
TITLE 71 INDIANA HORSE RACING COMMISSION**Emergency Rule**

LSA Document #08-353(E)

DIGEST

Adds [71 IAC 1-1-43.5](#) concerning the definition of gambling game. Adds [71 IAC 1-1-43.7](#) concerning the definition of gaming commission. Adds [71 IAC 1.5-1-41.5](#) concerning the definition of gambling game. Adds [71 IAC 1.5-1-41.7](#) concerning the definition of gaming commission. Amends [71 IAC 2-5-1](#) concerning employees. Amends [71 IAC 3-1-3](#) and [71 IAC 3.5-1-4](#) concerning prohibited practices. Amends [71 IAC 5-1-1](#) concerning licenses required. Amends [71 IAC 5-1-5](#) concerning consent to investigation. Amends [71 IAC 5-1-6](#) concerning consent to search and seizure. Amends [71 IAC 5-1-15](#) concerning reciprocity. Amends [71 IAC 5.5-1-1](#) concerning licenses required. Amends [71 IAC 5.5-1-5](#) concerning consent to investigation. Amends [71 IAC 5.5-1-6](#) concerning consent to search and seizure. Amends [71 IAC 5.5-1-15](#) concerning reciprocity. Amends [71 IAC 7-3-13](#) concerning whip restriction. Amends [71 IAC 8-1-8](#) and [71 IAC 8.5-1-8](#) concerning anabolic steroids. Effective May 12, 2008.

[71 IAC 1-1-43.5](#); [71 IAC 1-1-43.7](#); [71 IAC 1.5-1-41.5](#); [71 IAC 1.5-1-41.7](#); [71 IAC 2-5-1](#); [71 IAC 3-1-3](#); [71 IAC 3.5-1-4](#); [71 IAC 5-1-1](#); [71 IAC 5-1-5](#); [71 IAC 5-1-6](#); [71 IAC 5-1-15](#); [71 IAC 5.5-1-1](#); [71 IAC 5.5-1-5](#); [71 IAC 5.5-1-6](#); [71 IAC 5.5-1-15](#); [71 IAC 7-3-13](#); [71 IAC 8-1-8](#); [71 IAC 8.5-1-8](#)

SECTION 1. [71 IAC 1-1-43.5](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 1-1-43.5](#) "Gambling game" defined**Authority:** [IC 4-31-3-9](#); [IC 4-35-2-5](#)**Affected:** [IC 4-31](#); [IC 4-35-1](#)

Sec. 43.5. "Gambling game" means a game played on a slot machine approved for wagering under [IC 4-35-1-1](#) et seq. by the Indiana gaming commission.

(Indiana Horse Racing Commission; [71 IAC 1-1-43.5](#); emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 2. [71 IAC 1-1-43.7](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 1-1-43.7](#) "Gaming commission" defined**Authority:** [IC 4-31-3-9](#); [IC 4-35-2-3](#); [IC 4-33-3-1](#)**Affected:** [IC 4-31](#)

Sec. 43.7. "Gaming commission" refers to the Indiana gaming commission established by [IC 4-33-3-1](#).

(Indiana Horse Racing Commission; [71 IAC 1-1-43.7](#); emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 3. [71 IAC 1.5-1-41.5](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 1.5-1-41.5](#) "Gambling game" defined**Authority:** [IC 4-31-3-9](#); [IC 4-35-2-5](#)**Affected:** [IC 4-31](#); [IC 4-35-1](#)

Sec. 41.5. "Gambling game" means a game played on a slot machine approved for wagering under [IC 4-35-1-1](#) et seq. by the Indiana gaming commission.

(Indiana Horse Racing Commission; [71 IAC 1-1-41.5](#); emergency rule filed May 12, 2008, 1:29 p.m.:

SECTION 4. [71 IAC 1.5-1-41.7](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 1.5-1-41.7](#) "Gaming commission" defined

Authority: [IC 4-31-3-9](#); [IC 4-35-2-3](#); [IC 4-33-3-1](#)

Affected: [IC 4-31](#)

Sec. 41.7. "Gaming commission" refers to the Indiana gaming commission established by [IC 4-33-3-1](#).

