

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Horse Racing; Medication

AGENCY: Minnesota Racing Commission

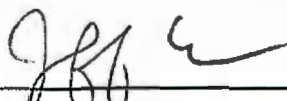
REVISOR ID: R-4607

MINNESOTA RULES: Chapters 7869, 7876, 7877, 7883, 7884, 7890, 7891, 7892, and 7897

Part 7869.0200, subpart 2: Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule. This model rule is subject to change and is available at the State Law Library and on the Minnesota Racing Commission website.

Part 7869.0200, subpart 2: Association of Racing Commissioners International (ARCI) Multiple Medication Violation Model Rule. This model rule is subject to change and is available at the State Law Library and on the Minnesota Racing Commission website.

The attached rules are approved for
filing with the Secretary of State



Jeff S. Kase
Deputy Revisor

203113

1.1 **Minnesota Racing Commission**

1.2 **Adopted Permanent Rules Relating to Horse Racing; Medication**

1.3 **7869.0100 DEFINITIONS.**

1.4 *[For text of subparts 1 to 20, see Minnesota Rules]*

1.5 Subp. 20a. **Digital tattoo.** "Digital tattoo" or "tattooed digitally" means authentication
1.6 of horse identity by a Thoroughbred Racing Protective Bureau (TRPB) technician through
1.7 an in-person inspection that includes scanning the thoroughbred's microchip, comparing
1.8 markings and photos from The Jockey Club database, and uploading updated digital
1.9 photographs to the breed registry.

1.10 *[For text of subparts 21 to 69, see Minnesota Rules]*

1.11 **7869.0200 INCORPORATION BY REFERENCE.**

1.12 *[For text of subpart 1, see Minnesota Rules]*

1.13 **Subp. 2. Association of Racing Commissioners International.**

1.14 A. For the purposes of chapters 7869 to 7899, the Association of Racing
1.15 Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances
1.16 Schedule is incorporated by reference. The ARCI Endogenous, Dietary, or Environmental
1.17 Substances Schedule is subject to change and is available to the public free of charge at the
1.18 State Law Library and on the Minnesota Racing Commission website.

1.19 B. For the purposes of chapters 7869 to 7899, and except as otherwise specifically
1.20 provided therein, the Association of Racing Commissioners International (ARCI) Controlled
1.21 Therapeutic Medication Schedule for Horses is incorporated by reference. The ARCI
1.22 Controlled Therapeutic Medication Schedule for Horses is subject to change and is available
1.23 to the public free of charge at the State Law Library and on the Minnesota Racing
1.24 Commission website.

2.1 C. For the purposes of chapters 7869 to 7899, and except as otherwise specifically
2.2 provided therein, the Association of Racing Commissioners International (ARCI) Uniform
2.3 Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule
2.4 is incorporated by reference. This model rule is subject to change and is available to the
2.5 public free of charge at the State Law Library and on the Minnesota Racing Commission
2.6 website.

2.7 D. For the purposes of chapters 7869 to 7899, and except as otherwise specifically
2.8 provided therein, the Association of Racing Commissioners International (ARCI) Multiple
2.9 Medication Violation Model Rule is incorporated by reference. This model rule is subject
2.10 to change and is available to the public free of charge at the State Law Library and on the
2.11 Minnesota Racing Commission website.

2.12 *[For text of subpart 3, see Minnesota Rules]*

2.13 **7876.0100 ON-TRACK STABLING.**

2.14 *[For text of subparts 1 to 11, see Minnesota Rules]*

2.15 Subp. 12. **Bisphosphonates.** When a horse enters the grounds of a licensed racetrack,
2.16 the horse's trainer of record must immediately notify the commission veterinarian on a form
2.17 prescribed by the commission of any known administration of a bisphosphonate drug to
2.18 that horse within the last six months. The horse will be placed on the veterinarian's list for
2.19 a minimum of six months following the most recent administration of any bisphosphonate
2.20 drug.

2.21 **7876.0110 OFF-TRACK STABLING.**

2.22 *[For text of subparts 1 and 2, see Minnesota Rules]*

2.23 Subp. 3. **Horses must be at racetrack for race day inspection.** All horses shipped
2.24 from another racetrack or off-track stabling facility to a racetrack for a race must be at the
2.25 racetrack no later than 8:00 a.m. or later if approved by the stewards on the day on which

3.1 the horse is scheduled to race. When any horse enters the grounds of a licensed racetrack,
3.2 the horse's trainer of record must ensure that the commission veterinarian is immediately
3.3 informed on a form prescribed by the commission of any known administration of a
3.4 bisphosphonate drug to that horse within the last six months. The horse will be placed on
3.5 the veterinarian's list for a minimum of six months following the most recent reported
3.6 administration of any bisphosphonate drug.

