

TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 45. PROHIBITED PRACTICES AND EQUINE TESTING

325:45-1-2. Definitions

In addition to the definitions provided at 3A O.S. §200.1, the following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act 3A O.S. § 200 et seq.

"Analog" means any eChemical with structural or eChemical similarity to the parent or original eChemical.

"Assistant Trainer" means a person qualified and licensed by the Commission as an Assistant Trainer.

"Biological Sample" means any physical sample collected from any part of a hHorse.

"Bleeder" means a hHorse that is bleeding through one or both nostrils or hemorrhaging in the lumen of the respiratory tract during or following exercise or a rRace.

"Chemical" means a sSubstance having a specific molecular composition.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Compound Substance" means combining two or more sSubstances which constitutes the development of a new sSubstance.

"Conditions of a Race" means the requirements which determine the eligibility of a hHorse to be entered in a rRace.

"Day" means a 24-hour period beginning and ending at midnight.

"Enclosure" means all buildings, structures, and grounds utilized for the conduct of race meetings and gaming at the race-track and any additional areas designated by the eCommission.

"Entered Horse" means a hHorse appearing on the overnight sheet posted by the Racing Secretary.

"Horse" means any equine including mares, fillies, stallions, colts, ridglings, and geldings.

"Intra-Articular Injection" means the injection of a sSubstance into a joint space.

"Listed Threshold" means the maximum concentration of a sSubstance detected in a pPost-rRace tTest which is permitted within a particular breed of hHorse by Commission rules.

"UGmg" means the standard unit of weight, microgram."

"Metabolite" or "Metabolic Derivative" means any by-product resulting from a sSubstance metabolizing within a hHorse's body.

"MLml" means the standard unit of volume, milliliter.

"Naturally Occurring Substance" means any eChemical, aAnalog, mMetabolite, or mMetabolic dDerivative that exists naturally in the body of an untreated hHorse.

"ng" means the standard unit of weight, nanogram.

"Official Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma and employed by the Commission and qualified and licensed by the Commission as an Official Veterinarian.

"Official Work" means a timed work at a pre-determined distance, as recognized by Equibase.

"Out-of-Competition Testing" means any testing within the eEnclosure by the Official Veterinarian that is not pPre-rRace tTesting or pPost-rRace tTesting.

"Organization License" means a state requirement for any person or entity conducting a Race meeting in Oklahoma within the minimum standards required by the Act and the rules of the Commission.

"Owner" means any person who holds, in whole or in part, any right, title or interest in a Horse or any person who is a lessee or lessor of a Horse and has been duly issued a currently-valid Owner license as a person responsible for such Horse.

"Parenteral Administration" means administration of Substances by injection, including intravenous, intramuscular, or subcutaneous injections.

"Permitted Substance" means any Substance having a listed threshold for a particular breed of Horse unless otherwise specified by Commission rules.

"Ppg" means the standard unit of weight, picogram.

"Plasma" means the fluid portion of the blood, which includes fibrinogen but does not include blood cells.

"Post-Race Testing" means the collection of Biological Samples by the Official Veterinarian or designee from any Horse participating in a Race and directed to report to the Test Barn following the finish of a Race or as otherwise provided by Commission rules if the Horse cannot report to the Test Barn.

"Practicing Veterinarian" means a person employed by a Trainer or Owner to medically treat Horses, is licensed to practice veterinary medicine by the State of Oklahoma, and is licensed as a veterinarian by the Commission.

"Pre-Race Testing" means the collection of Biological Samples by the Official Veterinarian or designee from any Horse entered to participate in a Race prior to the actual running of the Race.

"Prima Facie Evidence" means evidence sufficient to establish a fact unless rebutted by other evidence.

"Primary Laboratory" means the laboratory or subcontractor of the laboratory approved by the Commission for primary analysis of Biological Samples.

"Prohibited Substance" means any Substance, Chemical, or Analog that is not listed by Commission rules as a Permitted Substance for a particular breed of Horse or is not a Naturally Occurring Substance.

"Race" means a contest between Horses.

"Race Day" means a day during a race meeting when live Races are conducted at that racetrack.

"Racing Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma, employed by the Organization HLicensee, and qualified and licensed by the Commission as a Racing Veterinarian.

