

TITLE 3. FOOD AND AGRICULTURE

NOTICE OF A PROPOSED EMERGENCY ACTION FIVE WORKING DAY PUBLIC COMMENT PERIOD

[Government Code Section 11346.1(a)(2)]

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department), Animal Health Branch, Equine Medication Monitoring Program (EMMP) is proposing to take the action described in the Informative Digest as included in the Finding of Emergency, which would adopt an emergency regulation.

The emergency filing will adopt sections 1280, 1280.1, 1280.8 and 1280.10, and amend section 1280.7 of Article 1, Chapter 6, Division 2 of Title 3 of the California Code of Regulations to (1) implement the provisions of AB 1388 (Stats. 2013, Ch. 116); (2) align the EMMP drug testing protocols with the United States Equestrian Federation; (3) codify existing requirements for the administration of the EMMP including adopting forms and incorporating them by reference pursuant to Government Code sections 11340.5(a) and 11340.9(c), and section 20 of Title 1 of the California Code of Regulations; and (4) adopt a section specifying fines and penalties for a violation of specified sections of the EMMP statutes or regulations. The Finding of Emergency, regulatory text, and forms, are enclosed.

NOTICE IS HEREBY GIVEN of the proposed adoption of forms incorporated by reference and the inclusion of supportive information in the rulemaking file:

Forms incorporated by reference:

- Application to Register Equine Event/Assessment Report For Registered Event/Event Copy for Managers, Form 76-024A (Rev. 01/08)
- Law Prohibiting the Drugging of Horses/Saleyard Assessment Report, Form 76-025 (Rev. 11/2013)
- Official Form For Declaration Of Drugs Administered, Form 76-027 (Rev. 11/13)

Supportive Information

- Minutes from the October 31, 2013 Equine Medication Monitoring Program Advisory Committee meeting.
- United States Equestrian Federation (USEF), general rule, "GR 414 Prohibited Practices" effective December 1, 2013.
- Clinical Guidelines for Veterinarians Treating the Non-Racing Performance Horse, dated July 2011.
- EMMP Brochure dated January 2013, "Equine Medication Monitoring Program-Drugs and Medication Guidelines"
- Website article regarding a petition, Force Change, "Commending Crackdown on Horse Drugging at Competitions"
- Political News article, June 24, 2012, "Ann Romney's Horse Lawsuit-Over Drugging a Lame Horse to Sell It"
- New York Times article, December 27, 2012, "Sudden Death of Show Pony Clouds Image of Elite Pursuit"
- New Jersey, Star-Ledger article, January 20 2013, "USEF moving to control over-use of medications in show horses"
- Arabian News World article, online library, March 2013, "Putting the Horse First"
- The Horse article October 15, 2013, "Badminton, Burghley Winner Produces Positive Drug Test"

Authority and Reference: Authority: Sections 407 and 24013, Food and Agricultural Code.

Reference: Sections 24001, 24003, 24004, 24006, 24008, 24009, 24011, 24012 and 24015, Food and Agricultural Code.

Sections Affected: Adopt sections 1280, 1280.1, 1280.8, and 1280.10, and amend section 1280.7 of Article 1, Chapter 6, Division 2 of Title 3 of the California Code of Regulations.

Five Working Day Public Comment Period and Written Comments: Any person interested may submit a written comment relevant to the action proposed to the person designated in this Notice as the contact person beginning **November 18, 2013 and ending at 5:00 p.m., November 22, 2013.**

Written comments regarding the forms incorporated by reference, supportive data and information: The documents are available for public inspection at the Animal Health Branch, Equine Medication Monitoring Program, located at 2800 Gateway Oaks Drive, Sacramento, California, from **November 18, 2013 and ending at 5:00 p.m., November 22, 2013**, between the hours of 8:00 a.m. and 5:00 p.m.

Contact Persons: Inquiries concerning the substance of the proposed regulations, or any written comments concerning this proposal are to be addressed to the following:

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Website Access: Materials regarding this proposal can be found by accessing the following Internet address:
<http://www.cdfa.ca.gov/ahfss/regulations.html>

Dated: November 12, 2013



Dr. Katie Flynn
Equine Medication Monitoring Program

FINDING OF EMERGENCY

The Department of Food and Agriculture (Department) seeks to enforce a new national ruling of the United States Equestrian Federation (USEF) to ensure the safety of the rider and the welfare of the horse at public horse shows. The USEF is the National Governing Body for Equestrian Sports. The new ruling places limitations on injectable substances within 12 hours of competition at public horse shows. The emergency regulations would become effective on January 1, 2014.

Emergency Defined

“Emergency’ means a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare,” Government Code Section 11342.545. If a state agency makes a finding that the adoption of a regulation is necessary to address an emergency, the regulation may be adopted as an emergency regulation pursuant to Government Code section 11346.1(b)(1). In this document the Department is providing the necessary specific facts demonstrating the existence of an emergency and the need for immediate action to prevent serious harm to the general welfare of the citizens of California, pursuant to Government Code sections 11346.1(b)(2).

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. The Department has properly noticed this emergency regulation for a five day public comment period.

The information contained within this finding of emergency also meets the requirements of Government Code Sections 11346.1 and 11346.5.

Background

California hosts approximately 1,800 registered horse events annually, ranging from small backyard schooling shows to internationally recognized endurance events, shows and other types of competition, as well as public horse sales. The public horse show season in California and nationwide, begins January 1 and ends December 31 of each year.

