

CALIFORNIA HORSE RACING BOARD  
1010 HURLEY WAY, SUITE 300  
SACRAMENTO, CA 95825  
(916) 263-6000  
FAX (916) 263-6042



## MEDICATION AND TRACK SAFETY COMMITTEE MEETING

of the California Horse Racing Board will be held on Friday, April 8, 2011, commencing at 10:00 a.m., in the Baldwin Terrace Room at the Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California. Non-committee Board members attending the committee meeting may not participate in the public discussion, official committee vote or committee closed session.

### AGENDA

1. Discussion and action regarding the proposed amendment of CHRB Rule 1658, **Vesting of Title to Claimed Horse**, to allow a claim to be void if 1) a claimed horse suffers a fatality during the running of the race or before it is returned to be unsaddled; 2) the horse does not finish the race; 3) the horse is placed on the steward's, starter's, or veterinarian's list as a result of the running of the race or 4) if the horse tests positive for a prohibited drug substance.
2. Discussion and action regarding the proposed amendment of CHRB Rule 1843.3, **Penalties for Medication Violations**, to 1) change the penalty for violations due to the overage for the permitted non-steroidal anti-inflammatory drug substance (NSAID), phenylbutazone, as defined in Rule 1844 (c)(1), and for drug substances in an official test sample, which CHRB categorizes as warranting a Category D penalty; and 2) to change the allowable level of flunixin in an official test sample from 50 nanograms to 20 nanograms per milliliter of blood plasma or serum.
3. Discussion and action regarding the proposed addition of CHRB Rule 1927.1, **Tampering with Smoke Detectors Prohibited**, to include penalties relative to tampering with fire safety equipment i.e. smoke detectors.
4. Discussion and action regarding the feasibility of amending CHRB Rule 1846.5, **Postmortem Examination**, to require the preceding six months of veterinary records be submitted within 48 hours after submission of the Necropsy Submission Form.

5. Discussion and action regarding the feasibility of adding CHRB Rule 1658.1, **Transfer of Veterinary Records With Claimed Horse**, to require the preceding six months of veterinary records be provided to the claimant.
6. Discussion regarding the procedure for removal of inactive and out-of-state horses from the California veterinarian's list.
7. Discussion regarding the presentation by the California Thoroughbred Trainers (CTT) concerning the Santa Anita racetrack surface.
8. Report and update by the CHRB regarding the Santa Anita track surface.
9. Report and update by the University of California, Davis and the CHRB regarding the joint proposal for determining cause and reason of injuries and program to improve detection and preventions of injuries.
10. **General Business:** Communications, reports, requests for future actions of the Committee.

Additional information regarding this meeting may be obtained from Jacqueline Wagner at the CHRB Administrative Office, 1010 Hurley Way, Suite 300, Sacramento, CA 95825; telephone (916) 263-6000; fax (916) 263-6042. A copy of this notice can be located on the CHRB website at [www.chrb.ca.gov](http://www.chrb.ca.gov). \*Information for requesting disability related accommodation for persons with a disability who require aids or services in order to participate in this public meeting, should contact Jacqueline Wagner.

MEDICATION AND  
TRACK SAFETY COMMITTEE  
Commissioner Bo Derek, Chairman  
Commissioner John C. Harris, Member  
Kirk E. Breed, Executive Director

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING  
THE PROPOSED AMENDMENT OF  
CHRB RULE 1658, VESTING OF TITLE TO CLAIMED HORSE,  
TO ALLOW A CLAIM TO BE VOID IF

1) A CLAIMED HORSE SUFFERS A FATALITY DURING THE  
RUNNING OF THE RACE OR BEFORE IT IS RETURNED TO BE  
UNSADDLED; 2) THE HORSE DOES NOT FINISH THE RACE; 3) THE HORSE IS  
PLACED ON THE STEWARD'S, STARTER'S, OR VETERINARIAN'S LIST AS A  
RESULT OF THE RUNNING OF THE RACE OR 4) IF THE HORSE TESTS  
POSITIVE FOR A PROHIBITED DRUG SUBSTANCE

Medication and Track Safety Committee Meeting  
April 8, 2011

## BACKGROUND

Business and Professions Code section 19420 provides that the Board has jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board include adjudication of controversies arising from the enforcement of those laws and regulations dealing with horse racing and pari-mutuel wagering. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in California.

Rule 1658, Vesting of Title to Claimed Horse, states that title to a horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the horse becomes a starter. The successful claimant becomes the owner of the horse whether it is alive or dead, sound or unsound, or injured during the race or after it. However, the claim shall be void if the race is called off, canceled, or declared no contest.

A claiming race is a horse race in which each horse entered is made available for purchase, or claiming, at a fixed price which a buyer must agree to pay before the race is run. Claiming allows lesser quality horses to compete equally, as horses are entered for a price at which the owner or trainer feels is reasonable to lose it.

A claiming race is a venue through which a new owner may buy his first horse. It is also a venue where others claim (at bargain prices) horses they believe can compete at higher levels. However, claiming races can also be used by owners and trainers to rid themselves of horses whose performance is not what they expect, so the terms "*Caveat Emptor*" or "*Buyer Beware*" apply. The claimant does not get to examine the horse prior

to putting in a claim, and the horse actually belongs to a successful claimant from the time the field is dispatched. If anything happens to the horse, the claimant still must take ownership, regardless of its condition. Rule 1658 states the claimant becomes the owner of the horse if it is alive or dead, sound or unsound, or injured during the race or after it.

At its October 15, 2009 Regular Meeting the Board discussed a proposal to amend Rule 1658 to conform to a proposed Association of Racing Commissioners International (ARCI) Model Rule that was to have been contemplated at the December 2009 Tucson, Arizona, ARCI meeting. The Model Rule would require the stewards to void a claim in cases where a claimed horse fails to return to the designated unsaddling area due to distress or injury. The proposed ARCI rule would, however, allow the claimant to inform the stewards – prior to the start of the race – that he would accept the claimed horse, regardless. (The ARCI has not adopted its Model Rule.)

