TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #14-251(E)

DIGEST

Amends 71 IAC 7-1-13 and 71 IAC 7.5-1-4 regarding coupled entries. Amends 71 IAC 8-1-4.1 and 71 IAC 8.5-1-4.1 regarding NSAIDs. Amends 71 IAC 8-1-4.2 and 71 IAC 8.5-1-4.2 regarding threshold levels. Amends 71 IAC 8-1-7.1 and 71 IAC 8.5-1-7.1 regarding multiple medication violations. Amends 71 IAC 8-1-9 and 71 IAC 8.5-1-9 regarding environmental contaminants and substances. Effective July 3, 2014.

71 IAC 7-1-13; 71 IAC 7.5-1-4; 71 IAC 8-1-4.1; 71 IAC 8-1-4.2; 71 IAC 8-1-7.1; 71 IAC 8-1-9; 71 IAC 8.5-1-4.1; 71 IAC 8.5-1-4.2; 71 IAC 8.5-1-7.1; 71 IAC 8.5-1-9

SECTION 1. 71 IAC 7-1-13 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-13 Coupled entries

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 13. (a) Two (2) or more horses which are entered in a race shall be joined as a mutuel entry and single betting interest if they are owned or leased in whole or in part by the same owner or are trained by a trainer who owns or leases any interest in any of the other horses in the race ~~Horses trained by the same trainer but owned entirely by different owners shall be coupled as a single betting unit.~~ **except entries may be uncoupled in stakes races and invitational races.**

(b) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race, **except in races to be divided.** Under no circumstances may both horses of a coupled entry start to the exclusion of a single entry. When making a coupled entry, a preference for one (1) of the horses must be made.

(Indiana Horse Racing Commission; 71 IAC 7-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

SECTION 2. 71 IAC 7.5-1-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-1-4 Coupled entries

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 4. (a) Two (2) or more horses which are entered in a race shall be joined as a mutuel and single betting interest if they are owned or leased in whole or in part by the same owner, ~~Horses trained by the same trainer but owned entirely by different owners shall be coupled as a single betting interest; however, the association,~~ **except entries may be uncoupled in stake races and invitational races** with ~~the~~ permission of the stewards. ~~may uncouple such horses in quarter horse races.~~

(b) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race, **except in races to be divided.** No owner may start two (2) or more horses in a race to the exclusion of another owner's single entry except in stakes or stakes trials. Preference for horses with the same trainer, but having no common ties of ownership, will be determined by the conditions of the race and/or preference date and may exclude a single entry.

(c) A trainer may not train for another trainer licensed in the state of Indiana.

(Indiana Horse Racing Commission; 71 IAC 7.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 205; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 5, 2012, 2:14 p.m.: 20120718-IR-071120402ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

SECTION 3. 71 IAC 8-1-4.1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-4.1 Nonsteroidal anti-inflammatory drugs (NSAIDs)

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 4.1. (a) The use of one (1) of three (3) approved NSAIDs shall be permitted under the following conditions:

(1) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at the recommended labeled doses at least twenty-four (24) hours before the post time ~~for~~ **of** the race in which the horse is entered:

(A) Phenylbutazone – 2 micrograms per milliliter.
(B) Flunixin – 20 nanograms per milliliter.
(C) Ketoprofen – ~~10~~ **2** nanograms per milliliter.

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

(c) The presence of more than one (1) NSAID, with the exceptions of:

(1) phenylbutazone in a concentration below 0.3 micrograms per milliliter of serum or plasma; ~~or~~
(2) flunixin in a concentration below 3.0 nanograms per milliliter **of serum or plasma; or**
(3) ketoprofen in a concentration below 1.0 nanogram per milliliter of serum or plasma;

in the post-race serum or plasma sample is not permitted. The use of all but one (1) of the approved NSAIDs shall be discontinued at least forty-eight (48) hours before the post time for the race in which the horse is entered.

(Indiana Horse Racing Commission; 71 IAC 8-1-4.1; emergency rule filed Jul 28, 2006, 11:22 a.m.: 20060816-IR-071060279ERA, eff Sep 1, 2006; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

SECTION 4. 71 IAC 8-1-4.2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-4.2 Threshold levels

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 4.2. The official blood (serum or plasma) and urine samples may contain only the following therapeutic medications, their metabolites or analogues, and shall not exceed the threshold concentrations specified in this rule:

(1) The use of acepromazine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of the metabolite, 2-(1-hydroxyethyl) promazine sulfoxide (HEPS), in urine.

