

VIRGINIA RACING COMMISSION

CHAPTER 180.
MEDICATION.

11 VAC 10-180-10. Definitions.

The following words and terms when used in this chapter shall have the following meaning unless the context clearly indicates otherwise:

"Bleeder" means a horse which has been diagnosed as suffering from exercise-induced pulmonary hemorrhage based on external or endoscopic examination by the commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder.

"Bleeder list" means a tabulation of all bleeders to be maintained by the stewards.

"Commission" means the Virginia Racing Commission.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Virginia Drug Control Act (Va. Code §54.1-3400 et seq.) or any substance included in the five classification schedules of the U.S. Uniform Controlled Substances Act (21 USC §301 et seq.).

"Injectable substance" means a liquid or solid substance that may require the addition of a liquid via a needle and syringe to change it from a solid into a liquid, contained in a vial that can be accessed and administered only via a needle and syringe.

"Licensed veterinarian" means a veterinarian who holds a valid license to practice veterinary medicine and surgery under the applicable laws of the jurisdiction in which such person's practice is principally conducted.

"Milkshaking or bicarbonate loading" means a bicarbonate or alkaline substance, administered to a horse by any means possible that elevates the horse's bicarbonate level or pH level above those existing naturally in the untreated horse at normal physiological concentrations as determined by the commission.

"Permitted race day substances" means only substances that are

not performance altering and are administered solely for the benefit and welfare of the horse.

"Prescription substance" means any substance which is administered or dispensed by or on the order of a licensed veterinarian for the purpose of medical treatment of an animal patient when a bona fide doctor-patient relationship has been established.

"Primary laboratory" means a facility designated by the commission for the testing of test samples.

"Prohibited substance" means any drug, medication or chemical foreign to the natural horse, whether natural or synthetic, or a metabolite or analog thereof, the use of which is not expressly permitted by the regulations of the commission.

"Race day" means the period between midnight before a race and post-time for the race in which the horse is entered to start.

"Reference laboratory" means a facility designated by the commission for the testing of split samples.

"Substance" means any drug, medication or chemical foreign to the natural horse or human being, whether natural or synthetic, or a metabolite or analog thereof.

"Test sample" means any sample of blood, urine, saliva or tissue obtained from a horse or person for the purpose of laboratory testing for the presence of substances.

"Tubing" means the administration to a horse of any substance via a naso-gastric tube.

11 VAC 10-180-20. Generally.

A. Prohibited substance. No trainer shall allow a horse to appear in a race, including qualifying races or official timed workouts, when the horse contains in its system any prohibited substance, as determined by testing of blood, saliva or urine, or any other reasonable means.

B. Veterinarian Treatment Reports. Practicing veterinarians at the horse racing facility shall submit daily treatment reports at a time and in a manner prescribed by the commission veterinarian. The report shall contain the veterinarian's name, the name of the trainer of the horse, the name of the horse, all medications administered to the horse, diagnostic and therapeutic procedures performed, and the time and date of the administration or treatment.

1. Trainers of horses not stabled at the horse racing facility shall be responsible for submitting retroactive treatment reports to the commission veterinarian for any horse programmed to race. At a time prescribed by the commission veterinarian, the trainer shall submit to the commission veterinarian a retroactive treatment report for the seven previous days for any horse programmed to race. Reports may be electronically submitted or hand delivered to the commission veterinarian's office.

2. If a treatment report has not been received by the commission veterinarian prior to the start of a horse's race, the stewards, in their discretion, may exclude the introduction of such a treatment report into any subsequent hearing.

C. Race day prohibitions. No person shall administer any substance to a horse on race day other than those substances expressly permitted by the commission. Substances permitted by the commission shall be nonperformance altering and administered only for the benefit and welfare of the horse.

D. Tubing of horses prohibited. The tubing or dosing of any horse for any reason on race day is prohibited, unless administered for medical emergency purposes by a licensed veterinarian in which case the horse shall be scratched. The practice of administration of any substance, via a tube or dose syringe, into a horse's stomach on race day is considered a violation of this chapter.

