

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

LSA Document #11-100(E)

DIGEST

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[71 IAC 2-5-1](#); [71 IAC 3-1-1](#); [71 IAC 3-2-9](#); [71 IAC 3-3-11](#); [71 IAC 3-12-1](#); [71 IAC 3.5-1-1](#); [71 IAC 3.5-13-1](#); [71 IAC 4-2-7](#); [71 IAC 4-3-1](#); [71 IAC 4-3-4](#); [71 IAC 4.5-2-8](#); [71 IAC 4.5-3-1](#); [71 IAC 5-1-1](#); [71 IAC 5-3-3](#); [71 IAC 5.5-1-1](#); [71 IAC 5.5-3-3](#); [71 IAC 7-1-15](#); [71 IAC 7-1-28](#); [71 IAC 7-3-24](#); [71 IAC 7-3-35](#); [71 IAC 7.5-1-12](#); [71 IAC 7.5-2-2](#); [71 IAC 7.5-4-1](#); [71 IAC 7.5-6-1](#); [71 IAC 8-1-3](#); [71 IAC 8-1-5](#); [71 IAC 8-1-5.5](#); [71 IAC 8-1-6](#); [71 IAC 8-1-9](#); [71 IAC 8-3-3](#); [71 IAC 8-3-5](#); [71 IAC 8-4-1](#); [71 IAC 8-4-2](#); [71 IAC 8-5-1](#); [71 IAC 8-5-2](#); [71 IAC 8-5-5](#); [71 IAC 8-5-6](#); [71 IAC 8-6-2](#); [71 IAC 8-8-1](#); [71 IAC 8-8-2](#); [71 IAC 8-9.1-1](#); [71 IAC 8.5-1-3](#); [71 IAC 8.5-1-5](#); [71 IAC 8.5-1-5.5](#); [71 IAC 8.5-1-6](#); [71 IAC 8.5-1-9](#); [71 IAC 8.5-2-3](#); [71 IAC 8.5-2-5](#); [71 IAC 8.5-3-1](#); [71 IAC 8.5-3-2](#); [71 IAC 8.5-3-4](#); [71 IAC 8.5-4-1](#); [71 IAC 8.5-4-2](#); [71 IAC 8.5-4-5](#); [71 IAC 8.5-4-6](#); [71 IAC 8.5-5-2](#); [71 IAC 8.5-7-1](#); [71 IAC 8.5-7-2](#); [71 IAC 8.5-8-1](#); [71 IAC 8.5-9-1](#); [71 IAC 14-4-1](#); [71 IAC 14-4-2](#); [71 IAC 14-4-3](#); [71 IAC 14.5-3-4](#); [71 IAC 14.5-3-5](#); [71 IAC 14.5-5-1](#)

SECTION 1. [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 on~~ live racing meeting, or 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.

(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](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 2. [71 IAC 3-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3-1-1](#) Racing officials

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

Affected: [IC 4-31](#)

Sec. 1. Officials at a race meeting include the following:

- (1) Judges.
- (2) Racing secretary.
- (3) Paddock judge.
- (4) Horse identifier.
- (5) Clerk of the course.
- (6) Official starter.
- (7) Official charter.
- (8) Official timer.
- (9) Photo finish technician.
- (10) Patrol judges.
- (11) Program director.
- (12) Official ~~(state/commission)~~ veterinarian.
- (13) Racing veterinarian.

(Indiana Horse Racing Commission; [71 IAC 3-1-1](#); 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 2825, 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 3. [71 IAC 3-2-9](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-2-9 Judge's list

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

Affected: [IC 4-31](#)

Sec. 9. (a) The judges shall maintain a judge's list of the horses that are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of the participants and for the protection of the wagering public. The reasons for a horse to be placed on the judge's list and ordered to qualify shall include, but not be limited to, the following on a fast or good track:

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race unless finishing first, second, or third. Two (2) year old nonwagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Making breaks in two (2) consecutive starts unless finishing first, second, or third in one (1) of the two (2).
- (6) Being scratched sick or lame in two (2) consecutive programmings or scratched sick or lame from a race following a qualifying race.
- (7) Scratched sick/lame in a race previous or subsequent to a break line.
- (8) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- (9) Poor performance while competing in a race followed by a break later in that race.**

~~(b) An Indiana sired horse showing a satisfactory line in its last start at a pari-mutuel track prior to racing at a county fair half-mile track must, upon its return to the pari-mutuel track, show a satisfactory line within the time standards for half-mile tracks or finishing first, second, or third with an unsatisfactory line and within one (1) second of the time standards established by the pari-mutuel track within thirty (30) days of the pari-mutuel start (race date to race date).~~

~~(c) A horse having not raced at a pari-mutuel track must show a satisfactory charted line in one (1) of its last two (2) county fair starts within the time standards set within the last thirty (30) days (race date to race date). The Indiana state fairgrounds shall not be considered a county fair track for these qualification standards.~~

~~(d) A horse having not raced at a pari-mutuel track must show a satisfactory charted line in one (1) of its last two (2) county fair starts within the time standards set.~~

(b) Horses racing at all county fair tracks that return to pari-mutuel race tracks to compete shall be bound by the same qualifying and judge's list standards as horses racing at the Indiana pari-mutuel tracks. Time allowances for half-mile tracks shall be set by the race secretary at the pari-mutuel track.

(c) Horses that are on the judge's list or are not eligible to compete due to the qualifying standards at the Indiana pari-mutuel race tracks may be allowed to compete in paid in events if they have a clean line in qualifying time in the last thirty (30) days (race due to race date) unless declared ineligible under [71 IAC 3-2-9\(g\)](#) or [71 IAC 3-2-9\(h\)](#) [subsections (g) and (h)].

(d) Horses allowed to race in a paid in event under [71 IAC 3-2-9\(c\)](#) [subsection (c)] that fail to show a clean line or go in qualifying time in that event shall be placed on the judge's list and must requalify.

(e) The judges may place a horse on the judge's list when there exists a question as to the exact identification, ownership, or trainer of a horse.

(f) A horse may not be released from the judge's list without permission of the judges.

~~(g) The judges may waive qualifying requirements of this rule for non-Indiana Marquee races and Indiana~~

Sires Stakes and Late Closer Finals if, in their sole discretion, such a waiver does not endanger the health and safety of the participants.

(g) Qualifying standards shall not be waived for non-Indiana marquee races, Indiana sire stakes finals, late closer finals, and all paid in events if there exist *[sic, exists]* a compromise with the health and safety of the participants in those races.

(h) Horses that are placed on the vet or judge's list as sick, lame, or injured for a specified number of days, which includes the race date or are required to qualify before racing by the vet or starter, shall not be waived to race under rule [71 IAC 3-2-9\(c\)](#) *[subsection (c)]*. This may include horses that are required to qualify before racing by the starter.

(Indiana Horse Racing Commission; [71 IAC 3-2-9](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2745; emergency rule filed Jan 25, 2006, 10:30 a.m.: 29 IR 1955; 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.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [\[IC 4-22-2-37.1\]](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 4. [71 IAC 3-3-11](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3-3-11](#) Cancellation of a race

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

Affected: [IC 4-31](#)

Sec. 11. If track conditions are questionable for racing of horses, the judges shall ask for a vote from the drivers participating in the races in question and the majority shall rule. If more than fifty percent (50%) vote against racing, the card will be cancelled. If more than fifty percent (50%) vote to race, trainers will be allowed to withdraw horses, and drivers will be allowed to refuse to drive without penalty. This subsection *[sic, section]* does not prevent the association management from canceling races due to track or weather conditions or other unavoidable causes without consultation with the judges and the horsemen's representative. Furthermore, the races may not be delayed longer than forty five (45) minutes from the scheduled time.

(Indiana Horse Racing Commission; [71 IAC 3-3-11](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1130; 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; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2746; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 5. [71 IAC 3-12-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3-12-1](#) General authority

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

Affected: [IC 4-31](#)

Sec. 1. (a) The official veterinarian (~~state or commission veterinarian~~) (**equine medical director**) shall:

- (1) be employed by the commission;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) recommend to the judges:

- (A) any horse deemed unsafe to be raced; or
 - (B) a horse that it would be inhumane to allow to race;
 - (4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;
 - (5) supervise the taking of all specimens for testing according to procedures approved by the commission;
 - (6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;
 - (7) have authority and jurisdiction over the racing veterinarian and the practicing licensed veterinarians within the enclosure for the purpose of these rules;
 - (8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
 - (9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in accordance with the commission policy on endoscopic examinations;
 - (10) review and make recommendations regarding commission license applications of practicing veterinarians;
 - (11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer; and
- [sic]

(b) The official veterinarian or the executive director may delegate or assign duties to the racing veterinarian.

(c) At the discretion of the commission or the executive director, veterinary technicians certified by the state of Indiana board of veterinary medical examiners may be assigned to perform the duties and responsibilities of the official veterinarian under these rules except that no certified veterinary technician so assigned shall be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners, including, but not limited to, endoscopic examinations.

(Indiana Horse Racing Commission; [71 IAC 3-12-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2904; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; 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 Aug 21, 2007, 1:33 p.m.: [20070829-IR-071070543ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 6. [71 IAC 3.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3.5-1-1](#) Racing officials

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

Affected: [IC 4-31](#)

Sec. 1. Officials at a race meeting include the following:

- (1) Stewards.
- (2) Racing secretary.
- (3) Paddock judge.
- (4) Horse identifier.
- (5) Horsemen's bookkeeper.
- (6) Starter.
- (7) Clerk of scales.
- (8) Jockey room custodian.
- (9) Photo finish technician.
- (10) Patrol judges.
- (11) Timer/clocker.
- (12) Placing judge, if duty not performed by stewards.
- (13) Official (~~state/commission~~) veterinarian.
- (14) Racing veterinarian.
- (15) Any other official designated by the commission.

(Indiana Horse Racing Commission; [71 IAC 3.5-1-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff

SECTION 7. [71 IAC 3.5-13-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3.5-13-1](#) General authority

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

Affected: [IC 4-31](#)

Sec. 1. (a) The official veterinarian (~~state or commission veterinarian~~) (**equine medical director**) shall:

- (1) be employed by the commission;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) recommend to the stewards:
 - (A) any horse deemed unsafe to be raced; or
 - (B) a horse that it would be inhumane to allow to race;
- (4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;
- (5) supervise the taking of all specimens for testing according to procedures approved by the commission;
- (6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;
- (7) have authority and jurisdiction over the racing veterinarian and the practicing licensed veterinarians within the enclosure for the purpose of these rules;
- (8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in accordance with the commission policy on endoscopic examinations;
- (10) review and make recommendations regarding commission license applications of practicing veterinarians;
- (11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer;
- (12) be available to the stewards ~~prior to scratch time~~ each racing day at a time designated by the stewards to inspect any horse and report on their condition as may be requested by the stewards; and
[sic]

(b) The official veterinarian or the executive director may delegate or assign duties to the racing veterinarian.

