

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Finance & Taxation offered the following:

**Amendment (with title amendment)**

On page 3, between lines 23 and 24, of the bill

insert:

Section 5. Section 535.08, Florida Statutes, is created to read:

535.08 Thoroughbred sales; administration of medications prior to sale; testing.--

(1) No person shall administer to any thoroughbred horse offered for public sale at a thoroughbred horse sale any substance that is recognized as an injectable, oral, or topical medication within 72 hours of the start of the sale session in which the thoroughbred horse is offered for sale unless the person is a licensed veterinarian and the medication is therapeutic or necessary for the treatment or prevention of an illness or injury.

(2) The administration of any such medication must be reported to the sales organization on a form provided for this purpose by the sales organization, signed by the attending

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1 veterinarian, which shall set forth the following information:

2 (a) Identification of the medication, amount, and  
3 strength.

4 (b) The date and time of administration.

5 (c) Identification of the horse's name, age, sex, and  
6 entry number.

7 (d) The reason for administration.

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9 The form must be filed with the sales organization no later  
10 than 12 hours after administration or 1 hour before the start  
11 of the sales session in which the thoroughbred horse is  
12 offered for sale, whichever would require the earlier filing.  
13 The sales organization shall make all such forms available to  
14 the public, and the availability of this information shall be  
15 publicized in any applicable sales catalogue.

16 (3)(a) The state veterinarian, or any veterinarian  
17 designated by the department, may administer a blood test to  
18 any thoroughbred horse offered or sold at a thoroughbred horse  
19 sale for the purpose of determining if the horse has been  
20 administered a substance in violation of subsection (1). Such  
21 a test shall be performed at the request of the purchaser of  
22 any thoroughbred horse sold, if the purchaser makes such a  
23 request before taking physical possession of the animal and  
24 within 24 hours of the time of sale. The purchaser shall be  
25 solely responsible for the cost of the test, and payment shall  
26 be made to the sales organization. The sales organization  
27 shall then remit the cost of these tests to the department.

28 (b) One-half of any such blood sample shall be  
29 delivered for initial testing to the official laboratory  
30 approved by the department. The other half of the blood sample  
31 shall be stored for possible followup testing for a period of

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1 not less than 2 weeks after receipt of the initial test  
2 results.

3 (c) The seller may request followup testing in  
4 response to any positive test result within 48 hours after  
5 receiving actual notice of such a result. The seller shall be  
6 solely responsible for the cost of any followup testing. Upon  
7 request of the seller, the original laboratory and an  
8 additional laboratory selected by the seller and approved by  
9 the state veterinarian shall test the stored sample.

10 (d) If initial testing reveals that a horse has been  
11 administered a substance in violation of subsection (1) and  
12 followup testing by both laboratories confirms this conclusion  
13 or the seller does not request such testing within the 48-hour  
14 period provided, the consignor must accept return of the horse  
15 as unsold.

16 (4)(a) Any person who violates subsection (1) commits  
17 a misdemeanor of the second degree, punishable as provided in  
18 ss. 775.082 and 775.083. For a second or subsequent offense,  
19 such person commits a misdemeanor of the first degree,  
20 punishable as provided in ss. 775.082 and 775.083.

21 (b) In addition to the penalties provided in paragraph  
22 (a), any person convicted of a violation of subsection (1)  
23 shall be barred from showing, exhibiting, or offering for sale  
24 at a public sale any horse in this state for a period of 2  
25 years from the date of the conviction.

26 Section 6. Subsection (1) of section 535.11, Florida  
27 Statutes, is amended to read:

28 535.11 Prohibition against administration of drugs;  
29 testing; search powers of department; penalties.--

30 (1) As used in this section, the term:

31 ~~(a) "Stimulant" means any medication that stimulates~~

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1 ~~the circulatory, respiratory, or central nervous system.~~

2 (a)~~(b)~~ "Depressant" means any medication that  
3 depresses the circulatory, respiratory, or central nervous  
4 system.

5 (b)~~(c)~~ "Forbidden substance" means any stimulant,  
6 depressant, tranquilizer, analgesic, local anesthetic,  
7 steroidal or nonsteroidal anti-inflammatory drug, or drug or  
8 drug metabolite that could affect the performance of a horse.  
9 The term includes any substance, regardless of how harmless or  
10 innocuous, which could interfere in detecting the presence of  
11 a stimulant, depressant, tranquilizer, analgesic, local  
12 anesthetic, steroidal or nonsteroidal anti-inflammatory drug,  
13 or drug or drug metabolite that could affect the performance  
14 of a horse.

15 (c) "Horse show," "horse exhibition," or "horse sale"  
16 means any event in which horses compete for awards, prizes,  
17 points, ribbons, or money or are made available for public  
18 sale other than through a public sale of thoroughbred horses  
19 that requires licensing under s. 535.01.

20 (d) "Stimulant" means any medication that stimulates  
21 the circulatory, respiratory, or central nervous system.

22 (e)~~(d)~~ "Trainer" means any adult who has the  
23 responsibility for the care, training, custody, or performance  
24 of a horse. Such person may be an owner, rider, agent, or  
25 coach, as well as a trainer.

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 1, line 17,

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1 after the semicolon, insert:  
2       creating s. 535.08, F.S.; providing a  
3       prohibition against the administration of  
4       medications to thoroughbred horses prior to  
5       sale; providing an exception and certain  
6       requirements; providing for testing; providing  
7       penalties; amending s. 535.11, F.S., relating  
8       to prohibition against administration of drugs  
9       to horses; providing a definition;  
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