The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	CS/SB 226
INTRODUCER:	Regulated Industries Committee and Senator Latvala
SUBJECT:	Racing Animals
DATE:	February 18, 2015 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	**Fav/CS**
2.			AG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 226 modifies requirements regarding prohibited medication or drugging of racing animals (horses and greyhounds). Violations are no longer contingent upon a person administering or causing a prohibited substance to be administered; the mere presence of a prohibited substance in a racing animal is evidence of the violation. The fine for violations may be up to $10,000 or the race winnings (purse or sweepstakes amount), whichever is greater. Prosecutions must be started within 90 days of the race date.

Samples are collected from racing animals at racetracks by the Division of Pari-mutuel Wagering (division) of the Department of Business and Professional Regulation. One portion of a sample is analyzed by the division's laboratory to determine whether any substance prohibited in racing animals is present. If the analyzed sample contains prohibited substances, the owner or trainer has the right to request an analysis on the remaining portion by an independent laboratory. As to samples from racing greyhounds, if the second analysis does not confirm the first, or is of insufficient quantity to do so, prosecution may still be pursued against the owner or trainer despite the lack of confirmation. For samples from racehorses, if the second analysis does not confirm the first, or is of insufficient quantity to do so, no prosecution may be pursued against the owner or trainer, and any suspended licensee must be reinstated. Current law is maintained for samples from racing greyhounds.

CS/SB 226 requires the division to adopt rules regarding the use and allowed levels of medications, drugs, and naturally occurring substances in racing animals, as listed by the

Association of Racing Commissioners International (ARCI). The bill requires the division to adopt rules that include a classification system for drugs and incorporates ARCI's Penalty Guidelines for drug violations and eliminates a limitation on the testing methodology that may be used to screen samples for prohibited substances. The rules also must include the conditions for the use of furosemide, a diuretic (Lasix or Salix).

An outside quality assurance program must annually assess the ability of all laboratories approved by the division to analyze samples for the presence of medications, drugs, and prohibited substances. The findings must be reported to the division and the Department of Agriculture and Consumer Services.

II. Present Situation:

The racing of animals (horses and greyhounds) using any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-masking agent is generally prohibited, and those medications that are permitted under certain conditions are specified by law.[1] However, the Division of Pari-mutuel Wagering (division) may adopt rules specifying acceptable levels of naturally occurring substances in untreated animals which may not be exceeded in race-day specimens.[2]

The implementation of uniform rules, policies, and testing standards for the medication, treatment, and testing of racehorses to strengthen the integrity of the racing industry is a goal of the Jockey Club,[3] which is dedicated to the improvement of thoroughbred breeding and racing. The Club's associated Racing Testing and Medication Consortium (RMTC)[4] began pursuit of the adoption and implementation of uniform standards, rules, and penalties in all horse racing jurisdictions in 2013.[5] The program has been characterized by RMTC's vice chairman as "the most sweeping reform in medication regulation and testing in a generation."[6] Implementation in Florida, as a premier thoroughbred racing state, continues to be a goal of the Jockey Club.

Other drugs and substances are permitted under limited conditions, such as furosemide to treat exercise-induced bleeding, and vitamins and minerals that do not exceed acceptable levels.[7] Classification of a substance in a sample as permissible or impermissible may be dependent upon whether:

- The substance is administered within or outside the allowed time frame before a race is scheduled to begin;
- The racing animal is approved for administration of the substance, or is qualified by gender to receive it;
- The level of the substance exceeds acceptable levels set by administrative rule; and

[1] Section 550.2415, F.S.
[2] Section 550.2415(1)(b), F.S. The division may also set acceptable levels of environmental contaminants and trace levels of prohibited substances that are not reportable as a violation.
[3] *See* http://www.jockeyclub.com/ and http://www.jockeyclub.com/Default.asp?section=About&area=0 (last visited Feb. 17, 2015).
[4] *See* http://www.rmtcnet.com/content_landing_helpingthecause.asp (last visited Feb. 17, 2015).
[5] *See* http://www.bloodhorse.com/horse-racing/articles/84070/foreman-pace-of-drug-reform-unprecedented
[6] *Id.*
[7] Section 550.2415(7), F.S.