(c) At the discretion of the commission or the executive director, veterinary technicians certified by the state of Indiana board of veterinary medical examiners may be assigned to perform the duties and responsibilities of the official veterinarian under these rules except that no certified veterinary technician so assigned shall be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners, including, but not limited to, endoscopic examinations.

(Indiana Horse Racing Commission; [71 IAC 3.5-13-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, 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 Aug 21, 2007, 1:33 p.m.: [20070829-IR-071070543ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 8. [71 IAC 4-2-7](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 4-2-7](#) Purse monies

Authority: [IC 4-31-3-9](#); [IC 4-35-7-12](#)

Affected: [IC 4-31-5](#); [IC 4-35](#)

Sec. 7. (a) An association, its officers, director, officials, and employees shall ensure that distributions for purses mandated by [IC 4-31](#), [IC 4-35](#), [71 IAC 12](#), and contracts with any horsemen's association are made as

provided for by statute. With the exception of purse money that it may owe as a result of the sale (export) of its simulcast signal, the association shall insure that any purse monies that it is obligated by statute regulation or contract to pay are deposited, before the fifteenth day of each month, based upon wagering from the previous month at the association's race tracks and/or off-track betting facilities, into the appropriate horse industry trust **purse** account as set forth herein. With respect to purse monies that an association is contractually obligated to pay as a result of a contract with a horsemen's association for the sale (export) of its simulcast signal, the association shall deposit those funds into the appropriate account as set forth herein within five (5) days of receipt or settlement by the association.

(b) An association is required to deposit and maintain the funds referenced in subsection (a) of this rule [subsection (a)] in separate horse industry trust **purse** accounts for each of the three (3) breeds racing at Indiana pari-mutuel facilities (standardbred, thoroughbred, and quarter horse). The funds deposited and maintained in those three (3) separate horse industry trust **purse** accounts shall be held and maintained separate from each other and separate from all other funds held and maintained by the association. The comingling [sic] of these funds with any other funds held or maintained by the association is strictly prohibited. This provision notwithstanding, an association may advance funds to a horse industry trust **purse** account from an operational account in order to make payment of purses that have been earned, and then receive reimbursement as soon as there are available funds in that horse industry trust **purse** account.

(c) The association shall issue a purse fund activity report (for each of the three (3) breeds racing in Indiana) no later than the fifteenth day of each month. Each report shall include a summary of both the prior month's activity as well as the year-to-date amounts deposited and dispersed from each horse industry trust **purse** account. The report shall include an itemized statement of receipts and expenditures for the prior month and shall be electronically delivered both to the horsemen's association representing the owners and trainers of a particular breed and to the commission. The format of the report is subject to the approval of the commission or its executive director.

(d) The association shall also provide no later than the fifteenth day of each month a copy of the bank statement for each horse industry trust **purse** account referenced herein to the commission and the horsemen's association representing the owners and trainers of the breed that benefits from the monies contained in that horse industry trust **purse** account.

(e) Any breach of the obligations or requirements of this section or the requirements set forth in [IC 4-35-7-12](#), including any misuse, misdirection, or misappropriation of funds specifically referenced in [IC 4-35-7-12](#), may be considered a violation of this article and may subject the association and its officers, directors, and employees to penalties that may include, but are not limited to:

- (1) the issuance of a warning to the association;
- (2) the imposition of a civil penalty upon the association up to but not to exceed one million dollars (\$1,000,000);
- (3) the suspension of a permit issued under [IC 4-31-5](#) to conduct a pari-mutuel wagering horse racing meeting in Indiana; or
- (4) any other sanction that may be imposed by the commission.

(f) Subject to the review and approval of the commission, any association and any horsemen's association may contract for additional provisions governing a horse industry trust **purse** account specified in this section, but only to the extent that such contractual provisions are consistent with, and do not conflict with, the rules set forth in this section and [71 IAC 11-1-12](#).

(g) The association shall file an annual audit or review, prepared by an independent certified public accountant, for each horse industry trust purse account. The filing is due no later than March 31 after the close of the calendar year. The commission, upon showing of good cause, may extend the time for filing. The audit or review in a format and according to the standards approved by the commission. The cost of the audit or review, absent exceptional circumstances, shall be borne by the purse trust accounts, and the cost shall be allocated thirty-three and one-third percent (33 1/3%) to standardbred, thirty-three and one-third percent (33 1/3%) to thoroughbred, and thirty-three and one-third percent (33 1/3%) to quarter horse up to a total cost (per association) of ten thousand dollars (\$10,000) with any additional amounts to be paid by the association that is filing the audit or review.

(g) (h) The effective date of this section will be November 15, 2009. To the extent that an unfunded liability of the association to the purse account of one (1) or more of the breeds identified in this section has accrued prior to the effective date, those monies are due to be paid by the association to a particular horse industry trust account on or before July 1, 2010.

(Indiana Horse Racing Commission; [71 IAC 4-2-7](#); emergency rule filed Oct 29, 2009, 11:33 a.m.: [20091104-IR-071090870ERA](#), eff Oct 26, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-870(E) was filed with the Publisher October 29, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 9. [71 IAC 4-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 4-3-1](#) Facilities for patrons and licensees

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

Affected: [IC 4-31](#)

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

(b) An association shall provide and maintain adequate restroom facilities for the patrons and licensees.

(c) An association shall provide an adequate supply of free drinking water.

(d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(e) During a race performance, the association shall provide ~~the following:~~

~~(1) a first aid room equipped with appropriate equipment.~~

~~(2) The services of at least one (1) physician or certified emergency medical technician (EMT).~~

(f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for qualifying and racing. If the ambulance is being used to transport an individual, the association may not conduct a race, or allow horses with riders on the racetrack, until the ambulance is replaced.

(g) An association shall provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned as a result of a contract to the association grounds.

(h) The ambulance must be parked at a location approved by the commission.

(i) Any driver that falls or is involved in an accident on the track shall be examined by a certified paramedic or emergency medical technician (EMT) employed by or under contract with the association. The driver shall not be permitted to fulfill any future engagement until he or she is approved by said paramedic or EMT.

(j) An association shall provide adequate office space for the use of the judges and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be approved by the commission.

(k) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

(l) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees.

(Indiana Horse Racing Commission; [71 IAC 4-3-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2381; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 10. [71 IAC 4-3-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 4-3-4](#) Audio and visual equipment

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

Affected: [IC 4-31-7](#); [IC 4-31-8-2](#)

Sec. 4. (a) An association shall provide and maintain in good working order a communication system between the:

- (1) judges stand;
- (2) racing office;
- (3) tote room;
- (4) paddock;
- (5) test barn;
- (6) starting gate;
- (7) video camera locations;
- (8) **racing** veterinarian;
- (9) track announcer;
- (10) location of the ambulances (equine and human); and
- (11) other locations and persons designated by the commission.

(b) An association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

(c) An association shall provide an electronic photo finish device to photograph the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the commission before its first use in a race. The photographic print shall be displayed on the association closed circuit television system. The judge may also require the prints of the photograph to be displayed publicly on the bulletin boards in the grandstand and clubhouse areas of the racetrack. The association shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the commission. On request by the commission, the association shall provide, without cost, a print from the negative of a photo finish to the commission. Photo finish negatives of each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the judges or the commission.

(d) An association shall provide a videotaping system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the judges stand. The location and construction of video towers must be approved by the commission.

(e) The judges may, at their discretion, direct the video camera operators to videotape the activities of any horses or persons handling horses prior to, during, or following a race.

(f) Races must be recorded by at least three (3) video cameras.

(g) An association shall, upon request, provide to the commission, without cost, a copy of a videotape of a race.

(h) Videotapes recorded prior to, during, and following each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the judges or the commission.

(i) An association shall provide a viewing area in which, on approval by the judges, an owner, trainer, driver, or other interested individual may view a videotape recording of a race.

(j) Following any race in which there is an inquiry or objection, the association shall display to the public on designated monitors the videotaped replays of the incident in question which were utilized by the judges in making their decision.

(Indiana Horse Racing Commission; [71 IAC 4-3-4](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2839, 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 11. [71 IAC 4.5-2-8](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 4.5-2-8](#) Purse monies

Authority: [IC 4-31-3-9](#); [IC 4-35-7-12](#)

Affected: [IC 4-31-5](#); [IC 4-35](#)

Sec. 8. (a) An association, its officers, director, officials, and employees shall ensure that distributions for purses mandated by [IC 4-35](#), [IC 4-31](#), 71 IAC Article 12 [[71 IAC 12](#)], and contracts with any horsemen's association are made as provided for by statute. With the exception of purse money that it may owe as a result of the sale (export) of its simulcast signal, the association shall insure that any purse monies that it is obligated by statute regulation or contract to pay are deposited, before the fifteenth day of each month, based upon wagering from the previous month at the association's race tracks and/or off-track betting facilities, into the appropriate horse industry trust **purse** account as set forth herein. With respect to purse monies that an association is contractually obligated to pay as a result of a contract with a horsemen's association for the sale (export) of its simulcast signal, the association shall deposit those funds into the appropriate account as set forth herein within five (5) days of receipt or settlement by the association.

(b) An association is required to deposit and maintain the funds referenced in subsection (a) of this rule [*subsection (a)*] in separate horse industry trust **purse** accounts for each of the three (3) breeds racing at Indiana pari-mutuel facilities (standardbred, thoroughbred, and quarter horse). The funds deposited and maintained in those three (3) separate horse industry trust **purse** accounts shall be held and maintained separate from each other and separate from all other funds held and maintained by the association. The comingling [*sic*] of these funds with any other funds held or maintained by the association is strictly prohibited. This provision notwithstanding, an association may advance funds to a horse industry trust **purse** account from an operational account in order to make payment of purses that have been earned, and then receive reimbursement as soon as there are available funds in that horse industry trust **purse** account.

(c) The association shall issue a purse fund activity report (for each of the three (3) breeds racing in Indiana) no later than the fifteenth day of each month. Each report shall include a summary of both the prior month's activity as well as the year-to-date amounts deposited and dispersed from each horse industry trust **purse** account. The report shall include an itemized statement of receipts and expenditures for the prior month and shall be electronically delivered both to the horsemen's association representing the owners and trainers of a particular breed and to the commission. The format of the report is subject to the approval of the commission or its executive director.

