TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule
LSA Document #20-625(E)

DIGEST

Amends 71 IAC 6.5-1-1 regarding general provisions. Amends 71 IAC 6.5-1-4 regarding prohibitions. Amends 71 IAC 7.5-4-1 regarding requirements. Amends 71 IAC 8-1-4.2 regarding threshold levels. Amends 71 IAC 8.5-1-2.1 regarding clenbuterol prohibited in quarter horses. Adds 71 IAC 8.5-1-2.4 regarding clenbuterol prohibited in thoroughbred horses entered to race. Amends 71 IAC 8.5-1-4.1 regarding nonsteroidal anti-inflammatory drugs (NSAIDs). Amends 71 IAC 8.5-1-4.2 regarding threshold levels. Adds 71 IAC 8.5-1-4.5 regarding corticosteroids, stacking violations, and intra-articular injection restrictions. Amends 71 IAC 8.5-1-7.1 regarding multiple medication violations. Amends 71 IAC 8.5-5-2 regarding prohibited practices. Amends 71 IAC 8.5-8-1 regarding veterinarian's list. Adds 71 IAC 8.5-8-1.3 regarding clenbuterol in thoroughbreds, conditions for use, reporting, and veterinarian's list requirements. Effective December 11, 2020.

71 IAC 6.5-1-1; 71 IAC 6.5-1-4; 71 IAC 7.5-4-1; 71 IAC 8-1-4.2; 71 IAC 8.5-1-2.1; 71 IAC 8.5-1-2.4; 71 IAC 8.5-1-4.1; 71 IAC 8.5-1-4.2; 71 IAC 8.5-1-4.5; 71 IAC 8.5-1-7.1; 71 IAC 8.5-5-2; 71 IAC 8.5-8-1; 71 IAC 8.5-8-1.3

SECTION 1. 71 IAC 6.5-1-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 6.5-1-1 General provisions

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) A person entering a horse in a claiming race warrants that the title to the horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering the horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for the horse.

(b) Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the starting gate and is declared an official starter. ~~The successful claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured at any time, during the race or after.~~ **If a horse suffers a fatality during the running of a race, or is euthanized on the racetrack following the race, any claim submitted on that horse will be declared void. If a claimed horse is vanned off the racetrack following the race (at the discretion of a commission approved veterinarian), that horse will be taken to the test barn. The successful claimant or trainer may request the claim be voided by the stewards within one (1) hour of the official off time of the race, except that the claim shall not be declared void if the horse is vanned off the track due to an issue that is nonrelated to lameness as determined by the commission approved veterinarian. In the event the claim is voided by the stewards, the horse will be returned to the custody of the original owner.** However, the successful claimant may request on the claim blank at the time the successful claimant makes the claim that the horse be tested for the presence of equine infectious anemia via a Coggins test or other test as approved by the official veterinarian. Should this test prove positive, it shall be cause for voiding the claim. The expense of the test and the maintenance of the horse during the period requested for the test shall be the responsibility of the successful claimant, unless the test proves positive, wherein the owner or owners of the horse at the time of entry shall be responsible.

(c) An in-foal filly or mare shall be eligible to be entered into a claiming race only if all of the following conditions are fulfilled:
(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in the racing secretary's office.
(2) The stallion service certificate has been deposited with the racing secretary's office.
(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.
(4) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

(d) The stewards may set aside and order ~~recision~~ **rescission** of a claim for any horse from a claiming race

run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in section 4 of this rule, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of ~~these rules.~~ **this article.** Should the stewards order a ~~recision~~ **rescission** of a claim, they may make a further order for the costs of maintenance and care of the horse as they may deem appropriate.

(Indiana Horse Racing Commission; 71 IAC 6.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; 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; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 2. 71 IAC 6.5-1-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 6.5-1-4 Prohibitions

Authority: IC 4-31-3-9
Affected: IC 4-31

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

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

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

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

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

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

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

(h) A horse claimed in a claiming race shall not be sold or transferred, wholly or in part, within thirty (30) days after the day it was claimed, except in another claiming race.

(i) A person shall not claim more than one (1) horse in a race. No authorized agent shall submit more than one (1) claim for the same horse in a race, even if the authorized agent represents several owners.

(j) No owner shall claim more than one (1) horse per race.

