CHAPTER 403. EQUINE VETERINARY PRACTICES—TEMPORARY REGULATIONS

Sec.

Cross References

This chapter cited in 7 Pa. Code § 401.2 (relating to general provisions).

§ 403.1. General purpose.

To expressly set forth the professional duties, ethical obligations and procedures to be used by licensed equine veterinarians to ensure the health, safety and welfare of racehorses and to properly safeguard the integrity of racing, the interests of the general public and the participants in racing. In addition to the licensing requirements under Chapter 185 (relating to occupational licenses—temporary regulations) and §§ 303.71—303.73 (relating to practicing veterinarians) of the Commission's regulations, practicing veterinarians shall comply with the following provisions and requirements of this chapter and with their professional duties and ethical obligations under their veterinary license.

§ 403.2. Role of practicing veterinarians.

(a) Veterinarians licensed by the Commission and practicing at any licensed racing facility under the jurisdiction of the Commission are under the authority of the Commission Veterinarian and the Board of Judges or Board of Stewards at that facility or other location.

(b) The following limitations apply to drug treatments of horses that are engaged in racing activities, including training, related to competing in parimutuel racing in this Commonwealth:

(1) No drug or other substance may be administered except in the context of a valid veterinarian-client-patient relationship between the attending veterinarian, the horse owner (who may be represented by the trainer or other agent) and the horse.

(2) The owner is not required by this subdivision to follow the veterinarian's instructions, but no drug may be administered without a veterinarian having examined the horse and provided the treatment recommendation. This relationship requires the following:

(i) The veterinarian, with the consent of the owner, has accepted responsibility for making medical judgments about the health of the horse;

(ii) The veterinarian has sufficient knowledge of the horse to make a preliminary diagnosis of the medical condition of the horse;

(iii) The veterinarian has performed an examination of the horse and is acquainted with the keeping and care of the horse;

(iv) The veterinarian is available to evaluate and oversee treatment outcomes, or has made appropriate arrangements for continuing care and treatment;

(v) The relationship is maintained by veterinary visits as needed;

(vi) The veterinarian's judgment is independent and not dictated by the trainer or owner of the horse; and,

(vii) The veterinarian maintains appropriate, substantial and pertinent records reflecting the treatment of the horses as previously set forth.

(c) No prescription drug or medication may be administered except as prescribed by an attending veterinarian and who shall provide copies of the prescriptions or orders to the Commission at all reasonable times.

(d) The trainer and veterinarian are both equally responsible to ensure compliance with these limitations on drug treatments of horses, except the medical judgment to recommend a drug treatment or to prescribe a drug is the responsibility of the veterinarian and the decision to proceed with a drug treatment that has been so recommended is the responsibility of the horse owner (who may be represented by the trainer or other agent).

§ 403.3. Treatment restrictions.

(a) Only licensed owners or trainers shall be permitted to authorize veterinary medical treatment of horses under the veterinarian's care, custody and control at a racetrack, licensed facility or other location under the jurisdiction of the commission.

(b) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any racetrack, facility or other location under the jurisdiction of the Commission.

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(c) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:

(1) A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;

(2) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or

(3) A non-injectable non-prescription medication or substance.

(d) No person, other than a veterinarian licensed by the Commission, shall use, transport or be in the care, control, custody or constructive possession of a hypodermic needle, syringe capable of accepting a needle or injectable substances of any kind on the licensed racetrack or grounds. The discovery of a hypodermic needle, syringe or injectable substance in shared locations such as tack rooms, lockers, stalls or stables shall be sufficient grounds for imposition of penalty on all licensees who use or control the previously listed locations. At all licensed racetracks or other locations under the jurisdiction of the Commission, veterinarians may use only a one-time (one-use) disposable syringe and needle and shall properly dispose of both into an appropriate container provided by the licensed racing entity or in a manner approved by the Commission.

(1) Except that, if a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person must furnish a letter from a licensed physician explaining the need for the person to possess a syringe and must comply with any conditions and restrictions set by the Judges or Stewards or the Commission.

(e) Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of Furosemide under the guidelines set forth in § 403.14 (relating to Furosemide (Lasix—Thoroughbred)) unless approved by the Commission Veterinarian. Any unauthorized contact may result in the horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the Stewards.

§ 403.4. Treatment sheets or veterinarian medication report forms.

