

## **IC 4-31-12**

### **Chapter 12. Medication of Race Horses**

#### **IC 4-31-12-1**

##### **Purpose**

Sec. 1. The purpose of this chapter is to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public and the racing participants through the prohibition or control of all drugs and medications or substances foreign to the natural horse.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-2**

##### **Foreign substances; medications**

Sec. 2. (a) Except as permitted by the rules of the commission, a horse participating in a race may not carry in its body any foreign substance.

(b) The commission shall adopt the rules the commission considers necessary to implement this section. Before adopting a rule with regard to permitting the use of any medication, the commission shall consider the model rules approved by the Association of Racing Commissioners International.

(c) In order to inform the racetrack patrons of those horses running with medication, the permit holder shall indicate in the racing program a horse that is racing with a medication permitted by the rules of the commission.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.35; P.L.34-2006, SEC.1.*

#### **IC 4-31-12-3**

##### **Possession of equipment for hypodermic administration; restrictions**

Sec. 3. (a) Except as provided in subsection (b), a licensee at a racetrack, other than a veterinarian, may not possess equipment for hypodermic administration.

(b) A licensee at a racetrack may possess a hypodermic syringe or needle for the purpose of administering a chemical or biological substance to the licensee's own person, if the licensee has:

- (1) notified the presiding judge of:
  - (A) the licensee's possession of the device;
  - (B) the size of the device; and
  - (C) the chemical substance to be administered by the device;and
- (2) obtained written permission for possession and use from the presiding judge.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-4**

##### **Possession of prescription drugs; restrictions**

Sec. 4. (a) Except as provided in subsection (b), a licensee may

not possess a foreign substance that is considered a prescription drug or prescription medication, unless it is for an existing condition and is prescribed by a veterinarian. When prescribed by a veterinarian, the supply of such a foreign substance shall be limited by ethical practice consistent with the purposes of this chapter. This section does not affect the prohibition of drugs, narcotics, stimulants, and other items and substances listed in sections 19, 20, and 21 of this chapter.

(b) A licensee at a racetrack may possess a chemical or biological substance for use on the licensee's own person, if:

- (1) the chemical or biological substance is prohibited from being dispensed by Indiana or federal law without a prescription;
- (2) the licensee is in possession of documentary evidence that a valid prescription for the chemical or biological substance has been issued to the licensee; and
- (3) the licensee has filed with the presiding judge a sworn statement clearly describing the substance and its intended use.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-5**

##### **Blood and urine tests**

Sec. 5. (a) The judges, the stewards, a commission veterinarian, a member of the commission, or the secretary of the commission may order a blood test or urine test, or both, on a horse for the purpose of analysis.

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

- (1) The horse that finishes first in each race.
- (2) Any other horses designated by the judges, the stewards, a commission veterinarian, a member of the commission, or the secretary of the commission. The judges and veterinarian shall designate for the taking of such a specimen a horse that races markedly contrary to form.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.36.*

#### **IC 4-31-12-6**

##### **Appointment of veterinarian; approval of laboratory; analysis of specimens**

Sec. 6. (a) The commission:

- (1) shall appoint, at its cost, a veterinarian licensed to practice in Indiana to take or supervise the taking of specimens under section 5 of this chapter;
- (2) shall approve a laboratory for the analysis of those specimens; and
- (3) may require that a specimen taken under section 5 of this chapter be analyzed.

(b) The cost of analyzing specimens shall be borne by the commission.

(c) The commission may appoint, at its cost, veterinarians or other persons to supervise all activities in the state testing barn area and to supervise the practice of veterinary medicine at all racetracks in Indiana.

(d) The commission shall employ or contract for assistants to aid in securing specimens at each racetrack. These assistants shall have free access, under the supervision of the commission's veterinarian, to the state testing barn area. The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the assistants who serve at the permit holder's racetrack.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.37.*

#### **IC 4-31-12-7**

##### **Veterinarians appointed by commission; prohibition on treatment of horses on the grounds; compensation**

Sec. 7. (a) A veterinarian appointed by the commission or employed by a permit holder may not, during the period of the veterinarian's employment, treat or issue prescriptions for a horse on the grounds of or registered to race at a track, except in case of emergency. A full and complete record of an emergency treatment or a prescription shall be filed with the stewards or judges.

