

CANTERBURY PARK LOCATION  
1100 CANTERBURY ROAD, STE. 100  
SHAKOPEE, MN 55379  
TELEPHONE: 952-496-7950  
FAX: 952-496-7954  
WWW.MRC.STATE.MN.US



RUNNING ACES HARNESS PARK LOCATION  
15201 ZURICH STREET, STE. 212  
COLUMBUS, MN 55025-7908  
TELEPHONE: 651-925-3951  
FAX: 651-925-3953  
WWW.MRC.STATE.MN.US

---

MINNESOTA RACING COMMISSION

February 5, 2018

Legislative Reference Library  
645 State Office Building  
100 Constitution Avenue  
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Minnesota Racing Commission Governing Minnesota Rules, Parts 7876 Stabling; 7877 Class C Licenses; 7890 Horse Medication; 7891 Physical Examination; and 7892 Medical Testing. Revisor's ID Number 4498

Dear Librarian:

The Minnesota Racing Commission intends to adopt rules relating to Minnesota Rules, Parts 7876 Stabling; 7877 Class C Licenses; 7890 Horse Medication; 7891 Physical Examination; and 7892 Medical Testing. We plan to publish a Notice of Intent to Adopt Rules without a Public Hearing in the February 12, 2018 State Register.

The Department has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-925-3956.

Yours very truly,

Patricia Sifferle  
General Counsel

Enclosure: Statement of Need and Reasonableness

## Minnesota Racing Commission

### STATEMENT OF NEED AND REASONABLENESS

#### **Possible Amendment to Rules Governing Horse Racing, Minnesota Rules, Parts 7876 Stabling; 7877 Class C Licenses; 7890 Horse Medication; 7891 Physical Examination; and 7892 Medical Testing.**

#### INTRODUCTION

The Minnesota Racing Commission (MRC) continuously strives to keep its rules current and relevant as the industry evolves. This rulemaking project was initiated by the MRC's chief veterinarian in order to update rules relating to horse health, veterinary practices and medications. The changes will ensure that our rules remain consistent with best practices and recent developments in equine veterinary medicine. Following is a brief summary of the changes.

#### 7876.0100, Subpart 1. **Allocation of stalls.**

This rule part is being repealed because it is duplicative and unnecessary.

#### 7876.0100, Subp. 2. **Forms.**

A non-substantive change is made to the rule heading.

#### 7876.0100, Subp. 4a. **Horses without required documentation.**

This new subpart would specify that horses who arrive at a racetrack without required health documents must be refused entry or kept in an isolation area until the documentation is presented to the commission veterinarian.

#### 7876.0100, Subp. 8. **Documents to be kept.**

The update would eliminate the requirement for racetracks to keep past performance charts as part of the stall application process.

#### 7876.0100, Subp. 10. **Original certificate of veterinary inspection.**

The proposed update would require horses' health certificates to include rectal temperature and date of most recent EHV-1 vaccination.

#### 7876.0100, Subp. 11. **Record of negative test for equine piroplasmiasis.**

Non-substantive edits are made for readability. Testing would now be required for suspected instead of active cases of equine piroplasmiasis, but would cease to be required for a strain no longer seen in the continental United States.

7876.0110, Subp. 3. **Horses must be at racetrack for race day inspection.**

The update would change the time the horses need to be at the racetrack on race day from 9:00 a.m. to 8:00 a.m.

7876.0110 Subp. 4. **Original certificate of veterinary inspection.**

The proposed update would require horses' health certificates to include rectal temperature and date of most recent EHV-1 vaccination.

7876.0110, Subp. 5. **Record of negative test for equine piroplasmosis.**

Non-substantive edits are made for readability. Testing would now be required for suspected instead of active cases of equine piroplasmosis, but would cease to be required for a strain no longer seen in the continental United States.

7876.0110, Subp. 6. **Horses without required documentation.**

This new subpart would specify that horses stabled off the grounds that arrive at a racetrack without required health documents must be refused entry or kept in an isolation area until the documentation is presented to the commission veterinarian.

7876.0120, Subpart. 1. **Certificate of veterinary inspection.**

The proposed update would require horses' health certificates to include rectal temperature and date of most recent EHV-1 vaccination.

7876.0120, Subp. 3. **Horses without required documentation.**

This new subpart would specify that non-racing horses who arrive at a racetrack without required health documents must be refused entry or kept in an isolation area until the documentation is presented to the commission veterinarian.

7877.0175, Subp. 8. **Commission veterinarian.**

The new language would add additional reasons a horse may be on the veterinarian's list, taken from the industry model rules. It would also clarify that horses working to get off the veterinarian's list are subject to drug testing and must have a clean test before being removed from the list. The time on the veterinarian's list would be increased from five to seven days for consistency with model rules and rules in other states. References to an association veterinarian are removed because they are obsolete, and the duties of the association would now be duties of the commission veterinarian.

7877.0175, Subp. 8a. **Association veterinarian.**

The commission is proposing to repeal this subpart because it is obsolete.

7890.0110, Subp. 9. **Endogenous, dietary, and environmental substances.**

A non-substantive update is proposed for readability and to clarify that these substances are governed by the Association of Racing Commissioners International schedule, which is incorporated by reference under part 7869.0200.

7890.0110, Subp. 10. **Medications with regulatory limits.**

Non-substantive edits are made for clarification and readability.

7890.0110, Subp. 14. **Use of electrical or mechanical devices.**

This new subpart would restrict the use of certain treatments within 48 hours of racing without permission of the stewards in consultation with the commission veterinarian.

7890.0120, Subpart 1. **Veterinarians must keep records.**

The update would allow private veterinarians to submit their daily treatment reports to the commission veterinarian electronically. It would also make these reports due at noon on race day instead of post time, which is confusing because it varies for each horse and for each race day.

7890.0140, Subp. 6. **Furosemide may be permitted.**

The proposed change would allow horses to continue racing with furosemide when transferred to a different trainer.

7890.0140, Subp. 7a. **Conditions required for furosemide administration.**

The proposal would allow the commission veterinarian to administer furosemide. It would also govern the dose of furosemide approved for a horse when it transfers to a different trainer.

7891.0100, Subp. 1c. **Trainer must post stall.**

A minor update would require signs to be posted at 8:00 a.m. instead of 9:00 a.m. on the stalls of horses entered to race on a given day.

7892.0129, Subpart 1. **Horses tested.**

The commission is proposing to add growth hormone, steroids and clenbuterol to the list of substances that may be tested for outside of competition. Testing is expanded to any stakes race or other designated series or event as agreed on the nomination form.

### **ALTERNATIVE FORMAT**

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or audio. To make a request, contact Patricia Sifferle at the Minnesota Racing Commission, 15201 Zurich Street, Suite 212, Columbus, MN 55025; phone 651-925-3956, fax 651-925-3954; or email [patricia.m.sifferle@state.mn.us](mailto:patricia.m.sifferle@state.mn.us). TTY users may call the Racing Commission at 800-627-3529.

