs, chemicals, and other substances.

(b) For purposes of this chapter, "prohibited drugs, chemicals, or other substances" means:

(1) any stimulants, depressants, tranquilizers, local anesthetics, drugs, other drug metabolites which could affect the health or performance of a race animal, however minimal, except as expressly permitted by this chapter;

(2) a drug permitted by this chapter in excess of the maximum or other restrictions in this chapter; and

(3) drug or substance, regardless of how harmless or innocuous it might be, which interferes with the detection of stimulants, depressants, tranquilizers, local anesthetics, drugs, or drug metabolites which could affect the health or performance of a race animal, however minimal, or quantitation of drugs permitted by this chapter. (Added eff. 8/14/89; (b) added eff. 11/1/98)

Sec. 319.2. Treatment Restricted.

(a) Except as otherwise provided by this section, a person other than a veterinarian licensed by the commission may not administer a medication to a race animal that is entered in a race or that is located on an association's grounds.

(b) This section does not apply to the administration of:

(1) a recognized nutritional supplement or other substance approved by the commission veterinarian; or

(2) a noninjectable substance on the direction or by prescription of a licensed

veterinarian. (Added eff. 8/14/89; (a), (b) amended eff. 11/29/90; (a), (b) amended eff. 5/7/91; (b) amended eff. 11/1/98)

Sec. 319.3. Medication Restricted.

(a) Except as otherwise provided by this section, a horse or greyhound participating in a race may not carry in its body a prohibited drug, chemical, or other substance.

(b) The maximum permissible plasma or serum concentration of phenylbutazone in horses is 5.0 micrograms per milliliter.

(c) Furosemide at or below the approved tolerance level in a horse that has been admitted to the furosemide program is permissible. The approved tolerance level shall be published on the list of therapeutic drugs posted under subsection (d) of this section.

(d) Trace levels of drugs which are therapeutic and necessary for treatment of illness or injury in race animals are permissible, provided:

(1) the therapeutic drug is on a written list approved by the executive secretary, maintained by the commission veterinarian, and posted in the commission veterinarians' office; and

(2) the maximum permissible urine or blood concentration of the drug does not exceed the published limit, if any, on the written list of therapeutic drugs.

(e) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse or greyhound a prohibited drug, chemical, or other substance, by injection, by oral or topical administration, by rectal infusion or suppository, by nasogastric intubation, or by inhalation, and any other means during the 24-hour period before the post time for the race in which the animal is entered.

(f) A positive finding by a chemist of a prohibited drug, chemical, or other substance in a test specimen of a horse or greyhound collected before or after the running of a race, subject to the rules of the commission relating to split specimens, is prima facie evidence that the prohibited drug, chemical, or other substance was

VETERINARY PRACTICES AND DRUG TESTING

administered to the animal and was carried in the body of the animal while participating in a race. (Added eff. 8/14/89; (a), (f), (g) amended eff. 11/29/90; (h) added eff. 11/29/90; (b) amended 4/3/91; (h) deleted eff. 11/22/91; (d), (f) amended eff. 8/3/92; amended eff. 11/1/98; (c) amended eff. 11/1/01)

Sec. 319.4. Veterinarians.

(a) A greyhound racetrack shall employ at least one association veterinarian to perform the duties described by this section.

(b) The commission shall employ at least one veterinarian at each greyhound racetrack and at least two veterinarians at each horse racetrack.

(c) The commission veterinarians shall oversee the association veterinarian and all the veterinarians practicing at a racetrack and may:

- (1) observe any of a veterinarian's practices at the racetrack; and
- (2) require a veterinarian to report at any time regarding the veterinarian's practices at the racetrack.

(d) The commission and association veterinarians shall report to the stewards or racing judges an alleged violation of the Act or a rule of the commission by a veterinarian.

(e) The association veterinarians must be licensed by the Texas State Board of Veterinary Medical Examiners.

(f) The commission veterinarians shall advise the stewards or racing judges on all veterinary matters and shall:

- (1) maintain the veterinarian's list as required by these rules;
- (2) conduct pre-race examinations as required by these rules;
- (3) attend to the race animals in the paddock, on the track, at the starting gate and during the running of the race at a horse racetrack;
- (4) supervise the operation of the test barn or test area and the collection of specimens for testing;
- (5) maintain the list of permissible trace levels of drugs which are therapeutic and necessary for the treatment of illness or injury in

race animals;

(6) conduct stable area and kennel inspections to ensure that race animals are housed in a safe, humane, and sanitary environment;

(7) maintain a database of all racing-related injuries incurred at the track; and

(8) perform any other duties imposed on the commission veterinarian by these rules, the commission, or the executive secretary.

(g) An association veterinarian shall:

- (1) be present at each official schooling and each official race performance;
- (2) provide emergency care to greyhounds acutely injured or stressed while at the racetrack; and

(3) perform any other duties imposed on the association veterinarian by these rules, the commission, or the executive secretary.

(h) During the term of an association veterinarian's employment, it is not a conflict of interest for the veterinarian to:

(1) dispense or administer medications or biologicals sold only by veterinary suppliers to licensed veterinarians;

(2) provide emergency medical treatment to injured greyhounds at no cost; or

(3) charge a fee for veterinary services performed, other than emergency services. (Added eff. 8/14/89; (e) added eff. 1/10/90; (c), (d), (e), (f), (h) amended eff. 10/11/90; (a), (b), (g), (i) added eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.5. Report of Treatment by Veterinarians.

(a) Veterinarians who treat race animals shall maintain reports of the treatment in strict compliance with the requirements of the Texas State Board of Veterinary Medical Examiners. Veterinarians shall make the report available to a steward or judge within 24 hours of a request.

(b) A report of treatment provided to the stewards or racing judges pursuant to subsection (a) of this section is confidential and its contents may not be disclosed except in a proceeding before the stewards or racing judges or the

CHAPTER 319

commission. (Added eff. 8/14/89; (a) amended eff. 10/11/90; (a), (b), (c) amended eff. 8/3/92; (d) added eff. 8/3/92; amended eff. 11/1/98)

Sec. 319.6. Access to Pre-race and Test Areas Restricted.

To ensure the safety and security of the race animals, an individual or race animal may not enter the pre-race holding area, the lockout kennel, or the test area unless:

- (1) the race animal is participating in a race, being schooled, or being tested; and
- (2) the individual is required for the attendance of a race animal. (Added eff. 8/14/89; amended eff. 3/1/03)

Sec. 319.7. Labeling Requirements.

(a) A person may not possess on association grounds a drug, medication, chemical, foreign substance or other substance that is prohibited in a race animal on a race day unless the product is labeled in accordance with this section.