1. Using or possessing the ingredients or the paraphernalia associated with forced feeding to a horse of a combination of baking soda and sugar or a form of sugar, or administering a substance by tubing on race day shall be considered a violation of this regulation.

2. Under the provisions of 11 VAC 10-180-20 B, endoscopic examination shall not be considered a violation of this regulation.

E. Possession of needles prohibited. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate supervision, shall have in his possession within the enclosure any hypodermic syringe or needle or any instrument capable of being used for the injection of any substance.

F. Possession of injectables prohibited. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate supervision, shall have in his possession within the enclosure any injectable substance.

G. Prescription substances for animal use. No person, except a veterinarian holding a valid veterinarian's permit or an assistant under his immediate supervision, shall have in his possession within the enclosure of a horse racing facility any prescription substance for animal use unless:

1. The person actually possesses, within the enclosure of the horse racing facility, documentary evidence that a prescription has been issued to him for the substance by a licensed veterinarian;

2. The prescription substance is labeled with a dosage for the horse or horses to be treated with the prescription substance; and

3. The horse or horses named in the prescription are then under the care and supervision of the permit holder and are then stabled within the enclosure of the horse racing facility.

H. Possession of substances. No veterinarian or permit holder shall, without good cause, possess or administer any substance to a horse stabled within the enclosure:

1. That has not been approved by the U.S. Food and Drug Administration's Center for Veterinary Medicine, or the U.S.

Department of Agriculture's Center for Veterinary Biologics; or

2. That is on the U.S. Drug Enforcement Agency's Schedule I or Schedule II of controlled substances as prepared by the Attorney General of the United States pursuant to 21 USC §§811 and 812.

I. Human use of needles and substances. Notwithstanding these regulations, a permit holder or veterinarian may possess within the enclosure of a horse racing facility a substance for use on his person, providing the permit holder or veterinarian possesses documentary evidence that a valid medical prescription has been issued to the permit holder or veterinarian.

Notwithstanding these regulations, a permit holder or veterinarian may possess within the enclosure of a horse racing facility a hypodermic syringe or needle for the purpose of administering to himself a substance, provided that the permit holder has documentary evidence that the substance can only be administered by injection and that the substance to be administered by injection has been prescribed for him.

J. Erythropoietin and any analogous substances. The possession or administration of Erythropoietin (Epogen) or any analogous substance that increases the oxygen-carrying capacity of the blood is prohibited.

K. Shockwave therapy device. The use of a shockwave therapy device is prohibited unless:

1. The shockwave therapy device is registered with the commission veterinarian;

2. The shockwave therapy device is used by a veterinarian who is a permit holder; and

3. Each use of the shockwave therapy device is reported to the commission veterinarian on the treatment report.

In no case shall a shockwave therapy device be used on a racehorse fewer than ten days before the racehorse is to race.

L. Notwithstanding any other provision in this chapter, no substance of any kind may be administered to a horse within three hours of the scheduled post time for the race in which the horse is entered.

11 VAC 10-180-30. Bleeders.

A. Examination of bleeders. A horse which is alleged to have bled in Virginia must be physically examined by the commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder in order to confirm the horse's inclusion on the bleeder list. The veterinarians may conclude a horse is a bleeder under the following circumstances:

1. If the examination takes place immediately following the race or exercise and before the horse leaves the racing surface, a veterinarian may conclude the horse is a bleeder and an endoscopic examination is not required for inclusion on the bleeder list; or

2. If the examination takes place after the horse leaves the racing surface but within 90 minutes following the finish of a race or exercise in which the horse participated, a veterinarian shall require an endoscopic examination for inclusion on the bleeder list.