(a) Every veterinarian who treats a racehorse at any racetrack or other location under the jurisdiction of the Commission shall maintain an accurate and complete written log of treatment activities on a Medication Report Form or Treatment Sheet and report the treatment to the Commission office, the Stewards or Judges at the racetrack where the horse is entered to run or as otherwise specified by the Commission. The Treatment Sheet shall contain the following:

(1) The name of the horse treated;

(2) List of all medications, drugs, substances, or procedures administered or prescribed to the horse;

(3) The name of the trainer of the horse;

(4) The date and time of treatment;

(5) Indicate the route of administration on all meds and specific amounts administered; must list all oral medications left with trainers and indicate the horse's need for these oral medications;

(6) For all intra-articular injections, identify the exact location, body part, limb or joint on the horse of the injection and specific dosage amounts;

(7) Indicate whether the horse is entered to run; and

(8) Any other information that may be requested by the Commission veterinarian.

(b) The Medication Report Form or Treatment Sheet shall be signed and attested to by the practicing veterinarian under the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), and may subject the practicing veterinarian to other administrative penalties as set forth in subsections (c)—(e).

(c) The Medication Report Form or Treatment Sheet must be filed by the treating veterinarian with the Commission office within 24 hours after treatment. The report/treatment sheet shall be deemed confidential and its contents shall not be disclosed to others, except:

(1) To the horse's owner or trainer of record at the time of treatment;

(2) To the Commission, or its designees in the course and scope of an investigation or in an administrative proceeding before the Stewards/Judges or the Commission; or

(3) To law enforcement officials conducting a criminal investigation relating to the treatment of horses.

(d) Failure of any practicing veterinarian to adhere to the previously listed provisions or to properly and timely provide the Medication Reports or Treatment Sheets to the Commission or its designee shall subject the practicing veterinarian to all applicable penalties, including fines or suspensions, as set forth in the act and the Commission's regulations.

(e) In addition to the above administrative penalties, the Commission, in its sole discretion, may refer any violation of subsections (a)—(d) by a licensed practicing veterinarian to the State Board of Veterinary Medicine or to criminal law enforcement entities for any action they may deem necessary and appropriate.

Cross References

This section cited in 7 Pa. Code § 401.41 (relating to determination of positive test results).

§ 403.5. Prohibited substances and methods.

(a) The substances and methods listed in the Commission's Prohibited Substances List in § 403.9 (relating to prohibited substances list) may not be used at any place or time and may not be possessed on the premises of a licensed racetrack, licensed facility or other location under the jurisdiction of the Commission, except as a restricted therapeutic use. As the Prohibited Substances List is

amended, the Commission shall publish the most recent version of the list in the *Pennsylvania Bulletin* and on its web site.

(b) *Restricted Therapeutic Use*. A limited number of medications on the Prohibited Substance List shall be exempted when the administration occurs in compliance with the Required Conditions for Restricted Therapeutic Use chart set forth in § 403.11 (relating to restricted therapeutic use requirements chart):

(1) *Report When Sampled* means the administration of the substance must be reported to the Commission when the horse is next sampled, if the horse is sampled within 24 hours after the administration;

(2) *Pre-File Treatment Plan* means a treatment plan for the substance which must be filed by the time of administration in a manner approved by the Commission;

(3) *Written Approval from Commission* means the Commission has granted written approval of a written treatment plan before the administration of the substance;

(4) *Emergency Use (report)* means the substance had to be administered due to an acute emergency involving the life or health of the horse, provided the emergency use is reported to the Commission as soon as practicable after the treatment occurs;

(5) *Prescribed by Veterinarian* means the substance has been prescribed by an attending veterinarian, in compliance with this chapter and recorded in the veterinary records in the manner required by the Commission;

(6) *Report Treatment* means the treatment must be reported to the Commission by the trainer at the time of administration to provide the Commission with information for the Veterinarian's List. The trainer may delegate this responsibility to the treating veterinarian, who shall make the report to the Commission when so designated; and

(7) *Other Limitations* means additional requirements that apply, such as a substance may be used in only fillies or mares or a horse that is administered a substance shall be reported immediately to the Commission and placed on the Veterinarian's List for a specific minimum period of time.

§ 403.6. Blood doping substances or agents prohibited.

(a) The possession or use, or both, of the following substances or of blood doping agents, including but not limited to those listed as follows, on the racetrack premises or other facility under the jurisdiction of the Commission is expressly forbidden:

(1) Aminoimidazole carboxamide ribonucleotide (AICAR);

(2) Darbepoetin;

(3) Equine Growth Hormone;

(4) Erythropoietin;

(5) Hemopure®;

(6) Myo-Inositol Trispyprophosphate (ITPP);

(7) Oxyglobin®;
(8) Thymosin beta;
(9) Venoms or derivatives thereof; and
(10) Thymosin beta.

