

**01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**017 MAINE STATE HARNESS RACING COMMISSION**

**Chapter 11: MEDICATIONS, PROHIBITED SUBSTANCES AND TESTING**

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**SUMMARY:** This chapter contains standards for equine medications and prohibited substances including, but not limited to types of tests, methods of testing and responsibilities of race track personnel.

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**Section 1. GENERAL PROVISIONS**

**1. Interpretation of this Chapter**

This chapter is promulgated to protect the integrity of live harness racing, to protect the health and welfare of participating horses and to safeguard the interest of the public and the racing participants through the prohibition or control of medications and substances. This chapter shall be interpreted to accomplish that purpose.

**2. General Standards**

- A. Licensed participants shall exercise a high standard of care in the administration of medications, vitamins, supplements and other substances to ensure that the health and welfare of the horse takes precedence over performance. Licensed participants shall not permit a horse participating in a race or programmed to participate in a race, to carry in its body any prohibited substance.
- B. Licensed participants and veterinarians treating participating horses shall carefully adhere to product labeling for medications, vitamins, supplements or other substances used in the treatment or feeding of participating horses. No person may exceed the recommended dosage rates for medications, vitamins, supplements or other substances when treating participating horses. Except as otherwise provided by this chapter, violation of this paragraph shall be considered a Class C violation pursuant to Chapter 17 of Commission rules.
- C. Licensed participants and veterinarians treating participating horses may not use, possess or distribute unlabeled medications, vitamins, supplements or other substances intended for administration to participating horses. Except as otherwise provided by Commission rule, violation of this paragraph shall be considered a Class C violation pursuant to Chapter 17 of Commission rules.
- D. Except as provided under this chapter, no person may administer injectable substances to participating horses, nor possess injectable substances on the grounds of an Association, without written directions from a licensed veterinarian.
- E. The standards contained in this chapter relating to the presence of prohibited substances are considered “strict liability” standards, which do not depend upon knowledge, negligence nor intent on the part of the licensed participants, but instead

are based on the breach of an absolute duty to ensure that no horse participating in a race or programmed to participate in a race, has the presence of a prohibited substance in its body.

- F. Licensed participants and veterinarians treating participating horses, found to be responsible for the improper or intentional administration of any drug resulting in a positive test sample from a participating horse, may, after the proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.
- G. In addition to any sanctions imposed by the Commission, any veterinarian treating participating horses found to be involved in the administration of any drug carrying the penalty class of “A” shall be referred to the Maine Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation.
- H. Any person who the State Stewards or the Commission believe may have committed acts in violation of statutes outside Commission jurisdiction may be referred to the appropriate agency. Administrative action taken by the Commission in no way prohibits referral of the matter to other agencies by the Commission.

### 3. **Trainer Responsibility**

- A. A trainer shall be responsible for the condition of a horse in his or her care.
- B. A trainer shall be responsible for the presence of a prohibited drug, medication, substance, or metabolic derivative, including permitted medications in excess of the maximum-allowable concentration, in horses in his or her care.
- C. A trainer shall prevent the administration of a drug, medication, substance, or metabolic derivative that may constitute a violation of this chapter.
- D. A trainer whose horse has been claimed shall remain responsible for a violation of this Commission rule regarding that horse’s participation in the race in which the horse was claimed.
- E. A trainer shall be responsible for:
  - (1) The proper identity, custody, care, health, condition, and safety of horses in his or her care;
  - (2) Promptly reporting the alteration of the sex of a horse to the horse identifier and the Race Secretary;

- (3) Promptly reporting to the Race Secretary and the Commission Veterinarian if a posterior digital neurectomy (heel nerving) is performed on a horse in his or her care and ensuring that this fact is designated on its certificate of registration;
  - (4) Promptly reporting to the Race Secretary the name of a mare in his or her care that has been bred and is entered to race;
  - (5) Promptly notifying the Commission Veterinarian of a reportable disease or communicable illness in a horse in his or her care;
  - (6) Promptly reporting the serious injury or death of a horse in his or her care at a location under the jurisdiction of the Commission to the State Steward and the Commission Veterinarian and ensuring compliance with Chapter 1, section 20 of Commission rules;
  - (7) Promptly notifying the State Stewards and the Commission Veterinarian if the trainer has knowledge or reason to believe that there has been an administration to a horse of a drug, medication, or other substance prohibited by Commission rules or has knowledge or reason to believe that a prohibited practice has occurred as set forth in this chapter;
  - (8) Ensuring the fitness of every horse in his or her care to perform a creditable race at the distance entered; and,
  - (9) Ensuring the horse's presence in the paddock at least one hour prior to post time of the race in which the horse is to compete.
- F. The trainer is responsible for, and is the absolute ensurer of the condition of, the horse that the trainer enters, regardless of the acts of other parties.