(Indiana Horse Racing Commission; 71 IAC 6.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 55; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an

emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Apr 30, 2010, 1:34 p.m.: 20100505-IR-071100256ERA; 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 Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA; emergency rule filed Apr 30, 2018, 3:54 p.m.: 20180502-IR-071180203ERA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 3. 71 IAC 7.5-4-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-4-1 Requirements

Authority: IC 4-31-3-9
Affected: IC 4-31

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

(b) A horse that has not started for a period of ~~three hundred sixty-five (365)~~ **two hundred forty (240)** days or more, **or a first time starter that has reached the age of four (4) years,** shall be ineligible to start until it has **completed the following:**

(1) Successfully completed a racing soundness examination administered by the regulatory or track veterinarian.

(2) Completed an official workout of not less than four (4) furlongs in a time of fifty-two (52) seconds, or better, under the observation of the regulatory or track veterinarian. A horse participating in an official workout is subject to placement on the veterinarian's list and may be required to submit to a post-work biologic sample collection and testing for foreign substances in accordance with 71 IAC 8.5-1-2 and 71 IAC 8.5-1-4.2. Placement of a horse on the veterinarian's list shall be in accordance with the requirements set forth in 71 IAC 8.5-8-1. All testing as required by this section and ordered by the regulatory or track veterinarian shall be conducted in accordance with commission sample collection and testing procedures with all tests to be at the expense of the horse owner or trainer.

(Indiana Horse Racing Commission; 71 IAC 7.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2156; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 4. 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 or 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.
(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 of 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)~~ **(11)** 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)~~ **(12)** 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)~~ **(13)** The use of guaifenesin shall be permitted under the following conditions: Not to exceed twelve (12) nanograms per milliliter of serum or plasma.
~~(16)~~ **(14)** 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)~~ **(15)** 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)~~ **(16)** 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)~~ **(17)** 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)~~ **(18)** 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)~~ **(19)** The use of omeprazole shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of omeprazole sulfide in serum or plasma.
~~(22)~~ **(20)** 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)~~ **(21)** 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.
(B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration.
(C) Procaine penicillin must not be administered after the horse is entered to race.
(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)~~ **(22)** The use of ranitidine shall be permitted under the following conditions: Not to exceed forty (40) nanograms per milliliter in serum or plasma.
~~(25)~~ **(23)** 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)~~ **(24)** 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 8-1-4.2; 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; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA;

emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 5. 71 IAC 8.5-1-2.1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-2.1 Clenbuterol prohibited in quarter horses

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 2.1. (a) No quarter horse participating in a race shall carry in its body clenbuterol. ~~in excess of the threshold provided in section 4.2(5) of this rule.~~ A finding by the chemist or commission designee that clenbuterol ~~in excess of the threshold~~ is present in the test sample shall be prima facie evidence that clenbuterol was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse.

(b) Upon a finding of a violation of this section, whether by pre-race testing or post-race testing, the owners or lessees of the horse from which the ~~specimen~~ **sample** was obtained shall forfeit any purse money and any trophy or award **resulting from the associated race.** If the purse money, trophy, or award is associated with a qualifying race, a positive test for clenbuterol shall render the horse ineligible for any subsequent related race.

(c) In the event a sample from a quarter horse results in **a finding of** clenbuterol, ~~in excess of the threshold,~~ the quarter horse shall be placed on the veterinarian's list as provided in 71 IAC 8.5-8-1.5.

(Indiana Horse Racing Commission; 71 IAC 8.5-1-2.1; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 6. 71 IAC 8.5-1-2.4 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-1-2.4 Clenbuterol prohibited in thoroughbred horses entered to race

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 2.4. (a) No thoroughbred participating in a race shall carry in its body clenbuterol. A finding by the chemist or commission designee that clenbuterol is present in the test sample shall be prima facie evidence that clenbuterol was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care and custody of the horse have been negligent in the handling or care of the horse.

(b) Upon a finding of a violation of this section, whether by pre-race testing or post-race testing, the owners or lessees of the horse from which the sample was obtained shall forfeit any purse money and any trophy or award resulting from the associated race.

(c) In the event a sample from a thoroughbred results in a finding of clenbuterol, the thoroughbred shall be placed on the veterinarian's list as provided in 71 IAC 8.5-8-1.3.

(Indiana Horse Racing Commission; 71 IAC 8.5-1-2.4; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 7. 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)

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 4.1. (a) The use of **nonsteroidal anti-inflammatory drugs** (NSAIDs) shall be governed by the following conditions:

(1) NSAIDs included in the ARCI Controlled Therapeutic Medication Schedule ~~Version 2.2,~~ **for Horses, as revised by the ARCI in December 2019 and any other subsequent revision effective after said date, which are incorporated by reference herein, copies of which are available at the commission office,** 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,~~ **for Horses** are not **permitted** to be present in a ~~racing horse~~ biological sample at **a concentration that equals or exceeds** the ~~laboratory concentration~~ **commission's official laboratory's limit** of detection.

