
TITLE 71 INDIANA HORSE RACING COMMISSION**Emergency Rule**
LSA Document #18-112(E)

DIGEST

Amends [71 IAC 1-1-94.1](#) and [71 IAC 1.5-1-94.1](#) regarding the definition of sample. Amends [71 IAC 5-1-12](#) and [71 IAC 5.5-1-12](#) regarding license refusals. Amends [71 IAC 8-1-4.1](#) and [71 IAC 8.5-1-4.1](#) regarding nonsteroidal anti-inflammatory drugs. Amends [71 IAC 8-1-5.5](#) and [71 IAC 8.5-1-5.5](#) regarding bleeding from nostrils. Amends [71 IAC 8-3-1](#) and [71 IAC 8.5-2-1](#) regarding lab reports. Amends [71 IAC 8-3-3](#) and [71 IAC 8.5-2-3](#) regarding selection of horses tested. Amends [71 IAC 8-3-4](#) and [71 IAC 8.5-2-4](#) regarding taking of samples. Amends [71 IAC 8-4-1](#) and [71 IAC 8.5-3-1](#) regarding collection procedures. Amends [71 IAC 8.5-1-4.2](#) regarding threshold levels. Effective February 21, 2018.

[71 IAC 1-1-94.1](#); [71 IAC 1.5-1-94.1](#); [71 IAC 5-1-12](#); [71 IAC 5.5-1-12](#); [71 IAC 8-1-4.1](#); [71 IAC 8-1-5.5](#); [71 IAC 8-3-1](#); [71 IAC 8-3-3](#); [71 IAC 8-3-4](#); [71 IAC 8-4-1](#); [71 IAC 8.5-1-4.1](#); [71 IAC 8.5-1-4.2](#); [71 IAC 8.5-1-5.5](#); [71 IAC 8.5-2-1](#); [71 IAC 8.5-2-3](#); [71 IAC 8.5-2-4](#); [71 IAC 8.5-3-1](#)

SECTION 1. [71 IAC 1-1-94.1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 1-1-94.1](#) "Sample" defined**Authority:** [IC 4-31-2-23](#); [IC 4-31-3-9](#)**Affected:** [IC 4-31-12](#)

Sec. 94.1. "Sample", when used in the context of being removed from or collected from a horse, means any amount of urine, saliva, blood, **hair**, or other acceptable specimen derived from a horse. Any cleared samples may be used for research and/or investigative purposes by the commission.

(Indiana Horse Racing Commission; [71 IAC 1-1-94.1](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 2. [71 IAC 1.5-1-94.1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 1.5-1-94.1](#) "Sample" defined**Authority:** [IC 4-31-2-23](#); [IC 4-31-3-9](#)**Affected:** [IC 4-31-12](#)

Sec. 94.1. "Sample", when used in the context of being removed from or collected from a horse, means any amount of urine, saliva, blood, **hair**, or other acceptable specimen derived from a horse. Any cleared samples may be used for research and/or investigative purposes by the commission.

(Indiana Horse Racing Commission; [71 IAC 1.5-1-94.1](#); emergency rule filed May 7, 2014, 2:27 p.m.: [20140514-IR-071140143ERA](#), eff May 15, 2014; emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

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

[71 IAC 5-1-12](#) License refusal**Authority:** [IC 4-31-6-2](#)**Affected:** [IC 4-21.5](#); [IC 4-31](#)

Sec. 12. The commission, the judges, or the executive director as the commission's designee may refuse to issue a license. The decision to refuse a license is treated as a withdrawal of the license application without prejudice and is not reported to the ARCI. If an applicant is refused, the applicant may reapply for a license. **An applicant may contest a refusal within fifteen (15) days of notice of the refusal.** If an applicant contests a license refusal, the judges (or an administrative law judge if the judges are unavailable) shall conduct a hearing

pursuant to the procedures provided for in [71 IAC 10](#) and [IC 4-21.5](#). Nonetheless, the hearing on a license refusal is not considered to be a disciplinary action. If the judges affirm the decision to refuse a license application, the refusal shall be treated as the denial of the application, consistent with these rules.

