

RULE HEARING AGENDA

Name of Agency: DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION, DIVISION OF PARI-MUTUEL WAGERING

**Time, Date & Place
of Meeting:** October 29, 2015-9:00 A.M. – 5:00 P.M.

DIVISION OF PARI-MUTUEL WAGERING, NORTHWOOD
CENTRE BOARD ROOM, 1940 NORTH MONROE STREET,
TALLAHASSEE, FL 32399

THIS MEETING IS OPEN TO THE PUBLIC

Agenda:

- I. Call to Order and Opening Remarks
- II. Public Input on Rule 61D-6.002 General Duties and Responsibilities
- III. Public Input on Rule 61D-6.006 Procedures Relating to Split Samples
- IV. Public Input on Rule 61D-6.008 Permitted Medications for Horses
- V. Public Input on Rule 61D-6.009 Veterinarians
- VI. Public Input on Rule 61D-6.011 Penalty Guidelines for Class I-V Drug
Violations in Horses
- VII. Public Input on Rule 61D-6.012 Penalty Guidelines for Class I-V Drug
Violations in Greyhounds
- VIII. Closing Remarks

DRAFT LANGUAGE:

61D-6.002 General Duties and Responsibilities.

(1) The trainer of record shall be responsible for and be the absolute insurer of the condition of the horses or racing greyhounds, he/she enters to race. Trainers, kennel owners and operators are presumed to know the rules of the Division. The trainer of record shall be identified on Form DBPR PMW-3360, Kennel Personnel Roster, effective on the date that this rule is promulgated and adopted herein by reference, which can be obtained at https://www.flrules.org/gateway/reference.asp?NO=Ref-____, www.myfloridalicense.com/dbpr/pmw, or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. ~~adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, which~~ The the trainer of record shall provide to the chief inspector and racing secretary at any track where the trainer enters racing animals in pari-mutuel races Form DBPR PMW-3360, Personnel Roster at the beginning of each race meet and whenever any changes are made to the personnel under his/her employment.

(2) Each permit holder of a thoroughbred, harness, quarter horse, or greyhound racing facility shall provide and maintain a detention enclosure in a location approved by the Division for the purpose of securing urine, blood or other samples from racing greyhounds or horses. The detention enclosure at horse tracks shall have a perimeter fence which will prevent access of unauthorized persons, contain a wash rack, an office for the Division veterinarian, and not less than six detention stalls with an adjacent walking ring. The detention enclosure at greyhound tracks shall be located within a reasonable distance of the veterinary assistant detention office and shall have a chain link perimeter fence which will prevent access of unauthorized persons. The detention enclosure at greyhound tracks shall be large enough to allow three dogs to be walked simultaneously for the purpose of taking urine samples, be partially covered to allow sampling during inclement weather, and have sufficient lighting to allow sampling during hours of darkness.

Rulemaking Authority 120.80(4)(a), 550.0251(3), 550.2415(2), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06,_____.

61D-6.006 Procedures Relating to Split Samples.

The following procedures shall be followed when requesting a portion of an official sample for analysis at an independent ~~another~~ laboratory:

(1) A trainer of record or owner of a racehorse or racing greyhound who has received a report of positive result may request that a split sample analysis be conducted on the corresponding portion of the specimen analyzed by the primary racing laboratory under contract with the Division. The trainer of record or owner may request that the split sample be sent to an independent laboratory approved by the Division for split sample analysis. The request must be made in writing or on Form DBPR PMW-3290, Split Sample Request, effective on the date this rule is promulgated and adopted herein by reference, which can be obtained at https://www.flrules.org/gateway/reference.asp?NO=Ref-____, www.myfloridalicense.com/dbpr/pmw, or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035, and submitted by certified mail or hand delivery to the State Steward, Division Hearing Officer, or the Division's Office of the General Counsel no later than ten (10) calendar days after receipt of the report of positive result. ~~Requests shall be made in writing or on Form DBPR PMW 3290, Notification to Stewards/Judges of Split Sample Request, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and shall be submitted to the division's steward or judge by certified mail, return receipt, or by hand delivery, within 10 calendar days after the trainer or owner has received written notification of the results of the laboratory under contract with the division from the stewards or judges or the division's Office of Operations.~~

(2) The party requesting the split sample shall select an independent laboratory from a list of laboratories approved by the Division ~~division~~ to perform the split sample analysis. ~~Said party shall notify the laboratory of his/her choice, confirm its ability to test the suspect sample and make arrangements for the payment of all charges incurred with testing.~~ The party requesting a split sample analysis shall bear all costs of the analysis.

(3) Failure to request a split sample ~~or failure to select and make arrangements, including payment for services,~~ with an approved independent laboratory within ten (10) calendar days after receiving written

notification from ~~Office of Operations, stewards or judges,~~ of the report of positive results from the primary racing laboratory under contract with the division shall constitute a waiver of the right to a split sample. Failure to pay the independent laboratory in full for split sample analysis within ten (10) days of receipt of the request by the Division shall constitute a waiver of the right to a split sample.

(4) Upon receipt of the split sample request, the Division ~~Whenever a split sample is requested, the stewards or judges shall promptly notify the Office of Operations, which in turn shall notify the primary laboratory under contract with the division of the request, identifying only the number on the sample container from which the split sample is to be taken, and the independent laboratory which has been selected, the volume requested by the independent laboratory, and the primary laboratory's internal tracking number.~~ The primary racing laboratory under contract with the division shall send the split sample to the independent laboratory selected within ten (10) calendar days of receiving the request.