(b) A drug or medication which is used or kept on association grounds by a licensee other than a veterinarian and which, by federal or state law, requires a prescription must have been validly prescribed by a licensed veterinarian and in compliance with the applicable federal or state law. All such drugs or medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) the name of the product;
 - (2) the name, address, and telephone number of the veterinarian prescribing or dispensing the product;
 - (3) the name of each patient (race animal) for whom the product is intended/prescribed;
 - (4) the dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
 - (5) the name of the person (trainer) to whom the product was dispensed.
- (c) A veterinarian may not possess, dispense, or sell on association grounds a product that is intended for compounding, dispensation, or sale

unless the product is labeled in accordance with all applicable labeling requirements in federal or state law.

(d) The commission or its agents may seize a product possessed on association grounds to determine whether the product is labeled in accordance with this section. It is considered a violation of this section if subsequent analysis of or investigation regarding a product reveals that any of the information on the product's label is inaccurate or untruthful. (Added eff. 8/14/89; (c) added eff. 8/15/95; (b) amended eff. 1/3/96; amended eff. 4/1/97)

Sec. 319.8. Submission Required.

On request by the executive secretary, the owner or trainer of a race animal shall:

- (1) permit the commission veterinarian or association veterinarian to examine the animal; or
- (2) permit the commission veterinarian to conduct tests on the animal to determine the state of the animal's health. (Added eff. 8/14/89; amended eff. 11/29/90)

Sec. 319.9. Witnesses Required.

If the commission veterinarian orders an examination or test to be performed on a race animal, the owner, trainer, or a person designated by the owner or trainer and a person designated by the commission is entitled to witness the examination or test. (Added eff. 8/14/89)

Sec. 319.10. Devices and Substances Prohibited.

(a) Except as otherwise provided by this section, a person in a restricted area on association grounds during a live race meeting may not possess:

- (1) an injectable container of a prohibited drug, chemical, or other substance; or
- (2) a parenteral administration device, such as a hypodermic syringe, hypodermic needle, fluid administration set, or other device for making injections into a race animal.

(b) This section does not apply to an individual who has a valid prescription from a physician

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for an injectable medication for the individual's own use, provided the individual has notified the stewards or racing judges and has received their approval in writing on a form prescribed by the commission.

(c) This section does not apply to a veterinarian licensed by the commission or a veterinary technician licensed by the commission acting under the direct supervision of a veterinarian licensed by the commission.

(d) For purposes of this section, "restricted area" means:

- (1) the paddock;
- (2) the stable or kennel area; and
- (3) any area on association grounds that

may be entered only on display of a valid license badge or other pass issued by the commission or the association. (Added eff. 8/14/89; (b) amended eff. 11/29/90; (d), (e) amended eff. 4/3/91; (c) added eff. 4/3/91; (a) amended eff. 11/22/91; (a) - (d) amended eff. 1/1/98; (a), (c) amended eff. 11/1/98)

Sec. 319.11. Powers of Inspection, Examination, and Search and Seizure.

(a) A peace officer, including a peace officer commissioned by the commission, or a commissioned officer of the Department of Public Safety who is assigned to work on racing investigations may enter an office, a racetrack, any area on association grounds, or any similar area or other place of business of an association at any time to inspect, examine, or search an individual's person and possessions in that area and to seize any contraband or other item that is found, which may be evidence of a rule violation or a criminal offense. A search of dormitory rooms where participants of racing actually reside will be conducted pursuant to a validly obtained warrant to search, or without a warrant if consent is obtained or exigent circumstances exist.

(b) A person conducting a search authorized by this section may obtain the assistance of a commission employee or an employee of another local, state, or federal governmental entity.

(c) By applying for, accepting, or holding

a license under the Act, an individual licensee consents to an inspection, examination, or search conducted under this section of the licensee's person and possessions while on premises covered by this section and to the seizure of any contraband or other item that is found which may be evidence of a rule violation or a criminal offense. Consent described in this subsection:

(1) is not effective for a search outside the premises covered by this section;

(2) is not effective for a search conducted at a time when no valid license was in effect, unless at the time of the search the licensee who was searched claimed the existence of a valid license as authority to enter or remain in an area covered by this section;

(3) is not limited in effect to a prerace or postrace search or a search on a race day; and

(4) is not limited in effect to a search based on reasonable cause, reasonable suspicion, reasonable grounds, probable cause, or any similar legal standard.

(d) By applying for, accepting, or holding a temporary pass to enter or remain on any restricted area of association grounds, an individual who is not a licensee consents to a search conducted under this section of the individual's person or possessions in that area and to the seizure of any contraband or other item that is found which may be evidence of a rule violation or a criminal offense. Consent described in this subsection:

(1) is not effective for a search outside the restricted area covered by this subsection;

(2) is not effective for a search conducted at a time when no temporary pass was in effect, unless at the time of the search the individual who was searched claimed the existence of a valid pass as authority to enter or remain in the restricted area covered by this subsection;

(3) is not limited in effect to a prerace or postrace search or a search on a race day; and

(4) is not limited in effect to a search based on reasonable cause, reasonable suspicion,

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reasonable grounds, probable cause, or any similar legal standard.

(e) A licensee, an officer, employee, or agent of an association, or holder of a temporary pass may not refuse or deny a request by a person acting under the authority of this section to enter, inspect, examine, or search any property that is covered by this section and to seize any contraband or other item that is found which may be evidence of a rule violation or a criminal offense.

(f) An association shall post a sign at each entrance to, but outside of, any restricted area of association grounds that gives conspicuous notice of at least the following:

(1) the consent to search given by a licensee under this section;

(2) the consent to search given by a non-licensee under this section;

(3) the criminal consequences for refusing or denying a request by a person acting under the authority of this section to inspect, examine, or search any property that is within a restricted area and to seize any contraband or other item that is found which may be evidence of a rule violation or a criminal offense; and

(4) the fact that entry into the restricted area of association grounds is forbidden except for a person holding a credential or temporary pass or for another person expressly permitted to enter under the Act or commission rules. (Added eff. 8/14/89; (a),(b) amended eff. 11/22/91; (a),(c) amended eff. 5/1/92; (b),(d),(e),(f) added eff. 5/1/92; amended eff. 11/1/98)

Sec. 319.12. Cooperation Required.

A licensee, an association, and each officer, employee, or agent of an association shall cooperate fully with the commission, the Department of Public Safety, or other law enforcement agency in the investigation or prosecution of a violation of the Act or commission rules regarding contraband and any other item which may be evidence of a rule violation or a criminal offense. (Added eff. 8/14/89; amended eff. 5/1/92)

Sec. 319.13. Disposable Syringes.

All practicing veterinarians shall use single-use disposable needles and syringes while on association grounds and shall dispose of the used needles and syringes off the association grounds. The association veterinarian shall dispose of used needles and syringes in a manner approved by the commission veterinarian. (Added eff. 8/14/89; amended eff. 11/29/90; amended eff. 11/1/98)

Sec. 319.14. Possession of Certain Substances.