B. Confirmation of a bleeder. The commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder, shall decide, based upon his experience and professional training, whether the horse suffers from exercise-induced pulmonary hemorrhage and should be placed on the bleeder list. The confirmation of a bleeder shall be certified in writing by the commission veterinarian, licensee's veterinarian or private practitioner who is a permit holder, and the horse shall be placed on the bleeder list. The confirmation of a bleeder shall be filed with the commission within three days of the confirmation. Upon request, a copy of the certification shall be provided to the owner of the horse or his agent.

C. Posting of bleeder list. The bleeder list shall be maintained by the stewards, with the assistance of the commission veterinarian, and shall be made available upon request. No horse shall be removed from the bleeder list without the approval of

the stewards.

D. Recovery period. If its determined that a horse has bled as determined by this chapter, the horse shall be placed on the bleeders list and may not be permitted to race for at least 10 days. If a horse is determined to have bled within 365 days of the first occurrence, the horse may not race for the following periods of time:

1. 30 days after the first reoccurrence;
2. 90 days after the second reoccurrence; and
3. The horse shall be barred from racing forever at the race meetings licensed by the commission after the third reoccurrence.

For the purpose of counting the number of days a horse is not permitted to race in meetings licensed by the commission, the day the horse bled is the first day of the recovery period, and the horse shall be permitted to race in meetings licensed by the commission when the last day of the recovery period under this chapter expired.

E. Bleeders from other jurisdictions. The commission veterinarian may designate a horse as a bleeder from another jurisdiction based upon information received from that jurisdiction confirming that the horse is a bleeder and that the requirements for inclusion on the bleeder list in Virginia have been satisfied.

11 VAC 10-180-40. Collection of samples.

A. Test barn. Test samples shall be collected in the test barn under the supervision of the commission veterinarian or his designee. The commission veterinarian, may at his discretion, permit test samples to be collected in the horse's stall or any other location he deems appropriate. Under these circumstances, the commission veterinarian shall inform the stewards of his decision.

B. Horses to be tested. The stewards or commission

veterinarian may, at any time, order the taking of test samples from any horse stabled within the enclosure of the horse racing facility, prior to racing or after racing including qualifying races and official timed workouts for the stewards or commission veterinarian. However, the stewards shall designate at least one horse from each race for the collection of test samples.

C. Collection procedure.

1. The trainer or a permit holder designated by the trainer shall accompany a horse sent to the test barn, and witness the collection and splitting of the samples. The trainer or a permit holder designated by the trainer shall cooperate with the commission veterinarian and the commission's veterinary technicians in the performance of their duties. The trainer or a permit holder designated by the trainer must remain with the horse until the horse is released from the test barn.

2. Horses, from which samples are to be collected, shall be escorted, following the race, directly to the test barn by the commission's veterinary technicians and the horses shall remain in the test barn until released by the commission veterinarian.

3. Stable equipment, other than that which is necessary for washing and cooling out of a horse, is prohibited in the test barn. A private practitioner may attend a horse in the test barn only in the presence of the commission veterinarian or the commission's veterinary technicians.

4. During the collection of test samples, the owner, trainer or an assistant designated by the owner or trainer, shall be present and witness the collection of the test sample, the splitting of the sample and sealing of containers. In the case of a claimed horse, the owner or trainer, or an assistant designated by the owner or trainer in whose name the horse started, shall be present to witness the collection of the test samples.

5. The test and split samples collected from a horse shall have identification tags affixed. One portion of the tag, bearing a printed identification number, shall remain with the sealed test and split samples, and the other portion of the tag bearing the same printed identification numbers shall be detached in the presence of the witness. The commission veterinarian or his

designee shall on the detached portion of the tags identify the horse from which the test and split samples were collected, the race and date, and other information deemed appropriate. The detached portion of the tag shall be witnessed by the trainer or a permit holder designated by the trainer, and shall be retained by the commission veterinarian for safekeeping.

6. A horse's identity shall be confirmed by examining its lip-tattoo number, or for a Standardbred, its freeze brand number. A horse that has not been lip-tattooed, or a Standardbred that has not been freeze branded, shall be reported immediately to the stewards.