(Indiana Horse Racing Commission; [71 IAC 5-1-12](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; 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](#); filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 4. [71 IAC 5.5-1-12](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-1-12](#) License refusal

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

Affected: [IC 4-21.5](#); [IC 4-31](#)

Sec. 12. The commission, the stewards, or the executive director as the commission's designee may refuse to issue a license. The decision to refuse a license is treated as a withdrawal of the license application without prejudice and is not reported to the ARCI. If an applicant is refused, the applicant may reapply for a license. **An applicant may contest a refusal within fifteen (15) days of notice of the refusal.** If an applicant contests a license refusal, the stewards (or an administrative law judge if the stewards are unavailable) shall conduct a hearing pursuant to the procedures provided for in [71 IAC 10](#) and [IC 4-21.5](#). Nonetheless, the hearing on a license refusal is not considered to be a disciplinary action. If the stewards affirm the decision to refuse a license application, the refusal shall be treated as the denial of the application, consistent with these rules.

(Indiana Horse Racing Commission; [71 IAC 5.5-1-12](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 5. [71 IAC 8-1-4.1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-1-4.1](#) Nonsteroidal anti-inflammatory drugs (NSAIDs)

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

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

Sec. 4.1. (a) The use of one (1) of three (3) approved NSAIDs shall be permitted under **governed by** the following conditions:

(1) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at the recommended labeled doses at least twenty-four (24) hours before the post time of the race in which the horse is entered:

(A) Phenylbutazone—2 micrograms per milliliter.

(B) Flunixin—20 nanograms per milliliter.

(C) Ketoprofen—2 nanograms per milliliter.

(1) NSAIDs included in the ARCI Controlled Therapeutic Medication Schedule, Version 2.2, are not to be used in a manner inconsistent with the restrictions contained therein. NSAIDs not included on the ARCI Controlled Therapeutic Medication Schedule, Version 2.2, are not to be present in a racing horse biological sample at the laboratory concentration of detection.

(2) The presence of more than one (1) NSAID may constitute a NSAID stacking violation consistent with the following restrictions:

(A) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

(i) two (2) nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(AA) Diclofenac – 5 nanograms per milliliter of plasma or serum;

(BB) Firocoxib – 20 nanograms per milliliter of plasma or serum;

(CC) Flunixin – 20 nanograms per milliliter of plasma or serum;

(DD) Ketoprofen – 2 nanograms per milliliter of plasma or serum;

(EE) Phenylbutazone – 2 micrograms per milliliter of plasma or serum; or

(FF) all other nonsteroidal anti-inflammatory drugs – laboratory concentration of detection;

(ii) three (3) or more nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

- (AA) Diclofenac – 5 nanograms per milliliter of plasma or serum;
- (BB) Firocoxib – 20 nanograms per milliliter of plasma or serum;
- (CC) Flunixin – 3 nanograms per milliliter of plasma or serum;
- (DD) Ketoprofen – 1 nanogram per milliliter of plasma or serum;
- (EE) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum; or
- (FF) all other nonsteroidal anti-inflammatory drugs – laboratory concentration of detection.

(B) A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

(i) any one (1) substance noted in subsection (A)(i) [clause (A)(i)] above is found in excess of the restrictions contained therein in combination with any one (1) of the following substances at levels below the restrictions so noted but in excess of the following levels:

- (AA) Flunixin – 3 nanograms per milliliter of plasma or serum;
- (BB) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or
- (CC) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.

(C) A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:

(i) any combination of two (2) of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in subsection (A)(i)(a through e) [redesignated clause (A)(i)(AA) through (A)(i)(EE) by the Publisher] above but in excess of the noted restrictions:

- (AA) Flunixin – 3 nanograms per milliliter of plasma or serum;
- (BB) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or
- (CC) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.

