Thoroughbred Rule 1217 Amendment Summary

The proposed amendment to Thoroughbred Rule 1217 extends the prohibition on administration of clenbuterol and other B-2 agonists from 60 to 120 days before a race and changes other provisions of the existing Rule to more closely align with industry practices and the latest model rules in use in the industry.

Thoroughbred Rule 1217 Mark Up

1217. Medication and Prohibited Foreign Substances.

A. Medication

(a) No horse participating in a race or entered in a race shall carry in its body any foreign substance except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

(1) injection;
(2) jugging;
(3) oral administration;
(4) tube;
(5) rectal infusion or suppository;
(6) inhalation; or
(7) any other means;

within twenty-four (24) hours prior to the scheduled post time of the race the horse is running except furosemide as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. The prohibition also includes, but is not limited to, the topical, oral, or nasal administration of compounds, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, potassium iodide, or products containing "caine" derivatives or dimethylsulfoxide (DMSO).

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty- four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, hoof dressings, and antiseptics, which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent, may be administered at any time prior to a horse's arrival in the paddock.

B. Foreign substances prohibited

(a) No horse participating in a race shall carry in its body any foreign substance except as provided by these rules. A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse.

(b) Upon a finding of a violation of this section, the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and any trophy or award. However, forfeiture of any purse, trophy, or award for an overage of phenylbutazone, flunixin, ketoprofen, or furosemide in violation of these rules shall be consistent with Recommended Penalties of the Association of Racing Commissioners, International.

C. Nonsteroidal anti-inflammatory drugs (NSAIDs)

(a) The use of NSAIDs shall be governed by the following conditions:

(1) NSAIDs included in the ARCI Controlled Therapeutic Medication Schedule, Version ~~2.2~~ 4.2.1 are not to be used in a manner inconsistent with the restrictions contained therein. NSAIDs not included on the ARCI Controlled Therapeutic Medication Schedule, Version ~~2.2~~4.2.1, are not to be present in a racing horse biological sample at the laboratory concentration of detection.

(2) The presence of more than one (1) NSAID **may will** constitute a NSAID stacking violation ~~consistent with the following restrictions:~~in addition to the violation associated with the detection of each additional NSAID.

~~(A) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when: (i) two (2) nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:~~

~~(AA) Diclofenac – 5~~ (A) Flunixin – at a concentration less than 5.0 nanograms per milliliter of plasma or serum~~;~~.

(~~BB~~B) ~~Firocoxib – 20~~ Ketoprofen – at a concentration less than 2.0 nanograms per milliliter of plasma or serum~~;~~ .

~~(CC) Flunixin – 20 nanograms per milliliter of plasma or serum;~~

~~(DD) Ketoprofen – 2 nanograms per milliliter of plasma or serum;~~

~~(EE~~(C) Phenylbutazone –

2 micrograms per milliliter of plasma orserum; or

~~(FF) all other nonsteroidal anti-inflammatory drugs – laboratory~~ at a concentration ~~of detection;(ii) three (3) or more nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:~~

~~(AA) Diclofenac – 5 nanograms per milliliter of plasma or serum;~~

~~(BB) Firocoxib – 20 nanograms per milliliter of plasma or serum;~~

~~(CC) Flunixin – 3 nanograms per milliliter of plasma or serum;~~

~~(DD) Ketoprofen – 1 nanogram per milliliter of plasma or serum;~~

~~(EE) Phenylbutazone – less than~~ 0.3 micrograms per milliliter of plasma or serum~~; or~~.