3.7 *[For text of subparts 4 to 6, see Minnesota Rules]*

3.8 **7877.0120 FEES.**

3.9 Subpart 1. **License fees.** Each application for a Class C license, or its renewal, shall
3.10 be accompanied by the payment of an annual fee according to the following schedule:

3.11 *[For text of items A to V, see Minnesota Rules]*

3.12 W. veterinary assistant or equine masseuse, \$50;

3.13 *[For text of items X to CC, see Minnesota Rules]*

3.14 *[For text of subparts 2 to 4, see Minnesota Rules]*

3.15 **7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.**

3.16 Subpart 1. **Individual owners.** An applicant for an individual owner's license must
3.17 own, lease, or be a lessor of a horse eligible to race in Minnesota which is registered with
3.18 the racing secretary and under the care of a trainer licensed by the commission. The applicant
3.19 must give consent for the commission to share the following data on each such horse
3.20 registered with The Jockey Club:

3.21 A. all prerace examination data collected or created by the commission veterinarian
3.22 and the veterinarian's designees pursuant to part 7891.0100; and

3.23 B. all injury data collected or created by the commission, the commission
3.24 veterinarian, or their designees.

4.1 If younger than 18 years of age, an applicant for an individual owner's license must
4.2 submit a notarized affidavit from his or her parent or legal guardian stating that the parent
4.3 or legal guardian assumes responsibility for the applicant's financial, contractual, and other
4.4 obligations relating to the applicant's participation in racing. A parent or legal guardian
4.5 submitting such an affidavit also shall submit information required in part 7877.0110, subpart
4.6 2. If the commission has reason to doubt the financial responsibility of an applicant for an
4.7 individual owner's license, the applicant shall complete a verified financial statement.

4.8 Subp. 2. **Multiple owners.** Applicants for a multiple owner's license must comply
4.9 with subpart 1 and the following requirements.

4.10 *[For text of item A, see Minnesota Rules]*

4.11 B. Directors, officers, general partners, policymakers, and all holders of direct or
4.12 indirect record or beneficial ownership or other voting interests or control, whether absolute
4.13 or contingent, of five percent or more in a multiple owner also must obtain Class C licenses
4.14 issued by the commission. The applicant must give consent for the commission to share the
4.15 following data on each such horse registered with The Jockey Club:

4.16 (1) all prerace examination data collected or created by the commission
4.17 veterinarian and the veterinarian's designees pursuant to part 7891.0100; and

4.18 (2) all injury data collected or created by the commission, the commission
4.19 veterinarian, or their designees.

4.20 *[For text of items C to H, see Minnesota Rules]*

4.21 *[For text of subparts 3 to 9, see Minnesota Rules]*

4.22 Subp. 9a. **Equine masseuse.** An applicant for an equine masseuse license must:

4.23 A. provide documentation of completion of formal training as an equine masseuse;
4.24 and

5.1 B. demonstrate to the commission veterinarian that the applicant is familiar with
5.2 equine anatomy, equine behavior, devices used by an equine masseuse, and with current
5.3 equine masseuse practices.

5.4 *[For text of subparts 10 to 16, see Minnesota Rules]*

5.5 **7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.**

5.6 *[For text of subpart 1, see Minnesota Rules]*

5.7 Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

5.8 *[For text of items A to T, see Minnesota Rules]*

5.9 U. A trainer shall ensure that complete written records are kept of all treatments
5.10 provided to each horse that is registered with the racing secretary under item E or entered
5.11 to race at a licensed racetrack. Each treatment shall be recorded within 48 hours of treatment.

5.12 (1) For purposes of this subpart, "treatment" means any medication
5.13 administered or procedure containing a medication given to a horse by a licensed trainer or
5.14 a designee. Treatment also includes any medication or treatment prescribed by a veterinarian
5.15 licensed by the commission but administered or given by a trainer or a designee and those
5.16 administered or provided by a veterinarian not licensed by the commission. Treatment does
5.17 not include medications given by a veterinarian licensed by the commission or the
5.18 veterinarian's designee.

5.19 (2) The written record must include the following information on a form
5.20 prescribed by the commission:

5.21 (a) the name of the horse or, if unnamed, the registered name of the dam
5.22 and year of foaling;

5.23 (b) the generic or brand name of the drug or biological;

5.24 (c) the name of the prescribing veterinarian;

- 6.1 (d) the date of administration;
- 6.2 (e) the method of administration;
- 6.3 (f) the dosage administered;
- 6.4 (g) the approximate time of administration;
- 6.5 (h) the first and last name of the individual that administered the
- 6.6 treatment, medication, or injection;
- 6.7 (i) the anatomical location of the injection, if any; and
- 6.8 (j) the signature of the prescribing veterinarian.

