



318762

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2014	.	
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The Committee on Community Affairs (Latvala) recommended the following:

1 **Senate Substitute for Amendment (197666) (with title**
2 **amendment)**

3
4 Between lines 944 and 945
5 insert:

6 Section 23. Paragraphs (a) and (b) of subsection (1),
7 paragraphs (a) and (b) of subsection (3), subsections (4) and
8 (5), paragraph (e) of subsection (6), and subsections (7)
9 through (16) of section 550.2415, Florida Statutes, are amended
10 to read:



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11 550.2415 Racing of animals under certain conditions
12 prohibited; penalties; exceptions.—

13 (1) (a) The racing of an animal that has been impermissibly
14 medicated or drugged ~~with any drug, medication, stimulant,~~
15 ~~depressant, hypnotic, narcotic, local anesthetic, or drug-~~
16 ~~masking agent~~ is prohibited. It is a violation of this section
17 for a person to impermissibly medicate or drug an animal
18 resulting ~~administer or cause to be administered any drug,~~
19 ~~medication, stimulant, depressant, hypnotic, narcotic, local~~
20 ~~anesthetic, or drug masking agent to an animal which will result~~
21 in a positive test for such substance based on samples taken
22 from the animal ~~immediately~~ prior to or immediately after the
23 racing of that animal. Test results and the identities of the
24 animals being tested and of their trainers and owners of record
25 are confidential and exempt from s. 119.07(1) and from s. 24(a),
26 Art. I of the State Constitution for 10 days after testing of
27 all samples collected on a particular day has been completed and
28 any positive test results derived from such samples have been
29 reported to the director of the division or administrative
30 action has been commenced.

31 (b) It is a violation of this section for a race-day
32 specimen to contain a level of a naturally occurring substance
33 which exceeds normal physiological concentrations. The division
34 may solicit input from the Department of Agriculture and
35 Consumer Services and adopt rules that specify normal
36 physiological concentrations of naturally occurring substances
37 in the natural untreated animal and rules that specify
38 acceptable levels of environmental contaminants and trace levels
39 of substances in test samples.



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40 (3) (a) Upon the finding of a violation of this section, the
41 division may revoke or suspend the license or permit of the
42 violator or deny a license or permit to the violator; impose a
43 fine against the violator in an amount not exceeding the purse
44 or sweepstakes earned by the animal in the race at issue or
45 \$10,000, whichever is greater ~~\$5,000~~; require the full or
46 partial return of the purse, sweepstakes, and trophy of the race
47 at issue; or impose against the violator any combination of such
48 penalties. The finding of a violation of this section in no way
49 prohibits a prosecution for criminal acts committed.

50 (b) The division, notwithstanding the provisions of chapter
51 120, may summarily suspend the license of an occupational
52 licensee responsible under this section or division rule for the
53 condition of a race animal if the division laboratory reports
54 the presence of a prohibited ~~an impermissible~~ substance in the
55 animal or its blood, urine, saliva, or any other bodily fluid,
56 either before a race in which the animal is entered or after a
57 race the animal has run.

58 (4) A prosecution pursuant to this section for a violation
59 of this section must be commenced within 180 days ~~2 years~~ after
60 the violation was committed. Service of an administrative
61 complaint marks the commencement of administrative action.

62 (5) The division shall implement a split-sample procedure
63 for testing animals under this section. Each urine and blood
64 sample shall be split into a primary sample and a secondary
65 (split) sample upon collection, under rules adopted by the
66 division. The division shall transfer custody of the primary
67 sample to the division laboratory, with custody of the split
68 sample to remain with the division except as provided in this



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69 subsection.

70 (a) ~~Upon finding a positive drug test result, The division~~
71 ~~department shall notify the owner or trainer, the stewards, and~~
72 ~~the horsemen's association of all drug test the results. The~~
73 ~~owner may request that each urine and blood sample be split into~~
74 ~~a primary sample and a secondary (split) sample. Such splitting~~
75 ~~must be accomplished in the laboratory under rules approved by~~
76 ~~the division. Custody of both samples must remain with the~~
77 ~~division. In the event of a positive test result However, upon~~
78 request by the affected trainer or owner of the animal from
79 which the sample was obtained, the division shall send the split
80 sample to an approved independent laboratory for analysis. The
81 division shall establish standards and rules for uniform
82 enforcement and shall maintain a list of at least five approved
83 independent laboratories for an owner or trainer to select from
84 in the event of a positive test result ~~sample~~.

85 (b) If the division ~~state~~ laboratory's findings are not
86 confirmed by the independent laboratory, no further
87 administrative or disciplinary action under this section may be
88 pursued. The division may adopt rules identifying substances
89 that diminish in a blood or urine sample due to passage of time
90 and that must be taken into account in applying this section.