(b) An owner or trainer may not directly or indirectly employ or pay compensation to a veterinarian who is employed by the commission or a permit holder.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-8**

##### **Positive test prima facie evidence of milkshake or bicarbonate loading or foreign substance**

Sec. 8. (a) As used in this section, "milkshake or bicarbonate loading" means a bicarbonate or alkaline substance, administered to a horse by any possible means, that elevates the horse's bicarbonate level or pH level above those existing naturally in the untreated horse at normal physiological concentrations as determined by the commission.

(b) A finding by the chemist or an authorized commission employee that a milkshake or bicarbonate loading or a foreign substance, other than a medication permitted by the rules of the commission, is present in the test sample shall be considered:

(1) a positive test and a violation of section 2 of this chapter;  
and

(2) prima facie evidence that:

(A) the milkshake or bicarbonate loading or foreign substance was administered and carried or attempted to be carried in the body of the horse while participating in a race;  
and

(B) the trainer and the trainer's agents responsible for the care and custody of the horse have been negligent in the

handling or care of the horse.

(c) The commission may establish the concentration level that is an unacceptable concentration level for substances that it considers necessary for the detection of a milkshake or bicarbonate loading under this section.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.38; P.L.50-1995, SEC.8; P.L.34-2006, SEC.2.*

#### **IC 4-31-12-9**

##### **Repealed**

*(Repealed by P.L.34-2006, SEC.3.)*

#### **IC 4-31-12-10**

##### **Post-mortem examination**

Sec. 10. (a) The commission veterinarian may order a post-mortem 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) A post-mortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian.

(c) Test samples specified by the commission veterinarian shall be obtained from the carcass upon which the post-mortem 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 post-mortem 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 post-mortem examination. The record must contain all information normally contained in a post-mortem report, as well as any other information specifically requested by the commission veterinarian.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-11**

##### **Official laboratory**

Sec. 11. The commission may direct the official laboratory to retain and preserve by freezing samples for future analysis.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-12**

##### **Purse money issued before laboratory report; chemical substance abuse**

Sec. 12. The fact that purse money has been distributed before the issuance of a laboratory report shall not be considered a finding that no chemical substance has been administered to the horse earning the purse money.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-13**

##### **Violation; forfeiture of purse; suspension of horse, owner, and trainer**

Sec. 13. (a) This section applies to a horse entered to race at a track operated under a permit issued by the commission.

(b) The following provisions apply if the analysis of a blood specimen or urine specimen shows that a person has violated section 2 of this chapter:

(1) The owner of the horse from which the specimen was obtained shall forfeit the purse and any trophy or award.

(2) If the purse was paid before the maker of that payment was notified of the result of the analysis, the horse, the owner, and the trainer of the horse are suspended. A permit holder is not required to make any other distribution of the purse until the refund has been made. The judges shall disqualify the horse from which the positive specimen was obtained and the remaining horses shall be advanced accordingly. The horse ultimately designated as the winner of the race shall be awarded any additional portions of the purse that remain following the disqualification if there are not enough unoffending horses to share the purse.

(3) A suspension made under this section continues until the purse is refunded and properly redistributed or for any other period determined by the commission.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-14**

##### **Horse chosen for testing; trainer's duties**

Sec. 14. The trainer of a horse that is the winner of a race or from which the judges order a specimen to be taken shall see that the horse is taken directly to the state testing barn as soon as the race in which the horse competed has been completed.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-15**

##### **Sanctions imposed by stewards and judges**

Sec. 15. (a) The commission may adopt rules under IC 4-22-2 to delegate to the stewards and judges of racing meetings the authority to conduct disciplinary hearings on behalf of the commission. The stewards and judges shall give at least twelve (12) hours notice of any such hearing. The stewards and judges, on behalf of the

commission, may impose one (1) or more of the following sanctions against a licensee who violates sections 2 through 13 of this chapter:

- (1) A civil penalty not to exceed one thousand dollars (\$1,000).
- (2) A temporary order or other immediate action in the nature of a summary suspension where a licensee's actions constitute an immediate danger to the public health, safety, or welfare.
- (3) Suspension of a license held by the licensee for up to sixty (60) days. The suspension of a license under this subdivision is:
  - (A) valid even though the suspension extends beyond the period of the racing meeting for which the stewards and judges have been appointed; and
  - (B) effective at all other racing meetings under the jurisdiction of the commission.
- (4) A rule that a person must stay off the premises of one (1) or more permit holders if necessary in the public interest to maintain proper control over recognized meetings.
- (5) Referral of the matter to the commission for its consideration.