## STATUTORY AUTHORITY

The Racing Commission's statutory authority to adopt the rules is set forth in Minnesota Statutes section 240.23, which provides as follows:

The Commission has the authority, in addition to all other rulemaking authority granted elsewhere in this chapter to promulgate rules governing: a) the conduct of horse races held at licensed racetracks in Minnesota, including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results, b) wire and wireless communications between the premises of a licensed racetrack and any place outside the premises, c) information on horse races which is sold on the premises of a licensed racetrack, d) liability insurance which it may require of all racetrack licensees, e) the auditing of the books and records of a licensee by an auditor employed or appointed by the Commission, f) emergency action plans maintained by licensed racetracks and their periodic review, g) safety, security, and sanitation of stabling facilities at licensed racetracks, h) entry fees and other funds received by a licensee in the course of conducting racing which the Commission determines must be placed in an escrow account, i) affirmative action in employment and contracting by licensed racetracks, and j) procedures for the sampling and testing of any horse that is eligible to race in Minnesota for substances or practices that are prohibited by law or rule; and (k) any other aspect of horse racing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare, or safety.

This provision was enacted in 1983 and only amended once since January 1, 1996. Items b and j above were added effective May 25, 2015. *Laws of Minnesota 2015*, Chapter 77, art. 4 § 20. However, the MRC believes this was a non-substantive amendment because it already had catch-all authority under item k to promulgate rules governing any aspect of horse racing or pari-mutuel betting which in its opinion affect the integrity of racing or the public health, welfare or safety. In any case, the MRC did promulgate new rules relating to item j above within 18 months of enactment of this amendment. R-4380, governing horse medication and testing, was adopted on March 18, 2016.

In addition, Minnesota Statutes, section 240.24 provides, “The commission shall make and enforce rules governing medication and medical testing for horses running at licensed racetracks.” The commission has enacted numerous rules under this section, which has not been amended since January 1, 1996.

## REGULATORY ANALYSIS

- (1) A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**

The people probably affected by these proposed rule changes are racetracks, horse owners and trainers, veterinarians, and other persons who wager on horse races. All stakeholders will benefit from the updating, simplification and clarification of existing rules. Most of the changes are either non-substantive changes or are simply codification of existing interpretation and practice. The commission believes that there will be no increased cost to anyone as a result of these rules. Horse owners and trainers will benefit from enhanced health protections for horses.



**(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues**

There is no anticipated change in costs to the Commission or to any other state or local agency due to these proposed amendments.

**(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule**

The commission believes the proposed changes will not be intrusive, as they mainly seek to update and clarify existing rules and make them consistent with other jurisdictions, industry practices or uniform model rules. The cost to implement them will be minimal. The commission has not identified any less costly or less intrusive methods for achieving the purposes of the proposed rules.

**(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.**

Industry participants and stakeholders presented many of the proposed rule changes. Others are proposed in order to update, clarify or simplify existing rules. Some of the proposed rules have been used by the commission as guidelines or by the racetracks as “house rules.” They reflect current practices in the industry. However, to the extent these guidelines and practices affect the rights and duties of licensees, the commission believes they should be adopted in rules rather than implemented as racetrack “house rules” or commission guidelines.

**(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals**

There are no significant anticipated costs to governmental units, businesses or individuals. Most of these proposals seek to clarify or simplify existing rules, conform the rules to industry practice, or conform rules to national trade association rules for the sake of keeping them up-to-date and consistent with requirements in other racing jurisdictions.

**(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals**

The consequences of not adopting the proposed rules would be that some of Minnesota’s horseracing rules would be inconsistent with model rules that are being adopted in other jurisdictions. Horses would be more at risk of overmedication and infectious diseases. Racetracks would need to continue complying with some overly burdensome regulations that are unnecessary and obsolete.

**(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference**

There are no current federal regulations regarding these proposed rule changes. Horse racing is regulated by the various individual state racing commissions. However, there is a growing initiative to regulate racing through national legislation. The current bill in Congress has attracted bipartisan support.

Several of the proposed rules are aimed at achieving uniformity across states, reciprocity with other jurisdictions, and adoption of industry model rules.

**(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.**

The proposed rules cover areas that are not addressed by federal law or other Minnesota laws or rules. The rules are designed to complement Minnesota Statutes, Chapter 240 without duplicating requirements therein. Another goal is to make our rules consistent with those in other states for the benefit of horsemen who routinely race in other states as well as in Minnesota, thus reducing the cumulative effect of our rules.

### **PERFORMANCE-BASED RULES**

These rules are proposed to support the health and safety of the horse and the integrity of racing consistent with the MRC mission. They were developed with every effort to emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated parties and the agency in meeting those goals. We consulted with staff, commissioners, the Office of the Attorney General, interested industry members, and regulators from other states. We also reviewed model rules and rules in effect in other states.

Some of these proposed rules are based on model rules developed by the Association of Racing Commissioners International (ARCI), a group comprised of government regulators of horse racing from throughout North America. It is a not-for-profit trade association with no regulatory authority. Its members individually possess regulatory authority within their jurisdictions and solely determine whether to adopt ARCI recommendations on policies and rules. The Minnesota Racing Commission's leadership is actively involved in ARCI committees and on the Board.

The development of model rules, standards and best practices is an ongoing project of ARCI member agencies. Relying upon the collective expertise of regulatory personnel from member states in consultation with regulated entities and industry stakeholders, ARCI committees continually consider ways to enhance the regulation of racing. The ARCI Model Rules are all-encompassing. They affect Thoroughbred, Quarter horse and Standardbred racing. States are encouraged to adopt model rules to enhance uniformity of regulation in a sport that has evolved to be multi-jurisdictional.

Anyone can help the ARCI to improve racing regulation by proposing a new or amended model rule. Model rule proposals typically originate from industry stakeholders such as the Racing Medication and Testing Consortium (RMTC), the national Horsemen's Benevolent and Protective Association, the Organization of Racing Investigators, the Jockey's Guild, the various breed registries (The Jockey Club, the American Quarter Horse Association and the United States Trotting Association), the North American Association of Racetrack Veterinarians, the American Association of Equine Veterinarians, and the individual states themselves.

Model rules that originate within these stakeholder groups are supported by their members and board leadership. In the case of medication rules, for example, the RMTC has a standing Scientific Advisory Committee made up of regulatory veterinarians, veterinary pharmacologists, private practice veterinarians, and analytical chemists. The SAC reviews both RMTC-sponsored research as well as studies performed worldwide to arrive at proposed regulatory threshold recommendations to the industry. These proposals, once endorsed by the RMTC Board, go to the ARCI for review. At ARCI, the proposals would be reviewed by standing committees such as the Drug Testing Standards and Practices Committee,

the Equine Safety Committee, and the Regulatory Veterinarians Committee prior to going to the Model Rules Committee, where testimony is heard, amendments are offered, and a vote is held to recommend adoption or reject the proposed rule. A rule recommended for adoption goes to the ARCI Board of Directors for final determination. The MRC's Executive Director is a member of both the Model Rules Committee and the Board.

