

TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #17-167(E)

DIGEST

Amends [71 IAC 1-1-55](#) regarding "maiden" defined. Amends [71 IAC 3-2-9](#) regarding the judge's list. Amends [71 IAC 3-9-5](#) regarding win race records. Amends [71 IAC 5-3-3](#) regarding other trainer responsibilities. Amends [71 IAC 6-1-1](#) regarding general provisions. Amends [71 IAC 7-1-5](#) regarding permitted changes in claiming races. Amends [71 IAC 7-1-18](#) regarding racing entries. Amends [71 IAC 7-1-19](#) regarding declarations. Amends [71 IAC 7-1-21](#) regarding the overnight list. Amends [71 IAC 7-1-25](#) regarding automatic outs. Amends [71 IAC 7-1-27](#) regarding irrevocable scratches. Amends [71 IAC 7-1-35](#) regarding eligibility for racing and ownership status. Amends [71 IAC 7-2-2](#) regarding parade from paddock to starting post. Amends [71 IAC 7-3-6](#) regarding attire. Amends [71 IAC 7-3-23](#) regarding wheel disks and mud fenders. Amends [71 IAC 7-5-1](#) regarding disorderly conduct. Amends [71 IAC 8-1-4.2](#) and [71 IAC 8.5-1-4.2](#) regarding thresholds. Amends [71 IAC 8-1-7.1](#) and [71 IAC 8.5-1-7.1](#) regarding multiple medication violations (MMV). Amends [71 IAC 8-1-9](#) and [71 IAC 8.5-1-9](#) regarding environmental contaminants. Amends [71 IAC 8-2-2](#) and [71 IAC 8.5-13-2](#) regarding levels requiring scratch. Amends [71 IAC 8-3-1](#) and [71 IAC 8.5-2-1](#) regarding laboratory reports. Amends [71 IAC 8-6-2](#) and [71 IAC 8.5-5-2](#) regarding prohibited practices. Repeals [71 IAC 7-1-20](#). Effective March 17, 2017.

[71 IAC 1-1-55](#); [71 IAC 3-2-9](#); [71 IAC 3-9-5](#); [71 IAC 5-3-3](#); [71 IAC 6-1-1](#); [71 IAC 7-1-5](#); [71 IAC 7-1-18](#); [71 IAC 7-1-19](#); [71 IAC 7-1-20](#); [71 IAC 7-1-21](#); [71 IAC 7-1-25](#); [71 IAC 7-1-27](#); [71 IAC 7-1-35](#); [71 IAC 7-2-2](#); [71 IAC 7-3-6](#); [71 IAC 7-3-23](#); [71 IAC 7-5-1](#); [71 IAC 8-1-4.2](#); [71 IAC 8-1-7.1](#); [71 IAC 8-1-9](#); [71 IAC 8-2-2](#); [71 IAC 8-3-1](#); [71 IAC 8-6-2](#); [71 IAC 8.5-1-4.2](#); [71 IAC 8.5-1-7.1](#); [71 IAC 8.5-1-9](#); [71 IAC 8.5-2-1](#); [71 IAC 8.5-5-2](#); [71 IAC 8.5-13-2](#)

SECTION 1. [71 IAC 1-1-55](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 1-1-55](#) "Maiden" defined

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

Affected: [IC 4-31](#)

Sec. 55. "Maiden" means a horse that has never won a heat or race at the gait at which it was entered to start and for which a purse is offered. ~~Races or purse money awarded to a horse after the official sign has been posted shall not be considered a winning performance or affect status as a maiden.~~

(Indiana Horse Racing Commission; [71 IAC 1-1-55](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 2. [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, **if on the list for breaks**, 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.

- (7) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- (8) Poor performance while competing in a race followed by a break later in that race.

(b) Horses racing at all county fair race 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, except as indicated in the conditions of the Indiana sires stakes.

(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 track 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 date to race date) unless declared ineligible under ~~subsections~~ **subsection** (f) or (g).

(d) 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.

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

(f) Qualifying standards shall not be waived for non-Indiana late closers, Indiana sire stakes finals, late closer finals, and all "paid in events" if there exists a compromise with the health and safety of the participants in those races.

(g) Horses that are placed on the vet's 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 eligible to race under ~~rule~~ subsection (c).

(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](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 30, 2016, 12:18 p.m.: [20160406-IR-071160138ERA](#); emergency rule filed Jun 10, 2016, 11:11 a.m.: [20160615-IR-071160257ERA](#); emergency rule filed Feb 3, 2017, 2:24 p.m.: [20170208-IR-071170051ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

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

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

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

Affected: [IC 4-31](#)

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

(Indiana Horse Racing Commission; [71 IAC 3-9-5](#); emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3124, eff

May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 4. [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; **and**
 - ~~(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 those 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 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 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 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 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) Equipment used on a horse shall not affect the placement of or obstruct the visibility of the head number or saddle pad.
- (21) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.

- (22) Personally attending to his or her horses in the paddock or designating a licensee to attend to the horse in the paddock.
- (23) Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.
- (24) 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.
- (25) 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](#).
- (26) Notifying horse owners upon the revocation or suspension of his or her trainer's license.
- (27) Guard and protect all horses in his or her care.
- (28) Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.
- (29) Determine the training regimen of all horses in his or her care.
- (30) Ensuring that electronic eligibility is registered with the USTA prior to entry in a race or qualifying race.
- (31) 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-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](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

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

[71 IAC 6-1-1](#) General provisions

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

Affected: [IC 4-31](#)

Sec. 1. (a) A registration certificate of current ownership, together with the application for transfer thereon duly endorsed by all registered owners, must be filed in the office of the racing secretary for all horses claimed within a reasonable time after the race from which the horse was claimed.