(d) The association shall also provide no later than the fifteenth day of each month a copy of the bank statement for each horse industry trust **purse** account referenced herein to the commission and the horsemen's

association representing the owners and trainers of the breed that benefits from the monies contained in that horse industry trust **purse** account.

(e) Any breach of the obligations or requirements of this section or the requirements set forth in [IC 4-35-7-12](#), including any misuse, misdirection, or misappropriation of funds specifically referenced in [IC 4-35-7-12](#), may be considered a violation of this article and may subject the association and its officers, directors, and employees to penalties that may include but are not limited to:

- (1) the issuance of a warning to the association;
- (2) the imposition of a civil penalty upon the association up to but not to exceed one million dollars (\$1,000,000);
- (3) the suspension of a permit issued under [IC 4-31-5](#) to conduct a pari-mutuel wagering horse racing meeting in Indiana; or
- (4) any other sanction that may be imposed by the commission.

(f) Subject to the review and approval of the commission, any association and any horsemen's association may contract for additional provisions governing a horse industry trust **purse** account specified in this section, but only to the extent that such contractual provisions are consistent with, and do not conflict with, the rules set forth in this section and [71 IAC 11-1-12](#).

(g) The association shall file an annual audit or review, prepared by an independent certified public accountant, for each horse industry trust purse account. The filing is due no later than March 31 after the close of the calendar year. The commission, upon showing of good cause, may extend the time for filing. The audit or review in a format and according to the standards approved by the commission. The cost of the audit or review, absent exceptional circumstances, shall be borne by the purse trust accounts, and the cost shall be allocated thirty-three and one-third percent (33 1/3%) to standardbred, thirty-three and one-third percent (33 1/3%) to thoroughbred, and thirty-three and one-third percent (33 1/3%) to quarter horse up to a total cost (per association) of ten thousand dollars (\$10,000) with any additional amounts to be paid by the association that is filing the audit or review.

~~(g)~~ **(h)** The effective date of this section will be November 15, 2009. To the extent that an unfunded liability of the association to the purse account of one (1) or more of the breeds identified in this section has accrued prior to the effective date, those monies are due to be paid by the association to a particular horse industry trust account on or before July 1, 2010.

(Indiana Horse Racing Commission; [71 IAC 4.5-2-8](#); emergency rule filed Dec 10, 2010, 12:11 p.m.: [20101215-IR-071100742ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 12. [71 IAC 4.5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 4.5-3-1](#) Facilities for patrons and licensees

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

Affected: [IC 4-31](#)

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

(b) An association shall provide and maintain adequate rest room facilities for the patrons and licensees.

(c) An association shall provide an adequate supply of free drinking water.

(d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(e) During a race performance, the association shall provide ~~the following~~:

~~(1) a first aid room equipped with appropriate equipment.~~

~~(2) The services of at least one (1) physician or certified emergency medical technician (EMT).~~

(f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for training or racing. If the ambulance is being used to transport an individual, the association may not conduct a race, or allow horses with riders on the racetrack, until the ambulance is replaced.

(g) An association shall provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned as a result of a contract to the association grounds.

(h) The ambulance must be positioned at a location approved by the commission.

(i) Any jockey that falls or is involved in an accident on the track shall be examined by a certified paramedic or emergency medical technician (EMT) employed by or under contract with the association. The jockey shall not be permitted to fulfill any future engagement until he or she is approved by said paramedic or EMT.

(j) An association shall provide adequate office space for the use of the stewards and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be approved by the commission.

(k) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

(l) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees.

(Indiana Horse Racing Commission; [71 IAC 4.5-3-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2890; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2382; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 13. [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, helper,~~ farrier, stable employees, ~~exercise rider,~~ groom, pari-mutuel clerk, ~~pony rider,~~ track employee, track security, vendor employee, ~~jockey, apprentice jockey,~~ starting gate crew, farrier's assistant, valet, track management, practicing or ~~track~~ **racing** veterinarian, equine dentist, ~~jockey agent,~~ or other).

(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.

(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) 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) 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) 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](#); emergency rule filed Sep 16, 2010, 12:19 p.m.: [20100922-IR-071100607ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

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

[71 IAC 5-3-3](#) Other responsibilities

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

Affected: [IC 4-31](#)

Sec. 3. (a) A trainer is responsible for the following:

- (1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.
- (2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
- (3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:
 - (A) name;
 - (B) occupation;
 - (C) Social Security number; and
 - (D) (C) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge, including that outlined in [71 IAC 8](#).
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any

change in ownership shall be reported immediately to, and approved by, the judges and recorded by the racing secretary.

(7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.

(8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.

(9) Using the services of ~~these~~ **practicing** veterinarians licensed by the commission to attend horses that are on association grounds. No trainer shall permit a veterinarian whose license is suspended in any jurisdiction or who is excluded from the stable area of tracks under the jurisdiction of the commission to treat any horse, regardless of its location, that has or will be actively participating in racing in Indiana during a given calendar year.

(10) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the USTA electronic eligibility.

(11) Promptly reporting to the racing secretary and the ~~commission~~ **official** veterinarian any horse on which a posterior digital neurectomy (heel denerving) has been performed and ensuring that such fact is designated on the USTA electronic eligibility.

(12) Promptly reporting to the judges and the ~~commission~~ **official** veterinarian the serious illness of any horse in his or her charge.

(13) Promptly reporting the death of any horse in his or her care on association grounds to the judges and the ~~commission~~ **official** veterinarian and compliance with [71 IAC 8](#) governing postmortem examinations.

(14) Maintaining a knowledge of the medication record and status of all horses in his or her care.

(15) Immediately reporting to the judges and the ~~commission~~ **official** veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.

(16) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(17) Horses entered as to eligibility.

(18) Ensuring the fitness of a horse to perform creditably.

(19) Ensuring that his or her horses are properly shod, bandaged, and equipped.

(20) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.

(21) Personally attending to his or her horses in the paddock or designating a licensee to attend to the horse in the paddock.

(22) Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.

(23) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.

(24) Promptly notifying the owner of a horse of a positive test or blood gas analysis report performed on his or her horse indicating levels in violation of [71 IAC 8](#).

(25) Notifying horse owners upon the revocation or suspension of his or her trainer's license.

(26) Guard and protect all horses in his or her care.

(27) Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.

(28) Determine the training regimen of all horses in his or her care.

(29) Ensuring that electronic eligibility is registered with the USTA prior to entry in a race or qualifying race.

(30) Immediately notifying the judges, or in their absence commission or track security, of any contact a practicing veterinarian or his or her helper has with a horse within twenty-four (24) hours of its scheduled race except for the administration of furosemide in accordance with commission rules.

(b) Upon application by the owner, the judges may approve the transfer of such horses to the care of another licensed trainer, and, upon such approved transfer, such horses may be entered to race.

(c) No trainer shall assign any of his or her duties or responsibilities to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his or her active care, custody, and supervision.

(e) No trainer shall practice his profession except under his or her own name.

(Indiana Horse Racing Commission; [71 IAC 5-3-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, 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 Mar 27, 2000, 8:20 a.m.: 23 IR 2005; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2100; 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 Mar 27, 2002, 10:25 a.m.: 25 IR 2535; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2212; 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.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 15. [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~~, **helper**, farrier, stable employees, exercise rider, groom, pari-mutuel clerk, pony rider, track employee, track security, vendor employee, ~~jockey~~, ~~apprentice jockey~~, starting gate crew, farrier's assistant, valet, track management, practicing or ~~track racing~~ **track racing** veterinarian, equine dentist, ~~jockey agent~~, or other).
- (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.
- (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) 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) 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](#); emergency rule filed Sep 16, 2010, 12:19 p.m.: [20100922-IR-071100607ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 16. [71 IAC 5.5-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-3-3](#) Other responsibilities

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

Affected: [IC 4-31](#)

Sec. 3. (a) A trainer is responsible for the following:

- (1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.
- (2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
- (3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:
 - (A) name;
 - (B) occupation;
 - (C) Social Security number; and
 - (D) (C) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge, including that outlines *[sic]* in [71 IAC 8](#).
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Using the services of ~~these~~ **practicing** veterinarians licensed by the commission to attend ~~to~~ horses that are on association grounds. No trainer shall permit a veterinarian whose license is suspended in any jurisdiction or who is excluded from the stable area of tracks under the jurisdiction of the commission to treat any horse, regardless of its location, that has or will be actively participating in racing in Indiana during a given calendar year.
- (10) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the certificate of registration.
- (11) Promptly reporting to the racing secretary and the ~~commission~~ **official** veterinarian any horse on which a posterior digital neurectomy (heel denerving) has been performed and ensuring that such fact is designated on its certificate of registration.
- (12) Promptly reporting to the stewards and the ~~commission~~ **official** veterinarian the serious illness of any horse in his or her charge.
- (13) Promptly reporting the death of any horse in his or her care on association grounds to the stewards and the ~~commission~~ **official** veterinarian and compliance with [71 IAC 8.5](#) governing postmortem examinations.
- (14) Maintaining a knowledge of the medication record and status of all horses in his or her care.
- (15) Immediately reporting to the stewards and the ~~commission~~ **official** veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.
- (16) Representing an owner in making entries and scratches and in all other matters pertaining to racing.
- (17) Horses entered as to eligibility.
- (18) Ensuring the fitness of a horse to perform creditably.
- (19) Ensuring that his or her horses are properly shod, bandaged, and equipped.

- (20) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.
- (21) Personally attending to his or her horses in the paddock unless excused by the stewards.
- (22) Instructing the jockey to give his or her best effort during a race and that each horse shall be ridden to win.
- (23) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.
- (24) Promptly notifying the owner of a horse of a positive test performed on his or her horse indicating levels in violation of [71 IAC 8.5](#).
- (25) Notifying horse owners upon the revocation or suspension of his or her trainer's license.
- (26) Guard and protect all horses in his/her care.
- (27) Account for fees and services rendered on behalf of any horse in his/her care to the appropriate owner or owners.
- (28) Determine the training regimen of all horses in his/her care.
- (29) The licensure of owners and employees prior to participating on race day.
- (30) Immediately notifying the stewards, or in their absence commission or track security, of any contact a practicing veterinarian or his or her helper has with a horse within twenty-four (24) hours of its scheduled race except for the administration of furosemide in accordance with commission rules.

(b) Upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer such horses may be entered to race.

(c) No trainer shall assign any of his/her duties or responsibility to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his/her active care, custody, and supervision.

(e) No trainer shall practice his profession, except under his own name.

