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**TITLE 71 INDIANA HORSE RACING
COMMISSION**

LSA Document #06-78(E)

DIGEST

Adds 71 IAC 4-4-10 concerning "In Today" program. Adds 71 IAC 4-4-11 concerning escort of practicing veterinarians. Adds 71 IAC 4.5-4-10 concerning "In Today" program. Adds 71 IAC 4.5-4-11 concerning escort of practicing veterinarians. Amends 71 IAC 5-1-21 concerning conflict of interest. Amends 71 IAC 5-2-1 concerning licensing requirements for owners. Amends 71 IAC 5-3-3 concerning other responsibilities. Adds 71 IAC 5-3-3.1 concerning "In Today" responsibilities. Amends 71 IAC 5.5-1-21 concerning conflict of interest. Amends 71 IAC 5.5-2-1 concerning licensing requirements for owners. Amends 71 IAC 5.5-3-3 concerning other responsibilities. Adds 71 IAC 5.5-3-3.1 concerning "In Today" responsibilities. Amends 71 IAC 6-1-3 concerning claiming procedure. Amends 71 IAC 6-1-4 concerning excusing claimed horse. Adds 71 IAC 7.5-1-16 concerning reporting to track. Amends 71 IAC 8-1-1 concerning medication. Amends 71 IAC 8-1-5 concerning furosemide as a permitted foreign substance. Amends 71 IAC 8-5-5 concerning records of treatment. Amends 71 IAC 8-5-8 concerning storage of supplies and drugs. Adds 71 IAC 8-5-9 concerning veterinarian vehicles. Adds 71 IAC 8-5-10 concerning predrawn injectables. Adds 71 IAC 8-5-11 concerning testing of confiscated drug, substance, or medication. Adds 71 IAC 8-5-12 concerning contact with entered horses. Adds 71 IAC 8-5-13 concerning veterinary helpers. Amends 71 IAC 8-6-2 concerning prohibited practices. Amends 71 IAC 8-8-1 concerning postmortem; disposal of a dead horse. Adds 71 IAC 8-8-2 concerning report of horse death. Amends 71 IAC 8-9-1 concerning veterinarian's list. Amends 71 IAC 8-10-2 concerning applicant and licensee subject to testing. Amends 71 IAC 8.5-1-1 concerning medication. Amends 71 IAC 8.5-1-5 concerning furosemide as a permitted foreign substance. Amends 71 IAC 8.5-4-5 concerning records of treatment. Amends 71 IAC 8.5-4-7 concerning storage of supplies and drugs. Adds 71 IAC 8.5-4-9 concerning veterinarian vehicles. Adds 71 IAC 8.5-4-10 concerning predrawn injectables. Adds 71 IAC 8.5-4-11 concerning testing of confiscated drug, substance, or medication. Adds 71 IAC 8.5-4-12 concerning contact with entered horses. Adds 71 IAC 8.5-4-13 concerning veterinary helpers. Amends 71 IAC 8.5-5-2 concerning prohibited practices. Amends 71 IAC 8.5-7-1 concerning postmortem; disposal of a dead horse. Adds 71 IAC 8.5-7-2 concerning report of horse death. Amends 71 IAC 8.5-10-2 concerning applicant and licensee subject to testing. Repeals 71 IAC 8-5-4 and 71 IAC 8-5-7. Effective March 10, 2006.

71 IAC 4-4-10

71 IAC 4-4-11

71 IAC 4.5-4-11

71 IAC 5-1-21

71 IAC 5-2-1

71 IAC 5-3-3

71 IAC 5-3-3.1

71 IAC 5.5-1-21

71 IAC 5.5-2-1

71 IAC 5.5-3-3

71 IAC 5.5-3-3.1

71 IAC 6-1-3

71 IAC 6-1-4

71 IAC 7.5-1-16

71 IAC 8-1-1

71 IAC 8-1-5

71 IAC 8-5-4

71 IAC 8-5-5

71 IAC 8-5-7

71 IAC 8-5-8

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71 IAC 8.5-4-7
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71 IAC 8.5-4-10
71 IAC 8.5-4-11
71 IAC 8.5-4-12
71 IAC 8.5-4-13
71 IAC 8.5-5-2
71 IAC 8.5-7-1
71 IAC 8.5-7-2
71 IAC 8.5-10-2

SECTION 1. 71 IAC 4-4-10 IS ADDED TO READ AS FOLLOWS:

71 IAC 4-4-10 “In Today” program

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 10. (a) The association shall post “In Today” signs in a visible location next to the entrance of the stall of each horse stabled at the track on the day the horse is scheduled to race.

(b) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse prior to posting the “In Today” sign.

(c) The deadline for the posting of the “In Today” signs shall be 9:00 a.m. on the day of the scheduled race.

(d) The “In Today” signs shall be a minimum of two (2) feet by two (2) feet and shall contain the words “In Today”.

(e) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(f) The association shall establish track rules for the implementation of the “In Today” program that shall be subject to the approval of the commission or its executive director. *(Indiana Horse Racing Commission; 71 IAC 4-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210)*

SECTION 2. 71 IAC 4-4-11 IS ADDED TO READ AS FOLLOWS:

71 IAC 4-4-11 Escort of practicing veterinarians

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 11. (a) The association shall be responsible for providing an employee to escort each practicing veterinarian while in the stable area during the time period race day furosemide is administered.

(b) The association shall be responsible for the filing of any forms and reports regarding compliance or noncompliance with these rules as directed by the commission or its executive director.

(c) Practicing veterinarians and/or their licensed helpers shall cooperate fully with their designated association escort at all times. *(Indiana Horse Racing Commission; 71 IAC 4-4-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210)*

SECTION 3. 71 IAC 4.5-4-10 IS ADDED TO READ AS FOLLOWS:

71 IAC 4.5-4-10 “In Today” program

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 10. (a) The association shall post “In Today” signs in a visible location next to the entrance of the stall of each horse stabled at the track on the day the horse is scheduled to race.