(b) ~~These or any other NSAID are prohibited to be administered within the twenty-four (24) hours before post time of the race in which the horse is entered.~~ **Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).**

~~(c) The presence of more than one (1) NSAID, with the exceptions of:~~

- ~~(1) phenylbutazone in a concentration below 0.3 micrograms per milliliter of serum or plasma;~~
- ~~(2) flunixin in a concentration below 3.0 nanograms per milliliter of serum or plasma; or~~
- ~~(3) ketoprofen in a concentration below 1.0 nanogram per milliliter of serum or plasma;~~

~~in the post race serum or plasma sample is not permitted. The use of all but one (1) of the approved NSAIDs shall be discontinued at least forty-eight (48) hours before the post time for the race in which the horse is entered.~~

(Indiana Horse Racing Commission; [71 IAC 8-1-4.1](#); emergency rule filed Jul 28, 2006, 11:22 a.m.:

[20060816-IR-071060279ERA](#), eff Sep 1, 2006; emergency rule filed Jan 25, 2012, 12:20 p.m.:

[20120201-IR-071120056ERA](#); 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-071140251](#); emergency rule filed Feb 21, 2018, 2:58 p.m.:

[20180228-IR-071180112ERA](#))

SECTION 6. [71 IAC 8-1-5.5](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-5.5 Bleeding from nostrils

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

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

Sec. 5.5. A horse known to have bled from its nostrils for the first time **within a three hundred sixty-five (365) day period** during a race or workout may not be entered or raced during the next ten (10) days without prior approval for racing by the official veterinarian or his/her designee. If a horse bleeds from its nostrils a second time **within a three hundred sixty-five (365) day period**, the horse shall be placed on the veterinarian's list and prohibited from racing for thirty (30) days. If a horse bleeds from its nostrils a third time **within a three hundred sixty-five (365) day period**, the horse shall be placed on the veterinarian's list and prohibited from racing for at least thirty (30) days. A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. The horse may be removed from the veterinarian's list by the official veterinarian after a satisfactory workout. If a horse bleeds from its nostrils a fourth time, the horse is prohibited from racing in Indiana.

(Indiana Horse Racing Commission; [71 IAC 8-1-5.5](#); emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2413; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); readopted filed Nov 26, 2013, 11:25 a.m.: [20131225-IR-071130345RFA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 7. [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, any drug found in excess of the commission-approved 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, **hair**, 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](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

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

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

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

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

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

(b) A blood specimen, **hair specimen**, or urine specimen, or ~~both~~, **all three (3)**, shall be taken from the following horses after the running of each race:

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

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

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

(Indiana Horse Racing Commission; [71 IAC 8-3-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 9. [71 IAC 8-3-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-3-4](#) Taking of samples

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

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

Sec. 4. (a) Blood, urine, saliva, **hair**, or other samples shall be:

- (1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;
- (2) taken in a detention area approved by the commission, unless the official veterinarian or judges approves otherwise;
- (3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee and may be witnessed by the owner, trainer, or other licensed person designated by them;
- (4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and
- (5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the executive director or the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission-approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money.

(d) The association shall withhold payment of purse monies of horses that have been subject to testing pursuant to [71 IAC 8-3-3](#) [section 3 of this rule] on all stake races and races with a purse value of seventy-five thousand dollars (\$75,000) or more. Upon notification from the commission's primary laboratory, the judges will communicate with the association horseman's bookkeeper regarding the release of the remaining purse monies.

(e) The provisions of subsection (a)(2) and (a)(3) do not apply to section 5 of this rule.

(Indiana Horse Racing Commission; [71 IAC 8-3-4](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 10. [71 IAC 8-4-1](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-4-1 Collection procedures

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

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

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

(b) Before sending an equine sample to the primary testing laboratory, the official veterinarian or a designated commission employee shall divide the specimen into two (2) parts provided a sufficient amount is collected.

(c) The official veterinarian or designated commission employee shall attempt to collect a minimum of fifty (50) milliliters of urine. A urine specimen shall not be split if less than fifty (50) milliliters is collected from the horse. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian shall collect a minimum of thirty (30) milliliters of blood, which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory.

(e) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian shall collect a minimum of a hair sample that is at least the same size in diameter as a standard pencil.

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

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

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

~~(h)~~ **(i)** Blood samples shall be centrifuged.

~~(i)~~ **(j)** The provisions of subsections (b), (c), and (d) do not apply to [71 IAC 8-3-5](#).