### ADDITIONAL NOTICE

The Minnesota Racing Commission began work on these rule proposals in August of 2017 after receiving recommendations from racing stewards, judges, racetracks and the Commission Veterinarian. A well-attended stakeholder meeting was held on September 27, 2017 to discuss the proposals. Notice of the meeting was sent to all persons on the commission's rulemaking list, as well as to Class A and B license holders and industry stakeholder groups. Horse trainers, owners, racetrack representatives, racing officials, horsepersons groups, the Jockey's Guild, and commission staff attended the meeting. The public was encouraged to submit additional proposals.

After the initial 60-day comment period, the proposed rules were revised and then thoroughly discussed at a public meeting of the Minnesota Racing Commission's Racing Committee, a panel comprised of three commissioners, on December 13, 2017. Members of the public provided valuable input at this meeting. The Racing Committee unanimously voted to recommend the rules to the full Commission with some minor modifications. On December 21, 2017 the full Minnesota Racing Commission met and accepted the Racing Committee's recommendation and voted to publish the Notice of Intent to Adopt Rules. The rules discussion was clearly included on all agendas duly prepared and mailed or e-mailed 7 days prior to these public meetings. Agendas were also posted on the Commission's website. Minutes and recordings of the meetings are available on the Commission's website at [www.mrc.state.mn.us](http://www.mrc.state.mn.us).

Our Notice Plan includes:

1. Publishing the Request for Comments in the October 2, 2017 edition of the State Register.
2. Posting the Request for Comments on the Office of Administrative Hearings rulemaking e-comments website with a link from commission's website.
3. E-mailing the Request for Comments to everyone registered to be on the Commission's rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a.
4. E-mailing the Request for Comments to Class A & B licensees as well as horsemen's organizations that are affected by horse racing in Minnesota, including the Minnesota Thoroughbred Association, the Horsemen's Benevolent and Protective Association, Minnesota Harness Racing, Inc., the Minnesota Quarter Horse Racing Association, the Jockey's Guild, and the United States Trotting Association.
5. E-mailing the Request for Comments to organizations in Minnesota identified as having an interest in animal health including the Minnesota Board of Animal Health, the Minnesota Humane Society, the Minnesota Veterinary Medical Association, and the University Of Minnesota College Of Veterinary Medicine.
6. Our Notice Plan also includes giving notice required by statute. We will mail the proposed rules and Notice of Intent to Adopt to everyone who has registered to be on the Commission's rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. The Proposed Rules and the Notice of Intent to Adopt will also be published in the State Register.
7. We will post the Notice of Intent to Adopt Rules, along with the draft rules and SONAR on the Office of Administrative Hearings rulemaking e-comments website, with a link on our website.



8. The Commission will send an e-mail with a link to the draft rules, SONAR, and Notice of Intent to Adopt Rules to all Class A & B licensees, horsemen's organizations, and animal health organizations in Minnesota, and everyone registered to be on the Commission's rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a, as noted in paragraphs 3-5 above.

### **CONSULT WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Commission will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Commission publishes the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The MRC will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH with the documents it submits for ALJ review.

### **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Commission has determined that they will not, because all activity that these amendments affect occurs on licensed racetrack grounds, not out in the local community. There are times where we may have to contact local law enforcement or county/city attorney offices, but that is in the normal course of fulfilling our duties and responsibilities when events warrant. It is not anticipated that these amendments will either increase or decrease those contacts.

### **COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

As required by Minnesota Statutes, section 14.127, the Racing Commission has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Racing Commission has determined that the cost of complying with the proposed rules will be negligible and could not exceed \$25,000 for a small business. The Racing Commission has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small city.

### **LIST OF WITNESSES**

If these rules go to a public hearing, the Racing Commission anticipates having the following principal witnesses testify in support of the need for and reasonableness of the rules:

1. Thomas DiPasquale, MRC Executive Director
2. Dr. Lynn Hovda, Chief Commission Veterinarian, Minnesota Racing Commission
3. Dr. Camille McArdle, MRC, Chair MRC Racing Committee
4. Mr. James Lane, MRC Vice Chair
5. Ms. Patricia Sifferle, General Counsel

Additional witnesses could be called as needed.

## RULE BY RULE ANALYSIS

### 7876.0100, Subpart 1. **Allocation of stalls.**

This rule part is being repealed because it is duplicative and unnecessary. It states that the racing secretary shall be responsible for stall allocation unless the association appoints a committee to perform that function and so notifies the commission. The racing secretary is an employee of the association (the racetrack). Subpart 2 of this rule part provides, "the association shall allocate stalls pursuant to a written stall application and agreement, on forms approved by the commission." Subpart 4 grants the association "broad discretion in allocating stalls" subject to the non-discrimination and other requirements in subpart 5. Thus the commission believes it is unnecessary to prescribe precisely who shall be responsible for allocating stall space, and the commission is proposing to repeal Subpart 1.

### 7876.0100, Subp. 2. **Forms.**

A non-substantive change is made to the rule heading. With the repeal of Subpart 1 as described above, this subpart can now be titled, "Allocation of stalls."

### 7876.0100, Subp. 4a. **Horses without required documentation.**

This new subpart would specify that horses who arrive at a racetrack without the required health documentation must be denied entry or kept in an isolation area until the documentation is presented to the commission veterinarian. This is a codification of longstanding interpretation, practice and racetrack "house rules."

Prevention of infectious disease is essential to the overall health of the horses stabled at a licensed racetrack and is also necessary for a successful racing program. The certificate of veterinary inspection (CVI) is a document used in one form or another by all states to ensure that imported animals do not carry illness or parasites that may be harmful to people or other animals. CVI requirements for horses vary from state to state but generally include negative test results for equine infectious anemia (a contagious reportable disease with no preventative vaccination), rectal temperature to indicate that the horse was not infectious at the time the certificate was written, and vaccination history for Equine Herpes Virus-1 (EHV-1) and other diseases. EHV-1 is a highly contagious respiratory disease with a neurological component that generally results in euthanasia of affected horses and quarantine of the facility. Depending on state requirements the CVI may also contain piroplasmiasis test results or other information.

This proposed rule is necessary to keep those horses with an unclear health history away from the general population of racehorses until such time as the CVI documentation is provided. This is necessary to ensure that the spread of infectious disease is slowed or prevented. Keeping horses isolated until they have required health documents has long been the practice of racetracks as encouraged by the commission veterinarian. Both of the Minnesota licensed racetracks have isolation stalls that they use for this purpose.

### 7876.0100, Subp. 8. **Documents to be kept.**

The update would eliminate the requirement for racetracks to keep past performance charts as part of the stall application process. The racetracks typically do not require past performance charts in the stall application process because they are readily available electronically. To the extent they would rely on them, the rule already requires a racetrack to keep "all documents that influenced its decision." Therefore the commission proposes to delete the phrase, "including past performance charts."

7876.0100, Subp. 10. **Original certificate of veterinary inspection.**

As explained above, a certificate of veterinary inspection (CVI) is a document used by all states to ensure that imported animals do not carry illness or parasites. CVI requirements for horses vary from state to state but generally include negative test results for equine infectious anemia (a contagious reportable disease with no preventative vaccination), rectal temperature to indicate that the horse was not infectious at the time the certificate was written, and vaccination history for Equine Herpes Virus-1 (EHV-1) and other diseases. EHV-1 is a highly contagious respiratory disease with a neurological component that generally results in results in euthanasia of affected horses and quarantine of the facility.

