

# ARTICLE 8. HUMAN AND EQUINE HEALTH

## Rule 1. Equine Health; Medication Rules

### 71 IAC 8-1-1 Medication (Expired)

Sec. 1. (Expired under IC 4-22-2.5, effective January 1, 2013.)

### 71 IAC 8-1-1.5 Medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1.5. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1 or IC 4-31-2 [IC 4-31-2 was repealed by P.L.105-2022, SECTION 1, effective July 1, 2022.], except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) oral administration;
- (4) tube;
- (5) rectal infusion or suppository;
- (6) inhalation; or
- (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. The prohibition also includes, but is not limited to, the topical, oral, or nasal administration of compounds, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, potassium iodide, or products containing "caine" derivatives or dimethylsulfoxide (DMSO).

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent may be administered at any time prior to a horse's arrival in the paddock. (*Indiana Horse Racing Commission; 71 IAC 8-1-1.5; 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, 2:24 p.m.: 20140514-IR-071140142ERA; readopted filed Oct 7, 2020, 2:27 p.m.: 20201104-IR-071200406RFA*)

### 71 IAC 8-1-2 Foreign substances prohibited

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) No horse participating in a race shall carry in its body any foreign substance except as provided by these rules. A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse. The prohibition and allowance of foreign substances in this article shall apply to qualifying races.

(b) Upon the finding of a violation of this section, the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and any trophy or award. However, forfeiture of any purse, trophy, or award for an overage of

phenylbutazone, flunixin, ketoprofen, or furosemide in violation of these rules shall be consistent with Recommended Penalties of the Association of Racing Commissioners, International, as revised by the ARCI in 2014 and any other subsequent revision effective after said date, which are incorporated by reference herein, copies of which are available at the commission office. (*Indiana Horse Racing Commission; 71 IAC 8-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; readopted filed Oct 7, 2020, 2:27 p.m.: 20201104-IR-071200406RFA*)

#### **71 IAC 8-1-2.1 Thyroxine restricted**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2.1. (a) Thyroid supplementation is prohibited. Trainers shall not have thyroxine, any other thyroid hormone, thyroid hormone analog, or thyroid supplements on the premise of a facility under the jurisdiction of the commission, nor shall they administer such supplements unless both of the following conditions have been met:

- (1) A thyrotropin-releasing hormone (TRH) response test has been performed by a commission-licensed veterinarian and supports a diagnosis of hypothyroidism in the horse.
- (2) A commission-licensed veterinarian has submitted the TRH response test result to the equine medical director, and the equine medical director approves the thyroxine prescription based on their independent determination that the test result confirms the hypothyroidism diagnosis.

A T3 or T4 test without stimulation of the thyroid is insufficient to diagnose hypothyroidism.

(b) If approved by the equine medical director, the horse shall be treated with only Federal Drug Administration approved medications for hypothyroidism prescribed by a veterinarian. Possession of any thyroid supplements that are not pursuant to a veterinary prescription is prohibited.

(c) The prescription for thyroxine or any other thyroid hormone or thyroid hormone analog administration shall not exceed ninety (90) calendar days, after which the prescription must be reauthorized by the equine medical director under either of the following circumstances:

- (1) The equine medical director has determined that the horse has benefited from the previous thyroxine, thyroid hormone, or thyroid hormone analog treatment after reviewing the horse's medical records and consulting with the attending veterinarian.
- (2) The hypothyroid diagnosis has been reconfirmed under the requirements described in subsection (a)(1) and (a)(2).

(d) A horse administered thyroxine or any other thyroid hormone or thyroid hormone analog, pursuant to this section, is ineligible to start in a race for thirty (30) calendar days after the last administration.

(e) If a horse is currently being administered a thyroid supplement, administration of the supplement shall be discontinued and a TRH test conducted after a thirty (30) day washout period before the horse is eligible to race.

(f) Possession of thyroxine or any other thyroid hormone or thyroid hormone analog on the premise of a facility under the jurisdiction of the commission is prohibited without a prescription obtained in compliance with this section.

(g) In the absence of the equine medical director, or, if there is no appointed equine medical director, the commission or executive director may designate an alternate regulatory veterinary official for this section. (*Indiana Horse Racing Commission; 71 IAC 8-1-2.1; emergency rule filed Mar 3, 2022, 3:55 p.m.: 20220316-IR-071220070ERA*)

#### **71 IAC 8-1-3 Foreign substances allowed**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. Furosemide, when used in accordance with the test levels and guidelines set forth in sections [*sic, section*] 5 of this rule, is a permitted foreign substance for race day administration. (*Indiana Horse Racing Commission; 71 IAC 8-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; 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.J; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; 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; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**71 IAC 8-1-4 Phenylbutazone as a permitted foreign substance (Repealed)**

*Sec. 4. (Repealed by Indiana Horse Racing Commission; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006)*

**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 nonsteroidal anti-inflammatory drugs (NSAIDs) shall be governed by the following conditions:

(1) NSAIDs included in the ARCI Controlled Therapeutic Medication Schedule for Horses, as revised by the ARCI in December 2019 and any other subsequent revision effective after said date, which are incorporated by reference herein, copies of which are available at the commission office, are not to be used in a manner inconsistent with the restrictions contained therein. NSAIDs not included on the ARCI Controlled Therapeutic Medication Schedule for Horses are not permitted to be present in a biological sample at a concentration that equals or exceeds the commission's official laboratory's limit of detection. (2) Biological samples may contain one (1) of the NSAIDs identified in the ARCI Controlled Therapeutic Medication Schedule for Horses at a concentration up to the primary threshold indicated therein. The presence of more than one (1) NSAID in blood or urine, or both, shall constitute an NSAID stacking violation (Penalty Class B) in addition to the violation associated with the detection of each additional NSAID that exceeds the primary threshold.

(b) NSAIDs shall not be administered to any horse that is entered to race within forty-eight (48) hours of the scheduled post-time of the race in which it is entered.

(c) Any horse to which an NSAID has been administered shall be subject to having a blood or urine, or both, sample taken at the direction of the official veterinarian to determine the quantitative NSAID level or the presence of other drugs, or both, which may be present in the blood or urine sample(s). *(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-071140251; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA)*

**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 or 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.

(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.

(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.

- (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.
- (6) The use of cetirizine shall be permitted under the following conditions: Not to exceed six (6) nanograms per milliliter of serum or plasma.
- (7) The use of cimetidine shall be permitted under the following conditions: Not to exceed four hundred (400) nanograms per milliliter of serum or plasma.
- (8) 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.
- (9) The use of detomidine shall be permitted under the following conditions: Not to exceed two (2) nanograms per milliliter of carboxydetomidine in urine or one (1) nanogram per milliliter of detomidine in serum or plasma.
- (10) 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.
- (11) 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.
- (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 guaifenesin shall be permitted under the following conditions: Not to exceed twelve (12) nanograms per milliliter of serum or plasma.
- (14) 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.
- (15) The use of lidocaine shall be permitted under the following conditions: Not to exceed twenty (20) picograms per milliliter of total 3-hydroxylicocaine (to include conjugates) in serum or plasma.
- (16) 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.
- (17) 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.
- (18) 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.
- (19) The use of omeprazole shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of omeprazole sulfide in serum or plasma.
- (20) 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.
- (21) 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.
  - (B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration.
  - (C) Procaine penicillin must not be administered after the horse is entered to race.
  - (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.
- (22) The use of ranitidine shall be permitted under the following conditions: Not to exceed forty (40) nanograms per milliliter in serum or plasma.
- (23) 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.
- (24) The use of xylazine shall be permitted under the following conditions: Not to exceed two hundred (200) picograms 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; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; emergency*

rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

**71 IAC 8-1-5 Furosemide as a permitted foreign substance**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list, the following process must be followed:

(1) After the horse's licensed trainer and practicing veterinarian determine that it would be in the horse's best interests to race with furosemide they shall notify the official veterinarian or his or her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.

(2) The form must be received by the official veterinarian or his or her designee by the proper time deadlines so as to ensure public notification.

(3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and practicing veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.

(4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.

(5) Furosemide shall only be administered on association grounds.

(6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

(7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed five hundred (500) milligrams and no less than one hundred fifty (150) milligrams. The executive director or judges may designate certain practicing veterinarians to administer furosemide under this rule. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The trainer of the horse receiving furosemide or his or her authorized representative or employee shall be present during furosemide administration. The association shall establish track rules for furosemide administrations that are consistent with these regulations.

(9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The USTA, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of serum or plasma and shall not be below a urine specific gravity of one and ten-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood serum or plasma only. Split sample testing shall be quantitative and be performed on blood serum or plasma only.