(b) The price allowances that govern for claiming races must be approved by the commission. Claiming prices recorded on past performance lines in the daily race program shall not include allowances.

(c) The claiming price, including any allowances, of each horse shall be printed on the official program adjacent to the horse's program number and claims shall be for the amount designated, subject to correction if printed in error.

(d) In handicap claiming races, in the event of an also eligible horse moving into the race, the also eligible horse shall take the place of the horse that it replaces provided that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap, except when the horse that is scratched is a trailing horse, in which case the also eligible horse shall take the trailing position, regardless of its handicap. In handicap claiming races with one (1) trailer, the trailer shall be determined as the fourth best post position.

(e) To be eligible to be claimed, a horse must start in the event in which it has been declared to race. For the purposes of this rule, a horse shall be deemed to have started if it is behind the gate when the field is released at the starting point by the starter. The racing secretary or his designee is responsible to process claims within three (3) business days from the date of which the claim occurred.

(f) Any:

(1) licensed owner;

(2) authorized agent of a licensed owner who holds a current valid commission license; or

(3) person who has properly applied for and been granted a claiming certificate;

shall be permitted to claim any horse. Any person or authorized agent eligible to claim a horse shall be allowed access to the grounds of the association, excluding the paddock, in order to effect a claim at the designated place of making claims and to take possession of the horse claimed.

(g) Claiming certificates are valid on the day of issue and expire at the end of the race meeting for which they are granted. These certificates may be applied for at the commission's licensing office no later than thirty (30) minutes prior to post time for the first race on any day of racing. To be eligible for a claiming certificate, a person must complete the licensing process as an owner under [71 IAC 5-2](#) and pay the appropriate fees. The photo identification badge shall be withheld until the person becomes a successful claimant.

(h) A person not previously licensed by the commission within the last two (2) years must apply for a claiming certificate **via fax, mail, electronically, or** in person.

(Indiana Horse Racing Commission; [71 IAC 6-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; 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 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 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 6. [71 IAC 7-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-5](#) No change permitted

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

Affected: [IC 4-31](#)

Sec. 5. (a) The conditions for eligibility to a race may not be changed once entries are taken except that an error may be corrected with the consent of the judges.

(b) No change in trainers of a horse, entered and drawn to start, will be permitted. In the event of such change, the horse will be scratched and the parties responsible therefore shall be subject to fine or suspension. A change in ownership may be permitted with the approval of the judges **in condition races only. There shall be no change in ownership on a horse entered in a claiming race.**

(c) No owner shall list as the trainer of a horse a person who is not in fact the trainer of such horse, and no trainer shall allow his or her name to be shown on the declaration form nor the official program as trainer of a horse which he or she does not in fact have under his or her care and supervision as trainer of the horse. The judges may require proof that a person listed as the trainer of a horse is in fact the actual trainer of that horse.

(Indiana Horse Racing Commission; [71 IAC 7-1-5](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2077; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2006; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

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

[71 IAC 7-1-18](#) Racing entries

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

Affected: [IC 4-31](#)

Sec. 18. (a) The racing secretary shall receive entries and declarations for all races. In the absence of notice to the contrary, nominations to any stakes closing on the eve of or during a meeting shall be received by the racing secretary.

(b) All entries ~~must~~ **shall be made by phone, electronically, or in person.**

~~(1) be made in writing;~~

~~(2) be signed by the owner or his or her authorized agent except as provided in section 29(f) of this rule;~~

~~(3) give the name and address of both the bona fide owner and agent or registered stable name or lessee;~~

~~(4) give the name, age, color, sex, sire, and dam of horse; and~~

~~(5) comply with the provisions of section 10 of this rule and, for claiming events, the current registration certificate must be on file with the racing secretary. A separate claiming authorization form, signed by the registered owner or owners indicating the minimum amount for which the horse may be entered to be claimed shall be filed with the racing secretary.~~

(Indiana Horse Racing Commission; [71 IAC 7-1-18](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2105; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 8. [71 IAC 7-1-19](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-19](#) Declarations

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

Affected: [IC 4-31](#)

Sec. 19. Declarations shall be taken not more than ~~four (4)~~ **five (5)** days in advance for all races except those for which qualifying dashes are provided, unless otherwise approved by the judges.

(Indiana Horse Racing Commission; [71 IAC 7-1-19](#); 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; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 9. [71 IAC 7-1-21](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-21](#) Overnight list

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

Affected: [IC 4-31](#)

Sec. 21. The racing secretary shall compile and distribute daily an overnight list which shall include, but not be limited to, the names of entries with their post positions, **trainer, driver, purse, race conditions, and race number.**

(Indiana Horse Racing Commission; [71 IAC 7-1-21](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 10. [71 IAC 7-1-25](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-25](#) Automatically out

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

Affected: [IC 4-31](#)

Sec. 25. For stake races, if a horse is not named through the entry box at the designated time of closing, the horse is automatically out, **unless the horse qualified under [71 IAC 7-1-29\(i\)](#) or [\(j\)](#) [section 29(i) or 29(j) of this rule].**

(Indiana Horse Racing Commission; [71 IAC 7-1-25](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 11. [71 IAC 7-1-27](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-27](#) Scratch irrevocable

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

Affected: [IC 4-31](#)

Sec. 27. A scratch of a horse out of a race is irrevocable **but may be added back into the race by the judges if:**

- (1) the horse was scratched in error;**
- (2) the scratch has not been announced;**
- (3) the placement back in the race is approved by the mutuel manager.**

(Indiana Horse Racing Commission; [71 IAC 7-1-27](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 12. [71 IAC 7-1-35](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-35](#) Eligibility for racing and ownership status

Authority: [IC 4-31-3-9](#); [IC 4-31-11](#)

Affected: [IC 4-31](#)

Sec. 35. (a) The commission, its executive secretary, the stewards, judges, and the commission's director of security (collectively, the "commission or the commission's designee"), shall have the right to require an entrant of a horse to verify information contained within the entry blank forms and declarations as well as other eligibility requirements for a particular race. In addition, the commission, or the commission's designee, shall have the right to make a determination of whether a certain horse is or was eligible to participate in a race. The burden of proving eligibility, by clear and convincing evidence, in such a situation, will be on the entrant.