Equine industry organizations rely on the Department’s Equine Medication Monitoring Program (EMMP) for the enforcement of standard drugs and medication rules to ensure the safety of rider and the welfare of the horse. The EMMP monitors horses in public shows and sales through random blood or urine sample collection for chemical analysis. The intent is to ensure the integrity of public horse shows and sales through the control of performance and disposition enhancing drugs and permitting limited therapeutic use of drugs at horse shows and competitions. “Therapeutic drugs or medicines” means drugs or medicines prescribed for use by a licensed veterinarian for the treatment of a diagnosed illness or injury. Prohibited substances are therapeutic drugs or medicines used without a prescription for use by a licensed veterinarian for treatment of illness or injury; or any stimulant, depressant, tranquilizer, anesthetic, including local anesthetic, sedative, analgesic, corticosteroid excluding dexamethasone, anabolic steroid, or masking agent administered within 24 hours before competition or 72 hours before public sale. The misuse of drugs and medicines in a performance horse can mask a serious injury, or respiratory problem, or other serious health issue which could place the rider of the horse in jeopardy.

SPECIFIC FACTS DEMONSTRATING THE NEED FOR IMMEDIATE ACTION

The Department is seeking to adopt emergency regulations pursuant to the authority in existing law, section 407 of the Food and Agricultural Code, which provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce. Section 24013 of the Food and Agricultural Code further authorizes the Department to adopt regulations necessary to carry out the provisions of the chapter [Chapter 8 of Division 11, Food and Agricultural Code].

Over the past year, there have been well-publicized incidents of horses being administered drugs and medications at horse shows which severely affected the health of the horse and placed the safety of the rider in jeopardy. One report includes a pony named Clouds Elite Pursuit, showing in May 2012 at the Devon Horse Show in Pennsylvania which collapsed and died. Reports indicate moments before the pony died the trainer administered an injection. Had the child rider been on the pony at the time of collapse and death, the situation could have ended tragically for the child rider.

The following articles highlight recent events jeopardizing rider safety:

- *New York Times*, December 27, 2012 "Sudden Death of Show Pony Clouds Elite Pursuit".
- *Force Change*, "Commending Crackdown on Horse Drugging at Competitions".
- *Political News*, June 24, 2012, "Ann Romney's Horse Lawsuit-Over Drugging a Lambe Horse to Sell It".
- *New Jersey, Star-Ledger*, January 20, 2013 "USEF moving to control over-use of medications in show horses".
- *Arabian News World*, online library, March 2013, "Putting the Horse First."
- *The Horse*, October 15, 2013, "Badminton, Burghley Winner Produces Positive Drug Test".

The USEF investigated the misuse of drugs and medications specifically those instances which the rider safety was of a concern. After a complete evaluation of the industry practices and issues associated with drugs and medications in the performance horse and consultation with American Association of Equine Practitioners, the USEF Drugs and Medication Committee drafted emergency regulations which include prohibited practices related administration of drugs and medications at the show grounds. The USEF board approved the national regulations, effective December 1, 2013, General Rule [GR] 414 "Prohibited Practices".

The EMMP aligns its regulations with USEF, which supports federal and state governments and works closely with other national equine organizations. Consistent with USEF's new national regulation (GR 414), the EMMP advisory committee determined emergency regulations should be promulgated by the Department, which includes enforcing the prohibition of the injection of any medication within 12 hours of competition. Understanding horses may become ill or injured at the event grounds, this rule does permit the emergency administration by a licensed veterinarian of fluids or specified medications.

California's EMMP and USEF continuously work together to prevent the misuse of drugs and medications specifically those which pose a significant risk to the safety of the rider and a risk to the horse's health. A horse injected with a drug or medicine by a trainer during competition could subsequently stumble, fall or collapse while being ridden which could place the rider's life in jeopardy. The sooner the Department can implement new rules governing the administration of permissible drugs and medicines would lessen the risk of serious injury to humans and horses.

Alternatives Considered Other Than This Proposed Emergency Regulation

No alternative exists for the Department other than this emergency rulemaking action. The Department cannot enforce its new or amended requirements upon its regulated industry absent a rulemaking action. A "regular" rulemaking action is not a viable option since regulations are now effective quarterly, depending upon when they are approved by the Office of Administrative Law and filed with the Secretary of State in accordance with Government Code section 11343.4.

The earliest effective date the Department could expect if it proceeds with the regular rulemaking process would be April 1, 2014. Section 11343.4(b)(3) of the Government Code provides State agencies with the option of requesting an earlier effective date, however, the entire rulemaking process requires a 45-day public comment period and a public hearing if any person requests a hearing to be held by the Department in accordance with Government Code section 11346.8. This would mean the regulation would not be ready for filing with the Office of Administrative Law for review and approval until about February 2014, and the Office of Administrative Law has 30-working days in which to review the regulatory action. This "regular" rulemaking process is lengthy, and cannot be completed by January 1, 2014.

Without regulations in place by January 1, 2014, the Department cannot enforce or attempt to enforce any new or amended rules without following the Administrative Procedure Act, and the enforcement of any rulings not published in the California Code of Regulations would be considered an "underground regulation." State agencies are prohibited from enforcing underground regulations.

The only viable option for the Department is to pursue an emergency rulemaking action to implement laws specific to the drugging of horses and related provisions for the continued operation of the EMMP for the protection of both horse and rider in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015. Any delay would result in limited regulatory oversight of public equine events or public horse sales where the administration of certain drugs or medications is illegal, or allowable only under specified conditions as established by a regulatory action. Without the proper administration of certain drugs and medications, the animal could suffer severe adverse reactions resulting in the death of the horse and/or the rider.

Authority and Reference Citations

Authority: Sections 407 and 24013, Food and Agricultural Code.

Reference: Sections 24001, 24003, 24004, 24006, 24008, 24009, 24011, 24012 and 24015, Food and Agricultural Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, section 407 of the Food and Agricultural Code, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code authorizes the Department of Food and Agriculture to implement the EMMP to prevent the misuse of drugs and medications in equines. The EMMP monitors horses in public shows and sales through random sample collection for chemical analysis.