*(Indiana Horse Racing Commission; 71 IAC 8-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1169; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; errata filed Oct 15, 1998, 12:38 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8,*

1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2218; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Dec 9, 2021, 2:22 p.m.: 20211215-IR-071210525ERA)

**71 IAC 8-1-5.5 Bleeding from nostrils**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5.5. A horse known to have bled from its nostrils for the first time within a three hundred sixty-five (365) day period during a race or workout may not be entered or raced during the next fourteen (14) days without prior approval for racing by the official veterinarian or his or her designee. If a horse bleeds from its nostrils a second time within a three hundred sixty-five (365) day period, the horse shall be placed on the veterinarian's list and prohibited from racing for thirty (30) days. If a horse bleeds from its nostrils a third time within a three hundred sixty-five (365) day period, the horse shall be placed on the veterinarian's list and prohibited from racing for at least one hundred eighty (180) days. A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. The horse may be removed from the veterinarian's list by the official veterinarian after a satisfactory workout. If a horse bleeds from its nostrils a fourth time, the horse is prohibited from racing in Indiana. (*Indiana Horse Racing Commission; 71 IAC 8-1-5.5; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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 Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; errata filed Mar 29, 2019, 10:12 a.m.: 20190403-IR-071190167ACA*)

**71 IAC 8-1-5.6 Anti-ulcer medications (Expired)**

Sec. 5.6. (*Expired under IC 4-22-2.5, effective January 1, 2013.*)

**71 IAC 8-1-5.7 Anti-ulcer medications (Repealed)**

Sec. 5.7. (*Repealed by Indiana Horse Racing Commission; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014*)

**71 IAC 8-1-6 Program information**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. In order to inform the race track patrons of those horses racing with medication, the permit holder shall indicate in the racing program that a horse is racing with permitted foreign substances for race day administration. (*Indiana Horse Racing Commission; 71 IAC 8-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-1-7 Drug classification and penalties**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. (a) Except as provided in subsection (b), upon a finding of a violation of this rule, the judges shall consider the classification level of the violation as currently established by 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, and impose penalties and disciplinary measures consistent with the recommendations contained therein. Provided, however, that in the event a majority of the judges determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the judges wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

(b) Cobalt shall carry a category "B" penalty, as established by the Recommended Penalties and Model Rule, regardless of its presence in a post-race or out of competition sample. The judges shall consider levels less than fifty (50) parts per billion a mitigating factor and levels of one hundred (100) parts per billion or more an aggravating factor when determining penalties. (*Indiana Horse Racing Commission; 71 IAC 8-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Sep 30, 2014; emergency rule filed Mar 16, 2015, 3:29 p.m.: 20150325-IR-071150071ERA; readopted filed Oct 21, 2021, 8:28 a.m.: 20211117-IR-071210222RFA*) NOTE: Expiration postponed by Executive Order #13-27, posted at 20140108-IR-GOV130576EOA.

**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-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign *[sic, Substances]* or similar state regulatory guidelines, may be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Noncontrolled Therapeutic Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days.	1 for first violation with an additional ½ point for each additional violation within 365 days.
Class D	0	0

(b) The points assigned to a medication violation by the judges or commission ruling, shall be included in ARCI official database. The ARCI shall record points consistent with subsection (a) when appropriate, a designation that points have been suspended or the medication violation. Points assigned by such regulatory ruling shall reflect in the case of multiple positive tests as described in subsection (d), whether they constitute a single violation. The judges' or commission ruling may be posted on the official website of the commission and within the official database of the ARCI. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall 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, depending on the facts and circumstances of the case.

(e) The official ARCI record shall 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 licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(f) The judges or commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory 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

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based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5 - 5.5	15 to 30
6 - 8.5	30 to 60
9 - 10.5	90 to 180
11 or more	180 to 360

Multiple medication violation penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

- (1) has had more than one (1) medication 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 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.

(j) Points shall expire as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years
C	1 year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed. (*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; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA*)

**71 IAC 8-1-8 Anabolic steroids**

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

Sec. 8. (a) No AAS (androgenic-anabolic steroid) shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances boldenone, nandrolone, and testosterone at concentrations less than the indicated thresholds.

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

- (1) Boldenone:
  - (A) In male horses other than geldings – fifteen (15) ng/ml of urine.
  - (B) In geldings, fillies, and mares – one (1) ng/mL of urine.
- (2) Nandrolone:
  - (A) In geldings - one (1) ng/ml of urine.
  - (B) In fillies and mares – one (1) ng/ml of urine.
  - (C) In male horses other than geldings – forty-five (45) ng/ml of nandrolone metabolite, 5 $\alpha$ -estrane-3 $\beta$ ,17 $\alpha$ -diol of urine.
- (3) Testosterone:
  - (A) In geldings – twenty (20) ng/ml of urine.
  - (B) In fillies and mares – fifty-five (55) ng/ml of urine, unless in foal.
  - (C) In male horses other than geldings minimum thresholds will not apply.

(c) Concentrations of these AAS shall not exceed the following free (i.e., not conjugated) steroid concentrations in plasma or serum:

- (1) Boldenone: For all horses a confirmatory threshold not greater than 25 pg/ml shall apply.
- (2) Nandrolone:
  - (A) In geldings, fillies, and mares – a confirmatory threshold not greater than 25 pg/ml shall apply.



(B) In male horses other than geldings – nandrolone shall be tested for in urine only.

(3) Testosterone:

(A) In geldings, fillies, and mares – a confirmatory threshold not greater than 25 pg/ml.

(B) In male horses other than geldings minimum thresholds will not apply.

(d) All other AAS are prohibited in racing horses.

(e) The sex of the horse must be identified to the laboratory for all samples designated for AAS testing.

(f) A trainer may request that a horse be placed on the veterinarian's list due to medically necessary treatment with AAS. The horse shall remain on the veterinarian's list:

(1) for 365 days;

(2) until the concentration of the drug or metabolite in urine or blood has fallen below the designated threshold for the administered AAS; or

(3) until the concentration of the drug or metabolite in urine or blood has fallen below the limit of detection for AAS that do not have a designated threshold, whichever is longer.

*(Indiana Horse Racing Commission; 71 IAC 8-1-8; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; 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; readopted filed Oct 7, 2020, 2:27 p.m.: 20201104-IR-071200406RFA)*

#### **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 per milliliter of caffeine in serum or plasma.

(3) Cobalt – not to exceed twenty-five (25) parts per billion of cobalt in serum or plasma. A sample from a horse tested and found by the commission's primary lab to have cobalt in excess of this threshold shall be placed and remain on the veterinarian's list until the concentration of cobalt in serum or plasma has fallen below the designated threshold, or until the conclusion of the race meet. However, horses testing at a concentration of one hundred (100) parts per billion shall be placed on the veterinarian's list for a minimum of thirty (30) days.

(4) Estradiol – not to exceed forty-five one-thousandths (.045) micrograms per milliliter of free plus conjugated  $5\alpha$ -estrane- $3\beta,17\alpha$ -diol, in the urine of male horses other than geldings.

(5) Gamma aminobutyric acid (GABA) – not to exceed one hundred and ten (110) nanograms per milliliter in serum or plasma.

(6) Hydrocortisone – not to exceed one (1) microgram per milliliter of hydrocortisone in urine.

(7) Methoxytyramine – not to exceed four (4) micrograms per milliliter of free plus conjugated methoxytyramine in urine.

(8) Salicylate and salicylic acid – not to exceed seven hundred fifty (750) micrograms per milliliter of salicylate and salicylic acid in urine or six and one-half (6.5) micrograms per milliliter of salicylate and salicylic acid in serum or plasma.

(9) 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; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA,*

*eff Sep 30, 2014; emergency rule filed Mar 16, 2015, 3:29 p.m.: 20150325-IR-071150071ERA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA)*

## **Rule 2. Excess Levels of Sodium, Bicarbonate, or pH**

### **71 IAC 8-2-1 General provisions**

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

Sec. 1. An excess level of total carbon dioxide (TCO<sub>2</sub>) shall be deemed to have an adverse effect on the horse by changing the normal physiological state of the horse. Excess levels of total carbon dioxide (TCO<sub>2</sub>) in the horse are deemed to be contrary to the best interests of standardbred racing and to the best interests of the welfare of the equine participants and shall be a violation of these rules. *(Indiana Horse Racing Commission; 71 IAC 8-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA)*

### **71 IAC 8-2-2 Specific levels requiring scratch *(Repealed)***

Sec. 2. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA)*

### **71 IAC 8-2-2.5 Carbon dioxide testing**

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

Sec. 2.5. (a) A designated commission employee may draw whole blood, serum, or plasma samples from a horse for the purpose of obtaining a total carbon dioxide (TCO<sub>2</sub>) level.

(b) Blood samples may be drawn prior to or after the race. For samples drawn prior to the race, the sample must be drawn prior to the warm-up of the horse. For samples drawn after the race, the sample must be drawn no sooner than ninety (90) minutes following the official post time for that race.

(c) The pre-race or post-race total carbon dioxide (TCO<sub>2</sub>) level in blood shall not exceed 37 millimoles per liter of blood.