- The method of administration of the substance is prohibited.[8]

Each racetrack permitholder must maintain a detention enclosure for securing urine, blood or other samples from racing animals.[9] The trainer of record for each animal is responsible for the condition of the animals he or she enters to race,[10] and for securing all prescribed medications, over-the-counter medicines, and natural or synthetic medicinal compounds.[11]

Samples of blood, urine, saliva, or any other bodily fluid may be collected from a race animal immediately before and immediately after it has raced.[12] If racing officials find, through reasonably reliable evidence, that substances other than permissible substances have been administered, or that otherwise permissible substances have been administered during prohibited periods before the time of a race, evidence of illegal or impermissible substances may be confiscated, and the racing animal may be prohibited from racing in the race (scratched).[13]

The winner of every race is sent to the detention enclosure for examination by an authorized representative of the division and the taking of samples to monitor and detect both permissible and impermissible substances.[14] Any other animals that participated in the race may be designated for examination and testing by the stewards, judges, racetrack veterinarian, or a division representative.[15]

All samples are collected by staff of the Office of Operations of the division and sent to the University of Florida College of Medicine Racing Laboratory for analysis.[16] Blood specimens must be collected from racing animals by veterinarians employed by the division or any licensed veterinarian hired or retained by the division, and the collection must be witnessed by the animal's trainer, owner, or designee.[17]

The 83rd Annual Report of the division reflects that during Fiscal Year 2013-2014, the laboratory processed 79,600 samples and performed 344,289 analyses, as follows:[18]

[8] *See* Rule 61D-6.008(1)-(9), F.A.C., respecting permitted medications for horses.
[9] Rule 61D-6.002(2), F.A.C.
[10] Rule 61D-6.002(1), F.A.C.
[11] Rule 61D-6.003, F.A.C. Prescription drugs must be prescribed by a licensed veterinarian who has a current veterinarian-patient relationship, and all substances must be properly labelled.
[12] Section 550.2415(1)a), F.S.
[13] *See* s. 550.2415(7) and (8), F.S., and Rule 61D-6.005, F.A.C.
[14] Rule 61D-6.005, F.A.C.
[15] *Id.* The division has proposed rulemaking that would delete the requirement that the winner of every race and selected participants be immediately examined by a representative of the division and for the taking of samples. *See infra* note 39.
[16] See *83rd Annual Report, Fiscal Year 2013-2014*,(83rd Annual Report) at page 3, http://www.myfloridalicense.com/dbpr/pmw/documents/AnnualReports/AnnualReport-2013-2014--83rd--20150114.pdf (last visited Feb. 17, 2015). The division annually contracts with the racing laboratory for these services.
[17] Rule 61D-6.005, F.A.C.
[18] *See* 83rd Annual Report, *supra* note 16, at page 37. This is approximately 10,000 fewer samples processed and 8,500 fewer analyses performed than in 2012-2013. According to the Division, due to racing schedules late in the fiscal year, some samples were not analyzed by fiscal year-end, resulting in a higher number of analyses than samples received.

Sample Type	Horse Urine/Blood	Greyhound Urine	Investigative
Samples Received	15,816	63,757	27
Samples Analyzed	16,066	43,631	27
Number of Analyses	76,316	267,885	88
Positive Results	208	42	n/a

The volume of many greyhound urine samples that were taken at racetracks (20,044 or 31.4% of the total) was insufficient to permit valid testing of those samples.[19] Of the 79,573 non-investigative samples that were collected at racetracks, 59,567 samples were analyzed, and there were 250 positive results (i.e. a finding of impermissible substances).[20]

If a prohibited substance is found in a race-day specimen, it is evidence that the substance was administered to and in the racing animal while racing.[21] Test results are confidential and exempt public records for 10 days after the testing of all samples collected on a particular day have been completed and the positive results have been reported to the director of the division, or until action against a person licensed by the division has been commenced by the service of an administrative complaint within two years after the race date.[22]

Once the division notifies the owners or trainer of the positive result as required, the owner may request that each urine or blood sample be split into a primary sample and a secondary (split) sample; the splitting procedure must occur in the laboratory using procedures approved by the division by rule.[23] At the request of either the affected owner or trainer, the division must send the secondary sample to an independent laboratory for analysis.