(5) The request of a split sample shall operate as a stay of any hearing before the stewards or judges until the analysis of the split sample has been completed. Failure by the requestor to pay the independent laboratory for a split sample test shall not operate as a stay of any hearing before the stewards or judges.

(6) ~~If the approved independent laboratory confirms the findings of the laboratory under contract with the division, the division is authorized to proceed with administrative action against any affected licensees pursuant to this chapter and the Florida Statutes. If a request for a split sample is made and there is an insufficient quantity of the official sample remaining for analysis by the approved independent laboratory, the division may still proceed with administrative action against any affected licensees based upon the findings of the laboratory under contract with the division, provided that the division has made a good faith effort to obtain and retain a sufficient quantity of sample during collection and testing of the sample.~~

Rulemaking Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(5), (12) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 6-26-11, ____.

61D-6.008 Permitted Medications for Horses.

(1) The prescription medications defined in this rule shall be permitted under the conditions set forth to conserve and protect the health of the horse which is entered to race. All such medications shall be procured and administered by a licensed veterinarian, except where a valid prescription or dispensing occurs in compliance with the requirements of Chapter 474, F.S.

(2)(a) ~~Phenylbutazone may be administered to a horse providing:~~

1. ~~The phenylbutazone is not administered closer than 24 hours prior to the officially scheduled post time of the race; or~~

2. ~~The post race serum sample of such horse contains a concentration less than 2 micrograms (meg) of phenylbutazone or its metabolites per milliliter (ml) of serum.~~

(b) ~~When the post race serum sample of such horse contains a concentration of phenylbutazone equal to or in excess of 2 micrograms per milliliter of serum, but less than 5 micrograms per milliliter of serum, the trainer as the absolute insurer of the horse, shall be subject to the following penalties:~~

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|--|---|
| 1. First violation of this chapter in a 12 month period | \$250.00 fine; |
| 2. Second violation of this chapter in a 12 month period | \$500.00 fine; |
| 3. Third or subsequent violation of this chapter in a 12-month period | \$1,000.00 fine and suspension of any division license 0 to 15 days. |

(c) ~~When the post race serum sample contains a concentration of phenylbutazone equal to or in excess of 5 micrograms per milliliter of serum, the trainer as the absolute insurer of the horse, shall be subject to the following penalties:~~

- | | |
|--|--|
| 1. First violation of this chapter in a 12 month period | \$500.00 fine and suspension of any division license 0 to 15 days; |
| 2. Second violation of this chapter in a 12 month period | \$1,000.00 fine and suspension of any division License 0 up to 30 days; |
| 3. Third or subsequent violation of this chapter in a 12-month period | \$1,000.00 fine and suspension of any division License 0 up to 60 days. |

(3)(a) ~~Furosemide (Salix) may be used solely for the treatment of horses participating in pari mutuel racing events in the State of Florida that have exhibited exercise induced pulmonary hemorrhage (bleeding) as provided below:~~

1. ~~A "bleeder" shall be defined as a horse which demonstrates evidence of pulmonary hemorrhage within 3.0 hours of exercise as evidenced by fulminant bilateral epistaxis where endoscopic examination is not warranted, or by intratracheal evidence of pulmonary hemorrhage ascertained through endoscopic examination, either of which must be witnessed and certified in writing by a Florida licensed veterinarian.~~

~~Such certification shall be submitted to the division's Salix Coordinator on Form DBPR PMW 3300, Bleeder's Certificate adopted and incorporated by Rule 61D-10.001, F.A.C. Out of state horses racing in Florida must be witnessed in Florida as outlined above or must have been certified by the state/commission or association/ track veterinarian from the previous state. Certification, in writing from the accredited College of Veterinary Medicine, will also be accepted if the horse has received a comprehensive cardio-pulmonary examination at an accredited College of Veterinary Medicine and as a result thereof is diagnosed with exercise induced pulmonary hemorrhage either viewed endoscopically after a treadmill exercise or via tracheal wash cytology and therefore found to require medication with furosemide in order to successfully compete.~~

~~2. Any horse on furosemide to be entered in a pari-mutuel racing event in the State of Florida shall not require re-certification if the horse has been certified as a "bleeder" and approved for the administration of furosemide by a racing jurisdiction utilizing certification procedures which are approved by the director of the Division of Pari-Mutuel Wagering in Florida. Documentation of certification from approved racing jurisdictions must be evidenced by an official letter signed by a track veterinarian, or division/ State Veterinarian stating that a horse has exhibited exercise induced pulmonary hemorrhage and as a result of such bleeding was determined to require the administration of furosemide prior to participation in pari-mutuel racing events.~~

~~3. A horse which has not exhibited external bleeding may be placed on the Furosemide List after the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interest to race with furosemide and so notify the State Veterinarian.~~

~~4. It shall be the trainer's responsibility to provide the required documentation of certification to the Salix Coordinator prior to entry of any horse to race on furosemide in a pari-mutuel event in the State of Florida. When the trainer cannot provide written documentation within 48 hours prior to the scheduled post time for the race, the trainer of the horse in question may personally attest in writing that the horse meets all eligibility requirements for the use of furosemide and request that the stewards waive the requirement for receipt of written documentation prior to racing the horse on furosemide. All requests for waiver must be submitted on Form DBPR PMW 3330, Salix Certification Waiver, adopted and incorporated by Rule 61D-10.001, F.A.C. The stewards then may allow the horse to race on furosemide and grant the trainer a reasonable period of time, not to exceed 10 days, to produce the necessary written documentation as required in paragraph (a) above.~~