During the October 2009 discussion regarding Rule 1658 the Board was informed that the State of New York was considering a similar change to its claiming rule; however, Dr. Rick Arthur, CHRB Equine Medical Director, has since reported that the New York proposal received considerable opposition and was not adopted. Dr. Arthur also reported that several years ago a committee consisting of industry representatives met to examine a similar change in the Board's claiming rules. The committee determined the change was "unworkable."

At the October 15, 2009 Regular Board Meeting staff was directed to initiate a 45-day public comment period regarding an amendment to Rule 1658 that would require the stewards to void a claim in cases where a claimed horse fails to return to the designated unsaddling area due to distress or injury, unless the claimant informed the stewards – prior to the start of the next race – that he would still accept the claimed horse.

After the October 15, 2009 Regular Board Meeting staff received three letters in opposition to the proposed amendment. The California Thoroughbred Trainers (CTT) stated that it found the proposed amendment to Rule 1658 "problematic." A second letter from Mr. Jon Lindo, a thoroughbred horse owner, syndicated handicapper and radio personality, expressed strong opposition to the proposed amendment. The third letter was from Santa Anita Park Race Track (SA), which stated the proposed rule "...would allow the possibility of serious manipulation by the participants." The SA letter applauded the Board for its intent, and agreed that trainers should be discouraged from running unsound horses, but SA was not sure the proposed amendment would achieve the intended effect.

At its November 17, 2009, Regular Meeting the Board reviewed the proposal to amend Rule 1685. The CTT representative expressed opposition to the proposal, and stated there was a strong negative reaction from the trainers to changing the rule. Although one of the motivations for the rule change might be the safety of the horse, in the CTT's view, trainers cared about their horses, and they did not "...go around with horses they know are about to break down and put them in a [claiming] race." The CTT believed the proposal would not cause owners and trainers to turn out lower level horses because it did not make economic sense. Additional opposition came from

the Thoroughbred Owners of California (TOC). The TOC representative reminded the Board that horses in a claiming race were inspected four times by veterinarians before they reached the starting gate. That afforded prospective claimants more protection than a person buying in an auction transaction, or a private sale. A representative from the Del Mar Thoroughbred Club (DMTC) stated the DMTC director of racing had serious concerns with the proposed rule change. DMTC suggested the Board look at the national injury database to see if there were patterns in the injuries among various classes of horses. The data might show if there really were a problem in claiming races over other types of races. The Board determined it would table the proposed amendment of Rule 1658 until such time as additional data were available.

The proposed amendment to Rule 1658 was raised at the August 19, 2010 Regular Board meeting. Commissioners Derek and Harris stated the regulation was an issue they would like to see on a future agenda.

In September 2010 Equibase provided information on horses that were claimed but marked as "did not finish" (DNF) races and horses that were claimed but injured, or claimed but fatalities. The DNF portion covers two years: 2008 through 2009, and reflects national DNF, as well as California DNF horses. The "Claimed, injured" and "Claimed, fatality" chart covers two different time periods. The national numbers run from November 2008 through September 1, 2010. The California summary runs from January 2007 through September 1, 2010, and does not include Los Alamitos Race Course.

#### ANALYSIS

The proposed amendment of Rule 1658 would void a successful claim if the claimed horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled. The proposed amendment would allow the claimant to request that the stewards void a claim under three additional circumstances: 1) If the horse does not finish the race a request to void the claim may be made within 15 minutes of the finish of the race; 2) if the horse is placed on the steward's starter's or veterinarian's list as a result of the running of the race, the claimant may request that the stewards void the claim within 24 hours of the finish of the race; 3) if the horse tests for any prohibited substance the claimant may request that the stewards void the claim if the request is made within 24 hours of notification of a complaint being filed. Under the proposed regulation, the claimant who requests that a claim be voided for any of the authorized reasons, is not entitled to reimbursement for any expenses incurred while the horse was in his or her possession.

#### RECOMMENDATION

This item is presented for committee discussion and action.

Copies of the proposed text of Board Rule 1658, and the Equibase chart are attached.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 7. CLAIMING RACES.  
PROPOSED AMENDMENT OF  
RULE 1658. VESTING OF TITLE TO CLAIMED HORSE.

Medication and Track Safety Committee Meeting  
April 8, 2011

1658. Vesting of Title to Claimed Horse.

(a) Title to a horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the horse becomes a starter; and said successful claimant becomes the owner of the horse. ~~whether it be alive or dead, sound or unsound, or injured during the race or after it.~~ Only a horse which is officially a starter in the race may be claimed. A subsequent disqualification of the horse by order of the stewards or the Board shall have no effect upon the claim.

(b) The stewards shall void the claim if the horse suffers a fatality during the running of the race or before the horse is returned to be unsaddled.

(c) If the horse does not finish the race the claimant may request that the stewards void the claim. Such a request must be made within 15 minutes of the finish of the race.

(d) If the horse is placed on the steward's, starter's or veterinarian's list as a result of the running of the race, the claimant may request that the stewards void the claim. Such a request must be made within 24 hours of the finish of the race.

(e) If the horse tests for any prohibited substance under Rule 1843 of this division, the claimant may request that the stewards void the claim, provided the request is made within 24 hours of notice of a complaint being filed against the previous trainer or owner for violation of Rule 1843.

(1) The claimant who voids a claim under subsection (e) of this rule is not entitled to reimbursement for any expenses incurred while the horse was in his or her possession.

(b) The claim shall be void if the race is called off, canceled, or declared no contest in accordance with Rule 1544 of this division.

Authority: Sections 19420 and 19440,  
Business and Professions Code.

Reference: Section 19562,  
Business and Professions Code.