If the positive result found by the state laboratory is not confirmed by the analysis made by the independent laboratory, no further administrative or disciplinary action may be pursued by the division.[24] If the positive result is confirmed, or if the volume of the secondary sample is insufficient to do so, then administrative action may proceed, but only within the period of 2 years from the race date.[25] There must be a good faith attempt by the division to obtain a sufficient quantity of fluid specimens to allow both a primary test to be made by the state laboratory and a secondary test to be made by an independent laboratory.[26]

According to the division, there were 19 license suspensions, and $80,950 in fines assessed for violations of all pari-mutuel statutes and rules in Fiscal Year 2013-2014.[27]

[19] *Id.*
[20] *Id*.
[21] Section 550.2415(1)(c), F.S.
[22] See ss. 550.2415(1)(a) and (4)., F.S.
[23] Section 550.2415(5)(a), F.S.
[24] Section 550.2415(5)(b), F.S.
[25] Section 550.2415(5)(c), F.S.
[26] *Id*.
[27] *See* 83rd Annual Report, *supra* note 16, at page 3.

III. Effect of Proposed Changes:

The bill modifies language in s. 550.2415, F.S., respecting the racing of animals under prohibited conditions. A violation exists if a racing animal (a horse or greyhound) is impermissibly medicated by a person, or if an animal has a prohibited substance in a blood or urine sample. The requirement that a person "administer or cause to be administered" the prohibited substance[28] has been eliminated. A distinction is made between the impermissible use of a medication and the use of a prohibited substance ("illegal doping"). Any "illegal doping" of a racing animal impacts the licensee(s) responsible for the animal, whether or not the actual perpetrator is known. The condition of the racing animal, through analysis of bodily fluids that reflect the presence of prohibited substances, permits the suspension of the licensee(s) responsible for the condition of the animal.

The fine for violations may be up to $10,000 or the race winnings (purse or sweepstakes amount), whichever is greater. The current provisions that allow the division to revoke or suspend the violator's license, require the full or partial return of the purse sweepstakes and race trophy, or impose any combination of the fine and other penalties, are not changed.

CS/SB 266 partially addresses the division's concern with shortening the existing deadline to initiate prosecutions of violations from 2 years from the date of the race to only 60 days, and provides that initiation of prosecutions must be within 90 days after the violation.

The bill provides that the division may solicit input from the Department of Agriculture and Consumer Services when adopting rules that specify normal concentrations of naturally occurring substances and acceptable levels of other environmental contaminants and substances.

Samples from racing animals are collected at racetracks. One portion of a sample is analyzed by the division's laboratory to determine whether any substance prohibited in racing animals is present. The University of Florida College of Veterinary Medicine Equine Racing Laboratory is currently under annual contract for these services.[29] If the analyzed sample contains prohibited substances, the owner or trainer has the right to request an analysis on the remaining portion by an independent laboratory.

The bill provides that the division must notify not only the owner or trainer of the outcome of all drug tests, but all the stewards (the racetrack officials responsible for enforcement of racing regulations) and the appropriate horsemen's association (which represents the majority of the racehorse owners and trainers at a track). The bill does not address the timing of such notification to the stewards and horsemen's association.

Section 550.2415(1)(a), F.S., currently states that test results and the identities of the tested animals and their trainers and owners of records are confidential and exempt from the public records access, inspection, and copying requirements set forth in s. 119.07(1), F.S., of the Florida

[28] These substances are currently described as "any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug-making agent." *See* s. 550.2415(1)(a), F.S.

[29] *See* Veterinary Diagnostic Laboratories, UF Large Animal Hospital, College of Veterinary Medicine at http://largeanimal.vethospitals.ufl.edu/services/veterinary-diagnostic-laboratories/ (last visited Feb. 17, 2015).

Public Records Act and from s. 24(a) of Article I of the Florida Constitution. The records are not currently subject to public access, inspection, and copying for a period of 10 days after:

- Testing of all the samples collected on a particular day has been completed; and
- Any positive test results from the samples have been reported to the director of the division; or
- The service of an administrative complaint against a licensee.[30]

If the division's laboratory finds that the sample contains impermissible medications, prohibited substances, or a level of a naturally occurring substance exceeding normal concentrations (i.e., a "positive drug test"), the owner or trainer has the right to request another analysis be made on the retained portion (split sample) by an independent laboratory. If the independent laboratory's analysis confirms the finding made by the division laboratory, administrative proceedings may be pursued.

