

TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #08-191(E)

DIGEST

Amends [71 IAC 3-9-5](#) concerning win race record. Amends [71 IAC 6-1-2](#) concerning prohibitions on claims. Amends [71 IAC 6-1-3](#) concerning claiming procedure. Amends [71 IAC 6-1-4](#) concerning excusing claimed horse. Amends [71 IAC 6.5-1-4](#) concerning prohibitions. Amends [71 IAC 7-1-15](#) concerning horses ineligible to be entered. Amends [71 IAC 7-2-5](#) concerning starting. Amends [71 IAC 7-3-7](#) concerning driving rules. Amends [71 IAC 7-3-13](#) concerning whip restriction. Amends [71 IAC 7-3-32](#) concerning disqualification; purse redistribution. Amends [71 IAC 7.5-5-1](#) concerning horses ineligible. Amends [71 IAC 7.5-7-4](#) concerning disqualification; purse redistribution. Adds [71 IAC 8-1-8](#) concerning anabolic steroids. Amends [71 IAC 8-3-5](#) concerning out of competition testing. Amends [71 IAC 8-6-2](#) concerning prohibited practices. Adds [71 IAC 8.5-1-8](#) concerning anabolic steroids. Amends [71 IAC 8.5-2-5](#) concerning out of competition testing. Amends [71 IAC 8.5-5-2](#) concerning prohibited practices. Effective March 11, 2008. *NOTE: [IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. This document was filed with the Publisher March 12, 2008.*

[71 IAC 3-9-5](#); [71 IAC 6-1-2](#); [71 IAC 6-1-3](#); [71 IAC 6-1-4](#); [71 IAC 6.5-1-4](#); [71 IAC 7-1-15](#); [71 IAC 7-2-5](#); [71 IAC 7-3-7](#); [71 IAC 7-3-13](#); [71 IAC 7-3-32](#); [71 IAC 7.5-5-1](#); [71 IAC 7.5-7-4](#); [71 IAC 8-1-8](#); [71 IAC 8-3-5](#); [71 IAC 8-6-2](#); [71 IAC 8.5-1-8](#); [71 IAC 8.5-2-5](#); [71 IAC 8.5-5-2](#)

SECTION 1. [71 IAC 3-9-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3-9-5](#) Win race record

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 5. A horse placed first by the judges following an inquiry immediately after a race shall receive a win race record if that horse's time can be determined by photo finish and electronic timer. The above will not be applied to horses placed first due to a post race protest, appeal, or positive test. **Although, that horse will be credited with the win for the purpose of entering conditioned races. That win will be credited after the final ruling of the case.**

(Indiana Horse Racing Commission; [71 IAC 3-9-5](#); emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3124, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 2. [71 IAC 6-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 6-1-2](#) Prohibitions on claims

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. (a) A person shall not:

- (1) claim, directly or indirectly, his or her own horse or a horse trained or driven by him or her; or
- (2) cause such horse to be claimed directly or indirectly for his or her own account.

(b) A person shall not directly or indirectly:

- (1) offer to claim or not to claim;
- (2) enter into an agreement to claim or not to claim; or
- (3) attempt to prevent another person from claiming; any horse in a claiming race;

- (4) claim a horse for an unlicensed and/or ineligible person; or**
- (5) claim a horse with funds loaned by an individual without prior approval of the judges.**

(c) A person shall not have more than one (1) claim on any one (1) horse in any claiming race. However, owners utilizing the same trainer may claim different horses from the same race.

(d) A person shall not claim more than one (1) horse in a race. However, owners utilizing the same trainer may claim different horses from the same race.

(e) A person shall not directly or indirectly conspire to protect a horse from being claimed by arranging another person to lodge claims, a procedure known as protection claims.

(Indiana Horse Racing Commission; [71 IAC 6-1-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]

SECTION 3. [71 IAC 6-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 6-1-3](#) Claiming procedure

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 3. (a) A person desiring to claim a horse must have the required amount of money on deposit with the horsemen's bookkeeper at the time the completed claim form is deposited.