"Referee Laboratory" means a Commission approved laboratory which accepts referee/split samples previously reported by the Primary Laboratory as positive for Prohibited Substances, reported as exceeding the listed threshold for a Permitted Substance, or reported as exceeding the listed threshold of a Naturally Occurring Substance.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Serum" means the liquid portion of Plasma that remains after fibrinogen has been removed.

"Substance" means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the Oklahoma Horse Racing Act, 3A O.S. § 200 et seq.

"Substance Violation" means any violation of medication laws or the rules contained within this Chapter.

"Test Barn" means a structure with sufficient facilities to collect ~~b~~Biological ~~s~~Samples in the manner required by Commission rules.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

~~"UG" means the standard unit of weight, microgram."~~

"Veterinarian's List" means the veterinarian's list specified by OAC 325:20-1-23.

"Week" means a seven (7) dDay period.

"Year" means a 365 dDay period.

325:45-1-6. Use of Permitted Substances

- (a) Except as otherwise authorized by Commission rules:
- (1) no ~~h~~Horse carrying a ~~p~~Prohibited ~~s~~Substance or the Metabolite of a Prohibited Substance in its body shall be brought within the ~~e~~Enclosure, entered into a ~~r~~Race, or participate in a ~~r~~Race;
 - (2) no ~~h~~Horse carrying a ~~p~~Permitted ~~s~~Substance in its body with a concentration exceeding listed thresholds shall participate in a ~~r~~Race; or
 - (3) no ~~h~~Horse carrying a ~~n~~Naturally ~~e~~Occurring ~~s~~Substance in its body with a concentration exceeding the concentration such ~~s~~Substance could occur naturally shall participate in a ~~r~~Race.
- (b) Any ~~s~~Substance that masks or screens the presence or concentration of ~~p~~Prohibited ~~s~~Substances, ~~p~~Permitted ~~s~~Substances, or ~~n~~Naturally ~~e~~Occurring ~~s~~Substances; or prevent or delay testing procedures shall be considered a ~~p~~Prohibited ~~s~~Substance.

325:45-1-6.1. Listed ~~t~~Thresholds for Thoroughbreds

- (a) The thresholds listed in this section shall be the considered listed threshold for ~~p~~Permitted ~~s~~Substances or, if specified as such, ~~n~~Naturally ~~e~~Occurring ~~s~~Substances in Thoroughbreds.
- (b) Non-steroidal anti-inflammatories shall be considered ~~p~~Prohibited ~~s~~Substances except for the ~~e~~Chemicals listed below and their corresponding ~~a~~Analogs and ~~m~~Metabolites in concentrations not exceeding the listed threshold:
- (1) Diclofenac: 5 ng/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum;
 - (2) Firocoxib: 20 ng/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum;
 - (3) Flunixin: ~~205~~ ng/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum;
 - (4) Ketoprofen: 2 ng/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum; or
 - (5) Phenylbutazone: ~~2.3 ugmcg~~/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum.
- (c) Corticosteroids shall be considered prohibited substances except for the ~~e~~Chemicals listed below and their corresponding ~~a~~Analogs and ~~m~~Metabolites in concentrations not exceeding the listed threshold:
- (1) Betamethasone: 10 pg/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum;
 - (2) Dexamethasone: 5 pg/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or

- sSerum;
 - (3) Isoflupredone: 100 pg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (4) Methylprednisolone: 100 pg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (5) Prednisolone: 1ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
or
 - (6) Triamcinolone Acetonide: 100 pg/ml in bBiological sSamples consisting of pPlasma or sSerum.
- (d) Other sSubstances shall be considered pProhibited sSubstances except for the eChemicals listed below and their corresponding aAnalogs and mMetabolites in concentrations not exceeding the listed threshold:
- (1) Acepromazine: 10 ng/ml in bBiological sSamples consisting of urine;
 - (2) Albuterol: 1 ng/ml in bBiological sSamples consisting of urine;
 - (3) Butorphanol: 300 ng/ml of total Butorphanol in bBiological sSamples consisting of urine or 2 ng/ml of free butorphanol in bBiological sSamples consisting of pPlasma or sSerum;
 - (4) Cetirizine: 6 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (5) Cimetidine: 400 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (6) Clenbuterol: 140 pg/ml in bBiological sSamples consisting of urine or at the level of detection in bBiological sSamples consisting of pPlasma or sSerum;
 - (7) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in bBiological sSamples consisting of pPlasma or sSerum;
 - (8) Detomidine: 1 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (9) Dimethyl Sulfoxide (DMSO): 10 ~~ug~~mcg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (10) Furosemide: 100 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (11) Glycopyrrolate: 3 pg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (12) Guaifenesin: 12 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (13) Lidocaine: 20 pg/ml of total 30H-lidocaine in bBiological sSamples consisting of pPlasma or sSerum;
 - (14) Mepivacaine: 10 ng/ml in bBiological sSamples consisting of urine or at the level of detection in bBiological sSamples consisting of pPlasma or sSerum;
 - (15) Methocarbamol: 1 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (16) Omeprazole: omeprazole sulfide- 10 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (17) Procaine Penicillin: 25 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (18) Ranitidine: 40 ng/ml in bBiological sSamples consisting of pPlasma or sSerum; or
 - (19) Xylazine: 200 pg/ml in bBiological sSamples consisting of pPlasma or sSerum.
- (e) Androgenic-Anabolic Steroids (AAS) shall be considered pProhibited sSubstances except for the eChemicals listed below and their corresponding aAnalogs and mMetabolites in concentrations not exceeding the listed threshold:
- (1) The nNaturally oOccurring sSubstance, boldenone, shall be permitted in

