

DEPARTMENT OF AGRICULTURE
OFFICE OF RACING COMMISSIONER
GENERAL RULES

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the office of racing commissioner by section 7 of 1995 PA 279, MCL 431.307)

R 431.1301 of the Michigan Administrative Code are amended as follows:

R 431.1301 Medications and drugs.

Rule 1301. (1) It is the intent of these rules to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interest of the public and the racing participants through the prohibition or control of all drugs, medications, substances foreign to the natural horse, or naturally occurring substances at unnaturally high levels.

(2) A drug or foreign substance, as defined by the act, that is classified as or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse shall not be administered to a horse that is intended to be entered, is entered, or participates, in a race with wagering by pari-mutuel methods or any nonbetting race that is conducted at a licensed race meeting in the state. For the purposes of this rule, a horse that is intended to be entered is a horse that has its name put into the draw for a specific race. A horse that is entered in a race is a horse that has been drawn into a specific race.

(3) A drug or foreign substance, as defined by the act, that is not classified as or does not act as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse may be administered to a horse that is intended to be entered, is entered, or participates, in a race with wagering by pari-mutuel methods or any nonbetting race that is conducted at a licensed race meeting in the state only when authorized by the rules of the commissioner for use in the care or treatment of the horse.

(4) Phenylbutazone is authorized for administration to a horse that is intended to be entered, is entered, or participates, in a race with wagering by pari-mutuel methods or any nonbetting race that is conducted at a licensed race meeting in the state if all of the following conditions are met:

(a) Before administration, a veterinarian who is licensed by the commissioner shall have prescribed the use of phenylbutazone for the cure or treatment of an existing illness, disease, or condition in the horse.

(b) The phenylbutazone shall be administered to the horse by a veterinarian who is licensed by the commissioner or, if administered orally, by the trainer of the horse who is acting under the direction of the veterinarian.

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(c) Blood samples that are obtained for testing shall not contain concentrations of phenylbutazone or oxyphenbutazone of more than 5 micrograms per milliliter of serum or plasma. Serum or plasma samples that contain concentrations of more than 5 micrograms per milliliter of phenylbutazone or oxyphenbutazone violate these rules and subject the trainer to disciplinary action by the commissioner.

(d) Phenylbutazone shall not be administered to a 2-year-old horse that is intended to be entered, is entered, or participates, in a race at a licensed race meeting in the state.

(5) Furosemide is authorized for administration to a horse that is intended to be entered, is entered, or participates, in a race with wagering by pari-mutuel methods or any nonbetting race that is conducted at a licensed race meeting in the state if all of the following conditions are met:

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

(b) The form must be received by the official veterinarian or his/her designee by the time of entry.

(c) If a horse has been determined to require furosemide by a veterinarian and trainer who ~~is~~ are employed or licensed by another racing jurisdiction, then the commissioner's veterinarian shall place the horse's name on the furosemide list and authorize the horse to race in Michigan on furosemide upon the presentation of any of the following by the horse's trainer:

(i) Written certification from a licensed veterinarian in another racing jurisdiction that the horse is a furosemide user or requires furosemide.

(ii) Written verification on the horse's foal papers or eligibility papers that the horse is a furosemide user.

(iii) Publication in official charts or past performance lines for the horse that identifies the horse as a furosemide user.

(d) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request shall be made to the commissioner's veterinarian or his/her designee before time of entry. A horse that has been removed from the furosemide list may not be placed back on the list for a period of 60 calendar days, unless it is observed and certified to be a bleeder by a licensed veterinarian. Certification by the licensed veterinarian shall be in writing on the prescribed form and, once certified, the horse shall be placed on the stewards' list for the required number of days as provided in R 431.1325.

(e) A horse which has been placed on the furosemide list shall be administered furosemide in compliance with these rules not less than 3 hours before the scheduled post time within the restricted area of the racetrack for each race in which the horse is entered. A grace period of 30 minutes may be granted by the stewards upon notification that the horse has been delayed in reaching the track.

(f) The allowable dosage of shall be determined by the commissioner.

(g) The furosemide shall be administered by a veterinarian who is licensed by the commissioner.

(h) Each time furosemide is administered pursuant to the provisions of this rule, the attending veterinarian shall verify the administration on a form prescribed by the commissioner before the scheduled post time of the race in which the horse is entered.

(i) Furosemide shall not be administered to a 2-year-old standardbred horse that is intended to be entered, is entered, or participates, in a race at a licensed race meeting in the state.

(6) Leg paints and liniments may be administered externally to a horse by topical application if they do not contain ethyl aminobenzoate or any caine derivatives and if they can be applied topically without penetrating the skin.