(Indiana Horse Racing Commission; [71 IAC 8-4-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Apr 5, 2013, 3:50 p.m.: [20130410-IR-071130135ERA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 11. [71 IAC 8.5-1-4.1](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-4.1 Nonsteroidal anti-inflammatory drugs (NSAIDs)

Sec. 4.1. (a) The use of ~~one (1) of three (3)~~ approved NSAIDs shall be permitted under **governed by** the following conditions:

~~(1) Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at the recommended labeled dose at least twenty-four (24) hours before the post time of the race in which the horse is entered:~~

~~(A) Phenylbutazone— 2 micrograms per milliliter.~~

~~(B) Flunixin— 20 nanograms per milliliter.~~

~~(C) Ketoprofen— 2 nanograms per milliliter.~~

(1) NSAIDs included in the ARCI Controlled Therapeutic Medication Schedule, Version 2.2, are not to be used in a manner inconsistent with the restrictions contained therein. NSAIDs not included on the ARCI Controlled Therapeutic Medication Schedule, Version 2.2, are not to be present in a racing horse biological sample at the laboratory concentration of detection.

(2) The presence of more than one (1) NSAID may constitute a NSAID stacking violation consistent with the following restrictions:

(A) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

(i) two (2) nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(AA) Diclofenac – 5 nanograms per milliliter of plasma or serum;

(BB) Firocoxib – 20 nanograms per milliliter of plasma or serum;

(CC) Flunixin – 20 nanograms per milliliter of plasma or serum;

(DD) Ketoprofen – 2 nanograms per milliliter of plasma or serum;

(EE) Phenylbutazone – 2 micrograms per milliliter of plasma or serum; or

(FF) all other nonsteroidal anti-inflammatory drugs – laboratory concentration of detection;

(ii) three (3) or more nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(AA) Diclofenac – 5 nanograms per milliliter of plasma or serum;

(BB) Firocoxib – 20 nanograms per milliliter of plasma or serum;

(CC) Flunixin – 3 nanograms per milliliter of plasma or serum;

(DD) Ketoprofen – 1 nanogram per milliliter of plasma or serum;

(EE) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum; or

(FF) all other nonsteroidal anti-inflammatory drugs – laboratory concentration of detection.

(B) A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

(i) any one (1) substance noted in subsection (A)(i) [clause (A)(i)] above is found in excess of the restrictions contained therein in combination with any one (1) of the following substances at levels below the restrictions so noted but in excess of the following levels:

(AA) Flunixin – 3 nanograms per milliliter of plasma or serum;

(BB) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or

(CC) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.

(C) A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:

(i) any combination of two (2) of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in subsection (A)(i)(a through e) [redesignated clause (A)(i)(AA) through (A)(i)(EE) by the Publisher] above but in excess of the noted restrictions:

(AA) Flunixin – 3 nanograms per milliliter of plasma or serum;

(BB) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or

(CC) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.

~~(b) These or any other NSAID are prohibited to be administered within twenty-four (24) hours before the post time of the race in which the horse is entered. Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).~~

~~(c) The presence of more than one (1) NSAID, with the exceptions of:~~

~~(1) phenylbutazone in a concentration below 0.3 micrograms per milliliter of serum or plasma;~~

~~(2) flunixin in a concentration below 3.0 nanograms per milliliter of serum or plasma; or~~

~~(3) ketoprofen in a concentration below 1.0 nanogram per milliliter of serum or plasma;~~

~~in the post-race serum or plasma sample is not permitted. The use of all but one (1) of the approved NSAIDs shall~~

~~be discontinued at least forty-eight (48) hours before the post time for the race in which the horse is entered.~~

(Indiana Horse Racing Commission; [71 IAC 8.5-1-4.1](#); emergency rule filed Jul 28, 2006, 11:22 a.m.: [20060816-IR-071060279ERA](#), eff Sep 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); 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 Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 12. [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), **hair**, 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 **in thoroughbreds** 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. **The use of clenbuterol in quarter horses is not permitted. The presence of clenbuterol shall not exceed the limit of detection (LOD) in urine, serum, plasma, or hair.**
- (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.
- (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.
- (9) The use of detomidine shall be permitted under the following conditions: Not to exceed two (2) nanograms per milliliter of carboxydetomidine in urine or one (1) nanogram per milliliter detomidine in serum or plasma.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.