Existing law section 24001(e) defines a prohibited substance, which includes non-steroidal anti-inflammatory drugs (NSAIDs), within existing section 24011.5, permitting the use of some NSAIDs as

specified. Rulemaking changes are needed for the purpose of regulating the administration of these drugs and medicines and to describe the circumstances in which the administration of these substances shall be prohibited.

Existing law, section 24006 of the Food and Agricultural Code states that administration of a prohibited substance is a violation of the chapter.

Existing law, section 24011.5 of the Food and Agriculture Code prohibits use of certain drugs or drug combinations, yet accommodates specific legitimate therapeutic use of medications within specified parameters. Prohibited substances are drugs or medications that affect the performance or disposition of the horse, mask or interfere with laboratory testing for chemicals, or are metabolites or derivatives of a prohibited substance. Pursuant to AB 1388 (Stats 2013, Ch. 116) section 24011.5 sunsets July 1, 2014, and will be replaced with section 24011.6, at which time the Department must have an approved therapeutic medications and drug list in regulation. The regulation will update the current list in Food and Agricultural Code section 24011.5, as is specified in this emergency filing, under new regulation section 1280.8.

Existing law, section 24013 of the Food and Agricultural Code authorizes the Department to adopt regulations necessary to carry out the provisions of the chapter. It also specifies that in making and adopting regulations, the Department is to first consult with the advisory committee appointed pursuant to section 24013.5.

On October 31, 2013, the EMMP advisory committee approved the initiation of an emergency rulemaking action to implement regulations for random testing and specify a list of approved therapeutic medications and maximum detectable plasma levels for equines in public horse shows and sales to have in place in regulation by January 1, 2014, which will include the implementation of the new national regulations set by USEF, GR 414 "Prohibited Practices". The new ruling specifies that no injectable substances may be administered to any horse or pony within 12 hours prior to competing, with exceptions, as specified.

This proposal will adopt sections 1280, 1280.1, 1280.8 and 1280.10, and amend section 1280.7 of Article 1, Chapter 6, Division 2 of Title 3 of the California Code of Regulations to (1) implement the provisions of AB 1388 (Stats. 2013, Ch. 116); (2) align the EMMP drug testing protocols with USEF; (3) codify existing requirements for the administration of the EMMP including adopting forms and incorporating them by reference pursuant to Government Code sections 11340.5(a) and 11340.9(c), and section 20 of Title 1 of the California Code of Regulations; and (4) adopt a section specifying fines and penalties for a violation of specified sections of the EMMP statutes or regulations.

The Department has evaluated this proposal, and believes that it is not inconsistent or incompatible with existing State regulations.

Description of Emergency Regulatory Text

Adopt sections 1280 and 1280.1 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations

- o Section 1280 (Definitions) specifies the definitions of terms used in chapter 6 of the regulations.
- o Section 1280.1 (Registration) specifies the requirements to register a public equine event or sale with the Department pursuant to sections 24001, 24012 and 24015 of the Food and Agricultural Code. It also incorporates by reference specified public forms for use by the

equine industry in California, and that are required to be completed and sent to the Department.

Amend section 1280.7 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations

- o Section 1280.7 (Random Testing) specifies the requirements and procedures for random drug testing conducted by the Department. It specifies the procedures for the owner and/or trainer of the horse that has been selected for testing, to remove equipment from the horse, and to not interfere with sample collection by the EMMP staff.

Adopt section 1280.8 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations

- o Section 1280.8 (Therapeutic Drugs and Medicines) provides a detailed list of permissible therapeutic medications and drugs and establishes the maximum detectable plasma levels that are allowable for horses in public shows or sales. It cites specific time frames for the administration of the drug or medicine, and requires a licensed veterinarian on the event premises to administer any needed emergency drug or medication. Section 1280.8 would also restrict medications to those of therapeutic purposes for a veterinary-diagnosed illness or injury. It would further restrict the number of non-steroidal anti-inflammatory drugs and the amount of corticosteroids or muscle relaxers permitted prior to competition. The most significant part of the requirements of this section is the restriction of any injections within 12 hours of competition. The requirements of this section are consistent with the new USEF general rule, which will become effective December 1, 2013 (GR 414 Prohibited Practices), and the "Clinical Guidelines for Veterinarians Treating the Non-Racing Performance Horse", published by the American Association of Equine Practitioners, dated July 2011.

Adopt section 1280.10 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations

- o Section 1280.10 (Violations) specifies the penalties and fines for a person found to be in violation of specified laws and regulations relating to the equine program. The Department has the authority to impose civil or criminal fines and penalties by pursuing disciplinary action through the Office of the Attorney General.

Supportive Documents

- 1) Form 76-024A (Rev. 01/08) Application to Register Equine Event/Assessment Report for Registered Event/Event Copy for Managers
- 2) Form 76-025 (Rev. 11/2013) Law Prohibiting Drugging of Horses/Saleyard Assessment Report
- 3) Form 76-027 (Rev. 11/13) Official Form for Declaration of Drugs Administered
- 4) Minutes from the October 31, 2013 Equine Medication Monitoring Program Advisory Committee meeting.
- 5) United States Equestrian Federation (USEF), general rule, "GR 414 Prohibited Practices" effective December 1, 2013.
- 6) Clinical Guidelines for Veterinarians Treating the Non-Racing Performance Horse, dated July 2011.
- 7) EMMP Brochure dated January 2013, "Equine Medication Monitoring Program-Drugs and Medication Guidelines".