(7) A drug or foreign substance, as defined by the act, shall not be present or carried in a horse that is entered or participates in any race conducted at a licensed race meeting in the state, unless the drug or foreign substance has been specifically authorized by the commissioner for use in the cure or treatment of an existing illness, disease, or condition in the horse pursuant to the provisions of subrules (4), (5), and (6) of this rule.

(8) A finding by the commissioner's designated laboratory that a drug or foreign substance, as defined by the act, is present in a urine blood, or any other type of sample that is obtained by authorized representatives of the commissioner from a horse that is intended to be entered, is entered, or participates, in a race at a licensed race meeting in the state shall be prima facie evidence that such drug or foreign substance was present and carried in the body of the horse after the horse was entered in the race and at the time the sample was obtained from the horse. Such laboratory finding shall also constitute prima facie evidence that the trainer and his or her employees or agents who are responsible for the care or custody of the horse have been negligent in handling, safeguarding, and caring for the horse before, during, and after the race before the test sample was obtained.

(9) A veterinarian or any other person shall not have, in his or her possession, within any racetrack enclosure, any drug or foreign substance that has not been approved by the food and drug administration pursuant to the federal food, drug and cosmetic act, as amended through December 31, 2004, Section 108 of Animal Drug Amendments of 1968.

(10) A person, other than a veterinarian who is licensed by the commissioner or a person with written permission from the commissioner, a deputy commissioner, ~~or~~ state steward, or commissioner's designee, shall not have, in his or her possession, on the grounds of a licensed race meeting, any drug or foreign substance, as defined by the act, that is classified or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic to a horse.

(11) A person, other than a veterinarian who is licensed by the commissioner or a person with written permission from the commissioner, a deputy commissioner, ~~or~~ state steward, or commissioner's designee, shall not have, in his or her possession, on the grounds of a licensed race meeting, any hypodermic needle or syringe or other equipment for hypodermic administration; any drug or foreign substance, as defined by the act, that can be administered by hypodermic or rectal administration; or any suppositories or equipment for rectal infusion.

(12) Notwithstanding the provisions of subrules (10) and (11) of this rule, a person may have, in his or her possession, on the grounds of a licensed race meeting, any drug or foreign substance, as defined by the act, for administration to his or her own person, if such possession is otherwise permitted under state or federal law. If state or federal law prohibits the dispensing of the drug or foreign substance without a prescription, then the person who is in possession of the drug or foreign substance shall also have, in his or her

possession, documentary evidence that a valid prescription for the drug or foreign substance was issued to him or her. If the drug or foreign substance is classified or acts as a stimulant, depressant, anesthetic, tranquilizer, painkiller, or narcotic, then the person shall not possess or use the drug or foreign substance on his or her own person on the grounds of a licensed race meeting unless he or she first obtains specific written permission from the commissioner, a deputy commissioner, a state steward or a commissioner's designee, for such possession and use on racetrack grounds.

(13) Notwithstanding the provisions of subrule (11) of this rule, a person may possess, on the grounds of a licensed race meeting, hypodermic needles and syringes and suppositories and equipment for rectal infusion for the purpose of administering a prescribed drug or foreign substance to himself or herself if he or she has first notified the commissioner, a deputy commissioner, a state steward, or commissioner's designee, of his or her possession of the hypodermic needles, syringes, suppositories, or rectal infusion equipment and the drug or foreign substance to be administered and has received specific written permission from the commissioner, deputy commissioner, a state steward, or commissioner's designee to possess and use the hypodermic needles, syringes, suppositories, or rectal infusion equipment and the drug or foreign substance on himself or herself while on racetrack grounds.

(14) A veterinarian who is licensed by the racing commissioner may possess, on the grounds of a licensed race meeting, any equipment and any drugs or foreign substances, as defined by the act, which are recognized and accepted in veterinary medicine for use in the veterinary care and treatment of horses and which are not otherwise prohibited under state or federal law.

(15) When imposing penalties for a violation of the provisions of this rule, the commissioner, deputy commissioners, or the stewards shall consider all relevant factors, including, but not limited to, all of the following:

(a) The nature of the unauthorized drug or foreign substance or drug paraphernalia that is involved and its effect or potential effect on a horse's racing performance or the outcome of the race.

(b) The purpose or reason for the violator's possession or use of the unauthorized drug, foreign substance, or drug paraphernalia.

(c) The availability of the drug, that is, can it be purchased over the counter, only with a prescription, only with a license for controlled substances, or legally purchased and possessed in this country.

(d) The age and experience of the violator.

(e) Whether the violator has a past record of drug-related violations in this or any other jurisdiction.

(f) What action, if any, was taken by the violator of the rules to avoid such violation?

(g) The average handle at the race meeting where the violation occurred and the purse in the questioned race.

(h) The past performance lines of the horse in question in relation to its performance and reasonably expected performance in the questioned race. The stewards shall not be required to articulate any of the foregoing in their ruling nor shall ignorance of the rules be deemed a mitigating factor.