(Indiana Horse Racing Commission; [71 IAC 5.5-3-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2856, 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 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1914; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2214; 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.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-07107030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 17. [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 **veterinarian's** list;
- (2) is wearing a trachea tube or has a hole in its throat for a trachea tube;
- (3) has had any surgical neurectomy (been denerved) not in accordance with [71 IAC 5](#);
- (4) has impaired eyesight in both eyes; or
- (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 **veterinarian'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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 18. [71 IAC 7-1-28](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-28](#) Qualifying races

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

Affected: [IC 4-31](#)

Sec. 28. Declarations for qualifying races shall be governed by the following:

(1) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the judges and acquire at least one (1) charted line within the qualifying standards of the track.

(2) A horse that does not show a charted line within its last six (6) starts must go a qualifying race within the time standards of the track.

~~(3)~~ A horse not meeting qualifying standards in its last two ~~(2)~~ consecutive starts on a good or fast track must qualify.

~~(4)~~ **(3)** Horses racing with or without pacing or trotting hobbles for the first time must qualify.

~~(5)~~ **(4)** When a horse is used for the sole purpose of qualifying a driver, that horse must go in qualifying time or be placed on the list to requalify, and the race must be charted.

~~(6)~~ **(5)** If a horse takes a win record in a qualifying race, that record must be prefaced with a "Q". The record will not be considered official unless the horse is post-race tested (urine and blood).

~~(7)~~ **(6)** If a qualified horse is entered in a qualifier, that qualifier will not be considered if the horse fails to qualify. Only one (1) such failed qualifier will be permitted.

(Indiana Horse Racing Commission; [71 IAC 7-1-28](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; 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 Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 19. [71 IAC 7-3-24](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-24](#) Horse falls on track

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

Affected: [IC 4-31](#)

Sec. 24. Should any horse in the current program fall or get loose on the track or be involved in an accident of any kind after starting to warm up, that horse will only be permitted to start after examination and approval by the track racing veterinarian. Should any horse fall or get loose during the post parade or during the time elapsed before the word "go" is given, the horse shall be scratched by the judges and a refund ordered of all wagers on the horse.

(Indiana Horse Racing Commission; [71 IAC 7-3-24](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 20. [71 IAC 7-3-35](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-35](#) Bandages

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

Affected: [IC 4-31](#)

Sec. 35. (a) The use of Gelocast and/or like materials as a racing bandage, or the use of Gelocast and/or like materials in conjunction with traditional materials to form a racing bandage is prohibited.

(b) Any nontraditional material incorporated into a racing bandage must be approved by the ~~commission~~ **official veterinarian, or his/her designee.**

(Indiana Horse Racing Commission; [71 IAC 7-3-35](#); emergency rule filed Jun 22, 1998, 5:11 p.m.: 21 IR 4234; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 21. [71 IAC 7.5-1-12](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-1-12](#) Double jock mounts

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

Affected: [IC 4-31](#)

Sec. 12. In the event an owner or trainer elects to remove a jockey from his or her mount ~~after scratch time,~~ **once the overnight is published,** the stewards may require a double jock mount to be paid. The fee to be paid for the double jock mount shall be equal to that earned by the jockey who rode the horse.

(Indiana Horse Racing Commission; [71 IAC 7.5-1-12](#); emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 22. [71 IAC 7.5-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-2-2](#) Scratches

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

Affected: [IC 4-31](#)

Sec. 2. (a) A scratch is the act of withdrawing an entered horse from a contest after the closing of entries.

(b) The scratch of a horse after closing shall be made by the owner, trainer, or their licensed designee with permission from the stewards.

(c) A horse may be scratched from a stakes race for any reason at any time up until ~~post time for~~ **forty-five (45) minutes prior to** that race.

(d) No horse may be scratched from an overnight race without approval of the stewards.

(e) In overnight races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horse representing more than ten (10) betting interests in the daily double or exotic wagering races, or horses representing more than eight (8) betting interests in any other overnight race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum numbers for such races. This privilege shall be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(f) Entry of any horse which has been scratched or excused from starting by the stewards because of a physical disability or sickness shall not be accepted until the expiration of a minimum of five (5) calendar days after such horse was scratched or excused and the horse has been removed from the veterinarian's list by the official veterinarian.

(Indiana Horse Racing Commission; [71 IAC 7.5-2-2](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3407; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; errata filed Jun 20, 1996, 9:50 a.m.: 19 IR 3114; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 23. [71 IAC 7.5-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-4-1](#) Requirements

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

Affected: [IC 4-31](#)

Sec. 1. A horse which has not started for a period of sixty (60) days or more prior to race day must have an official timed workout within the previous ~~thirty (30)~~ **forty-five (45)** days prior to race day. First time starters must have two (2) or more official timed workouts, and at least one (1) such workout must be from the starting gate. ~~within the previous thirty (30) days prior to race day.~~ The workout must have occurred at a pari-mutuel track or commission recognized training facility. The association may impose more stringent workout requirements. All workouts are subject to the approval of the commission.

(Indiana Horse Racing Commission; [71 IAC 7.5-4-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2156; 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; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 24. [71 IAC 7.5-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-6-1](#) Equipment

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

Affected: [IC 4-31](#)

Sec. 1. (a) All riding crops are subject to inspection and approval by the stewards and the clerk of scales.

(1) Riding crops shall have shaft and flap and will be allowed in flat racing including training, only as follows:

(A) maximum weight of eight (8) ounces;

(B) maximum length of thirty (30) inches;

(C) shaft maximum diameter of the shaft of one-half (1/2) inch; and

(D) shaft contact area must be smooth, with no protrusion or raised surface and covered by shock absorbing material that gives a compression factor of at least one-quarter (1/4) millimeter throughout its circumference.

(2) The flap is the only allowable attachment to the shaft and must meet these specifications:

(A) length beyond the end of the shaft a maximum of one (1) inch;

(B) width a minimum of eight-tenths (0.8) inch and a maximum of one and six-tenths (1.6) inches;

(C) no reinforcements or additions beyond the end of the shaft;

(D) no binding within seven (7) inches of the end of the shaft; and

(E) shock absorbing characteristics similar to those of the contact area of the shaft.

(b) No bridle shall exceed two (2) pounds.

(c) A horse's tongue may be tied down with clean bandages, gauze, or a tongue strap.

(d) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the starter.

(e) The use of Gelocast and/or like materials as a racing bandage or the use of Gelocast and/or like materials in conjunction with traditional materials to form a racing bandage is prohibited.

(f) Any nontraditional material incorporated into a racing bandage must be approved by the ~~commission~~ **official veterinarian, or his/her designee.**

(g) Blinker cups must be a minimum of one and one-half (1 1/2) inches.

(Indiana Horse Racing Commission; [71 IAC 7.5-6-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:13 p.m.: 21 IR 4234; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 25. [71 IAC 8-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-1-3](#) Foreign substances allowed

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

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

Sec. 3. ~~Phenylbutazone, flunixin, ketoprofen, and Furosemide~~, when used in accordance with the test levels and guidelines set forth in sections [*sic, section*] ~~4 and 5~~ of this rule, ~~are permitted foreign substances and~~ vitamin B1 and calcium when administered in accordance with commission approved policy are permitted foreign substances for race day administration.

(Indiana Horse Racing Commission; [71 IAC 8-1-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 26. [71 IAC 8-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-1-5](#) Furosemide as a permitted foreign substance

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

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

Sec. 5. (a) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list the following process must be followed:

- (1) After the horse's licensed trainer and licensed **practicing** veterinarian determine that it would be in the horse's best interests to race with furosemide they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.
- (2) The form must be received by the official veterinarian or his/her designee by the proper time deadlines so as to ensure public notification.
- (3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and

- ~~licensed~~ **practicing** veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his/her designee, on the proper form, no later than the time of entry.
- (4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.
- (5) Furosemide shall only be administered on association grounds.
- (6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.
- (7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.
- (8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed five hundred (500) milligrams and no less than one hundred fifty (150) milligrams. The executive director or judges may designate certain ~~licensed~~ official veterinarians, racing veterinarians, and/or practicing veterinarians to administer furosemide under this rule. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall establish track rules for furosemide administrations that are consistent with these regulations.
- (9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The USTA, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.
- (10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood plasma only. Split sample testing shall be quantitative and be performed on blood plasma only.

(Indiana Horse Racing Commission; [71 IAC 8-1-5](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1169; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; errata filed Oct 15, 1998, 12:38 p.m.: 22 IR 759; 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 10, 2006, 11:00 a.m.: 29 IR 2218; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 27. [71 IAC 8-1-5.5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-1-5.5](#) Bleeding from nostrils

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

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

Sec. 5.5. A horse known to have bled from its nostrils for the first time during a race or workout may not be entered or raced during the next ten (10) days without prior approval for racing by the ~~commission~~ **official veterinarian or his/her designee**. If a horse bleeds from its nostrils a second time, the horse shall be placed on the ~~commission~~ veterinarian's list and prohibited from racing for thirty (30) days. If a horse bleeds from its nostrils a third time, the horse shall be placed on the ~~commission~~ veterinarian's list and prohibited from racing for at least thirty (30) days. A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. The horse may be removed from the ~~commission~~ veterinarian's list by the ~~commission~~ **official veterinarian** after a satisfactory workout. If a horse bleeds from its nostrils a fourth time, the horse is prohibited from racing in Indiana.

(Indiana Horse Racing Commission; [71 IAC 8-1-5.5](#); emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 28. [71 IAC 8-1-6](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-1-6](#) Program information

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

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

Sec. 6. In order to inform the race track patrons of those horses racing with medication, the permit holder shall indicate in the racing program that a horse is racing with ~~phenylbutazone, furosemide, or both.~~ **permitted foreign substances for race day administration.**

(Indiana Horse Racing Commission; [71 IAC 8-1-6](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 29. [71 IAC 8-1-9](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 8-1-9](#) Environmental contaminants and substances of human use

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

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

Sec. 9. (a) Substances described in subsection (b) are recognized as either:

- (1) environmental contaminants in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during cultivation, processing, treatment, storage, or transportation phases; or
- (2) substances of human use and addiction and which could be found in the horse due to its close association with humans.

(b) Regulatory thresholds have been set for the following substances: Caffeine – one hundred (100) nanograms of caffeine per milliliter of serum or plasma.

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use, it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

(Indiana Horse Racing Commission; [71 IAC 8-1-9](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 30. [71 IAC 8-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-3-3](#) Selection of horses tested

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

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

Sec. 3. (a) The judges, ~~commission veterinarians,~~ **the official veterinarian or his/her designee, a licensed veterinarian authorized by the commission,** a member of the commission, or the executive director of the commission may order a blood test or urine test, or both, on a horse for the purpose of analysis.