7. If, after a horse remains for a reasonable time in the test barn, a test sample of urine cannot be collected from the horse, the commission veterinarian may, at his discretion, collect a test sample of blood or permit the horse to be returned to its barn where a test sample may be collected under the supervision of the commission veterinarian or the commission's veterinary technicians.

11 VAC 10-180-50. Laboratory findings and reports.

A. Primary testing laboratory. The commission shall designate a primary testing laboratory for the analysis of test samples collected under the supervision of the commission veterinarian. The commission shall designate a chief racing chemist within the primary testing laboratory who shall have the authority to report his findings to the executive secretary of the commission, the stewards and the commission veterinarian.

B. Reference laboratories. The commission shall designate one or more laboratories, other than the primary testing laboratory, as reference laboratories. These laboratories will conduct confirmatory analysis of split samples. Any reference laboratory must be willing to accept split samples for confirmatory testing. Any reference laboratory shall send results to both the person requesting the testing and the commission.

C. Chief racing chemist's responsibilities. The chief racing chemist shall be responsible for safeguarding and analyzing the test samples delivered to the primary testing laboratory. It

shall be the chief racing chemist's responsibility to maintain proper equipment, adequate staffing and acceptable procedures to thoroughly and accurately analyze test samples submitted to the primary testing laboratory.

D. Reporting procedures. The chief racing chemist shall submit to the executive secretary of the commission, the stewards and the commission veterinarian a written report as to each test sample analyzed, indicating by identification tag number, whether the test sample was negative or there was a chemical identification.

E. Chemical identifications. If the chief racing chemist determines that there is present in the test sample a substance or metabolites of a substance foreign to the natural horse, except those specifically permitted by the regulations of the commission, he shall submit a report of chemical identification to the executive secretary of the commission, the stewards and the commission veterinarian. In a report of chemical identification, the chief racing chemist shall submit evidence acceptable in the scientific community and admissible in court in support of his determination.

F. Review of chemical identifications. Upon receipt of a report of a chemical identification from the chief racing chemist, the stewards shall conduct a review of the chemical identification which shall include but not be limited to the chief racing chemist and the commission veterinarian. During the review, the following procedures shall apply:

1. All references to the report of a chemical identification shall be only by the identification tag number of the sample collected from the horse;

2. The chief racing chemist shall submit his written report of the chemical identification and the evidence supporting his finding;

3. The commission veterinarian shall submit a written statement to the stewards including but not limited to the classification of the substance and its probable effect on a racehorse;

4. The stewards may ask questions at any time and request further documentation as they deem necessary;

5. If the chemical identification involves a Class 1 or Class 2 substance, as specified by this regulation, then the stewards shall determine that the chemical identification constitutes a violation of the regulations of the commission and it is deemed a positive test result;

6. If the chemical identification and quantification involves a Class 2 or Class 3 substance, as specified by this regulation, then the stewards shall determine whether the chemical identification does or does not constitute a violation of the regulations of the commission and whether it should be deemed a positive test result;

7. In the event of a positive test result, the stewards shall notify the trainer of the horse of his right to send the split sample collected from the horse to one of the reference laboratories, designated by the commission, for confirmatory testing;

8. The stewards shall take no disciplinary action against any permit holder until the results of confirmatory testing are received, and the findings shall be a part of the record of any subsequent hearing; and

9. The chief racing chemist's report of a chemical identification, the commission veterinarian's written statement, the results of confirmatory testing and any other documentation submitted to the stewards shall become part of the record of any subsequent proceedings.

G. Barred from racing. No horse from which a positive test sample was collected shall be permitted to race until the stewards have made a final determination in the matter. Such a horse shall not be immune from resulting disciplinary action by the stewards or the commission.

H. Frozen samples. Unconsumed portions of all test samples tested by the primary testing laboratory will be maintained in a frozen state until cleared by the chief racing chemist and

permission for their disposal is obtained from the Senior Commonwealth Steward.