The rule already requires a CVI, issued no more than ten days prior to arrival, as a condition of entrance for horses that are to be stabled on the grounds of a licensed racetrack. However, the existing rule only explicitly requires the CVI to include a negative test for equine infectious anemia (EIA). The proposed update would require the CVI to also include rectal temperature and date of most recent EHV-1 vaccination. Virtually all racehorses are vaccinated for EHV-1 because racetracks or breed registries require it. The United States Trotting Association (USTA) requires an EHV-1 vaccination every 6 months. Canterbury Park requires an EHV-1 vaccination within 120 days of entry to the grounds. The rectal temperature provides a good indication of the health of the horse at the time the CVI was written, which in Minnesota is within 10 days of shipping. This is especially important at racetracks where many horses are commingled in a very small amount of space, allowing for easy transmission of disease.

7876.0100, Subp. 11. **Record of negative test for equine piroplasmiasis.**

Equine piroplasmiasis (EP) is a federally reportable equine disease in the United States with many serious ramifications including mandatory quarantine, potential closure of equine facilities, and expensive treatment or euthanasia. No vaccination exists for this disease which is either passed from a chronically infected horse by contaminated material such as needles and syringes (*Theileria equi* strain) or from infected ticks (*Babesia caballi* strain). The species of concern in the United States as identified by the United States Department of Agriculture (USDA) is *Theileria equi*, where contaminated material may be shared at non-licensed, clandestine racetracks or other facilities and the disease passed from one horse to another in this manner.

The existing rule provides that the commission may require horses to be tested for both strains of EP when there is an “active” reported case in North America. However, there are no longer any long-term active cases in the United States because horses that repeatedly test positive are either euthanized or treated in investigational studies. There are, however, “suspected” cases that must be federally reported and tested to prevent jeopardizing the safety of entire barns. Suspected cases are defined by the USDA as those horses having close contact with horses found to be positive for piroplasmiasis by C-ELISA testing. Therefore the commission proposes to amend this rule to allow it to require C-ELISA testing for EP when there is a suspected case reported.

The commission is also proposing to eliminate the requirement to test for the *Babesia caballi* strain because new cases have not been present in the United States. Ticks carrying *Babesia caballi* are found in many other countries, but with the exception of Puerto Rico, few ticks that can carry *Babesia caballi* are found in the United States. Testing of 400,000 horses by the USDA since 2009 has identified *Babesia caballi* in less than a dozen horses and these were determined by the USDA to be chronic cases and not new infections. Thus it is no longer appropriate to require testing for *Babesia caballi* given the low incidence and the cost of this testing.

Non-substantive edits are also being made to this subpart for readability.

7876.0110, Subp. 3. **Horses must be at racetrack for race day inspection.**

The update would change the time by which horses must be at the racetrack on race day from 9:00 a.m. to 8:00 a.m. This will allow the commission veterinarian adequate time to complete all necessary pre-race examinations. Pursuant to part 7891.0100, the commission veterinarian must conduct pre-race examinations for racing soundness and health on all entered horses on race day. With more horses racing, and earlier post times instituted by the racetracks over the years, the commission veterinarian has found it is necessary to begin these examinations at 8 a.m. on race day in order to complete them all and ensure that no horse is overlooked. The change will also enable the commission veterinarian to timely recommended scratches to the Stewards, thus allowing alternate entry horses time to prepare for racing.<sup>1</sup>

7876.0110 Subp. 4. **Original certificate of veterinary inspection.**

The proposed update, applicable to horses stabled off the grounds, is the same as that explained above under part 7876.0100, subpart 10 for horses stabled on the grounds of a licensed racetrack. The CVI serves the same purpose for horses stabled off the grounds as it does for horses stabled on the grounds. Horses stabled off the grounds are shipped to the grounds on race day and kept in close proximity with other racing horses. Therefore the same health standards should apply.

7876.0110, Subp. 5. **Record of negative test for equine piroplasmiasis.**

The proposed update is the same as that explained above under part 7876.0100, subpart 11 for horses stabled on the grounds of a licensed racetrack. Equine piroplasmiasis testing serves the same purpose for horses stabled off the grounds as it does for horses stabled on the grounds. Horses stabled off the grounds are shipped to the grounds on race day and kept in close proximity with other racing horses. Therefore the same health standards should apply.

7876.0110, Subp. 6. **Horses without required documentation.**

This proposed new rule, applicable to horses stabled off the grounds of a licensed racetrack, is the same as that described above under part 7876.0100, subpart 4a for horses stabled on the grounds. It is equally important for these horses to have the same required health documentation before being admitted to the grounds.

7876.0120, Subpart. 1. **Certificate of veterinary inspection.**

This rule part applies to non-racing horses. Most horse trainers bring non-racing horses to the racetrack, either to train them or to have them assist with walking race horses to the track (“pony horses”). The proposed update is the same as that explained above under part 7876.0100, subpart 10 for horses stabled on the grounds and part 7876.0110, subpart 4 for horses stabled off the grounds. The CVI serves the same purpose for all horses admitted to the grounds, as they are all kept in close proximity and thus at risk of communicable diseases. Therefore the same health standards for entrance should apply to non-racing horses.

---

<sup>1</sup> Under part 7883.0120, horses may be scratched by the commission veterinarian with permission of the stewards, which must be done by a “scratch time” designated by the racetrack.



7876.0120, Subp. 3. **Horses without required documentation.**

This proposed new rule, applicable to non-racing horses, is the same as that described above under part 7876.0100, subpart 4a for horses stabled on the grounds and part 7876.0110, subpart 6 for horses stabled off the grounds. Non-racing horses at the racetrack are kept in close proximity with racing horses and equally at risk of spreading communicable diseases. Therefore it is equally important for these horses to have the same required health documentation before being admitted to the grounds.

7877.0175, Subp. 8. **Commission veterinarian.**

One of the primary purposes of the commission veterinarian is to ensure that horses are fit and healthy enough to race. If they are not, they are at risk for catastrophic breakdowns on the racetrack, which typically result in euthanasia and can cause injuries to other horses and riders as well.

The new language would add additional reasons a horse may be put on the veterinarian's list in order to align the Minnesota rule with other racing jurisdictions and with the updated Association of Racing Commissioners International (ARCI) model rule.<sup>2</sup> The updated model rule, approved by the ARCI board on April 20, 2017, was proposed by the Jockey Club and the Racing Officials Accreditation Program in conjunction with the Racing Regulatory Veterinarians. Attached as Exhibit A is the current model rule, along with the recent update proposal and rationale presented to the ARCI Model Rules Committee. The model rule provides consistent, uniform guidance for owners, trainers, and veterinarians as they move between racing jurisdictions in the United States. It helps ensure that horses receive adequate time off to heal from illness, injury, or unsoundness and are inspected closely before they return to racing.