(Indiana Horse Racing Commission; [71 IAC 1.5-1-41.7](#); emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 5. [71 IAC 2-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 2-5-1](#) Employees

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

Affected: [IC 4-31-3](#); [IC 4-31-13-7](#)

Sec. 1. (a) The commission shall employ an executive director and an assistant executive director who shall employ other employees necessary to implement, administer, and enforce the Act.

(b) The executive director and assistant executive director shall maintain the records of the commission and shall perform other duties as required by the commission. Except as otherwise provided by these rules, if a rule of the commission places a duty on the executive director, the executive director may delegate that duty to another employee of the commission. The commission, the executive director and the assistant executive director may not employ or continue to employ a person:

- (1) who owns a financial interest in an association in this jurisdiction;
- (2) who accepts remuneration from an association in this jurisdiction, unless otherwise approved by the commission or the executive director;
- (3) who is an owner, lessor, or lessee of a horse that is entered in a race in this jurisdiction; or
- (4) who accepts or is entitled to a part of the purse or purse supplement to be paid on a horse in a race held in this jurisdiction.

(c) Commission employees shall not wager directly or indirectly, at any live racing meeting, on any simulcast races received at a track if the employee is employed at or has any official responsibilities at any time at that track.

(d) Commission employees shall not wager directly or indirectly on any gambling game located on association grounds if the employee is employed at or has any official responsibilities at any time at that track.

~~(d)~~ (e) The commission shall appoint the judges at each racing meeting.

(Indiana Horse Racing Commission; [71 IAC 2-5-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1124; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2069; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2424; 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

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

[71 IAC 3-1-3](#) Prohibited practices

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

Affected: [IC 4-31-13-7](#)

Sec. 3. (a) Racing officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

- (1) Participate in the sale, purchase, or ownership of any horse racing at the meeting.
- (2) Sell or solicit horse insurance on any horse racing at the meeting.
- (3) Be licensed in any other capacity without permission of the commission.
- (4) Directly or indirectly wager on the outcome of any live or simulcast race.
- (5) Directly or indirectly wager on any gambling game located on association grounds.**
- ~~(6)~~ (6) Refuse to take a breath analyzer test or submit a blood or urine sample when directed by the commission or its designee.

(b) The prohibited practices in this section also apply to all employees in the racing secretary's office.

(c) Subsection (a) shall also apply to the spouse of the racing official and the racing official's assistants, and subdivision (1) of subsection (a) [subsection (a)(1)] shall also apply to the dependent children of the racing official and the racing official's assistants.

(Indiana Horse Racing Commission; [71 IAC 3-1-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2826, 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 7. [71 IAC 3.5-1-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3.5-1-4](#) Prohibited practices

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

Affected: [IC 4-31-13-7](#)

Sec. 4. (a) Racing officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

- (1) Participate in the sale, purchase, or ownership of any horse racing at the meeting.
- (2) Sell or solicit horse insurance on any horse racing at the meeting.
- (3) Be licensed in any other capacity without permission of the commission.
- (4) Directly or indirectly wager on the outcome of any live or simulcast race.
- (5) Directly or indirectly wager on any gambling game located on association grounds.**
- ~~(6)~~ (6) Refuse to take a breath analyzer test or submit a blood or urine sample when directed by the commission or its designee.

(b) The prohibited practices in this section also apply to all employees in the racing secretary's office.

(c) Subsection (a) shall also apply to the spouse of the racing official and the racing official's assistants, and subdivision (1) of subsection (a) [subsection (a)(1)] shall also apply to the dependent children of the racing official and the racing official's assistants.