~~5. All purses, stakes, awards, or other prizes or compensation to be granted as a result of the subject horse's performance in the pari-mutuel event shall be withheld until such time as the trainer who attested to the horse's eligibility to race on furosemide has provided the required documentation. If the trainer fails to provide adequate documentation of the horse's eligibility, the subject horse will be disqualified and the trainer who represented the horse's eligibility to race on furosemide shall be suspended up to 10 days and fined \$500. Any purses, stakes, awards or other prize or compensation will be redistributed in accordance with the disqualification.~~

~~(b) When a horse exhibits a bleeding incident and goes on the Veterinarian's List, the horse is suspended beginning the first day after a bleeding incident is observed. Horses placed on the Veterinarian's List for bleeding must remain suspended according to the following schedule:~~

- ~~1. The first bleeding incident—10 days suspension from racing;~~
- ~~2. A second bleeding incident within a 365 day period of a previous bleeding incident—30 days suspension from racing;~~
- ~~3. A third bleeding incident within a 365-day period from two previous bleeding incidents—180 days suspension from racing; and~~
- ~~4. A fourth bleeding incident within a 365 day period from three previous bleeding incidents—barred from racing in Florida. The above schedule of suspensions commences the day immediately following a bleeding incident.~~

~~(c) Horses will be eligible to race on the day immediately following the completion of the suspension period. The owner or trainer of any horse placed on the Veterinarian's List as a result of exercise induced pulmonary hemorrhage (bleeding) may elect to place the animal on Florida's official Furosemide (Salix) List. The official Furosemide List shall be maintained by the Salix Coordinator and shall be the official list of horses approved for racing with furosemide in Florida. Horses placed on the official Furosemide List must have furosemide administered on race day, at a dosage of 150 mg—500 mg, administered intravenously (I.V.) no closer than 4 hours prior to the officially scheduled post time of the race for which the horse is entered. The furosemide must be administered by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes. Every race day administration of furosemide must be reported by~~

~~the attending veterinarian to the division on Form DBPR PMW 3280, Veterinarian Report of Race Day Salix Administration (the Salix tag), adopted and incorporated by Rule 61D-10.001, F.A.C. The Salix tag shall be delivered to the Salix Coordinator/State Veterinarian at least two hours prior to the scheduled post-time of the horse's race. Failure to comply with this subsection shall result in a minimum fine of \$100 to be imposed by the Stewards upon the person found to be responsible for failure to deliver the Salix tag. The Stewards shall scratch a horse if they are unable to determine that a horse on the Salix List has been administered Salix prior to a race, or that Salix was administered to a horse less than four hours prior to the post-time of a race that horse is entered to run.~~

~~(d) Horses racing on furosemide which ship in to run from centers, other pari-mutuel facilities, or other locations, must be in the receiving barn no later than four hours prior to the post-time of their officially scheduled race and have the furosemide (Salix) tag, Form DBPR PMW 3280 firmly attached to their halter. Any violation of this rule shall result in the trainer of the horse being subject to the following penalties:~~

- ~~1. First violation in a 12-month period—\$300.00 fine;~~
- ~~2. Second violation in a 12-month period—\$400.00 fine and the horse shall be scratched prior to the race;~~
- ~~3. Third violation in a 12-month period—\$500.00 fine, suspension of license for 10 days, and the horse shall be scratched prior to the race;~~
- ~~4. Fourth or subsequent violation in a 12-month period—\$500.00 fine, suspension of license for 30 days, and the horse shall be scratched prior to the race.~~

~~(e) Track security officers at the gate(s) through which horses arrive from other locations shall maintain a log depicting the horse's name, time of arrival, scheduled race number and post-time. In the event that a horse arrives less than four hours prior to the scheduled post-time for its race, the security officer shall notify the Stewards and Racing Secretary of the late arrival.~~

~~(f) Horses placed on the official Furosemide List must remain on that list unless a trainer requests to remove a horse after consultation with and upon the advice of the horse's attending veterinarian. This request to discontinue use of furosemide must be submitted with a written verification from the bleeder horse's attending veterinarian to the Salix Coordinator no later than 48 hours prior to racing the horse without furosemide. Such requests shall be submitted on Form DBPR PMW 3310, Request to Discontinue Salix, adopted and incorporated by Rule 61D-10.001, F.A.C. Once a horse has been removed from the official Furosemide List, it shall not be placed back on the list until it exhibits exercise-induced pulmonary hemorrhage in accordance with paragraphs (3)(a)–(b) and (c) of this rule.~~

~~(g) Horses are ineligible for furosemide/Salix use if they:~~

- ~~1. Have not been verified as exhibiting bleeding by exercise-induced pulmonary hemorrhage certification or have not been certified by the attending veterinarian that the use of furosemide/Salix is in the best interest of the horse.~~
- ~~2. Have been certified as bleeders but whose trainers do not elect to place the animal on the official Furosemide/Salix List.~~
- ~~3. Are officially on a Furosemide/Salix List but have been approved to discontinue furosemide/Salix.~~

~~(h) Certified bleeders that run in jurisdictions that do not allow the use of furosemide/Salix shall be allowed to run on furosemide/Salix upon returning to Florida without re-qualifying. Trainers shall notify the Salix Coordinator of the status of these horses prior to entry.~~