(a) Except as otherwise provided by this section, a veterinarian may not possess on association grounds a controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, unless the controlled substance is on an approved list developed by the executive secretary.

(b) Except as otherwise provided by this section, a veterinarian may not possess on association grounds a prohibited drug, chemical, or other substance listed as a Class I or Class II substance on the latest version of the classification developed under §319.304 of this title (relating to Penalties on Positive Test), unless the substance is on an approved list developed by the executive secretary.

(c) The commission veterinarian shall post the approved lists developed under this section in the commission veterinarian's office and in a prominent place that will ensure access by veterinarians and other interested persons.

(d) A veterinarian must obtain prior written approval from the commission veterinarian to possess a substance which is not on the approved list. The commission veterinarian may not approve the possession of a substance which is not on the approved list unless the person requesting approval submits documentation in recognized veterinary journals or by recognized veterinary experts that the substance has a proven beneficial, therapeutic application for a horse or greyhound in race training.

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(e) A person may not prescribe, provide, obtain, order, administer, possess, dispense, give or deliver a controlled substance, prescription drug, or legend drug to or for a race animal solely for training or racing purposes. (Added eff. 8/14/89; (a) amended eff. 12/10/92; (c) amended eff. 1/3/96; (a), (b) amended eff. 11/1/98; amended eff. 4/1/01)

Sec. 319.15. Storage of Certain Medications.

A person possessing a vaccine, antitoxin, or immune serum on association grounds shall ensure the product is held and transported in a temperature controlled, light-proof, and appropriately cooled container that will protect against the product's loss of potency. (Added eff. 1/3/96)

Sec. 319.16. Postmortem Examination.

(a) The commission veterinarian may order a postmortem examination on any race animal that, while on an association's grounds, dies or suffers an injury in training or in competition and is subsequently euthanized. The examination shall be conducted at a time and place acceptable to the commission veterinarian and to the extent reasonably necessary to determine the injury or sickness that resulted in the death or euthanasia of the race animal.

(b) An examination required by this section must be conducted by a veterinarian licensed by the Commission on the authority of the commission veterinarian or at a qualified laboratory approved by the commission veterinarian. The commission veterinarian shall either witness the examination or designate another person to witness the examination.

(c) Specimens may be obtained from a race animal for which a postmortem examination has been ordered and may be delivered for testing to an approved laboratory in accordance with Subchapter D of this chapter (relating to Drug Testing). When practical, specimens should be procured before euthanasia.

(d) Specimens may be obtained from a race animal that was euthanized but for which no

postmortem examination was ordered and may be delivered for testing to an approved laboratory in accordance with Subchapter D of this chapter.

(e) The owner of a deceased race animal shall pay any charges due the veterinarian or laboratory which conducts the postmortem examination or subsequent laboratory tests.

(f) Not later than 72 hours after a postmortem examination, the person who conducted the examination shall file a report of the examination with the commission veterinarian on a form prescribed by the executive secretary.

(g) An owner or trainer who fails to comply with this section is subject to disciplinary action by the executive secretary. (Added eff. 3/1/03)

Sec. 319.17. Removal of a Race Animal.

The Commission veterinarian may order a race animal removed from association grounds if the Commission veterinarian determines:

(1) a race animal on association grounds presents a danger of communicable or contagious disease to the other animals on the grounds; or

(2) a race animal has sustained an injury that requires specialized veterinary treatment beyond the scope of normal veterinary care offered on association grounds. (Added eff. 5/6/04)

Subchapter B. Treatment of Horses

Sec. 319.101. Pre-Race Examination.

(a) A commission veterinarian shall examine each horse entered in a race on the day it is to race to determine the horse's health and soundness for racing.

(b) The examination may include any practice or procedure which the commission veterinarian considers necessary to determine the health and soundness of the horse for racing. The examination may be conducted at any time before the actual start of the race. (Added eff. 8/14/89; (a) amended eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.102. Veterinarian's List.

(a) The commission veterinarian shall

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maintain a veterinarian's list of the horses that are ineligible to start in a race due to physical distress, unsoundness, or infirmity. The test barn supervisor shall ensure that a current version of the veterinarian's list is posted daily in the racing office.

(b) On a form prescribed by the executive secretary, the commission veterinarian shall notify the racing secretary and the trainer of a horse placed on the veterinarian's list as soon as practical after placing the horse on the list.

(c) A horse that is placed on the veterinarian's list may not be removed from the list before the fourth day after the date the horse is placed on the list. A horse may be removed from the veterinarian's list only on demonstrating to the commission veterinarian that the horse is raceably sound and in fit physical condition to exert its best effort in a race.

(d) Before removing a horse from the veterinarian's list, the commission veterinarian may require the horse to perform satisfactorily in a workout or qualifying race. Performance in such a workout or qualifying race must be conducted in accordance with §319.3 of this title (relating to Medication Restricted). The commission veterinarian may require the collection of test specimens from a horse after a workout or race required under this subsection. If a specimen is collected under this subsection, the commission veterinarian may not remove the horse from the veterinarian's list until the results of the test are negative.

(e) A workout for an examination by a commission veterinarian in any pari-mutuel jurisdiction will be recognized for the purposes of removing a horse from the veterinarian's list.

(Added eff. 8/14/89; (b), (d) amended eff. 10/11/90; (e) added eff. 6/1/95; (e) deleted eff. 10/1/96; (a),(b),(d) amended eff. 3/1/03; (e) added eff. 7/16/07)

Sec. 319.104. Blocking of Legs.

(a) On a race day on which a horse is scheduled to race, a person may not desensitize any part of the horse's leg by a means other than

ice.

(b) Except as otherwise provided by this subchapter, a person may not permit a horse to run in a race if the person knows the horse is desensitized at the time the horse arrives in the pre-race holding area.

(c) For purposes of this section, "desensitize" means to create a condition in which a horse's body does not respond appropriately to tests for feeling administered by the commission veterinarian. (Added eff. 8/14/89)

Sec. 319.105. Bandages.

On leaving the pre-race holding area to enter the paddock, a horse may not have any leg coverings other than leg coverings approved by the stewards. (Added eff. 8/14/89; amended eff. 4/2/90; amended eff. 11/1/98)

Sec. 319.106. Nerved Horses.

(a) Except as otherwise provided by this section, a person may not allow to be entered in a race a horse that has had a nerve removed from one of its legs.

(b) This section does not apply to a horse on which a palmar digital neurectomy has been performed provided:

(1) the commission veterinarian determines that the loss of sensation caused by the palmar digital neurectomy will not endanger the safety of a horse or rider;

(2) the commission veterinarian has given prior approval before the horse is entered in the race;

(3) the racing secretary of the association is notified of the palmar digital neurectomy at the time the horse is entered in the race; and

(4) the horse's registration or eligibility certificate is marked to indicate the palmar digital neurectomy.