The new item D would require horses that test positive for a prohibited substance or medication overage be included on the veterinarian's list. These horses need time to clear the substance from their system and demonstrate they are able to perform safely without the substance. The new item E would provide that horses that have received a medication or treatment invoking a mandatory stand-down time are also included on the veterinarian's list. The only treatment currently invoking a mandatory stand-down time under our rules is extra-corporeal shock wave treatment, which requires the horse to be off racing for ten days pursuant to part 7890.0110, subpart 3. The jockeys in many states have asked for these horses to be placed on the veterinarian's list because they want to know if a horse has been treated with shock wave therapy. Most states honor and rely on other states veterinarians' lists, which is why it is important to include horses who have received extra-corporeal shock treatment on the veterinarian's list rather than simply prohibiting them from racing in Minnesota.

Proposed edits would also clarify that horses required to post an official timed workout<sup>3</sup> in order to be removed from the veterinarian's list are subject to drug testing and must have a clean test before being removed from the list. This has been the established practice of the commission veterinarian to ensure that the workout is performed without the benefit of illegal substances or excessive levels of therapeutic medications. Finally, the time on the veterinarian's list would be increased from five to seven days in order to conform to the model rule.

---

<sup>2</sup> The commission seeks to keep its rule shorter and simpler than the model rule while still including the essential elements.

<sup>3</sup> Under part 7869.0100, subp. 41a, "'Official timed workout' means a timed workout required and supervised by a commission veterinarian."

References to an “association veterinarian” are removed because they are obsolete. There has been no association veterinarian for at least twenty years, if ever, and the commission is proposing to repeal the duties of the association veterinarian as explained below. Duties of the association veterinarian would now be included in the duties of the commission veterinarian. Thus the addition of the language, “The commission veterinarian shall monitor horses in the paddock, post parade, and starting gate for signs of illness or injury and shall tend to disabled horses pursuant to part 7883.0160, subpart 14.” The commission veterinarian has always performed these duties in practice.

7877.0175, Subp. 8a. **Association veterinarian.**

This subpart currently permits a racetrack to appoint its own veterinarian whose duties may include conducting racing soundness examinations pursuant to part 7891.0100, notifying the stewards of unfit horses, determining which horses should be placed on or removed from the veterinarian’s list, monitoring the health of horses, and tending to disabled horses. In reality, the racetracks have not appointed their own veterinarians for more than twenty years, if ever. The commission veterinarian has always performed all of these duties. Therefore the racetracks have proposed repealing this subpart.

In addition, the commission now believes the position of association veterinarian is ill-advised. It presents an inherent conflict of interest to have a racetrack employee responsible for determining whether horses are fit to race. The racetracks have an interest in keeping as many horses racing as possible so they can fill race cards and generate more wagering activity, whereas the veterinarian’s interest should be purely to ensure that unfit horses are not racing until they are able to do so safely. For this reason, most racetracks around the country no longer hire their own veterinarians. Therefore, the commission is proposing to repeal this subpart and update the duties of the commission veterinarian to include all of the duties of the association veterinarian.

7890.0110, Subp. 9. **Endogenous, dietary, and environmental substances.**

A non-substantive update is proposed for readability and to clarify that these substances are governed by the ARCI schedule, which is incorporated by reference under part 7869.0200.

7890.0110, Subp. 10. **Medications with regulatory limits.**

Non-substantive edits are made for clarification and readability.

7890.0110, Subp. 14. **Use of electrical or mechanical devices.**

Part 7890.0110, subpart 1 and Minnesota Statutes, section 240.24, subdivision 1 prohibit the administration of medications to a horse within 48 hours of racing. While the majority of medications and medical treatments are given via the oral or injectable route, newer techniques allow for administration by other routes such as respirator hoods and masks meant for inhalation, ultrasound guided devices for dermal or topical administration, and transcutaneous and neuromuscular nerve stimulators. All of these electrical, battery-powered or mechanically operated devices provide a non-detectable means of administering medication or providing treatment to horses. Therefore, this proposed new rule would prohibit the use of these devices and machines on racehorses within 48 hours of race time, so that horses do not receive unauthorized or illegal medications or treatments. There is a provision allowing the stewards, in consultation with the commission veterinarian, to permit use of devices that do not administer medications but provide non-drug therapy or treatments.

7890.0120, Subpart 1. **Veterinarians must keep records.**

The update would allow private veterinarians to submit their daily treatment reports to the commission veterinarian electronically and sign them digitally. This will be a convenience for the private practicing veterinarians and the commission veterinarian. The revised rule would also make these reports due at noon on race day instead of post time. Post time is unworkable because it varies for each horse and can be different each race day. Treatment records are recorded on a day-by-day and hour-by-hour basis and are submitted by the veterinarian as a daily report, not as a horse-by-horse treatment report. In addition, having these reports by noon will allow the commission veterinarian to utilize the information in the pre-race inspections and monitor the practicing veterinarians for inadvertent race day administration of prohibited medications.

7890.0140, Subp. 6. **Furosemide may be permitted.**

Furosemide is a medication administered to prevent exercise-induced pulmonary hemorrhage (EIPH) or “bleeding” in race horses. Some trainers use the medication in all of their horses as a prophylactic agent while other trainers believe it is not indicated unless the horse has shown active signs of bleeding. This proposed rule would allow the new trainer and the veterinarian of a claimed or transferred horse to make the decision based on the best interest of the horse and not because furosemide had been previously administered.

7890.0140, Subp. 7a. **Conditions required for furosemide administration.**

There are several parts to this proposed rule change. The first part allows a commission veterinarian to administer furosemide. This may be necessary if the licensed veterinarian employed by the owner or trainer is unable to administer furosemide due to illness or emergency. While this would rarely happen at Canterbury Park, where there are several licensed practicing veterinarians, it is a distinct possibility at Running Aces Casino and Racetrack, where there is routinely only one licensed practicing veterinarian on the grounds. This proposed change is necessary as horses entered to race on furosemide must receive it at a specified time or they cannot race.

The second change follows the update to subpart 6 as explained above. The new trainer and the veterinarian of a claimed or transferred horse should be given the opportunity to make a decision about the appropriate dose of furosemide. The last update removes the reference to urine testing because urine is no longer used for furosemide testing. All testing for furosemide is done using serum or plasma.

7891.0100, Subp. 1c. **Trainer must post stall.**

A minor update would require the “in today” signs to be posted at 8:00 a.m. instead of 9:00 a.m. on the stalls of horses entered to race on a given day. The commission veterinarian normally must begin pre-race inspections at 8 a.m. in order to timely complete them all. Posting the “in today” sign allows the commission veterinarian to quickly and easily find the entered horses. It also helps racetrack and commission personnel monitor these horses and enforce medication rules.