concentrations not exceeding:

- (A) 25 pg/ml in Biological Samples consisting of Plasma or Serum for all Horses, regardless of sex;
 - (B) 1 ng/ml in Biological Samples consisting of urine for fillies, mares, or geldings; or
 - (C) 15 ng/ml in Biological Samples consisting of urine for male Horses other than geldings.
- (2) The Naturally Occurring Substance, nandrolone, shall be permitted in concentrations not exceeding:
- (A) 25 pg/ml in Biological Samples consisting of Plasma or Serum for fillies, mares, and geldings;
 - (B) 1 ng/ml in Biological Samples consisting of urine for fillies, mares, or geldings; or
 - (C) 45 ng/ml in Biological Samples consisting of urine for male Horses other than geldings.
- (3) The Naturally Occurring Substance, testosterone, shall be permitted in concentrations not exceeding:
- (A) 100 pg/ml in Biological Samples consisting of Plasma or Serum for fillies, mares, and geldings;
 - (B) 55 ng/ml in Biological Samples consisting of urine for fillies, mares (unless in foal); or
 - (C) 20 ng/ml in Biological Samples consisting of urine for geldings.
 - (D) The concentration of testosterone is not regulated or restricted in fillies or mares that are confirmed pregnant on the Day of racing or in male Horses other than geldings.
- (f) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:
- (1) The presence of more than ~~two~~ one permitted non-steroidal anti-inflammatories in a Biological Sample consisting of Plasma or Serum is prohibited; or
 - (2) The presence of more than ~~two~~ one corticosteroids in a Biological Sample consisting of Plasma or Serum is prohibited.

325:45-1-6.2. Listed Thresholds for Quarter Horses, Paints, and Appaloosas

- (a) The thresholds listed in this section shall be considered the listed threshold for Permitted Substances or, if specified as such, Naturally Occurring Substances in Quarter Horses, Paints, and Appaloosas.
- (b) Non-steroidal anti-inflammatories shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:
 - (1) Diclofenac: 5 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (2) Firocoxib: 20 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (3) Flunixin: ~~20~~ 5 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (4) Ketoprofen: 2 ng/ml in Biological Samples consisting of Plasma or Serum; or
 - (5) Phenylbutazone: ~~2.3~~ 3 ugmcg/ml in Biological Samples consisting of Plasma or Serum.
- (c) Corticosteroids shall be considered Prohibited Substances except for the Chemicals

listed below and their corresponding aAnalogs and mMetabolites in concentrations not exceeding the listed threshold:

- (1) Betamethasone: 10 pg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (2) Dexamethasone: 5 pg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (3) Isoflupredone: 100 pg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (4) Methylprednisolone: 100 pg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (5) Prednisolone: 1ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
or
 - (6) Triamcinolone Acetonide: 100 pg/ml in bBiological sSamples consisting of pPlasma or sSerum.
- (d) Other sSubstances shall be considered pProhibited sSubstances except for the eChemicals listed below and their corresponding aAnalogs and mMetabolites in concentrations not exceeding the listed threshold:
- (1) Acepromazine: 10 ng/ml in bBiological sSamples consisting of urine;
 - (2) Butorphanol: 300 ng/ml of total Butorphanol in bBiological sSamples consisting of urine or 2 ng/ml of free butorphanol in bBiological sSamples consisting of pPlasma or sSerum;
 - (3) Cetirizine: 6 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (4) Cimetidine: 400 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (5) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in bBiological sSamples consisting of pPlasma or sSerum;
 - (6) Detomidine: 1 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (7) Dimethyl Sulfoxide (DMSO): 10 ~~ug~~mcg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (8) Furosemide: 100 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (9) Glycopyrrolate: 3 pg/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (10) Guaifenesin: 12 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (11) Lidocaine: 20 pg/ml of total 30H-lidocaine in bBiological sSamples consisting of pPlasma or sSerum;
 - (12) Mepivacaine: 10 ng/ml in bBiological sSamples consisting of urine or at the level of detection in bBiological sSamples consisting of pPlasma or sSerum;
 - (13) Methocarbamol: 1 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (14) Omeprazole: omeprazole sulfide- 10 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (15) Procaine Penicillin: 25 ng/ml in bBiological sSamples consisting of pPlasma or sSerum;
 - (16) Ranitidine: 40 ng/ml in bBiological sSamples consisting of pPlasma or sSerum; or
 - (17) Xylazine: 200 pg/ml in bBiological sSamples consisting of pPlasma or sSerum.
- (e) Androgenic-Anabolic Steroids (AAS) shall be considered pProhibited sSubstances except for the eChemicals listed below and their corresponding aAnalogs and mMetabolites in

concentrations not exceeding the listed threshold:

- (1) The ~~n~~Naturally ~~e~~Occurring ~~s~~Substance, boldenone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum for all ~~h~~Horses, regardless of sex;
 - (B) 1 ng/ml in ~~b~~Biological ~~s~~Samples consisting of urine for fillies, mares, or geldings; or
 - (C) 15 ng/ml in ~~b~~Biological ~~s~~Samples consisting of urine for male ~~h~~Horses other than geldings.
 - (2) The ~~n~~Naturally ~~e~~Occurring ~~s~~Substance, nandrolone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum for fillies, mares, and geldings;
 - (B) 1 ng/ml in ~~b~~Biological ~~s~~Samples consisting of urine for fillies, mares, or geldings; or
 - (C) 45 ng/ml in ~~b~~Biological ~~s~~Samples consisting of urine for male ~~h~~Horses other than geldings.
 - (3) The ~~n~~Naturally ~~e~~Occurring ~~s~~Substance, testosterone, shall be permitted in concentrations not exceeding:
 - (A) 100 pg/ml in ~~b~~Biological ~~s~~Samples consisting of ~~p~~Plasma or ~~s~~Serum for fillies, mares, and geldings;
 - (B) 55 ng/ml in ~~b~~Biological ~~s~~Samples consisting of urine for fillies, mares (unless in foal); or
 - (C) 20 ng/ml in ~~b~~Biological ~~s~~Samples consisting of urine for geldings.
 - (D) The concentration of testosterone is not regulated or restricted in fillies or mares that are confirmed pregnant on the ~~d~~Day of racing or in male ~~h~~Horses other than geldings.
- (f) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:
- (1) The presence of more than ~~two~~one permitted non-steroidal anti-inflammatories in a ~~b~~Biological ~~s~~Sample consisting of ~~p~~Plasma or ~~s~~Serum is prohibited; or
 - (2) The presence of more than ~~two~~one corticosteroids in a ~~b~~Biological ~~s~~Sample consisting of ~~p~~Plasma or ~~s~~Serum is prohibited.

325:45-1-9. Furosemide Use

- (a) Furosemide shall be permitted under the following conditions:
 - (1) Use of Furosemide for the Horse shall be declared at entry.
 - ~~(12)~~ The dose of Furosemide shall be administrated by a single intravenously injection.
 - ~~(23)~~ Furosemide shall not be administrated within four hours of post time for the ~~r~~Race in which the ~~h~~Horse is entered.
 - ~~(34)~~ The concentration of Furosemide in the post-race ~~b~~Biological ~~s~~Sample consisting of blood or ~~p~~Plasma shall not exceed the listed threshold and is a violation of this section.
- (b) ~~The following penalties shall be imposed for violations of this section:~~