(2) The use of albuterol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of total albuterol (albuterol plus conjugates) in urine.

~~(2)~~ **(3)** The use of betamethasone shall be permitted under the following conditions: Not to exceed ten (10) picograms per milliliter of betamethasone in serum or plasma.
~~(3)~~ **(4)** The use of butorphanol shall be permitted under the following conditions: Not to exceed three hundred (300) nanograms per milliliter of total (free and conjugated) butorphanol in urine or two (2) nanograms per milliliter of free butorphanol in serum or plasma.
~~(4)~~ **(5)** The use of clenbuterol shall be permitted under the following conditions: Not to exceed one hundred forty (140) picograms per milliliter clenbuterol in urine or the limit of detection (LOD) in serum or plasma.
~~(5)~~ **(6)** The use of dantrolene shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of 5-hydroxydantrolene in serum or plasma.
~~(6)~~ **(7)** The use of detomidine shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of carboxydetomidine in urine or the LOD for detomidine in serum or plasma.
~~(7)~~ **(8)** The use of dexamethasone shall be permitted under the following conditions: Not to exceed five (5) picograms per milliliter of dexamethasone in plasma or serum.
~~(8)~~ **(9)** The use of diclofenac shall be permitted under the following conditions: Not to exceed five (5) nanograms per milliliter of diclofenac in plasma or serum.
~~(9)~~ **(10)** The use of dimethylsulfoxide (DMSO) shall be permitted under the following conditions: Not to exceed ten (10) micrograms per milliliter of DMSO in serum or plasma.
~~(10)~~ **(11)** The use of firocoxib shall be permitted under the following conditions: Not to exceed twenty (20) nanograms per milliliter of firocoxib in serum or plasma.
~~(11)~~ **(12)** The use of glycopyrrolate shall be permitted under the following conditions: Not to exceed three (3) picograms per milliliter of glycopyrrolate in serum or plasma.
(13) The use of isoflupredone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of isoflupredone in serum or plasma.
~~(12)~~ **(14)** The use of lidocaine shall be permitted under the following conditions: Not to exceed twenty (20) picograms per milliliter of total 3-hydroxylidocaine **(to include conjugates)** in serum or plasma.
~~(13)~~ **(15)** The use of mepivacaine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of total 3-hydroxymepivacaine in urine or the LOD of mepivacaine in serum or plasma.
~~(14)~~ **(16)** The use of methocarbamol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of methocarbamol in serum or plasma.
~~(15)~~ **(17)** The use of methylprednisolone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of methylprednisolone in serum or plasma.
~~(16)~~ **(18)** The use of omeprazole shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of omeprazole sulfide in urine.
~~(17)~~ **(19)** The use of prednisolone shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of prednisolone in serum or plasma.
~~(18)~~ **(20)** The use of procaine penicillin shall be permitted under the following conditions:
(A) Not to exceed twenty-five (25) nanograms per milliliter of procaine in serum or plasma, and
(B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration, and
(C) Procaine penicillin must not be administered after the horse is entered to race, and
(D) Mandatory surveillance of the horse must occur for the six (6) hours immediately preceding the race for which the horse is entered by association security at the owner's expense.
~~(19)~~ **(21)** The use of triamcinolone acetonide shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of triamcinolone acetonide in serum or plasma.
~~(20)~~ **(22)** The use of xylazine shall be permitted under the following conditions: Not to exceed one-hundredth (.01) of a nanogram per milliliter of xylazine in serum or plasma.

(Indiana Horse Racing Commission; 71 IAC 8-1-4.2; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Feb 8, 2012, 12:01 p.m.: 20120215-IR-071120072ERA; emergency rule filed Apr 3, 2013, 10:37 a.m.: 20130410-IR-071130133ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

SECTION 5. 71 IAC 8-1-7.1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-7.1 Multiple medication violations

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 7.1. (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for

a Class 1-5 medication with Penalty Class A-D, as provided in the **most recent version of the** Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and Model Rule as revised by the ARCI in August 1996 and any other subsequent revision effective after said date, which are incorporated by reference herein, may be assigned points ~~based upon the medication's ARCI Penalty Guidelines~~ as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Noncontrolled Substance
Class A	N/A	6
Class B	2	4
Class C	1	2
Class D	1/2	1