(d) The provisions of 71 IAC 8-4, pertaining to split samples, shall not apply to blood samples drawn for the purpose of total carbon dioxide (TCO<sub>2</sub>) testing. Split sample analyses of total carbon dioxide (TCO<sub>2</sub>) must be run in parallel with the official sample at the primary laboratory in order to avoid delays in testing that result in lower total carbon dioxide (TCO<sub>2</sub>) values due to sample degradation. The trainer shall be responsible for the cost of split sample testing. The trainer or designee shall make arrangements for payment prior to or at the time of sampling. The split sample shall be sent to the commission primary laboratory as a separate blind sample. No other split sample testing shall be available for total carbon dioxide (TCO<sub>2</sub>). *(Indiana Horse Racing Commission; 71 IAC 8-2-2.5; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA)*

### **71 IAC 8-2-3 Refusal to test**

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

Sec. 3. Any owner, trainer, or other licensed delegate of any owner or trainer who refuses or fails to permit any horse or horses to be tested when a demand or demands for such testing has been made by an authorized commission official shall have the applicable horse or horses scratched or disqualified by the judges. *(Indiana Horse Racing Commission; 71 IAC 8-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1502; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**71 IAC 8-2-4 Blood gas analyzer report (Repealed)**

Sec. 4. (Repealed by Indiana Horse Racing Commission; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA)

**71 IAC 8-2-4.1 Finding of normal levels**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4.1. For any horse whose levels equal or exceed the levels set forth in section 2 of this rule, it is presumed that the levels are not physiologically normal for that specific horse if the horse:

(1) has been tested by the commission at least twice in the past sixty (60) days; and

(2) has been found to have levels beneath the levels established in section 2 of this rule.

The prior results shall constitute a finding that excessive levels are not physiologically normal for that horse. (*Indiana Horse Racing Commission; 71 IAC 8-2-4.1; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1503; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-2-5 Option to determine normal level**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) The quarantine provisions of this section shall apply only to horses who have not been found under section 4.1 of this rule to have physiologically normal levels beneath the levels established in section 2 of this rule.

(b) If a test sample from a horse contains levels of substance equal to or in excess of the levels in section 2 of this rule, the owner or trainer of that horse contending that such levels are physiologically normal for that specific horse may request the horse be held in approved quarantine on the grounds of the association. Such quarantine shall be in accordance with policies and procedures adopted by the commission and shall be for a period determined by the executive director or the judges, but not greater than five (5) days, and is at the sole expense of the owner or trainer requesting the quarantine. Quarantine security shall be provided by the association per the instruction of the judges. During the quarantine, the horse shall be retested periodically, but it shall not be permitted to race. In addition, during the period of the quarantine the horse may be exercised and trained at times prescribed by the commission. Removal of a horse from quarantine without the permission of the judges shall constitute a waiver of any claim of normally high levels for that specific horse. A request for quarantine shall be made within seventy-two (72) hours of notification of a violation of this rule.

(c) Subsequent to the horse being quarantined and retested, if the commission is satisfied on the basis of clear and cogent evidence derived from the testing of the horse's blood that such levels are physiologically normal for that specific horse, the judges may waive the provisions of this rule and permit the horse to race. Notwithstanding the provisions of subsection (b), the judges shall assess the expense of quarantine to the association if they determine that high blood levels are physiologically normal for that specific horse. In addition, no disciplinary action will be pursued by the judges or the commission against the trainer of any horse found, after quarantine, to have physiologically normal levels in excess of the levels established in section 2 of this rule.

(d) For purposes of this section, clear and cogent evidence shall mean continued and repeated levels in excess of the levels established in section 2 of this rule during the period of quarantine. (*Indiana Horse Racing Commission; 71 IAC 8-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2916; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1503; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2080; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-2-6 Penalties**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. The judges shall consider 71 IAC 2-11-1 when determining the penalty for a licensee who commits a violation of this rule or a comparable rule in another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 8-2-6; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1503; emergency rule filed Apr 17, 1995, 4:15 p.m.: 18 IR 2278; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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 Apr 30, 2018, 3:54 p.m.: 20180502-IR-071180203ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-2-7 Presence of horse in paddock**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. The trainer is responsible for having the horse in the paddock, and in their assigned stalls, three (3) hours prior to its scheduled post time. (*Indiana Horse Racing Commission; 71 IAC 8-2-7; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-2-8 Presence of caretaker in paddock**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 8. The trainer is responsible for having a licensed person present in the paddock with the horse until such time that the horse has been identified by the identifier and cleared by the blood gas program administrator. (*Indiana Horse Racing Commission; 71 IAC 8-2-8; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**Rule 3. Drug Testing**

**71 IAC 8-3-1 Laboratory reports**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. A finding by a chemist at a commission-approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse, any drug found in excess of the commission-approved levels, substances present in the horse in excess of concentrations at which such substances could occur naturally, or substances foreign to a horse at concentrations that cause interference with testing procedures shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

- (1) the sample of urine, saliva, blood, hair, or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question, its integrity is preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and
- (3) the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered or in a case of out of competition testing, when the test sample was taken;

with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the judges or the commission. (*Indiana Horse Racing Commission; 71 IAC 8-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2916; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.:*

20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA)

**71 IAC 8-3-2 Pre-race testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. The judges may require any horse entered to race or qualify to submit to a blood or other pre-race test, and no horse is eligible to start in a race or qualify until the owner or trainer complies with the required testing procedure. (*Indiana Horse Racing Commission; 71 IAC 8-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-3-3 Selection of horses tested**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. (a) The judges, the official veterinarian or his/her designee, a licensed veterinarian authorized by the commission, a member of the commission, or the executive director of the commission may order a blood test, hair test, or urine test, or all three (3), on a horse for the purpose of analysis.

(b) A blood specimen, hair specimen, or urine specimen, or all three (3), shall be taken from the following horses after the running of each race:

(1) The horse that finishes first in each race.

(2) Any other horses designated by the judges, the official veterinarian or his/her designee, a licensed veterinarian authorized by the commission, a member of the commission, or the executive director of the commission.

(c) The judges and the official veterinarian or his/her designee shall designate for the taking of such a specimen a horse that races markedly contrary to form.

(d) The provisions of this section do not apply to section 5 of this rule. (*Indiana Horse Racing Commission; 71 IAC 8-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA*)

**71 IAC 8-3-4 Taking of samples**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. (a) Blood, urine, saliva, hair, or other samples shall be:

(1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;

(2) taken in a detention area approved by the commission, unless the official veterinarian or judges approves otherwise;

(3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee and may be witnessed by the owner, trainer, or other licensed person designated by them;

(4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee

may direct; and

(5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the executive director or the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission-approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money.

(d) The association shall withhold payment of purse monies of horses that have been subject to testing pursuant to 71 IAC 8-3-3 [section 3 of this rule] on all stake races and races with a purse value of seventy-five thousand dollars (\$75,000) or more. Upon notification from the commission's primary laboratory, the judges will communicate with the association horseman's bookkeeper regarding the release of the remaining purse monies.

(e) The provisions of subsection (a)(2) and (a)(3) do not apply to section 5 of this rule. (*Indiana Horse Racing Commission; 71 IAC 8-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA*)

#### **71 IAC 8-3-5 Out of competition testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) Any horse eligible to race in Indiana under this subsection is subject to testing without advance notice for prohibited substances, practices, and procedures as specified in subsection (f), while the horse is located on the grounds of a racetrack under the jurisdiction of the commission, or stabled off association grounds while under the care or control of trainer or owner licensed by the commission under the restrictions listed in subsection (e). A horse is eligible to race in Indiana if it is listed:

- (1) on an owner's or trainer's license application;
- (2) on a stall application or nomination list; or
- (3) on the horse sign-in sheet at any time during the meet;

or has raced at any Indiana race meet during the preceding three hundred sixty-five (365) days. A horse shall be presumed eligible if it is a racing breed, at least two (2) years old, and an Indiana bred or sired horse. The owner of such an Indiana bred or sired horse may render the horse ineligible for the testing as described in this rule by indicating in writing the Indiana bred or sired horse is not intended to race in Indiana under subsection (b) provided that the owner of such an Indiana bred or sired horse provides written notice to the office of the commission thirty (30) days before the horse turns two (2) years old or within thirty (30) days after the owner acquires the horse. In this event, the horse shall be deemed ineligible for racing in Indiana as provided for in subsection (b).

(b) If a horse to be tested is not covered under subsection (a), the executive director or judges may nevertheless test any such horse as eligible to race in Indiana for prohibited substances, practices, and procedures specified in subsection (f), unless the owner or trainer or other authorized representative or designee of such horse immediately represents in writing that the horse is not intended to be, and will not be, raced in Indiana for a minimum of three hundred sixty-five (365) days. If the owner, trainer, or other authorized representative or designee so represents, the horse shall be deemed ineligible for racing in Indiana for no less than three hundred sixty-five (365) days from that date. This three hundred sixty-five (365) day ineligibility to race in Indiana shall follow the horse even if sold or transferred to another owner or trainer. An owner or trainer may, however, consent to the collection of a sample from a horse selected for testing under this rule, even if the horse is not presently intended to be raced in Indiana, and if such horse tests negative, it will remain eligible to race in Indiana.