(b) The claimant shall provide all information required on the claim form provided by the association.

(c) The claim form shall be completed and signed by the claimant or his authorized agent prior to placing it and the necessary transfer fees in an envelope provided for this purpose by the association and approved by the commission. The claimant shall seal the envelope and identify on the outside the date, race number, and track name only.

(d) The envelope shall be delivered to the designated area or licensed delegate at least thirty (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received.

(e) The claim shall be examined by the judges or their designee prior to the start of the race. The association's designee shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. The judges shall have a public announcement made and information scrolled on the simulcast video stating there has been a claim made or, in the case of multiple claims, the number of claims made on a horse during the post parade. The successful claimant will be announced after the completion of the race.

(f) The judges shall disallow any claim made on a form or in a manner which fails to comply with all requirements of this rule.

(g) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of:

- (1) a photostatic copy of the check presented;
- (2) written detailed information to include:
 - (A) the name of the claimant;
 - (B) the bank;
 - (C) the branch;

- (D) the account number; and
- (E) the drawer of any checks; or

(3) details of any other method of payment.

This documentation is to be kept on file at race tracks for twelve (12) months and is to be produced to the commission for inspection at any time during the twelve (12) month period.

(h) When a claim has been submitted, it is irrevocable and is at the risk of the claimant.

(i) In the event more than one (1) claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges or their designee, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

(j) Upon determining that a claim is valid, the judges shall notify the paddock judge of:

- (1) the name of the horse claimed;
- (2) the name of the claimant; and
- (3) the name of the person to whom the horse is to be delivered.

Also, the judges shall cause a public announcement to be made.

(k) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race. **A horse entered in a claiming race cannot be sold or transferred until the completion of the race.**

(l) A horse entered in a claiming race cannot be scratched from a claiming race for the purpose of being sold privately.

~~(m)~~ **(m)** A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation. The successful claimant/trainer shall have the right to measure the horse's hobbles and any other equipment that he deems necessary before the horse leaves the test barn. The claimant or his/her authorized designee shall be permitted access into the test barn. The equipment must remain on the claimed horse until the claimant or his/her designee has an opportunity to measure hobbles or any other equipment he deems necessary.

~~(n)~~ **(n)** Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the horse, until delivery is made.

~~(o)~~ **(o)** A claimed horse shall not:

- (1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;
- (2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or
- (3) be sold or transferred to anyone;

for a period of ~~thirty (30)~~ **sixty (60)** days unless reclaimed out of another claiming race.

~~(p)~~ **(p)** The claiming price shall be paid to the owner of the horse at the time entry for the race from which the horse was claimed only when the judges are satisfied that the successful claim is valid and the registration has been received by the racing secretary for transfer to the new owner.

~~(q)~~ **(q)** The judges, at the option of the claimant, shall rule a claim invalid if the horse has been found ineligible to the race from which it was claimed.

~~(r)~~ **(r)** Mares and fillies who are in foal are ineligible for claiming races. Upon receipt of the horse, if a claimant determines within forty-eight (48) hours that a claimed filly or mare is in foal, he or she may, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(#) **(s)** If a claimant demonstrates that the sex of the horse is other than reported in the official racing program, he or she may, within forty-eight (48) hours of the claim, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed. The judge shall rule the claim of the returned horse invalid.

(#) **(t)** When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

- (1) the amount of the claiming price and any other required fees and taxes shall be repaid to the claimant;
- (2) any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall be the property of the claimant; and
- (3) the claimant shall be responsible for any reasonable costs incurred through the care, training, or racing of the horse while it was in his or her possession.

(#) **(u)** No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier to occur of:

- (1) a period of ~~thirty (30)~~ **sixty (60)** days; or
- (2) the conclusion of the last standardbred race meet under the jurisdiction of the Indiana horse racing commission in that year.

