

By the Committee on Regulated Industries; and Senator Latvala

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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; requiring the division to notify the  
13      owners or trainers, stewards, and the appropriate  
14      horsemen's association of all drug test results;  
15      prohibiting the division from taking action against  
16      owners or trainers under certain circumstances;  
17      requiring the division to require its laboratory and  
18      specified independent laboratories to annually  
19      participate in a quality assurance program; requiring  
20      the administrator of the program to submit a report;  
21      revising the conditions of use for certain  
22      medications; expanding violations to include  
23      prohibited substances that break down during a race  
24      found in specimens collected after a race; revising  
25      the rulemaking authority of the division; providing an  
26      effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Paragraphs (a) and (b) of subsection (1),  
31 paragraphs (a) and (b) of subsection (3), subsections (4) and  
32 (5), and subsections (7) through (16) of section 550.2415,  
33 Florida Statutes, are amended to read:

34 550.2415 Racing of animals under certain conditions  
35 prohibited; penalties; exceptions.—

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

56 (b) It is a violation of this section for a race-day  
57 specimen to contain a level of a naturally occurring substance  
58 which exceeds normal physiological concentrations. The division

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59 may solicit input from the Department of Agriculture and  
60 Consumer Services and adopt rules that specify normal  
61 physiological concentrations of naturally occurring substances  
62 in the natural untreated animal and rules that specify  
63 acceptable levels of environmental contaminants and trace levels  
64 of substances in test samples.

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

76 (b) The division, notwithstanding the provisions of chapter  
77 120, may summarily suspend the license of an occupational  
78 licensee responsible under this section or division rule for the  
79 condition of a race animal if the division laboratory reports  
80 the presence of a prohibited ~~an impermissible~~ substance in the  
81 animal or its blood, urine, saliva, or any other bodily fluid,  
82 either before a race in which the animal is entered or after a  
83 race the animal has run.

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

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88 (5) The division shall implement a split-sample procedure  
89 for testing animals under this section.

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

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

112 (c) If the independent laboratory confirms the division  
113 ~~state~~ laboratory's positive result, ~~or if there is an~~  
114 ~~insufficient quantity of the secondary (split) sample for~~  
115 ~~confirmation of the state laboratory's positive result,~~ the  
116 division may commence administrative proceedings as prescribed

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117 in this chapter and consistent with chapter 120. For purposes of  
118 this subsection, the department shall in good faith attempt to  
119 obtain a sufficient quantity of the test fluid to allow both a  
120 primary test and a secondary test to be made.

121 (d) For the testing of racing greyhounds, if there is an  
122 insufficient quantity of the secondary (split) sample for  
123 confirmation of the division laboratory's positive result, the  
124 division may commence administrative proceedings as prescribed  
125 in this chapter and consistent with chapter 120.

126 (e) For the testing of racehorses, if there is an  
127 insufficient quantity of the secondary (split) sample for  
128 confirmation of the division laboratory's positive result, the  
129 division may not take further action on the matter against the  
130 owner or trainer, and any resulting license suspension must be  
131 immediately lifted.

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

141 (7)(a) In order to protect the safety and welfare of racing  
142 animals and the integrity of the races in which the animals  
143 participate, the division shall adopt rules establishing the  
144 conditions of use and maximum concentrations of medications,  
145 drugs, and naturally occurring substances identified in the

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146 Controlled Therapeutic Medication Schedule, Version 2.1, revised  
147 April 17, 2014, adopted by the Association of Racing  
148 Commissioners International, Inc. (ARCI). Controlled therapeutic  
149 medications include only the specific medications and  
150 concentrations allowed in biological samples which have been  
151 approved by ARCI as controlled therapeutic medications.

152 (b) The division rules must designate the appropriate  
153 biological specimens by which the administration of medications,  
154 drugs, and naturally occurring substances is monitored and must  
155 determine the testing methodologies, including measurement  
156 uncertainties, for screening such specimens to confirm the  
157 presence of medications, drugs, and naturally occurring  
158 substances.

159 (c) The division rules must include a classification system  
160 for drugs and substances and a corresponding penalty schedule  
161 for violations which incorporates the Uniform Classification  
162 Guidelines for Foreign Substances, Version 8.0, revised December  
163 2014, by ARCI. The division shall adopt laboratory screening  
164 limits approved by ARCI for drugs and medications that are not  
165 included as controlled therapeutic medications, the presence of  
166 which in a sample may result in a violation of this section.

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

169 (e) The division may solicit input from the Department of  
170 Agriculture and Consumer Services in adopting the rules required  
171 under this subsection. Such rules must be adopted before January  
172 1, 2016 ~~Under no circumstances may any medication be~~  
173 ~~administered closer than 24 hours prior to the officially~~  
174 ~~scheduled post time of a race except as provided for in this~~

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175 section.

