

### TITLE 3. FOOD AND AGRICULTURE

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (herein after referred to as "Department") is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning January 24, 2014 and ending at 5:00 p.m., March 10, 2014**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**Authority and Reference:** Pursuant to the authority vested by sections 407, 24013, and 24011.6, Food and Agricultural Code, and to implement, interpret or make specific sections 24001, 24002, 24003, 24004, 24005, 24006, 24007, 24008, 24009, 24010, 24011, 24011.6, 24012, and 24015 of the Food and Agricultural Code, the Department is proposing to make various changes to Chapter 6, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

#### **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 to implement the Equine Medication Monitoring Program (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.

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) Food and Agricultural Code 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 proposal under new regulation section 1280.8. The rulemaking changes are needed for the purpose of regulating the administration of therapeutic drugs and medicines and to describe the circumstances in which the administration of these substances shall be prohibited. The permissible list in Food and Agricultural Code section 24011.5 included NSAIDs only. This revision to the list of therapeutic drugs and medicines, as proposed, includes two drugs which are not NSAIDs yet may be prescribed by a veterinarian for therapeutic reasons to treat a veterinarian diagnosed illness or injury.

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 a list of approved therapeutic medications and maximum detectable plasma and urine levels for equines in public horse shows and sales. The Department was also seeking to implement the new national regulations set by the United States Equestrian Federation (USEF), General Rule (GR) 414 "Prohibited Practices". The USEF is the National Governing Body for Equestrian Sports. 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. The EMMP emergency rulemaking action was approved by the Office of Administrative Law on December 5, 2013 and effective January 1, 2014.

In order to make the emergency regulations permanent in Title 3 of the California Code of Regulations, the Department is proceeding with a regular rulemaking action to 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 national standards of the 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.

Anticipated Benefits of the Proposal: 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.

The EMMP monitors horses in public equine events and public 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 by a licensed veterinarian for the treatment of a diagnosed illness or injury. Prohibited substances are therapeutic drugs or medicines used without a prescription 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

public 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.

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.

Consistency and Compatibility with Existing State Regulations: The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with existing State regulations. The Department 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.

Documents Incorporated by Reference:

- Form 76-024A (Rev. 12/13) 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

Technical, Theoretical, and Empirical Study, Report, or Similar Documents

- 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”.
- EMMP spreadsheet showing some of the violations issued as evidence of the drugging of horses in the non-USEF competitions in California.
- Economic Impact Assessment
- Article regarding a petition, *Force Change*, “Commending Crackdown on Horse Drugging at Competitions”.
- Article from *Political News*, June 24, 2012, “Ann Romney’s Horse Lawsuit-Over Drugging a Lamé Horse to Sell It”.
- Article published in the *New York Times*, December 27, 2012 “Sudden Death of Show Pony Clouds Elite Pursuit”.

- Article published by the *New Jersey, Star-Ledger*, January 20, 2013 “USEF moving to control over-use of medications in show horses”.
- Article from the *Arabian News World*, online library, March 2013, “Putting the Horse First”.
- Article published by *The Horse*, October 15, 2013, “Badminton, Burghley Winner Produces Positive Drug Test”.
- <http://www.sfgate.com/bayarea/article/Parents-can-sue-over-equestrian-daughter-s-death-2478604.php>: Article concerning a 17 year old that was killed while riding the cross country course at Galway Downs in Temecula, California, in 2006.
- <http://tracks.endurance.net/2013/07/distance-rider-dies-in-horse-accident.html>  
<http://www.legacy.com/obituaries/omaha/obituary.aspx?pid=166063927>: Articles concerning an incident at an Endurance Ride through the Sierra-Nevada Mountains near Lake Tahoe, when a horse tripped causing the death of the rider.
- <http://horsetalk.co.nz/news/2009/08/022.shtml>  
<http://www.auburnjournal.com/article/waitte-lead-tevis-cup-penyrn-womans-horse-euthanized>: Articles concerning two horse deaths associated with the 100 mile Tevis Cup Endurance Ride in California.

## **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. 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 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/Reporting 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. 12/13) 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.

## **RESULTS OF ECONOMIC IMPACT ASSESSMENT**

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made a determination that this regulatory proposal:

- Will have no significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations.
- Will not affect the creation of new businesses or the elimination of existing businesses within the State of California, and does not affect the expansion of businesses currently doing business within the State of California.
- Does not impact multiple industries.
- 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.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment: The Department is not aware of any specific benefits this proposal will have on the health and welfare of California residents, worker safety, or the State's environment. The Department believes this proposal benefits the welfare of California residents by protecting the economic health of the affected equine industry. 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 further 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.

Occupations/Businesses Impacted: The Department has made an initial determination that this regulatory proposal will impact persons required to register with the Department any public horse shows and sales held in California, and affect persons participating in public horse shows and sales in accordance with Food and Agricultural Code sections 24001, 24012 and 24015.

Business Reporting Requirement: The regulation does require a report, which shall apply to businesses. The forms are provided by the Department, and incorporated by reference in this proposal. They are as follows:

- Form 76-024A (Rev. 12/13) 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

Comparable Federal Regulations: 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.

## **CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. 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.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Department has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

## **CONTACT PERSONS**

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

Katie Flynn, BVMS, MRCVS  
Equine Staff Veterinarian  
Department of Food and Agriculture  
Animal Health Branch/ EMMP  
1220 N Street, Sacramento, CA 95814  
Telephone: 916-900-5039  
E-mail: katherine.flynn@cdfa.ca.gov

The backup contact person is:

Nancy Grillo, Associate Analyst  
Department of Food and Agriculture  
Animal Health & Food Safety Services  
1220 N Street, Sacramento, CA 95814  
Telephone (916) 900-5033  
E-mail: nancy.grillo@cdfa.ca.gov

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

**The Department of Food and Agriculture  
Animal Health Branch  
Proposed Regulations - Equine Medication Monitoring Program**

The Department of Food and Agriculture, Animal Health Branch, proposes to make the following changes to Chapter 6, Division 2, of Title 3 of the California Code of 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, 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. 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), 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) 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 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, ~~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) 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 meclofenamic 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 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, 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) Suspension of 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) Suspension of 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]