EQUIBASE SUMMARYHORSES CLAIMED BUT MARKED AS DID NOT FINISH (DNF) – NATIONAL

2008 - 80 horses

2009 - 58 horses

HORSES CLAIMED BUT MARKED AS DNF – CALIFORNIA

2008 – 5

2009 – 10

EQUINE INJURY DATABASE SUMMARY – NATIONAL 11/01/08 THROUGH 09/01/10

Claimed injured 136

Claimed, Fatality 57

EQUINE INJURY DATABASE SUMMARY – CALIFORNIA (EXCEPT LOS ALAMITOS)  
01/01/07 THROUGH 09/01/10

Claimed, injured 42

Claimed, fatality 6

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING THE PROPOSED  
AMENDMENT OF  
RULE 1843.3, PENALTIES FOR MEDICATION VIOLATIONS  
TO 1) CHANGE THE PENALTY FOR VIOLATIONS DUE TO OVERAGES FOR  
THE PERMITTED NON-STEROIDAL ANTI-INFLAMMATORY DRUG  
SUBSTANCE (NSAID), PHENYL BUTAZONE, AS DEFINED IN RULE 1844(C) (1),  
AND FOR DRUG SUBSTANCES IN AN OFFICIAL TEST SAMPLE, WHICH CHRB  
CATEGORIZES AS WARRANTING A CATEGORY D PENALTY; AND 2) TO  
CHANGE THE ALLOWABLE LEVEL OF FLUNIXIN IN AN OFFICIAL TEST  
SAMPLE FROM 50 NANOGRAMS TO 20 NANOGRAMS PER MILLILITER OF  
BLOOD PLASMA OR SERUM.

Medication and Track Safety Committee Meeting  
April 8, 2011

#### BACKGROUND

Business and Professions Code section 19440 specifies that the Board shall have all powers, including but not limited to adopting rules and regulations for the protection of the public and the control of horseracing and pari-mutuel wagering. Business and Professions Code section 19461 provides that every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated. Business and Professions Code section 19580 states that the Board shall adopt regulations to establish policies, guidelines and penalties relating to equine medication to preserve and enhance the integrity of horse racing in this State. Section 19581 of the Business and Professions Code specifies that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Business and Professions Code section 19582 provides that violations of section 19581, as determined by the Board, are punishable in regulations adopted by the Board, and that the Board may classify violations based upon each class of prohibited drug substances, prior violations within the previous three years and prior violations within the violator's lifetime. The Board may provide for suspensions of not more than 3 years. The Board may also provide for disqualification from purses, except for a third violation during the lifetime of the licensee, for a drug substance determined to be class 1 or class 2, which shall result in the permanent revocation of the person's license. The punishment for second and subsequent violations of Business and Professions Code section 19581 shall be greater than the punishment for a first violation of section 19581 with respect to each class of prohibited drug substance.

At the February 2011 Regular Board Meeting staff was directed to initiate a 45-day public comment period for an amendment to Rule 1844, Authorized Medication, to

lower the allowable level of phenylbutazone from five nanograms per milliliter of blood plasma or serum to two nanograms per milliliter of blood plasma or serum, and to reduce the permitted level of flunixin in an official test sample from 50 nanograms per milliliter of blood plasma or serum to 20 nanograms per milliliter of blood plasma or serum. During the discussion about the proposed amendment to Rule 1844, the Board recognized the necessity of amending Rule 1843.3, Penalties for Medication Violations, to provide penalties consistent with the lower phenylbutazone and flunixin levels.

### ANALYSIS

The proposed amendment to Rule 1843.3 changes the minimum allowable level for flunixin from 50 nanograms per milliliter of blood plasma or serum to 20 nanograms per milliliter of blood plasma or serum. This is consistent with the minimum allowable level in the proposed amendment of Rule 1844. The Category "C" penalties for violations due to flunixin overages have not been changed.

Under the current Rule 1843.3 phenylbutazone violations warrant a Category "C" penalty. However, the proposed amendment to Rule 1843.3 provides for new Category "D" penalties for low level violations involving phenylbutazone. The new Category "D" penalties address overages of 2.1 milliliters to 5.0 milliliters of phenylbutazone in the official test sample, while the existing Category "C" penalties at the higher levels of 5.1 to greater than 10.0 micrograms of phenylbutazone per milliliter of blood plasma or serum have not changed. This will create a "two tier" penalty schedule for phenylbutazone violations with overages up to 5.0 milliliters receiving anywhere from a written warning to a \$250 fine for first offenses, to a minimum \$500 fine and a maximum \$750 fine for third offenses.

In addition to the new Category "D" penalties for low level phenylbutazone violations, the proposed amendment introduces Category "D" penalties for drug substances in an official test sample which the CHRB categorizes as warranting a Category "D" penalty. Subsection 1843.3(e) currently states a Category "D" penalty is a written warning to the licensed trainer or owner. The proposed amendment creates new Category "D" penalties for drugs other than phenylbutazone. The penalties range from a written warning to a maximum fine of \$250 for a first offense, and a minimum fine of \$500 and a maximum fine of \$750 for a third offense. In addition, the proposed amendment provides that Category "D" violations will remain on the licensee's record for a period of two years. If, after two years, the licensee has not had additional Category "D" violations of Rule 1843, the record will be expunged for penalty purposes.

### RECOMMENDATION

This item is presented for committee discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4, CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15, VETERINARY PRACTICES  
RULE 1843.3. PENALTIES FOR MEDICATION VIOLATIONS

Medication and Track Safety Committee Meeting  
April 8, 2011

1843.3. Penalties for Medication Violations.

(a) In reaching a decision on a penalty for a violation of Business and Professions Code section 19581, the Board, the board of stewards, the hearing officer or the administrative law judge shall consider the penalties set forth in subsections (d) and (e) of this Rule and any aggravating and mitigating circumstances. Deviation from these penalties is appropriate where the facts of the particular case warrant such a deviation, for example: there may be mitigating circumstances for which a lesser or no penalty is appropriate, and aggravating factors may increase the penalties beyond the minimum.