(b) The commission, or the commission's designee, may require sufficient evidence from an entrant of ownership status, residency, or other information required for eligibility prior to allowing a horse to compete in a restricted race or in any race at the meet.

(c) After a race, the commission, or the commission's designee, may, upon reasonable suspicion, conduct an inquiry and make a determination as to ownership status, residency, or other information required for eligibility of an entrant.

(d) In considering the matter of ownership status, the commission, or the commission's designee, may review any information which it deems relevant, including, but not limited to, the following:

- (1) a bill of sale;
- (2) a proof of funds transfer, including, but not limited to, a canceled check, a wire transfer, or other similar form of proof; and
- (3) a completed ownership transfer on the USTA or Jockey Club registration certificate, whichever is applicable.

(e) An entry must be one hundred percent (100%) owned by an Indiana resident and/or residents to be entered in any Indiana owned race. Corporate or partnership ownership requires all shareholders or partners, respectively, to be residents to be entered in any Indiana owned race. If a lease is involved for a standardbred horse, all lessors and lessees must be Indiana residents.

(f) All Indiana owned standardbreds must be wholly owned by an Indiana resident(s) by January 1 (claimed and public sale horses excepted) and remain so through its participation in any Indiana owned race in any given year. The association or a breed development advisory committee may establish a date for a special race or series of races other than that established by the commission provided that such date is no later than that established by the commission and such date must be published on the nomination blank.

(g) All Indiana owned horses must be fully paid for by the Indiana owner(s) no later than the date established by the commission in subsection (f). The payment of the purchase price over time or through earnings beyond the date established in subsection (f) is prohibited and such horses shall be deemed ineligible to be nominated, entered, or raced as Indiana owned.

(h) In considering the matter of residency:

(1) "Residence", as the term is used in the context of this statement, means the place where an individual has their permanent home, at which that person remains when not called elsewhere for labor or other special or temporary purposes, and to which that person returns in seasons of repose. It is a place a person has voluntarily fixed as a permanent habitation with an intent to remain in such place for an indefinite period. A person at any one (1) time has but one (1) residence and a residence cannot be lost until another is gained.

(2) The commission, or the commission's designee, may review the information which is deemed relevant, including, but not limited to, the following:

- (A) where the person lives and has been living;
- (B) the location of the person's source(s) of income;
- (C) the address used by the person for the payment of taxes, including federal, state, and property taxes;
- (D) the state in which the person's personal automobiles are registered;
- (E) the state issuing the person a driver's license;
- (F) the state in which the person is registered to vote;
- (G) ownership of property in Indiana and outside Indiana;
- (H) the residence used for USTA membership and USTA or Jockey Club registration of a horse, whichever is applicable;
- (I) the residence claimed by a person on a loan application or other similar document; or
- (J) membership in civic, community, and other organizations in Indiana and elsewhere.

(3) None of these factors, when considered alone, shall be dispositive. Consideration of all of the factors together, as well as a person's expressed intention, shall be considered in arriving at a determination.

(4) Owners are required to meet the residence requirements as of January 1 for that year's racing season.

(i) (e) Each owner and trainer, or the authorized agent of an owner or trainer, or the nominator (collectively, the "entrant"), is required to disclose the true and entire ownership and the true and bona fide trainer of each horse with the racing secretary, and to disclose any changes in the owners or trainer of each registered horse to both the racing secretary, the stewards, or judges. A licensee or racing official, including the racing secretary, shall immediately report any questions concerning the ownership status or the identity of the true and bona fide trainer of a horse to the stewards or judges, and the stewards or judges may place such a horse on the steward's or

judge's list. A horse placed on the steward's or judge's list shall be ineligible to start in a race until questions concerning the ownership status or the identity of the true and bona fide trainer of the horse are answered to the satisfaction of the commission, or the commission's designee, and the horse is removed from the steward's or judge's list.

(j) (f) If the commission, or the commission's designee, finds a lack of sufficient evidence of ownership status, residency, or other information required for eligibility, prior to a race, the commission, or the commission's designee, may order the entrant's horse scratched from the race or ineligible to participate.

(k) (g) After a race, the commission, or the commission's designee, may, upon reasonable suspicion, withhold purse money pending an inquiry of ownership status, residency, or other information required for eligibility. If the purse money is ultimately forfeited, because of a determination of the commission, or the commission's designee, the purse money shall be redistributed per order of the commission or the commission's designee.

(l) (h) If the purse money has been paid prior to reasonable suspicion, the commission, or the commission's designee, may conduct an inquiry and make a determination. If the commission, or the commission's designee, determines there has been a violation of ownership status, residency, or other information required for eligibility, it shall order the purse money returned and redistributed per order of the commission or the commission's designee.

(m) (i) Any entrant, which is found to have violated the qualification for a race, including knowingly providing false information or refusing to provide or concealing information, is also subject to sanctions by the commission.

(Indiana Horse Racing Commission; [71 IAC 7-1-35](#); emergency rule filed May 12, 1997, 3:15 p.m.: 20 IR 2822; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2407; errata filed Mar 5, 1998, 1:45 p.m.: 21 IR 2392; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 13. [71 IAC 7-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-2-2](#) In hands of starter

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

Affected: [IC 4-31](#)

Sec. 2. (a) Horses shall be in the hands of the starter from the time they arrive on the track until the start is effected. All horses shall parade from the paddock to the starting post, and no driver shall dismount without the permission of the starter. Attendants may not care for horses during the parade except by permission of the starter.