~~(i) Certified bleeders that run in jurisdictions that allow furosemide/Salix usage, but do not run on furosemide/Salix, will be considered as bleeders and do not have to re-qualify to run on furosemide/Salix in Florida.~~

~~(j) Re-qualifying for a Bleeder's Certificate for furosemide/Salix means that the horses must exhibit subsequent exercise-induced pulmonary hemorrhage in accordance with paragraphs (3)(a), (b) and (c).~~

~~(k) The trainer of any horse to be entered in a race in a pari-mutuel event in the State of Florida shall report any previous or current incidents of exercise-induced pulmonary hemorrhage and any previous or current use of furosemide/Salix to the track veterinarian, division veterinarian, and Salix Coordinator prior to entry.~~

~~(l) Documentation which validates that a horse has been previously permitted to race with furosemide includes, but is not limited to, the National Daily Racing Form, the North American Pari Mutuel Regulators Horse Database, databases of individual racing jurisdictions, and daily racing program of individual racetracks.~~

~~(4) Synthetic corticosteroids are permitted to be administered to a horse providing:~~

- ~~(a) Only prednisolone sodium succinate may be administered on race day no closer than four hours prior to the officially scheduled post-time of the race for which the horse is entered.~~

~~(b) All other corticosteroids (natural, synthetic, or precursors) shall not be administered closer than 24 hours prior to the officially scheduled post time.~~

~~(5) The detection of caffeine at a urinary concentration less than 200 nanograms per milliliter and/or its metabolites, theophylline and theobromine at a urinary concentration less than 400 nanograms per milliliter shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, F.S.~~

~~(6) Sulfa drug(s) is/are permitted to be administered to a race horse providing:~~

~~(a) The race horse is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, F. S.; and~~

~~(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, F.S.; and~~

~~(c) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.~~

~~(7) No Androgenic Anabolic Steroids (AAS) shall be permitted in test samples collected from racing horses, except for the major metabolites of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the following thresholds:~~

~~(a) Stanozolol or 16 β hydroxystanozolol — 1 nanogram per milliliter in urine for all horses regardless of sex.~~

~~(b) Boldenone — 15 nanograms per milliliter in urine of male horses other than geldings. No boldenone shall be permitted in geldings or female horses.~~

~~(c) Nandrolone — 1 nanogram per milliliter in urine of geldings or females; or 45 nanograms per milliliter of metabolite, — 5 α oestrane 3 β ,17 α diol in urine of male horses other than geldings.~~

~~(d) Testosterone — 20 nanograms per milliliter in urine of geldings, 55 nanograms per milliliter in urine of females. Samples collected from male horses other than geldings will not be tested for testosterone.~~

~~(8) Urine samples of horses shall be identified as having been collected from a female, male, or gelding before being sent to the laboratory.~~

~~(2)(9) The following permitted medications at concentrations less than or equal to the following schedule shall not be reported by the racing laboratory to the Division as a violation of Section 550.2415, F.S.:~~

~~(a) The detection of acepromazine [2-(1-hydroxyethyl) promazine sulfoxide] at a urinary concentration of 10 nanograms per milliliter.~~

~~(b) The detection of albuterol at a urinary concentration of 1 nanogram per milliliter.~~

~~(c) The detection of betamethasone at a blood serum concentration of 10 picograms per milliliter.~~

~~(d) The detection of butorphanol (total) at a urinary concentration of 300 nanograms per milliliter, or (free) at a blood serum concentration of 2 nanograms per milliliter.~~

~~(e) The detection of clenbuterol at a urinary concentration of 140 picograms per milliliter, or a blood serum concentration at the lowest level of detection.~~

~~(f) The detection of dantrolene (5-hydroxydantrolene) at a blood serum concentration of 100 picograms per milliliter.~~

~~(g) The detection of detomidine (carboxydetomidine) at a urinary concentration of 1 nanogram per milliliter, or a blood serum concentration at the lowest level of detection.~~

~~(h) The detection of dexamethasone at a blood serum concentration of 5 picograms per milliliter.~~

~~(i) The detection of diclofenac at a blood serum concentration of 5 nanograms per milliliter.~~

~~(j) The detection of dimethyl sulfoxide (DMSO) at a blood serum concentration of 10 micrograms per milliliter~~

~~(k) The detection of firocoxib at a blood serum concentration of 20 nanograms per milliliter.~~

~~(l) The detection of furosemide at a blood serum concentration of 100 nanograms per milliliter.~~

~~(m) The detection of glycopyrrolate at a blood serum concentration of 3 picograms per milliliter.~~

~~(n) The detection of isoflupredone at a blood serum concentration of 100 picograms per milliliter.~~

~~(o) The detection of lidocaine at a blood serum concentration of 20 picograms per milliliter.~~

~~(p) The detection of mepivacaine (hydroymepivacaine) at a urinary concentration of 10 nanograms per milliliter, or a blood serum concentration at the lowest level of detection.~~

~~(q) The detection of methocarbamol at a blood serum concentration of 1 nanogram per milliliter.~~

~~(r) The detection of methylprednisolone at a blood serum concentration of 100 picograms per milliliter.~~

~~(s) The detection of omeprazole at a urinary concentration of 1 nanogram per milliliter.~~

~~(t) The detection of prednisolone at a blood serum concentration of 1 nanogram per milliliter.~~

~~(u) The detection of procaine penicillin at a blood serum concentration of 25 nanograms per milliliter.~~

~~(v) The detection of triamcinolone acetonide at a blood serum concentration of 100 picograms per~~

milliliter.