7892.0129, Subpart 1. **Horses tested.**

The commission is proposing to add growth hormone, steroids and clenbuterol to the list of substances that may be tested for outside of competition. Out-of-competition testing may be performed on horses nominated but not yet entered to race in order to ensure they have not been treated with specific prohibited substances that should never be present in a horse intended to race. It is very difficult, if not impossible, to test for these substances in urine or serum unless it is done shortly after administration; yet

their therapeutic effects continue in the horse for several weeks to months after administration. It is possible to work backwards from the time of a stakes race to determine when these substance might have been administered and test horses at that time. For these reasons, growth hormone, exogenous anabolic steroids, and clenbuterol have been added to the list of medications included in out-of-competition testing. All three of these are used in horses to promote growth and muscle mass, improve physical performance, and accelerate wound healing. Exogenous anabolic steroids are those anabolic steroids that a horse does not manufacture in its body and indicate human administration. While some small level of endogenous growth hormone may be detected in equine serum or urine, the synthetic or recombinant form of growth hormone should not be. Clenbuterol is a special addition to the out-of-competition testing rule because on November 1, 2015, it was identified by the American Quarter Horse Association (AQHA) as a forbidden or banned drug (AQHA Rule VIO401) and not allowed in any test sample – urine, serum, or hair – of a horse entered to race. The AQHA has some specific requirements for clenbuterol out-of-competition testing for horses wanting to enter their challenge series and this rule change would accommodate the AQHA requirements. See Exhibit B for general background on the AQHA position on clenbuterol.

It should be noted that this rule only applies when horses are nominated for certain stakes or other special races (sponsored by the racetracks or other organizations) which may require this testing as a condition of nomination and entry. Horse owners consent to it upfront on the nomination form. The commission does not enforce any special medication rules applicable to these races that go above and beyond our own rules in Chapters 7890 and 7897. This rule simply allows the commission veterinarian to conduct the testing. It has come to the commission's attention that some special races other than graded stakes may require this testing. Therefore, the rule is amended to apply to any "stakes or specific racing series or events as agreed to on the nomination form."

#### EXHIBITS

- Exhibit A      ARCI Model Rule on Veterinarian's List and Rationale for Recent Changes
- Exhibit B      AQHA Press Release on Clenbuterol

#### CONCLUSION

Based on the foregoing, the proposed rules are both reasonable and necessary to protect the integrity of racing in Minnesota.



DATE: January 31, 2018

Thomas DiPasquale  
Executive Director  
Minnesota Racing Commission



# EXHIBIT A

### **ARCI-011-030 Physical Inspection of Horses**

#### **A. Assessment of Racing Condition**

- (1) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.
- (2) The inspection shall be conducted by the official veterinarian or the racing veterinarian.
- (3) The agency or the association employing the examining veterinarian(s) should provide a staffing level of not less than 2 veterinarians.
- (4) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian. Horses presented for examination must have bandages removed; the legs must be clean. Prior to examination horses may not be placed in ice nor shall any device or substance be applied that impedes veterinary clinical assessment.
- (5) The assessment of a horse's racing condition shall include:
  - (a) Proper identification of each horse inspected;
  - (b) Observation of each horse in motion;
  - (c) Manual palpation and passive flexion of both forelimbs;
  - (d) Visual inspection of the entire horse and assessment of overall condition;
  - (e) Clinical observation in the paddock and saddling area, during the parade to post and at the starting gate, during the running of the race, and following the race until the horse has exited the race track; and,
  - (f) Any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian.
- (6) The official veterinarian and/or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.
- (7) The official veterinarian and/or the racing veterinarian are authorized access to any and all horses housed on association grounds regardless of entry status.
- (8) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian will recommend to the Stewards the horse be scratched.
- (9) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the Veterinarian's List.

#### **B. Veterinarian's List**

- (1) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, unsoundness, injury, infirmity, heat exhaustion, positive test or overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out-of-competition test, or any other assessment or determination by the regulatory veterinarian that the horse is unfit to race.
- (2) Horses so listed are ineligible to start in a race in any jurisdiction until released by an official veterinarian or racing veterinarian except when there is an unforeseen

administrative issue in releasing the horse from the Veterinarian's List of another racing jurisdiction.

- (3) A horse may be released from the Veterinarian's List when a minimum of seven days has passed from the time the horse was placed on the Veterinarian's List.
- (4) A horse placed on the Veterinarian's List for being unfit to compete in a race due to illness, physical distress, unsoundness, injury, infirmity, heat exhaustion, or any other assessment of determination by the regulatory veterinarian that warrants withdrawal from the race shall be released from the list only after the following has been met:
  - a. establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or pass the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian,
  - b. provide a published work of a minimum of four furlongs at 0:52 for Thoroughbreds (220 yards at 13.3 seconds for Quarter Horses) observed by the official veterinarian and/or the racing veterinarian for horses that are listed as unsound or lame; other listed reasons above may be required to work at the discretion of the official veterinarian. Prior to such work, a declaration in writing must be provided by the attending veterinarian as to the fitness of the subject horse, and,
  - c. submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner unless otherwise provided in the local jurisdiction. Violations of ARCI-011-020 may result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health, and Medication.
- (5) A horse placed on the Veterinarian's List for Positive Test or Overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out-of-competition test, or any other veterinary administrative withdrawal shall be released from the list only after the following have been met:
  - a. establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or it has passed the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian, and
  - b. at the discretion of the official veterinarian, it has provided a published work at a minimum of four furlongs in 0:52 (220 yards in 13.3 seconds for Quarter Horses) observed by the official veterinarian and/or the racing veterinarian and submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner. Violations of ARCI-011-020 may result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health, and Medication.

- (6) Horses having generated a positive finding on a biological sample collected pursuant to this section shall not be released from the vet's list until generating a negative test.

### C. Postmortem Examinations

- (1) The Commission may require a postmortem examination of any horse that dies or is euthanized on association grounds.
- (2) The Commission may require a postmortem examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.
- (3) If a postmortem examination is to be conducted, the Commission shall take possession of the horse upon death for postmortem examination. All shoes and equipment on the horse's legs shall be left on the horse.
- (4) If a postmortem examination is to be conducted, the Commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization. The Commission may submit blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination for analysis. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.
- (5) All licensees shall be required to comply with postmortem examination requirements as a condition of licensure. In proceeding with a postmortem examination the Commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.
- (6) Postmortem examinations shall be conducted according to the most recent edition of the *American Association of Equine Practitioners Guidelines for the Necropsy of Racehorses*.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

Version 2.1 to 3.0 ARCI 4/3/04 NAPRA 4/3/04: Modify rule language

Version 4.4 to 4.5 ARCI 4/23/09 Amend language

Version 4.6 to 4.7 ARCI Board 12/6/09 Amended Postmortem Examination

Version 7.0 to 8.0 ARCI Board 4/20/2017 Amended ARCI-011-030(B)

*(EDITOR'S NOTE: The information below is included for commissions' use in case it is required because of it being cited in the above rule. It is not part of the Model Rules rather it is only included for reference.)*

## **AAEP GUIDELINES FOR THE NECROPSY OF RACEHORSES**

### **General Guidelines**

The AAEP recommends that all horses that die or are euthanized at a licensed racetrack or training facility undergo a complete necropsy by a board-certified veterinary pathologist at an accredited veterinary diagnostic laboratory. Necropsy findings should be entered into The Jockey Club Equine Injury Database.