(b) After entering the track, not more than twelve (12) minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay.

(Indiana Horse Racing Commission; [71 IAC 7-2-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 14. [71 IAC 7-3-6](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-6](#) Attire

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

Affected: [IC 4-31](#)

Sec. 6. (a) Drivers must wear distinguishing colors and clean white pants and shall not be allowed to start in a race or other public performance unless in the opinion of the judges:

- (1) they are properly dressed;
- (2) their driving outfits are clean; and
- (3) they are well groomed.

During inclement weather conditions, drivers must wear rain suits matching their colors.

(b) Any driver wearing colors who appears at a betting window or at a bar or in a restaurant which dispenses alcoholic beverages shall be fined or suspended, or both.

(c) Corporate advertising or logos on driver's apparel shall ~~not be permitted.~~ **be approved by the judges.**

(Indiana Horse Racing Commission; [71 IAC 7-3-6](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2912; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 205; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 15. [71 IAC 7-3-23](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-23](#) Wheel disk; mud fenders

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

Affected: [IC 4-31](#)

Sec. 23. It shall be the responsibility of the owner, and trainer, **or driver** to provide every sulky used in a race with ~~unicolored or colorless~~ wheel disks on the inside and outside of the wheel of a type approved by the commission. In his or her discretion, the presiding judge may order the use of mud guards which shall be provided by the owners, or trainers, **or drivers**.

(Indiana Horse Racing Commission; [71 IAC 7-3-23](#); 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](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 16. [71 IAC 7-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-5-1](#) Disorderly conduct; all licensees

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

Affected: [IC 4-31](#)

Sec. 1. The following shall constitute disorderly conduct and be reason for any penalty of any ~~license~~ **licensee** as provided by these rules:

- (1) Failure to obey the judges' orders.
- (2) Fighting.
- (3) Assaults.
- (4) Offensive and profane language.
- (5) Disturbing the peace.
- (6) Carries or exhibits a deadly weapon.

(Indiana Horse Racing Commission; [71 IAC 7-5-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1167; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 17. [71 IAC 8-1-4.2](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-4.2 Threshold levels**Authority:** [IC 4-31-3-9](#)**Affected:** [IC 4-31-12](#)

Sec. 4.2. The official blood (serum or plasma) and urine samples may contain only the following therapeutic medications, their metabolites or analogues, and shall not exceed the threshold concentrations specified in this rule:

- (1) The use of acepromazine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of the metabolite, 2-(1-hydroxyethyl) promazine sulfoxide (HEPS), in urine.
- (2) The use of albuterol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of total albuterol (albuterol plus conjugates) in urine.
- (3) The use of betamethasone shall be permitted under the following conditions: Not to exceed ten (10) picograms per milliliter of betamethasone in serum or plasma.
- (4) The use of butorphanol shall be permitted under the following conditions: Not to exceed three hundred (300) nanograms per milliliter of total (free and conjugated) butorphanol in urine or two (2) nanograms per milliliter of free butorphanol in serum or plasma.
- (5) The use of clenbuterol shall be permitted under the following conditions: Not to exceed one hundred forty (140) picograms per milliliter clenbuterol in urine or the limit of detection (LOD) in serum or plasma.
- (6) The use of cetirizine shall be permitted under the following conditions: Not to exceed six (6) nanograms per milliliter of serum or plasma.**
- (7) The use of cimetidine shall be permitted under the following conditions: Not to exceed four hundred (400) nanograms per milliliter of serum or plasma.**
- ~~(6)~~ (8) The use of dantrolene shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of 5-hydroxydantrolene in serum or plasma.
- ~~(7)~~ (9) The use of detomidine shall be permitted under the following conditions: Not to exceed ~~one (1)~~ **two (2) nanograms** per milliliter of carboxydetomidine in urine or ~~the LOD for one (1) nanogram per milliliter~~ **[sic, milliliter] of detomidine** in serum or plasma.
- ~~(8)~~ (10) The use of dexamethasone shall be permitted under the following conditions: Not to exceed five (5) picograms per milliliter of dexamethasone in plasma or serum.
- ~~(9)~~ (11) The use of diclofenac shall be permitted under the following conditions: Not to exceed five (5) nanograms per milliliter of diclofenac in plasma or serum.
- ~~(10)~~ (12) The use of dimethylsulfoxide (DMSO) shall be permitted under the following conditions: Not to exceed ten (10) micrograms per milliliter of DMSO in serum or plasma.
- ~~(11)~~ (13) The use of firocoxib shall be permitted under the following conditions: Not to exceed twenty (20) nanograms per milliliter of firocoxib in serum or plasma.
- ~~(12)~~ (14) The use of glycopyrrolate shall be permitted under the following conditions: Not to exceed three (3) picograms per milliliter of glycopyrrolate in serum or plasma.
- (15) The use of guaifenesin shall be permitted under the following conditions: Not to exceed twelve (12) nanograms per milliliter of serum or plasma.**
- ~~(13)~~ (16) The use of isoflupredone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of isoflupredone in serum or plasma.
- ~~(14)~~ (17) The use of lidocaine shall be permitted under the following conditions: Not to exceed twenty (20) picograms per milliliter of total 3-hydroxylidocaine (to include conjugates) in serum or plasma.
- ~~(15)~~ (18) The use of mepivacaine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of total 3-hydroxymepivacaine in urine or the LOD of mepivacaine in serum or plasma.
- ~~(16)~~ (19) The use of methocarbamol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of methocarbamol in serum or plasma.
- ~~(17)~~ (20) The use of methylprednisolone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of methylprednisolone in serum or plasma.
- ~~(18)~~ (21) The use of omeprazole shall be permitted under the following conditions: Not to exceed ~~one (1)~~ **ten (10) nanograms** per milliliter of omeprazole sulfide in urine.
- ~~(19)~~ (22) The use of prednisolone shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of prednisolone in serum or plasma.
- ~~(20)~~ (23) The use of procaine penicillin shall be permitted under the following conditions:
 - (A) Not to exceed twenty-five (25) nanograms per milliliter of procaine in serum or plasma, and
 - (B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration, and
 - (C) Procaine penicillin must not be administered after the horse is entered to race, and
 - (D) Mandatory surveillance of the horse must occur for the six (6) hours immediately preceding the race for which the horse is entered by association security at the owner's expense.