## **Section 2. Prohibited Substances**

1. No person may permit, authorize, or conspire to permit or authorize, the administration of a substance to a horse which results in the presence of a prohibited substance, as described in this subsection, in a horse that participates in a race or that is programmed to participate in a race.
2. Except when otherwise identified as a Permitted Substance under Section 4 of this chapter, a substance is a prohibited substance if it appears on the *Uniform Classification Guidelines for Foreign Substances And Recommended Penalties Model Rule*. January, 2018 (V.13.4) published by the Association of Racing Commissioners International, unless the substance is permitted substance as described in Section 4 of this chapter and is present below the Maximum Allowable Concentration established by Commission rule in this chapter.

3. Except when otherwise identified as a Permitted Substance under Section 4 of this chapter, while participating in a race, a horse shall not carry in its body any drug, medication, substance, or metabolic derivative that:
  - A. Is a narcotic;
  - B. Could serve as an anesthetic or tranquilizer;
  - C. Could stimulate, depress, or affect the circulatory, respiratory, cardiovascular, musculoskeletal, or central nervous system of a horse; or
  - D. Might mask or screen the presence of a prohibited drug, or might prevent or delay testing procedures;
  - E. Is considered likely blood doping agents including, but not limited to, Erythropoietin (EPO), Darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues;
  - F. Is considered likely gene doping agents or the non-therapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia.
4. Except when otherwise identified as a Permitted Substance under Section 4 of this chapter, a substance shall not be present in a horse in excess of a concentration at which the substance would occur naturally, or at a level that would occur through the appropriate and responsible use of labeled supplements consistent with label directions.
5. Except when otherwise identified as a Permitted Substance under Section 4 of this chapter, a substance shall not be present in a horse if there is credible scientific evidence that it may affect the performance of a horse at the level found, as evidenced by Commission sample result.
6. It shall be prima facie evidence that a horse was administered and carried in its body, while participating in a race, a drug, medication, substance, or metabolic derivative thereof prohibited by this section if:
  - A. A biologic specimen from the horse was taken under the supervision of the Commission Veterinarian promptly after a horse participated in a race; and
  - B. The laboratory designated by the Department presents to the Commission a report of a positive finding.

7. No person may possess or use a drug, substance or medication on the grounds of a licensed Association for which:
  - A. A recognized analytical method has not been developed to detect and confirm the administration of such substance; or
  - B. The use of which may endanger the health and welfare of the horse or endanger the safety of the driver; or
  - C. The use of which may adversely affect the integrity of harness racing in the state; or
  - D. No generally-accepted use in equine care exists.
  
8. **Anabolic Androgenic Steroids (AAS).** It shall be considered a violation of the trainer responsibilities for a horse participating in a race to carry in its body an androgenic-anabolic steroid as evidenced by a test sample result except for endogenous concentrations of the naturally occurring substances nandrolone, boldenone and testosterone at concentrations less than the indicated thresholds described in this section.
  - A. Concentrations of these AASs shall not exceed the following free (i.e., not conjugated) steroid concentrations in plasma or serum:
    - (1) **Boldenone** – A confirmatory threshold not greater than 25 picograms/milliliter for all horses, regardless of sex;
    - (2) **Nandrolone** – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and geldings; males horses other than geldings shall be tested for Nandrolone in urine;
    - (3) **Testosterone** – A confirmatory threshold not greater than 25 picograms/milliliter for fillies, mares, and geldings.
  - B. Total concentrations of these AAS shall not exceed the following total concentrations in urine after hydrolysis of conjugates:
    - (1) **Boldenone** - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 15 nanograms/milliliter in male horses other than geldings;
    - (2) **Nandrolone** - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 45 nanograms/milliliter (as 5 $\alpha$ -estrane-3 $\beta$ ,17 $\alpha$ -diol) of urine in male horses other than geldings;
    - (3) **Testosterone** – A confirmatory threshold of not greater than 55 nanograms/milliliter of urine in fillies and mares (unless in foal); a confirmatory threshold of not less than 20 nanograms/milliliter in geldings;

- C. Any other AAS are prohibited in racing horses.
- D. The sex of the horse must be identified to the laboratory on all pre-race and postrace samples designated for AAS testing.
- E. If an anabolic steroid has been administered to a horse in order to assist in its recovery from illness or injury, that horse may be placed on the Commission Veterinarian's List in order to monitor the concentration of the drug or metabolite in urine or blood. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

9. **Alkalizing Agents**

- A. As described in this section, it shall be considered a violation of the trainer responsibilities for a horse to carry in its system an elevated level of Total Carbon Dioxide (TCO<sub>2</sub>) as evidenced by a biological sample result.
- B. Samples taken post-race may be tested at the Department's designated laboratory. Positive test results will be reported immediately by the designated laboratory to the Department, as with any prohibited substance.