It is recommended that regular communication and interaction between the on-site regulatory veterinarian(s), practicing racetrack veterinarians, and the pathology staff at the diagnostic laboratory be established. This will enhance the necropsy process and the





## **AGENDA ITEM 4**

### **Universal Vets List Proposal**

*(Discussion & Possible Action Item)*

**RCI Model Rules Committee Petition  
for new rule or change to existing rule**

“Uniform Vet’s List Usage and Protocol”

January 24, 2017

The Jockey Club  
via Cathy O’Meara, Industry Initiatives Coordinator  
821 Corporate Drive  
Lexington, KY 40503  
859-224-2728 (p)  
859-296-3033 (f)  
[comeara@jockeyclub.com](mailto:comeara@jockeyclub.com)

**A. Brief Description of the Issue**

Request modification to the current *ARCI-011-030 Physical Inspection of Horses*, *ARCI-010-030 Horses Ineligible*, and *ARCI-010-015 Declarations And Scratches*

**B. Discussion of the Issue and Problem**

The official veterinarian list is an important regulatory tool to ensure the safety of both horse and rider. Most jurisdictions have provisions in their rules to allow for the use of a vets list and reciprocation of other jurisdictions lists. However, do to the nuances of individual state rule books there has not been a consensus on the requirements for horses to be entered and/or removed from the lists. Subsequently, horses that are on a list may race while on a list either in the state where the horse was placed on a list or in another jurisdiction. The InCompass RTO system does allow for the sharing of the vets list but some jurisdictions may not honor lists in other jurisdiction thus the need for a uniform way for jurisdictions to use them.

**C. Possible Solutions and Impact**

The below changes will allow jurisdictions to better manage and mutually enforce rest periods of horses featured on any official veterinarian’s list. The new protocol will promote collaboration among racing officials in different jurisdictions to ensure issues causing a horse to be placed on the veterinarian’s list have been fully resolved before the horse returns to competition. The new protocol would provide regulatory officials adequate latitude to distinguish horses observed as unsound and/or infirmed from horses that are the subject of a regulatory action related to drug testing and enforcement or reported therapeutic treatments. Horses would be required to pass a physical inspection by a regulatory veterinarian and successfully complete a timed workout with post workout sample(s) subjected to post-race drug testing. Violations would be subjected to penalties meted for violations of post-race testing.

#### D. Industry Support

The proposed changes have been developed and reviewed in conjunction with the AAEP Racing Veterinarians committee in addition to a working group of equine medical directors and stewards.

The proposal was circulated at the racing veterinarian committee for comments in 2016 and at the racing veterinarian committee December 2016 meeting approved the attached rule with no further comments

#### E. Proposed Model Rule language

##### *ARCI-011-030 Physical Inspection of Horses*

##### B. Veterinarian's List

- (1) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, injury, infirmity, heat exhaustion, Positive Test or Overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out of competition test or any other assessment or determination by the regulatory veterinarian that the horse is unfit to race, Positive Test or Overage, physical distress, unsoundness, infirmity or any other medical condition.
- (1)(2) Horses so listed are ineligible to ~~enter start to in~~ a race in any jurisdiction until released by an official veterinarian or racing veterinarian; except when there is an unforeseen administrative issue in removing the horse from the Veterinarian's List of another racing jurisdiction.
- (2)(3) A horse may be removed from the Veterinarian's List when, a minimum of seven days has passed from time the horse was placed on Veterinarian's List, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the veterinarian's List is resolved and the horse's status is returned to that of racing soundness.
- (4) A horse placed on the Veterinarian's List for unfit to compete in a race due to illness, physical distress, unsoundness, injury, infirmity, heat exhaustion, or any other assessment or determination by the regulatory veterinarian that warrants withdrawal from the race shall be removed from the list only after the following has been met:
  - a. establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or pass the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian.
  - b. provide a published work of a minimum of four furlongs at 0:52 observed by the official veterinarian and/or the racing veterinarian for horses that are listed as unsound or lame; other listed reasons above may be required to work at the discretion of the official veterinarian. Prior to such work, a

declaration in writing must be provided by the attending veterinarian as to the fitness of the subject horse.

- c. submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner unless otherwise provided in the local jurisdiction. Violations of ARCI-011-020 shall result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health and Medication.

(5) A horse placed on the Veterinarian's List for Positive Test or Overage, administration of a medication invoking a mandatory stand down time, administration of shock-wave therapy, positive out of competition test or any other veterinary administrative withdrawal shall be removed from the list only after the following has been met:

- a. establish or demonstrate to the satisfaction of the official veterinarian or the racing veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race or pass the Assessment of Racing Condition by the official veterinarian and/or the racing veterinarian and
- b. at the discretion of the official veterinarian, provide a published work of a minimum of four furlongs at 0:52 observed by the official veterinarian and/or the racing veterinarian and submit to a post-work biologic sample collection for laboratory confirmation for compliance with ARCI-011-020 at the expense of the current owner. Violations of ARCI-011-020 shall result in penalties consistent with ARCI-011 Equine Veterinary Practices, Health and Medication.

~~(3) Horses working to be released from the Veterinarian's List are to be in compliance with ARCI 001-020 and are to be subjected to post-work biologic sample collection for laboratory confirmation or compliance.~~

~~(4) Horses may be released from the Veterinarian's List only by authorization of an official veterinarian or the racing veterinarian.~~

~~(5) Horses having generated a Positive Test or an Overage for an RCI Class I, II, III, or IV substance shall be required to generate a negative test at the expense of the current owner prior to being entered for the first start following the positive test.~~

#### ***ARCI-010-015 Declarations And Scratches***

Declarations and scratches are irrevocable.

- (6) Entry of any horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness shall not be accepted until the expiration of ~~three-seven~~ racing days after such horse was scratched or excused and the horse has been removed from the Veterinarian's List by the official veterinarian.

#### ***ARCI-010-030 Horses Ineligible***

A horse is ineligible to start in a race when:



- (9) its name appears on the Starter's List, Stewards' List or Veterinarian's List— except when an unforeseen administrative issue in removing the horse from the Veterinarian's List of another racing jurisdiction, however the horse is eligible to be entered while on the Veterinarian's List subject to section ARCI-010-030(B) as long as no other horse is excluded from the race;
- (10) it has not raced in 12 months since its previous start until the horse has been subjected to the protocols within ARCI-010-030(B)(4);
- (11) it is a first time starter four (4) years of age or older until the horse has been subjected to the protocols within ARCI-010-030(B)(4);

*Additionally the following Protocol has been developed in conjunction with the racing regulatory veterinarian's group to help facilitate the implementation of the above rule.*

**Protocol for regulating Model Rule ARCI-011-030 Physical Inspection of Horses B. Veterinarian's List**

The following protocol was developed to assist with consistent implementation of the Veterinarian's List rules and regulations. The language below is for informational purposes to explain areas of the rule that may be unfamiliar to regulators.