(2) **Biological samples may contain one (1) of the NSAIDs identified in the ARCI Controlled Therapeutic Medication Schedule for Horses at a concentration up to the primary threshold indicated therein.** The presence of more than one (1) NSAID ~~may~~ **in blood or urine, or both, shall** constitute ~~a~~ **an** NSAID stacking violation ~~consistent with the following restrictions:~~ **(Penalty Class B) in addition to the violation associated with the detection of each additional NSAID that exceeds the primary threshold.**

~~(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) 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) 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) NSAIDs shall not be administered to any horse that is entered to race within forty-eight (48) hours of the scheduled post-time of the race in which it is entered.

~~(b)~~ **(c)** Any horse to which ~~a~~ **an** NSAID has been administered shall be subject to having a blood ~~and/or~~ **or** urine, ~~sample(s)~~ **or both, sample** taken at the direction of the official veterinarian to determine the quantitative NSAID ~~level(s) and/or~~ **level or** the presence of other drugs, **or both,** which may be present in the blood or urine samples.

(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; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 8. 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 or 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 in thoroughbreds shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of total albuterol (albuterol plus conjugates) in urine. The use of albuterol in quarter horses is not permitted. The presence of albuterol shall not exceed the limit of detection (LOD) in blood (serum or plasma), urine, or hair.

(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)~~ **(5)** The use of cetirizine shall be permitted under the following conditions: Not to exceed six (6) nanograms per milliliter of serum or plasma.

~~(7)~~ **(6)** 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)~~ **(7)** 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)~~ **(8)** 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)~~ **(9)** 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)~~ **(10)** 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)~~ **(11)** 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)~~ **(12)** The use of guaifenesin shall be permitted under the following conditions: Not to exceed twelve (12) nanograms per milliliter of serum or plasma.

~~(16)~~ **(13)** 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)~~ **(14)** 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)~~ **(15)** 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)~~ **(16)** 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)~~ **(17)** 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)~~ **(18)** The use of omeprazole shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of omeprazole sulfide in serum or plasma.

~~(22)~~ **(19)** 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)~~ **(20)** 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.
(B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration.
(C) Procaine penicillin must not be administered after the horse is entered to race.
(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)~~ **(21)** The use of ranitidine shall be permitted under the following conditions: Not to exceed forty (40) nanograms per milliliter in serum or plasma.
~~(25)~~ **(22)** 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)~~ **(23)** 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; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 9. 71 IAC 8.5-1-4.5 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-1-4.5 Corticosteroids, stacking violations, and intra-articular injection restrictions

Authority: IC 4-31-3-9
Affected: IC 4-31-12

Sec. 4.5. (a) The use of corticosteroids shall be governed by the following conditions:
(1) Corticosteroids included in the ARCI Controlled Therapeutic Medication Schedule for Horses, as revised by the ARCI in December 2019 and any other subsequent revision effective after said date, which are incorporated by reference herein, copies of which are available at the commission office, are not to be used in a manner inconsistent with the restrictions contained therein. Corticosteroids not included in the ARCI Controlled Therapeutic Medication Schedule for Horses are not to be present in a biological sample at a concentration that equals or exceeds the commission's official laboratory's limit of detection.
(2) Biological samples may contain one (1) of the corticosteroids identified in the ARCI Controlled Therapeutic Medication Schedule for Horses at a concentration up to the threshold level indicated therein; the presence of more than one (1) corticosteroid in blood or urine, or both, shall constitute a corticosteroid stacking violation (Penalty Class B) in addition to the violation associated with the detection of each additional corticosteroid that exceeds the threshold level.

(b) The use of corticosteroid intra-articular injections shall be governed by the following conditions:
(1) Any horse treated by intra-articular injection shall be placed on the veterinarian's list for fourteen (14) days; for counting purposes, day one (1) shall be the day after treatment.
(2) No person other than a practicing veterinarian licensed by the commission shall treat a horse by intra-articular injection of a corticosteroid or any other substance.
(3) A veterinarian who treats a horse by intra-articular injection shall report such treatment to the regulatory veterinarian within twenty-four (24) hours of the time of treatment. The treatment report shall be submitted on a form provided by the commission and the information to be reported shall include the following:
(A) The name of the horse treated and the name of the trainer responsible for the horse.
(B) The diagnosis indicating the need for the treatment.
(C) The medication or substance administered, the dosage administered, and the location or locations of the injection or injections.
(D) The date, time, and place of treatment.
(4) The trainer of the treated horse shall be responsible for ensuring that these reporting requirements

have been met.