(Indiana Horse Racing Commission; [71 IAC 6-1-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2747; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 4. [71 IAC 6-1-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 6-1-4](#) Excusing claimed horse

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 4. (a) If a horse in a claiming race is scratched by the judges for any reason, including being declared a non-starter, any claims on the said horse are void. However, that horse in its next start, regardless of the condition of the race entered, may be claimed for the same price as the race from which it was scratched from. The rule shall apply from the date of the scratch or declaration of a nonstarter until the last day of the final harness meet licensed by the commission **that year**. This rule shall not include horses scratched due to entry error or ineligibility, which is verified by the race office **in writing**.

(b) Any horse scratched **from a claiming race** and taken out of state to race shall upon its return to Indiana be bound by **subsection (a)** of this rule within the same year.

(Indiana Horse Racing Commission; [71 IAC 6-1-4](#); emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2748; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 5. [71 IAC 6.5-1-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 6.5-1-4](#) Prohibitions

Authority: [IC 4-31-3-9](#)

Sec. 4. (a) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

(b) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(c) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

(d) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

(e) A person shall not file a claim more than one (1) horse in a race or file more than one (1) claim for the same horse. However, owners utilizing the same trainer may claim different horses from the same race.

(f) A person shall not claim more than one (1) horse in a race. However, owners utilizing the same trainer may claim different horses from the same race.

(g) A horse claimed in this jurisdiction shall not race outside Indiana until after the conclusion of the race meet without the permission of the stewards.

(h) The association shall ensure the claim box is locked. The association shall unlock the claim box only after the deadline for claiming a horse has passed.

(i) For a period of thirty (30) days after a claim, a horse shall not start in a race in which the determining eligibility price is less than twenty-five percent (25%) more than the price at which it was claimed. The day claimed shall not count for purposes of counting the applicable thirty (30) day period, and for this purpose the immediate following calendar day after the day claimed shall be the first day. The horse shall be entitled to enter whenever necessary so that the horse may start on the thirty-first calendar day following the claim for any claiming price. This subsection shall not apply to quarter horses.

(Indiana Horse Racing Commission; [71 IAC 6.5-1-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: [IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 22, 2002, 3:00 p.m.: 26 IR 55; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 6. [71 IAC 7-1-15](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-15](#) Horses ineligible to be entered

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 15. (a) An owner or trainer shall not enter or start a horse that:

- (1) has not been qualified or is on the judge's or vet's list;
- (2) is wearing a trachea tube or has a hole in its throat for a trachea tube;
- (3) has been nerved; or
- (4) has impaired eyesight in both eyes;

(5) is fifteen (15) years of age or older.

(b) A horse drawn into a race that is on the judge's or vet's list shall be scratched.

(c) A horse shall not start at an Indiana pari-mutuel track in a wagering or nonwagering event having not raced in the last thirty (30) days, race date to race date.

(Indiana Horse Racing Commission; [71 IAC 7-1-15](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1917; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 7. [71 IAC 7-2-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-2-5](#) Starting

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 5. (a) The starter shall have control of the horses from the formation of the parade until he or she gives the word "go". In starting the race, the starter shall take the following steps:

- (1) After one (1) or two (2) preliminary warming-up scores, the starter shall notify the drivers to come to the starting gate. During or before the parade, the drivers must be informed as to the number of scores permitted.
- (2) The horses shall be brought to the starting gate as near one-fourth (1/4) of a mile before the start as the track will permit.
- (3) Allowing sufficient time so that the speed of the gate can be increased gradually to facilitate a fair start.

(b) The starting point will be a point marked on the inside rail a distance of not less than two hundred (200) feet from the first turn. The starter shall give the word "go" at the starting point. When a speed has been reached in the course of a start, there shall be no decrease except in the case of a recall.

(c) For the purpose of declaring a horse a nonstarter, the judges shall consider the actual starting point on the track.

(Indiana Horse Racing Commission; [71 IAC 7-2-5](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 8. [71 IAC 7-3-7](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-7](#) Driving rules

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 7. (a) Although a leading horse is entitled to any part of the track, neither the driver of the first horse or any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near that in altering the position the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.
- (2) Jostle, strike, hook wheels, or interfere with another horse or driver.
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner,

endangering other drivers.

