

1 A bill to be entitled
2 An act relating to medication and testing of racing
3 animals; amending s. 550.2415, F.S.; revising the
4 prohibition on the use of certain medications or
5 substances on racing animals; authorizing the Division
6 of Pari-mutuel Wagering within the Department of
7 Business and Professional Regulation to solicit input
8 from the Department of Agriculture and Consumer
9 Services; revising the penalties for violating laws
10 relating to the racing of animals; decreasing the
11 timeframe in which prosecutions for violations
12 regarding racing animals must commence; requiring the
13 division to notify the owners or trainers, stewards,
14 and the appropriate horsemen's association of all drug
15 test results; prohibiting the division from taking
16 action against owners or trainers under certain
17 circumstances; requiring the division to require its
18 laboratory and specified independent laboratories to
19 annually participate in a quality assurance program;
20 requiring the administrator of the program to submit a
21 report; 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.

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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), 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

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
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,
66 the 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
77 chapter 120, may summarily suspend the license of an
78 occupational licensee responsible under this section or division

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

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
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
142 racing animals and the integrity of the races in which the
143 animals participate, the division shall adopt rules establishing
144 the conditions of use and maximum concentrations of medications,
145 drugs, and naturally occurring substances identified in the
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
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 ARCI. The division shall adopt
164 laboratory screening limits approved by ARCI for drugs and
165 medications that are not included as controlled therapeutic
166 medications, the presence of which in a sample may result in a
167 violation of this section.

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

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

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

180 ~~(b) The division shall adopt rules setting conditions for~~
181 ~~the use of prednisolone sodium succinate, but under no~~
182 ~~circumstances may furosemide or prednisolone sodium succinate be~~

183 ~~administered closer than 4 hours prior to the officially~~
 184 ~~scheduled post time for the race.~~

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

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

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

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

207 ~~(b) As an exception to this section, if the division first~~
 208 ~~determines that the use of furosemide, phenylbutazone, or~~

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

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

228 (9) (a) The division may conduct a postmortem examination
229 of any animal that is injured at a permitted racetrack while in
230 training or in competition and that subsequently expires or is
231 destroyed. The division may conduct a postmortem examination of
232 any animal that expires while housed at a permitted racetrack,
233 association compound, or licensed kennel or farm. Trainers and
234 owners shall be requested to comply with this paragraph as a

235 condition of licensure.

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

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

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

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

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

260 ~~(14) The division shall utilize only the thin layer~~

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

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

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

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