C. **Maximum Acceptable Test Levels**

- (1) Maximum acceptable test levels of TCO<sub>2</sub> shall be 37.0 mmol/l for horses not racing on furosemide.
- (2) Maximum acceptable test levels of TCO<sub>2</sub> shall be 39.0 mmol/l for horses racing on furosemide.
- (3) When test levels of TCO<sub>2</sub> exceed the acceptable level, it shall constitute prima facie evidence that the horse has been administered an alkalizing agent and constitutes a violation of the rules.

D. **Pattern of High TCO<sub>2</sub> Levels**

The Department shall maintain TCO<sub>2</sub> test data relative to specific trainers, stables and owners, and analyze the data for patterns of TCO<sub>2</sub> levels that are consistently higher than average. The Department shall notify any affected trainers upon discovery of such a pattern, and that it will selectively test horses where such patterns appear evident.

- E. **Prohibition Against Tubing or Dosing a Horse.** Use of a nasogastric tube or a dosing syringe for the purpose of delivering any substance to the stomach of a horse within 24 hours prior to a scheduled race shall be considered a violation of this chapter, carrying a Class A penalty, unless administered due to a medical emergency by a licensed veterinarian, in which case the horse shall be scratched. The trainer shall be accountable under this section for any violations that occur.

## 10. **Penalty Classification of Prohibited Substances**

A prohibited substance shall be classified in accordance with the *Uniform Classification Guidelines for Foreign Substances And Recommended Penalties Model Rule*. January, 2018 (V.13.4) published by the Association of Racing Commissioners International. Any substance not contained in the Alphabetical Substance List shall be classified by referring to the Classification Definitions contained in the *Uniform Classification Guidelines for Foreign Substances And Recommended Penalties Model Rule*. January, 2018 (V.13.4) published by the Association of Racing Commissioners International.

### **Section 3. Collection and Analysis of Biological Samples**

1. For the purpose of determining the presence of any prohibited substance, the Department, at its discretion, may collect a biological sample from every winning horse in every race or performance against time. The Presiding Judge or a representative of the Department, at any race meeting, may order any other horse that has raced or that has been "declared in" to any race to have a biological sample taken for the purpose of determining the presence of any prohibited substance.
2. Pre-race testing may be conducted any time after the horse enters the paddock.
3. A Department representative or the Presiding Judge may order any horse designated for testing to be offered water in order to encourage a successful urine collection. Horses will be watered under supervision of the trainer and Department Veterinarian utilizing watering containers supplied by the trainer.
4. **State Testing Area**

The following rules shall apply to a state testing area.

- A. Every owner, trainer, or authorized agent of an owner or trainer for any horse or horses programmed to race shall immediately, whenever provided for in Commission rules, submit the horse or horses to the Department Veterinarian for such examination or sampling as the Department Veterinarian may deem advisable.
- B. The state testing area will be operated in accordance with Commission rules and supervised by Department representatives.
- C. Unless otherwise directed by a Department representative, the winning horse, in every race and any other horse specified by the Presiding Judge or a Department representative, shall be taken by an owner, trainer or authorized agent of an owner or trainer to the state testing area immediately following the race. Horses may be held in the state testing area for up to one and one-half hours in order to obtain a biological sample. Compliance with this paragraph shall be the responsibility of the trainer. Failure to comply is a Level One violation of Commission rules.
- D. A winning horse claimed in a race, and any other claimed horse specified for examination, must be taken to the state testing area by the former owner, trainer or that former owner or trainer's authorized agent and by the successful claimant.

The former owner, trainer or that former owner or trainer's authorized agent and the successful claimant must be present to observe the procedures and to sign for the biological sample or samples when taken from the horse. The successful claimant must then receive the horse. The responsibility for any violation(s) arising from the chemical analysis of samples taken from the claimed horse, does not follow the claimant for the particular race, but remains with the trainer of the horse at the time raced.