(b) Mitigating circumstances and aggravating factors, which must be considered, include but are not limited to:

- (1) The past record of the licensee regarding violations of Business and Professions Code section 19581;
- (2) The potential of the drug(s) to influence a horse's racing performance;
- (3) The legal availability of the drug;
- (4) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (5) The steps taken by the trainer to safeguard the horse;
- (6) The steps taken by an owner to safeguard against subsequent medication violations including, but not limited to, the transfer of the horse(s) to an unaffiliated trainer;

(A) For the purpose of this regulation “unaffiliated trainer” means a trainer or an assistant trainer who is not related by blood, marriage or domestic partnership, or who is not or was never employed by the trainer from whose care such horse(s) were transferred.

(7) The probability of environmental contamination or inadvertent exposure due to human drug use or other factors;

(8) The purse of the race;

(9) Whether the drug found to be present in the official test sample was one for which the horse was receiving treatment as determined through the process described in Rule 1842 of this division;

(10) Whether there was any suspicious wagering pattern on the race;

(11) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

(c) For the purpose of this regulation, the Board shall consider the classification of a drug substance as referred to in Rule 1843.2 of this division and the California Horse Racing Board (CHRB) Penalty Categories Listing By Classification, (1/08), which is hereby incorporated by reference, if a determination is made that an official test sample from a horse contained:

(1) Any drug substance, medication, metabolites or analogues thereof foreign to the horse, whose use is not expressly authorized in this division, or

(2) Any drug substance, medication or chemical authorized by this article in excess of the authorized level or other restrictions as set forth in the article.

(d) Penalties for violation of each classification level are as follows:

## CATEGORY "A" PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category A penalty are as follows:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense</b>	<b>3<sup>rd</sup> LIFETIME offense</b>
<ul style="list-style-type: none"> <li>◦ Minimum one - year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$10,000 or 10% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000 or 25% of purse (greater of the two).</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum two-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$20,000 or 25% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$50,000 or 50% of purse (greater of the two).</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Minimum three -year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of permanent license revocation.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Minimum fine of \$25,000 or 50% of gross purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two).</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ May be referred to the Board for any further action deemed necessary by the Board.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense</b>	<b>2<sup>nd</sup> LIFETIME offense in owner's stable</b>	<b>3<sup>rd</sup> LIFETIME offense in owner's stable</b>
<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Horse may be placed on the veterinarian's list for up to 90 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse and loss of purse.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian's list for up to 120 days and must pass a Board - approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul>	<ul style="list-style-type: none"> <li>◦ Disqualification of horse, loss of purse and absent mitigating circumstances, minimum fine of \$10,000. The presence of aggravating factors could be used to impose a maximum fine of \$50,000.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Horse shall be placed on the veterinarian's list for up to 180 days and must pass a Board-approved examination pursuant to Rule 1846 before becoming eligible to be entered.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Be subject to drug testing at the owner's expense and be negative for prohibited drug substances as defined in Rule 1843.1.</li> </ul> <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> <li>◦ Referral to the Board with a recommendation of a suspension of owners license for a minimum of 90 days.</li> </ul>

**CATEGORY "B" PENALTIES FOR RULE 1843.6 TOTAL CARBON DIOXIDE (TCO<sub>2</sub>) TESTING**

Penalties for violations due to exceeding permitted levels of TCO<sub>2</sub> as defined in Rule 1843.6 are as set forth below. All concentrations are for measurements in serum or plasma.

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (&gt; 37.0mmol/l- &lt;39mmol/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (&gt; 37.0mmol/l- &lt;39mmol/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (&gt; 37.0mmol/l- &lt;39mmol/l)</b>
<ul style="list-style-type: none"> <li>Up to a 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> <li>Minimum fine of \$1,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$5,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 120-day suspension.</li> </ul> <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> <li>Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (&gt; 37.0mmol/l- &lt;39mmol/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (&gt; 37.0mmol/l- &lt;39mmol/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (&gt; 37.0mmol/l- &lt;39mmol/l)</b>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse, loss of purse and in the absence of mitigating circumstances, \$2,500 fine.</li> </ul>
<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (≥ 39.0mmol/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (≥ 39.0mmol/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (≥ 39.0mmol/l)</b>
<ul style="list-style-type: none"> <li>Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension.</li> </ul> <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$10,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension.</li> </ul> <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> <li>Minimum fine of \$5,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$15,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 90-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 365-day suspension.</li> </ul> <p style="text-align: center;">AND/OR</p> <ul style="list-style-type: none"> <li>Minimum fine of \$10,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$25,000.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> offense TCO<sub>2</sub> (≥ 39.0mmol/l)</b>	<b>2<sup>nd</sup> offense TCO<sub>2</sub> (≥ 39.0mmol/l)</b>	<b>3<sup>rd</sup> offense TCO<sub>2</sub> (≥ 39.0mmol/l)</b>
<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse and loss of purse.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification of horse, loss of purse and a fine ranging from a minimum of \$5,000, up to a maximum of \$20,000.</li> </ul>

CATEGORY "C" PENALTIES FOR RULE 1844, AUTHORIZED MEDICATION (C) (1), (2), (3)

Penalties for violations due to overages for permitted non-steroidal anti-inflammatory drug substances (NSAIDs) as defined in Rule 1844 (c) (1), (2) and (3) of this division. All concentrations are for measurements in serum or plasma.

The official veterinarian shall consult with the treating veterinarian in all violations of 1844 (c). With permission of the official veterinarian the trainer may elect to pay the minimum fine in lieu of a stewards' hearing. If the trainer has not had an 1844 (c) violation within the previous three years, the official veterinarian or the board of stewards may issue a warning in lieu of a fine for violations of 1844 (c)(1), phenylbutazone, provided the reported level is below ~~7.5~~ 5.1 mcg/ml.