(b) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse prior to posting the “In Today” sign.

(c) The deadline for the posting of the “In Today” signs shall be 9:00 a.m. on the day of the scheduled race.

(d) The “In Today” signs shall be a minimum of two (2) feet by two (2) feet and shall contain the words “In Today”.

(e) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(f) The association shall establish track rules for the implementation of the “In Today” program that shall be subject to the approval of the commission or its executive director. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210)*

SECTION 4. 71 IAC 4.5-4-11 IS ADDED TO READ AS FOLLOWS:

71 IAC 4.5-4-11 Escort of practicing veterinarians

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 11. (a) The association shall be responsible for providing an employee to escort each practicing veterinarian while in the stable area during the time period race day furosemide is administered.

(b) The association shall be responsible for the filing of any forms and reports regarding compliance or noncompliance with these rules as directed by the commission or its executive director.

(c) Practicing veterinarians and/or their licensed helpers shall cooperate fully with their designated association escort at all times. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210)*

SECTION 5. 71 IAC 5-1-21 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5-1-21 Conflict of interest

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 21. (a) The commission or its designee shall refuse, deny, suspend, or revoke the license of a person whose spouse holds a license and which the commission or judges find to be a conflict of interest.

(b) A commissioner, commission employee, or racing official shall not be an owner of a horse and shall not accept breeder awards

at a race meeting where they have jurisdiction.

(c) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.

(d) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as any of the following:

- (1) Racing official.
- (2) Assistant starter.
- (3) Practicing veterinarian.
- (4) Veterinary ~~assistant~~ **helper**.
- (5) Officer or managing employee.
- (6) Track maintenance supervisor or employee.
- (7) Outrider.
- (8) Race track security employee.
- (9) Horseshoer.
- (10) Photo finish operator.
- (11) Horsemen's bookkeeper.
- (12) Racing chemist.
- (13) Testing laboratory employee.

(e) Veterinary helpers shall not be licensed in any other capacity that allows access to the stable area. *(Indiana Horse Racing Commission; 71 IAC 5-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2211)*

SECTION 6. 71 IAC 5-2-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5-2-1 Licensing requirements for owners

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) Each person who has a five percent (5%) or more ownership or beneficial interest in a horse is required to be licensed. An applicant for an owner's license can be of any age.

(b) An applicant for an owner's license shall own or lease a horse which is:

- (1) eligible to race; and
- (2) registered with the racing secretary.

(c) If younger than eighteen (18) years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. In addition, the parents or legal guardians of an applicant for an owner's license under the age of eighteen (18) must be licensed as an owner.

(d) If the commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the racing secretary shall be approved by the judges. Each owner and trainer shall comply with all licensing requirements.

(f) The commission or its designee may refuse, deny, suspend, or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant or licensed owner, and the commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a commission rule or ruling is prohibited.

(g) Each person licensed as an owner consents to the release of records or information required by these rules relating to the medication, care, and/or treatment of a horse by a veterinarian. Additionally, each owner waives and releases any claim that he or she might have against any veterinarian resulting from or in any way relating to the release of records or information to the commission pertaining to the medication, care, and/or treatment of a horse. This provision also serves as and provides a corresponding consent and waiver by and on behalf of the trainer of each of the owner's horses. (*Indiana Horse Racing Commission; 71 IAC 5-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2211*)

SECTION 7. 71 IAC 5-3-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5-3-3 Other responsibilities

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

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

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the judges and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Ensuring that, at the time of arrival at a licensed race track, each horse in his or her care is accompanied by a valid health certificate which shall be filed with the racing secretary.
- (10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for Equine Infectious Anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.
- (11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.
- (12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the USTA electronic eligibility.
- (13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that such fact is designated on the USTA electronic eligibility.
- (14) Promptly reporting to the judges and the commission veterinarian the serious illness of any horse in his or her charge.
- (15) Promptly reporting the death of any horse in his or her care on association grounds to the judges and the commission veterinarian and compliance with 71 IAC 8 governing postmortem examinations.
- (16) Maintaining a knowledge of the medication record and status of all horses in his or her care.
- (17) Immediately reporting to the judges and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.
- (18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.
- (19) Horses entered as to eligibility.
- (20) Ensuring the fitness of a horse to perform creditably.
- (21) Ensuring that his or her horses are properly shod, bandaged, and equipped.
- (22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.
- (23) Personally attending to his or her horses in the paddock or designate [*sic., designating*] a licensee to attend to the horse in

the paddock.

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

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

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

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

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

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

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

(31) Reporting at time of entry if his or her horse will be racing with a nasal strip.

(32) Ensuring that electronic eligibility are *[sic, is]* registered with the USTA prior to entry in a race or qualifying race.

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

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

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

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

(e) No trainer shall practice his profession except under his or her own name. *(Indiana Horse Racing Commission; 71 IAC 5-3-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2005; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2100; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2535; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2212)*

SECTION 8. 71 IAC 5-3-3.1 IS ADDED TO READ AS FOLLOWS:

71 IAC 5-3-3.1 "In Today" responsibilities

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 3.1. (a) A trainer or his or her licensed designee shall be available to assist with the identification of his or her horse on the day of its scheduled race during the time period set forth in the track rules established by the association and approved by the commission or its executive director.

(b) A horse may not be moved to any other stall after the association employee posts the "In Today" sign on its stall.

(c) After the "In Today" sign is posted on its stall, a horse may not be removed from its stall with the exception of walking, bathing, shoeing, training, or emergency situations. *(Indiana Horse Racing Commission; 71 IAC 5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213)*

SECTION 9. 71 IAC 5.5-1-21 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-1-21 Conflict of interest

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 21. (a) The commission or its designee shall refuse, deny, suspend, or revoke the license of a person whose spouse holds a

license and which the commission or stewards find to be a conflict of interest.

(b) A commissioner, commission employee, or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.

(c) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.