(Indiana Horse Racing Commission; 71 IAC 8.5-1-4.5; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 10. 71 IAC 8.5-1-7.1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-7.1 Multiple medication violations

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-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign Substances 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	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	0	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 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 shall reflect, in the case of multiple positive tests as described in subsection (d), whether they constitute a single violation. The stewards' or commission ruling 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 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 commission in its determination to subject the trainer to the mandatory enhanced penalties by the stewards or 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 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 his or her official ARCI record:

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

~~MMV~~ Penalties **for multiple medication violations** 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; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 11. 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~~ **or** use, **or both,** of a drug, substance, or medication, specified ~~below,~~ **in subdivisions (1) through (12)** on the premises of a facility under the jurisdiction of the commission is prohibited. The following drugs or substances include those **for** 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 trispyprophosphate (ITPP).
(11) Equine growth hormone.
(12) Thymosin beta.

(b) The use of extracorporeal shock wave therapy **(ESWT)** or radial pulse wave therapy **(RPWT)** shall not be

permitted unless the following conditions are met:

(1) Any treated horse shall not be permitted to race **or breeze** for a minimum of ten (10) days following treatment **and will be placed on the veterinarian's list for ten (10) days.**

(2) A list of horses that have received ESWT treatment within the last ten (10) days shall be posted in the race office and be accessible to the jockeys, their agents, and horsemen during normal business hours and be made available to other regulatory jurisdictions.

~~(2)~~ **(3)** The use of ~~extracorporeal shock therapy~~ **ESWT** or ~~radial pulse wave therapy~~ **RPWT** machines shall be limited to practicing veterinarians.

~~(3)~~ **(4)** Any ~~extracorporeal shock therapy~~ **ESWT** or ~~radial pulse therapy~~ **RPWT** machines on the association grounds must be registered with and approved by the commission or its designee before use.

~~(4)~~ **(5)** All ~~extracorporeal shock therapy~~ **ESWT** or ~~radial pulse therapy~~ **RPWT** treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

(6) A horse that receives any such treatment without full compliance with this section and similar rules in any other jurisdiction in which the horse was treated shall be placed on the steward's list.

(7) Any person participating in the use of ESWT or RPWT or the possession of ESWT or RPWT machines, or both, in violation of this rule shall be considered to have committed a prohibited practice and is subject to a Class A Penalty.

(c) The possession ~~and/or~~ **or** use, **or both,** 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~~ **means** any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease ~~is~~ **and** any nonfood substance that is intended to affect the structure or function of the animal. ~~and~~ **The term** includes any substance administered by injection, other than vaccines licensed by the **United States Department of Agriculture** (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~~ **described** 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~~ **in** 888 IAC 1.1-5-1(2).

(e) Notwithstanding subsection (c), veterinarians may possess compounded drugs with the restrictions listed ~~below.~~ **in subdivisions (1) through (4).** Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, ~~and/or~~ **or** creating oral suspensions or injectable solutions **as follows:**

(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~~ **that** 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~~ **in this subsection** 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~~ **or** dispensing of drug, **or both.**
(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,~~ **in this subsection,** 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~~ **that** 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; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 12. 71 IAC 8.5-8-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-8-1 Veterinarian's list

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) The official veterinarian shall maintain ~~a~~ **the veterinarian's** list of all horses ~~which~~ **that** are determined to be unfit to compete in a race due to **illness,** physical distress, unsoundness, **injury,** infirmity, ~~or medical condition.~~ **heat exhaustion, positive test or overage, administration of a medication requiring a mandatory stand down time, administration of shock wave therapy, positive out-of-competition test, or any other assessment or determination by the regulatory veterinarian that the horse is unfit to race.**

(b) A horse ~~may be removed from~~ **on** the veterinarian's list ~~when, in the opinion of the official veterinarian, the horse has satisfactorily recovered the capability of performing in a race.~~ **is ineligible to start until it has been removed from the list by the official veterinarian or racing veterinarian in the jurisdiction that placed it on**

the list, except when removal from the list is prevented by unavoidable administrative issues. When removal from the list is prevented by administrative issues, the horse may be permitted to start with the approval of the track veterinarian and the stewards.