I. Split samples. The commission veterinarian or his designee shall determine a minimum test sample requirement for to the primary testing laboratory. If the test sample collected is less than the minimum requirement, then the entire test sample shall be sent to the primary laboratory.

If the sample collected is greater than the minimum sample requirement but less than twice that amount, the portion of the test sample that is greater than the minimum test sample requirement shall be secured as the split sample.

If the test sample collected is greater than twice the minimum test sample requirement, a portion of the sample approximately equal to the test sample shipped to the primary testing laboratory shall be secured as the split sample.

J. Storage of split samples. Split samples shall be stored in secured location inside a locked freezer in accordance with the following procedures:

1. Split samples shall be secured in the test barn in the same manner as the portion of the test sample acquired for shipment to the primary laboratory until such time as test samples are packed and secured for shipment to the primary laboratory.

2. Upon shipment of the test samples to the primary laboratory, the split samples shall be transferred to the locked freezer by the commission veterinarian who shall be responsible for securing possession of the keys.

3. The freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of split samples.

4. Whenever the freezer used for storage of split samples is opened, it shall be attended by the commission veterinarian or his designee and a representative of the horsemen if the respective horsemen's association has provided a representative.

In the case that the split samples from a race must be secured in the freezer and no horsemen's representative is present, the commission veterinarian or his designee shall be in attendance.

5. A log shall be maintained each time the freezer used for storage of split samples is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was locked.

6. Any evidence of a malfunction of the freezer used for storage of split samples or evidence that split samples are not in a frozen condition shall be documented in the log and immediately reported to the stewards.

K. Shipment of split samples. The trainer or owner of the horse shall have 48 hours from receipt of notice of a positive test result to request that the split sample be shipped to one of the reference laboratories designated by the commission and the split sample shall be shipped to the requested reference laboratory. The cost of shipment and additional testing shall be paid by the permit holder requesting the testing of the split sample.

L. Chain of custody form. The commission veterinarian, or his designee, shall be responsible for the completion of a chain of custody verification form that shall provide a place for recording the following information:

1. Date and time the split sample is removed from the freezer;
2. The test sample number;
3. The address of the reference laboratory;
4. The name and address where the split sample package is to be taken for shipment to the reference laboratory;
5. Verification of retrieval of the split sample from the freezer;

6. Verification that each specific step of the split sample packaging procedure is in accordance with the recommended procedure;

7. Verification of the address of the reference laboratory on the split sample package;

8. Verification of the condition of the split sample package immediately prior to the transfer of custody to the carrier for shipment to the reference laboratory;

9. The date and time custody of the split sample package was transferred to the carrier; and

The commission veterinarian, or his designee, and the trainer or owner of the horse, or his designee, shall witness, attest and sign the form, and a copy of the form shall be supplied to the trainer or owner.

In the event that the trainer or owner of the horse, or his designee, is not present, the commission veterinarian shall not remove the split sample from the freezer or ship the split sample to a reference laboratory.

M. Packaging the split sample. The following procedures shall apply to the packaging of the split sample:

1. The split sample shall be removed from the freezer by the commission veterinarian, or his designee, in the presence of the trainer or owner, or his designee.

2. The trainer or owner, or his designee, shall pack the split sample, in the presence of the commission veterinarian or his designee, in accordance with the instructions supplied by the reference laboratory.

3. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

4. The package containing the split sample shall be transported in the presence of the commission veterinarian, or

his designee, and the trainer or owner, or his designee, to the location where custody is transferred to the delivery carrier for shipment to the reference laboratory.

5. The commission veterinarian, or his designee, and the trainer or owner, or his designee, shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

6. The commission veterinarian, or his designee, and the trainer or owner, or his designee, shall complete the chain of custody verification form.