(Indiana Horse Racing Commission; [71 IAC 3.5-1-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 8. [71 IAC 5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5-1-1](#) Licenses required

Authority: [IC 4-31-3-9](#); [IC 4-31-6-2](#); [IC 4-31-13-4](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

- (1) Racing participants and personnel (including owner, authorized agent, trainer, driver, assistant trainer, veterinarian, veterinary assistant, horseshoer, and stable employees).
- (2) Racing officials as listed in [71 IAC 3](#).
- (3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a **pari-mutuel related** service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds. ~~while pari-mutuel wagering is being conducted.~~
- (4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.
- (5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.
- (6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(b) The commission may require a person working at a training center outside the enclosure, with horses competing at a track under the commission's jurisdiction, to obtain a valid license issued by the commission. A requirement for licensure under this section shall be made upon reasonable suspicion that such person's activities or reputation are inconsistent with maintaining racing with the highest standards and the greatest level of integrity. The executive director or judges may refuse entry or scratch any horse involving any such person who, after requested to obtain a valid license, fails to or is unable to obtain a license.

(c) Any person employed by an association solely to assist with the conduct of gambling games, or employed by a person or concern contracting with or approved by the association to provide a gambling game related service or commodity that requires their presence on association grounds, if in good standing and the holder of a current license issued by the gaming commission is considered a licensee of the commission, or must obtain a commission license if not in good standing and the holder of a current license issued by the gaming commission. Any licensee under this subsection is responsible for any and all obligations imposed upon a commission licensee under these rules and is subject to any sanctions, penalties, and/or fines for any violation of commission rules.

~~(d)~~ **(d)** Persons required to be **separately** licensed **by the commission** shall submit a completed application on forms furnished by the commission and accompanied by the required fee.

~~(e)~~ **(e)** License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be refingerprinted or rephotographed periodically as determined by the commission.

~~(f)~~ **(f)** The determination whether to issue a license may be placed in a pending status awaiting information requested and deemed necessary by the commission or its designee.

(Indiana Horse Racing Commission; [71 IAC 5-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2905; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2154; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2398; 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

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

[71 IAC 5-1-5](#) Consent to investigation

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31-13-4](#)

Sec. 5. The filing of an application for license **or engaging in activities that require a license by the**

commission shall authorize the commission to do the following:

- (1) Investigate criminal and employment records.
- (2) Engage in interviews to determine the applicant's character and qualifications.
- (3) Verify information provided by the applicant.

(Indiana Horse Racing Commission; [71 IAC 5-1-5](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 10. [71 IAC 5-1-6](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5-1-6](#) Consent to search and seizure

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31-13-4](#)

Sec. 6. By acceptance of a license **or by engaging in activities that require a license by the commission**, a licensee consents to search and inspection by the commission or its agents and to the seizure of any prohibited medication, controlled substances, paraphernalia, or devices in violation of state or federal law or these rules. Any seized drugs, medication, or other materials may be forwarded by the commission or its agents to the official chemist for analysis. The analysis of materials seized under the provisions of this section is not subject to [71 IAC 8-4](#).

(Indiana Horse Racing Commission; [71 IAC 5-1-6](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1497; 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 11. [71 IAC 5-1-15](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5-1-15](#) Reciprocity

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31](#)

Sec. 15. If a person is suspended, expelled, or ruled off, or if his or her license is revoked or his or her application for a license has been denied, or he or she is under any other current penalty pursuant to the rules of the racing authority of any other state or country **or of the gaming commission**, such person shall stand suspended, expelled, ruled off, or denied a license at all tracks and satellite facilities operating under the jurisdiction of the commission until the ruling has been withdrawn by the originating authority.

(Indiana Horse Racing Commission; [71 IAC 5-1-15](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1142; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 12. [71 IAC 5.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-1-1](#) Licenses required

Authority: [IC 4-31-6-2](#); [IC 4-31-3-9](#); [IC 4-31-13-4](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

- (1) Racing participants and personnel (including owner, authorized agent, trainer, assistant trainer, jockey, apprentice jockey, jockey agent, veterinarian, veterinary assistant, horseshoer, and stable employees).