6.9 (3) The record shall be maintained electronically or on paper until the end of
6.10 the calendar year in which the trainer is licensed by the commission.

6.11 (4) The record must be made available for inspection upon request of the
6.12 commission, stewards, or commission veterinarian.

6.13 (5) For any horse that has not been in a trainer's control for at least 14 days,
6.14 the trainer must obtain and make available a record going back at least 14 days that complies
6.15 with this subpart.

6.16 (6) A licensed trainer whose horse is transferred to a new trainer shall provide
6.17 the new trainer with the complete written or electronic records required by this subpart.

6.18 V. The trainer of a claimed horse shall, within 72 hours after the race is made
6.19 official, provide to the commission veterinarian the complete written record, as specified
6.20 in item U, of all treatments, medications, and ~~interarticular~~ intra-articular injections that
6.21 were administered to the horse within the 30 days preceding the race. In the case of a horse
6.22 that has been in the trainer's control for less than 30 days, the trainer shall provide a record
6.23 going back as long as the horse has been in the trainer's control. The trainer of the claimed
6.24 horse shall authorize the commission veterinarian to provide the record to the new trainer.

7.1 *[For text of subparts 2a to 9a, see Minnesota Rules]*

7.2 Subp. 9b. **Equine masseuse.** The following shall apply to an equine masseuse licensed
7.3 by the commission.

7.4 A. An individual licensed as an equine masseuse shall not:

7.5 (1) diagnose disease, lameness, or illness;

7.6 (2) provide a prognosis;

7.7 (3) prescribe any treatments, drugs, medications, or appliances or administer
7.8 medications;

7.9 (4) dispense, compound, or mix drugs or medications;

7.10 (5) perform surgery;

7.11 (6) draw blood;

7.12 (7) place catheters, needles, swabs, or tubes of any kind in any body part of
7.13 the horse;

7.14 (8) apply splints, slings, or tourniquets; or

7.15 (9) administer injectable medications.

7.16 B. An equine masseuse must keep a daily log either in writing or electronically
7.17 on a form prescribed by the commission of horses treated at a licensed racetrack and must
7.18 show the log to the commission veterinarian upon request. The log must be kept until the
7.19 end of the calendar year in which the equine masseuse is licensed by the commission. The
7.20 log must contain the following:

7.21 (1) date and time of treatment;

7.22 (2) name of the horse treated;

- 8.1 (3) trainer of the horse;
- 8.2 (4) anatomical location of treatment; and
- 8.3 (5) device name used during the treatment session.

8.4 *[For text of subparts 10 and 11, see Minnesota Rules]*

8.5 **7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.**

8.6 Subpart 1. **Racing secretary.** The racing secretary shall have the responsibilities in

8.7 items A to I.

8.8 *[For text of items A to H, see Minnesota Rules]*

8.9 I. Effective January 1, 2020, the racing secretary shall ensure that the foal

8.10 certificates for all thoroughbred horses entered to race at a licensed racetrack that were

8.11 foaled in 2018 or thereafter have a digital tattoo as defined in part 7869.0100, subpart 20a.

8.12 *[For text of subparts 2 to 4, see Minnesota Rules]*

8.13 Subp. 4a. **Paddock judge responsibilities for harness races.** Under the direction

8.14 and supervision of the stewards, the paddock judge will have complete charge of the paddock

8.15 activities. The paddock judge is responsible for:

8.16 *[For text of items A to C, see Minnesota Rules]*

8.17 D. Proper check-in and check-out of horses and drivers and checking the

8.18 identification of all horses coming into the paddock including the tattoo, microchip, or freeze

8.19 brand number.

8.20 *[For text of items E to H, see Minnesota Rules]*

8.21 *[For text of subparts 5 to 15, see Minnesota Rules]*

8.22 **7877.0180 CONFLICTS.**

8.23 *[For text of subparts 1 and 1a, see Minnesota Rules]*

9.1 Subp. 2. **Veterinarians.** No veterinarian, equine masseuse, or veterinary assistant
9.2 may participate in pari-mutuel wagering while licensed by the commission. No veterinarian
9.3 designated as an official at a race meeting shall treat or prescribe treatment for a horse racing
9.4 at that meeting, except in emergencies or if no other veterinarian licensed by the commission
9.5 is on the grounds of the association. In that case, the official veterinarian shall notify the
9.6 commission of any compensation received.