(4) Swerve in and out or pull up quickly.

(5) Crowd a horse or driver by putting a wheel under the horse or driver.

(6) Carry a horse out.

(7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.

(8) Let a horse pass inside needlessly or otherwise help another horse to improve its position in the race.

(9) Commit any act which shall impede the progress of another horse or cause it to break.

(10) Change course after selecting a position in the homestretch, swerve in and out, or bear in and out in such a manner as to interfere with another horse or cause it to break.

(11) Drive in a careless or reckless manner.

(12) Whip under the arch of the sulky.

(13) Kick the horse or brush hindquarters or legs with the foot.

(14) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed.

(15) Cross the inside limits of the course.

(16) If any of the violations in this subsection is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) In case of interference, collision, or violation of any of the restrictions in subsections (a) and (b), the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined, suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered. **An interference that occurs to a horse(s) not in contention that did not affect the outcome of a race to that horse or any other horse as it applies to purse money won may not be grounds for a disqualification. Although, the driver causing the interference may still be penalized.**

(d) If there be any purse money for which horses have started but were unable to finish due to interference and/or an accident, all unoffending horses who did not finish will share equally in such purse money.

~~(e) Every heat in a race must be contested by every horse in the race, and every horse must be driven to the finish. If the judges believe that a horse:~~

~~(1) is being driven or has been driven with intent to prevent winning a heat or dash which the horse was evidently able to win; or~~

~~(2) is being raced in an inconsistent manner or to perpetrate or to aid a fraud;~~

~~the judges shall consider it a violation and the driver, and anyone acting in concert with the driver to so affect the outcome of the race or races, may be suspended or referred to the commission. The judges may substitute a competent and reliable driver at any time. The substituted driver shall be paid at the discretion of the judges and the fee retained from the purse money due the horse, if any.~~

~~(f) The judges may impose a penalty not to exceed a suspension of sixty (60) days or a fine of one thousand dollars (\$1,000), or both, or refer the matter to the commission if a driver commits any of the following violations:~~

~~(1) In the event a drive is unsatisfactory due to lack of effort or carelessness despite the judges' belief that there is no fraud, gross carelessness, or a deliberate inconsistent drive.~~

~~(2) In the event the driver shall rein in before crossing the finish line or shall fail to use his or her utmost exertion to obtain a winning performance from the horse driven by him or her.~~

~~(3) In the event a driver shall fail to set or maintain a pace or trot comparable to the class in which he or she is racing. In the event a penalty is placed on a driver under this subsection, the horse may be placed on the judges' list and may not be removed therefrom until it goes in a qualifying race and qualifies in a time comparable to the class of the horse.~~

~~(4) Drive a horse in such a manner as to have it remain classified or eligible to the same or easier condition.~~

(e) A driver shall not:

- (1) fail to drive to the finish if the horse in contention to place 1st, 2nd, 3rd or 4th;**
- (2) race in an inconsistent manner;**
- (3) drive in an unsatisfactory manner due to lack of effort;**
- (4) drive in an unsatisfactory manner due to carelessness; or**
- (5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.**

(f) If the judges determine that any of the above actions were such that they compromised the integrity of racing or were to aid or perpetrate a fraud, then the licensee may be summarily suspended pending a judges hearing.

(g) Anyone acting in concert with the driver to so effect the outcome of the race or races may be summarily suspended pending a judges hearing.

(Indiana Horse Racing Commission; [71 IAC 7-3-7](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2108; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2749; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 9. [71 IAC 7-3-13](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-13](#) Whip restriction

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 13. (a) Drivers will be allowed whips not to exceed three (3) feet, nine (9) inches, plus a snapper not longer than six (6) inches.

(b) The whip, including the snapper, may make contact only above and between the shafts. **Any marks including welts and cuts below the shaft shall result in a more severe penalty.**

(c) The whip hand shall not pass behind the shoulder.