- E. The horse shall remain in the state testing area until released by an authorized Department representative.
- F. No stable equipment other than that necessary for washing off and cooling out will be permitted in the state testing area. The trainer or the trainer's authorized agent may perform the duties of bathing, cooling out and watering the horse.
- G. An owner, trainer or authorized agent of a trainer of a horse in the state testing area may enter for the purpose of inspecting the horse after making it known to the person in charge of the testing area. If the service of a veterinarian is required, that service must be performed in the presence of the Department Veterinarian. No medications, whether topical, oral, or injectable, shall be administered in the state testing area, except as administered by the Department Veterinarian.
- H. An owner, trainer or authorized agent of a trainer of any horse being tested must remain with the horse while the test sample is drawn and witness the sealing of the test sample and any split sample. Failure to do so is prima facie evidence that the trainer accepts the validity of the procedure and samples.

## 5. **Samples - How Taken**

Biological samples shall be taken in accordance with Commission rules and following established protocols.

- A. The Department Veterinarian shall make every reasonable attempt to collect sufficient sample medium to provide for the necessary analysis and a split sample where applicable.
- B. All samples obtained shall immediately be sealed in a suitable container and witnessed by the trainer or trainer's authorized agent and certified to by his or her signature.
- C. Samples collected for analysis shall be sent with dispatch to the laboratory designated by the Department.
- D. Split samples, when feasible to collect, shall be retained in accordance with established procedures so as to maintain the integrity of the sample and the chain of custody.



## 6. **Out-of-Competition Testing**

- A. Any horse on the grounds at a racetrack under the jurisdiction of the Commission, or stabled off association grounds while under the care or control of trainer or owner licensed by the Commission, is subject to testing without advance notice.
- B. Horses to be tested shall be selected at the discretion of a Department representative.
- C. Trainers shall fully comply with the instructions of the Commission, which may include but are not limited to the following: trainers shall present their horse(s) for testing at the specified time and place mandated by the Commission; testing procedures may be performed on the grounds of any Commission licensed Association, trainer's training facility or any other location under Commission jurisdiction. Failure to comply shall result in the horse(s) being ineligible to race, and shall be considered a violation equivalent to a Class A violation. It is a defense to any action brought against an owner and/or trainer that good cause existed that prohibited the owner and/or trainer from complying with the time limits set forth in this subsection. The owner and/or trainer has the burden of proving that good cause existed by a preponderance of the evidence.
- D. The Commission may require a licensed trainer to allow, at any time, the Department Veterinarian accompanied by a Department Representative, access to a premises where the horse(s) is/are kept for the purpose of obtaining a blood sample from such horse(s). Such sample(s) would be for the purpose of "out of competition testing". All such samples obtained, shall immediately be sealed in a suitable container, and witnessed by the trainer of record, the authorized and/or certified agent of such trainer, or both. The proper signatures shall be applied in the presence of a State Steward for the purposes of the integrity of the chain of custody.

7. **Failure to Allow Tests.** A refusal to allow the taking of a biological sample, or any act or threat to impede or prevent or otherwise interfere with the taking of a biological sample is a Level One violation of Commission rule Chapter 17. The matter shall be referred to the Commission for further review.

## 8. **Presence of Prohibited Substances – Procedures**

Whenever there is a sample result indicating the presence of a prohibited substance in violation of these rules, the following procedures shall apply:

- A. In the case of a pre-race test for the which the results are known prior to a race, the horse shall be scratched from the race and a report sent to the Department. The Department will initiate a hearing before the Commission at the earliest appropriate date.
- B. In the case of a post-race test, the laboratory designated by the Department shall notify the Department pursuant to the established timeframes. Positive test results shall be administered in accordance with the following procedures:
  - (1) The Department shall notify the trainer of the laboratory findings as soon as feasible.