9.7 *[For text of subpart 3, see Minnesota Rules]*

9.8 **7883.0100 ENTRIES AND SUBSCRIPTIONS.**

9.9 *[For text of subpart 1, see Minnesota Rules]*

9.10 Subp. 2. **Horse must be registered and eligible.** No horse shall be permitted to start
9.11 unless:

9.12 *[For text of item A, see Minnesota Rules]*

9.13 B. its registration certificate and Arabian ID Supplement or any supplement relative
9.14 to other breeds as required showing the lip tattoo number, microchip number, or freeze
9.15 branded registration number of the horse is physically or electronically filed with the racing
9.16 secretary by scratch time for that race. In stakes races only, a horse shall be allowed to start
9.17 without the registration certificate on file, if a photocopy or telefacsimile copy of both sides
9.18 of the foal certificate is on file with the racing secretary. This copy must have been forwarded
9.19 to the secretary along with a photocopy or a telefacsimile copy of the horse's equine infectious
9.20 anemia certificate;

9.21 *[For text of items C to G, see Minnesota Rules]*

9.22 Subp. 2a. **Prohibited starters.** No horse shall be permitted to start if:

9.23 A. it is wholly or partially owned by, or under the care, custody, or control of, a
9.24 person who for any reason is unlicensed by the commission;

10.1 B. it is on the stewards' list, or veterinarian's list in any racing jurisdiction and not
10.2 removed from that list; or

10.3 C. it is on the starter's list or paddock judge's list in any racing jurisdiction and
10.4 not removed from that list by the other jurisdiction or racing official in Minnesota.

10.5 *[For text of subparts 3 to 5, see Minnesota Rules]*

10.6 Subp. 6. **Prohibited entries.** No person shall:

10.7 *[For text of items A to G, see Minnesota Rules]*

10.8 H. enter a horse that is barred or suspended in any racing jurisdiction;

10.9 I. enter a horse that has been fraudulently entered or raced in any jurisdiction
10.10 under a different name, with an altered registration certificate, or altered means of
10.11 identification; or

10.12 J. enter a horse that has been treated with any bisphosphonate drug within the past
10.13 six months.

10.14 *[For text of subparts 7 to 15a, see Minnesota Rules]*

10.15 Subp. 16. **Workout requirements.** In order to be eligible:

10.16 *[For text of items A and B, see Minnesota Rules]*

10.17 C. A first-time starter less than four years of age must have gate approval and a
10.18 minimum of two timed workouts, one of which must be out of the gate, no more than 60
10.19 days prior to the race in which it is entered.

10.20 D. A first-time starter four years of age or older must have gate approval and a
10.21 minimum of three timed workouts, at least one of which must be out of the gate and one of
10.22 which must be an official timed workout observed and approved by a commission
10.23 veterinarian, no more than 30 days prior to the race for which the horse is entered.

11.1 E. A horse, other than a first-time starter, which has not started for a period of
11.2 more than one year shall not be eligible to start until it has completed three timed workouts,
11.3 at least one of which must be an official timed workout observed and approved by a
11.4 commission veterinarian no more than 30 days prior to the race for which the horse is
11.5 entered.

11.6 F. Official timed workouts shall be conducted under the same medication and
11.7 testing rules applicable to racing. A horse is not eligible to be entered in a race until negative
11.8 results of post-workout medication testing have been returned to the commission veterinarian.

11.9 G. For all county fairs in which the average daily handle for the preceding year
11.10 was less than \$150,000 all workout requirements shall be waived except that in the case of
11.11 a horse that has not started for a period of one year, the owner or trainer must contact the
11.12 commission veterinarian prior to entry for an examination and workout as determined by
11.13 the commission veterinarian.

11.14 For the purpose of items E and G, and removing a horse from the stewards' list, all
11.15 workouts must be conducted under the same medication requirements as those for race days.

11.16 *[For text of subparts 17 to 19, see Minnesota Rules]*

11.17 **7883.0140 CLAIMING RACES.**

11.18 *[For text of subparts 1 to 7, see Minnesota Rules]*

11.19 Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall
11.20 be returned to the original owner who, in turn, shall refund all claim money to the
11.21 unsuccessful claimant.

11.22 The stewards shall void a claim if:

11.23 *[For text of item A, see Minnesota Rules]*

12.1 B. the horse is placed on the veterinarian's list for exhibiting clinical signs of any
12.2 of the following within one hour of racing: a musculoskeletal injury, lameness, or
12.3 unsoundness of heart or lung. However, the claim shall not be voided for this reason if the
12.4 claimant elected to claim the horse regardless of whether the horse is placed on the
12.5 veterinarian's list. An election made under this provision shall be made on the claim form.
12.6 For purposes of this subpart, "unsoundness of heart" means atrial fibrillation or cardiac
12.7 arrhythmias, and "unsoundness of lung" means recurrent airway obstructive pulmonary
12.8 disease or bleeding from one or both nostrils.