(d) Drivers are not allowed to lay back in the sulky to gain more leverage with the whip.

(e) Provided further that the following actions may be considered as excessive or indiscriminate use of the whip:

- (1) Causing visible injury, including bleeding and/or welts.
- (2) Whipping a horse after a race.
- (3) Whipping a horse that is exhausted or not in contention.
- (4) Excessive use of the whip.

(f) Drivers shall keep a line in each hand from the start of the race until the top of the homestretch finishing the race.

(g) Sticking any part of the whip including the butt end under the tail or between the legs is prohibited.

(h) Any marks including cuts, scratches, infection, or those resembling whip marks must be reported to and inspected by the track veterinarian prior to competing in a race.

(Indiana Horse Racing Commission; [71 IAC 7-3-13](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]

SECTION 10. [71 IAC 7-3-32](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-32](#) Disqualification; purse redistribution

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 32. (a) In the event any violation of these rules is determined after a race has been completed and the purse has been distributed, the following shall apply:

~~(1) If the violation would disqualify a horse or horses, the owner or owners of the horse or horses shall forfeit the purse and any trophy or awards and the remaining horses placed accordingly.~~

(1) The permit holder shall be required to redistribute purses out of purse account within ten (10) days after the redistribution is ordered.

(2) The purse shall be redistributed according to the final placings.

(3) In the event the purse has been paid, the owner or owners and the disqualified horse or horses shall stand suspended until all money, trophies, or awards have been returned to the permit holder who shall assume the responsibility of redistributing the purse.

(4) If there are not enough nonoffending horses, the remaining part of the purse shall go to the declared winner.

(b) In the event a purse is paid in error or is ordered redistributed due to an order of the commission, the owner refusing to return the purse and the horse involved shall stand suspended until all purse monies, trophies, or awards have been returned to the permit holder who shall assume the responsibility for redistributing the purse.

(c) Nothing in this section shall be construed to require the permit holder to pay the purses or distribute the trophies or awards until they have been returned.

(d) Nothing in this section shall be construed to prevent the commission, in its discretion, from continuing any suspension or penalty made pursuant to these rules for such period of time the commission may determine.

(e) In the event any violation of these rules shall be determined after:

(1) a race has been completed;

(2) the purse has not been distributed; and

(3) an appeal has been filed staying the decision of the judges;

the judges shall notify the permit holder who shall distribute the portions of the purse money which were not affected by the decision or the appeal thereof.

(Indiana Horse Racing Commission; [71 IAC 7-3-32](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1165; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]

SECTION 11. [71 IAC 7.5-5-1](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-5-1 Horses ineligible

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A horse is ineligible to start in a race when:

- (1) it is not stabled on the grounds of the association or present by the time established by the commission;
- (2) its breed registration certificate is not on file with the racing secretary or horse identifier, unless the racing secretary has submitted the certificate to the appropriate breed registry for correction;
- (3) it is not fully identified and tattooed on the inside of the upper lip or identified by any other method approved by the appropriate breed registry and the commission;
- (4) it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission;
- (5) it is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person;
- (6) it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted;
- (7) the stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;
- (8) its name appears on the starter's list, stewards' list, or veterinarian's list;
- (9) it is a first time starter and has not been approved to start by the starter;
- (10) it is owned in whole or in part by an undisclosed person or interest;
- (11) it lacks sufficient official published workouts or race past performances;
- (12) it has been entered in a stakes race and has subsequently been transferred with its engagements unless the racing secretary has been notified of such prior to the start;
- (13) it is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper;
- (14) it is subject to a lease not filed with the stewards;
- (15) it is not in sound racing condition;
- (16) it has had a surgical neurectomy performed on a heel nerve, which has not been approved by the official veterinarian;
- (17) it has been trachea tubed to artificially assist breathing;
- (18) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;
- (19) it has impaired eyesight in both eyes;
- (20) it is barred or suspended in any recognized jurisdiction;
- (21) it does not meet the eligibility conditions of the race;
- (22) its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;
- (23) its owners, lessors, lessees, or trainer have not completed the licensing procedures required by the commission;
- (24) it is by an unknown sire or out of an unknown mare;
- (25) there is no negative test certificate for equine infectious anemia issued within the preceding twelve (12) months attached to its breed registration certificate; or
- (26) it has shoes (racing plates) that have toe grabs with a height greater than four (4) millimeters (fifteen thousand seven hundred forty-eight hundred-thousandths (0.15748) inches) on the front hooves;
- (27) it has reached the age of twelve (12); or**
- (28) it is a maiden that has reached the age of six (6).**