(c) A horse ~~working to be released from~~ **that is on** the veterinarian's list may be ~~subjected to post-work biologic sample collection and testing for prohibited foreign substances as per 71 IAC 8.5-1-2 in accordance with commission sample collection and testing procedures.~~ **entered to race only if one (1) of the following conditions is met:**

(1) The horse is scheduled to be removed from the list at a preestablished date which is on, or before, the date of the race in which it is being entered.

(2) The horse has met the conditions for removal from the list but laboratory clearance of any submitted biological samples has not yet been received by the commission; in such an instance, the horse may be permitted to enter but shall not exclude any other eligible horse.

(d) A horse shall not be released from the veterinarian's list until a minimum of five (5) days has passed from the time the horse was placed on the veterinarian's list.

(e) A horse placed on the veterinarian's list for being unfit to compete in a race due to illness, physical distress, unsoundness, injury, infirmity, heat exhaustion, or any other assessment or determination by the regulatory veterinarian shall be released from the list only after the following have been met:

(1) It has been demonstrated to the satisfaction of the official veterinarian or the track veterinarian, or both, that the horse is sound and in fit physical condition to exert itself in a race.

(2) It has provided a published workout of at least four (4) furlongs in fifty-two (52.0) seconds or faster (for thoroughbreds) or two hundred twenty (220) yards in thirteen and three-tenths (13.3) seconds or faster (for quarter horses) observed by the official veterinarian or the track veterinarian, or both, for horses that are listed as unsound or lame; other listed reasons in this subsection may be required to work at the discretion of the official veterinarian.

(3) At the discretion of the official veterinarian or track veterinarian, or both, it has submitted a post-work biological sample for laboratory confirmation for compliance with current IHRC medication and foreign substance rules at the expense of the current owner. For the purposes of assessing penalties, adverse laboratory findings under this section shall be treated the same as violations resulting from post-race samples.

(f) A horse placed on the veterinarian's list for a positive test or overage, administration of a medication requiring a mandatory stand down time, administration of shock wave therapy, positive out-of-competition test, or any other veterinary assessment or administrative determination shall be released from the list only after the following have been met:

(1) It has been demonstrated to the satisfaction of the official veterinarian or the track veterinarian, or both, that the horse is sound and in fit physical condition to itself in a race.

(2) At the discretion of the official veterinarian, it has provided a published workout of at least four (4) furlongs in fifty-two (52.0) seconds or faster (for thoroughbreds) or two hundred twenty (220) yards in thirteen and three-tenths (13.3) seconds or faster (for quarter horses) observed by the official veterinarian or the racing veterinarian, or both, and submitted a post-work biological sample for laboratory confirmation for compliance with current IHRC medication and foreign substance rules at the expense of the current owner. For the purpose of assessing penalties, violations of this section shall be treated the same as violations resulting from post-race samples.

(g) Horses having generated a positive finding in a biological sample collected pursuant to this section shall not be released from the veterinarian's list until generating a negative test.

(Indiana Horse Racing Commission; 71 IAC 8.5-8-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

SECTION 13. 71 IAC 8.5-8-1.3 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-8-1.3 Clenbuterol in thoroughbreds, conditions for use, reporting, and veterinarian's list requirements

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1.3. Clenbuterol use is prohibited for thoroughbreds in racing and training unless the following conditions are met:

(1) A licensed veterinarian has issued a prescription for a specific horse based upon a specific diagnosis.

(2) The prescription includes the specific diagnosis, prescribed dosage, and prescribed duration of treatment.

(3) The information required by subdivision (2) is reported to the track veterinarian by the prescribing veterinarian on a form approved by and before a deadline established by the commission.

(4) The trainer makes daily notification to the track veterinarian of any horse or horses in his or her care receiving clenbuterol; such notification shall be made on a form approved by the commission.

(5) A horse administered clenbuterol shall be placed on the veterinarian's list and shall not be removed from the list until it has had an official timed workout under the supervision of the track veterinarian, and it has submitted post-work biological samples that are free of detectable clenbuterol.

(6) If clenbuterol is detected in a post-race, pre-race, or out-of-competition biological sample and the conditions set forth in subdivisions (1) through (4) have not been met, the horse shall be placed on the veterinarian's list until it meets the requirements in subdivision (5).

(Indiana Horse Racing Commission, 71 IAC 8.5-8-1.3; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA)

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