(b) The points assigned to a medication violation **by the judges or commission ruling,** shall be included in the judges or commission ruling. **Points assigned by** such **regulatory** ruling **or by the ARCI** shall ~~determine,~~ **reflect** in the case of multiple positive tests as described in ~~paragraph~~ **subsection** (d), whether they shall thereafter constitute a single violation. The ruling shall be posted ~~on~~ **within** the official ~~website~~ **database** of the ARCI. If an appeal is pending, that fact shall be noted in the ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall ~~then~~ **be considered by the judges or the commission in its determination to** subject the trainer to the mandatory enhanced penalties by the judges or the commission as provided in this section.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. **In the case of a positive test indicating multiple substances found in a single post-race sample, the judges or commission may treat each substance as an individual violation for which points will be assigned.**

(e) The official ARCI record shall ~~constitute prima facie evidence~~ **be used to advise the judges or commission** of a trainer's past record of violations and cumulative points. Nothing in this section shall be construed to confer upon a trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired.

(f) The judges or commission shall ~~include~~ **consider** all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements may be imposed upon a licensed trainer based upon the cumulative points contained in the trainer's official ARCI record:

Points	Suspension in Days
3-5.5	30
6-8.5	60
9-10.5	180
11 or more	360

These points are intended to be an additional uniform penalty when the licensee:

(1) has more than one **(1)** violation for the relevant time period; and

(2) exceeds the permissible number of points.

(h) The suspension periods in **subsection** (g) shall run consecutive to any suspension imposed for the underlying offense.

(i) The judges' or commission's ruling shall distinguish between the penalty for the underlying offense and ~~the~~ **any** enhancement based upon the **judges' or commissions' review of a** trainer's cumulative points **and regulatory record, which may be considered an aggravating factor in a case.**

(Indiana Horse Racing Commission; 71 IAC 8-1-7.1; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.:

20140709-IR-071140251ERA)

SECTION 6. 71 IAC 8-1-9 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-9 Environmental contaminants and substances of human use

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 9. (a) Substances described in subsection (b) are recognized as either:
(1) environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during cultivation, processing, treatment, storage, or transportation phases; or
(2) substances of human use and addiction and which could be found in the horse due to its close association with humans.

(b) Regulatory thresholds have been set for the following substances:
(1) Arsenic – not to exceed three-tenths (0.3) micrograms per milliliter total arsenic in urine.
(2) Caffeine – **not to exceed** one hundred (100) nanograms ~~of caffeine~~ per milliliter of **caffeine in** serum or plasma.
(3) Estranediol – not to exceed forty-five one-thousandths (.045) micrograms per milliliter of free plus conjugated 5#-estrane-3#,17#-diol, in the urine of male horses other than geldings.
(4) Hydrocortisone – not to exceed one (1) microgram per milliliter of hydrocortisone in urine.
(5) Methoxytyramine – not to exceed four (4) micrograms per milliliter of free plus conjugated methoxytyramine in urine.
(6) Salicylate and salicylate acid – not to exceed seven hundred fifty (750) micrograms per milliliter of salicylate and salicylate acid in urine or six and one-half (6.5) micrograms per milliliter of salicylate and salicylate acid in serum or plasma.
(7) Theobromine – not to exceed two (2) micrograms per milliliter of theobromine in urine or three-tenths (0.3) micrograms per milliliter in serum or plasma.

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use, it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

(Indiana Horse Racing Commission; 71 IAC 8-1-9; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

SECTION 7. 71 IAC 8.5-1-4.1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-4.1 Nonsteroidal anti-inflammatory drugs (NSAIDs)

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 4.1. (a) The use of one (1) of three (3) approved NSAIDs shall be permitted under the following conditions:
(1) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at the recommended labeled dose at least twenty-four (24) hours before the post time ~~for~~ **of** the race in which the horse is entered:
(A) Phenylbutazone – 2 micrograms per milliliter.
(B) Flunixin – 20 nanograms per milliliter.
(C) Ketoprofen – ~~10~~ **2** nanograms per milliliter.