12.9 *[For text of subparts 9 to 11, see Minnesota Rules]*

12.10 Subp. 12. **Ineligibility of bred mare.** If a filly or mare has been bred and is in foal,
12.11 she is ineligible to be entered into a claiming race.

12.12 *[For text of subparts 13 to 32, see Minnesota Rules]*

12.13 **7883.0160 POST TO FINISH.**

12.14 Subpart 1. **Horse must be tattooed digitally or physically or microchipped.** No
12.15 horse shall be permitted to start unless it has been tattooed digitally or physically or
12.16 microchipped and fully identified.

12.17 *[For text of subparts 2 to 14, see Minnesota Rules]*

12.18 **7884.0120 ELIGIBILITY AND ENTERING.**

12.19 *[For text of subparts 1 to 6, see Minnesota Rules]*

12.20 Subp. 7. **Conditions precedent to entering.** No horse shall be permitted to enter to
12.21 race unless:

12.22 A. a valid eligibility certificate has been granted or validated for that horse by the
12.23 USTA, and the eligibility certificate has been physically or electronically filed with the
12.24 racing secretary;

13.1 B. the current ownership of the horse has been registered with the USTA, and the
13.2 registration papers have been physically or electronically filed with the racing secretary.
13.3 For purposes of this subpart, a photocopy of the current registration papers will be accepted
13.4 to the same extent as the original unless:

13.5 *[For text of subitems (1) and (2), see Minnesota Rules]*

13.6 *[For text of items C and D, see Minnesota Rules]*

13.7 E. the horse has been lip tattooed, microchipped, or freeze branded;

13.8 *[For text of items F and G, see Minnesota Rules]*

13.9 *[For text of subparts 8 to 12, see Minnesota Rules]*

13.10 Subp. 13. **Horses denied entry.** A horse that is on the qualifying list, starter's schooling
13.11 list, paddock judge's list, stewards' list, or bleeder list in any racing jurisdiction and not
13.12 removed from that list shall not be entered. A horse that has been treated with any
13.13 bisphosphonate drug within the past six months shall not be entered.

13.14 *[For text of subparts 14 to 17, see Minnesota Rules]*

13.15 **7884.0210 CLAIMING RACES.**

13.16 *[For text of items A to C, see Minnesota Rules]*

13.17 D. The stewards shall void a claim if:

13.18 *[For text of subitem (1), see Minnesota Rules]*

13.19 (2) the horse is placed on the veterinarian's list for exhibiting clinical signs
13.20 of any of the following within one hour of racing: a musculoskeletal injury, lameness, or
13.21 unsoundness of heart or lung. However, the claim shall not be voided for this reason if the
13.22 claimant elected to claim the horse regardless of whether the horse is placed on the
13.23 veterinarian's list. An election made under this part shall be made on the claim form. For

14.1 purposes of this subpart, "unsoundness of heart" means atrial fibrillation or cardiac
14.2 arrhythmias, and "unsoundness of lung" means recurrent airway obstructive pulmonary
14.3 disease or bleeding from one or both nostrils.

14.4 *[For text of items E and F, see Minnesota Rules]*

14.5 **7890.0100 DEFINITIONS.**

14.6 *[For text of subparts 1 to 3c, see Minnesota Rules]*

14.7 Subp. 3d. **Bisphosphonates.** "Bisphosphonates" means any of a class of drugs that
14.8 slows the breakdown of bone by osteoclasts.

14.9 *[For text of subparts 4 to 7a, see Minnesota Rules]*

14.10 Subp. 7b. **Darbepoetin alfa.** "Darbepoetin alfa" is a synthetic analog of erythropoietin
14.11 that stimulates the bone marrow to produce red blood cells. Chemically, it is a 165 amino
14.12 acid protein containing five N-linked oligosaccharide chains.

14.13 *[For text of subparts 8 to 12b, see Minnesota Rules]*

14.14 Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or
14.15 combination thereof, which is or can be administered to a horse for the purpose of preventing,
14.16 curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom
14.17 thereof, or for altering in any way the behavior, attitude, temperament, or performance of
14.18 a horse, including athletic performance. Medication includes all alkalinizing agents,
14.19 analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other
14.20 classifications of medications. Nothing herein shall be deemed to include:

14.21 A. Nonsteroidal anti-inflammatory drugs (NSAIDs):

14.22 (1) The use of one of the following three approved NSAIDs shall be permitted
14.23 under the following conditions:

15.1 (a) phenylbutazone, provided that the test sample does not contain more
15.2 than 0.3 micrograms of the substance thereof per milliliter of blood plasma or serum; or

15.3 (b) flunixin, provided that the test sample does not contain more than
15.4 five nanograms of the substance thereof per milliliter of blood plasma or serum; or

15.5 (c) ketoprofen, provided that the test sample does not contain more than
15.6 two nanograms of the substance thereof per milliliter of blood plasma or serum.