LICENSED TRAINER:	Phenylbutazone (5.1-<10.0mcg/ml) Flunixin (20 <del>50</del> -100 ng/ml) Ketoprofen (11-49 ng/ml)	Phenylbutazone (5.1-<10.0mcg/ml) Flunixin (20 <del>50</del> -100 ng/ml) Ketoprofen (11-49 ng/ml)
1 <sup>st</sup> offense	2 <sup>nd</sup> offense (365-day period)	3 <sup>rd</sup> offense (365-day period)
◦ Minimum fine of \$500 to a maximum fine of \$1,000.	◦ Minimum fine of \$1,000 to a maximum fine of \$2,500.	◦ Minimum fine of \$2,500 to a maximum fine of \$5,000.
LICENSED OWNER:	Phenylbutazone (5.1-<10.0mcg/ml) Flunixin (20 <del>50</del> -100 ng/ml) Ketoprofen (11-49 ng/ml)	Phenylbutazone (5.1-<10.0mcg/ml) Flunixin (20 <del>50</del> -100 ng/ml) Ketoprofen (11-49 ng/ml)
1 <sup>st</sup> offense	2 <sup>nd</sup> offense (365-day period)	3 <sup>rd</sup> offense (365-day period)
No penalty administered.	No penalty administered.	No penalty administered.
LICENSED TRAINER:	Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)	Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)
1 <sup>st</sup> offense	2 <sup>nd</sup> offense (365-day period)	3 <sup>rd</sup> offense (365-day period)
◦ Minimum fine of \$1,000 to a maximum fine of \$2,500.	◦ Minimum fine of \$2,500 to a maximum fine of \$5,000.	◦ Minimum fine of \$5,000 to a maximum fine of \$10,000.
LICENSED OWNER:	Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)	Phenylbutazone (≥ 10.0 mcg/ml) Flunixin (≥ 100 ng/ml) Ketoprofen (≥ 50 ng/ml)
1 <sup>st</sup> offense	2 <sup>nd</sup> offense (365-day period)	3 <sup>rd</sup> offense (365-day period)
◦ Horse must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	◦ Disqualification of horse and loss of purse. If same horse, placed on veterinarian's list for up to 45-days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run.	◦ Disqualification of horse and loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass Board-approved examination pursuant to Rule 1846 before being eligible to run

(e) Violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category "D" penalty, may result in a written warning to the licensed trainer and owner. ~~A Category "D" penalty is a written warning to the licensed trainer or owner. A~~ Category "D" penalty may result in a written warning or fine that will remain on the licensee's record for a

### CATEGORY "C" PENALTIES

Penalties for violations due to the presence of a drug substance in an official test sample, which CHRB drug classification is categorized as warranting a Category C penalty and for the presence of more than one non-steroidal anti-inflammatory (NSAID) in a plasma/serum sample, as defined in Rule 1844 of this division, and furosemide as defined in Rule 1845 of this division in an official test sample are as set forth below. All concentrations are for measurements in serum or plasma.

LICENSED TRAINER:		
1 <sup>st</sup> offense	2 <sup>nd</sup> offense (365-day period)	3 <sup>rd</sup> offense (365-day period)
◦ Minimum fine of \$500 to a maximum fine of \$1,000 absent mitigating circumstances.	◦ Minimum fine of \$1,000 to a maximum fine of \$2,500, and up to a 15 - day suspension absent mitigating circumstances.	◦ Minimum fine of \$2,500 and up to a 30 - day suspension absent mitigating circumstances

period of two years. After the two year period, if the licensee has had no further violations of CHRB Rule 1843, the Category "D" penalty will be expunged from the licensee's record for penalty purposes.

#### CATEGORY "D" PENALTIES

<u>1<sup>st</sup> offense (365 day period)</u>	<u>2<sup>nd</sup> offense (365 day period)</u>	<u>3<sup>rd</sup> offense (365 day period)</u>
<u>Minimum of an official written warning to a maximum fine of \$250.</u>	<u>Minimum of a \$250 fine to a maximum fine of \$500.</u>	<u>Minimum of a \$500 fine to a maximum fine of \$750.</u>

#### CATEGORY "D" PENALTIES FOR RULE 1844(C)(1) VIOLATIONS

<u>Phenylbutazone 2.1ug/ml to 5.0 ug/ml</u>		
<u>1<sup>st</sup> offense (365 day period)</u>	<u>2<sup>nd</sup> offense (365 day period)</u>	<u>3<sup>rd</sup> offense (365 day period)</u>
<u>Minimum of an official written warning to a maximum fine of \$250.</u>	<u>Minimum of a \$250 fine to a maximum fine of \$500.</u>	<u>Minimum of a \$500 fine to a maximum fine of \$750.</u>

(f) Any drug or its metabolite or analogue thereof found to be present in an official test sample that is not classified in Rule 1843.2 of this division shall be classified as a Class 1 substance and a Category "A" penalty until classified by the Board.

(g) The administration of a drug substance to a race horse must be documented by the treating veterinarian through the process described in Rule 1842 of this division.

(h) Any licensee found to be responsible for the administration of any drug substance resulting in a positive test may be subject to the same penalties set forth for the licensed trainer and his presence may be required at any and all hearings relative to the case.

(1) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category "A" shall be referred to the California Veterinary Medical Board (CVMB) for consideration of further disciplinary action.

(2) Any veterinarian found to be involved in the administration of any drug substance resulting in a positive test in Penalty Category "B" or "C" may be referred to the CVMB for consideration of further disciplinary action upon the recommendation of the Equine Medical Director, the board of stewards or hearing officers.

(i) A licensee who is suspended, or whose license is revoked, because of a medication violation is not able to benefit financially during the period of suspension or revocation. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(j) For the purpose of this regulation “licensed family members” means any person who holds an occupational license issued by the CHRB and who is related to the suspended licensee, or the licensee whose license is revoked, by blood, or by marriage or domestic partnership, or who is related by blood to the spouse or domestic partner of such licensee.

(l) For the purpose of this regulation, licensed trainers suspended 60 days or more, or whose license is revoked, shall be banned from all inclosures under the jurisdiction of the CHRB. In addition, during the period of suspension, or revocation, such trainer shall forfeit all assigned stall space and shall remove from the inclosures all signage, advertisements, training-related equipment, tack, office equipment, and any other property.