- (2) The Department shall advise the trainer of his/her right to have a split and/or DNA sample processed, when applicable, which shall be shipped and tested, at his/her expense, to a laboratory approved by the Department. The trainer must make such request in writing to the Department within seventy-two hours of receipt of notification of the primary testing laboratory's findings.
  - (4) When a confirmatory sample is requested, the Department shall cause the split sample to be shipped in accordance with procedures developed by the Department to maintain the integrity of the sample and chain of custody to the approved laboratory as soon as practicable after receiving the written request.
  - (5) The Department shall pursue resolution of the matter consistent with Commission policy and Chapter 17 of the Commission rules at the earliest possible date.
- C. The trainer shall cooperate with the Commission Veterinarian accompanied by a State Steward, by:
- (1) Assisting in the immediate location and identification of the horse(s) selected for out-of-competition testing;
  - (2) Providing a stall or safe location to collect the samples;
  - (3) Assisting in properly procuring the samples; and
  - (4) Obeying any instruction necessary to accomplish the provisions of this rule.
- Refusal to comply with the Commission's directives for obtaining a sample under this rule is a basis for suspension of a trainer's license.
- D. The collection of blood, urine or hair samples under this rule shall be sufficient to provide sample matrix for the:
- (1) Approved primary laboratory for screening;
  - (2) Approved primary laboratory for confirmation; and,
  - (3) Approved laboratory for split sample testing. The Commission shall approve the laboratories for screening, confirmation, and split sample testing.
- E. In the event of an initial finding of a prohibited substance in violation of Commission rules, the laboratory shall notify the Commission, both orally and in writing, and an oral and written notice shall be issued by the Commission to the owner and trainer or other responsible person no more than seventy-two (72) hours after receipt of the initial finding.
- F. If a confirmatory test is desired of the third sample, the owner, trainer or other responsible person shall so notify the Commission in writing within seventy-two (72) hours after receipt of the written notification of the initial positive test.

## Section 4. Permitted Substances

### 1. Therapeutic Medications

Veterinarians may administer the following medications to participating horses provided that, on any day for which the horse is entered to race, the urine and/or blood concentrations are below the Maximum Allowable Concentrations listed in the table below. Administration of medications not described in this section is prohibited.

Therapeutic Medication	Maximum Allowable Concentration
Acepromazine	10 nanograms per milliliter as 2-(1-hydroxyethyl) promazine sulfoxide (HEPS) in urine
Albuterol	1 nanogram per milliliter of urine
Betamethasone	10 picograms per milliliter of plasma or serum
Butorphanol	300 nanograms of total butorphanol in urine or 2 nanograms of free butorphanol per milliliter of plasma or serum
Cetirzine	6 nanograms per milliliter of plasma or serum
Cimetidine	400 nanograms per milliliters of plasma or serum
Clenbuterol	140 picograms per milliliter or urine or Level of Detection in plasma or serum
Dantrolene	100 picograms per milliliter of 5-hydroxydantrolene in plasma or serum
Detomidine	2 nanograms per milliliter of carboxydetomidine in urine or 1 nanogram per milliliter in blood
Dexamethasone	5 picograms per milliliter of plasma or serum
Diclofenac	5 nanograms per milliliter of plasma or serum
Dimethyl sulfoxide (DMSO)	10 micrograms per milliliter of plasma or serum
Firocoxib	20 nanograms per milliliter of plasma or serum
Flunixin	20 nanograms per milliliter of plasma or serum
Furosemide	100 nanograms per milliliter of plasma or serum
Glycopyrrolate	3 picograms per milliliter of plasma or serum

Guaifenesin	12 nanograms per milliliter of plasma or serum
Isoflupredone	100 nanograms permilliliter of plasma or serum
Ketoprofen	2 nanograms per milliliter of plasma or serum
Lidocaine	20 picograms per milliliter of total 30H-lidocaine in plasma or serum
Mepivacaine	10 nanograms total hydroxymepivacaine per milliliter of urine or above the Level of Detection of mepivacaine in plasma or serum
Methocarbamol	1 nanogram per milliliter of plasma or blood
Methylprednisolone	100 picograms per milliliter of plasma or serum
Omeprazole	Omeprazole sulfide – 10 nanograms per milliliter of plasma or serum
Phenylbutazone	5 micrograms per milliliter of plasma or serum
Prednisolone	1 nanogram per milliliter of plasma or serum
Procaine penicillin (administration must be reported to the Commission)	25 nanograms per milliliter of plasma or serum
Ranitidine	40 nanograms per milliliter of plasma or serum
Triamcinolone	100 picograms per milliliter of plasma or serum
Xylazine	200 picograms per milliliter of plasma or serum

## 2. **Furosemide Program**

### A. Horses ineligible to participate in the Furosemide Program:

- (1) Two year olds are not allowed on the Furosemide Program.
- (2) Horses eligible to participate in the Maine Sire Stakes Program are not allowed on the Furosemide Program.

### B. **Furosemide**

- (1) **Eligibility.** In order to be eligible for the use of furosemide on race day, a horse must be certified as "Furosemide Eligible" by a veterinarian on a form approved by the Department. A copy of that certification must be on file in the Department office. The Commission Veterinarian may certify a horse as "furosemide eligible" based on a finding of a "good cause showing" of the need for the use of furosemide to treat the horse for Exercised Induced

Pulmonary Hemorrhage (EIPH). A good cause showing may be determined by:

- (a) The Commission Veterinarian attesting to the medical need for the therapeutic administration of furosemide to treat EIPH based on personal observation, or an endoscopic examination of the horse, and evaluation of the horse's medical condition by the Commission Veterinarian;
- (b) A written statement by a veterinarian attesting to the medical need for the therapeutic administration of furosemide to treat EIPH based on personal observation, or an endoscopic examination of the horse, and evaluation of the horse's medical condition by that veterinarian; or
- (c) The horse has raced on furosemide in its last race in another jurisdiction.