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

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

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

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

195 ~~(e) The division may, by rule, establish acceptable levels~~  
196 ~~of permitted medications and shall select the appropriate~~  
197 ~~biological specimens by which the administration of permitted~~  
198 ~~medication is monitored.~~

199 ~~(8)(a) Furosemide is the only medication that may be~~  
200 ~~administered within 24 hours before the officially scheduled~~  
201 ~~post time of a race, but it may not be administered within 4~~  
202 ~~hours before the officially scheduled post time of a race Under~~  
203 ~~no circumstances may any medication be administered within 24~~

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204 ~~hours before the officially scheduled post time of the race~~  
205 ~~except as provided in this section.~~

206 ~~(b) As an exception to this section, if the division first~~  
207 ~~determines that the use of furosemide, phenylbutazone, or~~  
208 ~~prednisolone sodium succinate in horses is in the best interest~~  
209 ~~of racing, the division may adopt rules allowing such use. Any~~  
210 ~~rules allowing the use of furosemide, phenylbutazone, or~~  
211 ~~prednisolone sodium succinate in racing must set the conditions~~  
212 ~~for such use. Under no circumstances may a rule be adopted which~~  
213 ~~allows the administration of furosemide or prednisolone sodium~~  
214 ~~succinate within 4 hours before the officially scheduled post~~  
215 ~~time for the race. Under no circumstances may a rule be adopted~~  
216 ~~which allows the administration of phenylbutazone or any other~~  
217 ~~synthetic corticosteroid within 24 hours before the officially~~  
218 ~~scheduled post time for the race. Any administration of~~  
219 ~~synthetic corticosteroids is limited to parenteral routes. Oral~~  
220 ~~administration of synthetic corticosteroids is expressly~~  
221 ~~prohibited. If this paragraph is unconstitutional, it is~~  
222 ~~severable from the remainder of this section.~~

223 ~~(c) The division shall, by rule, establish acceptable~~  
224 ~~levels of permitted medications and shall select the appropriate~~  
225 ~~biological specimen by which the administration of permitted~~  
226 ~~medications is monitored.~~

227 (9) (a) The division may conduct a postmortem examination of  
228 any animal that is injured at a permitted racetrack while in  
229 training or in competition and that subsequently expires or is  
230 destroyed. The division may conduct a postmortem examination of  
231 any animal that expires while housed at a permitted racetrack,  
232 association compound, or licensed kennel or farm. Trainers and



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233 owners shall be requested to comply with this paragraph as a  
234 condition of licensure.

235 (b) The division may take possession of the animal upon  
236 death for postmortem examination. The division may submit blood,  
237 urine, other bodily fluid specimens, or other tissue specimens  
238 collected during a postmortem examination for testing by the  
239 division laboratory or its designee. Upon completion of the  
240 postmortem examination, the carcass must be returned to the  
241 owner or disposed of at the owner's option.

242 (10) The presence of a prohibited substance in an animal,  
243 found by the division laboratory in a bodily fluid specimen  
244 collected after the race or during the postmortem examination of  
245 the animal, which breaks down during a race constitutes a  
246 violation of this section.

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

249 (12) The division shall adopt rules to implement this  
250 section. ~~The rules may include a classification system for~~  
251 ~~prohibited substances and a corresponding penalty schedule for~~  
252 ~~violations.~~

253 ~~(13) Except as specifically modified by statute or by rules~~  
254 ~~of the division, the Uniform Classification Guidelines for~~  
255 ~~Foreign Substances, revised February 14, 1995, as promulgated by~~  
256 ~~the Association of Racing Commissioners International, Inc., is~~  
257 ~~hereby adopted by reference as the uniform classification system~~  
258 ~~for class IV and V medications.~~

259 ~~(14) The division shall utilize only the thin layer~~  
260 ~~chromatography (TLC) screening process to test for the presence~~  
261 ~~of class IV and V medications in samples taken from racehorses~~

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262 ~~except when thresholds of a class IV or class V medication have~~  
263 ~~been established and are enforced by rule. Once a sample has~~  
264 ~~been identified as suspicious for a class IV or class V~~  
265 ~~medication by the TLC screening process, the sample will be sent~~  
266 ~~for confirmation by and through additional testing methods. All~~  
267 ~~other medications not classified by rule as a class IV or class~~  
268 ~~V agent shall be subject to all forms of testing available to~~  
269 ~~the division.~~

270 (13) ~~(15)~~ The division may implement by rule medication  
271 levels for racing greyhounds recommended by the University of  
272 Florida College of Veterinary Medicine developed pursuant to an  
273 agreement between the Division of Pari-mutuel Wagering and the  
274 University of Florida College of Veterinary Medicine. The  
275 University of Florida College of Veterinary Medicine may provide  
276 written notification to the division that it has completed  
277 research or review on a particular drug pursuant to the  
278 agreement and when the College of Veterinary Medicine has  
279 completed a final report of its findings, conclusions, and  
280 recommendations to the division.

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

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