The bill does not change existing law as to the testing of samples from racing greyhounds. In 2013-2014, the volume of urine collected in greyhound urine samples was insufficient for testing by the independent laboratory in 31.4% of the samples received.[31]If the quantity of the split sample provided to the independent laboratory is insufficient to confirm the positive drug test result made by the division's laboratory, prosecution may still be pursued against the owner or trainer on the basis of the initial test result.

As to the testing of samples from racehorses, the bill provides that if the quantity of the split sample provided to the independent laboratory is insufficient to confirm the positive drug test result made by the division's laboratory, no prosecution may be pursued against the owner or trainer, and any suspended license must be immediately reinstated.

The division's laboratory and all laboratories approved by the division to analyze samples collected from racing animals must annually participate in an outside quality assurance program[32] to assess their ability to detect and quantify medications, drugs, and naturally occurring substances that may be administered to racing animals. The quality assurance program administrator must report its findings to the division and the Department of Agriculture and Consumer Services.

The revised bill restores existing law for inspections of pari-mutuel facilities[33] to ensure the humane treating of racing animals and compliance with all rules and law.

The revised bill mandates the adoption by the division of rules that establish the use and allowed levels of medications, drugs, and naturally occurring substances that are in the Controlled

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[30] *See* s. 550.2415(4), F.S.,
[31] *See* 83rd Annual Report, *supra* note 16, at page 37.
[32] For information about one such proficiency program designed for veterinary laboratories and hospitals, *see* http://www.vetlabassoc.com/quality-assurance-program/ (last visited Feb. 17, 2015).
[33] Section 550.002(23), F.S., defines pari-mutuel facilities as those racetracks, frontons, or other facility used for pari-mutuel wagering; s. 550.2415(6)(e), F.S., permits inspections of those areas at pari-mutuel facilities where racing animals are raced, trained, housed, or maintained, including areas where food, medications, or supplies are kept.

Therapeutic Medication Schedule, Version 2.1, revised April 17, 2014,[34] by the Association of Racing Commissioners International, Inc. (ARCI),[35] which is a not-for-profit trade association with no regulatory authority. However, its members individually possess regulatory authority within their jurisdictions, and many have the authority to determine whether to adopt ARCI recommendations on policies and rules.[36]

The Association of Racing Commissioners International, Inc. has adopted Model Rules for Racing[37] for the use of the pari-mutuel industry. As stated in the introduction, ARCI views the Model Rules as a document to be amended as the need arises, with input to the ARCI Model Rules Committee from all interested parties, with meetings open to members of the pari-mutuel industry and the public. The Model Rules are maintained on the website of the University of Arizona, Race Track Industry Program's as a service to ARCI and the pari-mutuel racing industry.[38] The Model Rules reference the CTM Schedule as appropriate, but with no indication of a Version identifier.

The CTM Schedule includes maximum allowed concentrations and doses for 23 medications and three non-steroidal anti-inflammatory drugs (NSAIDs), with guidelines for the termination of use of the medication or substance prior to racing, to avoid a positive drug test. The adoption of uniform medication rules using the CTM Schedule is an attempt to provide owners and trainers with uniformity of regulations across jurisdictions.[39]

The bill also requires the division to adopt rules:

- Designating the appropriate biological specimens to monitor the administration of medications, drugs, and naturally occurring substances;
- Determining the testing methods for screening specimens to confirm the presence of medication, drugs and naturally occurring substances; and
- Providing for a classification system for drugs and substances, with a penalty schedule for violations.

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[34] *See* http://arcicom.businesscatalyst.com/assets/arci-controlled-therapeutic-medication-schedule---version-2.1.pdf (last accessed Feb. 17, 2015). Version 1 of the CTM Schedule was adopted April 2, 2013; certain amendments were incorporated into Version 2.0 on April 9, 2014, and another amendment on April 14, 2014 was incorporated into Version 2.1. The final sheet of the CTM Schedule describes all of the amendments by date. It appears the reference to Version 2.01 on the April 17, 2014 amendment description conflicts with the title of the document which is stated as "Version 2.1."