(b) A blood specimen or urine specimen, or both, shall be taken from the following horses after the running of

each race:

- (1) The horse that finishes first in each race.
- (2) Any other horses designated by the judges, ~~commission veterinarian~~, **the official veterinarian or his/her designee, a licensed veterinarian authorized by the commission**, a member of the commission, or the executive director of the commission.

(c) The judges and ~~commission~~ **the official veterinarian or his/her designee** shall designate for the taking of such a specimen a horse that races markedly contrary to form.

(d) The provisions of this section do not apply to section 5 of this rule.

(Indiana Horse Racing Commission; [71 IAC 8-3-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 31. [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 eligible to race in Indiana under this subsection is subject to testing without advance notice for prohibited substances, practices, and procedures as specified in subsection (f), while the horse is located on the grounds of 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 under the restrictions listed in subsection (e). A horse is eligible to race in Indiana if it is listed:

- (1) on an owner's or trainer's license application; or
- (2) a stall application, nomination list; or
- (3) on the horse sign-in sheet at any time during the meet; or
- (4) has raced at any Indiana race meet during the calendar year.

A horse shall be presumed eligible if it is a racing breed, at least two (2) years old and an Indiana bred or sired horse. The owner of such an Indiana bred or sired horse may render the horse ineligible for the testing as described in this regulation by indicating in writing the Indiana bred or sired horse is not intended to race in Indiana, pursuant to subsection (b) below provided that the owner of such an Indiana bred or sired horse provides such written notice to the office of the commission thirty (30) days before the horse turns two (2) years old or within thirty (30) days after the owner acquires the horse. In this event, the horse shall be deemed ineligible for racing in Indiana as provided for in subsection (b) below.

(b) If a horse to be tested is not covered under subsection (a), the executive director or judges may nevertheless test any such horse as eligible to race in Indiana for prohibited substances, practices, and procedures specified in subsection (f), unless the owner or trainer or other authorized representative or designee of such horse immediately represents in writing that the horse is not intended to be, and will not be, raced in Indiana for a minimum of three hundred sixty-five (365) days. If the owner, trainer, or other authorized representative or designee so represents, the horse shall be deemed ineligible for racing in Indiana for no less than three hundred sixty-five (365) days from that date. This three hundred sixty-five (365) day ineligibility to race in Indiana shall follow the horse even if sold or transferred to another owner or trainer. An owner or trainer may, however, consent to the collection of a sample from a horse selected for testing under this rule, even if the horse is not presently intended to be raced in Indiana, and if such horse tests negative, it will remain eligible to race in Indiana.

(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. In the event that a horse is ordered to report to a track pursuant to

the authority granted by this subsection, a licensed trainer is entitled to reimbursement by the commission for mileage (at the current rate paid by the state of Indiana as specified in the current Indiana financial management circular) to and from the location where the horse was stabled when the horse was ordered to report to the track. Under no circumstances will a trainer be entitled to reimbursement for mileage in excess of the actual mileage to the track from the place where the horse was stabled when ordered to report and from the track to the place where the horse is first stabled following the testing. The trainer is not entitled to receive reimbursement from the commission for any other expense relating to any order under this subsection to report to a track for out-of-competition testing.

(d) ~~A commission~~ **The official** veterinarian, a licensed veterinarian authorized by the commission, a veterinary technician under the direct supervision of ~~a commission~~ **the official** veterinarian, or a licensed veterinarian authorized by the commission may take a urine, blood, or hair sample from a horse for testing as provided for in this section.

(e) Unless sample collection occurs on the grounds of a racetrack or other location within Indiana under the commission's jurisdiction, the commission's representatives (or its designees, in the case of out-of-state collections) must arrive for the taking of blood, urine, or hair samples from an eligible horse as defined in subsections [subsection] (a) or (b), only between the hours of 7:00 a.m. and noon, after announcing their presence at the premises where the horse(s) to be tested is (are) located and showing their credentials to collect samples from the horse(s) selected for testing for prohibited substances, practices, and procedures as specified in subsection (f). The commission's representatives or designees will request to meet with the trainer or owner of the selected horse(s). If neither is available, the collection will be deferred until the trainer and/or owner, or their representative or designee, becomes reasonably available, but the collection must occur not later than one (1) hour after the commission's designee arrives at the premises in the case of an eligible horse under subsection (a), and not later than two (2) hours in the case of an eligible horse under subsection (b). If the collection does not occur within the time provided for in this subsection, any horse that would have been subject to testing and eligible to race in Indiana will be deemed to be ineligible for racing in Indiana pursuant to the provisions of subsections (a) and (b). In addition, the owner and/or trainer of the horses may be subject to any other sanctions allowed by Indiana law and regulations, including, but not limited to, a fine, suspension, and/or summary suspension. It is a defense to any action brought against an owner and/or trainer for sanctions or as a result of any declaration a horse is ineligible because the sample collection did not occur within the time provided for by this subsection that good cause existed that prohibited the owner, trainer, and/or their representative or designee from complying with the time limits set forth in this subsection. The owner, trainer, and/or their representative or designee has the burden of proving the good cause defense by a preponderance of the evidence.

(f) Prohibited substances, practices, and procedures are defined as the following:

(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) naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;

(4) substances capable of producing a repartitioning effect that are not FDA-approved for use in horses, including, but not limited to, ractopamine, zilpaterol, or any similar agent;

(5) AAS (androgenic-anabolic steroids) other than stanozolol, nandrolone, boldenone, testosterone, and metabolites thereof; and

~~{3}~~ **(6) the presence in a horse of any substance at anytime listed in subdivision (1), ~~or~~ (2), (3), (4), or (5) in an eligible as defined in subsections (a) and (b) above is prohibited and is a violation of this rule.**

(g) The trainer and/or his/her designees shall cooperate with the ~~commission~~ **official** 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 eligible horse selected for out of competition testing; and

(2) providing a stall or safe location to collect the samples.

The executive director or judges may summarily suspend, exclude, and/or otherwise penalize any trainer and/or other authorized representative or designee who does not fully cooperate with a commission employee or representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion. If any such person is summarily suspended, excluded, or otherwise penalized, she/he shall be entitled to

a hearing in accordance with Indiana law and regulations. A summary suspension, exclusion, or sanctions for failure to cooperate shall not issue, however, if a horseman meets his or her burden to establish the good cause defense set forth under subsection (e). This provision does not apply to an owner or trainer who timely provides written notice under subsection (a) or (b) that a horse sought to be tested is not intended to be raced in Indiana and thereby renders the horse ineligible pursuant to subsection (b).

(h) The collection of blood, urine, or hair 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 as chosen by the owner or trainer.

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

(i) In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection ~~(f)~~ **(f)(1) and (f)(2)** of this rule [*subsection (f)(1) and (f)(2)*]. **The Association of Racing Commissioners International, Inc. Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule will be considered for violations of (f)(3), (f)(4), and (f)(5) of this rule [*subsection (f)(3), (f)(4), and (f)(5)*] with additional penalties for any drug not FDA approved for use in horses.**

(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.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 32. [71 IAC 8-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-4-1](#) Collection procedures

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

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

Sec. 1. (a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) Before sending a sample from a horse to a testing laboratory, the ~~commission~~ **official** veterinarian or a designated **commission** employee shall divide the specimen into two (2) parts.

(c) The ~~commission~~ **official** veterinarian **or designated commission employee** shall attempt to collect a minimum of fifty (50) milliliters of urine. The primary testing laboratory shall receive a minimum of fifty (50) milliliters of urine. The ~~commission~~ **official** veterinarian, **a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian** shall collect a minimum of thirty (30) milliliters of blood, which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory. A urine specimen shall not be split if less than fifty (50) milliliters is collected from horses. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) If the split sample testing laboratory determines that there is insufficient sample volume to make a specific identification of the sample contents, or if an act of God, power failure, accident, labor strike, or any other event beyond the control of the commission or its representatives prevents the split sample from being tested, then the results of tests performed by the primary laboratory shall be considered prima facie evidence of the condition of the horse.

(e) The ~~commission~~ **official veterinarian or his/her designee** shall retain the part of the urine specimen and the part of the blood specimen that is not sent to the primary laboratory.

(f) If the retained part of a specimen is sent for testing, the ~~commission~~ **official veterinarian or designated commission employee** shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(g) Blood samples shall be centrifuged and stored frozen.

(h) The provisions of subsections (b) and (c) do not apply to [71 IAC 8-3-5](#).

(Indiana Horse Racing Commission; [71 IAC 8-4-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; 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.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 33. [71 IAC 8-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-4-2](#) Storage and shipment of split samples

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

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

Sec. 2. (a) The ~~commission~~ **official veterinarian or his/her designee** shall store the retained part of a specimen in secure, limited access, frozen storage at a site approved by the commission for the period required by this section.

(b) If the results of the initial test on a specimen are negative, the ~~commission~~ **official veterinarian, or his/her designee**, or primary laboratory may discard the retained part of the specimen upon receipt of the negative result. If the result of the initial test on a specimen is positive, the ~~commission~~ **official veterinarian, or his/her designee**, or primary laboratory may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the retained part be sent for split testing.

(c) The identity of the drug or drug metabolites shall be revealed to the split sample laboratory. Communication between the primary and split sample laboratory is limited to the exchange of the analytical method and the threshold level used to confirm the drug's identity.

(Indiana Horse Racing Commission; [71 IAC 8-4-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 34. [71 IAC 8-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-5-1](#) Eligibility

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

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

Sec. 1. Every veterinarian practicing on association premises must be:

- (1) licensed by the state veterinarian regulatory authority;
- (2) recommended for licensure by the ~~commission~~ **official veterinarian or his/her designee**; and

(3) licensed by the commission.

(Indiana Horse Racing Commission; [71 IAC 8-5-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 35. [71 IAC 8-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-5-2 Prohibited acts](#)

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

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

Sec. 2. (a) A licensed **practicing** veterinarian ~~practicing~~ at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.

(b) Veterinarians licensed by the commission as **practicing** veterinarians are prohibited from placing any wager of money or other things of value directly or indirectly on the outcome of any race conducted at the meeting at which he or she is furnishing professional service.

(c) No veterinarian shall, within the association grounds, furnish, sell, or loan any hypodermic syringe, needle, or other injection device to any other person within the grounds of an association where race horses are stabled.