91 (c) If the independent laboratory confirms the division
92 ~~state~~ laboratory's positive result, ~~or if there is an~~
93 ~~insufficient quantity of the secondary (split) sample for~~
94 ~~confirmation of the state laboratory's positive result, the~~
95 division may commence administrative proceedings as prescribed
96 in this chapter and consistent with chapter 120. For purposes of
97 this subsection, the department shall in good faith attempt to



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98 obtain a sufficient quantity of the test fluid to allow both a
99 primary test and a secondary test to be made. If there is an
100 insufficient quantity of the split sample for confirmation of
101 the division laboratory's positive result, the division may not
102 take further action on the matter against the owner or trainer,
103 and any resulting license suspension must be immediately lifted.

104 (d) The division shall require its laboratory and the
105 independent laboratories to annually participate in an
106 externally administered quality assurance program designed to
107 assess testing proficiency in the detection and appropriate
108 quantification of medications, drugs, and naturally occurring
109 substances that may be administered to racing animals. The
110 administrator of the quality assurance program shall report its
111 results and findings to the division and the Department of
112 Agriculture and Consumer Services.

113 (6)

114 (e) The division may inspect or coordinate inspections with
115 the Department of Agriculture and Consumer Services of any area
116 at a pari-mutuel facility where racing animals are raced,
117 trained, housed, or maintained, including any areas where food,
118 medications, or other supplies are kept, to ensure the humane
119 treatment of racing animals and compliance with this chapter and
120 the rules of the division.

121 (7) (a) In order to protect the safety and welfare of racing
122 animals and the integrity of the races in which they
123 participate, the division shall adopt rules establishing the
124 conditions of use and maximum concentrations of drugs,
125 medications, and naturally occurring substances identified in
126 the most recent Controlled Therapeutic Medication Schedule



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127 adopted by the Association of Racing Commissioners International
128 Inc. (ARCI) on or before April 30, 2014. Controlled therapeutic
129 medications include only the specific medications and
130 concentrations allowed in biological samples which have been
131 approved by the ARCI as a controlled therapeutic medication. The
132 division shall adopt laboratory screening limits approved by the
133 ARCI for drugs and medications that are not included as
134 controlled therapeutic medications.

135 (b) The division rules must designate the appropriate
136 biological specimens by which the administration of medications,
137 drugs, and naturally occurring substances are monitored and the
138 testing methodologies for screening and confirmation.

139 (c) The division rules must include a classification system
140 for medications and drugs and a corresponding penalty schedule
141 for violations, which must incorporate the Uniform
142 Classification Guidelines for Foreign Substances, revised
143 December 2013, as adopted by the ARCI. The rules must specify
144 those drugs that are considered prohibited substances, whose
145 presence in a sample in prescribed concentrations may result in
146 summary suspension pursuant to paragraph (3) (b).

147 (d) The rules must include conditions for the use of
148 furosemide to treat exercise-induced pulmonary hemorrhage.

149 (e) The division shall adopt the rules described in this
150 subsection before January 1, 2015. The division shall initiate
151 rulemaking to consider the adoption of any subsequent amendments
152 to the Controlled Therapeutic Medication Schedule adopted by the
153 ARCI within 180 days after any such amendments ~~Under no~~
154 ~~circumstances may any medication be administered closer than 24~~
155 ~~hours prior to the officially scheduled post time of a race~~



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156 ~~except as provided for in this section.~~

157 ~~(a) The division shall adopt rules setting conditions for~~
158 ~~the use of furosemide to treat exercise induced pulmonary~~
159 ~~hemorrhage.~~

160 ~~(b) The division shall adopt rules setting conditions for~~
161 ~~the use of prednisolone sodium succinate, but under no~~
162 ~~circumstances may furosemide or prednisolone sodium succinate be~~
163 ~~administered closer than 4 hours prior to the officially~~
164 ~~scheduled post time for the race.~~

165 ~~(c) The division shall adopt rules setting conditions for~~
166 ~~the use of phenylbutazone and synthetic corticosteroids; in no~~
167 ~~case, except as provided in paragraph (b), shall these~~
168 ~~substances be given closer than 24 hours prior to the officially~~
169 ~~scheduled post time of a race. Oral corticosteroids are~~
170 ~~prohibited except when prescribed by a licensed veterinarian and~~
171 ~~reported to the division on forms prescribed by the division.~~

172 ~~(f)(d)~~ Nothing in this section shall be interpreted to
173 prohibit the use of vitamins, minerals, or naturally occurring
174 substances so long as none exceeds the normal physiological
175 concentration in a race-day specimen.

176 ~~(g)(e)~~ The division may, by rule, establish acceptable
177 levels of permitted medications and shall select the appropriate
178 biological specimens by which the administration of permitted
179 medication is monitored.