(b) No person shall at any time administer any other doping agent to a horse, except under a valid therapeutic, evidence-based treatment plan.

(c) *Other doping agent* means a substance that is not listed in the Commission's Prohibited Substances List, has a pharmacologic potential to materially alter the performance of a horse, has no generally accepted medical use in the horse when treated, and is:

(1) Capable at any time of causing an action or effect, or both, within one or more of the blood, cardiovascular, digestive, endocrine, immune, musculoskeletal, nervous, reproductive, respiratory or urinary mammalian body systems; including but not limited to endocrine secretions and their synthetic counterparts, masking agents, oxygen carriers and agents that directly or indirectly affect or manipulate gene expression; but

(2) Not a substance that is considered to have no effect on the physiology of a horse except to improve nutrition or treat or prevent infections or parasite infestations.

(d) The Commission may from time to time publish advisory warnings in the *Pennsylvania Bulletin* that certain substances or administrations may constitute a violation of this rule.

(e) *Therapeutic, evidence-based treatment plan* means a planned course of treatment written and prescribed by an attending veterinarian before the horse is treated that:

(1) Describes the medical need of the horse for the treatment, the evidence-based scientific or clinical justification for using the doping agent, and a determination that recognized therapeutic alternates do not exist; and

(2) Complies with this chapter, meets the standards of veterinary practice within this Commonwealth and is developed in good faith to treat a medical need of the horse.

(f) These plans shall not authorize the possession of a doping agent or substance on the premises of a licensed racetrack or other racing facility under the jurisdiction of the Commission.

§ 403.7. Extracorporeal shock wave therapy or radial pulse wave therapy.

(a) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy (''shock wave therapy'') or other acoustic wave high energy, high amplitude devices, therapies, treatments or similar mechanisms, devices or treatments shall not be permitted unless the following conditions are satisfied:

(1) Only licensed veterinarians are permitted to use the prereferenced types of Extracorporeal shock wave devices or perform therapies and treatments on a horse as previously defined;

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(2) Only licensed veterinarians are permitted to possess or use any instrument used to administer or deliver shock wave therapy on the licensed racetrack grounds or other facility under the jurisdiction of the Commission;

(3) All shock wave therapy machines or devises, whether in operating condition or not, must be registered with and approved by the Commission or its designee before the machine is brought to or possessed on any racetrack or other facility under the jurisdiction of the Commission;

(4) All shock wave therapy machines must be reported and registered within 24 hours prior to treatment on the prescribed form to the Commission veterinarian.

(5) All shock wave therapy machines must be used at a previously-disclosed location that is approved by the Commission. Commission investigative staff shall be granted access to any location housing a registered shock wave therapy machine of any type.

(b) Shock wave therapy cannot be administered to any horse entered in a race. If a horse is entered, shock wave therapy cannot be administered until that horse has been scratched from the race. If shock wave therapy is administered to a horse entered in a race, but which has not been scratched, both the trainer and veterinarian shall be in violation of this section.

(c) Any horse treated with shock wave therapy shall, within 24 hours of the treatment, be placed on the Veterinarian's List and added to a list of ineligible horses. This list shall be kept in the race secretary's office and accessible to the jockeys, drivers, trainers or their agents during normal business hours and be made available to other regulatory jurisdictions.

(d) No horse treated with shock wave therapy shall be permitted to qualify, breeze or race for a minimum of 10 days following treatment with the day one beginning on the day the therapy was administered.

(e) Within 24 hours of administering shock wave therapy, the treating veterinarian shall submit a written report/treatment sheet detailing the treatment information and horse and trainer's name to the Commission Veterinarian.

(f) Any owner, trainer, veterinarian or other person who performs, participates in the use, treatment or administration of shock wave therapy or who is in the possession or control of an unregistered shock wave therapy machine in violation of this section shall be considered to have committed a violation of the rules of racing and is subject to the penalties and fines set forth in section 9325 (relating to power of commission to impose fines) of the act, the applicable penalty matrix as adopted and published by the Commission or under the ARCI Class A Penalty provisions.

(1) Penalties assessed against an owner, trainer, veterinarian or other person for violation of this section shall be individually assessed against each violator.

(2) A person directing another to violate this section shall be subject to the same penalties as the offender.

§ 403.8. Nasogastric tube.

The use of a nasogastric tube (a tube longer than 6 inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited, unless performed by a licensed practicing veterinarian and properly logged in a medical report/treatment sheet in accordance with this chapter.