15.7 (2) No NSAIDs can be administered within the 48 hours before post time for
15.8 the race in which the horse is entered. The use of all but one of the approved NSAIDs shall
15.9 be discontinued at least 48 hours before the post time for the race in which the horse is
15.10 entered.

15.11 (3) The presence of more than one NSAID in the post-race ~~serum or plasma~~
15.12 test sample, or sample taken after an official timed workout, is not permitted and shall
15.13 constitute a Class B violation under the Association of Racing Commissioners International
15.14 Uniform Classification Guidelines for Foreign Substances and Recommended Penalties.

15.15 *[For text of subitem (4), see Minnesota Rules]*

15.16 *[For text of item B, see Minnesota Rules]*

15.17 C. Topical applications, such as antiseptics, ointments, salves, leg rubs, and leg
15.18 paints which may contain antibiotics (excluding procaine penicillin and chloramphenicol)
15.19 but which shall not contain ethanol, DMSO, corticosteroids, topical anesthetics including
15.20 benzocaine and lidocaine, or other medications.

15.21 D. Vitamins and electrolytes, provided the vitamins and electrolytes are
15.22 administered orally and do not contain any medications, sodium bicarbonate, or other
15.23 alkalinizing agents.

16.1 E. Electrolytes except those containing sodium bicarbonate or other alkalizing
16.2 agents.

16.3 *[For text of subparts 13a to 21, see Minnesota Rules]*

16.4 **7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.**

16.5 Subpart 1. **Administration.** No person shall administer or cause to be administered
16.6 to a horse within 48 hours of a race in which it is scheduled to run any medication (except
16.7 as permitted by part 7890.0100, subpart 13, items A to D) by injection, oral or topical
16.8 administration, rectal infusion or suppository, or by inhalation and no horse participating
16.9 in a race shall carry in its body any substance foreign to the natural horse, except as permitted
16.10 by subparts 7, item C, 7a, 9, and 10 and part 7890.0100, subpart 13, items A to D. Post-race
16.11 samples of plasma, serum, hair, or urine must not contain any substances, drugs, medications,
16.12 or metabolites of substances, drugs, or medications not specifically permitted by commission
16.13 rule or law.

16.14 Subp. 2. **Nasogastric tube.** The use of a nasogastric tube for the administration of
16.15 any substance to an entered horse within the 48-hour period prior to post time shall not be
16.16 permitted without prior permission of the commission veterinarian. No licensee other than
16.17 a veterinarian shall possess a nasogastric tube on the grounds of an association under the
16.18 jurisdiction of the commission. For purposes of this subpart, "nasogastric tube" means any
16.19 hose or tube more than 12 inches in length and more than one-quarter inch in diameter.

16.20 Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.** The
16.21 use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted
16.22 unless the following conditions are met:

16.23 A. any treated horse shall not be permitted to have a timed workout or race for a
16.24 minimum of ten days following treatment with day one being the first day of treatment;

16.25 *[For text of items B to D, see Minnesota Rules]*

17.1 Subp. 4. **Blood doping agents.** The possession or use of blood doping agents by any
17.2 person, including but not limited to the following blood doping agents, on the premises of
17.3 a facility under the jurisdiction of the commission is forbidden:

17.4 A. Erythropoietin;

17.5 B. Darbepoetin;

17.6 C. Oxyglobin®; and

17.7 D. Hemopure®.

17.8 Subp. 5. **Discontinuance of treatments.** The use of all NSAIDs shall be discontinued
17.9 at least 48 hours before the post time for the race in which the horse is entered. The use of
17.10 any intra-articular corticosteroid shall be discontinued at least seven days before post time
17.11 for the race in which the horse is entered. The presence of only one ~~intra-articular~~
17.12 corticosteroid is permitted in a post-race sample.

17.13 *[For text of subpart 6, see Minnesota Rules]*

17.14 Subp. 7. **Use.** The use of agents that elevate the horse's bicarbonate level, TCO₂, or
17.15 pH level above those existing naturally in the untreated horse at normal physiological
17.16 concentrations is prohibited. The following also apply to TCO₂:

17.17 A. A commission veterinarian may draw whole blood, serum, or plasma samples
17.18 from a horse for the purpose of obtaining a TCO₂ level.

17.19 *[For text of items B to E, see Minnesota Rules]*

17.20 *[For text of subparts 7a to 13, see Minnesota Rules]*

17.21 **7890.0140 BLEEDERS.**

17.22 Subpart 1. **Examination of bleeders.** A horse that is alleged to have bled externally
17.23 from one or both nostrils in Minnesota must be physically examined by a commission

18.1 veterinarian in order to confirm its inclusion on the bleeder list and veterinarian's list. The
18.2 examination must be performed within 1-1/2 hours following the finish of a race or exercise
18.3 in which the horse has participated.