(w) The detection of xylazine at a blood serum concentration of 0.01 nanogram per milliliter.

(3) Samples collected may contain one of the three non-steroidal anti-inflammatory drugs (NSAIDs) listed below, up to the primary threshold. Samples may contain two of the NSAIDs at a concentration up to the secondary threshold. No more than two of the NSAIDs listed below may be present in any sample.

(a) Flunixin at a primary blood serum concentration of 20 nanograms per milliliter, and a secondary blood serum concentration of 3 nanograms per milliliter.

(b) Ketoprofen at a primary blood serum concentration of 2 nanograms per milliliter, and a secondary blood serum concentration of 1 nanogram per milliliter.

(c) Phenylbutazone at a primary blood serum concentration of 2 micrograms per milliliter, and a secondary blood serum concentration of 0.3 micrograms per milliliter.

~~(a) The detection of dimethyl sulfoxide (DMSO) at a blood serum concentration less than or equal to 10 micrograms per milliliter.~~

~~(b) The detection of flunixin at a blood serum concentration less than or equal to 20 nanograms per milliliter.~~

~~(c) The detection of guaifenesin (free) at a blood serum concentration less than or equal to 100 nanograms per milliliter.~~

~~(d) The detection of total isoxsuprine at a urinary concentration less than or equal to 100 nanograms per milliliter.~~

~~(e) The detection of ketoprofen at a blood serum concentration less than or equal to 10 nanograms per milliliter.~~

~~(f) The detection of methocarbamol (free) at a blood serum concentration less than or equal to 20 nanograms per milliliter.~~

~~(g) The detection of naproxen at a blood serum concentration less than or equal to 1 microgram per milliliter.~~

~~(4)(10) All prescription medications, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.~~

Rulemaking Authority 550.0251(3), 550.2415(7)(a), (b), (c), (e), (8)(c), (12) FS. Law Implemented 550.0251(11), 550.2415(1), (7)(e), (8)(c), (12), (14), (15) FS. History—New 10-20-96, Amended 1-5-98, 6-6-00, 5-14-02, 6-6-04, 7-6-06, 8-12-07, 12-30-08, 12-29-11,_____.

61D-6.009 Veterinarians.

(1) The Division shall employ a veterinarian (the Division or state veterinarian) who is licensed and in good standing with the Florida State Board of Veterinary Medicine pursuant to Chapter 474, Florida Statutes. The Division veterinarian is authorized to:

(a) Maintain and operate a detention enclosure for the securing of urine, blood, or other samples ~~of horses~~ in accordance with this chapter;

(b) Collect other specimens and samples for analysis in accordance with this chapter;

(c) Monitor ~~Oversee~~ the conduct and practice of veterinarians licensed by the Division in accordance with this chapter;

(d) Recommend ~~to the stewards~~ the scratching of any racing animal horse the veterinarian considers to be unsound or unfit to race;

~~(e) Work with the Salix coordinator;~~

~~(e)(f) Inquire into~~ Investigate any violation concerning a practicing veterinarian; and counsel the stewards, judges, or Division investigators concerning such violations of rules;

~~(f)(g) Investigate any illness of racing animals exhibiting symptoms suggestive of any infectious, contagious or epizootic disease. Any such unusual disease, or symptoms of disease, shall be immediately reported by the kennel owner, trainer or attending veterinarian to the division veterinarian, track veterinarian or steward/judge;~~

~~(g)(h) Inspect stables and greyhound compound areas for general health and safety requirements and report any problems to the stewards/judges and division regional managers;~~

~~(h)(i) Recommend to the stewards or judges that a special urine or blood sample be collected from any racing animal that he/she suspects is not performing according to form; and~~

~~(i)(j) Perform such other duties as the D~~ivision may from time to time require.

(2) Each racing animal permitholder shall employ a veterinarian (the track or permitholder veterinarian) who is licensed by and in good standing with the Florida State Board of Veterinary Medicine pursuant to Chapter 474, Florida Statutes. It is the duty of the general manager to ensure that the

requirements of rules pertaining to the track veterinarian are strictly complied with.

(a) Every racing animal entered to race shall be given a pre-race examination on the day of the race ~~for which entered~~ to determine the entry's fitness to race. The pre-race examination shall be made by the track veterinarian.

1. Horses shall be examined prior to racing. All bandages shall be removed by the groom and the entry exercised outside the stall so the track veterinarian can determine the physical condition of the entry.

2. Racing greyhounds shall be examined by the track veterinarian at the first weighing-in time, before entry into the lock-out kennel (Jenny pit).

(b) The track veterinarian shall observe the condition of all racing animals immediately prior to, during, and after the race, ~~time permitting~~. Any racing animal which has been entered to race that the track veterinarian or Division veterinarian considers to be unsound for racing shall be promptly reported to the stewards or judges and said animal shall be scratched.

(c) The track veterinarian shall maintain a list to be known as the "Veterinarian's List" upon which the veterinarian shall enter the name of any racing animal which the veterinarian considers unfit, unsound or not ready for racing. Any racing animal placed on the Veterinarian's List shall be refused entry until the track veterinarian removes its name from the list. A trainer or kennel owner may appeal any decision to place a racing animal on the Veterinarian's List to the stewards or judges.