- ~~(1) For a first offense, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500.00) for violation of this section.~~
 - ~~(2) For a second offense involving the same horse within a one (1) year period, the Stewards shall impose a fine on the trainer of One Thousand Dollars (\$1,000) for violation of this section unless the trainer was not notified of the first offense prior to the second running of the horse, in which case the Stewards shall impose a fine of Five Hundred Dollars (\$500.00) for the second offense.~~
 - ~~(3) For a third offense or additional offenses involving the same horse within a one year period, the Stewards shall impose a fine on the trainer of Two Thousand Five Hundred Dollars (\$2,500) and may suspend the trainer for up to one year for violation of this section unless the trainer was not notified of the second offense prior to the third running of the horse, in which case the Stewards shall impose a fine of Two Thousand Five Hundred Dollars (\$2,500) and no trainer suspension for the third offense.~~
 - ~~(4) When trainer has a third offense or additional offenses involving the same horse within a one year period, the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award shall be returned unless the trainer was not notified of the second offense prior to the third running of the horse.~~
- (e) Entering a ~~h~~Horse to ~~r~~Race with Furosemide and failure to have a detectable concentration of Furosemide in the ~~b~~Biological ~~s~~Sample consisting of ~~p~~Plasma or ~~s~~Serum collected during ~~p~~Post-~~r~~Race ~~t~~Testing shall be a ~~s~~Substance ~~v~~Violation.
- (1) The ~~t~~Trainer of a ~~h~~Horse entered to ~~r~~Race with Furosemide without a detectable level of Furosemide in the ~~b~~Biological ~~s~~Sample collected during ~~p~~Post-~~r~~Race ~~t~~Testing shall be fined Five Hundred Dollars (\$500.00).
 - (2) The ~~p~~Practicing ~~v~~Veterinarian treating a ~~h~~Horse entered to ~~r~~Race with Furosemide without a detectable level of Furosemide in the ~~b~~Biological ~~s~~Sample collected during ~~p~~Post-~~r~~Race ~~t~~Testing shall also be subject to a Five Hundred (\$500.00) fine should the Stewards determine that there was negligence on the ~~p~~Practicing ~~v~~Veterinarian's part.

325:45-1-9.1. Phenylbutazone Use

- (a) Phenylbutazone shall be permitted under the following conditions:
- (1) Phenylbutazone shall not be administered within twenty-four (24) hours prior to the scheduled post time for the first ~~r~~Race on the ~~d~~Day the ~~h~~Horse is entered to ~~r~~Race.
 - (2) The concentration of Phenylbutazone in the post-race ~~b~~Biological ~~s~~Sample consisting of blood or ~~p~~Plasma shall not exceed the listed threshold and is a violation of this section.
- ~~(b) The following penalties shall be imposed for violations of this section when the concentration of Phenylbutazone exceeds 2 ugmcg/ml but does not exceed 5 ugmcg/ml in a biological sample consisting of plasma or serum:~~
- ~~(1) For a first offense, the Stewards shall give the trainer a written warning of the violation of this section.~~
 - ~~(2) For a second offense involving the same horse within a one (1) year period, the Stewards shall impose a fine on the trainer of Two Hundred Fifty Dollars (\$250)~~

and the Stewards may require the horse which is the subject of the second offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.

- ~~(3) For a third offense or additional offenses involving the same horse within a one (1) year period, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the third or additional offenses to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.~~
- ~~(e) The following penalties shall be imposed for violations of this section when the concentration of Phenylbutazone exceeds 5 ug/mg/ml in a biological sample consisting of plasma or serum:
 - ~~(1) For a first offense, the Stewards shall impose a fine on the trainer of Five Hundred Dollars (\$500) and the Stewards shall require the horse which is the subject of the first offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race.~~
 - ~~(2) For a second offense within a one (1) year period, the Stewards shall impose a fine on the trainer of One Thousand Dollars (\$1,000), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the second offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race. If the horse which is the subject of the second offense is also the subject of the first offense, the horse shall be placed on the veterinarian's list for forty five (45) days.~~
 - ~~(3) For a third offense or additional offenses within a one (1) year period, the Stewards shall impose a fine on the trainer of Two Thousand Five Hundred Dollars (\$2,500), the horse shall be disqualified, the owner or owners of the horse shall not participate in any portion of the purse or stakes, and any trophy or other award, and the Stewards shall require the horse which is the subject of the third offense to pass an examination by the Official Veterinarian or designee before being eligible to participate in another race. If the horse which is the subject of the third offense is also the subject of the second offense, the horse shall be placed on the veterinarian's list for sixty (60) days.~~
 - ~~(4) For a fifth offense or additional offenses within a one (1) year period, the trainer shall be referred to the Stewards for disciplinary action.~~~~