11 VAC 10-180-60. Medications and substances.

A. Disciplinary actions. The stewards may, at their discretion, refer to the following guidelines in imposing a disciplinary action upon a permit holder for a positive test result for one of the three classifications listed in subsection B of this section. However, the stewards may, at their discretion and in consideration of the circumstances, impose a greater or lesser disciplinary action. The guidelines are:

1. Class 1--Six-months to five-year suspension and at least a \$1,500 fine, and loss of purse;

2. Class 2--Minimum of 15-day suspension and/or fine and loss of purse;

3. Class 3--Fine, suspension and loss of purse are discretionary, relating to the specific circumstances of the case and any mitigating circumstances.

4. For cimetidine, dicoumerol, griseofulvin, isoxsuprine, ranitidine, sulfa and tetramisole--first offense: \$500 fine; second offense: 15-day suspension and disqualification.

5. For procaine, o-desmethyl pyrilamine--if the stewards determine that the drug was administered more than 48 hours before race day, first offense: \$500 fine; second offense: 15-day suspension and disqualification.

6. For procaine, o-desmethyl pyrillamine--if the stewards determine that the drug was administered within 48 hours of race day, first offense: 15-day suspension and disqualification; second offense: more stringent disciplinary action.

7. For methylprednisolone--first offense, if found in urine only: \$250 fine, or if found in urine and blood: 15-day suspension and disqualification; second offense: 15-day suspension and disqualification.

8. For non-steriodal anti-inflammatory substances--first offense is a \$500 fine and disqualification; second offense: a 15-day suspension and disqualification; and third offense: a \$500 fine, a 15-day suspension and disqualification.

9. For two or more non-steriodal anti-inflammatory substances, or a nonsteriodal anti-inflammatory substance and a corticosteroid substance--a 60-day suspension, disqualification, and a fine.

B. Classes of prohibited substances. The classes of prohibited substances are:

1. Class 1. Substances found in this class have no generally accepted medical use in the racehorse and have a very high pharmacological potential for altering the performance of a racehorse. These substances should never be found in the horse's system through post-race testing, or in the possession of any holder of a permit within the enclosure of horse racing facility licensed by the commission. Such substances are potent stimulants of the nervous system including opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) Scheduled I and II controlled substances, and substances that are products intended to alter consciousness or the psychic state of humans.

Some substances in this class, such as injectable local anesthetics, have legitimate uses in equine medicine, but should not be found in a racehorse through post-race testing.

The following groups of substances in this class are:

a. Opiate partial agonists, or agonist-antagonists;

b. Non-opiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;

c. Miscellaneous substances which might have a stimulant effect on the central nervous system (CNS);

d. Drugs with prominent CNS depressant action;

e. Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;

f. Muscle blocking substances that have a direct neuromuscular blocking action;

g. Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); ~~and~~

h. Other biological substances or chemicals that may be used as nerve blocking agents- : and

i. Erythropoietin (Epogen).

2. Class 2. Substances found in this class have an accepted therapeutic use in the horse, but have a potential to enhance performance, and their presence in the horse's system is prohibited on race day. The following groups of substances in this class are:

a. Substances affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular and respiratory system effects (bronchodilators are included in this class);

b. A local anesthetic which has nerve blocking potential but also a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the substance (procaine);

c. Miscellaneous substances with mild sedative action, such as the sleep inducing antihistamines;

- d. Primary vasodilating/hypotensive agents;
 - e. Potent diuretics affecting renal function and body fluid composition;
 - f. Nonopiate substances that have a mild central analgesic effect;
 - g. Substances affecting the autonomic nervous system that do not have prominent CNS, cardiovascular or respiratory effects:
 - (1) Substances used solely as topical vasoconstrictors or decongestants;
 - (2) Substances used as gastrointestinal antispasmodics;
 - (3) Substances used to void the urinary bladder; and
 - (4) Substances with a major effect on CNS vasculature or smooth muscle of visceral organs.
 - h. Antihistamines that do not have a significant CNS depressant effect (this does not include H1 blocking agents).
3. Class 3. Substances found in this class are therapeutic medications that are considered nonperformance enhancing, but may interfere with testing. The following groups of substances in this class are:
- a. Mineralcorticoid substances;
 - b. Skeletal muscle relaxants;
 - c. Anti-inflammatory substances—those that may reduce pains as a consequence of their anti-inflammatory actions, which include:
 - (1) Nonsteroidal anti-inflammatory drugs (NSAIDs)—aspirin-like substances;