However, at least two (2) of the stewards or judges must concur in a sanction.

(b) The suspension of a license or the imposition of a civil penalty under this section must occur within sixty (60) days of the date of the violation.

(c) A sanction under this section may be appealed to the commission. The commission shall adopt rules establishing procedures for appeals and stays of appeals.

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.39; P.L.50-1995, SEC.9.*

#### **IC 4-31-12-16**

##### **Commission; imposition of sanctions against licensee**

Sec. 16. The commission or the commission's designee, as determined under the rules of the commission, on its own motion or in addition to a penalty assessed by the stewards and judges, may impose one (1) or more of the following sanctions against a licensee who violates sections 2 through 13 of this chapter:

- (1) Revocation of a license held by the licensee.
- (2) Suspension of a license held by the licensee.
- (3) A civil penalty not to exceed five thousand dollars (\$5,000).

*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.40.*

#### **IC 4-31-12-17**

##### **Saliva, urine, or blood sample; procedure**

Sec. 17. (a) The owner, the trainer, or a representative of the owner or trainer must be present in the quarantine area when a saliva, urine, or blood specimen is taken from a horse, and must remain until the specimen is sealed. The official tag attached to a specimen shall be signed by the owner, the trainer, or the owner's or trainer's representative as witness to the taking of the specimen. The judges

shall immediately suspend a person who:

- (1) willfully fails to be present at the taking of a specimen;
- (2) refuses to allow the taking of a specimen; or
- (3) otherwise interferes with the taking of a specimen;

and the matter shall be referred to the commission for any further penalty that the commission considers appropriate.

(b) An owner or trainer who is not present either in person or by representative when a specimen is taken from a horse may not claim that the specimen tested was not the specimen taken from the horse.  
*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-18**

##### **Revocation of license**

Sec. 18. The commission may permanently revoke the license of a person who:

- (1) injects a drug;
- (2) administers a drench; or
- (3) uses an electrical, a mechanical, or other appliance, except the ordinary whip;

for the purpose of stimulating a horse or affecting its speed in a race.  
*As added by P.L.341-1989(ss), SEC.2. Amended by P.L.24-1992, SEC.41.*

#### **IC 4-31-12-19**

##### **Possession of controlled substance; penalty**

Sec. 19. A licensee who possesses a controlled substance (as defined in IC 35-48) while on the premises of a permit holder shall be fined, suspended, or fined and suspended by the judges in accordance with IC 4-31-13.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-20**

##### **Possession of stimulants, hypodermic instrument, or electrical instrument used to affect actions of a horse; penalty**

Sec. 20. (a) This section does not apply to a veterinarian licensed by the commission.

(b) The judges or the commission may suspend the license of a person who possesses:

- (1) a drug or chemical that may be used as a stimulant;
- (2) a hypodermic syringe, hypodermic needle, or other instrument that may be used for injection; or
- (3) a battery or other electrical or mechanical instrument that may be used to affect the speed or actions of a horse;

on the premises of a permit holder.

*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-21**

##### **Veterinarians; controlled substances and injection instruments; handling and disposal**

Sec. 21. A veterinarian may not:

(1) leave a container of a controlled substance (as defined in IC 35-48); or  
(2) leave or dispose of a hypodermic syringe, hypodermic needle, or other instrument that may be used for injection;  
on the premises of a permit holder.  
*As added by P.L.341-1989(ss), SEC.2.*

#### **IC 4-31-12-22**

##### **Veterinary school research account**

Sec. 22. (a) The veterinary school research account (referred to in this section as "the account") is established as an account within the state general fund. The account shall be administered by Purdue University. The account does not revert to the state general fund at the end of a state fiscal year.

(b) The account consists of money deposited in the account under IC 4-31-9-3.

(c) Money in the account is annually appropriated to the Purdue University School of Veterinary Medicine for use in equine research. Research conducted under this section must include but is not limited to research on the effects of drugs on the race performance of horses.

(d) Before January 15 of each year, the Purdue University School of Veterinary Medicine shall make a written report to the commission concerning:

- (1) the uses of the money received by the school under this section; and
- (2) the results of the research conducted by the school under this section.

*As added by P.L.24-1992, SEC.42.*