- 8) *Force Change*, "Commending Crackdown on Horse Drugging at Competitions".
- 9) *Political News* article, June 24, 2012, "Ann Romney's Horse Lawsuit-Over Drugging a Lame Horse to Sell It".
- 10) *New York Times* article, December 27, 2012, "Sudden Death of Show Pony Clouds Image of Elite Pursuit".
- 11) *New Jersey, Star-Ledger* article, January 20 2013, "USEF moving to control over-use of medications in show horses".
- 12) *Arabian News World* article, online library, March 2013, "Putting the Horse First".
- 13) *The Horse* article October 15, 2013, "Badminton, Burghley Winner Produces Positive Drug Test".

Duplication or Conflicts with Federal Regulation

This proposal does not duplicate or conflict with federal regulations because there are no federal regulations governing public equine events or sales. The Department of Food and Agriculture is the sole State authority over specified public equine events and sales pursuant to Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

Anticipated Benefits from This Regulatory Action

The California horse industry produces goods and services valued at approximately \$4.1 billion and approximately 698,000 horses in California, over 70 percent of which are involved in showing, sales, and recreation. This proposal benefits the equine industry by promoting the safety of the horse and rider in competition and horses at public sales to prevent any potential misuse of drugs or medications that could fraudulently mask a disease, condition, or injury of the horse which could place its rider in jeopardy. This proposal serves to ensure the Department fulfills its mandate of the protection of both the horse and rider in public horse shows and sales in accordance with Food and Agricultural Code sections 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24012, 24013, and 24015.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 et seq. Require Reimbursement: None

Business Impact: The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation imposes no new fees or costs to the equine industry. The proposal benefits the industry and the public by codifying the requirements of the EMMP, including the establishment of a list of permissible drugs and medications

for horses in public events and public horse sales in accordance with Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that representative private persons or businesses would necessarily incur in reasonable compliance with the proposed action. The proposed regulation does not impose any new fees or costs to persons or businesses. It codifies the requirements of the EMMP, including the establishment of a list of permissible drugs and medications for horses in public events and public horse sales in accordance with Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code. The anticipated compliance requirements as a result of this proposal are as follows:

- Paperwork requirement: There are no new fees or costs associated with the paperwork requirement. It codifies the forms used by the EMMP. The proposal affects any person participating in a public equine show or competition, or public horse sale. It affects any person designated as an event manager, who is responsible for registering the event with the Department. The event manager is required to register the event with the Department using Form 76-024A (Rev. 01/08) Application to Register Equine Event/Assessment Report for Registered Event/Event Copy for Managers. If a horse is consigned for sale Form 76-025 (Rev. 11/2013) Law Prohibiting Drugging of Horses/Saleyard Assessment Report must be completed and submitted to the Department. If any drugs are administered, Form 76-027 (Rev. 11/13) Official Form for Declaration of Drugs Administered, must be completed and sent to the Department.

Effect on Housing Costs: None

Effect on Small Business: The Department's proposal may affect small businesses.

The Department of Food and Agriculture
Animal Health Branch
Equine Medication Monitoring Program
Chapter 6, Division 2, of Title 3 of the California Code of Regulations
Proposed Emergency Regulations

1) Adopt sections 1280 and 1280.1 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1280. Purpose of Subchapter. [Repealed] Definitions.

a) The following definitions are supplemental to the definitions specified in Food and Agricultural Code section 24001 and are used specific to this chapter:

(1) "Therapeutic drugs or medicines" means drugs or medicines prescribed for use by a licensed veterinarian for the treatment of a diagnosed illness or injury.

(2) "Permissible drugs or medicines" means therapeutic drugs or medicines or drugs and medicines found in a sample within the established maximum detectable plasma or urine levels.

(3) "Prohibited substance" means:

(A) Permissible drugs or medicines that exceed established maximum detectable plasma or urine levels;

(B) Therapeutic drugs or medicines used without a prescription for use by a licensed veterinarian for treatment of illness or injury; or

(C) Any stimulant, depressant, tranquilizer, anesthetic, including local anesthetic, sedative, analgesic, corticosteroid excluding dexamethasone, anabolic steroid, or masking agent administered within 24 hours before competition or 72 hours before public sale.

Note: Authority cited for Subchapter 6 (Sections 1280 through 1280.11): Sections 407, 24007 and 24008-24013, Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Section 24001, Food and Agricultural Code.

Section 1280.1. Registration. [Repealed]

(a) Every public equine event or public horse sale shall be registered with the Department pursuant to sections 24001, 24012 and 24015 of the Food and Agricultural Code.

(b) The event manager is the "person in charge of an event", including the person responsible for registering the event with the Department and the person responsible for the assessment, collection, and remittance fees, and is personally liable for fees and penalties, if any, owed to the Department.

(c) The following forms, which are incorporated by reference, are required to be completed and sent to the Department according to the instructions contained on the forms:

(1) Application to Register Equine Event/Assessment Report For Registered Event/Event Copy for Managers, Form 76-024A (Rev. 01/08), is required at least 60 days in advance of the event. A fee of \$5.00 per horse entered per public show or sale must be assessed in accordance with section 1280.2 of these regulations. The assessment report must be submitted to the Department and fees remitted within fifteen (15) days after the final day of the event. Event managers are responsible for notifying the Department of Food and Agriculture of event changes or cancellations.

(2) Law Prohibiting the Drugging of Horses/Saleyard Assessment Report, Form 76-025 (Rev. 07/2013), must be filed by the sale manager within fifteen (15) days of the end of the month being reported. The assessment fee is \$5.00 for each horse consigned for public sale pursuant to section 1280.2 of these regulations.

(3) Official Form For Declaration Of Drugs Administered, Form 76-027 (Rev. 01/04), must be completed by a registered event exhibitor or consignor and filed with the event manager for any horse that has received a prohibited substance for therapeutic reasons within three (3) days before a show/competition or five (5) days before a sale.