- (2) Corticosteroids (glucocorticoids); and
- (3) Miscellaneous anti-inflammatory agents.
- d. Anabolic or androgenic steroids or both and other substances;
- e. Less potent diuretics;
- f. Cardiac glycosides and antiarrhythmics including:
 - (1) Cardiac glycosides;
 - (2) Antiarrhythmic agents (exclusive of lidocaine, bretilium and propranolol; and
 - (3) Miscellaneous cardiotoxic substances.
- g. Topical anesthetics—agents not available in injectible formulations;
- h. Antidiarrheal agents; and
- i. Miscellaneous substances including:
 - (1) Expectorants with little or no other pharmacologic action;
 - (2) Stomachics; and
 - (3) Mucolytic agents.
- 4. Newly developed substances not previously classified. For the purposes of a steward's determination if a chemical identification constitutes a positive finding, and for determining the subsequent disciplinary action, newly developed substances, not previously classified, may be considered Class 1 substances, until a duly recognized scientific body or regulatory racing authority determines the substance should be classified otherwise.

11 VAC 10-180-70. Phenylbutazone.

A. Generally. By this regulation, the Virginia Racing Commission specifically permits the use of phenylbutazone in racehorses in the quantities provided for in this chapter.

B. Quantitative testing. Any horse to which phenylbutazone has been administered shall be subject to having test samples taken at the direction of the commission veterinarian to determine the quantitative level of phenylbutazone or the presence of other substances which may be present.

C. Disciplinary actions. The stewards shall take the following disciplinary actions for reports of quantitative testing by the primary testing laboratory for levels of phenylbutazone quantified at levels above 2.0 micrograms per milliliter of plasma in horses following races, qualifying races, and official timed workouts for the stewards or commission veterinarian:

1. The stewards shall verbally warn a trainer of a horse with a post-race test above 2.0 to below 2.6 micrograms per milliliter of plasma;

2. The stewards shall fine a trainer \$500 but not more than any purse for the first offense with a post-race test above 2.6 micrograms per milliliter to below 5.0 micrograms per milliliter of plasma;

3. The stewards shall suspend a trainer for 15 days and disqualify the horse for a second offense with a post-race test from 2.6 micrograms per milliliter of plasma and below 5.0 micrograms of plasma; and

4. The stewards shall impose the following for a post-race test of 5.0 micrograms per milliliter of plasma:

(a) First offense: \$500 fine and disqualification;

(b) Second offense: 15-day suspension and disqualification; and

(c) Third offense: \$500 fine, 15-day suspension and disqualification.

5. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which phenylbutazone is permitted by the commission.

11 VAC 10-180-80. Permitted race day substances.

A. Generally. The following substances have been determined to be nonperformance altering and administered only for the benefit and welfare of the horse. These substances may be administered to a horse on race day by a permit holder when administered under veterinary supervision within the limits of this chapter:

Intravenous commercially available electrolyte solutions including calcium and magnesium, but not including bicarbonate, providing such administration is a minimum of three (3) hours prior to the post time for that horse's race.

B. Bleeder medications. By this regulation, the Virginia Racing Commission specifically permits the use of bleeder medications in only those horses that:

1. Have been placed on the bleeders list by the stewards;
or

2. Have raced on furosemide in another jurisdiction and on the last previous start in a pari-mutuel race, as indicated by the past performance chart and/or by verification by the commission veterinarian from that racing jurisdiction.