(d) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as any of the following:

- (1) Racing official.
- (2) Assistant starter.
- (3) Practicing veterinarian.
- (4) Veterinary ~~assistant~~ **helper**.
- (5) Officer or managing employee.
- (6) Track maintenance supervisor or employee.
- (7) Outrider.
- (8) Race track security employee.
- (9) Horseshoer.
- (10) Photo finish operator.
- (11) Horsemen's bookkeeper.
- (12) Racing chemist.
- (13) Testing laboratory employee.

(e) Veterinary helpers shall not be licensed in any other capacity that allows access to the stable area. *(Indiana Horse Racing Commission; 71 IAC 5.5-1-21; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213)*

SECTION 10. 71 IAC 5.5-2-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-2-1 Licensing requirements for owners

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) Each person who has a five percent (5%) or more ownership or beneficial interest in a horse is required to be licensed. An applicant for an owner's license can be of any age.

(b) An applicant for an owner's license shall own or lease a horse that is:

- (1) eligible to race; and
- (2) registered with the racing secretary.

(c) If younger than eighteen (18) years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. In addition, the parents or legal guardians of an applicant for an owner's license under the age of eighteen (18) must be licensed as an owner.

(d) If the commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership or trainer of a horse registered with the racing secretary shall be approved by the stewards. Each owner and trainer shall comply with all licensing requirements.

(f) The commission or its designee may refuse, deny, suspend, or revoke an owner's license for the spouse or member of the immediate family or household of a person ineligible to be licensed as an owner, unless there is a showing on the part of the applicant

or licensed owner, and the commission determines that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to circumvent the intent of a commission rule or ruling is prohibited.

(g) Each person licensed as an owner consents to the release of records or information required by these rules relating to the medication, care, and/or treatment of a horse by a veterinarian. Additionally, each owner waives and releases any claim that he or she might have against any veterinarian resulting from or in any way relating to the release of records or information to the commission pertaining to the medication, care, and/or treatment of a horse. This provision also serves as and provides a corresponding consent and waiver by and on behalf of the trainer of each of the owner's horses. (*Indiana Horse Racing Commission; 71 IAC 5.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213*)

SECTION 11. 71 IAC 5.5-3-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-3-3 Other responsibilities

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

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

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Ensuring that, at the time of arrival at a licensed race track, each horse in his or her care is accompanied by a valid health certificate, which shall be filed with the racing secretary.
- (10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.
- (11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.
- (12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose once *[sic.]* shall note such alteration on the certificate of registration.
- (13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior designated neurectomy (heel nerving) has been performed and ensuring that such fact is designated on its certificate of registration.
- (14) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in his or her charge.
- (15) Promptly reporting the death of any horse in his or her care on association grounds to the stewards and the commission veterinarian and compliance with 71 IAC 8.5 governing postmortem examinations.
- (16) Maintaining a knowledge of the medication record and status of all horses in his or her care.
- (17) Immediately reporting to the stewards and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.
- (18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.
- (19) Horses entered as to eligibility.
- (20) Ensuring the fitness of a horse to perform creditably.
- (21) Ensuring that his or her horses are properly shod, bandaged, and equipped.

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

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

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

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

(e) No trainer shall practice his profession, except under his own name. *(Indiana Horse Racing Commission; 71 IAC 5.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2856, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1914; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2214)*

SECTION 12. 71 IAC 5.5-3-3.1 IS ADDED TO READ AS FOLLOWS:

71 IAC 5.5-3-3.1 "In Today" responsibilities

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 3.1. (a) A trainer or his or her licensed designee shall be available to assist with the identification of his or her horse on the day of its scheduled race during the time period set forth in the track rules established by the association and approved by the commission or its executive director.

(b) A horse may not be moved to any other stall after the association employee posts the "In Today" sign on its stall.

(c) After the "In Today" sign is posted on its stall, a horse may not be removed from its stall with the exception of walking, bathing, shoeing, training, or emergency situations. *(Indiana Horse Racing Commission; 71 IAC 5.5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215)*

SECTION 13. 71 IAC 6-1-3, AS AMENDED AT 28 IR 2747, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

71 IAC 6-1-3 Claiming procedure

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A person desiring to claim a horse must have the required amount of money on deposit with the horsemen's bookkeeper at the time the completed claim form is deposited.

(b) The claimant shall provide all information required on the claim form provided by the association.

(c) The claim form shall be completed and signed by the claimant or his authorized agent prior to placing it and the necessary transfer fees in an envelope provided for this purpose by the association and approved by the commission. The claimant shall seal the envelope and identify on the outside the date, race number, and track name only.

(d) The envelope shall be delivered to the designated area or licensed delegate at least thirty (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received.

(e) The claim shall be examined by the judges or their designee prior to the start of the race. The association's designee shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. The judges shall have a public announcement made and information scrolled on the simulcast video stating there has been a claim made or, in the case of multiple claims, the number of claims made on a horse during the post parade. The successful claimant will be announced after the completion of the race.

(f) The judges shall disallow any claim made on a form or in a manner which fails to comply with all requirements of this rule.

(g) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of:

(1) a photostatic copy of the check presented;

(2) written detailed information to include:

(A) the name of the claimant;

(B) the bank;

(C) the branch;

(D) the account number; and

(E) the drawer of any checks; or

(3) details of any other method of payment.

This documentation is to be kept on file at race tracks for twelve (12) months and is to be produced to the commission for inspection at any time during the twelve (12) month period.

(h) When a claim has been submitted, it is irrevocable and is at the risk of the claimant.

(i) In the event more than one (1) claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges or their designee, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

(j) Upon determining that a claim is valid, the judges shall notify the paddock judge of:

(1) the name of the horse claimed;

(2) the name of the claimant; and

(3) the name of the person to whom the horse is to be delivered.

Also, the judges shall cause a public announcement to be made.

(k) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race.

(l) A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation. The successful claimant/trainer shall have the right to measure the horse's hobbles and any other equipment that he deems necessary before the horse leaves the test barn. The claimant or his/her authorized designee shall be permitted access into the test barn. The equipment must remain on the claimed horse until the claimant or his/her designee has an opportunity to measure hobbles or any other equipment he deems necessary.