180 (8) (a) The only medication authorized to be administered
181 within 24 hours before the officially scheduled post time of a
182 race is furosemide, but under no circumstances may furosemide be
183 administered within 4 hours before the officially scheduled post
184 time of a race ~~Under no circumstances may any medication be~~



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185 ~~administered within 24 hours before the officially scheduled~~
186 ~~post time of the race except as provided in this section.~~

187 **(b) The testing medium for phenylbutazone in horses shall**
188 **be serum, and the division may collect up to six full 15-**
189 **milliliter blood tubes for each horse being sampled** ~~As an~~
190 ~~exception to this section, if the division first determines that~~
191 ~~the use of furosemide, phenylbutazone, or prednisolone sodium~~
192 ~~succinate in horses is in the best interest of racing, the~~
193 ~~division may adopt rules allowing such use. Any rules allowing~~
194 ~~the use of furosemide, phenylbutazone, or prednisolone sodium~~
195 ~~succinate in racing must set the conditions for such use. Under~~
196 ~~no circumstances may a rule be adopted which allows the~~
197 ~~administration of furosemide or prednisolone sodium succinate~~
198 ~~within 4 hours before the officially scheduled post time for the~~
199 ~~race. Under no circumstances may a rule be adopted which allows~~
200 ~~the administration of phenylbutazone or any other synthetic~~
201 ~~corticosteroid within 24 hours before the officially scheduled~~
202 ~~post time for the race. Any administration of synthetic~~
203 ~~corticosteroids is limited to parenteral routes. Oral~~
204 ~~administration of synthetic corticosteroids is expressly~~
205 ~~prohibited. If this paragraph is unconstitutional, it is~~
206 ~~severable from the remainder of this section.~~

207 ~~(c) The division shall, by rule, establish acceptable~~
208 ~~levels of permitted medications and shall select the appropriate~~
209 ~~biological specimen by which the administration of permitted~~
210 ~~medications is monitored.~~

211 (9) (a) The division may conduct a postmortem examination of
212 any animal that is injured at a permitted racetrack while in
213 training or in competition and that subsequently expires or is



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214 destroyed. The division may conduct a postmortem examination of
215 any animal that expires while housed at a permitted racetrack,
216 association compound, or licensed kennel or farm. Trainers and
217 owners shall be requested to comply with this paragraph as a
218 condition of licensure.

219 (b) The division may take possession of the animal upon
220 death for postmortem examination. The division may submit blood,
221 urine, other bodily fluid specimens, or other tissue specimens
222 collected during a postmortem examination for testing by the
223 division laboratory or its designee. Upon completion of the
224 postmortem examination, the carcass must be returned to the
225 owner or disposed of at the owner's option.

226 (10) The presence of a prohibited substance in an animal,
227 found by the division laboratory in a bodily fluid specimen
228 collected after the race or during the postmortem examination of
229 the animal, which breaks down during a race constitutes a
230 violation of this section.

231 (11) The cost of postmortem examinations, testing, and
232 disposal must be borne by the division.

233 (12) The division shall adopt rules to implement this
234 section. ~~The rules may include a classification system for~~
235 ~~prohibited substances and a corresponding penalty schedule for~~
236 ~~violations.~~

237 ~~(13) Except as specifically modified by statute or by rules~~
238 ~~of the division, the Uniform Classification Guidelines for~~
239 ~~Foreign Substances, revised February 14, 1995, as promulgated by~~
240 ~~the Association of Racing Commissioners International, Inc., is~~
241 ~~hereby adopted by reference as the uniform classification system~~
242 ~~for class IV and V medications.~~



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243 ~~(14) The division shall utilize only the thin layer~~
244 ~~chromatography (TLC) screening process to test for the presence~~
245 ~~of class IV and V medications in samples taken from racehorses~~
246 ~~except when thresholds of a class IV or class V medication have~~
247 ~~been established and are enforced by rule. Once a sample has~~
248 ~~been identified as suspicious for a class IV or class V~~
249 ~~medication by the TLC screening process, the sample will be sent~~
250 ~~for confirmation by and through additional testing methods. All~~
251 ~~other medications not classified by rule as a class IV or class~~
252 ~~V agent shall be subject to all forms of testing available to~~
253 ~~the division.~~

254 ~~(15) The division may implement by rule medication levels~~
255 ~~recommended by the University of Florida College of Veterinary~~
256 ~~Medicine developed pursuant to an agreement between the Division~~
257 ~~of Pari-mutuel Wagering and the University of Florida College of~~
258 ~~Veterinary Medicine. The University of Florida College of~~
259 ~~Veterinary Medicine may provide written notification to the~~
260 ~~division that it has completed research or review on a~~
261 ~~particular drug pursuant to the agreement and when the College~~
262 ~~of Veterinary Medicine has completed a final report of its~~
263 ~~findings, conclusions, and recommendations to the division.~~

264 ~~(16) The testing medium for phenylbutazone in horses shall~~
265 ~~be serum, and the division may collect up to six full 15-~~
266 ~~milliliter blood tubes for each horse being sampled.~~

267
268 ===== T I T L E A M E N D M E N T =====

269 And the title is amended as follows:

270 Delete line 70

271 and insert:



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272 Council; conforming a cross-reference; amending s.
273 550.2415, F.S.; revising the prohibition on the use of
274 medication or drugs on racing animals; revising
275 penalties for such use; revising procedures for
276 testing animals for medication or drugs; authorizing
277 the Division of Pari-mutuel Wagering within the
278 Department of Business and Professional Regulation to
279 solicit input from and coordinate inspections with the
280 Department of Agriculture and Consumer Services;
281 revising the penalties for violating laws relating to
282 the racing of animals; revising the rulemaking
283 authority of the division; creating part I