(b) The stewards may consider extenuating circumstances in determining ineligibility of a horse with respect to subdivisions **subsection (a)(1)** and **subsection (a)(2)** [subsection (a)(1) and (a)(2)].

(Indiana Horse Racing Commission; 71 IAC 7.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3408; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23,

2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]

SECTION 12. [71 IAC 7.5-7-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-7-4](#) Disqualification; purse redistribution

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 4. (a) In the event any violation of these rules is determined after a race has been completed and the purse has been distributed, the following shall apply:

~~(1) If the violation would disqualify a horse or horses, the owner or owners of the horse or horses shall forfeit the purse and any trophy or awards and the remaining horses placed accordingly.~~

(1) The permit holder shall be required to redistribute purses out of purse account within ten (10) days after the redistribution is ordered.

(2) The purse shall be redistributed according to the final placings.

(3) In the event the purse has been paid, the owner or owners and the disqualified horse or horses shall stand suspended until all money, trophies, or awards have been returned to the permit holder who shall assume the responsibility of redistributing the purse.

(4) If there are not enough nonoffending horses, the remaining part of the purse shall go to the declared winner.

(b) In the event a purse is paid in error or is ordered redistributed due to an order of the commission, the owner refusing to return the purse and the horse involved shall stand suspended until all purse monies, trophies, or awards have been returned to the permit holder who shall assume the responsibility for redistributing the purse.

(c) Nothing in this section shall be construed to require the permit holder to pay the purses or distribute the trophies or awards until they have been returned.

(d) Nothing in this section shall be construed to prevent the commission, in its discretion, from continuing any suspension or penalty made pursuant to these rules for such period of time the commission may determine.

(e) In the event any violation of these rules shall be determined after:

(1) a race has been completed;

(2) the purse has not been distributed; and

(3) an appeal has been filed staying the decision of the stewards;

the stewards shall notify the permit holder who shall distribute the portions of the purse money which were not affected by the decision or the appeal thereof.

(Indiana Horse Racing Commission; [71 IAC 7.5-7-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2875, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]

SECTION 13. [71 IAC 8-1-8](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 8-1-8](#) Anabolic steroids

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 8. (a) No AAS (androgenic-anabolic steroid) shall be permitted in test samples collected from

racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.

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

- (1) 16 β – hydroxystanozolol (metabolite of stanozolol (Winstrol)) – one (1) ng/ml in urine for all horses regardless of sex.
- (2) Boldenone (Equipose® is the undecylenate ester of boldenone) in male horse other than geldings; – fifteen (15) ng/ml in urine. No boldenone shall be permitted in geldings or female horses.
- (3) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester):
 - (A) In geldings - one (1) ng/ml in urine.
 - (B) In fillies and mares – one (1) ng/ml in urine.
 - (C) In male horses other than geldings – forty-five (45) ng/ml in urine.
- (4) Testosterone:
 - (A) In geldings – twenty (20) ng/ml in urine.
 - (B) In fillies and mares – fifty-five (55) ng/ml urine.
 - (C) In male horses other than geldings minimum thresholds will not apply.

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

(d) Post-race urine samples collected from intact males must be identified to the laboratory.

(e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

(f) Implementation of this rule shall commence April 1, 2008.