~~(d) Horses which exhibit exercise induced pulmonary hemorrhage shall be placed on the Veterinarian's List by the track veterinarian or division veterinarian and must remain on the list according to the suspension schedule as set forth in this chapter.~~

~~(d)(e)~~ The track veterinarian shall perform such other reasonable duties pertaining to the health and welfare of the racing animals as shall be directed by the stewards, judges, or the Division.

(3) Any veterinarian duly licensed in accordance with the laws of the State of Florida and desiring to practice on the grounds of a permitholder (practicing veterinarian) must be licensed by the Division.

(a) Practicing veterinarians shall not furnish, sell or loan any hypodermic syringe, hypodermic needle or other device which could be used for injection, infusion or other administration into a racing animal of any medication, drug or compound (natural or synthetic). Only one-time disposable syringes and infusion tubes are authorized for use in the treatment of racing animals by veterinarians practicing on the grounds of a permitholder and said syringes must be properly disposed of following their use.

(b) Practicing veterinarians who prescribe or use any drug, medication, compound (natural or synthetic) or treatment which contains a legend or proprietary drug, medication, or medicinal compound (natural or synthetic) which may restrict the racing ability of a racing animal for a period of time, shall at the time of prescribing or use deliver to the racing animal's trainer of record or their designee when witnessed to, a written statement setting forth the date, the name of the animal, and the name of said drug, medication or compound (natural or synthetic), the effect and reason so prescribed and used. A copy of this statement shall ~~also~~ be available delivered upon the request of ~~to~~ the Division veterinarian, track veterinarian or ~~and~~ stewards/judges. Any illness with unusual symptoms shall immediately be reported by the trainer, kennel owner/operator or attending veterinarian to the Division veterinarian, track veterinarian or steward/judge.

(4)(a) Practicing veterinarians shall maintain records of all racing animals treated and of all medications sold or dispensed. These records shall include the names of the racing animals, their trainer or kennel owner of record, the date, time, amount and type of medication, drug or compound (natural or synthetic), method of administration, and diagnosis. These records shall be retained for at least 60 days after the completion of the meet and shall be available for inspection by the Division personnel.

(b) Practicing veterinarians shall not possess or possess with intent to sell, dispense, deliver or cause to be on the grounds of any pari-mutuel facility, any legend or proprietary drugs, medications or medicinal compounds (natural or synthetic) that are not in compliance with the provisions of Chapters 465, 474, 499, and 893, Florida Statutes.

~~(5) Practicing equine veterinarians shall make daily reports to the division veterinarian of all medications or drugs that are prescribed or administered by them to horses within 48 hours of the officially scheduled post time of the race in which such animal is entered. Such reports shall be submitted on Form DBPR PMW 3050, Veterinary Report of Medication, adopted and incorporated by Rule 61D 10.001, Florida Administrative Code.~~

~~(5)(6)~~ The track veterinarian, the Division veterinarian and any practicing veterinarian who furnishes professional services at a race meeting are prohibited:

(a) From possessing any ownership, directly or indirectly, in any racing animal racing during the meeting at which the veterinarian is employed or practicing, and;

(b) From placing any wager for any thing of value on the outcome of any race conducted at the meeting at which the veterinarian is employed or practicing.

~~(6)(7)~~(a) No veterinarian employed by a permitholder or by the Division shall be permitted, during the period of employment (30 days prior to the meet, until the completion of the meet), to treat or prescribe for any racing animal participating in a pari-mutuel meeting for compensation or otherwise, except in cases of emergency, or as otherwise authorized by the Division. In all cases where emergency treatment is rendered, a full and complete report of such treatment shall be made to the Division. No owner or trainer shall employ or pay compensation to any such veterinarian, either directly or indirectly, during the period for which he/she is so employed by the Division or a permitholder unless otherwise authorized by the Division.

(b) As an exception to this section, greyhound permitholders may direct their track veterinarians to adopt a schedule for and perform the administration of testosterone for the control of estrus to female racing greyhounds, and required inoculations for all racing greyhounds. The costs of such administrations shall be determined by contractual agreement.

~~(7)(8)~~ No horse shall be allowed to enter, start, or be stabled on the grounds of a pari-mutuel facility unless a copy of a ~~valid~~ negative original Coggin's Test certificate, within one year of the date on which the sample was drawn, is presented and on file with the permitholder, ~~within one year of the date on which the sample was drawn~~.

~~(8)(9)~~(a) All racing animals shall be inoculated for infectious, contagious, and epizootic diseases including the following, and given boosters as recommended by veterinarians:

1. CANINE: Each of the following, once per year: Distemper, Adenovirus (Hepatitis), Leptospirosis, Para-Influenza, Parvo, Bordetella bronchiseptica and Rabies.

2. EQUINE: Mandatory (unless the attending veterinarian, based upon the veterinarian's professional judgement, as indicated in the animal's veterinary records, determines that inoculation is contraindicated) at least as often as recommended by the vaccine manufacturer unless additional inoculations are required by the attending veterinarian: Influenza, Equine Encephalitis, and Rhinopneumonitis. Any other inoculation shall occur as recommended by the attending veterinarian.

(b) Proof of vaccination for each active or inactive racing greyhound must be kept on file by the kennel owner/operator, trainer of record ~~or designee~~ and be subject to inspection by the Division, provided, however, that failure to possess such proof shall not be the basis for disciplinary action if proof of inoculation can be secured through the treating veterinarian. Proof of vaccination and a Coggin's Test certificate for racing horses must be kept on file with the trainer of record and be subject to inspection by the Division, provided, however, that failure to possess such proof shall not be the basis for disciplinary action if proof of inoculation and/or Coggin's Test can be secured through the treating veterinarian or the Florida race track where the horse is stabled.