(24) The use of ranitidine shall be permitted under the following conditions: Not to exceed forty (40) picograms per milliliter of serum or plasma.

~~(24)~~ **(25)** The use of triamcinolone acetonide shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of triamcinolone acetonide in serum or plasma.

~~(22)~~ **(26)** The use of xylazine shall be permitted under the following conditions: Not to exceed ~~one hundredth (0.01) of a nanogram~~ **two hundred (200) picograms** per milliliter of xylazine in serum or plasma.

(Indiana Horse Racing Commission; [71 IAC 8-1-4.2](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); emergency rule filed Feb 8, 2012, 12:01 p.m.: [20120215-IR-071120072ERA](#); emergency rule filed Apr 3, 2013, 10:37 a.m.: [20130410-IR-071130133ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: [20140709-IR-071140251ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 18. [71 IAC 8-1-7.1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-1-7.1](#) Multiple medication violations (MMV)

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

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

Sec. 7.1. (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class ~~A-D~~, **A-C**, as provided in the most recent version of the **ARCI** Uniform Classification Guidelines ~~of for Foreign [sic, Substances] Substances and Recommended Penalties and Model Rule as revised by the ARCI in August 1996 and any other subsequent revision effective after said date, which are incorporated by reference herein~~ **or similar state regulatory guidelines**, may be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Noncontrolled Substance
Class A	N/A	6
Class B	2	4
Class C	4 1/2 for first violation with an additional 1/2 point for each additional violation within 365 days.*	≥ 1 for first violation with an additional 1/2 point for each additional violation within 365 days.
Class D	4/2 0	4 0

***Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.**

(b) The points assigned to a medication violation by the judges or commission ruling, shall be included in the ~~judges or commission ruling~~ **ARCI official database. The ARCI shall record points consistent with section 7.1(a) [subsection (a)] when appropriate, a designation that points have been suspended or the medication violation.** Points assigned by such regulatory ruling ~~or by the ARCI~~ shall reflect in the case of multiple positive tests as described in subsection (d), whether they shall thereafter constitute a single violation. The **judges' or commission** ruling ~~shall~~ **may** be posted **on the official website of the commission and** within the official database of the ARCI. If an appeal is pending, that fact shall be noted in ~~the~~ **such** ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) **A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI.** Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the judges or the commission in its determination to subject the trainer to the mandatory enhanced penalties by the judges or the commission as provided in this section.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the judges or commission may treat each substance as an individual violation for which points will be assigned, **depending on the facts and circumstances of the case.**

(e) The official ARCI record shall be used to advise the judges or commission of a trainer's past record of violations and cumulative points. Nothing in this section shall be construed to confer upon a **licensed** trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired **as**

provided by applicable law.

(f) The judges or commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the **mandatory** enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements may be imposed upon a licensed trainer based upon the cumulative points contained in the trainer's **his or her** official ARCI record:

Points	Suspension in Days
3-5.5 5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11 or more	180 to 360

~~These points~~ **Multiple medication violation (MMV) penalties are not a substitute for the current penalty system and** are intended to be an additional uniform penalty when the licensee:

- (1) has **had** more than one (1) **medication** violation for the relevant time period; and
- (2) exceeds the permissible number of points.

(h) The suspension periods in subsection (g) shall run consecutive to any suspension imposed for the underlying offense.

(i) The judges' or commission's ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon the judges' or commissions' review of a trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(j) Points shall expire as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years
C	1 year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(Indiana Horse Racing Commission; [71 IAC 8-1-7.1](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: [20140709-IR-071140251ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 19. [71 IAC 8-1-9](#) IS AMENDED 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:

- (1) Arsenic – not to exceed three-tenths (0.3) micrograms per milliliter total arsenic in urine.
- (2) Caffeine – not to exceed one hundred (100) nanograms per milliliter of caffeine in serum or plasma.
- (3) Cobalt – not to exceed twenty-five (25) parts per billion of cobalt in serum or plasma. A sample from a horse tested and found by the commission's primary lab to have cobalt in excess of this threshold shall be

placed and remain on the veterinarian's list until the concentration of cobalt in serum or plasma has fallen below the designated threshold, or until the conclusion of the race meet. However, horses testing at a concentration of one hundred (100) parts per billion shall be placed on the veterinarian's list for a minimum of thirty (30) days.

(4) Estranediol – not to exceed forty-five one-thousandths (.045) micrograms per milliliter of free plus conjugated 5 α -estrane-3 β ,17 α -diol, in the urine of male horses other than geldings.

(5) ~~Hydrocortisone – not to exceed one (1) microgram per milliliter of hydrocortisone in urine.~~ **Gamma aminobutyric acid (GABA) – not to exceed one hundred and ten (110) nanograms per milliliter in serum or plasma.**

(6) Hydrocortisone – not to exceed one (1) microgram per milliliter of hydrocortisone in urine.

