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**TITLE 71 INDIANA HORSE RACING  
COMMISSION**

LSA Document #05-221(E)

**DIGEST**

Adds 71 IAC 8.5-13 concerning general provisions, specific levels requiring scratch, refusal to test, blood gas analyzer report, finding of normal levels, option to determine normal level, penalties, presence of horse in paddock, and presence of caretaker in paddock. Effective August 10, 2005.

**71 IAC 8.5-13**

SECTION 1. 71 IAC 8.5-13 IS ADDED TO READ AS FOLLOWS:

**Rule 13. Excess Levels of Sodium, Bicarbonate, or pH**

**71 IAC 8.5-13-1 General provisions**

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

**Affected:** IC 4-31-12

**Sec. 1. An excess level of sodium (Na), bicarbonate (HCO<sub>3</sub>), or pH shall be deemed to have an adverse effect on the horse by changing the normal physiological state of the horse. Excess levels of sodium (Na), bicarbonate (HCO<sub>3</sub>), or pH in the horse are deemed to be contrary to the best interests of thoroughbred and quarter horse 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 8.5-13-1; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3599)**

**71 IAC 8.5-13-2 Specific levels requiring scratch**

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

**Affected:** IC 4-31-12

**Sec. 2. (a) The stewards shall order scratched or disqualified:**

**(1) any horse that races or is scheduled to race that registers readings of:**

**(A) bicarbonate (HCO<sub>3</sub>) at thirty-six (36) or higher; and**

**(B) a pH level at seven and four hundred forty-five thousandths (7.445) or higher; and**

**(2) any horse on the bleeder's list that races or is scheduled to race that registers readings of:**

**(A) bicarbonate (HCO<sub>3</sub>) at thirty-eight (38) or higher; and**

**(B) a pH level at seven and four hundred seventy-thousandths (7.470) or higher;**

**and on each of the two (2) tests from a blood gas analyzer when such tests have been conducted. No horse shall be ordered scratched or disqualified in accordance with the provisions of this section unless both readings for bicarbonate (HCO<sub>3</sub>), and pH are equal to or exceed the levels established in this section.**

**(b) In its discretion, the commission or commission designated track employees may retest a horse whose first test results are within allowable limits. Should a retest under this situation indicate high levels as provided in subsection (a), the retest shall be considered an initial screening. High levels on a subsequent test as provided in subsection (a) shall be considered a violation of this rule and the horse shall be scratched or disqualified.**

**(c) The provisions of subsection (a) notwithstanding, the stewards shall not order the disqualification of a horse selecting quarantine under these rules if the commission is satisfied on the basis of clear and cogent evidence derived from the testing of the horse's blood during quarantine that such levels are physiologically normal for that specific horse. (Indiana Horse Racing Commission; 71 IAC 8.5-13-2; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600)**

### 71 IAC 8.5-13-3 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 [*sic., a*] track employee or commission employee shall have the applicable horse or horses scratched or disqualified by the stewards. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-3; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600*)

### 71 IAC 8.5-13-4 Blood gas analyzer report

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. A finding by the technician licensed by the commission operating the blood gas analyzer that a test sample taken from a horse contains any substance foreign to the natural horse, including the levels of substance in excess of those established in this rule, 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 blood or other acceptable specimen tested by the blood gas analyzer 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 blood gas analyzer, and analyses of the sample are correct and accurate; and

(3) the report received from the blood gas analyzer pertains to the sample taken from the horse in question and correctly reflects the condition of the horse at the time the sample was done;

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 stewards or the commission. The trainer shall be responsible for promptly notifying the owner of a horse with a blood gas analysis report indicating levels in violation of this rule. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-4; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600*)

### 71 IAC 8.5-13-4.1 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 8.5-13-4.1; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600*)

### 71 IAC 8.5-13-5 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 stewards, 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 stewards. 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 stewards 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 stewards may waive the provisions of this rule and permit the horse to race. Notwithstanding the provisions of subsection (b), the stewards 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 stewards 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 8.5-13-5; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600*)

**71 IAC 8.5-13-6 Penalties**

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

**Affected: IC 4-31-12**

**Sec. 6. (a) The trainer or responsible party shall receive a warning for the first violation of this rule. No ruling shall be issued for the first violation of this rule.**

(b) The stewards shall consider 71 IAC 2-11-1 when determining the penalty for a licensee who commits a second or subsequent violation of this rule or a comparable rule in another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-6; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3601*)

**71 IAC 8.5-13-7 Presence of horse in ship-in barn**

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

**Affected: IC 4-31-12**

**Sec. 7. The trainer is responsible for having any horse shipping to the track on race day to go directly to its assigned stall in the ship-in barn.** (*Indiana Horse Racing Commission; 71 IAC 8.5-13-7; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3601*)

**71 IAC 8.5-13-8 Presence of caretaker with horse**

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

**Affected: IC 4-31-12**

**Sec. 8. The trainer is responsible for having a licensed person present with the horse until the horse leaves for the paddock.** (*Indiana Horse Racing Commission; 71 IAC 8.5-13-8; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3601*)

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