(g) During the first forty-five (45) calendar days of the first race meet beginning after the implementation date, no positive test establishing the presence of an anabolic steroid shall be considered a violation of this rule and, accordingly, shall not result in a penalty, disqualification, or a forfeiture of any purse, trophy, or award. Trainers shall be notified of any positive test during the forty-five (45) day grace period.

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

SECTION 14. [71 IAC 8-3-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-3-5](#) Out of competition testing

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 5. (a) Any horse on the grounds at a racetrack under the jurisdiction of the commission, or stabled off association grounds while under the care or control of trainer or owner licensed by the commission, is subject to testing for blood and/or gene doping agents without advance notice. ~~This rule does not apply to therapeutic medications approved by the FDA for use in the horse.~~

(b) Horses to be tested shall be selected at the discretion of the executive director or judges.

(c) The executive director or judges may order any horse of a licensed trainer to report to a track under the jurisdiction of the commission for out of competition testing. The trainer is responsible to have the horse or horses

available at the designated time and location.

(d) A commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time, take a urine, blood, or hair sample from a horse for out of competition testing.

(e) Prohibited substances, practices, and procedures are defined as:

- (1) blood doping agents including, but not limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues;
- (2) gene doping agents or the nontherapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia; and
- (3) the presence of any substance at anytime described in **subsection (1) or (2)** *[subdivision (1) or (2)]* ~~subdivision (1) or (2)~~ is prohibited and is a violation of this rule.

(f) The trainer, owner, and/or their designees shall cooperate with the commission veterinarian or any licensed veterinarian or licensed veterinary technician authorized by the commission or any commission employee by:

- (1) assisting in the immediate location and identification of the horse selected for out of competition testing;
- (2) providing a stall or safe location to collect the samples;
- (3) assisting in properly procuring the samples; and
- (4) obeying any instruction necessary to accomplish the provision of this rule.

The executive director or judges may summarily suspend, exclude, and/or otherwise penalize any licensee or other person who does not fully cooperate with a commission employee or representative while taking action to enforce this rule.

(g) The collection of blood or urine samples under this rule shall be divided in three (3) parts to be analyzed as follows:

- (1) approved primary laboratory for screening;
- (2) approved primary laboratory for confirmation; and
- (3) approved laboratory for split sample testing.

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

(h) In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection (e). ~~subsection (e).~~

(i) Unless otherwise noted, the other provisions of this article apply to out of competition testing.

(Indiana Horse Racing Commission; [71 IAC 8-3-5](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]

SECTION 15. [71 IAC 8-6-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-6-2](#) Prohibited practices

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

- (1) Erythropoietin.
- (2) Darbepoietin.
- (3) Oxyglobin.

- (4) Hemopure.
- (5) Snake venom.**
- (6) Snail venom.**

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

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

(d) Notwithstanding ~~paragraph~~ **subsection (b)**, veterinarians may possess compounded drugs with the restrictions listed below. Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, and/or creating oral suspensions or injectable solutions.

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

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

(f) Extralabel administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA-approved drugs only. Extralabel use must meet the prescription labeling requirements in ~~paragraphs~~ **subsections (h) and (i)**.

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

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

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

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

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

- (1) Name and address of the veterinarian;

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

(j) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device.

(Indiana Horse Racing Commission; [71 IAC 8-6-2](#); emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 16. [71 IAC 8.5-1-8](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 8.5-1-8](#) Anabolic steroids

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

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

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

- (1) 16 β – hydroxystanozolol (metabolite of stanozolol (Winstrol)) – one (1) ng/ml in urine for all horses regardless of sex.**
- (2) Boldenone (Equipoise® is the undecylenate ester of boldenone) in male horse other than geldings; – fifteen (15) ng/ml in urine. No boldenone shall be permitted in geldings or female horses.**
- (3) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester):**
 - (A) In geldings - one (1) ng/ml in urine.**
 - (B) In fillies and mares – one (1) ng/ml in urine.**
 - (C) In male horses other than geldings – forty-five (45) ng/ml in urine.**
- (4) Testosterone:**
 - (A) In geldings – twenty (20) ng/ml in urine.**
 - (B) In fillies and mares – fifty-five (55) ng/ml urine.**
 - (C) In male horses other than geldings minimum thresholds will not apply.**

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

(d) Post-race urine samples collected from intact males must be identified to the laboratory.