~~(6) (7) Methoxytyramine – not to exceed four (4) micrograms per milliliter of free plus conjugated methoxytyramine in urine.~~

~~(7) (8) Salicylate and salicylate acid – not to exceed seven hundred fifty (750) micrograms per milliliter of salicylate and salicylate acid in urine or six and one-half (6.5) micrograms per milliliter of salicylate and salicylate acid in serum or plasma.~~

~~(8) (9) Theobromine – not to exceed two (2) micrograms per milliliter of theobromine in urine or three-tenths (0.3) micrograms per milliliter in 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](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Jul 3, 2014, 11:57 a.m.: [20140709-IR-071140251ERA](#); emergency rule filed Sep 15, 2014, 12:44 p.m.: [20140924-IR-071140352ERA](#), eff Sep 30, 2014; emergency rule filed Mar 16, 2015, 3:29 p.m.: [20150325-IR-071150071ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 20. [71 IAC 8-2-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-2-2](#) Specific levels requiring scratch

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

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

Sec. 2. (a) The judges shall order scratched or disqualified:

(1) any horse that races or is scheduled to race that registers readings of:

(A) bicarbonate (HCO₃) at thirty-six (36) **mmol/L** or higher;

(B) a pH level at seven and four hundred forty-five thousandths (7.445) or higher; and

(C) a sodium (Na) level at one hundred forty-six (146) or higher; or

(2) any horse on the bleeder's list that races or is scheduled to race that registers readings of:

(A) bicarbonate (HCO₃) at thirty-eight (38) **mmol/L** or higher;

(B) a pH level at seven and four hundred seventy-thousandths (7.470) or higher; and

(C) a sodium (Na) level at one hundred forty-eight (148) or higher;

on each of the two (2) tests from a blood gas analyzer when such tests have been conducted by the commission. No horse shall be ordered scratched or disqualified in accordance with the provisions of this section unless at least two (2) of the three (3) readings for bicarbonate (HCO₃), sodium (Na), and pH are equal to or exceed the levels established in this section. The commission shall not be required to test for all three (3) variables. However, if the commission tests for only two (2) variables, both readings must equal or exceed the levels established in this section in order for the judges to scratch or disqualify the horse.

(b) In its discretion, the commission may retest a horse whose first test results are within allowable limits. Should a retest under this situation indicate high levels as provided in subsection (a), the retest shall be considered an initial screening. High levels on a subsequent test as provided in subsection (a) shall be considered a violation of this rule and the horse shall be scratched or disqualified.

(c) The provisions of subsection (a) notwithstanding, the judges shall not order the disqualification of a horse selecting quarantine under these rules if the commission is satisfied on the basis of clear and cogent evidence derived from the testing of the horse's blood during quarantine that such levels are physiologically normal for that

specific horse.

(Indiana Horse Racing Commission; [71 IAC 8-2-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2915; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1502; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2878, 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](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 21. [71 IAC 8-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-3-1](#) Laboratory reports

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

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

Sec. 1. A finding by a chemist at a commission-approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse, ~~or furosemide, or phenylbutazone~~ **any drug found** in excess of the commission-approved tolerance levels, **substances present in the horse in excess of concentrations at which such substances could occur naturally, or substances foreign to a horse at concentrations that cause interference with testing procedures** shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

- (1) the sample of urine, saliva, blood, or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question, its integrity is preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and
- (3) the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered or in a case of out of competition testing, when the test sample was taken;

with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the judges or the commission.

(Indiana Horse Racing Commission; [71 IAC 8-3-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2916; 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.]; filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 22. [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) Darbepoetin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.
- (7) Ractopamine.

- (8) Zilpaterol.
- (9) Aminiomidazole carboxamide ribonucleotide (AICAR).**
- (10) My-inositol trispyrophosphate (ITPP).**
- (11) Equine growth hormone.**
- (12) Thymosin beta.**

(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.
- (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 other than vaccines licensed by the USDA.

(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).

Combining two (2) or more substances with pharmacologic effect constitutes the development of a new drug. This may only be done in accordance with state and local laws and must contain FDA approved medications, if available.

(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) Extra-label 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. Extra-label 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](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 23. [71 IAC 8.5-1-4.2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-1-4.2](#) Threshold levels

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

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

Sec. 4.2. The official blood (serum or plasma) and urine samples may contain only the following therapeutic medications, their metabolites or analogues, and shall not exceed the threshold concentrations specified in this rule:

- (1) The use of acepromazine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of the metabolite, 2-(1-hydroxyethyl) promazine sulfoxide (HEPS), in urine.
- (2) The use of albuterol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of total albuterol (albuterol plus conjugates) in urine.
- (3) The use of betamethasone shall be permitted under the following conditions: Not to exceed ten (10) picograms per milliliter of betamethasone in serum or plasma.
- (4) The use of butorphanol shall be permitted under the following conditions: Not to exceed three hundred (300) nanograms per milliliter of total (free and conjugated) butorphanol in urine or two (2) nanograms per milliliter of free butorphanol in serum or plasma.
- (5) The use of clenbuterol shall be permitted under the following conditions: Not to exceed one hundred forty (140) picograms per milliliter clenbuterol in urine or the limit of detection (LOD) in serum or plasma.

(6) The use of cetirizine shall be permitted under the following conditions: Not to exceed six (6) nanograms per milliliter of serum or plasma.

(7) The use of cimetidine shall be permitted under the following conditions: Not to exceed four hundred (400) nanograms per milliliter of serum or plasma.

