

By Senator Latvala

20-00257B-15

2015226__

1 A bill to be entitled
2 An act relating to racing animals; amending s.
3 550.2415, F.S.; revising the prohibition on the use of
4 certain medications or substances on racing animals;
5 authorizing the Division of Pari-mutuel Wagering
6 within the Department of Business and Professional
7 Regulation to solicit input from the Department of
8 Agriculture and Consumer Services; revising the
9 penalties for violating laws relating to the racing of
10 animals; decreasing the timeframe in which
11 prosecutions for violations regarding racing animals
12 must commence; revising the procedures for testing
13 racing animals; requiring the division to notify the
14 owners or trainers, stewards, and the appropriate
15 horsemen's association of all drug test results;
16 prohibiting the division from taking action against
17 owners or trainers under certain circumstances;
18 requiring the division to require its laboratory and
19 specified independent laboratories to annually
20 participate in a quality assurance program; requiring
21 the administrator of the program to submit a report;
22 authorizing the division to coordinate inspections
23 with the Department of Agriculture and Consumer
24 Services; revising the conditions of use for certain
25 medications; expanding violations to include
26 prohibited substances that break down during a race
27 found in specimens collected after a race; revising
28 the rulemaking authority of the division; providing an
29 effective date.

20-00257B-15

2015226__

30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

Be It Enacted by the Legislature of the State of Florida:

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

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

(1) (a) The racing of an animal that has been impermissibly medicated or determined to have a prohibited substance present ~~with any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug masking agent~~ is prohibited. It is a violation of this section for a person to impermissibly medicate an animal or for an animal to have a prohibited substance present resulting ~~administer or cause to be administered any drug, medication, stimulant, depressant, hypnotic, narcotic, local anesthetic, or drug masking agent to an animal which will result~~ in a positive test for such medications or substances ~~such substance~~ based on samples taken from the animal ~~immediately~~ prior to or immediately after the racing of that animal. Test results and the identities of the animals being tested and of their trainers and owners of record are confidential and exempt from s. 119.07(1) and from s. 24(a), Art. I of the State Constitution for 10 days after testing of all samples collected on a particular day has been completed and any positive test results derived from such samples have been reported to the director of the division or administrative

20-00257B-15

2015226__

59 action has been commenced.

60 (b) It is a violation of this section for a race-day
61 specimen to contain a level of a naturally occurring substance
62 which exceeds normal physiological concentrations. The division
63 may solicit input from the Department of Agriculture and
64 Consumer Services and adopt rules that specify normal
65 physiological concentrations of naturally occurring substances
66 in the natural untreated animal and rules that specify
67 acceptable levels of environmental contaminants and trace levels
68 of substances in test samples.

69 (3) (a) Upon the finding of a violation of this section, the
70 division may revoke or suspend the license or permit of the
71 violator or deny a license or permit to the violator; impose a
72 fine against the violator in an amount not exceeding the purse
73 or sweepstakes earned by the animal in the race at issue or
74 \$10,000, whichever is greater ~~\$5,000~~; require the full or
75 partial return of the purse, sweepstakes, and trophy of the race
76 at issue; or impose against the violator any combination of such
77 penalties. The finding of a violation of this section does not
78 prohibit ~~in no way prohibits~~ a prosecution for criminal acts
79 committed.

80 (b) The division, notwithstanding the provisions of chapter
81 120, may summarily suspend the license of an occupational
82 licensee responsible under this section or division rule for the
83 condition of a race animal if the division laboratory reports
84 the presence of a prohibited ~~an impermissible~~ substance in the
85 animal or its blood, urine, saliva, or any other bodily fluid,
86 either before a race in which the animal is entered or after a
87 race the animal has run.

20-00257B-15

2015226__

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

92 (5) The division shall implement a split-sample procedure
93 for testing animals under this section. The division shall split
94 each urine and blood sample using the split-sample procedure
95 into a primary sample and a secondary (split) sample upon
96 collection. The division shall transfer custody of the primary
97 sample to the division laboratory, with custody of the split
98 sample remaining with the division except as provided in this
99 subsection.