(m) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the horse,

until delivery is made.

(n) A claimed horse shall not:

- (1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;
- (2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or
- (3) be sold or transferred to anyone;

for a period of thirty (30) days unless reclaimed out of another claiming race.

(o) The claiming price shall be paid to the owner of the horse at the time entry for the race from which the horse was claimed only when the judges are satisfied that the successful claim is valid and the registration has been received by the racing secretary for transfer to the new owner.

(p) The judges, at the option of the claimant, shall rule a claim invalid if the horse has been found ineligible to the race from which it was claimed.

(q) Mares and fillies who are in foal are ineligible for claiming races. Upon receipt of the horse, if a claimant determines within forty-eight (48) hours that a claimed filly or mare is in foal, he or she may, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(r) If a claimant demonstrates that the sex of the horse is other than reported in the official racing program, he or she may, within forty-eight (48) hours of the claim, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed. The judge shall rule the claim of the returned horse invalid.

(s) When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

- (1) the amount of the claiming price and any other required fees and taxes shall be repaid to the claimant;
- (2) any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall be the property of the claimant; and
- (3) the claimant shall be responsible for any reasonable costs incurred through the care, training, or racing of the horse while it was in his or her possession.

(t) No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier to occur of:

- (1) a period of thirty (30) days; or
- (2) the conclusion of the ~~race meeting from which it was claimed; without the permission of the judges~~ **last standardbred race meet under the jurisdiction of the Indiana horse racing commission in that year.**

(Indiana Horse Racing Commission; 71 IAC 6-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2747; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215)

SECTION 14. 71 IAC 6-1-4, AS ADDED AT 28 IR 2748, SECTION 7, IS AMENDED TO READ AS FOLLOWS:

71 IAC 6-1-4 Excusing claimed horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. **(a)** If a horse in a claiming race is scratched by the judges for any reason, including being declared a non-starter, any claims on the said horse is *[sic., are]* void. However, that horse in its next start, regardless of the condition of the race entered, may be claimed for the same price as the race from which it was scratched from. The rule shall apply for a period of thirty (30) days from the date of the race in which the horse was scratched or declared a nonstarter or the end of the meet. This rule shall not include horses scratched due to entry error or ineligibility, which is verified by the race office.

(b) Any horse scratched and taken out of state to race shall upon its return to Indiana be bound by (a) of this rule

[subsection (a)] within the same year. (Indiana Horse Racing Commission; 71 IAC 6-1-4; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2748; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217)

SECTION 15. 71 IAC 7.5-1-16 IS ADDED TO READ AS FOLLOWS:

71 IAC 7.5-1-16 Reporting to track

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 16. All horses shipping in to race must be in their assigned stalls where they are to race at least five (5) hours prior to the post time of their race. In the event of unavoidable delay, as determined by the stewards, the stewards may grant a reasonable grace period. (Indiana Horse Racing Commission; 71 IAC 7.5-1-16; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217)

SECTION 16. 71 IAC 8-1-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-1 Medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) oral administration;
- (4) tube;
- (5) rectal infusion or suppository;
- (6) inhalation; or
- (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section ~~include~~, **includes** *[sic., include]*, but ~~are~~ **is** *[sic., are]* not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. **The prohibition also includes, but is not limited to, the administration of breathing compounds for oral and nasal dosing, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, or potassium iodide.**

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent may be administered at any time prior to a horse's arrival in the paddock. Products containing "caine" derivatives or dimethylsulfoxide (DMSO) are foreign substances and are prohibited. *(Indiana Horse Racing Commission; 71 IAC 8-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217)*

SECTION 17. 71 IAC 8-1-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-5 Furosemide as a permitted foreign substance

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. The administration of furosemide shall be permitted for the prophylactic treatment of a confirmed bleeder under the following conditions and guidelines and with the approval of the commission veterinarian:

(1) Bleeder list. In order to obtain approval for the administration of furosemide, the bleeder horse must be placed on the bleeder list. An up-to-date bleeder list shall be maintained by the commission. As used in this rule, "bleeder" means a horse which demonstrates visible external evidence of exercise induced pulmonary hemorrhage or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be performed by or in the presence of a commission veterinarian or racing veterinarian. Only horses which fall under this definition shall be placed on the bleeder list. This subsection shall not apply to horses who, in their last start, received furosemide in another jurisdiction.

(2) Endoscopic examination. The endoscopic examination provided must be conducted within one (1) hour of the finish of the race or exercise in which a horse has participated and bled, and must reveal hemorrhage in the lumen of the respiratory tract. Endoscopic examination under this rule shall be at a time and place set by the commission veterinarian and shall be conducted in his or her presence. A horse that is known to have bled upon an endoscopic examination, but not visibly from the nostrils, shall not be required to qualify, and shall have no waiting period to race. However, a horse required by this article to qualify in order to receive furosemide shall not be entered to race until after it successfully qualifies on furosemide.

(3) Confirmation. The confirmation of a bleeder horse must be certified in writing by the commission veterinarian and entered by him or her on the bleeder list. A copy of certification shall be issued to the owner of the horse or his or her agent upon request.

(4) Age. Every confirmed bleeder regardless of age shall be placed on the bleeder list.

(5) Removal from list. A horse shall be removed from the bleeder list only upon the direction of the commission veterinarian, who shall certify in writing to the judges his or her recommendations for removal.