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

(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.

(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) nanograms per milliliter of serum or plasma.

(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.

(26) The use of xylazine shall be permitted under the following conditions: Not to exceed 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](#); emergency rule filed Apr 18, 2017, 12:54 p.m.: [20170426-IR-071170215ERA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 13. [71 IAC 8.5-1-5.5](#) IS AMENDED TO READ AS FOLLOWS:

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

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

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

Sec. 5.5. A horse known to have bled from its nostrils for the first time **within a three hundred sixty-five (365) day period** during a race or workout may not be entered or raced during the next ten (10) days without prior approval for racing by the official veterinarian or his/her designee. If a horse bleeds from its nostrils a second time **within a three hundred sixty-five (365) day period**, the horse shall be placed on the veterinarian's list and prohibited from racing for thirty (30) days. If a horse bleeds from its nostrils a third time **within a three hundred sixty-five (365) day period**, the horse shall be placed on the veterinarian's list and prohibited from racing for at least thirty (30) days. A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. The horse may be removed from the veterinarian's list by the official veterinarian after a satisfactory workout. If a horse bleeds from its nostrils a fourth time, the horse is prohibited from racing in Indiana.

(Indiana Horse Racing Commission; [71 IAC 8.5-1-5.5](#); emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); readopted filed Oct 13, 2017, 2:49 p.m.: [20171108-IR-071170171RFA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 14. [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, any drug found in excess of the commission-approved 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, **hair**, 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](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 15. [71 IAC 8.5-2-3](#) IS AMENDED TO READ AS FOLLOWS:

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

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

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

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

(b) A blood specimen, **hair specimen**, or urine specimen, or ~~both~~, **all three (3)**, shall be taken from the following horses after the running of each race:

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

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

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

(Indiana Horse Racing Commission; [71 IAC 8.5-2-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 16. [71 IAC 8.5-2-4](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-2-4](#) Taking of samples

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

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

Sec. 4. (a) Blood, urine, saliva, **hair**, or other samples shall be:

- (1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;
- (2) taken in a detention area approved by the commission unless the official veterinarian or stewards approves otherwise;
- (3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee and may be witnessed by the owner, trainer, or other licensed person designated by them;
- (4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and
- (5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the executive director or the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money.

(d) The association shall withhold payment of purse monies of horses that have been subject to testing pursuant to [71 IAC 8.5-2-3](#) [section 3 of this rule] on all stake races and races with a purse value of seventy-five thousand dollars (\$75,000) or more. Upon notification from the commission's primary laboratory, the stewards will communicate with the association horseman's bookkeeper regarding the release of the remaining purse monies.

(e) The provisions of subsection (a)(2) and (a)(3) do not apply to [71 IAC 8.5-2-5](#) [section 5 of this rule].

(Indiana Horse Racing Commission; [71 IAC 8.5-2-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); filed Nov 10, 2014, 2:07 p.m.: [20141210-IR-071140230FRA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

SECTION 17. [71 IAC 8.5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

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

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

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

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

(b) Before sending an equine sample to the primary testing laboratory, the official veterinarian or a designated commission employee shall divide the specimen into two (2) parts provided a sufficient amount is collected.

(c) The official veterinarian or a designated commission employee shall attempt to collect a minimum of fifty (50) milliliters of urine. A urine specimen shall not be split if less than fifty (50) milliliters is collected from the horse. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian shall collect a minimum of thirty (30) milliliters of blood, which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory.

(e) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian shall collect a minimum of a hair sample that is at least the same size in diameter as a standard pencil.

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

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

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

(h) (i) Blood samples shall be centrifuged.

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

(Indiana Horse Racing Commission; [71 IAC 8.5-3-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Apr 5, 2013, 3:50 p.m.: [20130410-IR-071130135ERA](#); emergency rule filed Feb 21, 2018, 2:58 p.m.: [20180228-IR-071180112ERA](#))

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