§ 403.9. Prohibited substances list.

(a) All substances in the following categories of drugs shall be strictly prohibited, unless otherwise exempted by the Commission in accordance with the provisions of this chapter: non-approved substances; anabolic agents/steroids; growth hormones; hormone and metabolic modulators; diuretics and other masking agents. The Prohibited Substance List is a comprehensive list of those prohibited substances. Since the Prohibited Substance List, as established by the ARCI is subject to frequent review, amendment or modification, the Commission shall annually notify the regulated community and publish the Prohibited Substance List in the *Pennsylvania Bulletin* and on its web site.

(b) In accordance with section 9312(6) (relating to additional powers of commission) of the act, the Commission is authorized to adopt National standards relating to prohibited substances, uniform drug thresholds or penalties, which includes the Prohibited Substance List, as established or amended by other racing jurisdictions or commission-recognized National regulatory racing organizations, such as ARCI or the USTA.

Cross References

This section cited in 7 Pa. Code § 403.5 (relating to prohibited substances and methods).

§ 403.10. Prohibited manipulation of blood and blood components.

(a) The following conduct or manipulation is expressly prohibited:

(1) The administration or reintroduction of any quantity of autologous, allogenic (homologous) or heterologous blood or red blood cell products of any origin into the circulatory system.

(2) Artificially enhancing the uptake, transport or delivery of oxygen, including, but not limited to, perfluorochemicals, efaproxiral (RSR13) and modified hemoglobin products (for example hemoglobin-based blood substitutes, microencapsulated hemoglobin products), excluding supplemental oxygen.

(3) Any form of intravascular manipulation of the blood or blood components by physical or chemical means.

(b) The chemical and physical manipulation, tampering or attempt to tamper, to alter the integrity and validity of samples collected by the Commission, is prohibited. These methods include but are not limited to urine substitution or adulteration (for example, proteases).

(c) Gene doping or any similar conduct with the potential to enhance the horse's performance, is prohibited, including the transfer of polymers of nucleic acids or nucleic acid analogues or the use of normal or genetically modified hematopoietic cells.

§ 403.11. Restricted therapeutic use requirements chart.

(a) The Commission hereby adopts the ARCI Restricted Therapeutic Use Requirements Chart (Chart) which is intended to provide the treating veterinarian with specific conditions and approvals for the therapeutic use of what are normally restricted or prohibited substances. The Chart identifies the particular prohibited substance and whether the veterinarian must prefile the treatment plan with the Commission and which substances require written approval from the Commission. The Chart provides for instances of emergency use of prohibited substances as prescribed by the treating veterinarian.

(b) In accordance with section 9312(6) (relating to additional powers of commission) of the act, the Commission is authorized to adopt National standards relating to prohibited substances, uniform drug thresholds or penalties, which includes the Chart, as established or amended by other racing jurisdictions or Commission-recognized National regulatory racing organizations, such as ARCI or the USTA. The Commission shall provide notice to the regulated community and publish the Chart in the *Pennsylvania Bulletin* and on the Commission's web site.

Cross References

This section cited in 7 Pa. Code § 403.5 (relating to prohibited substances and methods).

§ 403.12. Medical labeling.

(a) While on racetrack grounds and facilities, no person shall have or be in possession of a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day, unless the product is labeled in accordance with this subsection. Possession shall be deemed to include any location in and upon the racetrack grounds which that person occupies or has the right to occupy or is in that person's personal property or effects or in any vehicle in that person's care, custody or control.

(b) All allowable medications must have a prescription label which is securely attached to the medication container and clearly ascribed to show the following:

(1) Name, address and telephone number of the pharmacy or veterinarian dispensing the medication;

(2) Prescription number when dispensed by a pharmacy if required by law;

(3) Date prescription filled;

(4) Name of the prescribing veterinarian;

(5) Name of the horse for whom the medication is prescribed or dispensed;

(6) Name of the trainer or owner of the horse for whom the product was dispensed;

(7) Dose, dosage, route of administration, and duration of treatment of the prescribed product (instructions for use);

(8) Name, active ingredient, quantity prescribed, expiration date (if applicable), beyond use date (if applicable), and lot number (if applicable); and

(9) Cautionary statements (if any), and if applicable, withdrawal time.

(c) The use and possession of an expired medication is considered a violation of this rule.

(d) Any medication that has a label that is missing, illegible, tampered with or altered, or in any other way does not comply with this section shall be considered a violation of these rules.