(c) The executive director or judges may order any horse of a licensed trainer or owner to report to a track under the

jurisdiction of the commission for out of competition testing. The trainer or owner is responsible to have the horse or horses available at the designated time and location. In the event that a horse is ordered to report to a track pursuant to the authority granted by this subsection, a licensed trainer or owner is entitled to reimbursement by the commission for mileage (at the current rate paid by the state of Indiana as specified in the current Indiana financial management circular) to and from the location where the horse was stabled when the horse was ordered to report to the track. Under no circumstances will a trainer or owner be entitled to reimbursement for mileage in excess of the actual mileage to the track from the place where the horse was stabled when ordered to report and from the track to the place where the horse is first stabled following the testing. The trainer or owner is not entitled to receive reimbursement from the commission for any other expense relating to any order under this subsection to report to a track for out of competition testing.

(d) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of the official veterinarian or a licensed veterinarian authorized by the commission may take a urine, blood, or hair sample from a horse for testing as provided for in this section.

(e) Unless sample collection occurs on the grounds of a racetrack or other location within Indiana under the commission's jurisdiction, the commission's representatives may arrive at a reasonable time for the taking of blood, urine, or hair samples from an eligible horse, as defined in subsection (a) or (b), after announcing their presence at the premises where the horse or horses to be tested are located and showing their credentials to collect samples from the horse or horses selected for testing for prohibited substances, practices, and procedures as specified in subsection (f). The commission's representatives or designees will request to meet with the trainer or owner of the selected horse or horses. If neither is available, the collection will be deferred until the trainer or owner, or both, or their representative or designee, becomes reasonably available, but the collection must occur not later than one (1) hour after the commission's designee arrives at the premises in the case of an eligible horse under subsection (a), and not later than two (2) hours in the case of an eligible horse under subsection (b). If the collection does not occur within the time provided for in this subsection, any horse that would have been subject to testing and eligible to race in Indiana will be deemed to be ineligible for racing in Indiana pursuant to the provisions of subsections (a) and (b). In addition, the owner or trainer, or both, of the horses may be subject to any other sanctions allowed by Indiana law and regulations, including, but not limited to, a fine, suspension, or summary suspension. It is a defense to any action brought against an owner or trainer, or both, for sanctions or as a result of any declaration a horse is ineligible because the sample collection did not occur within the time provided for by this subsection that good cause existed that prohibited the owner or trainer or their representative or designee from complying with the time limits set forth in this subsection. The owner or trainer or their representative or designee has the burden of proving the good cause defense by a preponderance of the evidence.

(f) Prohibited substances, practices, methods, and procedures are defined as the following:

- (1) Blood doping agents, including, but not limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues.
- (2) Gene doping agents or the nontherapeutic use of genes, genetic elements, or cells, or all, that have the capacity to enhance athletic performance or produce analgesia.
- (3) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms.
- (4) Substances capable of producing a repartitioning effect that are not FDA-approved for use in horses, including, but not limited to, ractopamine, zilpaterol, or any similar agent.
- (5) Androgenic-anabolic steroids (AAS) other than endogenous concentrations of the naturally occurring substances as defined in 71 IAC 8-1-8 or AAS in a horse placed on the veterinarian's list in accordance with 71 IAC 8-1-8(f).
- (6) Cobalt in excess of the threshold provided in 71 IAC 8-1-9. In the event a sample from a horse results in cobalt in excess of the threshold, the horse shall be placed on the veterinarian's list until the concentration of cobalt in serum has fallen below the designated threshold, or until the conclusion of the race meet. However, horses testing at a concentration of one hundred (100) parts per billion shall be placed on the veterinarian's list for a minimum of thirty (30) days.
- (7) Any substance or method not otherwise referenced in this rule, which is present on Version 8.5 of the Association of Racing Commissioners International Model Rules of Racing Annex I (Prohibited Substances).
- (8) The presence of any substance at any time listed in subdivision (1), (2), (3), (4), (5), or (7) in an eligible horse, as defined in subsections (a) and (b), is prohibited and is a violation of this rule.
- (9) The use of a prohibited method, as defined in Version 8.5 of the Association of Racing Commissioners International Model Rules of Racing Annex I (Prohibited Substances), on an eligible horse, as defined in subsections (a) and (b), is prohibited and

is a violation of this rule.

(g) The trainer or owner or his or her designees shall cooperate with the official veterinarian or any licensed veterinarian or licensed veterinary technician authorized by the commission or any commission employee by:

- (1) assisting in the immediate location and identification of the eligible horse selected for out of competition testing; and
- (2) providing a stall or safe location to collect the samples.

The executive director or judges may summarily suspend, exclude, or otherwise penalize any trainer or other authorized representative or designee who does not fully cooperate with a commission employee or representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion. If any such person is summarily suspended, excluded, or otherwise penalized, she or he shall be entitled to a hearing in accordance with Indiana law and regulations. A summary suspension, exclusion, or sanctions for failure to cooperate shall not issue, however, if a horseman meets his or her burden to establish the good cause defense set forth under subsection (e). This provision does not apply to an owner or trainer who timely provides written notice under subsection (a) or (b) that a horse sought to be tested is not intended to be raced in Indiana and thereby renders the horse ineligible pursuant to subsection (b).

(h) The collection of blood or urine samples under this rule shall be collected as provided by 71 IAC 8-4-1 and shall be analyzed as follows:

- (1) Approved primary laboratory for screening.
- (2) Approved primary laboratory for confirmation.
- (3) Approved laboratory for split sample testing as chosen by the owner or trainer.

The commission shall approve the laboratories for screening, confirmation, and split sample testing.

(i) The collection of hair samples under this rule shall be collected as provided by 71 IAC 8-4-1 and shall be analyzed as follows:

- (1) Approved primary laboratory for screening.
- (2) Approved primary laboratory for confirmation.

The commission shall approve the primary laboratories for screening and confirmation. A hair sample shall be ineligible for split sample testing.

(j) The licensed trainer of the horse is responsible for the condition of the horse sampled for an out of competition test while on the grounds of a licensed training facility or racetrack as follows:

- (1) If the horse is sampled while not on the grounds of a licensed facility or racetrack, then the licensed owner shall be presumed to be the responsible person unless the owner can establish by substantial evidence that another licensed person had accepted the responsibility for the care, custody, and control of the horse, making such person the responsible person.
- (2) If a horse sampled for an out of competition test was claimed, sold, or otherwise transferred during the time the substance giving rise to the positive test may have been administered, then the commission shall investigate to determine, by a preponderance of the evidence, the identity of the responsible person at the time such substance may have been administered.
- (3) If the commission cannot determine a responsible person, then the commission may deem the owner responsible and place the horse on the veterinarian's list for such time as is necessary to protect the integrity of racing.
- (4) A claimed horse is ineligible to be subjected to out of competition testing in the forty-eight (48) hours post claim unless the horse was subjected to post race testing.

(k) In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection (f)(1) and (f)(2). The Association of Racing Commissioners International, Inc. Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule will be considered for violations of subsection (f)(3), (f)(4), and (f)(5) with additional penalties for any drug not FDA approved for use in horses. (*Indiana Horse Racing Commission; 71 IAC 8-3-5; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Sep 10, 2012, 2:01 p.m.: 20120912-IR-071120525ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule*



*filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Jan 1, 2015; emergency rule filed Mar 16, 2015, 3:29 p.m.: 20150325-IR-071150071ERA; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; errata filed Mar 29, 2019, 10:12 a.m.: 20190403-IR-071190167ACA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA)*

## **Rule 4. Split Sample**

### **71 IAC 8-4-1 Collection procedures**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) Before sending an equine sample to the primary testing laboratory, the official veterinarian or a designated commission employee shall divide the specimen into two (2) parts provided a sufficient amount is collected.

(c) The official veterinarian or designated commission employee shall attempt to collect a minimum of fifty (50) milliliters of urine. A urine specimen shall not be split if less than fifty (50) milliliters is collected from the horse. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian shall collect a minimum of thirty (30) milliliters of blood, which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory.

(e) The official veterinarian, a licensed veterinarian authorized by the commission, or a designated commission employee shall collect a minimum of a hair sample that is at least the same size in diameter as a standard pencil. A hair sample shall be ineligible for split sample testing.

(f) The official veterinarian or his/her designee shall retain the part of the urine specimen and/or the part of the blood specimen that is not sent to the primary laboratory.

(g) If the retained part of a specimen is sent for testing, the official veterinarian or designated commission employee shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(h) Blood samples shall be centrifuged.