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

(c) The presence of more than one (1) NSAID, with the exceptions of:
(1) phenylbutazone in a concentration below 0.3 micrograms per milliliter of serum or plasma; ~~or~~
(2) flunixin in a concentration below 3.0 nanograms per milliliter **of serum or plasma; or**
(3) ketoprofen in a concentration below 1.0 nanogram per milliliter of serum or plasma;
in the post-race serum or plasma sample is not permitted. The use of all but one (1) of the approved NSAIDs shall be discontinued at least forty-eight (48) hours before the post time for the race in which the horse is entered.

(Indiana Horse Racing Commission; 71 IAC 8.5-1-4.1; emergency rule filed Jul 28, 2006, 11:22 a.m.: 20060816-IR-071060279ERA, eff Sep 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

SECTION 8. 71 IAC 8.5-1-4.2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-4.2 Threshold levels

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 4.2. The official blood (serum or plasma) and urine samples may contain only the following therapeutic medications, their metabolites or analogues, and shall not exceed the threshold concentrations specified in this rule:

(1) The use of acepromazine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of the metabolite, 2-(1-hydroxyethyl) promazine sulfoxide (HEPS), in urine.
(2) The use of albuterol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of total albuterol (albuterol plus conjugates) in urine.
~~(2)~~ **(3)** The use of betamethasone shall be permitted under the following conditions: Not to exceed ten (10) picograms per milliliter of betamethasone in serum or plasma.
~~(3)~~ **(4)** The use of butorphanol shall be permitted under the following conditions: Not to exceed three hundred (300) nanograms per milliliter of total (free and conjugated) butorphanol in urine or two (2) nanograms per milliliter of free butorphanol in serum or plasma.
~~(4)~~ **(5)** The use of clenbuterol shall be permitted under the following conditions: Not to exceed one hundred forty (140) picograms per milliliter clenbuterol in urine or the limit of detection (LOD) in serum or plasma.
~~(5)~~ **(6)** The use of dantrolene shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of 5-hydroxydantrolene in serum or plasma.
~~(6)~~ **(7)** The use of detomidine shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of carboxydetomidine in urine or the LOD for detomidine in serum or plasma.
~~(7)~~ **(8)** The use of dexamethasone shall be permitted under the following conditions: Not to exceed five (5) picograms per milliliter of dexamethasone in plasma or serum.
~~(8)~~ **(9)** The use of diclofenac shall be permitted under the following conditions: Not to exceed five (5) nanograms per milliliter of diclofenac in plasma or serum.
~~(9)~~ **(10)** The use of dimethylsulfoxide (DMSO) shall be permitted under the following conditions: Not to exceed ten (10) micrograms per milliliter of DMSO in serum or plasma.
~~(10)~~ **(11)** The use of firocoxib shall be permitted under the following conditions: Not to exceed twenty (20) nanograms per milliliter of firocoxib in serum or plasma.
~~(11)~~ **(12)** The use of glycopyrrolate shall be permitted under the following conditions: Not to exceed three (3) picograms per milliliter of glycopyrrolate in serum or plasma.
(13) The use of isoflupredone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of isoflupredone in serum or plasma.
~~(12)~~ **(14)** The use of lidocaine shall be permitted under the following conditions: Not to exceed twenty (20) picograms per milliliter of total 3-hydroxylidocaine **(to include conjugates)** in serum or plasma.
~~(13)~~ **(15)** The use of mepivacaine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of total 3-hydroxymepivacaine in urine or the LOD of mepivacaine in serum or plasma.
~~(14)~~ **(16)** The use of methocarbamol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of methocarbamol in serum or plasma.
~~(15)~~ **(17)** The use of methylprednisolone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of methylprednisolone in serum or plasma.
~~(16)~~ **(18)** The use of omeprazole shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of omeprazole sulfide in urine.

~~(17)~~ **(19)** The use of prednisolone shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of prednisolone in serum or plasma.

~~(18)~~ **(20)** The use of procaine penicillin shall be permitted under the following conditions:

(A) Not to exceed twenty-five (25) nanograms per milliliter of procaine in serum or plasma, and

(B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration, and

(C) Procaine penicillin must not be administered after the horse is entered to race, and

(D) Mandatory surveillance of the horse must occur for the six (6) hours immediately preceding the race for which the horse is entered by association security at the owner's expense.

~~(19)~~ **(21)** The use of triamcinolone acetonide shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of triamcinolone acetonide in serum or plasma.

~~(20)~~ **(22)** The use of xylazine shall be permitted under the following conditions: Not to exceed one-hundredth (.01) of a nanogram per milliliter of xylazine in serum or plasma.