(A) The owner/exhibitor/trainer is to submit the completed Form 76-027 (Rev. 01/04) to the event manager within one (1) hour if administration of the product(s) occurs at the event. If the product administration occurs at a time other than during show or sale hours, the owner or trainer should submit the completed form within one (1) hour after an event manager returns to duty.

Note: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Sections 24012 and 24015, Food and Agricultural Code.

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Sections 24001, 24012 and 24015, Food and Agricultural Code.

2) Amend section 1280.7 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1280.7. Random Testing.

(a) The ~~Director~~ Department will require random testing of horses exhibited or entered in any public horse show, horse competition, or public horse sale and shall designate the frequency and method of such testing by providing instructions to department personnel, contracting veterinarians, and to laboratories performing analyses.

(b) An owner, trainer, both owner and trainer, or any person designated by the owner or trainer to maintain control of a horse randomly selected for examination by Department personnel shall:

(1) Take the selected horse without delay to a location determined by the Department personnel for collection of the sample. Any activity causing delay of sample collection, including,

but not limited to, schooling or training, lengthy cooling out period, or bandaging shall be considered "non-cooperative."

(2) Remove equipment from the horse.

(3) Remove his or her self from the immediate proximity of the horse.

(4) Avoid activities distracting to the horse.

NOTE: Authority cited: Sections 407, 24003 and 24008 24013, Food and Agricultural Code.
Reference: Sections 24000-24018 24008 and 24009, Food and Agricultural Code.

3) Adopt section 1280.8 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1280.8. Request for Testing. [Repealed] Therapeutic Drugs and Medicines

(a) Use of therapeutic drugs or medicines for purposes other than under veterinary prescription for a diagnosed illness or injury are considered prohibited substances and are a violation of this section.

(b) Horses administered therapeutic drugs or medicines for purposes other than under veterinary prescription for a diagnosed disease or injury shall not compete or be available for sale until the prohibited substance is no longer detectable in the urine or blood sample.

(c) A therapeutic drug or medicine is permitted when:

(1) A prohibited substance is administered more than 24 hours before competition or more than 72 hours before a public sale.

(2) The therapeutic drug or medicine, or metabolite of the therapeutic drug or medicine, does not interfere with the quantification of any permitted substance or detection of any prohibited substances as defined by Food and Agricultural Code section 24001(h).

(3) Only one (1) nonsteroidal anti-inflammatory drug (NSAID) is given. When two NSAIDs are in a therapeutic regime, one must be discontinued at least 72 hours before competition.

(A) When administered by a licensed veterinarian for the emergency treatment of colic or an ophthalmic emergency, flunixin, in addition to one (1) other NSAID, may be acceptable if found in the plasma or urine sample of a horse provided:

(i) The licensed veterinarian who administered the substances properly signs and files a drug declaration with the event manager or designee within one (1) hour after administration of the substances or one (1) hour after the event manager or designee returns to duty if the administration occurs at a time outside competition hours; and

(ii) The horse is withdrawn from competition for 24 hours or from public sale for 72 hours.

(4) The detected level in the sample does not exceed the established maximum detectable plasma levels for the following drug or medicine:

(A) 15.0 micrograms per milliliter of phenylbutazone.

- (B) 1.0 micrograms per milliliter of flunixin.
- (C) 2.5 micrograms per milliliter of meclufenamic acid.
- (D) 40 micrograms per milliliter of naproxen.
- (E) 0.240 micrograms per milliliter of firocoxib.
- (F) 0.005 micrograms per milliliter of diclofenac.
- (G) 0.250 micrograms per milliliter of ketoprofen.
- (H) 0.0005 micrograms per milliliter of dexamethasone.
- (I) 0.5 micrograms per milliliter of methocarbamol.

(5) The detected level in the sample does not exceed the established maximum detectable urine levels for the following drug or medicine:

- (A) 0.09 micrograms per milliliter of dexamethasone.
- (B) 350 micrograms per milliliter of methocarbamol.

(d) No injectable substance shall be given to a horse within 12 hours of competition except:

(1) A minimum of 10 liters of polyionic fluids given therapeutically by a licensed veterinarian within 6-12 hours of competition. Therapeutic fluids with concentrated electrolytes, such as magnesium, are prohibited.

(2) Antibiotics, except procaine penicillin G, administered by a licensed veterinarian within 6-12 hours of competition.

(3) Dexamethasone, not to exceed 0.5 milligram per 100 pounds, administered by a licensed veterinarian within 6-12 hours of competition exclusively for the treatment of acute urticaria (hives). The total dose of dexamethasone administered within 24 hours shall not exceed 1.0 mg per 100lbs.

(4) The licensed veterinarian who administered the injectable substances in (d)(1) through (3) above shall sign and file a drug declaration [Form 76-027(Rev. 01/04)] with the event manager or designee within one (1) hour after the administration of the injectable substance or one (1) hour after the event manager or designee returns to duty if the administration occurs at a time outside competition hours.

~~Note: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000-24018, Food and Agricultural Code.~~

NOTE: Authority cited: Sections 407, 24013 and 24011.6, Food and Agricultural Code. Reference: Sections 24003, 24004, 24006, 24008, 24009, and 24011, Food and Agricultural Code.

4) Adopt section 1280.10 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1280.10. Penalties. ~~[Repealed]~~ Violations.

(a) Failure to comply with the provisions of this Chapter or Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code constitutes a violation punishable by a fine of not less than one hundred dollars (\$100) or more than ten thousand dollars (\$10,000).