18.4 *[For text of subparts 2 to 4, see Minnesota Rules]*

18.5 **Subp. 5. Restrictions on confirmed bleeders.** Confirmed bleeders shall be subject
18.6 to the following restrictions.

18.7 *[For text of item A, see Minnesota Rules]*

18.8 B. When a horse has been observed bleeding for the second time within a 365-day
18.9 period, the horse shall be placed on the veterinarian's list and shall not be removed from the
18.10 list without the approval of the commission veterinarian. Such a horse shall be ineligible to
18.11 race for at least 30 days following the observed bleeding.

18.12 C. When a horse has been observed bleeding for the third time within a 365-day
18.13 period, the horse shall be placed on the veterinarian's list and shall not be removed from the
18.14 list for at least 180 days, and not until the commission veterinarian has approved its removal.

18.15 D. When a horse has been observed bleeding for a fourth time within a 365-day
18.16 period, the horse shall be placed on the veterinarian's list and will be permanently ineligible
18.17 to race in Minnesota.

18.18 *[For text of items E to G, see Minnesota Rules]*

18.19 *[For text of subparts 6 and 7, see Minnesota Rules]*

18.20 **Subp. 7a. Conditions required for furosemide administration.** Furosemide shall
18.21 be administered intravenously by a licensed veterinarian employed by the owner or trainer
18.22 of the horse, or by the commission veterinarian. The furosemide must be administered a
18.23 minimum of four hours before scheduled post time for any bleeder entered to race and the
18.24 dose level of furosemide must be no less than 150 milligrams and must not exceed 250

19.1 milligrams (no less than three nor more than five milliliters of a 50 milligram/milliliter or
19.2 five percent solution) per administration.

19.3 The practicing veterinarian must deposit with the commission veterinarian an unopened
19.4 supply of furosemide and sterile hypodermic needles and syringes to be used for the
19.5 administration. The furosemide must be administered under the supervision of a person
19.6 employed by the commission.

19.7 A horse on the official furosemide list must show a detectable concentration of the drug
19.8 in the post-race serum or plasma sample.

19.9 *[For text of subparts 8 to 10, see Minnesota Rules]*

19.10 **7890.0150 DISCLOSURE OF APPROVED MEDICATIONS TO PUBLIC.**

19.11 The names of all horses that have been approved for race day use of furosemide must
19.12 be identified in the daily racing program. Horses that are racing for the first time using
19.13 furosemide must be so identified in the daily racing program.

19.14 **7891.0100 RACING SOUNDNESS EXAMINATION.**

19.15 Subpart 1. **Horses subject to examination.** Every horse entered to race at a licensed
19.16 racetrack under the jurisdiction of the commission shall be subjected to a veterinary
19.17 examination for racing soundness and health on race day. The examination shall be conducted
19.18 by the commission veterinarian in or near the stall to which the horse is assigned. The trainer
19.19 of each horse or a representative of the trainer must present the horse for examination and
19.20 move the horse as required by the examining veterinarian. Every horse to be examined must
19.21 have had its legs cleaned of any poultice or other topical applications, must be free of leg
19.22 bandages or be wearing bandages which are easily removed, and must not have been
19.23 subjected within one hour of examination to freezing, icing, prolonged hosing with cold
19.24 water, or any other means of reducing the temperature of the legs.

19.25 *[For text of subparts 1a to 1c, see Minnesota Rules]*

20.1 Subp. 2. **Record of examination.** The commission veterinarian shall maintain a
20.2 continuing health and racing soundness record of each horse examined. The record shall
20.3 not constitute a veterinary medical record for purposes of part 9100.0800.

20.4 **7891.0120 MORTALITY REVIEW COMMITTEE.**

20.5 Subpart 1. **Committee.** The chief steward or designee shall convene and chair a
20.6 mortality review committee for the purpose of gathering data surrounding the death of each
20.7 racehorse occurring during racing or training at a licensed racetrack. The committee shall
20.8 consist of the following:

- 20.9 A. the chief steward or a designee;
- 20.10 B. the commission veterinarian or a designee;
- 20.11 C. the trainer or assistant trainer of the deceased horse;
- 20.12 D. the jockey, exercise rider, or driver of the deceased horse;
- 20.13 E. the attending veterinarian;
- 20.14 F. the racetrack's director of racing or a designee;
- 20.15 G. the track superintendent; and
- 20.16 H. any other person the chief steward or designee determines is necessary to
20.17 adequately examine the death.