(c) The racing secretary shall maintain a list of nerved horses that are registered to race at that track and make the list available for inspection by other licensees participating in the race meeting.

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(d) A veterinarian who performs a palmar digital neurectomy on a horse located on association grounds shall report that fact to the commission veterinarian and to the racing secretary. (Added eff. 8/14/89; (c) amended eff. 10/11/90; (d) amended eff. 11/1/98)

Sec. 319.107. Altering Sex of Horse.

(a) A veterinarian who alters the sex of a horse as recorded on the certificate of foal registration or eligibility certificate and that is scheduled to race in an association's race meeting shall report the alteration to the horse identifier.

(b) If the sex of a horse is altered on an association's grounds, the trainer of the horse shall make the report required by this section not later than 72 hours after the alteration.

(c) The horse identifier shall record the alteration on the official registration certificate and the horse identification record of the horse. (Added eff. 8/14/89; (d) amended eff. 4/2/90; amended eff. 11/1/98)

Sec. 319.108. Extracorporeal Shock Wave Therapy.

The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:

(1) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines on the association grounds must be registered with and approved by the Commission or its designee before use:

(2) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines shall be limited to veterinarians licensed to practice by the Commission;

(3) All Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy treatments must be reported to the commission veterinarian or the commission veterinarian's designee on the prescribed form within 24 hours; and

(4) Any treated horse shall be on the veterinarian's list for 10 days following treatment. (Added eff. 7/16/07)

Sec. 319.109. Destruction of Horses.

(a) If a horse becomes disabled on the racetrack, the rider shall dismount and unsaddle the horse as soon as possible.

(b) If the condition of the horse requires its destruction within the view of the patrons, the commission veterinarian shall ensure that a screen is placed in a manner that shields the horse from the view of the patrons.

(c) The commission veterinarian may order a horse to be euthanized if the veterinarian determines the horse is seriously injured to the extent that euthanasia is in the best and humane interests of the horse. By accepting a license from the commission, an owner or trainer consents to the authority of the commission veterinarian under this subsection. (Added eff. 11/3/89; (a), (c) amended eff. 11/1/98)

Sec. 319.110. Health Certificate.

To be admitted on to an association's grounds, a horse must have:

(1) a current negative test for equine infectious anemia conducted in accordance with rules of the Texas Animal Health Commission; and

(2) a health certificate issued in the 45-day period preceding the horse's arrival. (Added eff. 11/3/89; amended eff. 4/2/90; amended eff. 10/11/90; amended eff. 8/3/92; (1) amended eff. 11/1/93; (1) amended eff. 11/1/98)

Sec. 319.111. Bleeders and Furosemide Program.

(a) Diagnosis of EIPH.

(1) A bleeder is a horse that experiences Exercise Induced Pulmonary Hemorrhage (EIPH). Except as otherwise provided by this subsection, the medical diagnosis of EIPH may be made only by a commission veterinarian or a veterinarian currently licensed by the Commission. If the first EIPH event experienced by a horse occurs in another pari-mutuel racing jurisdiction, certification of the horse as a bleeder by that foreign jurisdiction will also constitute a first report of a diagnosed EIPH event for purposes of this section. A veterinarian who diagnoses an

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EIPH event in a horse participating in pari-mutuel racing in this state shall report the event to the commission veterinarian in a format prescribed by the executive secretary. On receipt of the first report of a diagnosed EIPH event for a horse, the commission veterinarian shall certify the horse as a bleeder.

(2) A trainer may request that a commission veterinarian reconsider the commission veterinarian's diagnosis of an EIPH event by presenting the horse for re-examination within four hours of the initial diagnosis, or within one hour after a performance's last race, whichever occurs sooner. To receive reconsideration, the trainer must present the horse to the commission veterinarian for endoscopic examination as performed by a commission-licensed veterinarian.

(b) Admission to Furosemide Program.

(1) A trainer may admit a horse to the furosemide program by stating at time of entry that the horse will compete with furosemide.

(2) A horse that competed with furosemide in its most recent start out-of-state must compete on furosemide in Texas unless withdrawn from the furosemide program at time of entry.

(3) An EIPH event experienced by a horse that is admitted to the furosemide program is deemed to be a second EIPH event for purposes of Subsection (g) of this section.

(c) Administration of Furosemide.

Furosemide shall be administered to a horse in the furosemide program not later than four hours before the published post time for the race the horse is entered to run. The furosemide must be administered intravenously by a veterinarian licensed by the Commission. The executive secretary shall periodically publish the permissible blood levels of furosemide in post-race specimens and shall post the levels at each licensed racetrack.

(d) Requirement to Use Furosemide. A horse in the furosemide program in Texas must compete with furosemide until withdrawn from the program.

(e) Withdrawal from Furosemide Program.

(1) To withdraw a horse from the furosemide program, the trainer must state his/her intention to race the horse without furosemide at the time of entry.

(2) A horse in the furosemide program that competes out-of-state without furosemide is considered to have been removed from the Texas furosemide program effective the date of its first race without furosemide.

(3) Withdrawal from the furosemide program does not prohibit a horse from subsequent readmission to the program in accordance with this section.

(f) Readmission to the Furosemide Program. A horse may be readmitted to the furosemide program if:

(1) at least 60 days have elapsed since the horse was withdrawn from the program;

(2) the horse is required to compete with furosemide pursuant to subsection (b) (2) of this section; or

(3) the commission veterinarian diagnoses the horse with another EIPH event.

(g) Bleeders List.

(1) The commission veterinarian shall maintain a list of horses that have been certified as bleeders and a list of horses that have been admitted to the furosemide program.

(2) On receipt of a report of a diagnosed EIPH event, the commission veterinarian shall place the horse on the veterinarian's list and the horse shall be ineligible to race for the following time periods:

First incident - 12 days;

Second incident within 365 days of previous incident - 30 days;

Third incident within 365 days of previous incident - 180 days;

Fourth incident within 365 days of previous incident - lifetime ban from racing in this state.

(3) A horse with fewer than four EIPH events that has not had a diagnosed EIPH event for a period of 365 consecutive days is considered

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a non-bleeder for purposes of this subsection. The report of a diagnosed EIPH event from any parimutuel jurisdiction which officially records EIPH events will be recognized as an EIPH event by the Commission.

(4) Notwithstanding the foregoing, if after reviewing a report of a diagnosed EIPH event the commission veterinarian determines additional days on the veterinarian's list are essential to the health and safety of the horse, the commission veterinarian may extend the number of days the horse is on the veterinarian's list. The commission veterinarian shall record the medical reasons for the additional days.