(e) A licensee who voluntarily surrenders any non-compliant medication shall not be considered to be in violation of the medication rules described in this section. A surrender shall not be deemed voluntary after a licensee has been advised or it is apparent that an investigatory search has begun.

(f) Licensed practicing veterinarians shall be exempt from this section.

Cross References

This section cited in 7 Pa. Code § 403.18 (relating to compounded medications on racetrack grounds).

§ 403.13. Non-steroidal anti-inflammatory drugs.

The use of Non-Steroidal Anti-Inflammatory drugs (NSAID) shall be governed by the following conditions:

(a) NSAIDs included in the Commission's annually approved Controlled Therapeutic Medication List are not to be used in a manner inconsistent with the restrictions contained therein. NSAIDs not included on the Commission's Controlled Therapeutic Medication List are not to be present in a racing horse biological test sample at the laboratory concentration of detection.

(b) The presence of more than one NSAID may constitute a NSAID stacking violation consistent with the following restrictions:

(1) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

(i) Two Non-Steroidal Anti-Inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(a) Diclofenac—5 nanograms per milliliter of plasma or serum;

(b) Firocoxib—20 nanograms per milliliter of plasma or serum;

(c) Flunixin—20 nanograms per milliliter of plasma or serum;

(d) Ketoprofen—2 nanograms per milliliter of plasma or serum;

(e) Phenylbutazone—2 micrograms per milliliter of plasma or serum; or

(f) All other Non-Steroidal Anti-Inflammatory drugs—laboratory concentration of detection.

(ii) Three or more Non-Steroidal Anti-Inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(a) Diclofenac—5 nanograms per milliliter of plasma or serum;

(b) Firocoxib—20 nanograms per milliliter of plasma or serum;

(c) Flunixin—3 nanograms per milliliter of plasma or serum;

(d) Ketoprofen—1 nanograms per milliliter of plasma or serum;

(e) Phenylbutazone—0.3 micrograms per milliliter of plasma or serum; or

(f) All other Non-Steroidal Anti-Inflammatory drugs—laboratory concentration of detection.

(2) A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

(i) Any one substance noted in subsection (b)(1) is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:

(a) Flunixin—3 nanograms per milliliter of plasma or serum;

(b) Ketoprofen—1 nanogram per milliliter of plasma or serum; or

(c) Phenylbutazone—0.3 micrograms per milliliter of plasma or serum.

(3) A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:

(i) Any combination of two of the following Non-Steroidal Anti-Inflammatory drugs are found at or below the restrictions in subsection (b)(1)(i), but in excess of the noted restrictions:

(a) Flunixin—3 nanograms per milliliter of plasma or serum;

(b) Ketoprofen—1 nanogram per milliliter of plasma or serum; or

(c) Phenylbutazone—0.3 micrograms per milliliter of plasma or serum;

(c) Any horse to which a NSAID has been administered shall be subject to having a blood or urine samples, or both, taken at the direction of the Commission Veterinarian to determine the quantitative NSAID levels or the presence of other drugs, or both, which may be present in the blood or urine samples.

§ 403.14. Furosemide (Lasix—Thoroughbred).

(a) The Commission recognizes that the diuretic Furosemide (Lasix) is helpful in the management of Exercise Induced Pulmonary Hemorrhage (EIPH). In regulating the race-day use of Furosemide (Lasix), the Commission has placed strict controls on the dose, route and time the medication is administered. All of these measures are designed to provide a thorough regulation of Furosemide (Lasix) and prevent the misuse of the drug.

(b) A horse is eligible to race with Furosemide (Lasix) if at least one of the following occurs:

(1) The horse is on the Commission's Furosemide (Lasix) list and has complied with the provisions of subsection (c);

(2) The horse is on the Commission's Bleeder List and has complied with the provisions of subsection (d);

(3) The trainer provides the Commission Veterinarian or the designee with evidence that the horse in on the Furosemide (Lasix) list or the Bleeder List in another jurisdiction. Acceptable evidence shall be a Furosemide or bleeder certificate approved by that jurisdiction's official veterinarian.

(4) The trainer provides the Commission Veterinarian or the designee with evidence that the horse has been running consistently, up to the last start, with Furosemide (Lasix) in other racing jurisdictions as shown on official past performance records from Equibase or Racing Form.

(c) *Furosemide (Lasix) list*—Furosemide (Lasix) shall be administered to a horse that is entered to race only after the Commission Veterinarian has placed the horse on the Furosemide (Lasix) list. To be placed on the Furosemide (Lasix) list the following process shall be followed:

(1) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with Furosemide, the trainer or licensed veterinarian shall notify the Commission Veterinarian or designee using the prescribed form, requesting that the horse be placed on the Furosemide (Lasix) list.