(Indiana Horse Racing Commission; [71 IAC 8-5-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1173; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 36. [71 IAC 8-5-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-5-5 Records of treatment](#)

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

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

Sec. 5. (a) Every veterinarian licensed by the commission who treats any horse or performs other professional services within the enclosure of an organization licensee during a race meeting, or treats horses off the grounds that are actively participating at a race meeting, shall be responsible for maintaining treatment records or a log book on all horses for which they prescribe, administer, or dispense medication or perform other professional services. The treatment records or log book information shall include, but not be limited to, the following:

- (1) The date and time of treatment service.
- (2) Name of race track.
- (3) The veterinarian's printed name and signature.
- (4) The registered name of horse.
- (5) The trainer's name.
- (6) The barn number or location of horse.
- (7) The race date and race number, if any.
- (8) The medication and dosage.
- (9) The reason for treatment or services.

These records shall be current at all times and available to the commission and the judges upon request. These records shall be retained for at least one (1) year after the conclusion of the race meet and be made available to the commission and judges upon request. Such records shall be delivered to the commission either upon demand or within twenty-four (24) hours of the request.

(b) **Practicing** veterinarians shall retain duplicate copies of bills or statements to trainers or owners which shall be retained for at least one (1) year and made available to the commission upon request. Such records shall be delivered to the commission within forty-eight (48) hours of the request.

(c) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) The name of the product.
- (2) The name, address, and telephone number of the veterinarian prescribing or dispensing the product.
- (3) The name of each patient (horse) for whom the product is intended or prescribed.
- (4) The doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product.
- (5) The name of the person (trainer) to whom the product was dispensed.

(Indiana Horse Racing Commission; [71 IAC 8-5-5](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2917; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2879, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219; 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.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 37. [71 IAC 8-5-6](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-5-6](#) Report of illness

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

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

Sec. 6. Each veterinarian shall report immediately to the judges and the ~~commission~~ **official** veterinarian any illness in a horse entrusted into his or her care presenting unusual or unknown symptoms or a contagious or communicable disease.

(Indiana Horse Racing Commission; [71 IAC 8-5-6](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1174; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 38. [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.
- (7) Ractopamine.**
- (8) Zilpaterol.**

(b) The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

- (1) Any treated horse shall not be permitted to race for a minimum of ten (10) days following treatment.
- (2) The use of extracorporeal shock therapy or radial pulse wave therapy machines shall be limited to **practicing** veterinarians. ~~licensed to practice by the commission;~~
- (3) Any extracorporeal shock therapy or radial pulse therapy machines on the association grounds must be registered with and approved by the commission or its designee before use.
- (4) All extracorporeal shock therapy or radial pulse therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

(c) 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.

(d) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds as discussed below in subsection (e), 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\(2\)](#).

(e) Notwithstanding subsection (c), 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 subsections (i) and (j).

(f) 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.

(g) 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 subsections (i) and (j).

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

(i) 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.

(j) 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.

(k) 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.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 39. [71 IAC 8-8-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-8-1](#) Postmortem; disposal of a dead horse

Authority: [IC 4-31-3-9](#); [IC 4-31-12-10](#)

Affected: [IC 4-31](#)

Sec. 1. (a) The ~~commission~~ **official** veterinarian, **or his/her designee**, or judges shall order a postmortem examination of:

- (1) each horse that:
 - (A) suffers a breakdown on the racetrack, in training, or in competition; and
 - (B) is destroyed; and
- (2) each horse that expires while stabled on a racetrack under the jurisdiction of the commission; to determine the injury or sickness that resulted in euthanasia or natural death.

(b) All shoes shall be left on the horse.

(c) A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the ~~commission~~ **official** veterinarian, in accordance with the most recent addition [*sic*] of the Association of Equine Practitioners Guidelines for the Necropsy of a Racehorse.

(d) Test samples specified by the ~~commission~~ **official** veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.

(e) The commission shall pay all costs involved in a postmortem examination ordered by the commission or the ~~commission~~ **official** veterinarian.

(f) A written record shall be filed with the ~~commission~~ **official** veterinarian **or his/her designee** at the

completion of each postmortem examination. The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the ~~commission~~ **official** veterinarian.

(Indiana Horse Racing Commission; [71 IAC 8-8-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2221; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 40. [71 IAC 8-8-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-8-2](#) Report of horse death

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

Affected: [IC 4-31](#)

Sec. 2. (a) The death of any horse on association grounds at any time shall be immediately reported to the judges, **the official veterinarian**, or the executive director by the practicing veterinarian tending the horse.

(b) The practicing veterinarian tending to a horse that dies on association grounds shall complete the IHRC Death and Euthanasia Report. Such report shall be filed with the judges within twenty-four (24) hours of the death or euthanasia of the horse.

(c) Absent a practicing veterinarian tending to the death or euthanasia of a horse the judges, **the official veterinarian**, or the executive director shall designate a licensed veterinarian to complete the IHRC Death and Euthanasia Report.

(d) A horse that dies on association grounds shall not be removed without permission of the ~~judges~~ **judge, the official veterinarian**, or the executive director.

(Indiana Horse Racing Commission; [71 IAC 8-8-2](#); emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 41. [71 IAC 8-9.1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-9.1-1](#) Accident on the track

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

Affected: [IC 4-31](#)

Sec. 1. Any horse that falls or is involved in an accident on the track shall report to the test barn for an examination and emergency treatment by the ~~commission~~ **official** veterinarian, **a licensed veterinarian authorized by the commission**, or **track racing** veterinarian. Such horse may be placed on the veterinarian's list at the discretion of the ~~commission~~ **official or racing** veterinarian.

(Indiana Horse Racing Commission; [71 IAC 8-9.1-1](#); emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1505; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 42. [71 IAC 8.5-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-1-3](#) Foreign substances allowed

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

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

Sec. 3. ~~Phenylbutazone, flunixin, ketoprofen, and Furosemide~~, when used in accordance with the test levels and guidelines set forth in sections ~~[sic, section]~~ 4-1 and 5 of this rule, ~~are permitted foreign substances and~~ vitamin B1 and calcium when administered in accordance with commission approved policy are permitted foreign substances for race day administration.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2420; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; 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.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 43. [71 IAC 8.5-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-1-5](#) Furosemide as a permitted foreign substance

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

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

Sec. 5. (a) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list, the following process must be followed:

- (1) After the horse's licensed trainer and ~~licensed~~ **practicing** veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.
- (2) The form must be received by the official veterinarian or his/her designee by the proper time deadlines so as to ensure public notification.
- (3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and ~~licensed~~ **practicing** veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his/her designee, on the proper form, no later than the time of entry.
- (4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.
- (5) Furosemide shall only be administered on association grounds.
- (6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.
- (7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.
- (8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed five hundred (500) milligrams and no less than one hundred fifty (150) milligrams. The executive director or stewards may designate certain ~~licensed~~ official veterinarians, racing veterinarians, and/or practicing veterinarians to administer furosemide under this rule. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall establish track rules for furosemide administrations that are consistent with these regulations.
- (9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The Daily Racing Form, Equibase, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood plasma only. Split sample testing shall be quantitative and be performed on blood plasma only.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-5](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2420; errata filed Oct 15, 1998, 12:39 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, 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.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2223; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 44. [71 IAC 8.5-1-5.5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-1-5.5](#) Bleeding from nostrils

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

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

Sec. 5.5. A horse known to have bled from its nostrils for the first time during a race or workout may not be entered or raced during the next ten (10) days without prior approval for racing by the ~~commission~~ **official** veterinarian **or his/her designee**. If a horse bleeds from its nostrils a second time, the horse shall be placed on the ~~commission~~ veterinarian's list and prohibited from racing for thirty (30) days. If a horse bleeds from its nostrils a third time, the horse shall be placed on the ~~commission~~ veterinarian's list and prohibited from racing for at least thirty (30) days. A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. The horse may be removed from the ~~commission~~ veterinarian's list by the ~~commission~~ **official** veterinarian after a satisfactory workout. If a horse bleeds from its nostrils a fourth time, the horse is prohibited from racing in Indiana.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-5.5](#); emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 45. [71 IAC 8.5-1-6](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-1-6](#) Program information

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

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

Sec. 6. In order to inform the race track patrons of those horses racing with medication, the permit holder shall indicate in the racing program that a horse is racing with ~~phenylbutazone, furosemide, or both.~~ **permitted foreign substances for race day administration.**

(Indiana Horse Racing Commission; [71 IAC 8.5-1-6](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2881, 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 46. [71 IAC 8.5-1-9](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 8.5-1-9](#) Environmental contaminants and substances of human use

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

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

Sec. 9. (a) Substances described in subsection (b) are recognized as either:

- (1) environmental containments in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during cultivation, processing, treatment, storage, or transportation phases; or**
- (2) substances of human use and addiction and which could be found in the horse due to its close association with humans.**

(b) Regulatory thresholds have been set for the following substances: Caffeine – one hundred (100) nanograms of caffeine per milliliter of serum or plasma.

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-9](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 47. [71 IAC 8.5-2-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-2-3](#) Selection of horses tested

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

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

Sec. 3. (a) The stewards, ~~commission veterinarians,~~ **the official veterinarian or his/her designee, a licensed veterinarian authorized by the commission,** a member of the commission, or the executive director of the commission may order a blood test or urine test, or both, on a horse for the purpose of analysis.

(b) A blood specimen or urine specimen, or both, shall be taken from the following horses after the running of each race:

- (1) The horse that finishes first in each race.
- (2) Any other horses designated by the stewards, ~~commission veterinarian,~~ **the official veterinarian or his/her designee, a licensed veterinarian authorized by the commission,** a member of the commission, or the executive director of the commission.

(c) The stewards and ~~commission~~ **the official veterinarian or his/her designee** shall designate for the taking of such a specimen a horse that races markedly contrary to form.

(d) The provisions of this section do not apply to section 5 of this rule.

(Indiana Horse Racing Commission; [71 IAC 8.5-2-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, 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 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 48. [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 eligible to race in Indiana under this subsection is subject to testing without advance

notice for prohibited substances, practices, and procedures as specified in subsection (f), while the horse is located on the grounds of a racetrack under the jurisdiction of the commission, or stabled off association grounds while under the care or control of a trainer or owner licensed by the commission under the restrictions listed in subsection (e). A horse is eligible to race in Indiana if it is listed:

- (1) on an owner's or trainer's license application; or
- (2) a stall application, nomination list; or
- (3) on the horse sign-in sheet at any time during the meet; or
- (4) has raced at any Indiana race meet during the calendar year.

A horse shall be presumed eligible if it is a racing breed, at least two (2) years old and an Indiana bred or sired horse. The owner of such an Indiana bred or sired horse may render the horse ineligible for the testing as described in this regulation by indicating in writing the Indiana bred or sired horse is not intended to race in Indiana, pursuant to subsection (b) below provided that the owner of such an Indiana bred or sired horse provides such written notice to the office of the commission thirty (30) days before the horse turns two (2) years old or within thirty (30) days after the owner acquires the horse. In this event, the horse shall be deemed ineligible for racing in Indiana as provided for in subsection (b) below.