(6) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(7) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission ~~and employed by the owner of the horse or his or her agent and~~ at an intravenous dose level not to exceed two hundred fifty (250) milligrams and no less than one hundred fifty (150) milligrams. ~~and approved by the commission veterinarian. The executive director or judges or commission veterinarian may designate certain licensed official veterinarians, racing veterinarians, and/or practicing veterinarians to administer furosemide under this rule. The commission may designate a specific location for the administration of furosemide. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall establish track rules for furosemide administrations that are consistent with these regulations.~~

(8) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The USTA, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(9) Qualifying on furosemide. The following are requirements for qualifying on furosemide:

(A) Any horse being raced with furosemide at a commercial track for the first time in Indiana, in a race on which there is pari-mutuel wagering, must first race with furosemide in a chartered qualifying race. The chartered live line from such qualifying race is to appear in the daily racing program at the race track at which the horse is raced with furosemide for the first time in Indiana. Notwithstanding the provisions of this clause, a horse whose immediate preceding race is documented by reliable recorded data to have raced on furosemide shall not be required to qualify on furosemide.

(B) Once a horse has raced with furosemide, that horse must be administered furosemide every time it subsequently races for a period of not less than ninety (90) consecutive days.

(C) After a horse has raced with furosemide for a period of at least ninety (90) consecutive days and the owner or trainer then decides the horse no longer needs furosemide, the owner or trainer may, upon written notice to the judges, cease the use of furosemide. That horse must then subsequently race without furosemide for a period of not less than thirty (30) consecutive days.

(D) After a horse raced with furosemide for at least ninety (90) consecutive days and is to be raced for the first time without furosemide, in a race at a track on which there is pari-mutuel racing, the horse must first race without furosemide in a chartered qualifying race. The chartered live line from such a qualifying race must appear in the daily racing program at the race track at which the horse is racing without furosemide, for the first time in Indiana after having raced for at least ninety (90) consecutive days with furosemide.

(10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of plasma

and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood plasma only. Split sample testing shall be quantitative and be performed on blood plasma only.

(Indiana Horse Racing Commission; 71 IAC 8-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1169; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; errata filed Oct 15, 1998, 12:38 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2218)

SECTION 18. 71 IAC 8-5-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-5-5 Records of treatment

Authority: IC 4-31-3-9

Affected: IC 4-31-12

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

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

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

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

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

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

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

SECTION 19. 71 IAC 8-5-8 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-5-8 Storage of supplies and drugs

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 8. Storage areas for veterinarian supplies, equipment, **hypodermic syringes, hypodermic needles**, and foreign substances, including, but not limited to, narcotics, controlled substances, stimulants, depressants, or other drugs or medications of any type, shall be kept secured by lock and key when left unattended. This requirement specifically includes mobile veterinarian vehicles used on association grounds. (*Indiana Horse Racing Commission; 71 IAC 8-5-8; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219*)

SECTION 20. 71 IAC 8-5-9 IS ADDED TO READ AS FOLLOWS:

71 IAC 8-5-9 Veterinarian vehicles

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. A practicing veterinarian is responsible to ensure that his or her vehicle is not occupied while in the stable area of an association by any person other than the practicing veterinarian, his or her licensed helper, or an authorized association or commission employee. (*Indiana Horse Racing Commission; 71 IAC 8-5-9; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2219*)

SECTION 21. 71 IAC 8-5-10 IS ADDED TO READ AS FOLLOWS:

71 IAC 8-5-10 Predrawn injectables

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) Practicing veterinarians who possess any predrawn injectable syringes containing any substance must also possess the partially filled bottle from which the injectable substance was drawn.

(b) Predrawn syringes and the labeled source container from which it is drawn are subject to confiscation by the commission or association security. The injectable substances are subject to testing by a laboratory approved by the commission or its executive director. The injectable substance must be clearly identified on each predrawn syringe. (*Indiana Horse Racing Commission; 71 IAC 8-5-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220*)

SECTION 22. 71 IAC 8-5-11 IS ADDED TO READ AS FOLLOWS:

71 IAC 8-5-11 Testing of confiscated drug, substance, or medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 11. Any suspect drug, substance, or medication confiscated from a practicing veterinarian or other person may be sent to the commission's primary laboratory or any other laboratory approved by the commission as designated by its executive director. The practicing veterinarian or other person shall be responsible for the cost of the testing of any unlabeled, mislabeled, incompletely labeled, or unauthorized drug, substance, or medication. (*Indiana Horse Racing Commission; 71 IAC 8-5-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220*)

SECTION 23. 71 IAC 8-5-12 IS ADDED TO READ AS FOLLOWS:

71 IAC 8-5-12 Contact with entered horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) Practicing veterinarians and their helpers are prohibited from having contact with a horse within twenty-four (24) hours of its scheduled race except during the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior approval has been given by the judges or by the official veterinarian.

(b) Practicing veterinarians and their helpers shall not enter a stall designated with an “In Today” sign prior to a horse’s race except for the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior written approval has been given by the judges or by the official veterinarian.

(c) Notwithstanding provisions (a) and (b) above [subsections (a) and (b)], in the case of an emergency a practicing veterinarian may have contact with a horse within twenty-four (24) hours of its scheduled race. If this occurs, the practicing veterinarian shall immediately report such contact and the reasons necessitating the contact to the judges or in their absence to commission or track security. (Indiana Horse Racing Commission; 71 IAC 8-5-12; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220)

SECTION 24. 71 IAC 8-5-13 IS ADDED TO READ AS FOLLOWS:

71 IAC 8-5-13 Veterinary helpers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. Practicing veterinarians may employ persons licensed as veterinary helpers to work under their direct supervision. The veterinary helper shall not be permitted in the stable area unless accompanied by his or her employer. Veterinary helpers shall not inject, directly treat, or diagnose any animal. The practicing veterinarian must be present on the grounds if a veterinary helper has access to injection devices or injectable substances. The practicing veterinarian shall assume all financial and regulatory responsibility for the actions of their licensed veterinary helper. (Indiana Horse Racing Commission; 71 IAC 8-5-13; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220)

SECTION 25. 71 IAC 8-6-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-6-2 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The possession and/or use of a drug, substance, or medication, specified below, on the premises of a facility under the jurisdiction of the commission is prohibited. These drugs or substances include those which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.**
- (2) Darbepoietin.**
- (3) Oxyglobin.**
- (4) Hemopure.**

(b) The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use in the United States is prohibited (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term “drug” is any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease, any nonfood substance that is intended to affect the structure or function of the animal, and includes any substance administered by injection.