(2) The form must be received by the official veterinarian or his/her designee by the proper time deadlines to ensure public notification.

(3) A horse placed on the official Furosemide (Lasix) list must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the Commission Veterinarian or designee, on the proper form, no later than the time of entry.

(4) After a horse has been removed from the Furosemide (Lasix) list, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide (Lasix) list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.

(d) *Bleeder List*—To obtain approval for the administration of Furosemide (Lasix), the horse shall be placed on a bleeder list which shall be maintained by the Commission Veterinarian. An up-to-date Bleeder List shall be maintained and posted in the racing secretary's office by the Commission. Only the following horses shall be placed on the Bleeder List:

(1) External evidence of exercised induced pulmonary hemorrhage from one or both nostrils during or after a race or workout, as observed by a Commission's Veterinarian;

(2) Internal evidence of exercised induced pulmonary hemorrhage by means of endoscopy reported by a licensed practicing veterinarian on a Commission approved form.

(3) A confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following time periods:

(i) First incident—14 days;

(ii) Second incident within 365-day period—30 days;

(iii) Third incident within 365-day period—180 days;

(iv) Fourth incident within 365-day period—barred for racing lifetime.

(4) Once a horse is place on the bleeder list, it must continue to race with Furosemide (Lasix) unless the removal from the list is approved by the Commission Veterinarian. The horse may be removed from the bleeder list upon written request of the trainer, if the horse's performance is negatively affected by the use of Furosemide (Lasix) or if the horse has an adverse physiological reaction to Furosemide (Lasix).

(i) Prior to removal, the horse must perform a workout, without bleeding, to the satisfaction of the Commission Veterinarian. The Commission Veterinarian may witness an endoscopic examination of the horse to confirm that the horse has not bled.

(ii) Once removed from the bleeder list, a Thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. Prior to starting in a race, a horse must participate without Furosemide (Lasix) in official workout without bleeding, to the satisfaction of the Commission Veterinarian.

(e) Furosemide (Lasix) shall be the only authorized bleeder medication and shall only be administered on the licensed racetrack grounds.

(1) The use of Furosemide (Lasix) shall be permitted under the following circumstances on association grounds where a detention barn is utilized:

(i) Furosemide (Lasix) shall be administered by the official veterinarian, the racing veterinarian or a properly appointed designee no less than 4 hours prior to post time for the race for which the horse is entered;

(ii) Any veterinarian participating in the administration process must be prohibited from working as private veterinarians on the race track or with participating licensees;

(iii) A horse qualified for Furosemide (Lasix) administration must be brought to the detention barn within time to comply with the 4-hour administration requirement.

(iv) The dose administered shall not exceed 500 mg. nor be less than 150 mg.

(v) Furosemide (Lasix) shall be administered by a single, intravenous injection.

(2) After treatment, the horse shall be required by the Commission to remain in the detention barn in the care, custody and control of its trainer or

the trainer's designated representative under association or Commission security supervision, or both, until called to the saddling paddock.

(3) The use of Furosemide (Lasix) shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

(i) Furosemide (Lasix) shall be administered by the official veterinarian, the racing veterinarian or his/her designee no less than 4 hours prior to post time for the race for which the horse is entered.

(ii) Any veterinarian participating in the administration process must be prohibited from working as private veterinarians or technicians on the race track on or with participating licensees;

(iii) The Furosemide (Lasix) dosage administered shall not exceed 500 mg., nor be less than 150 mg.

(iv) Furosemide (Lasix) shall be administered by a single, intravenous injection.

(v) After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

(f) In the event a horse listed on the Furosemide (Lasix) list races without Furosemide (Lasix), the horse shall be disqualified and any purse money earned by the horse redistributed. The Stewards may impose a fine, suspension, or both, upon the trainer or veterinarian.

(g) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(1) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of Furosemide in serum or plasma shall be performed;

(2) Quantitation of Furosemide (Lasix) in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of Furosemide (Lasix) per milliliter of serum or plasma.

(h) The practicing veterinarian shall be responsible for administering the proper Furosemide (Lasix) medication and dose at the proper time to the proper horse and providing the Commission or its staff, upon request, with any necessary documentation related to the horses under the veterinarian's care relating to Furosemide (Lasix).

Cross References

This section cited in 7 Pa. Code § 401.4 (relating to substances of therapeutic value); and 7 Pa. Code § 403.3 (relating to treatment restrictions).