(b) If a horse selected to be tested is not covered under subsection (a), the executive director or stewards may nevertheless test any such horse as eligible to race in Indiana for prohibited substances, practices, and procedures specified in subsection (f), unless the owner or trainer or other authorized representative or designee of such horse immediately represents in writing that the horse is not intended to be, and will not be, raced in Indiana for a minimum of three hundred sixty-five (365) days. If the owner, trainer, or other authorized representative or designee so represents, the horse shall be deemed ineligible for racing in Indiana for no less than three hundred sixty-five (365) days from that date. This three hundred sixty-five (365) day ineligibility to race in Indiana shall follow the horse even if sold or transferred to another owner or trainer. An owner or trainer may, however, consent to the collection of a sample from a horse selected for testing under this rule, even if the horse is not presently intended to be raced in Indiana, and if such horse tests negative, it will remain eligible to race in Indiana.

(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. In the event that a horse is ordered to report to a track pursuant to the authority granted by this subsection, a licensed trainer is entitled to reimbursement by the commission for mileage (at the current rate paid by the state of Indiana as specified in the current Indiana financial management circular) to and from the location where the horse was stabled when the horse was ordered to report to the track. Under no circumstances will a trainer be entitled to reimbursement for mileage in excess of the actual mileage to the track from the place where the horse was stabled when ordered to report and from the track to the place where the horse is first stabled following the testing. The trainer is not entitled to receive reimbursement from the commission for any other expense relating to any order under this subsection to report to a track for out-of-competition testing.

(d) ~~A commission~~ **The official** veterinarian, a licensed veterinarian authorized by the commission or a veterinary technician under the direct supervision of ~~a commission~~ **the official** veterinarian, or a licensed veterinarian authorized by the commission may take a urine, blood, or hair sample from a horse for testing as provided for in this section.

(e) Unless sample collection occurs on the grounds of a racetrack or other location within Indiana under the commission's jurisdiction, the commission's representatives (or its designees, in the case of out-of-state collections) must arrive for the taking of blood, urine, or hair samples from an eligible horse as defined in subsections [subsection] (a) or (b), only between the hours of 7:00 a.m. and noon, after announcing their presence at the premises where the horse(s) to be tested is (are) located and showing their credentials to collect samples from the horse(s) selected for testing for prohibited substances, practices, and procedures as specified in subsection (f). The commission's representatives or designees will request to meet with the trainer or owner of the selected horse(s). If neither is available, the collection will be deferred until the trainer and/or owner, or their representative or designee, becomes reasonably available, but the collection must occur not later than one (1) hour after the commission's designee arrives at the premises in the case of an eligible horse under subsection (a), and not later than two (2) hours in the case of an eligible horse under subsection (b). If the collection does not occur within the time provided for in this subsection, any horse that would have been subject to testing and eligible to race in Indiana will be deemed to be ineligible for racing in Indiana pursuant to the provisions of subsections (a) and (b). In addition, the owner and/or trainer of the horses may be subject to any other sanctions

allowed by Indiana law and regulations, including, but not limited to, a fine, suspension, and/or summary suspension. It is a defense to any action brought against an owner and/or trainer for sanctions or as a result of any declaration a horse is ineligible because the sample collection did not occur within the time provided for by this subsection that good cause existed that prohibited the owner, trainer, and/or their representative or designee from complying with the time limits set forth in this subsection. The owner, trainer, and/or their representative or designee has the burden of proving the good cause defense by a preponderance of the evidence.

(f) Prohibited substances, practices, and procedures are defined as the following:

(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) naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;

(4) substances capable of producing a repartitioning effect that are not FDA-approved for use in horses, including, but not limited to, ractopamine, zilpaterol, or any similar agent;

(5) AAS (androgenic-anabolic steroids) other than stanozolol, nandrolone, boldenone, testosterone and metabolites thereof; and

~~(3)~~ **(6)** the presence in a horse of any substance at anytime listed in subdivision (f)(1), or (f)(2), **(f)(3), (f)(4), or (f)(5)** [subdivision (1), (2), (3), (4), or (5)] in an eligible as defined in subsections (a) and (b) above is prohibited and is a violation of this rule.

(g) The trainer and/or his/her designees shall cooperate with the ~~commission~~ **official** 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 eligible horse selected for out of competition testing; and

(2) providing a stall or safe location to collect the samples.

The executive director or stewards may summarily suspend, exclude, and/or otherwise penalize any trainer and/or other authorized representative or designee who does not fully cooperate with a commission employee or representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion. If any such person is summarily suspended, excluded, or otherwise penalized, she/he shall be entitled to a hearing in accordance with Indiana law and regulations. A summary suspension, exclusion, or sanctions for failure to cooperate shall not issue, however, if a horseman meets his or her burden to establish the good cause defense set forth under subsection (e). This provision does not apply to an owner or trainer who timely provides written notice under subsection (a) or (b) that a horse sought to be tested is not intended to be raced in Indiana and thereby renders the horse ineligible pursuant to subsection (b).

(h) The collection of blood, urine, or hair 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 as chosen by the owner or trainer.

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

(i) In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection ~~(f)~~ **(f)(1) and (f)(2)** of this rule [subsubsection (f)(1) and (f)(2)]. **The Association of Racing Commissioners International, Inc. Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule will be considered for violations of (f)(3), (f)(4), and (f)(5) of this rule [subsubsection (f)(3), (f)(4), and (f)(5)] with additional penalties for any drug not FDA approved for use in horses.**

(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.];

emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was

SECTION 49. [71 IAC 8.5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-3-1](#) Collection procedures

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

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

Sec. 1. (a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) Before sending a sample from a horse to a testing laboratory, the ~~commission~~ **official** veterinarian or a designated **commission** employee shall divide the specimen into two (2) parts.

(c) The ~~commission~~ **official** veterinarian **or a designated commission employee** shall attempt to collect a minimum of fifty (50) milliliters of urine. The primary testing laboratory shall receive a minimum of fifty (50) milliliters of urine. The ~~commission~~ **official** veterinarian, **a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian** shall collect a minimum of thirty (30) milliliters of blood, which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory. A urine specimen shall not be split if less than fifty (50) milliliters is collected from horses. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) If the split sample testing laboratory determines that there is insufficient sample volume to make a specific identification of the sample contents, or if an act of God, power failure, accident, labor strike, or any other event beyond the control of the commission or its representatives prevents the split sample from being tested, then the results of tests performed by the primary laboratory shall be considered prima facie evidence of the condition of the horse.

(e) The ~~commission~~ **official** veterinarian **or his/her designee** shall retain the part of the urine and blood specimen that is not sent to the primary laboratory.

(f) If the retained part of a specimen is sent for testing, the ~~commission~~ **official** veterinarian **or designated commission employee** shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(g) Blood samples shall be centrifuged and stored frozen.

(h) The provisions of subsections (b) and (c) do not apply to [71 IAC 8.5-2-5](#).

(Indiana Horse Racing Commission; [71 IAC 8.5-3-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; 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.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 50. [71 IAC 8.5-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-3-2](#) Storage and shipment of split samples

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

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

Sec. 2. (a) The ~~commission~~ **official veterinarian or his/her designee** shall store the retained part of a specimen in secure, limited access, frozen storage at a site approved by the commission for the period required by this section.

(b) If the results of the initial test on a specimen are negative, the ~~commission~~ **official veterinarian, or his/her designee, or primary laboratory** may discard the retained part of the specimen upon receipt of the negative result. If the result of the initial test on a specimen is positive, the ~~commission~~ **official veterinarian, or his/her designee, or primary laboratory** may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the retained part be sent for split testing.

(c) The identity of the drug or drug metabolites shall be revealed to the split sample laboratory. Communication between the primary and split sample laboratory is limited to the exchange of the analytical method and the threshold level used to confirm the drug's identity.

(Indiana Horse Racing Commission; [71 IAC 8.5-3-2](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 51. [71 IAC 8.5-3-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-3-4](#) Administrative procedures subsequent to split sample testing

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

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

Sec. 4. (a) The split sample laboratory shall send a confidential written report on the result of its tests to the commission which in turn shall send a confidential report to the trainer and owner forthwith.

(b) No action shall be taken against the trainer or owner if the results of split sample testing are negative.

(c) No hearing shall be held concerning the allegations against the trainer or owner, nor shall purse redistribution take place, until split sample testing has been completed and the results of the primary laboratory have been confirmed.

(d) The owner or trainer shall be notified in writing of the:

- (1) results of the primary and split sample laboratories in the case of confirmed positives; and
- (2) time and place of any administrative hearings resulting from the findings.

(e) If a positive test arises in a trial race, the horse is eligible for entry during the period the split sample is tested and reported to the commission. If the report confirms a positive test, the horse is disqualified from both the trial and the race for which the trial was conducted.

(Indiana Horse Racing Commission; [71 IAC 8.5-3-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 52. [71 IAC 8.5-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-4-1](#) Eligibility

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

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

Sec. 1. Every veterinarian practicing on association premises must be:

- (1) licensed by the veterinary medical examining board;
- (2) recommended for licensure by the ~~commission~~ **official veterinarian or his/her designee**; and
- (3) licensed by the commission.

(Indiana Horse Racing Commission; [71 IAC 8.5-4-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 53. [71 IAC 8.5-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-4-2 Prohibited acts](#)

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

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

Sec. 2. (a) A ~~licensed~~ **practicing** veterinarian ~~practicing~~ at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.

(b) Veterinarians licensed by the commission as **practicing** veterinarians are prohibited from placing any wager of money or other things of value directly or indirectly on the outcome of any race conducted at the meeting at which he or she is furnishing professional service.

(c) No veterinarian shall, within the association grounds, furnish, sell, or loan any hypodermic syringe, needle, or other injection device to any other person within the grounds of an association where race horses are stabled.

(Indiana Horse Racing Commission; [71 IAC 8.5-4-2](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3414; 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 54. [71 IAC 8.5-4-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-4-5 Records of treatment](#)

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

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

Sec. 5. (a) Every veterinarian licensed by the commission who treats any horse or performs other professional services within the enclosure of an organization licensee during a race meeting, or treats horses off the grounds that are actively participating at a race meeting, shall be responsible for maintaining treatment records or a log book on all horses for which they prescribe, administer, or dispense medication or perform other professional services. The treatment records or log book information shall include, but not be limited to, the following:

- (1) The date and time of treatment service.
- (2) Name of race track.
- (3) The veterinarian's printed name and signature.
- (4) The registered name of horse.
- (5) The trainer's name.
- (6) The barn number or location of horse.
- (7) The race date and race number, if any.
- (8) The medication and dosage.
- (9) The reason for treatment or services.