~~(9)(10)~~ Any veterinarians practicing on the grounds of a permitholder shall promptly report to the Division veterinarian, track veterinarian or in their absence, the stewards/judges, any inhumane, illegal, or improper treatment of a racing animal that comes to their attention. The failure to do so will be considered a violation of these rules.

~~(10)(11)~~ Any veterinarian who euthanizes a greyhound shall:

- (a) Use only one-time disposable syringes in compliance with paragraph (3)(a) of this rule; and
- (b) Maintain all records required by paragraph (4)(a) of this rule.

Rulemaking Authority 120.80(4)(a), 550.155(1), 550.0251(3), (11), 550.2415(6)(b), (12) FS. Law Implemented 550.0251, 550.2415(6)(b) FS. History--New 10-20-96, Amended 12-15-97, 4-12-06, 7-20-10,

61D-6.011 Penalty Guidelines for Class I-V Drug Violations in Horses.

(1) The penalties in this rule shall be imposed when the stewards or the Division finds that the following substances have been identified by the state laboratory in a urine sample or blood sample collected from a horse participating in a pari-mutuel event:

(a) Any medication listed in subsection 61D-6.008(2) (8) , F.A.C.	
1. First violation <u>of this chapter</u>	\$500 to \$1,000 fine and suspension of license <u>zero up</u> to 15 days;
2. Second violation <u>of this chapter</u> within 12 months of a previous violation	\$1,000 to \$2,500 fine and suspension of license <u>zero up</u> to 60 days, or revocation of license;

3. Third violation of this chapter within 12 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation	\$2,500 to \$5,000 fine and suspension of license zero up to 180 days, or revocation of license.
(b) Any medication that: 1. Is not approved for veterinary use in the United States by the Food and Drug Administration; 2. Cannot be detected by the state laboratory in a urine or blood sample unless the medication was administered within 24 hours of the race; or 3. Is detected in urine or blood concentrations that indicate a level of dosage that would constitute a threat to the health and safety of the horse.	
a. First violation <u>of this chapter</u>	\$1,000 to \$2,500 fine and suspension of license 60 days up to one year, or revocation of license;
b. Any subsequent violation <u>of this chapter</u>	\$2,500 to \$5,000 fine and revocation of license.

(2) The penalty for any medication or drug which is not described in subsection (1) above shall be based upon the classification of the medication or drug found in the Uniform Classification Guidelines for Foreign Substances, revised ~~December 2014~~ January 2010, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted herein by reference, which can be obtained at, <https://www.flrules.org/gateway/reference.asp?NO=Ref-00308>, www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. ~~A copy of this document may be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399 1035.~~

The penalty schedule shall be as follows:

(a) Class I impermissible substances:	
1. First violation <u>of this chapter</u>	\$1,000 to \$3,000 <u>\$2,500 to \$5,000</u> fine and suspension of license 90 days up to one year, or revocation of license;
2. Second violation <u>of this chapter</u>	\$3,000 <u>\$4,000</u> to \$5,000 fine and suspension of license of no less than one year, or revocation of license.
3. Third or subsequent violation <u>of this chapter</u>	\$3,000 to \$5,000 <u>to \$10,000</u> fine and revocation of license.
(b) Class II impermissible substances:	
1. First violation <u>of this chapter</u>	\$250 to \$1,000 fine and suspension of license zero up to 180 days;
2. Second violation <u>of this chapter</u> within 36 months of a previous violation	\$500 to \$1,000 fine and suspension of license of no less than 180 days, or revocation of license;
3. Third or subsequent violation <u>of this chapter</u> within 36 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation	\$1,000 to \$5,000 fine and suspension of license of no less than one year, or revocation of license.
(c) Class III impermissible substances:	
1. First violation <u>of this chapter</u>	\$300 to \$500 fine;
2. Second violation <u>of this chapter</u> within 12 months of a previous violation	\$500 to \$750 fine and suspension of license zero up to 30 days, or revocation of license;
3. Third or subsequent violation <u>of this chapter</u> within 24 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation	\$750 to \$1,000 fine and suspension of license zero up to 180 days, or revocation of license.
(d) Class IV or V impermissible substances:	
1. First violation <u>of this chapter</u>	\$100 to \$250 fine;

2. Second violation <u>of this chapter</u> in a 12-month period	\$250 to \$500 fine and suspension of license zero up to 10 days;
3. Third or subsequent violation <u>of this chapter</u> in a 12-month period	\$500 to \$1,000 fine and suspension of license zero up to 60 days.

(3) The Division may consider mitigation or aggravation to deviate from these penalty guidelines.

(4) Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(a) The impact of the offense to the integrity of the pari-mutuel industry.

(b) The danger to the public and/or racing animals.

(c) The number of repetitions of offenses.

(d) The time periods between offenses.

(e) The number of complaints filed against the licensee or permitholder, which have resulted in prior discipline.

(f) The length of time the licensee or permitholder has practiced.

(g) The deterrent effect of the penalty imposed.

(h) Any efforts at rehabilitation.

(i) Any other relevant mitigating or aggravating circumstances.