100 (a) ~~Upon finding a positive drug test result, The division~~
101 ~~department shall notify the owner or trainer, the stewards, and~~
102 ~~the appropriate horsemen's association of all drug test the~~
103 ~~results. The owner may request that each urine and blood sample~~
104 ~~be split into a primary sample and a secondary (split) sample.~~
105 ~~Such splitting must be accomplished in the laboratory under~~
106 ~~rules approved by the division. Custody of both samples must~~
107 ~~remain with the division. If a drug test result is positive~~
108 ~~However, and upon request by the affected trainer or owner of~~
109 ~~the animal from which the sample was obtained, the division~~
110 ~~shall send the split sample to an approved independent~~
111 ~~laboratory for analysis. The division shall establish standards~~
112 ~~and rules for uniform enforcement and shall maintain a list of~~
113 ~~at least five approved independent laboratories for an owner or~~
114 ~~trainer to select from if a drug test result is in the event of~~
115 ~~a positive test sample.~~

116 (b) If the division ~~state~~ laboratory's findings are not

20-00257B-15

2015226__

117 confirmed by the independent laboratory, no further
118 administrative or disciplinary action under this section may be
119 pursued. ~~The division may adopt rules identifying substances~~
120 ~~that diminish in a blood or urine sample due to passage of time~~
121 ~~and that must be taken into account in applying this section.~~

122 (c) If the independent laboratory confirms the division
123 state laboratory's positive result, or if there is an
124 insufficient quantity of the secondary (split) sample for
125 confirmation of the state laboratory's positive result, the
126 division may commence administrative proceedings as prescribed
127 in this chapter and consistent with chapter 120. For purposes of
128 this subsection, the department shall in good faith attempt to
129 obtain a sufficient quantity of the test fluid to allow both a
130 primary test and a secondary test to be made. If there is an
131 insufficient quantity of the split sample for confirmation of
132 the division laboratory's positive result, the division may not
133 take further action on the matter against the owner or trainer,
134 and any resulting license suspension must be immediately lifted.

135 (d) The division shall require its laboratory and the
136 independent laboratories to annually participate in an
137 externally administered quality assurance program designed to
138 assess testing proficiency in the detection and appropriate
139 quantification of medications, drugs, and naturally occurring
140 substances that may be administered to racing animals. The
141 administrator of the quality assurance program shall report its
142 results and findings to the division and the Department of
143 Agriculture and Consumer Services.

144 (6)

145 (e) The division may inspect or coordinate inspections with

20-00257B-15

2015226__

146 the Department of Agriculture and Consumer Services of any area
147 at a pari-mutuel facility where racing animals are raced,
148 trained, housed, or maintained, including any areas where food,
149 medications, or other supplies are kept, to ensure the humane
150 treatment of racing animals and compliance with this chapter and
151 the rules of the division.

152 (7)(a) In order to protect the safety and welfare of racing
153 animals and the integrity of the races in which the animals
154 participate, the division shall adopt rules establishing the
155 conditions of use and maximum concentrations of medications,
156 drugs, and naturally occurring substances identified in the
157 Controlled Therapeutic Medication Schedule adopted on or before
158 March 1, 2015, by the Association of Racing Commissioners
159 International, Inc. (ARCI). Controlled therapeutic medications
160 include only the specific medications and concentrations allowed
161 in biological samples which have been approved by ARCI as
162 controlled therapeutic medications.

163 (b) The division rules must designate the appropriate
164 biological specimens by which the administration of medications,
165 drugs, and naturally occurring substances is monitored and must
166 determine the testing methodologies, including measurement
167 uncertainties, for screening such specimens to confirm the
168 presence of medications, drugs, and naturally occurring
169 substances.

170 (c) The division rules must include a classification system
171 for drugs and substances and a corresponding penalty schedule
172 for violations which incorporates the Uniform Classification
173 Guidelines for Foreign Substances, as adopted on or before March
174 1, 2015, by ARCI. The rules must specify that a drug that is not

20-00257B-15

2015226__

175 listed in the Controlled Therapeutic Medication Schedule which
176 is present in a sample taken from the animal immediately after
177 the race is a prohibited substance. The presence of a prohibited
178 substance in a sample may result in summary license suspension
179 pursuant to paragraph (3) (b).

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

182 (e) The division shall solicit input from the Department of
183 Agriculture and Consumer Services in adopting the rules required
184 under this subsection. Such rules must be adopted before January
185 1, 2016 ~~Under no circumstances may any medication be~~
186 ~~administered closer than 24 hours prior to the officially~~
187 ~~scheduled post time of a race except as provided for in this~~
188 ~~section.~~

189 ~~(a) The division shall adopt rules setting conditions for~~
190 ~~the use of furosemide to treat exercise-induced pulmonary~~
191 ~~hemorrhage.~~

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

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

20-00257B-15

2015226__

204 ~~(f)~~(d) This section does not ~~Nothing in this section shall~~
205 ~~be interpreted to~~ prohibit the use of vitamins, minerals, or
206 naturally occurring substances so long as none exceeds the
207 normal physiological concentration in a race-day specimen.