Authority: Sections 19440, 19461 and 19580,  
Business and Professions Code.

Reference: Sections 19461, 19580, 19581 and 19582,  
Business and Professions Code.

Section 11425.50,  
Government Code.

**ARCI-011-020 Medications and Prohibited Substances**

B. (6) The penalty categories "A", "B" and "C" and their related schedules for Trainers and Owners are shown in the following tables.

The following are recommended penalties for violations due to the presence of a drug carrying a Category "C" penalty and overages for permitted NSAIDs and furoseimide: *(All concentrations are for measurements in serum or plasma.)*

<b>LICENSED TRAINER</b>	<b>Phenylbutazone (2.1-4.9 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (11-49 ng/ml) Furoseimide (&gt;100 ng/ml) and no furoseimide when identified as administered**</b>	<b>Phenylbutazone (≥5.0 mcg/ml) Flunixin (≥100 ng/ml) Ketoprofen (≥50 ng/ml) and CLASS C Violations</b>
1 <sup>st</sup> Offense (365-day period) in any jurisdiction	Minimum fine of \$250 absent mitigating circumstances	Minimum fine of \$500 absent mitigating circumstances
2 <sup>nd</sup> Offense (365-day period) in any jurisdiction	Minimum fine of \$500 absent mitigating circumstances	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances
3 <sup>rd</sup> Offense (365-day period) in any jurisdiction	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances
<b>LICENSED OWNER</b>	<b>Phenylbutazone (2.1-4.9 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (11-49 ng/ml) Furoseimide (&gt;100 ng/ml) and no furoseimide when identified as administered**</b>	<b>Phenylbutazone (≥5.0 mcg/ml) Flunixin (≥100 ng/ml) Ketoprofen (≥50 ng/ml) AND CLASS C VIOLATIONS</b>
1 <sup>st</sup> Offense (365-day period) in any jurisdiction		Loss of purse. Horse must pass commission-approved examination before being eligible to run
2 <sup>nd</sup> Offense (365-day period) in any jurisdiction		Loss of purse. If same horse, placed on veterinarian's list for 45 days, must pass commission-approved examination before being eligible to run
3 <sup>rd</sup> Offense (365-day period) in any jurisdiction		Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass commission-approved examination before being eligible to run



STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING THE  
PROPOSED ADDITION OF CHRB  
RULE 1927.1, TAMPERING WITH SMOKE DETECTORS PROHIBITED  
TO INCLUDE PENALTIES RELATIVE TO TAMPERING WITH FIRE  
SAFETY EQUIPMENT I.E. SMOKE DETECTORS

Medication and Track Safety Committee Meeting  
April 8, 2011

## BACKGROUND

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 states that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering, and administration and enforcement of all laws, rules and regulations affecting horse racing and pari-mutuel wagering. Business and Professions Code section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations and conditions from time to time prescribed by the Board. Business and Professions Code section 19481 states that in performing its duties the Board shall establish safety standards governing track facilities in order to improve the safety of horses, riders and workers at the racetrack.

Board Rule 1927, Fire Prevention, states association shall make adequate provision for fire prevention, protection against fire, and fire suppression within the inclosure. A reasonable standard of fire safety shall require that each building, barn or structure which is used by an association for the stabling of horses or human habitation, be equipped with an automatic sprinkler system and an automatic fire alarm system.

Fire safety is a continuing issue within the inclosure. To protect humans and equines the Board requires that racing associations install and maintain sprinkler systems and fire alarms. Racing associations are also required to undergo annual fire inspections, and periodic safety inspections. The disabling of smoke detectors is a problem that occurs especially in habitable rooms used for sleeping. Under Rule 2103, Habitable Rooms, such rooms are required to be provided with battery operated smoke detectors that are maintained in working order, or any other approved fire alarm system. Occupants may wish to smoke where it is otherwise prohibited, or to cook on portable hot plates. To enable such activities, the smoke detectors may be disabled. If a licensee is found to have disabled a smoke detector, the average fine is around \$25.

## ANALYSIS

The proposed addition of Rule 1927.1, Tampering With Smoke Detectors Prohibited, provides that no licensee shall tamper with, dismantle, or disable any automatic fire alarm system or smoke detector that is located on the grounds of a facility under the jurisdiction of the Board. If a licensee is found to have violated the proposed regulation, they shall be subject to a hearing before the stewards, and may be fined between \$50 and \$250. The fine, while not excessive, is meant to prevent future incidents. In addition, the proposed regulation states that a trainer may be found culpable if a fire alarm is disabled in an area assigned to the trainer, such as stalls and tack rooms. This is designed to encourage trainers to pay attention to what their employees may be doing with fire safety equipment.

## RECOMMENDATION

This item is presented for committee discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4, CALIFORNIA CODE OF REGULATIONS  
ARTICLE 17. FIRE PREVENTION AND SECURITY  
PROPOSED ADDITION OF  
RULE 1927.1 TAMPERING WITH SMOKE DETECTORS PROHIBITED

Medication and Track Safety Committee Meeting  
April 8, 2011

1927.1. Tampering With Smoke Detectors Prohibited.

(a) No licensee shall willfully tamper with, dismantle, or disable any automatic fire alarm system or smoke detector that is located on the grounds of a facility under the jurisdiction of the Board.

(b) A licensed trainer who is assigned stalls, tack rooms or other areas within the inclosure may be held culpable if an employee of that trainer is found to have violated this regulation within such assigned areas.

(c) A violation of this regulation shall result in a hearing before the stewards who may impose a fine of not less than \$50 but not more than \$250.

Authority: Sections 19420, 19440 and 19460,  
Business and Professions Code.

Reference: Sections 19440 and 19481,  
Business and Professions Code.