(i) The provisions of subsections (b), (c), and (d) do not apply to 71 IAC 8-3-5. (*Indiana Horse Racing Commission; 71 IAC 8-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA)*)

### **71 IAC 8-4-2 Storage and shipment of split samples**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) The official veterinarian or his/her designee shall store the retained part of a specimen in secure, limited access storage at a site approved by the commission for the period required by this section.

(b) If the results of the initial test on a specimen are negative, the official veterinarian, or his/her designee, or primary laboratory may discard the retained part of the specimen upon receipt of the negative result. If the result of the initial test on a specimen is positive, the official veterinarian, or his/her designee, or primary laboratory may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the retained part be sent for split testing.

(c) The identity of the drug or drug metabolites shall be revealed to the split sample laboratory. Communication between the primary and split sample laboratory is limited to the exchange of the analytical method and the threshold level used to confirm the drug's identity. (*Indiana Horse Racing Commission; 71 IAC 8-4-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-4-3 Administrative procedures prior to split sample testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. (a) The results of all tests performed by the primary laboratory or laboratories are confidential until such time a ruling is issued in that matter and shall only be communicated to the commission, commission staff, judges, owner, and trainer. Notice of a positive test result may be communicated verbally to the trainer. The trainer shall be responsible for promptly notifying the owner of a horse of a positive test as reported by the primary laboratory.

(b) The trainer or owner of a horse for which a positive result on a drug test is returned may request that the judges submit the retained part of the specimen for testing in accordance with this section. The specimen must be tested by a laboratory that is identified on the list of approved laboratories maintained by the commission and acceptable to the following:

- (1) The commission.
- (2) The primary laboratory.

Laboratories providing split sample testing shall be ISO 17025 accredited unless otherwise approved by the commission. The request must be in writing, include the laboratory selection, and must be delivered to the judges not later than seventy-two (72) hours after the trainer has received notice of a positive test result. Failure to request testing of a split sample and provide all necessary information within seventy-two (72) hours shall constitute a waiver of the right. The split sample laboratory shall be contacted by a representative of the commission to request acceptance of a split sample. The trainer or owner may choose any laboratory on the commission maintained applicable list to test the sample. However, the commission or executive director may limit the choice of laboratory for the detection of specific drugs.

(c) The trainer or owner must identify a preferred split lab, subject to subsection (b), within seventy-two (72) hours of notice of a positive test result.

(d) The trainer or owner must provide payment for the requested split sample test at the time the split lab is selected.

(e) The trainer or owner may elect to waive his or her right to testing of a split sample.

(f) The owner or trainer of a horse who submits a specimen for drug testing is entitled to be present or have a representative present at any time that the retained part of the specimen is prepared for storage or is tested.

(g) The split sample laboratory may require the owner or trainer of a horse who submits a specimen for testing to execute a hold harmless agreement for the split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing. The agreements shall remain in the hands of the judges of the state in which the positive was reported.

(h) The trainer or owner may request that negative control samples be tested with the split sample. The identities of the negative control samples and the split sample shall be known only to the commission.

(i) The presence of a drug or drug metabolite in any quantity, excluding phenylbutazone, flunixin, ketoprofen, furosemide, or as permitted in 71 IAC 8-1-4.2 and 71 IAC 8-1-9, is sufficient for a finding of a positive test. (*Indiana Horse Racing Commission; 71 IAC 8-4-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2916; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2157; emergency rule filed Jun 22, 1998, 5:05 p.m.: 21 IR 4231; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency*

rule filed Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA)

**71 IAC 8-4-4 Administrative procedures subsequent to split sample testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. (a) The split sample laboratory shall send a confidential written report on the result of its tests to the commission staff which in turn shall send a confidential report to the trainer and owner forthwith.

(b) No action shall be taken against the trainer or owner if the results of split sample testing are negative.

(c) No hearing shall be held concerning the allegations against the trainer or owner, nor shall purse redistribution take place, until split sample testing has been completed and the results of the primary laboratory have been confirmed.

(d) The owner or trainer shall be notified in writing of the:

(1) results of the primary and split sample laboratories in the case of confirmed positives; and

(2) time and place of any administrative hearings resulting from the findings.

*(Indiana Horse Racing Commission; 71 IAC 8-4-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**71 IAC 8-4-5 Cost of split sample testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) In order for a split sample laboratory to be identified on the list of approved laboratories, it must establish reasonable fees for split sample testing based on their actual cost of testing. Fees for split sample testing shall include the cost of testing negative control samples if requested by the owner or trainer.

(b) The trainer or owner requesting split sample testing and negative control samples shall pay all costs of transporting and conducting tests on the split sample and negative control samples.

(c) The trainer or owner requesting split sample testing and negative control samples shall make full payment at the time laboratory selection occurs or in accordance with split laboratory requirements.

(d) The commission shall reimburse the trainer or owner for the cost of split sample testing if the results from the split sample laboratory do not confirm the presence of the drug at levels above the thresholds established in 71 IAC 8 [this article] et seq. *(Indiana Horse Racing Commission; 71 IAC 8-4-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**Rule 5. Practicing Veterinarians**

**71 IAC 8-5-1 Eligibility**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. Every veterinarian practicing on association premises must be:

(1) licensed by the state veterinarian regulatory authority;

(2) recommended for licensure by the official veterinarian or his/her designee; and

(3) licensed by the commission.

*(Indiana Horse Racing Commission; 71 IAC 8-5-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**71 IAC 8-5-2 Prohibited acts**

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

Sec. 2. (a) A practicing veterinarian at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.

(b) Veterinarians licensed by the commission as practicing veterinarians are prohibited from placing any wager of money or other things of value directly or indirectly on the outcome of any race conducted at the meeting at which he or she is furnishing professional service.

(c) No veterinarian shall, within the association grounds, furnish, sell, or loan any hypodermic syringe, needle, or other injection device to any other person within the grounds of an association where race horses are stabled. (*Indiana Horse Racing Commission; 71 IAC 8-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-5-3 Single use syringes**

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

Sec. 3. The use of other than single use, disposable syringes and infusion tubes on association premises is prohibited. Whenever a veterinarian has a hypodermic needle or syringe he or she shall destroy the needle and syringe and remove it from the association premise. (*Indiana Horse Racing Commission; 71 IAC 8-5-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-5-4 Drug use reports (*Repealed*)**

Sec. 4. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2228*)

**71 IAC 8-5-5 Records of treatment**

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

Sec. 5. (a) Every veterinarian licensed by the commission who treats any horse or performs other professional services within the enclosure of an organization licensee during a race meeting, or treats horses off the grounds that are actively participating at a race meeting, shall be responsible for maintaining treatment records or a log book on all horses for which they prescribe, administer, or dispense medication or perform other professional services. The treatment records or log book information shall include, but not be limited to, the following:

- (1) The date and time of treatment service.
- (2) Name of race track.
- (3) The veterinarian's printed name and signature.
- (4) The registered name of horse.
- (5) The trainer's name.
- (6) The barn number or location of horse.
- (7) The race date and race number, if any.
- (8) The medication and dosage.
- (9) The reason for treatment or services.

These records shall be current at all times and available to the commission and the judges upon request. These records shall be retained for at least one (1) year after the conclusion of the race meet and be made available to the commission and judges upon

request. Such records shall be delivered to the commission either upon demand or within twenty-four (24) hours of the request.

(b) Practicing veterinarians shall retain duplicate copies of bills or statements to trainers or owners which shall be retained for at least one (1) year and made available to the commission upon request. Such records shall be delivered to the commission within forty-eight (48) hours of the request.

(c) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable 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 (horse) for whom the product is intended or prescribed.
- (4) The doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product.
- (5) The name of the person (trainer) to whom the product was dispensed.

*(Indiana Horse Racing Commission; 71 IAC 8-5-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2917; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2879, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219; 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 Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

#### **71 IAC 8-5-6 Report of illness**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. Each veterinarian shall report immediately to the judges and the official veterinarian any illness in a horse entrusted into his or her care presenting unusual or unknown symptoms or a contagious or communicable disease. *(Indiana Horse Racing Commission; 71 IAC 8-5-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

#### **71 IAC 8-5-7 Prohibition of presence in paddock and barn area (Repealed)**

Sec. 7. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2228)*

#### **71 IAC 8-5-8 Storage of supplies and drugs**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 8. Storage areas for veterinarian supplies, equipment, hypodermic syringes, hypodermic needles, and foreign substances, including, but not limited to, narcotics, controlled substances, stimulants, depressants, or other drugs or medications of any type, shall be kept secured by lock and key when left unattended. This requirement specifically includes mobile veterinarian vehicles used on association grounds. *(Indiana Horse Racing Commission; 71 IAC 8-5-8; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**71 IAC 8-5-9 Veterinarian vehicles**

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

Sec. 9. A practicing veterinarian is responsible to ensure that his or her vehicle is not occupied while in the stable area of an association by any person other than the practicing veterinarian, his or her licensed helper, or an authorized association or commission employee. (*Indiana Horse Racing Commission; 71 IAC 8-5-9; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-5-10 Predrawn injectables**

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

Sec. 10. (a) Practicing veterinarians who possess any predrawn injectable syringes containing any substance must also possess the partially filled or empty labeled source container from which the injectable substance was drawn.