(h) Report by Veterinarian. A veterinarian who administers furosemide to a horse that has been admitted to the furosemide program shall report the administration on a form prescribed by the Commission. A report made under this subsection must be filed with the test barn supervisor not later than one hour before post time for the first race of that day. (Added eff. 11/3/89; (a),(b),(h) amended eff. 8/3/92; (c)-(g) added eff. 8/3/92; (b), (c),(h) amended eff. 4/28/94; (c),(d),(f),(g) amended eff. 11/1/94; (b) amended eff. 3/15/95; (g) amended eff. 1/3/96; amended eff. 5/1/96; (f) amended eff. 10/1/96; (b), (c),(e),(f) amended eff. 11/1/98; (g) added eff. 11/1/98; (b) amended eff. 2/15/99; (a) amended eff. 7/17/01; amended eff. 11/1/01; (b),(f) amended eff. 5/18/04; (a),(e),(f),(g) amended eff. 7/16/07) before the actual start time of the race. (Added eff. 8/14/89; (a),(b) amended eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.212. Unlicensed Veterinary Practices.

(a) A person other than a licensed veterinarian may not perform, conduct, or participate in veterinary practices, including equine dentistry, chiropractics, and acupuncture, unless the practices are performed by the order of and under the direct supervision of a veterinarian, licensed by the commission, in accordance with rules of the Texas Board of Veterinary Medical Examiners.

(b) A person who observes an unlicensed person performing, conducting, or participating in veterinary practices on association grounds shall immediately report that fact to the stewards.

(c) The stewards shall report to the Texas

State Board of Veterinary Medical Examiners any person reported under this section. (Added eff. 8/14/89; (a) amended eff. 11/1/94)

Subchapter C. Treatment of Greyhounds

Sec. 319.201. Pre-Race Examination.

(a) The commission veterinarian shall examine each greyhound entered in a race on the day it is to race to determine the greyhound's health and soundness for racing.

(b) The examination may include any practice or procedure which the commission veterinarian considers necessary to be able to determine the health and soundness of the greyhound for racing. The examination may be conducted at any time before the actual start time of the race. (Added eff. 8/14/89; (a),(b) amended eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.202. Veterinarian's List.

(a) The commission veterinarian shall maintain a veterinarian's list of the greyhounds that are determined to be unfit to compete in a race due to physical distress, unsoundness, or infirmity. The commission veterinarian shall ensure that the veterinarian's list is posted in a conspicuous place available to all kennel owners, trainers, and officials.

(b) The commission veterinarian shall notify the kennel owner or trainer of a greyhound placed on the veterinarian's list not later than 24 hours after placing the greyhound on the list.

(c) A greyhound on the veterinarian's list may be removed from the list only on demonstrating to the commission veterinarian that the greyhound is raceably sound and in fit physical condition to exert its best effort in a race.

(d) A greyhound on the veterinarian's list may not enter a race before the third day after the day the greyhound was placed on the list. The commission veterinarian may require a greyhound to school after being examined and removed from the list before the greyhound may enter a race.

(e) Each lactating bitch and each bitch in season or coming in season during a race meeting

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shall be placed on the veterinarian's list and may not enter a race until the greyhound has been reexamined by the commission veterinarian and removed from the veterinarian's list. A bitch in season may not be reexamined before the 21st day after the day the greyhound was placed on the veterinarian's list.

(f) A trainer shall submit to the commission veterinarian, on a form prescribed by the executive secretary, documentation of any racing-related injury sustained by a greyhound in the trainer's care. (Added eff. 8/14/89; (a) amended eff. 10/11/90; (d), (e), (f) added eff. 10/11/90; (f) amended eff. 3/1/03; amended eff. 7/16/07)

Sec. 319.203. Condition of Greyhounds and Inspection of Kennels.

(a) To ensure the health and safety of each greyhound, the commission veterinarian shall monitor the condition of the greyhounds and inspect each kennel on association grounds where greyhounds are housed.

(b) On each race day, the commission veterinarian shall monitor the condition of the greyhounds. Factors the commission veterinarian shall evaluate include, but are not limited to:

- (1) the general physical condition of the greyhounds;
- (2) the general manner of handling the greyhounds;
- (3) the management of bitches in season;
- (4) the management of sick greyhounds;
- (5) the medication in use; and
- (6) the presence of ectoparasites.

(c) If the commission veterinarian determines that an unsatisfactory condition exists, the veterinarian shall advise the kennel owner or trainer of the unsatisfactory condition. If the unsatisfactory condition persists, or if the unsatisfactory condition requires immediate corrective action, the commission veterinarian shall advise the kennel owner or trainer of the unsatisfactory condition and shall report the condition to the judges.

(d) At tracks that operate year-round, the

commission veterinarian shall conduct kennel inspections semi-annually as directed by the executive secretary. At tracks that do not operate year-round, the commission veterinarian shall conduct a kennel inspection at the beginning of each race meet.

(e) The commission veterinarian shall file a written report on each inspection with the executive secretary, on a prescribed form. The report must include, but is not limited to, a statement of the kennel conditions or practices regarding:

- (1) the food and food storage;
- (2) the sanitary conditions of the kennels;
- (3) the maintenance of the kennel buildings;
- (4) the maintenance of the turnout pens;
- (5) the maintenance of the sprint path;
- (6) the maintenance of the lockout kennel;
- (7) the maintenance of the paddock area;

and

(8) other matters that the commission veterinarian considers necessary for corrective action by the kennel owner or the association (Added eff. 8/14/89; (a), (b) amended eff. 10/11/90; (a)-(e) amended eff. 7/16/07)

Sec. 319.204. Vaccination Requirements.

(a) An association shall safeguard the health of the greyhounds at its facility by requiring periodic vaccination of each greyhound against each disease that the commission veterinarian has determined is communicable to other greyhounds at the facility. The vaccination and compound entrance requirements of the association must be approved by the commission veterinarian.

(b) The association shall maintain records of vaccinations of the greyhounds housed at its facility and make the records available to the commission veterinarian on request.

(c) The association may not permit a greyhound to enter its grounds unless the trainer or kennel owner of the greyhound provides to the association proof of the necessary vaccinations and has a health certificate, entry permit or veterinarian inspection. (Added eff. 10/11/90; (c) amended

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eff. 11/1/98; (c) amended eff. 7/16/07)

Subchapter D. Drug Testing

General Provisions

Sec. 319.301. Testing Authorized.

(a) The stewards and racing judges may require a specimen of urine, blood, saliva, or other bodily substance to be taken from a race animal for the purpose of testing for the presence of a prohibited drug, chemical, or other substance.

(b) Testing under this subchapter may be required at any time in accordance with these rules and may be conducted in an area approved by the commission veterinarian under the supervision of the commission veterinarian.

(c) A person is not entitled to a purse until drug testing has been completed and the executive secretary has cleared the race for payment. (Added eff. 8/14/89; (c) added eff. 6/1/02)

Sec. 319.302. Reasonable Diligence Required.

The owner, trainer, groom, or other person who has care and custody of a race animal shall guard each animal in his or her custody before the animal races in the manner and for the time necessary to prevent the administration of a prohibited drug, chemical, or other substance. (Added eff. 8/14/89; amended eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.303. Tampering with Specimen.