325:45-1-24. Substance Classification and Penalties

Upon a finding of any ~~s~~Substance ~~v~~Violation, the Stewards shall consider the classification level of the ~~s~~Substance ~~v~~Violation as currently established by the UNIFORM CLASSIFICATION GUIDELINES OF FOREIGN SUBSTANCES (Version ~~14.4~~16.1) as promulgated by the Association of Racing Commissioners International, Inc. and may impose penalties and disciplinary measures consistent with the recommendations contained therein, except not to conflict with the mandates of 325:45-1-9 and 325:45-1-9.1. Provided, however, that in the event a majority of the Stewards determine that aggravating or mitigating circumstances

require imposition of a different penalty than the penalty suggested by the guidelines, the Stewards may impose a different penalty. In the event a majority of the Stewards wish to impose a penalty in excess of the authority granted them by 325:1-1-7, the Stewards may impose the maximum penalty authorized by state law and refer the matter to the Commission with specific recommendations for further action.

325:45-1-27. Prohibited Practices

The following sSubstances and/or therapies shall be prohibited ~~within the e~~Enclosure:

- (1) It is a violation of this regulation to possess or use sSubstances that are detrimental to the health and welfare of a hHorse, on the premises of a facility under the jurisdiction of the Commission for which a recognized analytical method has not been developed to detect and confirm the administration of such sSubstance;
- (2) It is a violation to possess, use, or distribute a sSubstance on the premises of a facility under the jurisdiction of the Commission if there is an FDA approved equivalent of that sSubstance available for purchase;
- (3) The administration of Erythropoietin, Darbepoietin, Oxyglobin, and/or Hemopure to a hHorse;
- (4) Any sSubstance that abnormally enhances the oxygenation of body tissue;
- (5) Any device or machine which may endanger the health and welfare of a hHorse or may endanger the safety of a rider;
- (6) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines unless:
 - (A) Any treated hHorse shall not rRace or receive an oOfficial wWork for a minimum of ten (10) dDays following treatment.
 - (B) The use and possession of Extracorporeal Shock Wave Therapy machines shall be restricted to pPracticing vVeterinarians.
 - (C) Extracorporeal Shock Wave Therapy machines within the eEnclosure shall be registered with and approved by the Commission.
 - (D) Any treatments administered using a Extracorporeal Shock Wave Therapy machine shall be reported to the Official Veterinarian by the tTrainer or pPracticing vVeterinarian within twenty-four (24) hours of treatment. The report must include the Practicing vVeterinary diagnosis and diagnostic radiographs and/or ultrasound performed within seven (7) dDays prior to the region receiving the shockwave therapy.
- (7) The administration, within 24 hours prior to the scheduled post time for the first rRace on the dDay the hHorse is entered to rRace, of an alkalizing sSubstance that can alter the pH of sSerum or pPlasma, concentration of bicarbonates, or total dissolved carbon dioxide in a hHorse.
- (8) A blood gas machine or ozone generator.
- (9) The use of a nasogastric tube (a tube longer than six inches) for the administration of any sSubstance within 24 hours prior to the scheduled post time for the first rRace on the dDay the hHorse is entered to rRace.
- (10) The use of a nebulizer for the administration of any sSubstance within 24 hours prior to the scheduled post time for the first rRace on the dDay the hHorse is entered to rRace.
- (11) No hHorse shall run in a rRace within six (6) dDays after receiving an Intra-articular injection.
- (12) The Horse has been injected with a Substance to desensitize the nerve(s) above the

_____foot.

325:45-1-29. Environmental Contaminants and Substances of Human Use

- (a) Environmental contaminants are either endogenous to the ~~h~~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 ~~h~~Horse due to its close association with humans.
- (c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination, including inadvertent exposure due to human drug use, or dietary intake, or is endogenous to the ~~h~~Horse, those factors should be considered in mitigation of any disciplinary action taken against the affected ~~t~~Trainer. Disciplinary action may only be taken if test sample results exceed the regulatory thresholds in version ~~4.0~~ 4.1 of the ARCI Endogenous, Dietary, or Environmental Substances Schedule.