(b) Predrawn syringes and the labeled source container from which it is drawn are subject to confiscation by the commission or association security. The injectable substances are subject to testing by a laboratory approved by the commission or its executive director. The injectable substance must be clearly identified on each predrawn syringe. (*Indiana Horse Racing Commission; 71 IAC 8-5-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-5-11 Testing of confiscated drug, substance, or medication**

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

Sec. 11. Any suspect drug, substance, or medication confiscated from a practicing veterinarian or other person may be sent to the commission's primary laboratory or any other laboratory approved by the commission as designated by its executive director. The practicing veterinarian or other person shall be responsible for the cost of the testing of any unlabeled, mislabeled, incompletely labeled, or unauthorized drug, substance, or medication. (*Indiana Horse Racing Commission; 71 IAC 8-5-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-5-12 Contact with entered horses**

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

Sec. 12. (a) Practicing veterinarians and their helpers are prohibited from having contact with a horse within twenty-four (24) hours of its scheduled race except during the administration of furosemide under the guidelines set forth in 71 IAC 8-1-5(6) and 71 IAC 8-1-5(7) or unless prior approval has been given by the judges or by the official veterinarian.

(b) Notwithstanding subsection (a), in the case of an emergency a practicing veterinarian may have contact with a horse within twenty-four (24) hours of its scheduled race. If this occurs, the practicing veterinarian shall immediately report such contact and the reasons necessitating the contact to the judges or in their absence to commission or track security. (*Indiana Horse Racing Commission; 71 IAC 8-5-12; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3034; 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 Aug 29, 2017, 3:21 p.m.: 20170906-IR-071170396ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

**71 IAC 8-5-12.1 Stable area access**

Authority: IC 4-31-3-9

Affected: IC 4-31-3; IC 4-31-13-7

Sec. 12.1. Practicing veterinarians and their licensed employees and/or helpers shall sign in and out at the stable gate each time they enter and leave the stable area. The association shall maintain daily logs of such access and agrees to provide copies of logs to commission security on a daily basis. *(Indiana Horse Racing Commission; 71 IAC 8-5-12.1; 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; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**71 IAC 8-5-13 Veterinary helpers**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. Practicing veterinarians may employ persons licensed as veterinary helpers to work under their direct supervision. The veterinary helper shall not be permitted in the stable area unless accompanied by his or her employer. Veterinary helpers shall not inject, directly treat, or diagnose any animal. The practicing veterinarian must be present on the grounds if a veterinary helper has access to injection devices or injectable substances. The practicing veterinarian shall assume all financial and regulatory responsibility for the actions of their licensed veterinary helper. *(Indiana Horse Racing Commission; 71 IAC 8-5-13; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**Rule 6. Ban on Possession of Drugs**

**71 IAC 8-6-1 Ban on possession of drugs**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. Except as provided in 71 IAC 8-10, a licensee may not possess a foreign substance that is considered a prescription drug or prescription medication unless it is for an existing condition and is prescribed by a veterinarian. When prescribed by a licensed veterinarian, the supply of such a foreign substance shall be limited:

- (1) by ethical practice consistent with the purposes of this article; and
- (2) to topically or orally administered drugs.

*(Indiana Horse Racing Commission; 71 IAC 8-6-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2879, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

**71 IAC 8-6-2 Prohibited practices**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The possession or use, or both, of a drug, substance, or medication, specified in subdivisions (1) through (12), on the premises of a facility under the jurisdiction of the commission is prohibited. The following drugs or substances include those for which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.
- (2) Darbepoetin.

- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.
- (7) Ractopamine.
- (8) Zilpaterol.
- (9) Aminimidazole carboxamide ribonucleotide (AICAR).
- (10) My-inositol trispyrophosphate (ITPP).
- (11) Equine growth hormone.
- (12) Thymosin beta.

(b) The use of extracorporeal shock wave therapy (ESWT) or radial pulse wave therapy (RPWT) shall not be permitted unless the following conditions are met:

- (1) Any treated horse shall not be permitted to race for a minimum of ten (10) days following treatment and will be placed on the veterinarian's list for ten (10) days.
- (2) A list of horses that have received ESWT treatment within the last ten (10) days shall be posted in the race office and be accessible to the drivers and horsemen during normal business hours and be made available to other regulatory jurisdictions.
- (3) The use of ESWT or RPWT machines shall be limited to practicing veterinarians.
- (4) Any ESWT or RPWT machines on the association grounds must be registered with and approved by the commission or its designee before use.
- (5) All ESWT or RPWT treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.
- (6) A horse that receives any such treatment without full compliance with this section and similar rules in any other jurisdiction in which the horse was treated shall be placed on the judge's list.
- (7) Any person participating in the use of ESWT or RPWT or the possession of ESWT or RPWT machines, or both, in violation of this rule shall be considered to have committed a prohibited practice and is subject to a Class A Penalty.

(c) The possession or use, or both, of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term "drug" means any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease and any nonfood substance that is intended to affect the structure or function of the animal. The term includes any substance administered by injection other than vaccines licensed by the United States Department of Agriculture (USDA).

(d) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds described in subsection (e), in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined in 888 IAC 1.1-5-1(2).

(e) Notwithstanding subsection (c), veterinarians may possess compounded drugs with the restrictions listed in subdivisions (1) through (4). Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, or creating oral suspensions or injectable solutions as follows:

- (1) Compounds may only be prescribed to or prepared for horses with which the veterinarian has a veterinarian-client-patient relationship.
- (2) Compounded drugs may only be made from other FDA approved drugs.
- (3) Veterinarians may not possess compounds where there are FDA approved, commercially available drugs that can appropriately treat the horse.
- (4) Compounded drugs must be in containers that meet the prescription labeling requirements in subsections (i) and (j).

Combining two (2) or more substances with pharmacologic effect constitutes the development of a new drug. This may only be done in accordance with state and local laws and must contain FDA approved medications, if available.

(f) The possession of any drug not approved by the FDA for distribution in the United States is prohibited, unless the veterinarian can show proof of prior authorization from the FDA Center for Veterinary Medicine that has been obtained on a single patient basis only. The authorization must be maintained in the animal health record. A copy of the authorization must be available for immediate inspection.

- (g) Extra-label administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration



other than those stated in the labeling, is permitted for FDA approved drugs only. Extra-label use must meet the prescription labeling requirements in subsections (i) and (j).

(h) A veterinarian shall not possess any drug that is not labeled pursuant to the requirements of subsection (i) or (j).

(i) Drugs possessed by practicing veterinarians on the premises of a facility under the jurisdiction of the commission that have not yet been prescribed or dispensed to horses with which the veterinarian has a veterinarian-client-patient relationship must be affixed with the manufacturer's label, which must include:

- (1) recommended or usual dosage;
- (2) route for administration, if it is not for oral use;
- (3) quantity or proportion of each active ingredient;
- (4) names of inactive ingredients, if for other than oral use;
- (5) an identifying lot or control number;
- (6) manufacturer, packer, or distributor's name and address; and
- (7) net quantity contents.

If any information as described in this subsection is not included on the manufacturer's label, but instead is on the manufacturer's package insert, the package insert must be maintained on the veterinarian's truck.

(j) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label that sets forth the following:

- (1) Name and address of the veterinarian.
- (2) Name and address of the client.
- (3) Name of the horse.
- (4) Date of prescription or dispensing of drug, or both.
- (5) Directions for use, including dose and duration directions, and number of refills.
- (6) Name and quantity of the drug (or drug preparation, including compounds) prescribed or dispensed.
- (7) For compounded drugs, the established name of each active ingredient.
- (8) Any necessary cautionary statements.

(k) The practice, administration, or application of a treatment, procedure, therapy, or method identified in this subsection which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and that may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device. (*Indiana Horse Racing Commission; 71 IAC 8-6-2; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA)*)

### 71 IAC 8-6-3 Use of bisphosphonates

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. (a) It is a prohibited practice to administer bisphosphonates to any horse under four (4) years of age. Horses four (4) years of age or older may only be administered bisphosphonates under the following circumstances:

- (1) Only bisphosphonates that are FDA approved for use in the horse may be administered according to label requirements and only for diagnosed cases of navicular disease.
- (2) If a horse older than four (4) years of age is administered bisphosphonates, the commission must be notified within twenty-four (24) hours of administration and the horse shall be placed on the veterinarian's list for no less than six (6) months after the last administration. Prior to returning to racing, the horse must qualify and perform in such a manner that is satisfactory

to the official veterinarian. The official veterinarian, the judges, or a commission designee may order additional testing for a returning horse at their discretion.