(b) The Department may act consistent with any other existing enforcement authority concurrently or at a later date unless otherwise prohibited. Existing remedies include, but are not limited to, the following:

(1) Denial, suspension, or revocation of a registration or other indicia of authority issued by the Department;

(2) Suspend the owner, trainer and/or exhibitor from all competitions at any public horse show or competition for a period of not less than 90 days or more than one year for each violation; and,

(3) Suspend the event manager from the management of any public horse show or competition for a period of not less than 90 days or more than one year for each violation.

(c) The Department may impose civil or administrative penalties, including, but not limited to, the following:

(1) Referral to the appropriate Office of the Attorney General for criminal prosecution or other appropriate remedy; and,

(2) Reimbursement to the Department for any costs incurred due to any violation of this Chapter or Chapter 8 (commencing with section 24000) of Division 11 of the Food and Agricultural Code.

~~Note: Authority cited: Sections 407, 24003 and 24008, Food and Agricultural Code. Reference: Sections 24000-24018, Food and Agricultural Code~~

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Sections 24002, 24003, 24004, 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24011.6, 24012, and 24015, Food and Agricultural Code.

[End]

- Form 76-024A (Rev. 01/08) Application to Register Equine Event/Assessment Report for Registered Event/Event Copy for Managers
- Form 76-025 (Rev. 11/2013) Law Prohibiting Drugging of Horses/Saleyard Assessment Report
- Form 76-027 (Rev. 11/13) Official Form for Declaration of Drugs Administered

PROPOSED ADOPTION OF FORM 76-024A (Rev. 01/08)
 APPLICATION TO REGISTER EQUINE EVENT/ASSESSMENT REPORT FOR REGISTERED EVENT
 and EVENT COPY FOR MANAGER

STATE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE		REGULATION PROHIBITING DRUGGING OF HORSES	
ANIMAL HEALTH BRANCH 1220 N Street, Rm. A-107, Sacramento, CA 95814 For more information please call: (916) 657-5050 or (916) 657-5230 Fax: (916) 651-7299		APPLICATION TO REGISTER EQUINE EVENT RETURN ALL PAGES OF APPLICATION TO REGISTER THE EVENT RETURN BY: E-MAIL TO EMMP@CDFA.CA.GOV OR USPO 76-024A (Rev. 01/08)	
INSTRUCTIONS: As provided by the Food and Agricultural Code of California, Chapter 8, Division II, Section 24015 (a), each public horse show, horse sale or horse competition shall be registered with the Department of Food and Agriculture. In order to comply with the law the information below must be received by the Department at least thirty (30) Days prior to the occurrence of any such public horse/mule event. Please save this document and mail or e-mail as an attachment to EMMP@CDFA.CA.GOV			
ASSESSMENT RATE: \$5.00 per horse			
NAME OF PUBLIC HORSE SHOW, SALE OR OTHER COMPETITION		EVENT NUMBER (do not write here. CDFA only)	
FACILITY NAME		DATE FROM (mm/dd/yyyy)	DATE TO (mm/dd/yyyy) STARTING TIME
		to:	
GEOGRAPHIC LOCATION (Street No, crossroads, other geographic description)			
CITY	COUNTY	NUMBER OF ANIMALS EXPECTED/ESTIMATED	
SPONSOR OF EVENT		YOUR WEB PAGE (if available)	
EVENT KIND <i>Western, English, etc.</i>			
IF EVENT IS POSTPONED OR CANCELLED FOR ANY REASON PLEASE NOTIFY CDFA IMMEDIATELY.			
EVENT MANAGER - PRIMARY SHOW CONTACT			
24001 (b) of the California Food and Agricultural Code states that " Event Manager " means the person in charge of an event, including the entity or individual financially responsible for the event that is responsible for registering the event with the department, and who is responsible for the assessment, collection, and remittance of fees. "Event manager" includes horse show secretaries and managers, competitive event managers, and horse sale managers and sale owners. " Event Manager :" Includes horse show secretaries and managers, competitive event managers, and horse sale managers and sale owners.			
LAST NAME		FIRST NAME	
MAILING ADDRESS			APT./SUITE#
CITY	STATE	ZIP CODE	
HOME TELEPHONE	WORK TELEPHONE	FAX PHONE OR EMAIL	
ALTERNATE CONTACT (Requested if Applicable)			
LAST NAME	FIRST NAME	HOME TELEPHONE	WORK TELEPHONE
<p><i>By my signature, I hereby certify that I am the "Event Manager" of the event listed in item #1 above, understand that I must provide ALL EVENT MANAGER INFORMATION requested above in order for this registration application to be processed, and am financially responsible by California law to forward all due fees to the California Department of Food and Agriculture. Furthermore, I understand that in accordance with Section 24015 of the California Food and Agricultural Code that failure to properly register this event subjects me to a civil penalty of not less than \$100 or more than \$2500. The standard first time civil penalty imposed is \$500.</i></p>			
TYPE NAME OR SIGNATURE OF PERSON REGISTERING EVENT		DATE SIGNED	DATE REMITTED



PROPOSED ADOPTION OF FORM 76-024A (Rev. 01/08)
 APPLICATION TO REGISTER EQUINE EVENT/ASSESSMENT REPORT FOR REGISTERED EVENT
 and EVENT COPY FOR MANAGER