These records shall be current at all times and available to the commission and the stewards upon request. These records shall be retained for at least one (1) year after the conclusion of the race meet and be made available to the commission and stewards upon request. Such records shall be delivered to the commission either upon demand or within twenty-four (24) hours of the request.

(b) **Practicing** veterinarians shall retain duplicate copies of bills or statements to trainers or owners which

shall be retained for at least one (1) year and made available to the commission upon request. Such records shall be delivered to the commission within forty-eight (48) hours of the request.

(c) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) The name of the product.
- (2) The name, address, and telephone number of the veterinarian prescribing or dispensing the product.
- (3) The name of each patient (horse) for whom the product is intended or prescribed.
- (4) The doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product.
- (5) The name of the person (trainer) to whom the product was dispensed.

(Indiana Horse Racing Commission; [71 IAC 8.5-4-5](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2224; 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.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 55. [71 IAC 8.5-4-6](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-4-6](#) Report of illness

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

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

Sec. 6. Each veterinarian shall report immediately to the stewards and the ~~commission~~ **official** veterinarian any illness in a horse entrusted into his or her care presenting unusual or unknown symptoms or a contagious or communicable disease.

(Indiana Horse Racing Commission; [71 IAC 8.5-4-6](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 56. [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.
- (7) Ractopamine.**
- (8) Zilpaterol.**

(b) The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless

the following conditions are met:

- (1) Any treated horse shall not be permitted to race for a minimum of ten (10) days following treatment.
- (2) The use of extracorporeal shock therapy or radial pulse wave therapy machines shall be limited to **practicing** veterinarians. ~~licensed to practice by the commission;~~
- (3) Any extracorporeal shock therapy or radial pulse therapy machines on the association grounds must be registered with and approved by the commission or its designee before use.
- (4) All extracorporeal shock therapy or radial pulse therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

(c) 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.

(d) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds as discussed below in subsection (e), 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\(2\)](#).

(e) Notwithstanding subsection (c), 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 subsections (i) and (j).

(f) 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.

(g) 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 subsections (i) and (j).

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

(i) 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.

(j) 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.

(k) 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.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 57. [71 IAC 8.5-7-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-7-1](#) Postmortem; disposal of a dead horse

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

Affected: [IC 4-31](#)

Sec. 1. (a) The ~~commission~~ **official** veterinarian, **or his/her designee**, or stewards shall order a postmortem examination of:

- (1) each horse that:
 - (A) suffers a breakdown on the racetrack, in training, or in competition; and
 - (B) is destroyed; and
- (2) each horse that expires while stabled on a racetrack under the jurisdiction of the commission; to determine the injury or sickness that resulted in euthanasia or natural death.

(b) All shoes shall be left on the horse.

(c) A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the ~~commission~~ **official** veterinarian, in accordance with the most recent addition [*sic*] of the Association of Equine Practitioners Guidelines for the Necropsy of a Racehorse.

(d) Test samples specified by the ~~commission~~ **official** veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.

(e) The commission shall pay all costs involved in a postmortem examination ordered by the commission or the ~~commission~~ **official** veterinarian **or his/her designee**.

(f) A written record shall be filed with the ~~commission~~ **official veterinarian or his/her designee** at the completion of each postmortem examination. The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the ~~commission~~ **official veterinarian**.

(Indiana Horse Racing Commission; [71 IAC 8.5-7-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 58. [71 IAC 8.5-7-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-7-2](#) Report of horse death

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

Affected: [IC 4-31](#)

Sec. 2. (a) The death of any horse on association grounds at any time shall be immediately reported to the stewards, **the official veterinarian**, or the executive director by the practicing veterinarian tending the horse.

(b) The practicing veterinarian tending to a horse that dies on association grounds shall complete the IHRC Death and Euthanasia Report. Such report shall be filed with the stewards within twenty-four (24) hours of the death or euthanasia of the horse.

(c) Absent a practicing veterinarian tending to the death or euthanasia of a horse the stewards, **the official veterinarian**, or the executive director shall designate a licensed veterinarian to complete the IHRC Death and Euthanasia Report.

(d) A horse that dies on association grounds shall not be removed without permission of the stewards, **the official veterinarian**, or the executive director.

(Indiana Horse Racing Commission; [71 IAC 8.5-7-2](#); emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 59. [71 IAC 8.5-8-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-8-1](#) Veterinarian's list

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

Affected: [IC 4-31](#)

Sec. 1. (a) The official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity, or medical condition.

(b) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse has satisfactorily recovered the capability of performing in a race.

(c) A horse working to be released from the veterinarian's list may be subjected to post-work biologic sample collection and testing for prohibited foreign substances as per [71 IAC 8.5-1-2](#) in accordance with commission sample collection and testing procedures.

(Indiana Horse Racing Commission; [71 IAC 8.5-8-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 60. [71 IAC 8.5-9-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-9-1](#) Accident on track

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

Affected: [IC 4-31](#)

Sec. 1. Any horse that falls or is involved in an accident on the track shall report to the test barn for an examination and emergency treatment by the ~~commission~~ **official** veterinarian, **a licensed veterinarian authorized by the commission**, or ~~track racing~~ **track racing** veterinarian. Such horse may be placed on the veterinarian's list at the discretion of the ~~commission~~ **official or racing** veterinarian.

(Indiana Horse Racing Commission; [71 IAC 8.5-9-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, 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 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 61. [71 IAC 14-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14-4-1](#) Indiana bred bonus

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

Affected: [IC 4-31](#)

Sec. 1. (a) An Indiana bred bonus award is paid to the owner of an Indiana bred horse competing in open company (a race not restricted to Indiana bred horses) at Hoosier Park or Indiana Downs that finishes first or second, except for races classified as a *[sic, an]* ~~four thousand dollar (\$4,000) or five~~ **eight thousand dollar (\$5,000) (\$8,000)** claiming race. **(base claiming price) or higher.**

(b) In the event of multiple owners/lessees, the award will be paid to the first individual listed with the USTA. It is the responsibility of that individual to distribute these monies to the remaining owner(s)/lessee(s).

(c) In the event of leased horses, if the lessee is listed as the official owner with the USTA, the award will be paid to the lessee.

(Indiana Horse Racing Commission; [71 IAC 14-4-1](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 62. [71 IAC 14-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14-4-2](#) Indiana sired bonus

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

Affected: [IC 4-31](#)

Sec. 2. (a) An Indiana sired bonus award is paid to the owner of an Indiana sired horse, which was foaled prior to 2010, competing in open company (a race not restricted to Indiana sired horses) at Hoosier Park or Indiana Downs that finishes first or second, except for races classified as a ~~four thousand dollar (\$4,000) or five~~ **eight thousand dollar (\$5,000) (\$8,000)** claiming race. **(base claiming price) or higher.**

(b) In the event of multiple owners/lessees, the award will be paid to the first individual listed with the USTA. It is the responsibility of that individual to distribute these monies to the remaining owner(s)/lessee(s).

(c) In the event of leased horses, if the lessee is listed as the official owner with the USTA, the award will be

paid to the lessee.

(Indiana Horse Racing Commission; [71 IAC 14-4-2](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 63. [71 IAC 14-4-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14-4-3](#) Indiana sired and bred bonus

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

Affected: [IC 4-31](#)

Sec. 3. (a) An Indiana sired and bred bonus is paid to the owner of any Indiana sired and bred horse competing in open company (a race not restricted to Indiana sired and bred horses) at Hoosier Park or Indiana Downs that finishes first, second, or third except for races classified as a ~~four thousand dollar (\$4,000)~~ or five ~~eight thousand dollar (\$5,000)~~ **(\$8,000)** claiming **(base claiming price) or higher.**

(b) In the event of multiple owners/lessees, the award will be paid to the first individual listed with the USTA. It is the responsibility of that individual to distribute these monies to the remaining owner(s)/lessee(s).

(c) In the event of leased horses, if the lessee is listed as the official owner with the USTA, the award will be paid to the lessee. For foals of 2010 and later, Indiana sired and bred is defined as indicated in [71 IAC 14-1-3](#).

(Indiana Horse Racing Commission; [71 IAC 14-4-3](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 64. [71 IAC 14.5-3-4](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 14.5-3-4](#) Purse supplement in open races

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

Affected: [IC 4-31](#)

Sec. 4. A purse supplement of fifteen thousand dollars (\$15,000) is to be paid to the owner of an Indiana bred that competes in any open overnight race, excluding trials and claiming races. The supplement shall be distributed in the same manner and percentages in which purses are paid.

(Indiana Horse Racing Commission; [71 IAC 14.5-3-4](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 65. [71 IAC 14.5-3-5](#) IS ADDED TO READ AS FOLLOWS:

[71 IAC 14.5-3-5](#) Open stakes bonus

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

Affected: [IC 4-31](#)

Sec. 5. (a) A bonus award will be paid to the owner of a registered Indiana bred quarter horse which qualifies for the final of an open stake, including the Stallion Auction Futurity and Derby, at a licensed pari-mutuel racetrack in Indiana. In order for the bonus to be awarded, the stake must have held trials.

(b) In the event of multiple owners, the award will be paid to the individual listed first on the Equibase

result chart. It is the responsibility of the individual who receives the award to distribute these monies to the remaining owners.

(c) If there are less than four (4) registered Indiana bred qualifiers for a stake, the award amount will be ten thousand dollars (\$10,000) per horse.

(d) If there are four (4) or more registered Indiana bred qualifiers for a stake, thirty thousand dollars (\$30,000) will be divided among those qualified.

(e) A registered Indiana bred must start in the finals of the stake in order to receive award, unless scratched by the stewards or veterinarian.

(Indiana Horse Racing Commission; [71 IAC 14.5-3-5](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

SECTION 66. [71 IAC 14.5-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 14.5-5-1](#) Indiana bred or foaled preference

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

Affected: [IC 4-31](#)

Sec. 1. (a) A registered Indiana bred or foaled that receives a R-date or an E-date will receive starter preference over a non-Indiana bred or foaled with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana bred or foaled stake races excepted. Indiana bred or foaled will not receive starter preference over non-Indiana bred or foaled with better R-dates, E-dates, or zero-dates.

(b) A registered Indiana bred that enters or races in an open race will retain their previous preference date when returning to a restricted Indiana bred race.

(Indiana Horse Racing Commission; [71 IAC 14.5-5-1](#); emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1038; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3035; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#))

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