(b) If any bisphosphonate is detected in an out of competition or post-race test sample and the commission has not received timely notification of an administration, the detection shall be treated as a finding of a foreign substance pursuant to 71 IAC 8-1-2. The horse shall be placed on the veterinarian's list for no less than six (6) months from the date of sampling. Prior to returning to racing, the horse must qualify and perform in such a manner that is satisfactory to the official veterinarian. The official veterinarian, judges, or a commission designee may order additional testing for a returning horse at their discretion.

(c) The penalty for violation of this rule shall be consistent with the classification for bisphosphonates set forth in the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule, as revised by ARCI in 2020 and any other subsequent revision after said date, which are incorporated herein by reference, copies of which are available at the commission office. (*Indiana Horse Racing Commission; 71 IAC 8-6-3; emergency rule filed Jul 16, 2021, 11:00 a.m.: 20210721-IR-071210301ERA*)

## **Rule 7. Contraband**

### **71 IAC 8-7-1 Contraband**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. No person other than a licensed veterinarian shall have in his or her possession within the association grounds any injectable substance or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection. No such person may possess a tube or any other device used as a drench or any device that may be used to administer a drug or medication to a horse. (*Indiana Horse Racing Commission; 71 IAC 8-7-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

## **Rule 8. Postmortem; Disposal of a Dead Horse**

### **71 IAC 8-8-1 Postmortem; disposal of a dead horse**

Authority: IC 4-31-3-9; IC 4-31-12-10

Affected: IC 4-31

Sec. 1. (a) The official veterinarian, or his/her designee, or judges shall order a postmortem examination of:

(1) each horse that:

(A) suffers a breakdown on the racetrack, in training, or in competition; and

(B) is destroyed; and

(2) each horse that expires while stabled on a racetrack under the jurisdiction of the commission;

to determine the injury or sickness that resulted in euthanasia or natural death.

(b) All shoes shall be left on the horse.

(c) A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the official veterinarian, in accordance with the most recent addition [*sic*] of the Association of Equine Practitioners Guidelines for the Necropsy of a Racehorse.

(d) Test samples specified by the official veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.

(e) The commission shall pay all costs involved in a postmortem examination ordered by the commission or the official veterinarian.

(f) A written record shall be filed with the official veterinarian or his/her designee at the completion of each postmortem examination. The record must contain all information normally contained in a postmortem report, as well as any other information

specifically requested by the official veterinarian. (*Indiana Horse Racing Commission; 71 IAC 8-8-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2221; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

#### **71 IAC 8-8-2 Report of horse death**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The death of any horse on association grounds at any time shall be immediately reported to the judges, the official veterinarian, or the executive director by the practicing veterinarian tending the horse.

(b) The practicing veterinarian tending to a horse that dies on association grounds shall complete the IHRC Death and Euthanasia Report. Such report shall be filed with the judges within twenty-four (24) hours of the death or euthanasia of the horse.

(c) Absent a practicing veterinarian tending to the death or euthanasia of a horse the judges, the official veterinarian, or the executive director shall designate a licensed veterinarian to complete the IHRC Death and Euthanasia Report.

(d) A horse that dies on association grounds shall not be removed without permission of the judge, the official veterinarian, or the executive director. (*Indiana Horse Racing Commission; 71 IAC 8-8-2; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

### **Rule 9. Veterinarian's List**

#### **71 IAC 8-9-1 Veterinarian's list**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The official veterinarian shall maintain a list of all horses that are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity, or medical condition.

(b) Any horse scratched under subsection (a) shall not be eligible to race for a minimum of eight (8) days after the scratch is reported to the judges. Thereafter, the horse shall be eligible to race only after the official veterinarian designates that the horse has satisfactorily recovered the capabilities to perform in a race. (*Indiana Horse Racing Commission; 71 IAC 8-9-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

### **Rule 9.1. Accident on the Track**

#### **71 IAC 8-9.1-1 Accident on the track**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Any horse that falls or is involved in an accident on the track shall report to the test barn for an examination and emergency treatment by the official veterinarian, a licensed veterinarian authorized by the commission, or racing veterinarian. Such horse may be placed on the veterinarian's list at the discretion of the official or racing veterinarian. (*Indiana Horse Racing Commission; 71 IAC 8-9.1-1; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1505; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

## **Rule 10. Human Substance Abuse Testing**

### **71 IAC 8-10-1 Use or possession of controlled substance or prescription drugs**

Authority: IC 4-31-3-9

Affected: IC 4-31; IC 35-48

Sec. 1. (a) No person holding a license issued by the commission or applying for such license shall have present within his or her body, have in his or her possession as defined, or be under the influence of any controlled substance within the enclosure of any race track or other facility under the control of the commission. Furthermore, no person holding a license issued by the commission or applying for such license shall have in his or her possession any prescription drug within the enclosure of any race track under the control of the commission, except as provided for in subsection (c).

(b) Except as set forth in subsection (c), the fact that any person charged with a violation of this rule is or has been lawfully entitled to use alcohol or a controlled substance or prescription drugs shall not constitute a defense against any charge of violating this rule.

(c) A licensee at a race track may possess a prescription drug for use on the licensee's own person if:

(1) it is prohibited from being dispensed by Indiana or federal law without a prescription;

(2) the licensee is in possession of documentary evidence that a valid prescription for the substance has been issued to the licensee; and

(3) the licensee has filed with the presiding judge a sworn statement clearly describing the prescription drug and its intended use.

*(Indiana Horse Racing Commission; 71 IAC 8-10-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1669, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)*

### **71 IAC 8-10-2 Applicant and licensee subject to testing**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Each licensee at a race track or other facility under the control of the commission or applicant for a license may be subject to a urine or saliva test, or both, at any time while within the enclosure of any race track or other facility under the control of the commission at the direction of the executive director, the judges, or commission security if there is reasonable suspicion to believe that such licensee is possessing or using any controlled substance or any drug in violation of any federal or state law. This provision notwithstanding, licensees are subject to random urine or saliva testing pursuant to policies approved by the commission. Failure to submit to or complete a urine or saliva test at the time, location, and manner directed by commission personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete such a test shall be immediately suspended for sixty (60) days and shall not be allowed to participate at any race track under the control of the commission until a negative test result is achieved. Any applicant who fails to submit to such a test when requested to do so shall be refused or denied a license. *(Indiana Horse Racing Commission; 71 IAC 8-10-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176, emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2414; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222; 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 Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA; readopted filed Oct 21, 2021, 8:28 a.m.: 20211117-IR-071210222RFA)*

### **71 IAC 8-10-3 Reasonable suspicion selection**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) Applicants for a license or a licensee may be selected at any time while within the enclosure for testing on a

reasonable suspicion basis.

(b) Reasonable suspicion. When determining whether there is reasonable suspicion to require testing, the judges may consider, but are not limited to, any of the following factors:

- (1) Unexplained or continued rule violations which have a detrimental effect on racing.
- (2) Involvement in any accident which causes injury to person or animal at the track as well as any near accident which created a clear danger of accident or injury to person or animal at the track.
- (3) Willful conduct detrimental to horse racing as evidenced by continued rule violations, other disciplinary problems, behavioral problems, disturbances, or other similar conduct at the track.
- (4) Observable physical or emotional impairment at the track.
- (5) Involvement in a race of questionable outcome or circumstance as determined by the judges in the exercise of their expertise.
- (6) Willful abuse of animal or person who is engaged in a race, work, or exercise at the track.
- (7) Prior positive test or tests in this or other jurisdictions, excluding those where a valid legal prescription has been revealed.
- (8) Performance of prescribed duties in a manner which indicates a best effort to win is not present at the track.
- (9) Information supplied by:
  - (A) a law enforcement agency;
  - (B) the USTA;
  - (C) the ARCI; or
  - (D) the horse racing commission of any state or country;which is verified in writing relating to drug or alcohol abuse, or both.
- (10) Any other physical conduct at the track which can be documented which would indicate reasonable grounds to believe the existence of, dependence on, possession of, or usage of:
  - (A) a controlled substance; or
  - (B) an alcohol violation.
- (11) Refusal to provide a urine or saliva sample when requested to do so within this section.
- (12) Recent arrest or pending criminal charges regarding the sale, possession, manufacture, cultivation, or use of illegal drugs.

*(Indiana Horse Racing Commission; 71 IAC 8-10-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2414; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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 Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA; readopted filed Oct 21, 2021, 8:28 a.m.: 20211117-IR-071210222RFA)*

#### **71 IAC 8-10-4 Taking of samples**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. Any applicant or licensee selected by direction of the judges, commission personnel, or their designee, who is requested to submit to a urine or saliva test shall, without undue delay, at a location and in the manner prescribed by the commission provide the urine or saliva sample, or both. *(Indiana Horse Racing Commission; 71 IAC 8-10-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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 Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA; readopted filed Oct 21, 2021, 8:28 a.m.: 20211117-IR-071210222RFA)*

#### **71 IAC 8-10-5 Positive sample results**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) A positive test result attained shall be reported in writing to the commission director of security or his or her designee from the laboratory performing the test analysis. A positive test result confirming the presence of any controlled substance or prescription drugs shall be prima facie evidence that there has been a violation of section 1 of this rule. In the event of such a

positive test, it is presumed that:

- (1) the sample of urine or saliva tested by the laboratory to which it is sent is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and
- (3) the report received from the laboratory pertains to the sample taken from the person in question and correctly reflects the condition of the person at the time that the sample was given.