STATE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE		REGULATION PROHIBITING DRUGGING OF HORSES	
ANIMAL HEALTH BRANCH 1220 N Street, Rm. A-107, Sacramento, CA 95814 For more information please call: (916) 657-5050 or (916) 657-5230 Fax: (916) 651-7299		ASSESSMENT REPORT FOR REGISTERED EVENT	
		RETURN ALL PAGES OF APPLICATION TO REGISTER THE EVENT RETURN BY: E-MAIL TO EMMP@CDFA.CA.GOV OR USPO 76-024A (Rev. 01/08)	
INSTRUCTIONS: As provided by the Food and Agricultural Code of California, Chapter 8, Division II, Section 24015 (a), each public horse show, horse sale or horse competition shall be registered with the Department of Food and Agriculture. In order to comply with the law the information below must be received by the Department at least thirty (30) Days prior to the occurrence of any such public horse/mule event. Please save this document and mail or e-mail as an attachment to EMMP@CDFA.CA.GOV ASSESSMENT RATE: \$5.00 per horse			
NAME OF PUBLIC HORSE SHOW, SALE OR OTHER COMPETITION		EVENT NUMBER (do not write here. CDFA only)	
FACILITY NAME		DATE FROM (mm/dd/yyyy)	DATE TO (mm/dd/yyyy)
		to:	STARTING TIME
GEOGRAPHIC LOCATION (Street No, crossroads, other geographic description)			
CITY		COUNTY	NUMBER OF ANIMALS EXPECTED/ESTIMATED
SPONSOR OF EVENT		YOUR WEB PAGE (if available)	
EVENT KIND <i>Western, English, etc.</i>			
IF EVENT IS POSTPONED OR CANCELLED FOR ANY REASON PLEASE NOTIFY CDFA IMMEDIATELY.			
EVENT MANAGER - PRIMARY SHOW CONTACT			
<small>24001 (b) of the California Food and Agricultural Code states that "Event Manager" means the person in charge of an event, including the entity or individual financially responsible for the event that is responsible for registering the event with the department, and who is responsible for the assessment, collection, and remittance of fees. "Event manager" includes horse show secretaries and managers, competitive event managers, and horse sale managers and sale owners. "Event Manager" includes horse show secretaries and managers, competitive event managers, and horse sale managers and sale owners.</small>			
LAST NAME		FIRST NAME	
MAILING ADDRESS			APT./SUITE#
CITY		STATE	ZIP CODE
HOME TELEPHONE	WORK TELEPHONE	FAX PHONE OR EMAIL	
ALTERNATE CONTACT (Requested if Applicable)			
LAST NAME	FIRST NAME	HOME TELEPHONE	WORK TELEPHONE
PAYMENT SECTION - Enclose fees collected on the total number of horses entered or sold in the above-named public horse event in compliance with Chapter 8, Division II, Section 24012 of the Food and Agricultural Code of California. Complete (Blocks 40 through 44), SIGN and RETURN completed ASSESSMENT REPORT with PAYMENT. Make remittance payable to CASHIER, CDFA - 21002			
		PAYMENT DATE	
		40. #HORSES ASSESSED	
		41. X \$5.00 EACH	0
		42. PENALTY (Line 41 X .10) 10%	
		43. AFTER 30 DAYS (Line 42 X .015) X # Months	
		44. AMOUNT DUE (Add lines 41 thru 43)	
PENALTY & INTEREST INFORMATION: - INCLUDE: ten percent (10%) penalty plus interest at 1.5% per month for late payment if this report is not filed (postmarked) and assessments paid within 15 days of the public horse show, horse competition or horse sale named herein.			
TYPE NAME OR SIGNATURE OF PERSON REGISTERING EVENT		DATE SIGNED	DATE REMITTED
		DATE CANCELLED	

PROPOSED ADOPTION OF FORM 76-024A (Rev. 01/08)
 APPLICATION TO REGISTER EQUINE EVENT/ASSESSMENT REPORT FOR REGISTERED EVENT
 and EVENT COPY FOR MANAGER

STATE OF CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE		REGULATION PROHIBITING DRUGGING OF HORSES	
ANIMAL HEALTH BRANCH 1220 N Street, Rm. A-107, Sacramento, CA 95814 For more information please call: (916) 657-5050 or (916) 657-5230 Fax: (916) 651-7299		EVENT COPY FOR MANAGER	
		RETURN ALL PAGES OF APPLICATION TO REGISTER THE EVENT RETURN BY: E-MAIL TO EMMP@CDFA.CA.GOV OR USPO 76-024A (Rev. 01/08)	
<p>INSTRUCTIONS: As provided by the Food and Agricultural Code of California, Chapter 8, Division II, Section 24015 (a), each public horse show, horse sale or horse competition shall be registered with the Department of Food and Agriculture. In order to comply with the law the information below must be received by the Department at least thirty (30) Days prior to the occurrence of any such public horse/mule event. Please save this document and mail or e-mail as an attachment to EMMP@CDFA.CA.GOV</p> <p style="text-align: center;">ASSESSMENT RATE: \$5.00 per horse</p>			
NAME OF PUBLIC HORSE SHOW, SALE OR OTHER COMPETITION		EVENT NUMBER (do not write here. CDFA only)	
FACILITY NAME		DATE FROM (mm/dd/yyyy)	DATE TO (mm/dd/yyyy) STARTING TIME
GEOGRAPHIC LOCATION (Street No, crossroads, other geographic description)		to:	
CITY	COUNTY	NUMBER OF ANIMALS EXPECTED/ESTIMATED	
SPONSOR OF EVENT		YOUR WEB PAGE (if available)	
EVENT KIND <i>Western, English, etc.</i>			
IF EVENT IS POSTPONED OR CANCELLED FOR ANY REASON PLEASE NOTIFY CDFA IMMEDIATELY.			
EVENT MANAGER - PRIMARY SHOW CONTACT			
<p>24001 (b) of the California Food and Agricultural Code states that "Event Manager" means the person in charge of an event, including the entity or individual financially responsible for the event that is responsible for registering the event with the department, and who is responsible for the assessment, collection, and remittance of fees. "Event manager" includes horse show secretaries and managers, competitive event managers, and horse sale managers and sale owners. "Event Manager" includes horse show secretaries and managers, competitive event managers, and horse sale managers and sale owners.</p>			
LAST NAME		FIRST NAME	
MAILING ADDRESS			APT./SUITE#
CITY		STATE	ZIP CODE
HOME TELEPHONE	WORK TELEPHONE	FAX PHONE OR EMAIL	
ALTERNATE CONTACT (Requested if Applicable)			
LAST NAME	FIRST NAME	HOME TELEPHONE	WORK TELEPHONE
<p>PAYMENT SECTION: Enclose fees collected on the total number of horses entered or sold in the above-named public horse event in compliance with Chapter 8, Division II, Section 24012 of the Food and Agricultural Code of California. Complete (Blocks 40 through 44), SIGN and RETURN completed ASSESSMENT REPORT with PAYMENT. Make remittance payable to CASHIER, CDFA - 21002</p> <p>PENALTY & INTEREST INFORMATION: INCLUDE; ten percent (10%) penalty plus interest at 1.5% per month for late payment if this report is not filed (postmarked) and assessments paid within 15 days of the public horse show, horse competition or horse sale named herein.</p> <p>By my signature, I hereby certify that I am the "Event Manager" of the event listed in item #1 above, understand that I must provide ALL EVENT MANAGER INFORMATION requested above in order for this registration application to be processed, and am financially responsible by California law to forward all due fees to the California Department of Food and Agriculture. Furthermore, I understand that in accordance with Section 24015 of the California Food and Agricultural Code that failure to properly register this event subjects me to a civil penalty of not less than \$100 or more than \$2500. The standard first time civil penalty imposed is \$500.</p>			
TYPE NAME OR SIGNATURE OF PERSON REGISTERING EVENT		DATE SIGNED	DATE REMITTED
		DATE CANCELLED	