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING THE  
FEASIBILITY OF AMENDING CHRB  
RULE 1846.5 POSTMORTEM EXAMINATION  
TO REQUIRE THE PRECEDING SIX MONTHS OF VETERINARY MEDICAL RECORDS  
BE SUBMITTED WITHIN 48 HOURS AFTER SUBMISSION OF  
THE NECROPSY SUBMISSION FORM

Medication and Track Safety Committee Meeting  
April 8, 2011

## BACKGROUND

Business and Professions Code section 19440 states that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of horse racing law. Business and Professions Code section 19444 provides that in performing its responsibilities the Board may conduct research to determine more fully the cause and prevention of horse racing accidents, the effects of drug substances on race horses, and the means for detection of foreign drug substances. Board Rule 1846.5, Postmortem Examination, requires that every horse which suffers a fatal injury on the racetrack, or which dies or is euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination. The regulation is silent on whether a copy of the horse's veterinary records may be required by the Board. Such records may provide valuable information and insight in conjunction with the postmortem examination.

## ANALYSIS

The proposed amendment to Rule 1846.5 adds a new subsection 1846.5(e)(1), which requires the owner's or trainer's veterinarian to provide the veterinary medical history for the preceding six months of any horse that dies or is euthanized on the grounds of a facility under the jurisdiction of the Board. The documents, which must be delivered to the official veterinarian within 48 hours of submitting the CHRB-72, Necropsy Submission Form, will allow for the correlation of postmortem data with medical records to look for causal relationships. Under the proposed amendment the documents would be considered confidential and their contents shall not be disclosed except as specified under subsection 1846.5(e)(2).

## RECOMMENDATION

This item is presented for committee discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
PROPOSED AMENDMENT OF  
RULE 1846.5. POSTMORTEM EXAMINATION

Medication and Track Safety Committee Meeting  
April 8, 2011

1846.5. Postmortem Examination.

(a) Every horse which suffers a fatal injury on the racetrack in training or in competition, or which dies or is euthanized within an area under the jurisdiction of the Board, shall undergo a postmortem examination at a diagnostic laboratory which is under contract with the Board to determine the injury or sickness which resulted in euthanasia or natural death.

(b) Test samples may be obtained from the carcass upon which the postmortem examination is to be conducted and sent to the diagnostic laboratory for testing for foreign substances or their metabolites, and natural substances at abnormal levels. When practical, test samples shall be procured prior to euthanasia.

(c) The costs associated with transportation to the diagnostic laboratory of any horse which has died under the provisions of subparagraph (a) shall be the responsibility of the racing association conducting the meeting where the death occurred or the training center or racetrack where death occurred when no meeting is in progress. The services of the official veterinarian and the laboratory testing of postmortem samples for standard necropsy and special equine necropsy examinations shall be made available by the Board without charge to the owner. The cost of any additional necropsy examination(s) requested by the owner or trainer are the responsibility of the requesting individual.

(d) Requests for each postmortem shall be filed with the official veterinarian by

the owner's or trainer's veterinarian within one hour of the death and shall be submitted on a Necropsy Submission Form, CHRB-72, (Rev. 6/04), hereby incorporated by reference, and which is available at all official veterinarian offices. The trainer is co-responsible to supply all information to complete CHRB-72.

(e) If the official veterinarian is not available, the owner's or trainer's veterinarian must phone the diagnostic laboratory within one hour of the death and fax CHRB-72 to the laboratory as notification that the horse is due for necropsy. On the official veterinarian's next scheduled work day, the owner's or trainer's veterinarian shall give the original CHRB-72 to the official veterinarian.

(1) Within 48 hours of the submission of the CHRB-72, the owner's or trainer's veterinarian shall provide the official veterinarian with the preceding six months of veterinary records that pertain to the horse submitted for the postmortem examination.

(2) Any veterinary medical records provided to the Board shall be considered confidential and their contents shall not be disclosed except in a proceeding before the stewards or the Board, in exercise of the Board's jurisdiction or in the analysis of injuries and illnesses causing fatalities as approved by the Executive Director and the Equine Medical Director.

(f) The racing association, racetrack or training center will notify the transporter within one hour of death to have the horse conveyed to the designated laboratory for necropsy.

(g) Upon completion of the postmortem examination the diagnostic laboratory shall file a written report with the Executive Director, the Equine Medical Director and the official veterinarian.

(h) Each owner and trainer accepts responsibility for the postmortem examination provided herein as a requisite for maintaining an occupational license.

Authority: Section 19440,  
Business and Professions Code.

Reference: Section 19444(c),  
Business and Professions Code.

STATE OF CALIFORNIA  
CALIFORNIA HORSE RACING BOARD  
**NECROPSY SUBMISSION FORM**  
CHRB-72 (Rev. 06/04)

Accession # 4-5

CAHFSL/Davis  
W. Health Sciences Dr.  
Davis, CA 95616  
Phone (530) 752-8709  
FAX (530) 752-5680

CAHFSL/San Bernardino  
105 W. Central Ave.  
San Bernardino, CA 92408  
Phone (909) 383-4287  
FAX (909) 884-5980

CAHFSL/Tulare  
18830 Road 112  
Tulare, CA 93274  
Phone (559) 688-7543  
FAX (559) 686-4231

Additional necropsy examination(s) that exceed the standard necropsy or equine special necropsy required by and provided through the California Horse Racing Board (CHRB) are the responsibility of the requesting individual (SEE REVERSE SIDE).

**When a horse dies or is euthanized and the CHRB Official Veterinarian is not available;** the owner's or trainer's attending veterinarian must phone the laboratory within one hour and fax this completed Necropsy Submission Form to the laboratory. A copy of the completed Necropsy Submission Form must be given to the CHRB Official Veterinarian on the Official Veterinarian's next scheduled work day.