[35] According to ARCI, it is a not-for-profit trade association of governmental regulators of horse and greyhound racing in the United States, Canada, Mexico, Jamaica, and Trinidad-Tobago, who have the legal responsibility to ensure the integrity of racing and pari-mutuel wagering in their jurisdictions. *See* http://arcicom.businesscatalyst.com/about-rci.html (last visited Feb. 17, 2015).

[36] *Id.*

[37] *See* https://ua-rtip.org/industry_service/download_model_rules (last visited Feb. 17, 2015).

[38] *Id.* at page 2.

[39] For commentary on the significance to horse racing of the adoption of uniform standards and rules, see Gary West, *Churchill[Downs] Could Spark Change (December 17, 2014, updated December 18, 2014)* http://espn.go.com/espn/print?id=12043495&type=story (last visited Feb. 19, 2015). There is also a Racing Medication and Testing Consortium (RMTC) which conducts strategic planning on research needs and is reorganizing Scientific Advisory Committee to adapt and respond to new drugs, practices and substances which threaten the integrity of racing. The executive committee of RMTC recently affirmed the importance of maintaining an independent and apolitical entity for equine drug and therapeutic medication research. *See* http://www.rmtcnet.com/content_pressreleases.asp?id=&s=&article=1942 (last visited Feb. 17, 2015).

The revised bill requires that the penalty schedule for violations must incorporate the Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014 (Uniform Classification Guidelines), by ARCI.[40] The Uniform Classification Guidelines are "intended to assist stewards, hearing officers and racing commissioners in evaluating the seriousness of alleged violations of medication and prohibited substance rules . . . ."[41]

Furosemide (also known as Lasix or Salix) is a diuretic, and the bill requires the division to adopt rules specifying the conditions for the use of furosemide to treat exercise-induced pulmonary hemorrhage (nose bleeds in particular). The bill specifies that furosemide is the only medication that may be administered within the 24 hours before the "officially scheduled post time of a race," but not within the four hour period prior to that post time.

The bill deletes the specific requirement that the division adopt rules of the use and administration of prednisolone sodium succinate,[42] phenylbutazone,[43] and synthetic corticosteroids[44]. Instead the bill provides for the reliance on ARCI's schedules and guidelines. The bill also deletes the division's authority to adopt rules for the use of furosemide, phenylbutazone, or prednisolone sodium succinate; those substances are addressed in ARCI's schedules and rules.

The bill deletes the requirement that the division use only thin layer chromatography (TLC) for the testing of urine and blood samples from race horses.

The bill deletes the reference to ARCI's uniform classification system for class IV and V medications adopted on February 14, 1995.

Finally, the bill deletes the specific requirement that the testing for phenylbutazone be six full 15 milliliter blood tubes for each horse tested.

The division's concern with the impact of the deletion of existing s. 550.2415(15), F.S., has been addressed. The revised bill retains existing law respecting the division's authority to adopt medication levels for racing greyhounds, as may be recommended by the University of Florida College of Veterinary Medicine, [45] in renumbered s. 550.2415(13).

The division also notes that since the Controlled Therapeutic Medication Schedule adopted by the Association of Racing Commissioners International, Inc. (ARCI) appears to be limited to

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[40] *See* http://arcicom.businesscatalyst.com/assets/uniformclassificationguidelines.pdf (last accessed Feb. 17, 2015)
[41] *Id.* at page ii. The final sheet of the document describes all of the amendments since December 2010, when Version 1.00 was adopted. Fourteen amendments to Version 7.00 were made in December 2014 when Version 8.00 was adopted.
[42] The amount and use of this drug is regulated for horses, dogs, and cats by 21 C.F.R. § 522.184 for treatment of inflammatory, allergic and other stress conditions.
[43] Phenylbutazone for horses is a non-steroidal anti-inflammatory drug (NSAID) used to treat pain and inflammation associated with fractures, arthritis, and painful injuries to the limbs and joints. *See* http://www.1800petmeds.com/Phenylbutazone-prod10141.html (last visited Feb. 17, 2015).
[44] Synthetic corticosteroids are important therapeutic drugs that are widely used in human and veterinary medicine for a number of indications including treatment of inflammation and pain associated with joint disease and arthritis. *See* RMTC Position Statement on Corticosteroids, Racing Medication & Testing Consortium, available at http://www.rmtcnet.com (last visited Feb. 17, 2015).
[45] *Id*. at page 7.

horses, the deletion of existing s. 550.2415(15), F.S., as to the medication of racehorses, removes its authority to adopt rules on medication levels that have not yet been addressed by ARCI.