~~(FF) all other nonsteroidal anti-inflammatory drugs – laboratory concentration of detection.~~

~~(B) A Class 2~~ (D) The detection of two or more NSAIDs in blood and/or urine constitutes a NSAID Stacking Violation (Penalty Class ~~C~~B).~~occurs when:~~

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

~~(AA) Flunixin – 3 nanograms per milliliter of plasma or serum;~~

~~(BB) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or~~

~~(CC) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.~~

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

~~(i) any combination of two (2) of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in subsection (A)(i)(a through e) above but in excess of the noted restrictions:~~

~~(AA) Flunixin – 3 nanograms per milliliter of plasma or serum;~~

~~(BB) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or~~

~~(CC) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.~~

~~(b) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the commission veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).~~

D. Corticosteroids

(A) The detection of two or more corticosteroids in a racehorse's post-race serum/plasma and/or urine sample constitutes a stacking violation (Penalty Class B)

(B) There are no thresholds and withdrawal guidance for corticosteroids. The presence of any in the post-race blood or urine sample constitutes a violation (Penalty Class C)

~~D.~~ E. Threshold levels

The official blood (serum or plasma), hair, and urine samples may contain only the following therapeutic medications, their metabolites or analogues, and shall not exceed the threshold concentrations specified in this rule:

(1) The use of acepromazine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of the metabolite, 2-(1-hydroxyethyl) promazine sulfoxide (HEPS), in urine.

(2) The use of ~~albuterol~~ butorphanol shall be permitted under the following conditions: Not to exceed ~~one~~ (~~1~~300) ~~nanogram~~ nanograms per milliliter of total ~~albuterol (albuterol plus conjugates) in urine.(3) The use of betamethasone shall~~

~~be permitted under the following conditions: Not to exceed ten (10) picograms per milliliter of betamethasone in serum or plasma. The use of butorphanol shall be permitted under the following conditions: Not to exceed three hundred (300) nanograms per milliliter of total~~ (free and conjugated) butorphanol in urine or two (2) nanograms per milliliter of free butorphanol in serum or plasma.

~~(5)~~(3) The administration of clenbuterol or any other B2 agonist to a horse within the ~~sixty~~ one hundred twenty (~~60~~120) day period immediately preceding a race in which the horse participates at Oaklawn is prohibited. The presence of clenbuterol or any other B2 agonist in a horse's urine, serum, plasma, or hair at a level of detection indicating use within said ~~sixty~~ one hundred twenty (~~60~~120) day period shall be a violation of this rule.

~~(6)~~(4) The use of cetirizine shall be permitted under the following conditions: Not to exceed six (6) nanograms per milliliter of serum or plasma.

~~(7)~~(5) The use of cimetidine shall be permitted under the following conditions: Not to exceed four hundred (400) nanograms per milliliter of serum or plasma.

~~(8)~~(6) The use of dantrolene shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of 5-hydroxydantrolene in serum or plasma.

~~(9)~~(7) The use of detomidine shall be permitted under the following conditions: Not to exceed two (2) nanograms per milliliter of carboxydetomidine in urine or one (1) nanogram per milliliter detomidine in blood.

~~(10) The use of dexamethasone shall be permitted under the following conditions: Not to exceed five (5) picograms per milliliter of dexamethasone in plasma or serum.~~

~~(11) The use of diclofenac shall be permitted under the following conditions: Not to exceed five (5) nanograms per milliliter of diclofenac in plasma or serum.~~

~~(12)~~(8) The use of dimethylsulfoxide (DMSO) shall be permitted under the following conditions: Not to exceed ten (10) micrograms per milliliter of DMSO in serum or plasma.

~~(13) The use of firocoxib shall be permitted under the following conditions: Not to exceed twenty (20) nanograms per milliliter of firocoxib in serum or plasma.~~

~~(14)~~(9) The use of glycopyrrolate shall be permitted under the following conditions: Not to exceed three (3) picograms per milliliter of glycopyrrolate in serum or plasma.

~~(15)~~(10) The use of guaifenesin shall be permitted under the following conditions: Not to exceed twelve (12) nanograms per milliliter of serum or plasma.

~~(16) The use of isoflupredone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of isoflupredone in serum or plasma.~~

~~(17)~~(11) The use of lidocaine shall be permitted under the following conditions: Not to exceed twenty (20) picograms per milliliter of total ~~30-hydroxylidocaine~~ 3-hydroxylidocaine (to include conjugates) in serum or plasma.

~~(18)~~(12) The use of mepivacaine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of total hydroxymepivacaine in urine or the LOD of mepivacaine in serum or plasma.