208 ~~(e) The division may, by rule, establish acceptable levels~~
209 ~~of permitted medications and shall select the appropriate~~
210 ~~biological specimens by which the administration of permitted~~
211 ~~medication is monitored.~~

212 ~~(8)(a)~~ Furosemide is the only medication that may be
213 administered within 24 hours before the officially scheduled
214 post time of a race, but it may not be administered within 4
215 hours before the officially scheduled post time of a race ~~Under~~
216 ~~no circumstances may any medication be administered within 24~~
217 ~~hours before the officially scheduled post time of the race~~
218 ~~except as provided in this section.~~

219 ~~(b) As an exception to this section, if the division first~~
220 ~~determines that the use of furosemide, phenylbutazone, or~~
221 ~~prednisolone sodium succinate in horses is in the best interest~~
222 ~~of racing, the division may adopt rules allowing such use. Any~~
223 ~~rules allowing the use of furosemide, phenylbutazone, or~~
224 ~~prednisolone sodium succinate in racing must set the conditions~~
225 ~~for such use. Under no circumstances may a rule be adopted which~~
226 ~~allows the administration of furosemide or prednisolone sodium~~
227 ~~succinate within 4 hours before the officially scheduled post~~
228 ~~time for the race. Under no circumstances may a rule be adopted~~
229 ~~which allows the administration of phenylbutazone or any other~~
230 ~~synthetic corticosteroid within 24 hours before the officially~~
231 ~~scheduled post time for the race. Any administration of~~
232 ~~synthetic corticosteroids is limited to parenteral routes. Oral~~

20-00257B-15

2015226__

233 ~~administration of synthetic corticosteroids is expressly~~
234 ~~prohibited. If this paragraph is unconstitutional, it is~~
235 ~~severable from the remainder of this section.~~

236 ~~(c) The division shall, by rule, establish acceptable~~
237 ~~levels of permitted medications and shall select the appropriate~~
238 ~~biological specimen by which the administration of permitted~~
239 ~~medications is monitored.~~

240 (9) (a) The division may conduct a postmortem examination of
241 any animal that is injured at a permitted racetrack while in
242 training or in competition and that subsequently expires or is
243 destroyed. The division may conduct a postmortem examination of
244 any animal that expires while housed at a permitted racetrack,
245 association compound, or licensed kennel or farm. Trainers and
246 owners shall be requested to comply with this paragraph as a
247 condition of licensure.

248 (b) The division may take possession of the animal upon
249 death for postmortem examination. The division may submit blood,
250 urine, other bodily fluid specimens, or other tissue specimens
251 collected during a postmortem examination for testing by the
252 division laboratory or its designee. Upon completion of the
253 postmortem examination, the carcass must be returned to the
254 owner or disposed of at the owner's option.

255 (10) The presence of a prohibited substance in an animal,
256 found by the division laboratory in a bodily fluid specimen
257 collected after the race or during the postmortem examination of
258 the animal, which breaks down during a race constitutes a
259 violation of this section.

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

20-00257B-15

2015226__

262 (12) The division shall adopt rules to implement this
263 section. ~~The rules may include a classification system for~~
264 ~~prohibited substances and a corresponding penalty schedule for~~
265 ~~violations.~~

266 ~~(13) Except as specifically modified by statute or by rules~~
267 ~~of the division, the Uniform Classification Guidelines for~~
268 ~~Foreign Substances, revised February 14, 1995, as promulgated by~~
269 ~~the Association of Racing Commissioners International, Inc., is~~
270 ~~hereby adopted by reference as the uniform classification system~~
271 ~~for class IV and V medications.~~

272 ~~(14) The division shall utilize only the thin layer~~
273 ~~chromatography (TLC) screening process to test for the presence~~
274 ~~of class IV and V medications in samples taken from racehorses~~
275 ~~except when thresholds of a class IV or class V medication have~~
276 ~~been established and are enforced by rule. Once a sample has~~
277 ~~been identified as suspicious for a class IV or class V~~
278 ~~medication by the TLC screening process, the sample will be sent~~
279 ~~for confirmation by and through additional testing methods. All~~
280 ~~other medications not classified by rule as a class IV or class~~
281 ~~V agent shall be subject to all forms of testing available to~~
282 ~~the division.~~

283 ~~(15) The division may implement by rule medication levels~~
284 ~~recommended by the University of Florida College of Veterinary~~
285 ~~Medicine developed pursuant to an agreement between the Division~~
286 ~~of Pari-mutuel Wagering and the University of Florida College of~~
287 ~~Veterinary Medicine. The University of Florida College of~~
288 ~~Veterinary Medicine may provide written notification to the~~
289 ~~division that it has completed research or review on a~~
290 ~~particular drug pursuant to the agreement and when the College~~

20-00257B-15

2015226__

291 ~~of Veterinary Medicine has completed a final report of its~~
292 ~~findings, conclusions, and recommendations to the division.~~

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

296 Section 2. This act shall take effect July 1, 2015.