- (2) **Declaration.** The trainer of a horse certified as "Furosemide Eligible" shall indicate that the horse is "Furosemide Eligible" on the declaration form each time the horse is entered to race. If the horse is racing with furosemide for the first time, the trainer shall indicate that on the declaration form. A trainer who violates this subsection shall be subject to a fine or suspension of their license, or both.

Each Association shall ensure that the official program correctly identifies all horses racing on the Furosemide Program. All horses racing on furosemide for the first time must be noted in the official program as "first time Lasix" at the bottom of the program page. Failure to provide an accurate official program shall be a Level Three violation of these rules.

- (3) **Administration of Furosemide**

- (a) **Schedule.** All horses entered to race on furosemide must report to the area within the paddock designated by the paddock judge for the administration of furosemide not less than three hours prior to the published post time for that horse's race. The Commission Veterinarian shall establish a schedule for the administration of the furosemide.
- (b) **Procedures.** Horses may be administered furosemide only by hypodermic injection by or under the supervision of the Commission Veterinarian.
- (c) **Permitted dosage.** A horse eligible to use furosemide will be permitted a dosage equal to a minimum of 100 milligrams (2 cc.) and a maximum of 250 milligrams (5 cc.). The dosage must be administered no less than 3 hours and no more than 3 ½ hours prior to the published post time for that horse's race. Any horse that is

past the 3 hour mark for furosemide will be considered late for Lasix. The horse will be allowed to receive furosemide up to 10 minutes past the 3 hour mark with a warning or fine. After 10 minutes the horse will be ineligible to start.

(4) **Log of Treated Horses.** The Commission Veterinarian shall keep a log of the name of each horse given furosemide, the name of the trainer, and the time the furosemide was given.

(5) **Removal from the furosemide list.** A horse that has been eligible for the administration of furosemide may be removed from the list upon authorization from the Presiding Judge by the trainer completing an Off Lasix Form. This must be complete prior to the clearing of the official race program.

C. **User fee.** A user fee shall be paid by the trainer for each horse which races on furosemide. The fee shall be determined by the Department and shall be paid prior to the administration of the furosemide to offset the cost of the Furosemide Program. All funds collected shall be dedicated to the administration of the Furosemide Program. The Department shall consider the following criteria when establishing the fee for this program:

- (1) Compensation of the Commission Veterinarian administering the furosemide;
- (2) Cost of medication and medical supplies;
- (3) Compensation of additional paddock personnel; and,
- (4) Other reasonable administrative costs of the Furosemide Program.

D. **Exercise Induced Pulmonary Hemorrhage Monitoring.**

Whenever there is evidence that a participating horse has experienced Exercise Induced Pulmonary Hemorrhage (EIPH), the following procedures shall apply:

- (1) **First time.** Any horse known to have bled externally from its nostrils or observed via endoscopic examination to have bled internally during a race or workout shall be subject to the following: The first time EIPH occurs the horse may not race for a period of eight days.
- (2) **Second Time.** If a horse bleeds a second time, within 365 days of the first time, that horse shall be placed on the State Steward's List and prohibited from racing for a period of 30 days.
- (3) **Third Time.** If a horse bleeds a third time, within 365 days of when the horse bled the first time, that horse shall be placed on the State Steward's List and prohibited from racing for a minimum of 90 days.

- (4) **Fourth Time.** In the event a horse bleeds a fourth time, within 365 days of the first time, that horse shall be permanently prohibited from racing in this state.
- (5) **EIPH.** The Judges and Department Veterinarian shall maintain a data base of all horses which they know to have experienced EIPH during a race.