(c) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds as discussed below in paragraph (d) [subsection(d)], in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined at 888 IAC 1.1-5-1(2).

(d) Notwithstanding paragraph (b) [subsection (b)], veterinarians may possess compounded drugs with the restrictions listed below. Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, and/or creating oral suspensions or injectable solutions.

- (1) Compounds may only be prescribed to or prepared for horses with which the veterinarian has a veterinarian-client-patient relationship;**
- (2) Compounded drugs may only be made from other FDA-approved drugs;**
- (3) Veterinarians may not possess compounds where there are FDA-approved, commercially available drugs that can**

appropriately treat the horse; and

(4) Compounded drugs must be in containers that meet the prescription labeling requirements in paragraphs (h) and (i) [subsections (h) and (i)].

(e) 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.

(f) Extralabel administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA-approved drugs only. Extralabel use must meet the prescription labeling requirements in paragraphs (h) and (i) [subsections (h) and (i)].

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

(h) Drugs possessed by practicing veterinarians on the premises of a facility under the jurisdiction of the commission which have not yet been prescribed or dispensed to horses with which the veterinarian has a veterinarian-client-patient relationship must be affixed with the manufacturer's label, which must include:

- (1) recommended or usual dosage;**
- (2) route for administration, if it is not for oral use;**
- (3) quantity or proportion of each active ingredient;**
- (4) names of inactive ingredients, if for other than oral use;**
- (5) an identifying lot or control number;**
- (6) manufacturer, packer, or distributor's name and address; and**
- (7) net quantity contents.**

If any information as described herein is not included on the manufacturer's label, but instead is on the manufacturer's package insert, the package insert must be maintained on the veterinarian's truck.

(i) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label which sets forth the following:

- (1) Name and address of the veterinarian;**
- (2) Name and address of the client;**
- (3) Name of the horse;**
- (4) Date of prescription and/or dispensing of drug;**
- (5) Directions for use, including dose and duration directions, and number of refills;**
- (6) Name and quantity of the drug (or drug preparation, including compounds) prescribed or dispensed;**
- (7) For compounded drugs, the established name of each active ingredient; and**
- (8) Any necessary cautionary statements.**

(j) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device. (*Indiana Horse Racing Commission; 71 IAC 8-6-2; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220*)

SECTION 26. 71 IAC 8-8-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-8-1 Postmortem; disposal of a dead horse

Authority: IC 4-31-3-9; IC 4-31-12-10

Affected: IC 4-31

Sec. 1. (a) In the event that a horse should die on the premises of a permit holder or elsewhere, The commission veterinarian or the state judge may order an autopsy to be performed on the horse for the purpose of ascertaining the cause of death. In the event

that an autopsy is ordered, the cost thereof shall be borne by the commission. **judges shall order a postmortem examination of:**

(1) each horse that:

(A) suffers a breakdown on the racetrack, in training, or in competition; and

(B) is destroyed; and

(2) each horse that expires under suspicious or unusual circumstances while stabled on a racetrack under the jurisdiction of the commission;

to determine the injury or sickness that resulted in euthanasia or natural death.

(b) In the event that a horse shall die on the premises of a permit holder, the horse may not be removed from the premises without first obtaining permission to remove the horse; either from A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian. or the judges.

(c) Test samples specified by the commission veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical.

(d) The commission shall pay all costs involved in a postmortem examination ordered by the commission or the commission veterinarian.

(e) A written record shall be filed with the commission veterinarian at the completion of each postmortem examination. The record must contain all information normally contained in a postmortem examination. The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the commission veterinarian. (Indiana Horse Racing Commission; 71 IAC 8-8-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2221)

SECTION 27. 71 IAC 8-8-2 IS ADDED TO READ AS FOLLOWS:

71 IAC 8-8-2 Report of horse death

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

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

(d) A horse that dies on association grounds shall not be removed without permission of the judges or the executive director. (Indiana Horse Racing Commission; 71 IAC 8-8-2; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222)

SECTION 28. 71 IAC 8-9-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-9-1 Veterinarian's list

Authority: IC 4-31-3-9

Affected: IC 4-31

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

(b) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse has satisfactorily

recovered the capability of performing in a race. **Any horse scratched under (a) [subsection (a)] shall not be eligible to race for a minimum of seven (7) days following the scratch or, when in the opinion of the official veterinarian following the seven (7) days, has satisfactorily recovered the capabilities to perform in a race.** (*Indiana Horse Racing Commission; 71 IAC 8-9-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222*)

SECTION 29. 71 IAC 8-10-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-10-2 Applicant and licensee subject to testing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Each licensee at a race track or other facility under the control of the commission or applicant for a license may be subject to a urine test at any time while within the enclosure of any race track or other facility under the control of the commission at the direction of the executive director, the judges, or ~~the commission director of security~~ if there is reasonable suspicion to believe that such licensee is possessing or using any controlled substance or any drug in violation of any federal or state law. **This provision notwithstanding, licensees are subject to random urine testing pursuant to policies approved by the commission.** Failure to submit to or complete a urine test at the time, location, and manner directed by commission personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete such a test shall be immediately suspended for sixty (60) days and shall not be allowed to participate at any race track under the control of the commission until a negative test result is achieved. Any applicant who fails to submit to such a test when requested to do so shall be refused or denied a license. (*Indiana Horse Racing Commission; 71 IAC 8-10-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1176, emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2918; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2081; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2414; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1670, eff Feb 24, 2000; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222*)

SECTION 30. 71 IAC 8.5-1-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-1 Medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1.5, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) oral administration;
- (4) tube;
- (5) rectal infusion or suppository;
- (6) inhalation; or
- (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section ~~include~~, **includes** [*sic.*, *include*], but ~~are~~ **is** [*sic.*, *are*] not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. **The prohibition also includes, but is not limited to, the administration of breathing compounds for oral and nasal dosing, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, or potassium iodide.**