~~(19)~~(13) The use of methocarbamol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of methocarbamol in serum or plasma.

~~(20) The use of methylprednisolone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of methylprednisolone in serum or plasma.~~

~~(21)~~(14) The use of omeprazole shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of omeprazole sulfide in serum or plasma.

~~(22) The use of prednisolone shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of prednisolone in serum or plasma.~~

~~(23)~~(15) The use of procaine penicillin shall be permitted under the following conditions:

(A) Not to exceed twenty-five (25) nanograms per milliliter of procaine in serum or plasma, and

(B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration, and

(C) Procaine penicillin must not be administered after the horse is entered to race, and

(D) Mandatory surveillance of the horse must occur for the six (6) hours immediately preceding the race for which the horse is entered by association security at the owner's expense.

~~(24)~~(16) The use of ranitidine shall be permitted under the following conditions: Not to exceed forty (40) nanograms per milliliter of serum or plasma.

~~(25) The use of triamcinolone acetonide shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of triamcinolone acetonide in serum or plasma.~~

~~(26)~~(17) The use of xylazine shall be permitted under the following conditions: Not to exceed two hundred (200) picograms per milliliter of xylazine in serum or plasma.

~~E~~F. Furosemide as a permitted foreign substance

Except as otherwise provided in Rule 1232(5):

Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the commission veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post- race urine sample, furosemide shall be permitted only after the commission veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list, the following process must be followed:

(1) After the horse's licensed trainer and practicing veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.

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

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

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

(5) Furosemide shall only be administered on association grounds.

(6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

(7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed two hundred fifty (250) milligrams and no less than one hundred fifty (150) milligrams; provided, with approval of the official veterinarian, a dose of up to five hundred (500) milligrams may be administered. Administration of furosemide shall take place in the horse's stall or a specific location otherwise designated by the commission

(9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The Daily Racing Form, Equibase, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(10) The test level of furosemide under this rule shall not be in excess of fifty (50) nanograms per milliliter of serum or plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010); provided, if the official veterinarian shall have approved a dose of up to 500 milligrams of furosemide, the test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of serum or plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood serum or plasma only. Split sample testing shall be quantitative and be performed on blood serum or plasma only.

~~F.~~ G. Bleeding from nostrils

A horse known to have bled from its nostrils for the first time within a 365-day period during a race or workout may not race during the next 14 days without prior approval by the commission veterinarian or his/her designee. If a horse bleeds from its nostrils a second time within a 365-day period, the horse shall be placed on the veterinarian's list and prohibited from

racing for a minimum of 30 days. If a horse bleeds from its nostrils a third time within a 365-day period, the horse shall be placed on the veterinarian's list and prohibited from racing for at least 180 days. If a horse bleeds from its nostrils a fourth time within 365 days, the horse will be barred from racing in Arkansas. For the purpose of counting, the number of days a horse is ineligible starts the day after the horse is observed bleeding.

A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. After expiration of the ineligibility period, a horse must perform a workout without bleeding, to the satisfaction of the commission veterinarian. Prior to the workout, a blood sample may be collected by the Commission veterinarian and sent to the commission's testing laboratory. After the workout, the commission veterinarian may witness an endoscopic examination of the horse to confirm the horse has not bled.

~~G.~~H. Program information

In order to inform the race track patrons of those horses racing with medication, the permit holder shall indicate in the racing program that a horse is racing with permitted foreign substances for race day administration.

~~H.~~I. Drug classification and penalties

(a) Except as provided in subsection (b), upon a finding of a violation of this rule, the stewards shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and Model Rule as revised by the ARCI and impose penalties and disciplinary measures consistent with the recommendations contained therein. Provided, however, that in the event a majority of the stewards determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the stewards wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

(b) Cobalt shall carry a category "B" penalty, as established by the Recommended Penalties and Model Rule, regardless of its presence in a post-race or out of competition sample. The stewards shall consider levels less than fifty (50) parts per billion a mitigating factor and levels of one hundred (100) parts per billion or more an aggravating factor when determining penalties.

