

The Department of Food and Agriculture, Animal Health Branch, Equine Medication Monitoring Program, hereby adopts the following changes to Chapter 6 (Drugging of Horses), Division 2 (Animal Industry) of Title 3 of the California Code of Regulations:

1) Amend 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. 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.

(D) Any anabolic steroid administered within 90 days before a competition or sale.

(E) Fluphenazine or reserpine administered within 45 days before a competition or sale.

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Section 24001 and 24011, Food and Agricultural Code.

Section 1280.1. Registration.

(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. 12/13), 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. 11/2013), 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. 11/13) or a compatible document of the event-sanctioning organization, 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. 11/13) or a compatible document of the event-sanctioning organization 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 24001, 24012 and 24015, Food and Agricultural Code.

2) Amend sections 1280.7 and 1280.8 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 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~~ approved California licensed 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 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 may be considered "non-cooperative."

(2) Remove equipment from the horse.

(3) Remove himself or herself from the immediate proximity of the horse.

(4) Avoid activities distracting to the horse.

NOTE: Authority cited: Sections 407 and 24013, Food and Agricultural Code. Reference: Sections 24001, 24008 and 24009, Food and Agricultural Code.

Section 1280.8. Therapeutic Drugs and Medicines.

(a) Therapeutic drugs or medicines administered for purposes other than under veterinary prescription for a diagnosed illness or injury are considered prohibited substances, and their use is a violation of this section.

(b) Horses administered therapeutic drugs or medicines for purposes other than under veterinary prescription for a diagnosed illness 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 [Form 76-027 (Rev. 11/13)] 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 ~~40 liters~~ 1 liter of polyionic fluids per 100 pounds of body weight given therapeutically by a licensed veterinarian between 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 between 6-12 hours of competition.

(3) Dexamethasone, not to exceed 0.5 milligram per 100 pounds, administered by a licensed veterinarian between 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. 11/13)] 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, 24013 and 24011.6, Food and Agricultural Code. Reference: Sections 24003, 24004, 24006, 24008, 24009 and 24011, Food and Agricultural Code.

3) Adopt new section 1280.11 of Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1280.11. ~~Procedure upon Allegation of Violation. [Repealed]~~ Fines and Penalties.

(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, and any regulations adopted

pursuant to them, constitutes a violation punishable by a fine of not less than one hundred dollars (\$100) or more than ten thousand dollars (\$10,000). The Department shall use the provisions of this section to determine the violation class and amount of the penalty.

(b) For the purposes of this section, violation classes are designated as "serious," "moderate," and "minor" to establish maximum penalty amounts. Repeat violations may result in an escalation of violation class. Serious and moderate violations may be downgraded based upon the evidence, the factual circumstances, mitigating factors and the cooperation of the violator.

(1) "Serious." Violations that cause significant performance enhancement of the equine or deceptive business practices that involve the non-therapeutic use of a prohibited substance, repetitive use of therapeutic prohibited substances and repetitive failure to comply with actions.

(A) The suspended individual is not permitted entry to the grounds of any registered event in the state of California during the suspension period. Event managers may not permit participation of a suspended individual in the registered event and event managers must immediately notify the Department of a suspended individual's presence on the event grounds. Event managers who permit participation of a suspended individual are subject to a violation and civil penalty in accordance with Food and Agricultural Code sections 24007 and 24015(c).

(2) "Moderate." Violations in which there is a potential for intermediate level of competitive harm or repeated violations of permissible level of detection and initial prohibited therapeutic substance detection.

(3) "Minor." Violations that are unintentional and have minimal performance enhancing action in the competition. The Department may issue a notice of warning for minor violations.

(c) Table "A" Equine Medication Monitoring Program Violations Matrix is to be used to establish the level of severity of a particular violation and the corresponding penalty range for "serious," "moderate," and "minor" violation classes.

See attached image Table A

~~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.

TABLE A: EQUINE MEDICATION MONITORING PROGRAM VIOLATIONS MATRIX

Title 3, CCR Section	Description of the Violation	Minor	Moderate	Serious	Penalty
1280.1(c)(1)	Failure of Event Manager to Register Event at least 60 days in advance of the event – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500
1280.1(c)(1)	Failure of Event Manager to Register Event at least 60 days in advance of the event – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000
1280.1(c)(1)	Failure of Event Manager to Register Event at least 60 days in advance of the event – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000
1280.1(c)(1)	Failure of Event Manager to Submit Fees within 15 days after the final day of the event – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500 plus civil penalties of 10% of the amount due plus interest rate of 1.5% per month.
1280.1(c)(1)	Failure of Event Manager to Submit Fees within 15 days after the final day of the event – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000 plus civil penalties of 10% of the amount due plus interest rate of 1.5% per month.
1280.1(c)(1)	Failure of Event Manager to Submit Fees within 15 days after the final day of the event – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 plus civil penalties of 10% of the amount due plus interest rate of 1.5% per month.
1280.7(b)	Failure to Submit Horse For Sample Collection – First Offense		x		Violations may be assessed at a minimum of \$500 to \$1,000.
1280.7(b)	Failure to Submit Horse For Sample Collection – Second Offense			x	Violations may be assessed at a minimum of \$2,000 to \$10,000.
1280.7(b)	Failure to Submit Horse For Sample Collection – Third Offense			x	Violations may be assessed at a minimum of \$2,000 to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to one year.
1280.8(b)	Detection of Non-Therapeutic Prohibited Substance – First Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to 1 year.
1280.8(b)	Detection of Non-Therapeutic Prohibited Substance – Second Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to 1 year.

1280.8(c)(1)	Detection of a Therapeutic Prohibited Substance – First Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000.
1280.8(c)(1)	Detection of a Therapeutic Prohibited Substance – Second Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to 1 year.
1280.8(c)(3)	Detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500.
1280.8(c)(3)	Detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000.
1280.8(c)(3)	Detection of two Nonsteroidal Anti-inflammatory Drugs (NSAIDs) in a sample – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000.
1280.8(c)(4)	Detection of a permissible substance over the maximum detectable plasma level – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500.
1280.8(c)(4)	Detection of a permissible substance over the maximum detectable plasma level – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000.
1280.8(c)(4)	Detection of a permissible substance over the maximum detectable plasma level – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000.
1280.8(d)	Administration of a prohibited injectable substance within 12 hours of competition – First Offense	x			Violations may be assessed at a minimum of \$100 up to \$500.
1280.8(d)	Administration of a prohibited injectable substance within 12 hours of competition – Second Offense		x		Violations may be assessed at a minimum of \$500 up to \$2,000.
1280.8(d)	Administration of a prohibited injectable substance within 12 hours of competition – Third Offense			x	Violations may be assessed at a minimum of \$2,000 up to \$10,000 and possible suspension of the owner, trainer or both from competition for 90 days to 1 year.