~~(6)~~ **(8) The use of dantrolene shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of 5-hydroxydantrolene in serum or plasma.**

~~(7)~~ **(9) The use of detomidine shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of carboxydetomidine in urine or the LOD for one (1) nanogram per milliliter detomidine in serum or plasma.**

~~(8)~~ **(10) The use of dexamethasone shall be permitted under the following conditions: Not to exceed five (5) picograms per milliliter of dexamethasone in plasma or serum.**

~~(9)~~ **(11) The use of diclofenac shall be permitted under the following conditions: Not to exceed five (5) nanograms per milliliter of diclofenac in plasma or serum.**

~~(10)~~ **(12) The use of dimethylsulfoxide (DMSO) shall be permitted under the following conditions: Not to exceed ten (10) micrograms per milliliter of DMSO in serum or plasma.**

~~(11)~~ **(13) The use of firocoxib shall be permitted under the following conditions: Not to exceed twenty (20) nanograms per milliliter of firocoxib in serum or plasma.**

~~(12)~~ **(14) The use of glycopyrrolate shall be permitted under the following conditions: Not to exceed three (3) picograms per milliliter of glycopyrrolate in serum or plasma.**

(15) The use of guaifenesin shall be permitted under the following conditions: Not to exceed twelve (12) nanograms per milliliter of serum or plasma.

~~(13)~~ **(16) The use of isoflupredone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of isoflupredone in serum or plasma.**

~~(14)~~ **(17) The use of lidocaine shall be permitted under the following conditions: Not to exceed twenty (20) picograms per milliliter of total 3-hydroxylidocaine (to include conjugates) in serum or plasma.**

~~(15)~~ **(18) The use of mepivacaine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of total 3-hydroxymepivacaine in urine or the LOD of mepivacaine in serum or plasma.**

~~(16)~~ **(19) The use of methocarbamol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of methocarbamol in serum or plasma.**

~~(17)~~ **(20) The use of methylprednisolone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of methylprednisolone in serum or plasma.**

~~(18)~~ **(21) The use of omeprazole shall be permitted under the following conditions: Not to exceed one (1) nanogram ten (10) nanograms per milliliter of omeprazole sulfide in urine.**

~~(19)~~ **(22) The use of prednisolone shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of prednisolone in serum or plasma.**

~~(20)~~ **(23) The use of procaine penicillin shall be permitted under the following conditions:**

(A) Not to exceed twenty-five (25) nanograms per milliliter of procaine in serum or plasma, and

(B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration, and

(C) Procaine penicillin must not be administered after the horse is entered to race, and

(D) Mandatory surveillance of the horse must occur for the six (6) hours immediately preceding the race for which the horse is entered by association security at the owner's expense.

(24) The use of ranitidine shall be permitted under the following conditions: Not to exceed forty (40) pictograms [sic, picograms] per milliliter of serum or plasma.

~~(21)~~ **(25) The use of triamcinolone acetone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of triamcinolone acetone in serum or plasma.**

~~(22)~~ **(26) The use of xylazine shall be permitted under the following conditions: Not to exceed one hundredth (0.01) of a nanogram two hundred (200) picograms per milliliter of xylazine in serum or plasma.**

(Indiana Horse Racing Commission; [71 IAC 8.5-1-4.2](#); emergency rule filed Jan 25, 2012, 12:20 p.m.:

[20120201-IR-071120056ERA](#); emergency rule filed Feb 8, 2012, 12:01 p.m.: [20120215-IR-071120072ERA](#);

emergency rule filed Apr 3, 2013, 10:37 a.m.: [20130410-IR-071130133ERA](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.:

[20140709-IR-071140251ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 24. [71 IAC 8.5-1-7.1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-1-7.1](#) Multiple medication violations (MMV)

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

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

Sec. 7.1. (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class ~~A-D~~, **A-C**, as provided in the most recent version of the **ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule** as revised by the ARCI in August 1996 and any other subsequent revision effective after said date, which are incorporated by reference herein, or similar state regulatory guidelines, may be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Noncontrolled Therapeutic Substance
Class A	N/A	6
Class B	2	4
Class C	4 1/2 for first violation with an additional 1/2 point for each additional violation within 365 days.*	2 1 for first violation with an additional 1/2 point for each additional violation within 365 days.
Class D	4 1/2 0	4 0

*Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

(b) The points assigned to a medication violation by the stewards or commission ruling, shall be included in the ~~stewards or commission ruling~~ **ARCI official database. The ARCI shall record points consistent with section 7.1(a) [subsection (a)] including when appropriate, a designation that points have been suspended or the medication violation.** Points assigned by such regulatory ruling or by the ARCI shall reflect, in the case of multiple positive tests as described in subsection (d), whether they shall thereafter constitute a single violation. The **stewards' or commission** ruling shall ~~may~~ be posted **on the official website of the commission and** within the official database of the ARCI. If an appeal is pending, that fact shall be noted in ~~such~~ the ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) **A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI.** Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by ~~the stewards or the commission~~ in its determination to subject the trainer to the mandatory enhanced penalties by the ~~judges~~ **stewards** or the commission as provided in this section.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the ~~stewards or commission~~ may treat each substance as an individual violation for which points will be assigned, **depending upon the facts and circumstances of the case.**

(e) The official ARCI record shall be used to advise the stewards or commission of a trainer's past record of violations and cumulative points. Nothing in this section shall be construed to confer upon a **licensed** trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired **as provided by applicable law.**

(f) The stewards or commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the **mandatory** enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements may be imposed upon a licensed trainer based upon the cumulative points contained in ~~the trainer's~~ **his or her** official ARCI record:

Points	Suspension in Days
3-5.5 5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11 or more	180 to 360

~~These points~~ **MMV penalties are not a substitute for the current penalty system and** are intended to be an additional uniform penalty when the licensee:

- (1) has **had** more than one (1) **medication** violation for the relevant time period; and
- (2) exceeds the permissible number of points.

(h) The suspension periods in subsection (g) shall run consecutive to any suspension imposed for the underlying offense.