Section B. (1)

Defines the purpose of the official veterinarian's list – the intent is for all jurisdictions to utilize the list in the same manner. The official veterinarian is defined by each individual jurisdiction's rules or regulations.

Section B. (2)

The intent is for any horse on a list to be ineligible to race until the veterinarian has cleared the horse to race. The clause “except when there is an unforeseen administrative issue” refers to situations of technology failure or inability to contact the veterinarian who placed the horse on the list. All efforts should be made and documented that contact was attempted prior to allowing a horse to race. The horse must still undergo the protocols outlined in this document prior to being allowed to race.

Section B. (3)

Once a horse is placed on the veterinarian's list, he is required to remain on the list for a minimum of 7 days before given an off date regardless of the cause

Section B. (4)

All parts of section 4 refer to horses placed on the list for some form of 'unfitness' including illness. All three subsections are required for removal of the horse from the veterinarian's list. The “Assessment of Racing Condition” is defined in the model rules under section [ARCI-011-030 Physical Inspection of Horses A. Assessment of Racing Condition](#). It covers the basic parts required for a 'pre-race'

inspection including but not limited to observation in motion, palpation, protocols for a scratch and more.

A workout is required for these horses with a minimum time of four furlongs in 0:52. The veterinarian can require a longer work. The four furlong minimum was agreed upon due to limitations of some racetracks that are unable to conduct five furlong works effectively.

With regards to the required post-work biologic sample collection – the rule references another section of the model rules [ARCI-011-020 Medications and Prohibited Substances](#). This section refers to the comprehensive post-race testing protocols including penalties. Therefore the post-work biologic sample should comply with your jurisdictions full post-race screen, not just a specific portion of the screening.

Additionally, if a Positive Test or Overage occurs in the above mentioned sample, the trainer/owner will be subject to the corresponding penalty. Note: Positive Test and Overage are both model rule defined terms. Their definitions can be found at [ARCI-001-010 Terms](#).

#### Section B. (5)

All parts of section 5 refer to horses placed on the list for some form of ‘regulatory action or violation’. The first subsection is required and the subsection ‘b.’ is at the discretion of the veterinarian. Again, the “Assessment of Racing Condition” is defined in the model rules under section [ARCI-011-030 Physical Inspection of Horses A. Assessment of Racing Condition](#), which in essence are the pre-race exam protocols.

While subsection ‘b.’ is at the discretion of the veterinarian, it is recommended that horses receiving a Positive Test or Overage, mandatory stand-down for a particular medication or Out of Competition test violation, should be subjected to a biologic sample test for that particular medication until that medication has cleared the horses system.

#### **F. Any current jurisdictional rules similar?**

All jurisdictions have a rule relating to the vet’s list but none go into specific detail as to the usage of those lists.

# EXHIBIT B



Show your pride®

Learn more

Member FDIC

# AQHA Announces Zero Tolerance Policy on Clenbuterol

World's largest breed organization takes bold steps to protect horses and racing integrity.

January 5, 2015

Press Release

Facebook

Twitter

Pinterest

Email

AQHA is taking a zero-tolerance policy on clenbuterol.

Faced with continued increases in the number of reported clenbuterol overages in racehorses across the nation, the [American Quarter Horse Association \(http://www.aqha.com\)](http://www.aqha.com) is taking steps for the safety and welfare of the horse and rider and is announcing that **beginning January 1, 2016, clenbuterol, in any form, is banned from use in any type of American Quarter Horse race.** The AQHA Racing Council and AQHA Executive Committee also have established a task force that will develop the Association's policies and procedures for dealing with individuals who violate the zero-tolerance policy.

"More than a year ago, AQHA announced its [Multiple Medication Violation System \(http://www.aqha.com/Racing/Content-Pages/Horseman-Info/Racing-Medication-and-Testing.aspx\)](http://www.aqha.com/Racing/Content-Pages/Horseman-Info/Racing-Medication-and-Testing.aspx) that became effective last January," said AQHA President Johnny Trotter. "In that time, we have had 64 clenbuterol overages reported from seven racing jurisdictions and additional alleged overage violations that are awaiting hearings.

"If we are going to level the playing field, protect our horses, riders and the betting public, taking these steps to ban clenbuterol completely and work with every racing jurisdiction is what is best for our industry," Trotter continued. "We owe it to our fans, our horsemen and, most importantly for the safety and welfare of our horses to ensure our industry not just survives but grows for future generations."

As for immediate steps to address clenbuterol, the AQHA Racing Council announced that beginning **January 15, 2015, any horse that is part of a medication ruling with a clenbuterol overage based upon current, allowed threshold levels of the reporting jurisdiction, the horse, owner and trainer will be penalized immediately under the AQHA MMVS.** The council added that any ruling involving clenbuterol will be handled in the same manner as that of a class 1 or 2 medication violation, meaning that the horse will receive a 150-day suspension, the trainer will receive a minimum five-year suspension and the owner will be fined accordingly.

"The misuse of [medications \(http://www.aqha.com/Racing/Content-Pages/Horseman-Info/Racing-Medication-and-Testing.aspx\)](http://www.aqha.com/Racing/Content-Pages/Horseman-Info/Racing-Medication-and-Testing.aspx) at the hands of a few, to the detriment of the many honest people in our industry, is one of the major issues we are dealing with today," said AQHA Executive Vice President Don Treadway Jr. "We are working in cooperation with industry leaders in an attempt to eradicate this from the racetrack. We are not in the business of defending bad behavior."

The Association has long supported the Racing Medication and Testing Consortium's goals and the Association of Racing Commissioners' model rules and therapeutic medication schedule. Additionally, AQHA acknowledges that clenbuterol, in its FDA-approved form, can be an effective medication to treat certain respiratory issues. However, because of illegal compounding and gross overages, the Association is opting for aggressive action to rid the sport of its use.

"Once the zero-tolerance policy goes into effect, if a horse must absolutely use clenbuterol for a medical issue, we will lose that horse for a period of time from our races," said Trotter. "Hopefully, the horse will come back at a later date healthy, clean and ready to compete on a fair and level playing field."

Recently, [Los Alamitos Race Course \(http://www.losalamitos.com\)](http://www.losalamitos.com) in California, one of American Quarter Horse racing's largest tracks, announced its zero-tolerance policy regarding clenbuterol. AQHA wants to take a leadership role and establish guidelines, policies and procedures that everyone understands and that are uniform from one locale to the next. More details on AQHA's action will be released as the newly established task force goes to work on these details in the coming months.

AQHA News and information is a service of the American Quarter Horse Association. For more news and information, [follow @AQHARacing \(http://list.aqha.net/252184/9280314/10209/4/\)](https://www.facebook.com/Q-Racing/141436345891333?ref_type=bookmark) on Twitter, "like" Q-Racing on Facebook ([https://www.facebook.com/pages/Q-Racing/141436345891333?ref\\_type=bookmark](https://www.facebook.com/pages/Q-Racing/141436345891333?ref_type=bookmark)) and visit [www.aqharacing.com \(http://list.aqha.net/252184/9280314/5579/6/\)](http://www.aqharacing.com).

Facebook

Twitter

Pinterest

Email