20.18 Subp. 2. **Participation.** Participation at a mortality review committee meeting is
20.19 mandatory unless a member is excused by the chief steward or designee.

20.20 Subp. 3. **Treatment records.** Treatment records required of the trainer by part
20.21 7877.0170, subpart 2, item U, shall be available to the committee upon request of the chief
20.22 steward or commission veterinarian.

21.1 **7892.0120 TAKING OF SAMPLES.**

21.2 **Subpart 1. Horses tested.**

21.3 *[For text of item A, see Minnesota Rules]*

21.4 B. Test samples may be taken from other horses on the grounds of a licensed
21.5 racetrack as designated by the stewards or the commission veterinarian at any time. Horses
21.6 to be tested may be selected at random or as otherwise reasonably determined by the stewards
21.7 or commission veterinarian. A positive test shall result in the horse being placed on the
21.8 commission veterinarian's list under part 7877.0175, subpart 8.

21.9 C. Out-of-competition testing for prohibited substances, blood doping agents,
21.10 gene doping agents, growth hormone, exogenous anabolic steroids, and clenbuterol may be
21.11 performed at the request and under the direction of the stewards or the commission
21.12 veterinarian on any horse nominated for stakes or specific racing series. Horses to be tested
21.13 may be selected at random or as otherwise reasonably determined by the stewards or
21.14 commission veterinarian. Split samples shall be collected in accordance with subpart 5. A
21.15 positive test shall result in the horse being placed on the commission veterinarian's list under
21.16 part 7877.0175, subpart 8.

21.17 *[For text of item D, see Minnesota Rules]*

21.18 E. A hair sample collected any time after a horse is entered to race at a licensed
21.19 racetrack shall be deemed a post-race sample for purposes of parts 7869.0200 and 7890.0110.

21.20 F. Any owner, trainer, or other person having care, custody, or control of a horse
21.21 required to be tested must submit the horse immediately.

21.22 Subp. 2. **Samples taken.** All samples shall be taken in the detention barn unless the
21.23 commission veterinarian determines it necessary to take a sample elsewhere. All serum,
21.24 plasma, urine, hair, and saliva samples shall be taken, sealed, identified, and delivered to
21.25 the testing laboratory under the direction of the commission veterinarian or his or her

22.1 designee. Samples taken for TCO₂ analysis may be taken, sealed, identified, and submitted
22.2 to the testing laboratory or securely analyzed by a reliable on-site analyzer, or both.

22.3 *[For text of subparts 3 and 4, see Minnesota Rules]*

22.4 **Subp. 5. Split samples.**

22.5 *[For text of items A to C, see Minnesota Rules]*

22.6 D. The trainer is responsible for the cost of split sample testing and fees for
22.7 shipping and handling of the sample. Payment for split sample testing must accompany the
22.8 sample or be made in advance directly to the split sample laboratory. Shipping and handling
22.9 fees are payable to the Minnesota Racing Commission within seven days of shipment.

22.10 *[For text of item E, see Minnesota Rules]*

22.11 **Subp. 5a. Split sample testing for TCO₂ and any hair test (subpart 5 does not**
22.12 **apply).**

22.13 A. For any TCO₂ test or any hair test, provisions for split sample testing shall be
22.14 made prior to or at the time of the taking of the original sample.

22.15 *[For text of items B and C, see Minnesota Rules]*

22.16 D. No further provisions for split sample testing for TCO₂ or hair testing shall be
22.17 available.

22.18 *[For text of subpart 6, see Minnesota Rules]*

22.19 **7897.0100 PROHIBITED ACTS.**

22.20 *[For text of subparts 1 to 19, see Minnesota Rules]*

23.1 Subp. 20. **Possession, administration to, or presence in a horse of a prohibited**
23.2 **drug, substance, medication or metabolites, biological product, growth hormone,**
23.3 **hormone releasing factor, venom, or synthetic analog of venom.**

23.4 *[For text of items A to F, see Minnesota Rules]*

23.5 G. No person shall possess any bisphosphonate drug on the grounds of a licensed
23.6 racetrack.

23.7 *[For text of subparts 21 to 23, see Minnesota Rules]*

23.8 **REPEALER.** Minnesota Rules, part 7890.0120, subpart 2, is repealed.

March 9, 2020

VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

Re: *In the Matter of the Request for Comments of the Minnesota Racing Commission on the Possible Amendments to Rules Governing Horse Racing, Medication, Minnesota Rules, Chapters 7869-7897*
OAH 60-9011-36200; Revisor R-4607

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Stephanie Neises
15201 Zurich St Ste 212
Columbus, MN 55025
stephanie.neises@state.mn.us

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

Denise S. Collins
Legal Assistant

Enclosures

cc: Stephanie Neises (via email)