C. Furosemide.

1. Procedures for usage. The use of furosemide shall be permitted by the commission only in horses eligible to receive bleeder medications and under the following circumstances:

a. Furosemide shall be administered intravenously by a veterinarian who is a permit holder, ~~no less than three (3) hours prior to the scheduled post time of the race in which the horse is entered to start.~~

b. The furosemide dosage administered shall not exceed 10 ml (500 mg) and shall not be less than 3 ml (150 mg). Dosage levels between each race shall not vary by more than 3 ml (150 mg).

c. The veterinarian, who is a permit holder, administering the furosemide shall deliver to the commission's office at the horse racing facility no later than two hours prior to post time for the race in which the horse is entered a furosemide treatment form containing the following:

(1) The trainer's name, date, horse's name, and horse's identification number;

(2) The time furosemide was administered to the horse;

(3) The prior dosage level of furosemide administered to the horse and the dosage level administered for this race;

(4) The barn and stall number; and

(5) The signature of the private practitioner, who is a permit holder.

2. Furosemide quantification. Furosemide levels must not exceed 100 nanograms per milliliter (ng/ml) of plasma in horses administered furosemide and with urine specific gravity measuring 1.010 or lower. Furosemide must be present in the plasma of any horse racing in Virginia which has been designated in the program as being treated with bleeder medications.

D. Disciplinary actions.

1. For the first violation of the regulation pertaining to furosemide quantification (subdivision B2 of this section), the stewards shall issue a written reprimand to the trainer.

2. For the second violation of the regulation pertaining to furosemide quantification, (subdivision B2 of this section), the stewards shall fine the trainer an amount not to exceed \$500;

3. For the third violation of the regulation pertaining to furosemide quantification (subdivision B2 of this section), the

stewards shall suspend and/or fine the trainer; and

4. The stewards, in their discretion, may impose other more stringent disciplinary actions against trainers or other permit holders who violate the provisions under which furosemide is permitted by the commission, regardless of whether or not the same horse is involved.

E. Adjunct bleeder medications. The Virginia Racing Commission permits the use of adjunct bleeder medications only in horses qualified to receive bleeder medications as provided for in this chapter. Such medications, if administered to a horse, must be administered concurrently with furosemide. Permissible adjunct bleeder medications and maximum dosages are:

1. Conjugated estrogens, not to exceed 25 milligrams.
2. Aminocaproic acid, not to exceed 2.5 grams.
3. Tranexamic acid, not exceed 1 gram.
4. Carbazochrome, not exceed 5 ml.

F. Program designation. The licensee shall be responsible for designating in the program those horses racing on furosemide. The designation shall also include those horses making their first start while racing on furosemide. In the event there is an error, the licensee shall be responsible for making an announcement to be made over the public address system and taking other means to correct the information published in the program.

G. Discontinue use of furosemide. A trainer or owner may discontinue the administration of furosemide to his horse only with the permission of the stewards and prior to entering the horse in a race.

11 VAC 10-180-90. Bicarbonate testing.

A. Generally. By this regulation, the Virginia Racing Commission prohibits the administration to a horse on race day any bicarbonate-containing substance or alkalinizing substance that effectively alters the serum or plasma pH or concentration

of bicarbonates or carbon dioxide in the horse.

B. Test values. For a test sample collected from a horse at least one hour following a race in the test barn, the serum total carbon dioxide concentration shall not exceed 37.0 millimoles per liter ~~for horses not administered furosemide prior to racing or shall not exceed 39.0 millimoles per liter for horses administered furosemide prior to racing.~~ A serum total carbon dioxide level exceeding ~~these values~~ this value constitutes a positive test.

C. Testing procedure. The stewards or commission veterinarian may, at their discretion and at any time, order the collection of test samples from any horses present within the enclosure for determination of serum or plasma pH or concentration of bicarbonate, carbon dioxide, or electrolytes. A sample consisting of at least two (2) blood tubes shall be taken from the horse at least one hour after racing to determine the serum total carbon dioxide concentration. If the Chief Racing Chemist finds that the total carbon dioxide levels in the tubes exceed the standard test values of 37.0 ~~and 39.0~~ millimoles per liter, then he shall inform the stewards of the positive test results.

D. Split samples prohibited. The procedures for split sample testing shall not apply to bicarbonate testing procedures.