(a) Except as otherwise provided by this section, a person may not tamper with or adulterate or attempt to tamper with or adulterate a specimen taken for testing under this chapter.

(b) This section does not apply to a person who adds a substance approved by the executive secretary necessary to preserve the specimen for analysis. (Added eff. 8/14/89; (a) amended eff. 11/1/98; (b) amended eff. 3/1/03)

Sec. 319.304. Penalties on Positive Test.

(a) On a finding by the stewards or racing judges that a test specimen from a race animal

that participated in a race contains a prohibited drug, chemical or other substance, the stewards or racing judges may:

(1) disqualify the animal and order the purse redistributed;

(2) declare the race animal ineligible to race for a period of time; and

(3) impose penalties authorized by Chapter 307 of this title (relating to Practice and Procedure) on:

(A) the animal's trainer or kennel owner;

(B) any other person responsible for the care and custody of the animal; and

(C) all individuals determined to have administered or to have attempted, caused, or conspired to administer the prohibited drug, chemical, or other substance.

b) The executive secretary may promulgate a classification for prohibited drugs, chemicals, and other substances and a schedule for recommended disciplinary action for use by stewards, racing judges, and the Commission in assessing penalties for various violations under this chapter. (Added eff. 8/14/89; amended eff. 11/22/91, repealed and replaced eff. 11/1/98; (b) amended eff. 4/1/01)

Testing Procedures

Sec. 319.331. Equipment for Testing.

An association shall provide the equipment and supplies for collecting specimens and operating and maintaining the test barn or test area of the types and in the quantities prescribed by the executive secretary. (Added eff. 8/14/89; amended eff. 11/29/90; amended 11/1/98)

Sec. 319.332. Procedure for Obtaining Specimens.

(a) The commission veterinarian at greyhound racetracks and the test barn supervisor at horse racetracks shall select and directly supervise the test technicians who obtain specimens for conducting tests under this chapter. The rate of compensation to be paid to the technicians is

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subject to the approval of the executive secretary.

(b) Except as authorized by the commission veterinarian, each specimen must be obtained in the test area approved by the Commission.

(c) The owner, trainer, or kennel owner of a race animal being tested or a designee of the owner, trainer, or kennel owner is entitled to witness or acknowledge the taking of the specimen and is entitled to sign the tag for the specimen. Failure or refusal to be present and witness the collection of the specimen or to sign the specimen tag constitutes a waiver by the owner, trainer, or kennel owner of any objections to the source, collection procedures, and documentation of the specimen. A person signing a specimen tag under this section must be at least 18 years of age and be licensed by the Commission. A trainer or kennel owner may not designate another trainer or kennel owner to witness the collection of the sample or to sign a specimen tag unless a trainer responsibility form has been executed. (Added eff. 8/14/89; (c) amended eff. 9/30/91; (a) amended eff. 11/22/91; (c) amended eff. 5/1/92; (c) amended eff. 2/1/95; (a) amended eff. 11/1/98; (a),(b),(c) amended eff. 3/1/03)

Sec. 319.333. Specimen Tags.

(a) Each specimen obtained for testing must be marked for identification with a tag with multiple parts. A part of the tag must accompany the specimen to the testing laboratory and the commission veterinarian or test barn supervisor shall retain a part of the tag in a locked cabinet in the test barn or test area.

(b) The part of the tag that is sent with the specimen to the laboratory may contain only the date the specimen was obtained and a unique identification number assigned by the executive secretary. The part of the tag that is retained in the test barn or test area must contain:

- (1) the signature of the commission veterinarian or test barn supervisor;
- (2) the initials of each individual who collected the urine or serum;
- (3) the initials of the individual who processed the serum for split sampling;

- (4) the date the specimen was obtained;
- (5) the unique identification number;
- (6) the name of the race animal;
- (7) the signature of the witness if any; and
- (8) any other information required by the

executive secretary. (Added eff. 8/14/89; (b) amended eff. 11/22/91; (a),(b) amended eff. 3/1/03)

Sec. 319.334. Delivery and Retention of Specimens.

The commission veterinarian or test barn supervisor shall ensure that a specimen that is to be sent to a testing laboratory is delivered to the laboratory in a timely manner and by a method that ensures the integrity of the specimen. The courier service to be used by an association and the contract with that courier service is subject to the approval of the executive secretary. (Added eff. 8/14/89; (b) deleted eff. 11/22/91; amended eff. 11/1/98; amended eff. 3/1/03)

Sec. 319.335. Auditing and Approval of Testing Costs.

(a) All charges for conducting tests under this subchapter must be audited and approved by the executive secretary before payment. The executive secretary shall audit the charges as to the reasonableness of the charges in accordance with industry standards for comparable testing procedures.

(b) Charges for conducting tests under this subchapter may include expenses incurred for travel, lodging, testing, and processing test results.

(c) On approval of the charges, the executive secretary shall forward a copy of the charges to the association for which the tests were conducted. (Added eff. 8/14/89; (a) amended eff. 11/22/91; (a), (c) amended eff. 11/1/98)

Sec. 319.336. Payment of Testing Costs.

(a) Responsibility for Payment. Immediately on receipt of approved charges for conducting tests under this subchapter, an association shall pay the charges.

(b) Authority to Use Outstanding Tickets and

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Pari-mutuel Vouchers. An association may use money held by the association to pay outstanding tickets and outstanding pari-mutuel vouchers to pay for charges under this section. If the money held is insufficient to pay the charges, the association shall pay the remainder of the charges.

(c) Accounting and Payment of Remainder.

(1) The accounting and payment of remainder of outs and vouchers to the Commission shall be done in accordance with §321.36.

(2) The executive secretary will review the accounting submitted by the association. If the executive secretary determines the accounting is in error, the executive secretary may adjust the amount due to the Commission from outstanding tickets and either demand payment of the additional amount owed or reimburse the association for the excess amount paid to the Commission.

(d) Pooling of Drug Testing Costs. The executive secretary may establish a procedure to pay drug testing costs by pooling the amounts held by all associations to pay outstanding tickets. If the amount held by an association does not cover the full costs of drug testing for that association, the executive secretary may pay those costs using funds paid to the Commission under Subsection (c)(1) of this section. (Added eff. 8/14/89; (a),(b) amended, (c), (d) added eff. 1/1/98; (c) amended eff. 11/1/98; (c), (d) amended eff. 11/12/03; (c) amended eff. 7/16/08)

Sec. 319.337. Interference with Testing Prohibited.

A person may not interfere with the testing of a race animal, including interference in obtaining specimens, delivering specimens to a laboratory, delivering test results to the commission veterinarian or the commission, or any other procedure involved in conducting a test required by this subchapter. (Added eff. 8/14/89)

Sec. 319.338. Storage of Splits.