(i) The stewards' or commission's ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon the stewards' or commissions' review of a trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(j) Points shall expire as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years
C	1 year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-7.1](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: [20140709-IR-071140251ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 25. [71 IAC 8.5-1-9](#) IS AMENDED 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 *[sic]* 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:

- (1) Arsenic – not to exceed three-tenths (0.3) micrograms per milliliter total arsenic in urine.
- (2) Caffeine – not to exceed one hundred (100) nanograms per milliliter of caffeine in serum or plasma.
- (3) Cobalt – not to exceed twenty-five (25) parts per billion of cobalt in serum or plasma. A sample from a horse tested and found by the commission's primary lab to have cobalt in excess of this threshold shall be placed and remain on the veterinarian's list until the concentration of cobalt in serum or plasma has fallen below the designated threshold, or until the conclusion of the race meet. However, horses testing at a concentration of one hundred (100) parts per billion shall be placed on the veterinarian's list for a minimum of thirty (30) days.
- (4) Estranediol – not to exceed forty-five one-thousandths (.045) micrograms per milliliter of free plus conjugated 5 α -estrane-3 β ,17 α -diol, in the urine of male horses other than geldings.
- (5) ~~Hydrocortisone – not to exceed one (1) microgram per milliliter of hydrocortisone in urine.~~ **Gamma aminobutyric acid (GABA) – not to exceed one hundred and ten (110) nanograms per milliliter in serum or plasma.**
- (6) Hydrocortisone – not to exceed one (1) microgram per milliliter of hydrocortisone in urine.**
- ~~(6)~~ **(7) Methoxytyramine – not to exceed four (4) micrograms per milliliter of free plus conjugated methoxytyramine in urine.**
- ~~(7)~~ **(8) Salicylate and salicylate acid – not to exceed seven hundred fifty (750) micrograms per milliliter of salicylate and salicylate acid in urine or six and one-half (6.5) micrograms per milliliter of salicylate and salicylate acid in serum or plasma.**
- ~~(8)~~ **(9) Theobromine – not to exceed two (2) micrograms per milliliter of theobromine in urine or three-tenths (0.3) micrograms per milliliter in 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](#); emergency rule filed Jul 3, 2014, 11:57 a.m.: [20140709-IR-071140251ERA](#); emergency rule filed Sep 15, 2014, 12:44 p.m.: [20140924-IR-071140352ERA](#), eff Sep 30, 2014; emergency rule filed Mar 16, 2015, 3:29 p.m.: [20150325-IR-071150071ERA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 26. [71 IAC 8.5-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-2-1](#) Laboratory reports

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

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

Sec. 1. A finding by a chemist at a commission-approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse, ~~or furosemide, or phenylbutazone~~ **any drug found** in excess of the commission-approved tolerance levels, **substances present in the horse in excess of concentrations at which such substances could occur naturally, or substances foreign to a horse at concentrations that cause interference with testing procedures** shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

- (1) the sample of urine, saliva, blood, or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question, its integrity is preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and
- (3) the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered or, in a case of out of competition testing, when the test sample was taken;

with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the stewards or the commission.

(Indiana Horse Racing Commission; [71 IAC 8.5-2-1](#); 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.]; filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 27. [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) Darbepoetin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.
- (7) Ractopamine.
- (8) Zilpaterol.

(9) Aminiomidazole carboxamide ribonucleotide (AICAR).

(10) My-inositol trispyrophosphate (ITPP).

(11) Equine growth hormone.

(12) Thymosin beta.

(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.

(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, other than vaccines licensed by the USDA.

(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).

Combining two (2) or more substances with pharmacologic effect constitutes the development of a new drug. This may only be done in accordance with state and local laws and must contain FDA approved medications, if available.

(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) Extra-label 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. Extra-label 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](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 28. [71 IAC 8.5-13-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-13-2](#) Specific levels requiring scratch

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

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

Sec. 2. (a) The stewards shall order scratched or disqualified:

- (1) any horse that races or is scheduled to race that registers readings of:
 - (A) bicarbonate (HCO_3) at thirty-six (36) **mmol/L** or higher; and
 - (B) a pH level at seven and four hundred forty-five thousandths (7.445) or higher; and
- (2) any horse on the bleeder's list that races or is scheduled to race that registers readings of:
 - (A) bicarbonate (HCO_3) at thirty-eight (38) **mmol/L** or higher; and
 - (B) a pH level at seven and four hundred seventy-thousandths (7.470) or higher;

and on each of the two (2) tests from a blood gas analyzer when such tests have been conducted. No horse shall be ordered scratched or disqualified in accordance with the provisions of this section unless both readings for bicarbonate (HCO_3), and pH are equal to or exceed the levels established in this section.

(b) In its discretion, the commission or commission designated track employees may retest a horse whose first test results are within allowable limits. Should a retest under this situation indicate high levels as provided in

subsection (a), the retest shall be considered an initial screening. High levels on a subsequent test as provided in subsection (a) shall be considered a violation of this rule and the horse shall be scratched or disqualified.

(c) The provisions of subsection (a) notwithstanding, the stewards shall not order the disqualification of a horse selecting quarantine under these rules if the commission is satisfied on the basis of clear and cogent evidence derived from the testing of the horse's blood during quarantine that such levels are physiologically normal for that specific horse.

(Indiana Horse Racing Commission; [71 IAC 8.5-13-2](#); emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600; readopted filed Nov 29, 2011, 12:51 p.m.: [20111228-IR-071110264RFA](#); emergency rule filed Mar 17, 2017, 1:04 p.m.: [20170322-IR-071170167ERA](#))

SECTION 29. [71 IAC 7-1-20](#) IS REPEALED.

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