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to

water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics, which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent, may be administered at any time prior to a horse's arrival in the paddock. Products containing "caine" derivatives or dimethylsulfoxide (DMSO) are foreign substances and are prohibited. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2419; 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; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2223*)

SECTION 31. 71 IAC 8.5-1-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-5 Furosemide as a permitted foreign substance

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. The administration of furosemide shall be permitted for the prophylactic treatment of a confirmed bleeder under the following conditions and guidelines and with the approval of the commission veterinarian:

(1) Bleeder list. In order to obtain approval for the administration of furosemide, the bleeder horse must be placed on the bleeder list. An up-to-date bleeder list shall be maintained by the commission. As used in this rule, "bleeder" means a horse which demonstrates visible external evidence of exercise induced pulmonary hemorrhage or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be performed by or in the presence of a commission veterinarian or racing veterinarian. Only horses which fall under this definition shall be placed on the bleeder list. This subsection shall not apply to horses who, in their last start, received furosemide in another jurisdiction.

(2) Endoscopic examination. The endoscopic examination provided must be conducted within one (1) hour of the finish of the race or exercise in which a horse has participated and bled, and must reveal hemorrhage in the lumen of the respiratory tract. Endoscopic examination under this rule shall be at a time and place set by the commission veterinarian and shall be conducted in his or her presence. A horse that is known to have bled upon an endoscopic examination, but not visibly from the nostrils.

(3) Confirmation. The confirmation of a bleeder horse must be certified in writing by the commission veterinarian and entered by him or her on the bleeder list. A copy of certification shall be issued to the owner of the horse or his or her agent upon request.

(4) Age. Every confirmed bleeder regardless of age shall be placed on the bleeder list.

(5) Removal from list. A horse shall be removed from the bleeder list only upon the direction of the commission veterinarian, who shall certify in writing to the stewards his or her recommendations for removal.

(6) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(7) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission ~~and employed by the owner of the horse or his or her agent and~~ at an intravenous dose level not to exceed two hundred fifty (250) milligrams and no less than one hundred fifty (150) milligrams. ~~and approved by the commission veterinarian. The executive director or stewards or commission veterinarian~~ may designate certain licensed **official veterinarians, racing veterinarians, and/or practicing** veterinarians to administer furosemide under this rule. ~~The commission may designate a specific location for the administration of furosemide. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide [sic.] shall take place in the horse's stall or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall establish track rules for furosemide administrations that are consistent with these regulations.~~

(8) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The Daily Racing Form, Equibase, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

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

(*Indiana Horse Racing Commission; 71 IAC 8.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; emergency*

rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2420; errata filed Oct 15, 1998, 12:39 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2223)

SECTION 32. 71 IAC 8.5-4-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-4-5 Records of treatment

Authority: IC 4-31-3-9

Affected: IC 4-31-12

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

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

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

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

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

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

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

SECTION 33. 71 IAC 8.5-4-7 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-4-7 Storage of supplies and drugs

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. Storage areas for veterinarian supplies, equipment, **hypodermic syringes, hypodermic needles**, and foreign substances, including, but not limited to, narcotics, controlled substances, stimulants, depressants, or other drugs or medications of any type, shall be kept secured by lock and key when left unattended. This requirement specifically includes mobile veterinarian vehicles used on association grounds. *(Indiana Horse Racing Commission; 71 IAC 8.5-4-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886,*

eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225)

SECTION 34. 71 IAC 8.5-4-9 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-4-9 Veterinarian vehicles

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. A practicing veterinarian is responsible to ensure that his or her vehicle is not occupied while in the stable area of an association by any person other than the practicing veterinarian, his or her licensed helper, or an authorized association or commission employee. *(Indiana Horse Racing Commission; 71 IAC 8.5-4-9; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225)*

SECTION 35. 71 IAC 8.5-4-10 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-4-10 Predrawn injectables

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. (a) Practicing veterinarians who possess any predrawn injectable syringes containing any substance must also possess the partially filled bottle from which the injectable substance was drawn.

(b) Predrawn syringes and the labeled source container from which it is drawn are subject to confiscation by the commission or association security. The injectable substances are subject to testing by a laboratory approved by the commission or its executive director. The injectable substance must be clearly identified on each predrawn syringe. *(Indiana Horse Racing Commission; 71 IAC 8.5-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225)*

SECTION 36. 71 IAC 8.5-4-11 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-4-11 Testing of confiscated drug, substance, or medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 11. Any suspect drug, substance, or medication confiscated from a practicing veterinarian or other person may be sent to the commission's primary laboratory or any other laboratory approved by the commission as designated by its executive director. The practicing veterinarian or other person shall be responsible for the cost of the testing of any unlabelled, mislabeled, incompletely labeled, or unauthorized drug, substance, or medication. *(Indiana Horse Racing Commission; 71 IAC 8.5-4-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225)*

SECTION 37. 71 IAC 8.5-4-12 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-4-12 Contact with entered horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) Practicing veterinarians and their helpers are prohibited from having contact with a horse within twenty-four (24) hours of its scheduled race except during the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior approval has been given by the stewards or by the official veterinarian.

(b) Practicing veterinarians and their helpers shall not enter a stall designated with an "In Today" sign prior to a horse's race except for the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior written approval has been given by the stewards or by the official veterinarian.

