



476562

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: WD | . | |
| 04/30/2014 | . | |
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The Committee on Appropriations (Latvala and Galvano)
recommended the following:

Senate Amendment (with title amendment)

Between lines 2421 and 2422

insert:

Section 106. Section 828.35, Florida Statutes, is created
to read:

828.35 Humane treatment of racehorses.-

(1) (a) In order to ensure the humane treatment and welfare
of horses racing in this state and notwithstanding any other law
to the contrary, the Division of Pari-mutuel Wagering, in



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11 consultation with the Department of Agriculture and Consumer
12 Services and the designated state laboratory, shall adopt rules
13 establishing the conditions of use and maximum concentrations of
14 drugs, medications, and naturally occurring substances
15 identified in the most recent Controlled Therapeutic Medication
16 Schedule adopted by the Association of Racing Commissioners
17 International, Inc. (ARCI) on or before April 30, 2014.
18 Controlled therapeutic medications include only the specific
19 medications and concentrations authorized in biological samples
20 that have been approved by ARCI as controlled therapeutic
21 medications. The division shall initiate rulemaking to consider
22 the adoption of any subsequent amendments to the Controlled
23 Therapeutic Medication Schedule, penalties, or laboratory-
24 screening limits adopted by ARCI within 180 days after the
25 adoption of any such amendments. The division shall adopt
26 laboratory-screening limits approved by ARCI for drugs and
27 medications that are not included as controlled therapeutic
28 medications. The division rules must include a classification
29 system for medications and drugs and a corresponding penalty
30 schedule for violations, which must incorporate the Uniform
31 Classification Guidelines for Foreign Substances, revised
32 December 2013, as adopted by ARCI. The rules must specify those
33 drugs considered prohibited substances, whose presence in a
34 sample in prescribed concentrations may result in administrative
35 sanction by the division.

36 (b) After consultation with the department and the state
37 laboratory, the division shall, notwithstanding s. 550.2415,
38 designate the appropriate biological specimens by which the
39 administration of medications, drugs, and naturally occurring



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40 substances are monitored and the testing methodologies for
41 screening and confirmation.

42 (c) The rules must include conditions for the humane use of
43 furosemide to treat exercise-induced pulmonary hemorrhage.
44 Notwithstanding any other law, furosemide is the only medication
45 that may be administered within 24 hours of the officially
46 scheduled post time of a race, but it may not be administered
47 within 4 hours before the officially scheduled post time.

48 (2) The division shall implement a split-sample procedure
49 for testing racehorses to ensure their humane treatment. Upon
50 collection, each urine and blood sample shall be split into a
51 primary sample and a secondary (split) sample in accordance with
52 rules adopted by the division. The division shall transfer
53 custody of the primary sample to the state laboratory, with
54 custody of the split sample remaining with the division except
55 as provided in this subsection. Unless otherwise recommended by
56 the department, serum is the testing medium for phenylbutazone
57 in horses.

58 (a) The division shall notify the owner or trainer, the
59 stewards, the department, and the horsemen's association of all
60 drug test results. In the event of a positive test result, and
61 upon request by the affected trainer or owner of the horse from
62 which the sample was obtained, the division shall send the split
63 sample to an approved independent laboratory for analysis. The
64 division shall establish standards and rules for uniform
65 enforcement and maintain a list of at least five approved
66 independent laboratories for an owner or trainer to select from
67 in the event of a positive test result.

68 1. If the laboratory's findings are not confirmed by the



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69 independent laboratory, further administrative or disciplinary
70 action under this section may not be pursued. The division may
71 adopt rules identifying substances that diminish in a blood or
72 urine sample due to passage of time and that must be taken into
73 account in applying this section.

74 2. If the independent laboratory confirms the positive
75 result, the division shall inform the department and may seek
76 administrative sanctions pursuant to chapter 120 against the
77 violator within 180 days after laboratory confirmation which, in
78 addition to license suspension or revocation, may include the
79 imposition of a fine against the violator in an amount not to
80 exceed the purse or sweepstakes earned by the horse in the race
81 at issue or \$10,000, whichever is greater. Upon receiving the
82 report, the department may forward the report to the appropriate
83 law enforcement agency for investigation of potential violations
84 of s. 828.12. For the purpose of this subsection, the division
85 shall in good faith attempt to obtain a sufficient quantity of
86 the test fluid to allow both a primary test and a secondary
87 test. If there is an insufficient quantity of the split sample
88 for confirmation of the division laboratory's positive result,
89 the division may not take further action on the matter against
90 the owner or trainer and any resulting license suspension must
91 be immediately lifted.

92 (b) The division shall require its laboratory and the
93 independent laboratories to annually participate in an
94 externally administered quality assurance program designed to
95 assess testing proficiency in the detection and appropriate
96 quantification of medications, drugs, and naturally occurring
97 substances that may be administered to racing horses. The



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98 administrator of the quality assurance program shall report its
99 results and findings to the division and the department.

100

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

102 And the title is amended as follows:

103 Delete line 281

104 and insert:

105 products; creating s. 828.35, F.S.; requiring the
106 Division of Pari-mutuel Wagering within the Department
107 of Business and Professional Regulation to adopt
108 rules; providing procedures for testing certain
109 animals for medications or drugs; requiring the
110 division's laboratory and certain independent
111 laboratories to participate annually in a quality
112 assurance program; requiring the administrator of the
113 quality assurance program to report its results and
114 findings to the division and the Department of
115 Agriculture and Consumer Services; repealing s.
116 487.172, F.S., relating to an