### 3. **Stacking of Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)**

The use of NSAIDs shall be governed by the following conditions:

- A. Except as provided in this section relative to the phenylbutazone thresholds, NSAIDs shall be used in a manner consistent with the restrictions contained in the *Uniform Classification Guidelines for Foreign Substances And Recommended Penalties Model Rule*. January, 2018 (V.13.4) published by the Association of Racing Commissioners International. NSAIDs not listed in Section of this chapter shall not be present in a biological sample from a participating horse at the laboratory concentration of detection.
- B. The presence of NSAIDs in a manner inconsistent with the *Uniform Classification Guidelines for Foreign Substances And Recommended Penalties Model Rule*. January, 2018 (V.13.4) published by the Association of Racing Commissioners International, as evidenced by a biological sample result, shall constitute prima facie evidence of violation of the trainer responsibilities. Use of withdrawal guidelines may not prevent a violation of this section. Adherence to those guidelines does not constitute a defense.
- C. The presence of more than one NSAID may constitute a NSAID stacking violation consistent with the following restrictions:
  - (1) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:
    - (a) Two non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:
      - (i) **Diclofenac** – 5 nanograms per milliliter of plasma or serum;
      - (ii) **Firocoxib** - 20 nanograms per milliliter of plasma or serum;
      - (iii) **Flunixin** – 20 nanograms per milliliter of plasma or serum;
      - (iv) **Ketoprofen** – 2 nanograms per milliliter of plasma or serum;
      - (v) **Phenylbutazone** – 5 micrograms per milliliter of plasma or serum; or
      - (vi) **all other non-steroidal anti-inflammatory drugs** – laboratory concentration of detection.
    - (b) Three or more non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

- (i) **Diclofenac** – 5 nanograms per milliliter of plasma or serum;
  - (ii) **Firocoxib** - 20 nanograms per milliliter of plasma or serum;
  - (iii) **Flunixin** – 3 nanograms per milliliter of plasma or serum;
  - (iv) **Ketoprofen** – 1 nanograms per milliliter of plasma or serum;
  - (v) **Phenylbutazone** – 0.5 micrograms per milliliter of plasma or serum; or
  - (vi) **all other non-steroidal anti-inflammatory drugs** – laboratory concentration of detection.
- (2) A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:
- (a) Any one substance noted in Subsection (1)(a) above is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:
    - (i) **Flunixin** – 3 nanograms per milliliter of plasma or serum;
    - (ii) **Ketoprofen** – 1 nanogram per milliliter of plasma or serum; or
    - (iii) **Phenylbutazone** – 0.5 micrograms per milliliter of plasma or serum;
- (3) A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:
- (a) Any combination of two of the following non-steroidal anti-inflammatory drugs are found at or below the restrictions in Subsection (1) (a) (i through vi) above but in excess of the noted restrictions:
    - (i) **Flunixin** – 3 nanograms per milliliter of plasma or serum;
    - (ii) **Ketoprofen** – 1 nanogram per milliliter of plasma or serum; or
    - (iii) **Phenylbutazone** – 0.5 micrograms per milliliter of plasma or serum;
- (4) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the Department Veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).



#### 4. **Other Permitted Substances**

Liniments, antiseptics, antibiotics, ointments, leg paints, washes, and other products commonly used in the daily care of horses may be administered by a person, other than a licensed veterinarian if:

- A. The treatment does not include any drug, medication, or substance otherwise prohibited by Section 2 of this chapter;
- B. The treatment is not injected, and
- C. The person is acting under the jurisdiction of a licensed trainer.

### **Section 5. Prohibited Practices**

#### 1. **Possession of hypodermic apparatus**

- A. Except as provided in this subsection, it is a violation of this chapter for a licensee, while in the paddock area, to have in his or her possession during a licensed race meet any equipment for hypodermic injections.
  - (1) A licensed veterinarian may possess equipment for hypodermic injections.
  - (2) A licensee may possess equipment for hypodermic injections to humans if:
    - (a) The equipment is solely for the purpose of administering chemical or biological substances to the licensee who possesses that equipment or to a minor child of the licensee;
    - (b) The licensee has notified the Presiding Judge clearly identifying to the Judge the type and size of the equipment and the chemical or biological substances to be administered by that equipment; and,
    - (c) The Presiding Judge has given written permission for the possession and use of that equipment.

#### 2. **Possession of drug paraphernalia**

It is a violation of this chapter for a licensee to have in his or her possession in the paddock of an Association during a licensed race meet or be responsible for bringing into the paddock area of an Association during a licensed race meet any drug paraphernalia.

- A. As used in this section the term "drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in injecting, ingesting, inhaling, applying or otherwise introducing into or onto the body of a horse a prohibited substance in violation of this chapter.