**PROPOSED ADOPTION OF FORM 76-025 (REV. 11/2013)
LAW PROHIBITING DRUGGING OF HORSES
SALEYARD ASSESSMENT REPORT**

**CDFA/EMMP
1200 N Street
Sacramento, CA 95814
(916) 900-5045**

LAW PROHIBITING DRUGGING OF HORSES

SALEYARD ASSESSMENT REPORT

=====

INSTRUCTIONS: Make remittance payable to Cashier, Department of Food and Agriculture and return with this completed assessment report in the envelope provided.

DUE DATE: A ten percent (10%) penalty for late payment is due to the Department if this report is not filed within fifteen (15) days of the end of the month being reported.

=====

1. Name of sale: _____

2. Facility name and address: _____

3. Mailing address: _____

4. Name of saleyard manager: _____

5. Phone number of saleyard: _____

Enclosed is payment for fees collected on the total number of horses entered for sale in compliance with Chapter 8, Division II, Section 24012 and Section 1280.2 of Chapter 6, Division 2 of Title 3, of the California Code of Regulations.

ASSESSMENT FEE: \$5.00 for each horse consigned for public sale.

DATE OF SALE: _____

NUMBER OF HORSES ASSESSED: _____ **AMOUNT DUE:** _____

I hereby certify, to the best of my knowledge and belief, this report is true and complete. I understand that the records from which this report was complete are subject to audit by the California Department of Food and Agriculture.

Signature of person authorized to certify this report

Date

**PROPOSED ADOPTION OF FORM 76-027 (Rev. 11/13)
OFFICIAL FORM FOR DECLARATION OF DRUGS ADMINISTERED**

STATE OF CALIFORNIA
DEPARTMENT OF FOOD AND AGRICULTURE
ANIMAL HEALTH AND FOOD SAFETY SERVICES

ANIMAL HEALTH BRANCH
1220 "N" STREET
SACRAMENTO, ca 95814

OFFICIAL FORM FOR DECLARATION OF DRUGS ADMINISTERED

(This declaration is not valid unless completed in its entirety.)

As required by the Food and Agriculture Code of California, Chapter 8, Division 11, Section 24011

I hereby certify that the following is a complete list of all drugs or medication required to be declared.

NAME OF EVENT	DATE OF EVENT	DECLARED AT (TIME)	ON (DATE)
---------------	---------------	--------------------	-----------

HORSE INFORMATION

ENTITY NUMBER(S)	NAME	AGE	SEX	COLOR	BREED
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DRUGS OR MEDICATION(S) INFORMATION

NAME (1)	AMOUNT	ROUTE (ORAL/INJECT/OPICAL)	SIZE/CONCENTRATION/STRENGTH
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NAME (2)			
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PURPOSE OF ADMINISTRATION / DIAGNOSIS (1)	TIME ADMINISTERED	DATE ADMINISTERED
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PURPOSE OF ADMINISTRATION / DIAGNOSIS (2)	TIME ADMINISTERED	DATE ADMINISTERED
---	-------------------	-------------------

I fully understand that this horse must be withdrawn from competition or sale after the administration of a prohibited substance, and that the minimum withdrawal periods are 24 hours prior to competition and 72 hours prior to public auctions.

NAME OF PERSON ADMINISTERING DRUG (PRINT)	SIGNATURE OF PERSON ADMINISTERING DRUG <input checked="" type="checkbox"/>
---	---

OWNER'S NAME

ADDRESS	CITY	PHONE () -
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SIGNATURE OF EVENT OFFICIAL RECEIVING THIS DECLARATION <input checked="" type="checkbox"/>	AT (TIME)	ON (DATE)
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PREPARE THIS FORM IN TRIPLICATE AND SUBMIT

WITHIN ONE HOUR OF THE ADMINISTRATION OF THE MEDICATION

76-027 (Rev. 11/13)

White / original

Yellow / duplicate

Pink / triplicate

STATE COPY submit with Assessment Report

EVENT COPY

EXHIBITOR COPY

Program Inquiries: Event Registration and Administration: (916) 903-9045; Drugs and Medications: (916) 900-9039