(a) The commission veterinarian shall store the retained part of a specimen at a site approved by the executive secretary for the period required

by this section. The split specimen shall be stored in a manner that ensures the safety and integrity of the part.

(b) If the result of the initial test on a specimen is negative, the commission veterinarian's designee may discard the retained part of the specimen on receipt of the negative result. If the result of the initial test on a specimen is positive, the commission veterinarian's designee may discard the split specimen of the specimen after all appeals are exhausted and the disposition of the matter is final.

(c) The association at which a specimen is obtained shall pay all the costs of storage incurred under this section. (Added eff. 3/13/02; (a),(b) amended eff. 3/1/03)

Provisions for Horses

Sec. 319.361. Testing of Horses.

(a) The stewards shall order specimens collected for testing under this subchapter in accordance with this section.

(b) A specimen shall be collected from each horse that finishes first in a race.

(c) In addition to the horse designated under subsection (b) of this section, a specimen may be collected from the following horses:

- (1) a horse that finishes second;
- (2) a beaten favorite;
- (3) for a race with a gross purse of \$50,000 or more, the horse that finishes third;
- (4) a horse selected at random by the stewards; and
- (5) any other horse designated for cause by the stewards or the commission veterinarian. (Added eff. 8/14/89; (b), (c) amended eff. 10/11/90; (c) amended eff. 11/1/98)

Sec. 319.362. Split Specimen.

(a) Before sending a specimen from a horse to a testing laboratory, the commission veterinarian shall determine whether the specimen is of sufficient quantity to be split. If there is sufficient quantity, the commission veterinarian

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or the commission veterinarian's designee shall divide the specimen into two parts. If the specimen is of insufficient quantity to be split, the commission veterinarian may require the horse to be detained until an adequate amount of urine can be obtained. If the commission veterinarian ultimately determines the quantity of the specimen obtained is insufficient to be split, the commission veterinarian shall certify that fact in writing and submit the entire specimen to the laboratory for testing.

(b) The commission veterinarian or commission veterinarian's designee shall retain custody of the portion of the specimen that is not sent to the laboratory. The veterinarian or designee shall store the retained part in a manner that ensures the integrity of the specimen.

(c) An owner or trainer of a horse which has received a positive result on a drug test may request, in writing, that the retained serum or urine, whichever provided the positive result, be submitted for testing to a Commission approved and listed laboratory that is acceptable to the owner or trainer. The owner or trainer must notify the executive secretary of the request not later than 48 hours after notice of the positive result. Failure to request the split within the prescribed time period will be deemed a waiver of the right to the split specimen.

(d) If the retained part of a specimen is sent for testing, the commission staff shall arrange for the transportation of the specimen in a manner that ensures the integrity of the specimen. The person requesting the tests shall pay all costs of transporting and conducting tests on the specimen. To ensure the integrity of the specimen, the split specimen must be shipped to the selected laboratory no later than 10 days after the day the trainer is notified of the positive test. Subject to this deadline, the owner or trainer of the horse from whom the specimen was obtained is entitled to be present or have a representative present at the time the split specimen is sent for testing.

(e) If the test on the split specimen confirms

the findings of the original laboratory, it is a prima facie violation of the applicable provisions of the chapter.

(f) If the test on the split specimen portion does not substantially confirm the findings of the original laboratory, the stewards may not take disciplinary action regarding the original test results.

(g) If an act of God, power failure, accident, labor strike, or any other event, beyond the control of the Commission, prevents the split from being tested, the findings of the original laboratory are prima facie evidence of the condition of the horse at the time of the race. (Added eff. 8/14/89; amended eff. 2/1/95; amended eff. 11/1/98; amended eff. 10/30/00; amended eff. 4/1/01; amended eff. 3/13/02)

Sec. 319.363. Testing for Total Carbon Dioxide.

(a) Findings and Presumptions.

(1) the commission finds that a total carbon dioxide level of 37 millimoles per liter or more in equine serum can be achieved only through the administration, by any means, of a bicarbonate-containing substance or other alkalinizing substance.

(2) a horse entered or participating in a race may not be administered a bicarbonate-containing substance or other alkalinizing substance which causes it to carry in its body an excess level of total carbon dioxide.

(3) a positive finding by a chemist of total carbon dioxide level at or above 37 millimoles per liter in a race horse serum specimen is an excess level of total carbon dioxide and prima facie evidence that the race horse was administered a bicarbonate-containing substance or other alkalinizing substance in violation of this section.

(b) Testing Authorized. Testing for total carbon dioxide is authorized as listed below:

(1) The executive secretary may implement a program to collect specimens from race horses and test the specimens for the presence of total carbon dioxide. In a program implemented under this section:

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(A) Specimens may be collected on a random basis, including randomly selected race dates, randomly selected races, and randomly selected horses; and

(B) Specimens may be collected prerace or postrace, or;

(2) The stewards or commission veterinarian may require a horse serum specimen to be taken from any race horse designated for cause by the stewards or commission veterinarian for the purpose of testing for total carbon dioxide.

(c) Split Specimen.

(1) the commission finds that the postrace time period during which total carbon dioxide may be detected in a specimen taken from a race horse is limited. Therefore, to provide a meaningful split specimen program, the testing of a split specimen for total carbon dioxide must occur contemporaneously with the testing of the original specimen.

(2) To ensure the owners and trainers of race horses selected for testing under this section are given the opportunity for a split specimen, the trainer of record for each horse from which a specimen is taken pursuant to this section shall declare in writing whether the trainer requests that the split specimen be tested or waives the right to have the split specimen tested. Failure to request the split specimen test at the test barn within 30 minutes after the post time of the last race for the performance is deemed a waiver of the right to the split specimen.

(3) The split specimen shall be sent for testing to a commission approved and listed laboratory that is acceptable to the trainer of record. The commission staff shall arrange for the transportation of the split specimen in a manner that ensures the integrity of the split specimen.

(4) The trainer of record requesting the split specimen shall pay all costs of transporting and conducting tests on the split specimen.

(5) If the test on the split specimen confirms the findings of the original laboratory, it is a prima facie violation of this section.

(6) if the test on the split specimen does not substantially confirm the findings of the original laboratory, the stewards may not take disciplinary action regarding the test results.

(7) If an act of God, power failure, accident, labor strike, or any other event, beyond the control of the Commission, prevents the split from being tested, the findings of the original laboratory are prima facie evidence of the condition of the horse at the time of the test for total carbon dioxide.

(d) Conflict with Other Rules. To the extent that this rule conflicts with any other commission rule, this rule controls. (Added eff. 1/11/06; (a) amended eff. 3/20/08)

Sec. 319.364. Testing for Androgenic-Anabolic Steroids.

(a) No androgenic-anabolic steroids shall be permitted in test sample collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.