- B. For purposes of this section, drug paraphernalia does not include hypodermic apparatus. Possession of hypodermic apparatus constitutes a separate offense under section 15 of this chapter.
- C. In determining whether an object is drug paraphernalia, the Commission, the court, or other authority should consider, in addition to all other logically relevant factors, the following:
  - (1) Statements by an owner of the object or by anyone in control of the object concerning its use;
  - (2) Prior violations of this section, if any, of an owner of the object or of anyone in control of the object;
  - (3) The proximity of the object, in time and space, to circumstances that constitute a direct violation of this section;
  - (4) The proximity of the object to a prohibited substance;
  - (5) The existence of any residue of prohibited substance on the object;
  - (6) The existence and scope of legitimate uses of the object in the paddock area; and,
  - (7) Expert testimony concerning its use.
- D. Any drug paraphernalia possessed in violation of this section is declared to be contraband and may be seized and confiscated by the Commission.

### 3. **Possession of drug or prescription medication**

Except as provided in this section, it is a violation of this chapter for a licensee to have in his or her possession in the paddock area of an Association during a licensed race meet or be responsible for bringing in the paddock area of an Association any drug or prescription medication.

- A. A licensed veterinarian may possess a drug or prescription medication.
- B. A licensee may possess a drug or prescription medication for a horse if it is for an existing condition and is prescribed by a veterinarian and it is a Permitted Substance identified in Section 4 of this chapter. The supply of the drug or prescription medication permitted shall be limited by ethical practice consistent with the purposes of this chapter.
- C. A licensee may possess a chemical or biological substance for humans if:
  - (1) The substance is solely for the use of the licensee who possesses that substance or to a minor child of the licensee;

- (2) The licensee has submitted a sworn statement to the Presiding Judge clearly identifying to the Judge the chemical or biological substance and the intended use of that substance;
- (3) The licensee has in his or her possession documentary evidence of a valid prescription for that substance, if a prescription is required by state or federal law for that substance to be dispensed; and,
- (4) The Presiding Judge has given written permission for the possession of that substance.

#### 4. **Right to Inspect and Seize**

The Department shall have the right to enter into or upon the buildings, stables, rooms or other places within the grounds of a licensed Association and to examine same and to inspect and examine the personal property and effects of any person within such place. Except as provided in Section 2 of this chapter, a judge or State Steward may seize any hypodermic syringe, hypodermic needle, or other device that could be used for the injection or other infusion into a horse of a prohibited substance.

#### 5. **Treatment Restrictions**

- A. Except as provided in Section 1, subsection 15, of this chapter, a person other than a licensed veterinarian shall not administer a prescription or controlled drug, medication, or other substance to a horse while in the paddock area of a licensed Association.
- B. The only injectable allowed within twenty-four (24) hours prior to post time of the race in which the horse is entered shall be furosemide, as set forth in this chapter.
- C. Except as provided in Section 1, subsection 13 of this chapter, a person other than a licensed veterinarian shall not possess a hypodermic needle, syringe, or injectable of any kind while in the paddock area of a licensed Association.

#### 6. **Prohibited Treatments**

It shall be considered a violation of the trainer responsibilities to practice, administer, or treat or otherwise permit a therapy or method identified below, which may endanger the health and welfare of the horse or endanger the safety of the driver, or the use of which may adversely affect the integrity of racing:

##### A. **Intermittent Hypoxic Treatment by External Device**

##### B. **Shock Wave Therapy/Instruments**

- (1) Only a licensed veterinarian may possess an instrument used for shock wave therapy.
- (2) No horse shall be treated with any form of shock wave therapy within seven (7) days of racing (the day of the treatment shall be considered the first day in counting the number of days).

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- (3) Only a licensed veterinarian shall perform the administration of shock wave therapy. A veterinarian using shock wave therapy shall document and report each treatment to the Commission and/or the Department Veterinarian.
- (4) A violation of this section of the rules shall be considered a Class “C” violation.
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STATUTORY AUTHORITY:

8 M.R.S. §§ 263-A, 268, 275-C, 279-A, 279-B, 281

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February 22, 1993 - was previously Chapter 21

AMENDED:

April 11, 1995  
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May 17, 1997

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May 22, 1998 - EMERGENCY - Subchapter 3, Section 20 -  
expires August 20, 1998; conversion to MS Word  
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May 29, 2001

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October 16, 2003 - EMERGENCY - Section 1(5), filing 2003-362, expires January 14, 2004  
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May 5, 2004 - Section 1(5), Section (3), filing 2004-152  
June 6, 2004 - Section 1(5), Section 4(1)(B)(1)  
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October 21, 2008 - Section 5(B) added, filing 2008-482  
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MINOR CORRECTIONS:

April 4, 2019 - two misspellings in Section 4.1 table

AMENDED:

August 17, 2020 - Section 4.2.B(3)(a), filing 2020-185