(e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

(f) Implementation of this rule shall commence April 1, 2008.

(g) During the first forty-five (45) calendar days of the first race meet beginning after the implementation date, no positive test establishing the presence of an anabolic steroid shall be considered a violation of this rule and, accordingly, shall not result in a penalty, disqualification, or a forfeiture of any purse, trophy, or award. Trainers shall be notified of any positive test during the forty-five (45) day grace period.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-8](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 17. [71 IAC 8.5-2-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-2-5](#) Out of competition testing

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

Sec. 5. (a) Any horse on the grounds at a racetrack under the jurisdiction of the commission, or stabled off association grounds while under the care or control of trainer or owner licensed by the commission, is subject to testing for blood and/or gene doping agents without advance notice. ~~This rule does not apply to therapeutic medications approved by the FDA for use in the horse.~~

(b) Horses to be tested shall be selected at the discretion of the executive director or stewards.

(c) The executive director or stewards may order any horse of a licensed trainer to report to a track under the jurisdiction of the commission for out of competition testing. The trainer is responsible to have the horse or horses available at the designated time and location.

(d) A commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time take a urine, blood, or hair sample from a horse for out of competition testing.

(e) Prohibited substances, practices, and procedures are defined as:

- (1) blood doping agents including, but not limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues;
- (2) gene doping agents or the nontherapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia; and
- (3) the presence of any substance at anytime described in **subsection (1) or (2)** [*subdivision (1) or (2)*] ~~subdivision (1) or (2)~~ is prohibited and is a violation of this rule.

(f) The trainer, owner, and/or their designees shall cooperate with the commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, or any commission employee by:

- (1) assisting in the immediate location and identification of the horse selected for out of competition testing;
- (2) providing a stall or safe location to collect the samples;
- (3) assisting in properly procuring the samples; and
- (4) obeying any instruction necessary to accomplish the provision of this rule.

The executive director or stewards may summarily suspend, exclude, and/or otherwise penalize any licensee or other person who does not fully cooperate with a commission employee or representative while taking action to enforce this rule.

(g) The collection of blood or urine samples under this rule shall be divided in three (3) parts to be analyzed as follows:

- (1) approved primary laboratory for screening;
- (2) approved primary laboratory for confirmation; and
- (3) approved laboratory for split sample testing.

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

(h) In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection (e).

(i) Unless otherwise noted, the other provisions of this article apply to out of competition testing.

(Indiana Horse Racing Commission; [71 IAC 8.5-2-5](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.])

SECTION 18. [71 IAC 8.5-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-5-2](#) Prohibited practices

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

- (1) Erythropoietin.
- (2) Darbepoietin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.**
- (6) Snail venom.**

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

(c) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds as discussed below in **paragraph subsection (d)**, in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined at [888 IAC 1.1-5-1\(2\)](#).

(d) Notwithstanding **paragraph subsection (b)**, veterinarians may possess compounded drugs with the restrictions listed below. Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, and/or creating oral suspensions or injectable solutions.

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

(e) The possession of any drug not approved by the FDA for distribution in the United States is prohibited,

unless the veterinarian can show proof of prior authorization from the FDA Center for Veterinary Medicine that has been obtained on a single-patient basis only. The authorization must be maintained in the animal health record. A copy of the authorization must be available for immediate inspection.

(f) Extralabel administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA-approved drugs only. Extralabel use must meet the prescription labeling requirements in **paragraphs subsections (h) and (i)**.

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

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

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

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

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

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

(j) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device.

(Indiana Horse Racing Commission; [71 IAC 8.5-5-2](#); emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 57; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2226; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]

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