~~J.~~

~~I. Androgenic-anabolic steroids (AAS)~~

~~(a) No AAS (androgenic-anabolic steroid) 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 indicated thresholds.~~

~~(b) Concentrations of these AAS shall not exceed the following free (*i.e.*, 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; males horses other than geldings shall be tested for Nandrolone in urine;~~

~~(3) Testosterone – A confirmatory threshold not greater than 25 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 prohibited in racing horses.~~

~~(e) The sex of the horse must be identified to the laboratory for all samples designated for AAS testing.~~

~~(f) A trainer may request that a horse be placed on the veterinarian's list due to medically necessary treatment with AAS. The horse shall remain on the veterinarian's list:~~

~~(1) for 365 days;~~

~~(2) until the concentration of the drug or metabolite in urine or blood has fallen below the designated threshold for the administered AAS; or~~

~~(3) until the concentration of the drug or metabolite in urine or blood has fallen below the limit of detection for AAS that do not have a designated threshold, whichever is longer.~~

J. Environmental contaminants and substances of human use

(1) 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.

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

(3) 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 horse, those factors should be considered in mitigation of any disciplinary action taken against the affected trainer. Disciplinary action shall only be taken if test sample results exceed the regulatory thresholds in the most recent version of the ARCI Endogenous, Dietary, or Environmental Substances Schedule.

(4) The identification and adoption of these uniform thresholds for certain substances

K. Laboratory reports

A finding by a chemist at a commission-approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse, any drug found in excess of the commission-approved levels, substances present in the horse in excess of concentrations at which such substances could occur naturally, or substances foreign to a horse at concentrations that cause interference with testing procedures shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

(1) the sample of urine, saliva, blood, hair, or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question, its integrity is preserved;

(2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and

(3) the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered or, in a case of out of competition testing, when the test sample was taken; with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the stewards or the commission.

L. Pre-race testing

The stewards may require any horse entered to race to submit to a blood test, and no horse is eligible to start in a race until the owner or trainer complies with the required testing procedure.

M. Selection of horses tested

(a) The stewards, the commission veterinarian or the executive director of the commission may order a blood test, hair test, or urine test, or all three (3), on a horse for the purpose of analysis.

(b) A blood specimen, hair specimen, or urine specimen, or all three (3), shall be taken from the following horses after the running of each race:

(1) The horse that finishes first in each race.

(2) Any other horses designated by the stewards, the commission veterinarian or the executive director of the commission.

(3) The stewards and the commission veterinarian designate for the taking of such a specimen a horse that races markedly contrary to form.

N. Taking of samples

(a) Blood, urine, saliva, hair, or other samples shall be:

(1) taken under the direction of the commission veterinarian or persons appointed or assigned by the commission veterinarian for such purposes;

(2) taken in a detention area approved by the commission unless the commission veterinarian or stewards approves otherwise;

(3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee and may be witnessed by the owner, trainer, or other licensed person designated by them;

(4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and

(5) in the custody of the commission veterinarian, his or her assistants, or other persons approved by the executive director or the commission veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money.

O. Split Sample procedures

(a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) The owner or trainer of any horse which has a drug overage or positive will have 96 hours to notify the stewards or commission veterinarian they wish to have a split sample tested at a RMTC accredited laboratory.

(c) Before sending an equine sample to the primary testing laboratory, the commission veterinarian or a designated commission employee shall divide the specimen into two (2) parts provided a sufficient amount is collected.

(d) The commission veterinarian or a designated commission employee shall attempt to collect a minimum of fifty (50) milliliters of urine. A urine specimen shall not be split if less than fifty (50) milliliters is collected from the horse. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(e) The commission veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission veterinarian shall collect a minimum of thirty (30) milliliters of blood, which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory.

(f) The commission veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian shall collect a minimum of a hair sample that is at least the same size in diameter as a standard lead pencil.

(g) If the retained part of a specimen is sent for testing, the commission veterinarian or designated commission employee shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(h) Blood samples shall be centrifuged.

P. Storage and shipment of split samples

(a) The commission veterinarian or his/her designee shall store the retained part of a specimen in secure, limited access storage at a site approved by the commission for the period required by this section.

