

ENROLLED

CS/HB 239

2015 Legislature

1
2 An act relating to medication and testing of racing
3 animals; amending s. 550.2415, F.S.; revising
4 provisions that prohibit the use of certain
5 medications or substances on racing animals; revising
6 penalties that may be imposed by the Division of Pari-
7 mutuel Wagering of the Department of Business and
8 Professional Regulation; revising the timeframe in
9 which certain prosecutions must begin; revising
10 procedures; revising requirements for notification of
11 drug test results; providing for secondary tests to
12 confirm initial positive results; providing for
13 actions of the division if there is insufficient
14 sample material for a secondary test; requiring the
15 division to require its laboratory and specified
16 independent laboratories to annually participate in a
17 quality assurance program; requiring the administrator
18 of the program to submit a report; revising rulemaking
19 authority of the division; directing the division to
20 adopt certain rules relating to the conditions of use
21 and maximum concentrations of medications, drugs, and
22 naturally occurring substances; authorizing the
23 division to solicit input from the Department of
24 Agriculture and Consumer Services for purposes of
25 adopting such rules; providing an effective date.
26

ENROLLED

CS/HB 239

2015 Legislature

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

28

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

33 550.2415 Racing of animals under certain conditions
34 prohibited; penalties; exceptions.—

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

ENROLLED

CS/HB 239

2015 Legislature

53 samples have been reported to the director of the division or
54 administrative action has been commenced.

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

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

75 (b) The division, notwithstanding ~~the provisions of~~
76 chapter 120, may summarily suspend the license of an
77 occupational licensee responsible under this section or division
78 rule for the condition of a race animal if the division

ENROLLED

CS/HB 239

2015 Legislature

79 laboratory reports the presence of a prohibited ~~an impermissible~~
80 substance in the animal or its blood, urine, saliva, or any
81 other bodily fluid, either before a race in which the animal is
82 entered or after a race the animal has run.

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

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

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

ENROLLED

CS/HB 239

2015 Legislature

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

111 (c) If the independent laboratory confirms the division
112 ~~state~~ laboratory's positive result, ~~or if there is an~~
113 ~~insufficient quantity of the secondary (split) sample for~~
114 ~~confirmation of the state laboratory's positive result,~~ the
115 division may commence administrative proceedings as prescribed
116 in this chapter and consistent with chapter 120. For purposes of
117 this subsection, the department shall in good faith attempt to
118 obtain a sufficient quantity of the test fluid to allow both a
119 primary test and a secondary test to be made.

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

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

ENROLLED

CS/HB 239

2015 Legislature

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

140 (7) (a) In order to protect the safety and welfare of
141 racing animals and the integrity of the races in which the
142 animals participate, the division shall adopt rules establishing
143 the conditions of use and maximum concentrations of medications,
144 drugs, and naturally occurring substances identified in the
145 Controlled Therapeutic Medication Schedule, Version 2.1, revised
146 April 17, 2014, adopted by the Association of Racing
147 Commissioners International, Inc. Controlled therapeutic
148 medications include only the specific medications and
149 concentrations allowed in biological samples which have been
150 approved by the Association of Racing Commissioners
151 International, Inc., 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

ENROLLED

CS/HB 239

2015 Legislature

157 presence of medications, drugs, and naturally occurring
 158 substances.

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

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

172 (e) The division may solicit input from the Department of
 173 Agriculture and Consumer Services in adopting the rules required
 174 under this subsection. Such rules must be adopted before January
 175 1, 2016 ~~Under no circumstances may any medication be~~
 176 ~~administered closer than 24 hours prior to the officially~~
 177 ~~scheduled post time of a race except as provided for in this~~
 178 ~~section.~~

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

182 ~~(b) The division shall adopt rules setting conditions for~~

ENROLLED

CS/HB 239

2015 Legislature

183 ~~the use of prednisolone sodium succinate, but under no~~
184 ~~circumstances may furosemide or prednisolone sodium succinate be~~
185 ~~administered closer than 4 hours prior to the officially~~
186 ~~scheduled post time for the race.~~

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

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

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

202 ~~(8)-(a)~~ Furosemide is the only medication that may be
203 administered within 24 hours before the officially scheduled
204 post time of a race, but it may not be administered within 4
205 hours before the officially scheduled post time of a race ~~Under~~
206 ~~no circumstances may any medication be administered within 24~~
207 ~~hours before the officially scheduled post time of the race~~
208 ~~except as provided in this section.~~

ENROLLED

CS/HB 239

2015 Legislature

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

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

230 (9) (a) The division may conduct a postmortem examination
231 of any animal that is injured at a permitted racetrack while in
232 training or in competition and that subsequently expires or is
233 destroyed. The division may conduct a postmortem examination of
234 any animal that expires while housed at a permitted racetrack,

ENROLLED

CS/HB 239

2015 Legislature

235 association compound, or licensed kennel or farm. Trainers and
236 owners shall be requested to comply with this paragraph as a
237 condition of licensure.

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

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

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

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

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

ENROLLED

CS/HB 239

2015 Legislature

261 ~~for class IV and V medications.~~

262 ~~(14) The division shall utilize only the thin layer~~
 263 ~~chromatography (TLC) screening process to test for the presence~~
 264 ~~of class IV and V medications in samples taken from racehorses~~
 265 ~~except when thresholds of a class IV or class V medication have~~
 266 ~~been established and are enforced by rule. Once a sample has~~
 267 ~~been identified as suspicious for a class IV or class V~~
 268 ~~medication by the TLC screening process, the sample will be sent~~
 269 ~~for confirmation by and through additional testing methods. All~~
 270 ~~other medications not classified by rule as a class IV or class~~
 271 ~~V agent shall be subject to all forms of testing available to~~
 272 ~~the division.~~

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

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

ENROLLED

CS/HB 239

2015 Legislature

287

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