(2) Racing officials as listed in [71 IAC 3.5](#).

(3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a **pari-mutuel related** service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds. ~~while pari-mutuel wagering is being conducted.~~

(4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.

(5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.

(6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(b) The commission may require a person working at a training center outside the enclosure, with horses competing at a track under the commission's jurisdiction, to obtain a valid license issued by the commission. A requirement for licensure under this section shall be made upon reasonable suspicion that such person's activities or reputation are inconsistent with maintaining racing with the highest standards and the greatest level of integrity. The executive director or judges may refuse entry or scratch any horse involving any such person who, after requested to obtain a valid license, fails to or is unable to obtain a license.

(c) Any person employed by an association solely to assist with the conduct of gambling games, or employed by a person or concern contracting with or approved by the association to provide a gambling game related service or commodity that requires their presence on association grounds, if in good standing and the holder of a current license issued by the gaming commission is considered a licensee of the commission, or must obtain a commission license if not in good standing and the holder of a current license issued by the gaming commission. Any licensee under this subsection is responsible for any and all obligations imposed upon a commission licensee under these rules and is subject to any sanctions, penalties, and/or fines for any violation of commission rules.

~~(e)~~ **(d)** Persons required to be **separately licensed by the commission** shall submit a completed application on forms furnished by the commission and accompanied by the required fee.

~~(d)~~ **(e)** License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be refingerprinted or rephotographed periodically as determined by the commission.

(Indiana Horse Racing Commission; [71 IAC 5.5-1-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2155; errata filed Apr 9, 1997, 2:15 p.m.: 20 IR 2116; 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 13. [71 IAC 5.5-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-1-5](#) Consent to investigation

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31-13-4](#)

Sec. 5. The filing of an application for license **or engaging in activities that require a license by the commission** shall authorize the commission to do the following:

- (1) Investigate criminal and employment records.
- (2) Engage in interviews to determine the applicant's character and qualifications.
- (3) Verify information provided by the applicant.

(Indiana Horse Racing Commission; [71 IAC 5.5-1-5](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 14. [71 IAC 5.5-1-6](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-1-6](#) Consent to search and seizure

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31-13-4](#)

Sec. 6. By acceptance of a license **or by engaging in activities that require a license by the commission**, a licensee consents to search and inspection by the commission or its agents and to the seizure of any prohibited medication, controlled substances, paraphernalia, or devices in violation of state or federal law or these rules. Any seized drugs, medication, or other materials may be forwarded by the commission or its agents to the official chemist for analysis. The analysis of materials seized under the provisions of this section is not subject to [71 IAC 8.5-3](#).

(Indiana Horse Racing Commission; [71 IAC 5.5-1-6](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 15. [71 IAC 5.5-1-15](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-1-15](#) Reciprocity

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31](#)

Sec. 15. If a person is suspended, expelled, or ruled off, or if his or her license is revoked or his or her application for a license has been denied, or he or she is under any other current penalty pursuant to the rules of the racing authority of any other state or country **or of the gaming commission**, such person shall stand suspended, expelled, ruled off, or denied a license at all tracks and satellite facilities operating under the jurisdiction of the commission until the ruling has been withdrawn by the originating authority.

(Indiana Horse Racing Commission; [71 IAC 5.5-1-15](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; 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 May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 16. [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)~~ **four (4)** 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.]; emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 17. [71 IAC 8-1-8](#) IS AMENDED 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# – 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 of nandrolone metabolite, 5#-oestrane-3#,17#-diol 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)~~ **ninety (90)** 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)~~ **ninety (90)** 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.]; emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

SECTION 18. [71 IAC 8.5-1-8](#) IS AMENDED 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# – 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 of **nandrolone metabolite, 5#-oestrane-3#,17#-diol** 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)~~ **ninety (90)** 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)~~ **ninety (90)** 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.]; emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#))

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