(b) Concentrations of these androgenic-anabolic steroids shall not exceed the following urine threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):

(1) 16 β -hydroxystanozolol (metabolite of stanozolol (Winstrol)) – 1 ng/ml in urine for all horses regardless of sex;

(2) Boldenone (Equipoise® is the undecylenate ester of boldenone) in male horses other than geldings – 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.

(3) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester)

(A) In geldings - 1 ng/ml in urine

(B) In fillies and mares – 1 ng/ml in urine

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(4) Testosterone

(A) In geldings – 20 ng/ml in urine

(B) In fillies and mares – 55 ng/ml in

urine

(c) Any other anabolic steroids are prohibited in racing horses.

(d) Post-race urine samples must have the sex of the horse identified to the laboratory.

(e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the concentration has fallen below the designated threshold for the administered androgenic-anabolic steroids, the horse is eligible to be removed from the list. (Added eff. 3/22/09)

Provisions for Greyhounds

Sec. 319.391. Testing of Greyhounds.

(a) Urine, blood, or other specimens shall be taken and tested from any greyhound designated by the racing judges, commission veterinarian, or a representative of the commission. A specimen shall be collected by the commission veterinarian or a designee of the commission veterinarian.

(b) A racing judge or the commission veterinarian may order a greyhound in a race to submit to a test of body fluid specimens to determine the presence of a prohibited drug, chemical, or other substance.

(c) Before sending a specimen from a greyhound to a testing laboratory, the commission veterinarian shall determine whether the specimen is of sufficient quantity to be split. If there is sufficient quantity, the commission veterinarian or the commission veterinarian's designee shall divide the specimen into two parts. The commission veterinarian or the commission veterinarian's designee shall retain custody of the portion of the specimen that is not sent to the laboratory. The commission veterinarian or commission veterinarian's designee shall store

the split specimen in a manner that ensures the integrity of the specimen. If the specimen is of insufficient quantity to be split, the commission veterinarian shall certify that fact in writing and submit the entire specimen to the laboratory for testing.

(d) The trainer or kennel owner for a greyhound that has tested positive for a prohibited drug, chemical, or other substance may request, in writing, that the split specimen, if any, be submitted for testing at a Commission-approved and listed laboratory. The trainer or kennel owner must notify the executive secretary of the request not later than 48 hours after notice of the positive test. Failure to request the split specimen be tested within the prescribed time period constitutes a waiver of the right to have the split specimen tested.

(e) If the split specimen is sent for testing, the commission staff shall arrange for transportation of the specimen in a manner that ensures the integrity of the specimen. To ensure the integrity of the specimen, the split specimen must be shipped within 10 days after the kennel owner is notified of the positive test. Subject to the deadline, the kennel owner is entitled to be present or have a representative present at the time the split specimen is sent for testing.

(f) If the test on the split specimen confirms the finding of the original laboratory, it is a prima facie violation of the applicable provisions of this chapter. If the test on the split specimen does not substantially confirm the findings of the original laboratory, the racing judges may not take disciplinary action regarding the original test results.

(g) If an act of God, power failure, accident, labor strike, or other event beyond the control of the Commission prevents the split specimen from being tested, the findings of the original laboratory are prima facie evidence of the condition of the greyhound at the time of the race. (Added eff. 8/14/89; (a), (b) amended eff. 10/11/90; (b) amended eff. 11/1/98; (c),(d) amended, (e),(f),(g) added eff. 3/13/02)

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a non-bleeder for purposes of this subsection. The report of a diagnosed EIPH event from any parimutuel jurisdiction which officially records EIPH events will be recognized as an EIPH event by the Commission.

(4) Notwithstanding the foregoing, if after reviewing a report of a diagnosed EIPH event the commission veterinarian determines additional days on the veterinarian's list are essential to the health and safety of the horse, the commission veterinarian may extend the number of days the horse is on the veterinarian's list. The commission veterinarian shall record the medical reasons for the additional days.

(h) Report by Veterinarian. A veterinarian who administers furosemide to a horse that has been admitted to the furosemide program shall report the administration on a form prescribed by the Commission. A report made under this subsection must be filed with the test barn supervisor not later than one hour before post time for the first race of that day. (Added eff. 11/3/89; (a),(b),(h) amended eff. 8/3/92; (c)-(g) added eff. 8/3/92; (b), (c),(h) amended eff. 4/28/94; (c),(d),(f),(g) amended eff. 11/1/94; (b) amended eff. 3/15/95; (g) amended eff. 1/3/96; amended eff. 5/1/96; (f) amended eff. 10/1/96; (b), (c),(e),(f) amended eff. 11/1/98; (g) added eff. 11/1/98; (b) amended eff. 2/15/99; (a) amended eff. 7/17/01; amended eff. 11/1/01; (b),(f) amended eff. 5/18/04; (a),(e),(f),(g) amended eff. 7/16/07) before the actual start time of the race. (Added eff. 8/14/89; (a),(b) amended eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.212. Unlicensed Veterinary Practices.

(a) A person other than a licensed veterinarian may not perform, conduct, or participate in veterinary practices, including equine dentistry, chiropractics, and acupuncture, unless the practices are performed by the order of and under the direct supervision of a veterinarian, licensed by the commission, in accordance with rules of the Texas Board of Veterinary Medical Examiners.

(b) A person who observes an unlicensed person performing, conducting, or participating in veterinary practices on association grounds shall immediately report that fact to the stewards.

(c) The stewards shall report to the Texas

State Board of Veterinary Medical Examiners any person reported under this section. (Added eff. 8/14/89; (a) amended eff. 11/1/94)

Subchapter C. Treatment of Greyhounds

Sec. 319.201. Pre-Race Examination.

(a) The commission veterinarian shall examine each greyhound entered in a race on the day it is to race to determine the greyhound's health and soundness for racing.

(b) The examination may include any practice or procedure which the commission veterinarian considers necessary to be able to determine the health and soundness of the greyhound for racing. The examination may be conducted at any time before the actual start time of the race. (Added eff. 8/14/89; (a),(b) amended eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.202. Veterinarian's List.

(a) The commission veterinarian shall maintain a veterinarian's list of the greyhounds that are determined to be unfit to compete in a race due to physical distress, unsoundness, or infirmity. The commission veterinarian shall ensure that the veterinarian's list is posted in a conspicuous place available to all kennel owners, trainers, and officials.

(b) The commission veterinarian shall notify the kennel owner or trainer of a greyhound placed on the veterinarian's list not later than 24 hours after placing the greyhound on the list.

(c) A greyhound on the veterinarian's list may be removed from the list only on demonstrating to the commission veterinarian that the greyhound is raceably sound and in fit physical condition to exert its best effort in a race.

(d) A greyhound on the veterinarian's list may not enter a race before the third day after the day the greyhound was placed on the list. The commission veterinarian may require a greyhound to school after being examined and removed from the list before the greyhound may enter a race.

(e) Each lactating bitch and each bitch in season or coming in season during a race meeting