(~~3~~) Absent mitigating circumstances, the stewards or the Division shall order the return of any purse, prize, or award from any pari-mutuel event for redistribution when a positive test for a drug or medication described in paragraph (1)(a), (1)(b), (2)(a), or (2)(b) is reported by the state laboratory and confirmed through the hearing process.

(~~4~~) The stewards or the Division may order ~~shall specify in writing the reasons for requiring~~ the return of any purse, prize, or award for redistribution when the positive test of a drug or medication reported by the state laboratory is not described in paragraph (1)(a), (1)(b), (2)(a), or (2)(b) of this rule. In the event the stewards or Division orders the return of the purse, prize, or award for redistribution as described in this subsection, the reason(s) for the redistribution shall be provided in writing.

(7) An owner or trainer who fails to return the purse, prize, or award for redistribution within 60 days of the order is in violation of this rule and may be subject to further administrative action.

(~~5~~) Nothing in this rule modifies the provisions of Rule 61D-6.008 or 61D-3.002, F.A.C., or rules promulgated under Section 550.2415, F.S.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 1-5-98, Amended 2-8-01, 3-4-07, 6-26-11, _____.

61D-6.012 Penalty Guidelines for Class I-V Drug Violations in Greyhounds.

(1) The penalties in this rule shall be imposed when the Division finds that the following substances have been identified by the state laboratory in a urine sample or blood sample collected from a greyhound participating in a pari-mutuel event:

(a) Any drug or medication that:

1. Is not approved for veterinary use in the United States by the Food and Drug Administration;

2. Cannot be detected by the state laboratory in a urine or blood sample unless the medication was administered within 24 hours of the race; or

3. Is detected in urine or blood concentrations that indicate a level of dosage that would constitute a threat to the health and safety of the greyhound.

a. First violation <u>of this chapter</u>	\$1,000 to \$2,500 fine and suspension of license zero up to one year, or revocation of license;
b. Any subsequent violation <u>of this chapter</u>	\$2,500 to \$5,000 fine and revocation of license.

(2) The penalty for any medication or drug which is not described in subsection (1) above shall be based upon the classification of the medication or drug found in the Uniform Classification Guidelines for Foreign Substances, revised December 2014 ~~January 2010~~, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted by reference, <https://www.flrules.org/gateway/reference.asp?No=Ref-00309> _____. A copy of this document may be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The penalty schedule shall be as follows:

(a) Class I impermissible substances:	
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1. First violation <u>of this chapter</u>	\$500 to \$1,000 fine and suspension of license zero up to one year, or revocation of license;
2. Any subsequent violation <u>of this chapter</u>	\$1,000 to \$5,000 fine and suspension of license no less than one year, or revocation of license.
(b) Class II impermissible substances:	
1. First violation <u>of this chapter</u>	\$100 to \$1,000 fine and suspension of license zero up to 30 days;
2. Second violation <u>of this chapter</u> within 36 months of a previous violation	\$250 to \$1,000 fine and suspension of license no less than 30 days, or revocation of license;
3. Third violation within 36 months of a second violation, or a fourth or any subsequent violation <u>of this chapter</u> without regard to the time past since the third violation	\$500 to \$1,000 fine and suspension of license no less than 60 days, or revocation of license.
(c) Class III impermissible substances:	
1. First violation <u>of this chapter</u>	\$50 to \$500 fine;
2. Second violation <u>of this chapter</u> within 12 months of a previous violation	\$150 to \$750 fine and suspension of license zero up to 30 days;
3. Third violation within 24 months of a second violation, or a fourth or any subsequent violation <u>of this chapter</u> without regard to the time past since the third violation	\$250 to \$1,000 fine and suspension of license zero up to 60 days.
(d) Class IV or V impermissible substances:	
1. First violation <u>of this chapter</u>	\$50 to \$250 fine;
2. Second violation <u>of this chapter</u> in a 12-month period	\$100 to \$500 fine;
3. Third or subsequent violation <u>of this chapter</u> in a 12-month period	\$200 to \$1,000 fine and suspension of license zero up to 30 days.

(3) The Division may consider mitigation or aggravation to deviate from these penalty guidelines.

(4) Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include, but are not limited to, the following:

(1) The impact of the offense to the integrity of the pari-mutuel industry.

(2) The danger to the public and/or racing animals.

(3) The number of repetitions of offenses.

(4) The time periods between offenses.

(4) The number of complaints filed against the licensee or permitholder, which have resulted in prior discipline.

(5) The length of time the licensee or permitholder has practiced.

(6) The deterrent effect of the penalty imposed.

(7) Any efforts at rehabilitation.

(8) Any other mitigating or aggravating circumstances.

~~(5)(3)~~ Absent mitigating circumstances, the Division judge or the Division shall order the return of any purse, prize, or award from any pari-mutuel event for redistribution when a positive test for a drug or medication described in paragraph (1)(a), (1)(b), (1)(c), (2)(a), or (2)(b) is reported by the state laboratory and confirmed through the hearing process.

~~(6)(4)~~ The judges or the Division shall specify in writing the reasons for requiring the return of any purse, prize, or award for redistribution when the positive test of a drug or medication reported by the state laboratory is not described in paragraph (1)(a), (1)(b), (1)(c), (2)(a), or (2)(b) of this rule.

~~(7)(5)~~ Nothing in this rule modifies the provisions of Rule 61D-6.008 or 61D-3.002, F.A.C., or rules promulgated under Section 550.2415, F.S.

Rulemaking Authority 550.0251(3), 550.2415(12) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 6-26-11,_____.

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