(Indiana Horse Racing Commission; 71 IAC 8.5-1-4.2; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Feb 8, 2012, 12:01 p.m.: 20120215-IR-071120072ERA; emergency rule filed Apr 3, 2013, 10:37 a.m.: 20130410-IR-071130133ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

SECTION 9. 71 IAC 8.5-1-7.1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-7.1 Multiple medication violations

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 7.1. (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the **most recent version of the** Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and Model Rule as revised by the ARCI in August 1996 and any other subsequent revision effective after said date, which are incorporated by reference herein, may be assigned points ~~based upon the medication's ARCI Penalty Guidelines~~ as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Noncontrolled Substance
Class A	N/A	6
Class B	2	4
Class C	1	2
Class D	1/2	1

(b) The points assigned to a medication violation **by the stewards or commission ruling,** shall be included in the stewards or commission ruling. **Points assigned by** such **regulatory** ruling **or by the ARCI** shall ~~determine,~~ **reflect** in the case of multiple positive tests as described in ~~paragraph~~ **subsection** (d), whether they shall thereafter constitute a single violation. The ruling shall be posted ~~on~~ **within** the official ~~website~~ **database** of the ARCI. If an appeal is pending, that fact shall be noted in the ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall ~~then~~ **be considered by the stewards or the commission in its determination to** subject the trainer to the mandatory enhanced penalties by the ~~stewards~~ **judges** or the commission as provided in this ~~rule.~~ **section.**

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. **In the case of a positive test indicating multiple substances found in a single post-race sample, the stewards or commission may treat each substance as an individual violation for which points will be assigned.**

(e) The official ARCI record shall ~~constitute prima facie evidence~~ **be used to advise the stewards or commission** of a trainer's past record of violations and cumulative points. Nothing in this section shall be construed to confer upon a trainer the right to appeal a violation for which all remedies have been exhausted or

for which the appeal time has expired.

(f) The stewards or commission shall ~~include~~ **consider** all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements may be imposed upon a licensed trainer based upon the cumulative points contained in the trainer's official ARCI record:

Points	Suspension in Days
3-5.5	30
6-8.5	60
9-10.5	180
11 or more	360

These points are intended to be an additional uniform penalty when the licensee:

(1) has more than one **(1)** violation for the relevant time period; and

(2) exceeds the permissible number of points.

(h) The suspension periods in **subsection** (g) shall run consecutive to any suspension imposed for the underlying offense.

(i) The stewards' or ~~commission~~ **commission's** ruling shall distinguish between the penalty for the underlying offense and ~~the~~ **any** enhancement based upon the **stewards' or commissions' review of a** trainer's cumulative points **and regulatory record, which may be considered an aggravating factor in a case.**

(Indiana Horse Racing Commission; 71 IAC 8.5-1-7.1; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

SECTION 10. 71 IAC 8.5-1-9 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-9 Environmental contaminants and substances of human use

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 9. (a) Substances described in subsection (b) are recognized as either:
(1) environmental containments in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during cultivation, processing, treatment, storage, or transportation phases; or
(2) substances of human use and addiction and which could be found in the horse due to its close association with humans.

(b) Regulatory thresholds have been set for the following substances:
(1) Arsenic – not to exceed three-tenths (0.3) micrograms per milliliter total arsenic in urine.
(2) Caffeine – **not to exceed** one hundred (100) nanograms ~~of caffeine~~ per milliliter of **caffeine in** serum or plasma.
(3) Estranediol – not to exceed forty-five one-thousandths (.045) micrograms per milliliter of free plus conjugated 5#-estrane-3#,17#-diol, in the urine of male horses other than geldings.
(4) Hydrocortisone – not to exceed one (1) microgram per milliliter of hydrocortisone in urine.
(5) Methoxytyramine – not to exceed four (4) micrograms per milliliter of free plus conjugated methoxytyramine in urine.
(6) Salicylate and salicylate acid – not to exceed seven hundred fifty (750) micrograms per milliliter of salicylate and salicylate acid in urine or six and one-half (6.5) micrograms per milliliter of salicylate and salicylate acid in serum or plasma.
(7) Theobromine – not to exceed two (2) micrograms per milliliter of theobromine in urine or three-tenths (0.3) micrograms per milliliter in serum or plasma.

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

(Indiana Horse Racing Commission; 71 IAC 8.5-1-9; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA)

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