(c) Notwithstanding provisions (a) and (b) above [subsections (a) and (b)], in the case of an emergency a practicing veterinarian may have contact with a horse within twenty-four (24) hours of its scheduled race. If this occurs, the practicing

veterinarian shall immediately report such contact and the reasons necessitating the contact to the stewards or in their absence to commission or track security. *(Indiana Horse Racing Commission; 71 IAC 8.5-4-12; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225)*

SECTION 38. 71 IAC 8.5-4-13 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-4-13 Veterinary helpers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. Practicing veterinarians may employ persons licensed as veterinary helpers to work under their direct supervision. The veterinary helper shall not be permitted in the stable area unless accompanied by his or her employer. Veterinary helpers shall not inject, directly treat, or diagnose any animal. The practicing veterinarian must be present on the grounds if a veterinary helper has access to injection devices or injectable substances. The practicing veterinarian shall assume all financial and regulatory responsibility for the actions of their licensed veterinary helper. *(Indiana Horse Racing Commission; 71 IAC 8.5-4-13; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225)*

SECTION 39. 71 IAC 8.5-5-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-5-2 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The possession and/or use of a drug, substance, or medication, specified below, on the premises of a facility under the jurisdiction of the commission is prohibited. These drugs or substances include those which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.
- (2) Darbepoietin.
- (3) Oxyglobin.
- (4) Hemopure.

(b) The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for ~~any~~ use in the United States is prohibited (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term “drug” is any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease, any nonfood substance that is intended to affect the structure or function of the animal, and includes any substance administered by injection.

(c) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds as discussed below in paragraph (d) [subsection (d)], in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined at 888 IAC 1.1-5-1(2).

(d) Notwithstanding paragraph (b) [subsection (b)], veterinarians may possess compounded drugs with the restrictions listed below. Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, and/or creating oral suspensions or injectable solutions.

- (1) Compounds may only be prescribed to or prepared for horses with which the veterinarian has a veterinarian-client-patient relationship;**
- (2) Compounded drugs may only be made from other FDA-approved drugs;**
- (3) Veterinarians may not possess compounds where there are FDA-approved, commercially available drugs that can appropriately treat the horse; and**
- (4) Compounded drugs must be in containers that meet the prescription labeling requirements in paragraphs (h) and (i) [subsections (h) and (i)].**

(e) 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.

(f) Extralabel administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA-approved drugs only. Extralabel use must meet the prescription labeling requirements in paragraphs (h) and (i) [subsections (h) and (i)].

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

(h) Drugs possessed by practicing veterinarians on the premises of a facility under the jurisdiction of the commission which have not yet been prescribed or dispensed to horses with which the veterinarian has a veterinarian-client-patient relationship must be affixed with the manufacturer's label which must include:

- (1) recommended or usual dosage;
- (2) route for administration, if it is not for oral use;
- (3) quantity or proportion of each active ingredient;
- (4) names of inactive ingredients, if for other than oral use;
- (5) an identifying lot or control number;
- (6) manufacturer, packer, or distributor's name and address; and
- (7) net quantity contents.

If any information as described herein is not included on the manufacturer's label, but instead is on the manufacturer's package insert, the package insert must be maintained on the veterinarian's truck.

(i) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label which sets forth the following:

- (1) Name and address of the veterinarian;
- (2) Name and address of the client;
- (3) Name of the horse;
- (4) Date of prescription and/or dispensing of drug;
- (5) Directions for use, including dose and duration directions, and number of refills;
- (6) Name and quantity of the drug (or drug preparation, including compounds) prescribed or dispensed;
- (7) For compounded drugs, the established name of each active ingredient; and
- (8) Any necessary cautionary statements.

(j) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device. (*Indiana Horse Racing Commission; 71 IAC 8.5-5-2; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 57; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2226*)

SECTION 40. 71 IAC 8.5-7-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-7-1 Postmortem; disposal of a dead horse

Authority: IC 4-31-3-9; IC 4-31-12-10

Affected: IC 4-31

Sec. 1. (a) In the event that a horse should die on the premises of a permit holder or elsewhere, The commission veterinarian or the state steward may order an autopsy to be performed on the horse for the purpose of ascertaining the cause of death. In the event that an autopsy is ordered, the cost thereof shall be borne by the commission. stewards shall order a postmortem examination of:

- (1) each horse that:
 - (A) suffers a breakdown on the racetrack, in training, or in competition; and
 - (B) is destroyed; and
- (2) each horse that expires under suspicious or unusual circumstances while stabled on a racetrack under the jurisdiction

of the commission;
to determine the injury or sickness that resulted in euthanasia or natural death.

(b) In the event that a horse shall die on the premises of a permit holder, the horse may not be removed from the premises without first obtaining permission to remove the horse; either from **A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian.** ~~or the stewards.~~

(c) Test samples specified by the commission veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical.

(d) The commission shall pay all costs involved in a postmortem examination ordered by the commission or the commission veterinarian.

(e) A written record shall be filed with the commission veterinarian at the completion of each postmortem examination. The record must contain all information normally contained in a postmortem examination. The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the commission veterinarian. *(Indiana Horse Racing Commission; 71 IAC 8.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227)*

SECTION 41. 71 IAC 8.5-7-2 IS ADDED TO READ AS FOLLOWS:

71 IAC 8.5-7-2 Report of horse death

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

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

(d) A horse that dies on association grounds shall not be removed without permission of the stewards or the executive director. *(Indiana Horse Racing Commission; 71 IAC 8.5-7-2; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227)*

SECTION 42. 71 IAC 8.5-10-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-10-2 Applicant and licensee subject to testing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Each licensee at a race track or other facility under the control of the commission or applicant for a license may be subject to a urine test at any time while within the enclosure of any race track or other facility under the control of the commission at the direction of the executive director, the stewards, or ~~the commission director of security~~ if there is reasonable suspicion to believe that such licensee is possessing or using any controlled substance or any drug in violation of any federal or state law. **This provision notwithstanding, licensees are subject to random urine testing pursuant to policies approved by the commission.** Failure to submit to or complete a urine test at the time, location, and manner directed by commission personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete such a test shall be immediately suspended for sixty (60) days and shall not be allowed to participate at any race track under the control of the commission until a negative test result is achieved. Any

applicant who fails to submit to such a test when requested to do so shall be refused or denied a license. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2422; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2783; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227*)

SECTION 43. THE FOLLOWING ARE REPEALED: 71 IAC 8-5-4; 71 IAC 8-5-7.

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