The bill provides for an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The changes in sampling of urine and blood specimens from racing animals and the annual assessment of independent testing laboratories will have an indeterminate impact on horse and greyhound tracks, and the owners and trainers of racing animals.

C. Government Sector Impact:

The following fiscal impacts estimated by the division have been addressed and are no longer applicable to the committee substitute.

The division estimates that one additional FTE (employee) and three freezers will be needed, and that requiring its staff to split samples rather than doing so at the state laboratory will increase shipping and supply costs.[46] The total fiscal impact is estimated by the division to be approximately $177,000, with approximately $147,600 in recurring costs. Based on actual costs incurred by the Racing Laboratory at the University of Florida, the division projects an increase in annual shipping cost of $35,000, and the doubling of sample containers, tags, tubes, etc., is expected to cost approximately $55,000 annually, for an additional amount of $90,000 in expenses.[47] The purpose of

[46] *See 2015 Department of Business and Professional Regulation Legislative Bill Analysis*, February 4, 2015 (on file with Senate Committee on Regulated Industries) at page 6 and available to Legislative staff at http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=5395 (last visited Feb. 17, 2015).
[47] *Id*.

splitting the sample in the field at the racetrack rather than in the controlled racing laboratory environment with performance by trained technicians is unclear to the division.[48] The division also notes that splitting the sample at the state laboratory ensures anonymity of the sample source because it is only identified by a coded sample number, and that the existing process also addresses chain of custody issues required for successful prosecutions of violations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The timing of the notification of drug test results to stewards and the appropriate horsemen's association should be specified, in conformity with the requirements of the Public Records Act and the Florida Constitution.

CS/SB 226 requires that the results of all drug tests (negative and positive) be reported to owners, trainers, stewards, and the appropriate horsemen's association. Consideration should be given to limiting such notifications to only positive drug test results.

The term "race animal" appears once in s. 550.2415(3)(b), F.S., rather than the term "racing animal" that is generally used elsewhere in Chapter 550, F.S. The term "race animal" also appears twice in s. 550.235, F.S. Consideration should be given to conforming the references.

VIII. Statutes Affected:

The bill substantially amends section 550.2415 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on February 18, 2015:
CS/SB 226 changes the deadline for commencement of a prosecution for illegal medication or drugging of racing animals, from 2 years to 90 days.

CS/SB 226 restores current law regarding the collection and testing of biological specimens from racing animals for the presence of prohibited substances, but changes the consequences related to a positive drug test finding. If a positive drug test finding by the laboratory of the Division of Pari-Mutuel Wagering (division) of the Department of Business and Professional Regulation is confirmed in further testing an independent laboratory, the division may initiate administrative proceedings related to the violation. For samples from racing greyhounds, even if confirmation of the positive result by an independent laboratory is not possible due to the sample size being insufficient, the division may nonetheless initiate administrative proceedings for a violation. For samples from racehorses, however, a positive drug test result

[48] *Id*.

must be confirmed by further testing by an independent laboratory. If the sample size is insufficient to confirm the positive result, no administrative proceedings for a violation may be initiated by the division.

CS/SB 226 specifies that the division must adopt rules establishing the conditions of use of medications, drugs, and naturally occurring substances as identified in Version 2.1 of the Controlled Therapeutic Medication Schedule adopted by the Association of Racing Commissioners International, Inc. (ARCI) on April 17, 2014. The revised bill further requires that the rules incorporate the classification system and penalty schedule for violations in ARCI's Uniform Classification Guidelines for Foreign Substances, Version 8.0, revised December 2014.

CS/SB 226 grants the division discretion to solicit input from the Department of Agriculture and Consumer Services in adopting the required administrative rules, which must occur by January 1, 2016.

CS/SB 226 removes a requirement that the division coordinate with the Department of Agriculture on the humane treatment of animals.

CS/SB 226 retains existing law respecting the division's authority to adopt medication levels for racing greyhounds developed in consultation with the University of Florida College of Veterinary Medicine.

B. Amendments:

None.