§ 403.15. Furosemide (Lasix—Standardbred).

(a) The Commission recognizes that the diuretic Furosemide (Lasix) is helpful in the management of Exercise Induced Pulmonary Hemorrhage (EIPH) in the Standardbred horse. Accordingly, 2-year-old harness horses or older shall be eligible for bleeder medication as set forth below. In regulating the race-day use of Furosemide (Lasix), the Commission has placed strict controls on the dose, route and time the medication is administered. All of these measures are designed to provide a thorough regulation of Furosemide (Lasix) and prevent the misuse of the drug.

(b) A horse is eligible to race with Furosemide (Lasix) if at least one of the following occurs:

(1) The horse is on the Commission's bleeder's list and the Judge's list in accordance with the following provisions;

(2) The trainer provides the Commission Veterinarian or the designee with evidence that the horse in on the Furosemide (Lasix) list or the bleeder list in another jurisdiction. Acceptable evidence shall be a Furosemide (Lasix) or bleeder certificate approved by that jurisdiction's official veterinarian.

(3) The trainer provides the Commission Veterinarian or the designee with evidence that the horse has been running consistently, up to the last start, with Furosemide (Lasix) in other racing jurisdictions as shown on official past performance records from the USTA, Equibase or the Racing Form.

(c) A horse shall be placed on the bleeder's list by either method:

(1) Blood visualized or noted in one of the nostrils (no endoscopic exam required), if:

(i) During a race or qualifier;

(ii) Immediate post-race or post exercise on track;

(iii) Post-race or post exercise in paddock or stable area, or both, within a reasonable time;

(iv) After training at a horse facility and confirmed by a licensed veterinarian within this Commonwealth.

(2) Endoscopic examination may be requested by the owner or trainer who believes his or her horse is a bleeder. The endoscopic examination must be done by a licensed veterinarian within this Commonwealth and at the owner's/trainer's expense. This examination shall take place within a reasonable length of time at:

(i) Post race in paddock.

(ii) Post training exercise in paddock.

(iii) Post training at a horse facility.

(d) Any owner or trainer that intends to race a horse within the Furosemide (Lasix) Program (Program) is required to submit the proper certificate completed by a licensed veterinarian within this Commonwealth no later than the time of entry to the Judges. This information shall be entered into the USTA database.

(e) Once a horse is certified as a ''bleeder'' that horse may not race for a period of 6 days beginning the day after the examination was performed.

(f) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample or it will be considered a positive.

(g) Once on the Program the horse must stay on the Program for a minimum on 45 days within this Commonwealth.

(h) If after the 45 days the owner/trainer want to remove said horse from the Program, a licensed veterinarian, must perform an endoscopic examination after a qualifying race to confirm no evidence of bleeding and a blood sample must be pulled and tested to confirm Furosemide (Lasix) was not administered. The owner/trainer must then submit the proper forms to the Judges prior to entry to remove the said horse from the Program.

(i) If a horse bleeds through regardless of Furosemide (Lasix) administration, then the horse shall be placed on the Judges' List:

(1) First time 30 days;

(2) Second time 60 days;

(3) Third time barred for life.

(j) *Out-of-State entries*. At the time of entry of a horse, it is the sole responsibility of the horse's owner/trainer to provide the racing secretary, the Judges and Commission Veterinarian with the horse's bleeder medication status on the entry form, including the first time bleeder certificate when coming from out of this Commonwealth.

(k) Furosemide (Lasix) shall be administered by a licensed veterinarian under the supervision of the Commission representative no less than 2cc's (100mg) nor more than 10cc's (500mg). Horses must arrive in the paddock no less than 4 hours prior to their scheduled post time to receive their Furosemide (Lasix) medication. A 30-minute grace period will be granted but the trainer may be subject to a fine. No horse shall receive Furosemide (Lasix) medication after the 30-minute grace period.

(l) All associations shall provide a secure retention facility for the administration of the Program. The trainer, or his/her authorized representative with a valid license, shall remain with the horse from the time of its arrival in the retention facility until the horse is removed after receiving Furosemide (Lasix) or scratched. During the horse's time in the retention facility the trainer or authorized person shall provide assistance when required by the licensed veterinarian who is administering the Furosemide (Lasix) medication.

(m) *Late for Furosemide (Lasix)*: Trainers not presenting horses who are on the Program within the required time frame shall be subject to a fine of $250 and having their horse scratched from the race.

(n) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.

(1) The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis.