With respect to the presumptions set forth in this subsection, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter which is conducted by the judges or by the commission.

(b) Upon receipt of written notice from the testing laboratory that a specimen has been found positive for a controlled substance or a prescription drug, the commission director of security or his or her designee shall, as quickly as possible, notify the licensed person by:

- (1) public service;
- (2) in person; or
- (3) by certified mail, return receipt requested;

of the positive test.

(c) An association that has obtained a positive test result confirming the presence of any controlled substance in an association employee, who is a licensee or an applicant for a license, shall notify the commission director of security or his or her designee and the affected employee as quickly as possible. (*Indiana Horse Racing Commission; 71 IAC 8-10-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2109; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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 Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA; readopted filed Oct 21, 2021, 8:28 a.m.: 20211117-IR-071210222RFA*)

#### **71 IAC 8-10-6 Penalties**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Upon a finding of a positive test, the judges or commission shall, to the extent of its regulatory authority, impose the following sanctions:

(1) For a licensee's first violation, he or she shall be suspended for thirty (30) days and, in order for the suspension to be lifted, shall be subject to a mandatory drug retest after thirty (30) days from the first violation of this article. Such additional drug test, known as the standard drug test, shall be done by the commission testing laboratory at the licensee's expense. Until such retest using the standard drug test achieves negative results, the licensee shall remain suspended with the following exceptions:

(A) For a licensee's first violation, he or she may take a drug test after thirty (30) days from the first violation of this article known as the immediate drug test. Provided the immediate drug test is negative, the licensee's suspension will be lifted, by amending the initial ruling, while the results of the standard drug test are pending. If the licensee's standard drug test returns a negative result, the licensee's suspension remains lifted.

(B) If the standard drug test returns a positive result, the judges will enter an amended ruling suspending the licensee until such time as a standard drug test, which shall be done by the commission testing laboratory at the licensee's expense, returns a negative result.

The licensee is only allowed one (1) immediate drug test, which is to be taken at the end of the initial thirty (30) day suspension.

(2) For a second violation, the licensee shall be suspended for a minimum of sixty (60) days and shall be required to enroll in a substance abuse treatment program approved by the commission. It shall be the licensee's responsibility to provide the commission with written notice of his or her enrollment, weekly status reports, and written notice that he or she has successfully completed the program and has been discharged. The licensee shall remain suspended until the requirements have been fulfilled. The requirements shall include an additional drug test with negative results. Such test shall be under the supervision or approval of the commission.

(3) For a third violation, the licensee will receive a mandatory suspension of his or her license for a period of one (1) year and shall not be eligible to reapply for his or her license until the applicant pays for and submits to two (2) urine or saliva samples, or both, thirty (30) days apart with both samples failing to show any trace of a controlled substance or prescription drug. All such samples shall be obtained and tested by the commission or approved by the commission at a location and in a manner prescribed by the commission and at the expense of the licensee. After the licensee has received two (2) negative tests, he or she may reapply for a license unless his or her continuing participation at a race meeting shall be deemed by the commission director of security or his or her designee to be detrimental to the best interest of horse racing.

(b) Prior human controlled substance or prescription drug violations reflected on a person's racing record from any jurisdiction recognized by the commission, including Indiana, shall be counted as violations when determining appropriate penalties as set forth in subsection (a).

(c) In determining the penalty to impose for an offense covered by this rule, the judges or the commission may consider any mitigating or exacerbating, or both, circumstances and make an appropriate adjustment to the penalties that are set forth in subsection (a). (*Indiana Horse Racing Commission; 71 IAC 8-10-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2163; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA; emergency rule filed Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA*)

## **Rule 11. Prohibition of Alcohol**

### **71 IAC 8-11-1 Prohibited use or presence of alcohol within the enclosure**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 1. (a) No racing official or driver during or prior to the performance of his or her duties shall consume any alcoholic beverage within the enclosure of any race track under the control of the commission.

(b) No racing official, driver, trainer, groom, or other licensee attending to horses or within a restricted area of any race track under the control of the commission shall have present within his or her body any amount of alcohol in excess of five-hundredths of one percent (.05%) by weight in grams in one hundred (100) milliliters of the person's blood, or in two hundred ten (210) liters of the person's breath.

(c) The fact that any person charged with a violation of this rule is or has been otherwise lawfully entitled to use or consume an alcoholic beverage shall not constitute a defense against any charge of violating this rule. (*Indiana Horse Racing Commission; 71 IAC 8-11-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2415; errata filed Mar 5, 1998, 1:45 p.m.: 21 IR 2392; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

### **71 IAC 8-11-2 Licensee subject to testing; positive sample results**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 2. A permit holder shall provide an alcohol breath testing device that is approved by the commission and operated by a person certified to use such a device. All drivers, judges, starters, the paddock judge, horse identifier, photo finish technician, test barn veterinarian, racing veterinarian, outriders, and drivers of starting gates shall submit to a breath test prior to the beginning of their duties at each program in which they participate. Any licensee on the track surface during training hours or any licensee scheduled to drive in a qualifying race is subject to testing at the discretion of the judges. In addition, the racing secretary, the judges, the commission director of security, or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test. A positive test result

as defined by section 1(b) of this rule shall be prima facie evidence that there has been a violation of of [sic] section 1 of this rule. In the event of such positive test, it is presumed that:

- (1) the breath sample tested is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection and analysis of this sample are correct and accurate; and
- (3) the report issued by the commission pertains to the sample taken from the person in question correctly reflects the condition of the person at the time of the sample was given.

With respect to the presumptions set forth in this section, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter which is conducted by the stewards or by the commission. (*Indiana Horse Racing Commission; 71 IAC 8-11-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; errata filed Aug 11, 2006, 11:15 a.m.; 20060830-IR-071060278ACA; 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 Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA*)

### **71 IAC 8-11-3 Penalties**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. (a) A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood shall be summarily suspended under the rules of the commission and subject to any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(b) The judges may relieve a licensee, except an owner, owner/trainer, or trainer, of any duties for that day should that person show a reading between one-hundredth of one percent (0.01%) and five-hundredths of one percent (0.05%) by weight of alcohol in a person's blood.

(c) The permit holder's security department shall immediately inform the judges of any reading of one-hundredth of one percent (0.01%) and above. (*Indiana Horse Racing Commission; 71 IAC 8-11-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2082; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2538; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA*)

### **71 IAC 8-11-4 Refusal or failure to be tested**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 4. The judges may, on behalf of the commission, impose the following sanctions against a licensee who refuses or fails to submit to or complete a breath test:

(1) For the first refusal or failure, a civil penalty of one hundred dollars (\$100) and a seven (7) day suspension.

(2) For a second refusal or failure, a civil penalty of two hundred fifty dollars (\$250) and a thirty (30) day suspension.

(3) For any additional refusals or failures to submit to a breath test, a civil penalty of two hundred fifty dollars (\$250), a sixty (60) day suspension, and referral of the case to the commission for any further action that the commission considers necessary.

(*Indiana Horse Racing Commission; 71 IAC 8-11-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1178; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1672, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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 Jun 29, 2018, 1:04 p.m.: 20180704-IR-071180278ERA*)

## **Rule 12. Erythropoietin and Darbepoietin (Repealed)**

(*Repealed by Indiana Horse Racing Commission; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff*



*Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]*

### **Rule 13. Equine Health; Requirements**

#### **71 IAC 8-13-1 Equine health; requirements**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Any horse stabled on the grounds, participating in a race, or entered in a race shall have on file with the association prior to entering the association premises a negative test result for equine infectious anemia (Coggins test) within the last twelve (12) months, in accordance with state law.

(b) Any horse entering association grounds that is arriving from out of state, and entering association grounds for the first time after racing or residing in a state other than Indiana for any period of time, shall have on file with the racing secretary prior to entering the association premises a certificate of veterinary inspection (CVI or health certificate) completed within the last thirty (30) days by a licensed veterinarian, in accordance with state law.

(c) A copy of all documents described in subsections (a) and (b) and any additional documentation required by the association shall be kept with the horse at all times and presented to security personnel upon entering association premises.

(d) Any person found altering, counterfeiting, or forging any document including, but not limited to, proof of equine infectious anemia (Coggins test), certificate of veterinary inspection (CVI or health certificate), or any other additional documentation required by the association in an attempt to circumvent these rules shall be subject to a fine or suspension or both. (*Indiana Horse Racing Commission; 71 IAC 8-13-1; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Dec 9, 2021, 2:22 p.m.: 20211215-IR-071210525ERA*)

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