Delay of necropsy makes some test results questionable in value. A necropsy will not be performed until the following information has been provided:

Name of CHRB Official Veterinarian			Name of Horse		Name of Owner		
Track Name			Age (years)	Breed	Address		
Address			Sex	Castrated	City	State	Zip Code
City	State	Zip Code	Tattoo <input type="checkbox"/> Yes # _____		( )	Phone	
( )	Phone		<input type="checkbox"/> No If No, color and markings: _____				

Name of Attending Veterinarian			Name of Trainer		
Address			Address		
City	State	Zip Code	City	State	Zip Code
( )	Phone		( )	Phone	
Signature					

Medications \_\_\_\_\_

Track where injury occurred		Location on track where injury occurred (if available)	
History: <input type="checkbox"/> Died <input type="checkbox"/> Euthanized	Agent used for Euthanasia _____	Date of Death _____	Time of Death _____ a.m. p.m.
Horse Insured: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	Human Injury: <input type="checkbox"/> Yes <input type="checkbox"/> No		

Clinical findings and Diagnosis: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional Requests:

The injury is related to one of the following:  Running of the race  Training  Non-exercise related  Other

Signature of CHRB Official Veterinarian \_\_\_\_\_ Date \_\_\_\_\_

(OVER)

**REQUEST FOR ADDITIONAL NECROPSY EXAMINATION(S)**

I accept financial responsibility for all charges from the California Animal Health and Food Safety Laboratories for the additional necropsy examination(s) requested below which exceed the standard necropsy or equine special necropsy required by and provided through the California Horse Racing Board.

Additional necropsy examination(s) requested:

---

---

---

---

---

Horse insured:  Yes  No  Unknown

Full insurance examinations required by insurance company:  Yes  No

Insurance Company

Address

( )  
Phone

City

State

Zip Code

Print Name

Signature

Date

STAFF ANALYSIS  
DISCUSSION AND ACTION REGARDING  
THE FEASIBILITY OF ADDING CHRB  
RULE 1658.1. TRANSFER OF VETERINARY RECORDS WITH CLAIMED HORSE  
TO REQUIRE THE PRECEDING SIX MONTHS OF VETERINARY RECORDS  
BE PROVIDED TO THE CLAIMANT

Medication and Track Safety Committee  
April 8, 2011

## BACKGROUND

Business and Professions Code section 19420 provides that the Board has jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board include adjudication of controversies arising from the enforcement of those laws and regulations dealing with horse racing and pari-mutuel wagering. Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state.

When a horse is sold in a private sale, at auction or claimed in a claiming race the veterinary medical records of the horse generally are not given to the new owner. This results in the new owner having to begin more-or-less from scratch in determining if there are any medical issues with the horse, and with items such as routine vaccinations or de-worming. At the May 2010 Medication and Track Safety committee meeting the issue of transferability of veterinary medical records was discussed. The committee heard that the issue was complex. Transferring veterinary medical records would be beneficial for the new owner and the horse. On the other hand, there were issues such as liability, and who actually owned the veterinary records. The committee learned the veterinarian owned the record, while the owner had the right to a summary. If liability were an issue, some felt recordkeeping would change with more cryptic notes being taken. One suggestion discussed was the possibility of requiring that a history of "routine" veterinary treatments be provided the new owner. However, what comprised such routine treatments was not fully defined, beyond routine vaccinations and de-worming.

## ANALYSIS

The proposed addition of Rule 1658.1, Transfer of Veterinary Records with Claimed Horse, provides that in addition to any document of ownership required by the stewards for the transfer of a claimed horse, the preceding six months of veterinary records that pertain to the claimed horse shall be delivered to the claimant within 48 hours of the race in which the horse was claimed. The rule does not cover all instances in which ownership of a horse may change, but it does address claimed horses, as claiming is one of the prevalent venues for changing ownership of race horses.

RECOMMENDATION

This item is presented for committee discussion and action.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 7. CLAIMING RACES  
PROPOSED ADDITION OF  
RULE 1658.1. TRANSFER OF VETERINARY RECORDS WITH CLAIMED HORSE

Medication and Track Safety Committee  
April 8, 2011

1658.1. Transfer of Veterinary Records with Claimed Horse.

In addition to any document of ownership or other document required by the stewards under this Article for the transfer of a claimed horse to a claimant, the preceding six months of veterinary records that pertain to the claimed horse shall be delivered to the successful claimant within 48 hours of the race in which the horse was claimed.

Authority: Sections 19420, 19440 and 19580,  
Business and Professions Code.

Reference: Sections 19440 and 19580,  
Business and Professions Code.

CALIFORNIA HORSE RACING BOARD  
TITLE 4. CALIFORNIA CODE OF REGULATIONS  
ARTICLE 15. VETERINARY PRACTICES  
RULE 1866 VETERINARIAN'S LIST

Medication and Track Safety Committee Meeting  
April 8, 2011

1866 Veterinarian's List

a) The official veterinarian shall maintain a Veterinarian's List of those horses determined to be unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity.

(1) When a horse is placed on the Veterinarian's List, the trainer of such horse shall be notified within 72 hours.

(b) A horse placed on the Veterinarian's List as injured, unsound or lame may not workout for 72 hours after being placed on the list without the permission of the official veterinarian.

(1) The official veterinarian may require any horse placed on the Veterinarian's List to undergo a veterinary examination prior to resuming training at any facility under the jurisdiction of the Board.

(c) A horse placed on the Veterinarian's List shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian or the racing veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

(d) A horse may be required to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness, and if so a blood and/or urine post-work test sample shall be

taken from the horse and the provisions of this article shall apply to such official workout in the same manner as to a scheduled race.

(e) For the purpose of this regulation, "workout" means an exercise session near full speed, or close to full speed.

Authority : Sections 19440 and 19562,  
Business and Professions Code.

Reference: Sections 19440 and 19562,  
Business and Professions Code.

Item #7 & 8 will not be discussed at this meeting.

These items will be on the agenda for a future meeting of the Board or the committee.

CALIFORNIA HORSE RACING BOARD

APRIL 8, 2011  
MEDICATION AND  
TRACK SAFETY COMMITTEE MEETING

There is no board package material for Item 9