The specific gravity shall not be below 1.010. If the specific gravity of the urine is found to be below 1.010 or if a urine sample is unavailable for testing, quantitation of Furosemide (Lasix) in serum or plasma shall be performed;

(2) Quantitation of Furosemide (Lasix) in serum or plasma shall be performed when the specific gravity of the corresponding urine sample is not measured or if measured below 1.010. Concentrations may not exceed 100 nanograms of Furosemide per milliliter of serum or plasma.

(o) The practicing veterinarian shall be responsible for administering the proper Furosemide (Lasix) medication and dose at the proper time to the proper horse and providing the Commission or its staff, upon request, with any necessary documentation related to the horses under the veterinarian's care relating to Furosemide (Lasix).

Cross References

This section cited in 7 Pa. Code § 401.4 (relating to substances of therapeutic value).

§ 403.16. Environmental contaminants and substances of human use.

(a) Environmental contaminants are either endogenous to the horse or can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage or transportation phases.

(b) Substances of human use and addiction may be found in the horse due to its close association with humans.

(c) If probative and substantial evidence is presented to the Bureau Directors prior to a hearing or presented to the Judges or Stewards during a hearing which indicates that a positive test may have been a result of environmental contamination, including inadvertent exposure due to human drug use, or dietary intake, or is endogenous to the horse, those factors may be considered in mitigation of any disciplinary action taken against the affected trainer.

§ 403.17. Androgenic-anabolic steroid (AAS).

(a) As set forth in the Commission's regulations, no Androgenic-anabolic steroid (AAS) shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances boldenone, nandrolone and testosterone at concentrations less than the approved thresholds.

(b) Concentrations of these AAS shall not exceed the following free (that is, not conjugated) steroid concentrations in plasma or serum:

(1) *Boldenone*—A confirmatory threshold not greater than 25 picograms/milliliter for all horses, regardless of sex;

(2) *Nandrolone*—A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares and geldings; male horses other than geldings shall be tested for Nandrolone in urine;

(3) *Testosterone*—A confirmatory threshold not greater than 100 picograms/milliliter for fillies, mares and gelding.

(c) Total concentrations of these AAS shall not exceed the following total concentrations in urine after hydrolysis of conjugates:

(1) *Boldenone*—A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares and geldings; a confirmatory threshold not greater than 15 nanograms/milliliter in male horses other than geldings;

(2) *Nandrolone*—A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares and geldings; a confirmatory threshold not greater than 45 nanograms/milliliter (as 5α-estrane-3β,17α-diol) of urine in male horses other than geldings;

(3) *Testosterone*—A confirmatory threshold of not greater than 55 nanograms/milliliter of urine in fillies and mares (unless in foal); a confirmatory threshold of not less than 20 nanograms/milliliter in geldings.

(d) All other AAS are expressly prohibited in racing horses.

(e) The sex of the horse must be identified to the Commission's testing laboratory on all pre-race and post-race samples designated for anabolic steroid testing.

(f) If an anabolic steroid has been administered to a horse to assist in its recovery from illness or injury, that horse shall be placed on the Veterinarian's List to monitor the concentration of the drug or metabolite in urine or blood. After the concentration has fallen below the designated threshold for the administrated AAS, the horse shall be eligible to be removed from the list.

§ 403.18. Compounded medications on racetrack grounds.

(a) The possession or use of any drug, substance, or medication on the licensed racetrack grounds which has not been approved by the appropriate Federal agency (for example, the United States Food and Drug Administration) for use in humans or animals is forbidden without prior approval from the Commission or its designee.

(b) It is a violation of this regulation to possess, use, or distribute a compounded medication on licensed racetrack grounds if there is an FDA approved equivalent of that substance available for purchase. A difference in available formulations or concentrations does not alleviate the need to use FDA approved products.

(c) It is a violation of this regulation to possess, use or distribute a compounded medication on licensed racetrack grounds made from bulk substances, if an FDA approved equivalent is available for purchase.

(d) Combining two or more substances with pharmacologic effect constitutes the development of a new drug and is prohibited. This may only be done in accordance with state and local laws and must contain FDA approved medications, if available.

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(e) *Compounded veterinary drugs*. Veterinary drugs shall be compounded in accordance with all applicable state and Federal laws. Compounded medication shall be dispensed only by prescription issued by a licensed veterinarian to meet the medical needs of a specific horse and for use only in that specific horse.

(f) All compounded medications must be labeled in accordance with § 403.12 (relating to medical labeling).

(g) Possession of an improperly labeled product by any person on the licensed racetrack grounds is considered a violation of this section and may subject the person to a penalty.

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