(b) If the results of the initial test on a specimen are negative, the commission veterinarian, or his/her designee, or primary laboratory may discard the retained part of the specimen upon receipt of the negative result. If the result of the initial test on a specimen is positive, the commission veterinarian, or his/her designee, or primary laboratory may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the retained part be sent for split testing.

(c) The identity of the drug or drug metabolites may be revealed to the split sample laboratory. Communication between the primary and split sample laboratory is limited to the exchange of the analytical method and the threshold level used to confirm the drug's identity.

(d) The association shall be responsible for providing sufficient freezer space to accommodate the retained specimens.

Q. Administrative procedures prior to split sample testing

(a) The results of all tests performed by the primary laboratory or laboratories are confidential until such time a ruling is issued in that matter and shall only be communicated to the commission, commission staff, stewards, owner, and trainer. Notice of a positive test result may be communicated verbally to the trainer. The trainer shall be responsible for promptly notifying the owner of a horse of a positive test as reported by the primary laboratory.

(b) The trainer or owner of a horse for which a positive result on a drug test is returned may request that the stewards submit the retained part of the specimen for testing in accordance with this section. The specimen must be tested by a laboratory that is identified on the list of approved laboratories maintained by the commission and acceptable to the following:

(1) The commission.

(2) The primary laboratory.

Laboratories providing split sample testing shall be RMTC accredited unless otherwise approved by the commission. The request must be in writing, include the laboratory selection, and must be delivered to the stewards not later than ninety-six (96) hours after the trainer has received notice of a positive test result. Failure to request testing of a split sample and provide all necessary information within ninety-six (96) hours shall constitute a waiver of the right. The split sample laboratory shall be contacted by a representative of the commission to request acceptance of a split sample. The trainer or owner may choose any laboratory on the commission maintained applicable list to test the sample. However, the commission or executive director may limit the choice of laboratory for the detection of specific drugs.

(c) The trainer or owner may elect to waive his or her right to testing of a split sample.

(d) The owner or trainer of a horse who submits a specimen for drug testing is entitled to be present or have a representative present at any time that the retained part of the specimen is prepared for storage or is tested.

(e) The split sample laboratory may require the owner or trainer of a horse who submits a specimen for testing to execute a hold harmless agreement for the split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing. The agreements shall remain in the hands of the stewards.

(f) The trainer or owner may request that negative control samples be tested with the split sample. The identities of the negative control samples and the split sample shall be known only to the commission.

(g) ~~The~~ **Except as otherwise provided in these Rules, the** presence of a drug or drug metabolite in any quantity, excluding phenylbutazone, flunixin, ketoprofen or furosemide , is sufficient for a finding of a positive test.

R. Administrative procedures subsequent to split sample testing

(a) The split sample laboratory shall send a confidential written report on the result of its tests to the commission staff which in turn shall send a confidential report to the trainer and owner forthwith.

(b) No action shall be taken against the trainer or owner if the results of split sample testing are not confirmed.

(c) No hearing shall be held concerning the allegations against the trainer or owner, nor shall purse redistribution take place, until split sample testing has been completed and the results of the primary laboratory have been confirmed.

(d) The owner or trainer shall be notified in writing of the:

(1) results of the primary and split sample laboratories in the case of confirmed positives; and

(2) time and place of any administrative hearings resulting from the findings.

S. Cost of split sample testing

(a) In order for a split sample laboratory to be identified on the list of laboratories approved by the Commission, it must establish reasonable fees for split sample testing based on their actual cost of testing. Fees for split sample testing shall include the cost of testing negative control samples if requested by the owner or trainer.

(b) The trainer or owner requesting split sample testing and negative control samples shall pay all costs of transporting and conducting tests on the split sample and negative control samples.

(c) The trainer or owner requesting split sample testing and negative control samples shall make full payment at the time laboratory selection occurs or in accordance with split laboratory requirements.

(d) The commission shall reimburse the trainer or owner for the cost of split sample testing if the results from the split sample laboratory do not confirm the presence of the drug at levels above the thresholds levels.