

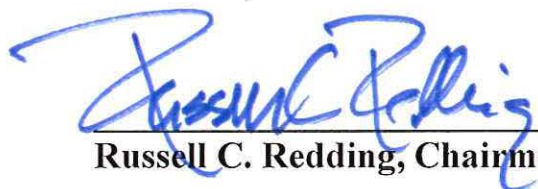
**BEFORE THE PENNSYLVANIA
STATE HORSE RACING COMMISSION**

In Re: :
EQUINE VETERINARY PRACTICES : **Administrative Docket No. 2017-13**
Temporary Regulations – ARCI Model :
Rule :

ORDER

AND NOW, this 31st day of August, 2017, the Commission, in accordance with its general authority and jurisdiction over pari-mutuel racing activities and specifically, under the authority set forth in §9311(h) of the Racing Act (3 Pa. C.S. §9311(h)) to adopt temporary regulations, hereby authorizes the adoption and publication of the temporary rule relating to Equine Veterinary Practices (based upon ARCI Model Rules 011-010 and 025-015), as set forth in Annex A attached hereto.

**BY THE PENNSYLVANIA
STATE HORSE RACING COMMISSION:**



Russell C. Redding, Chairman

NOTICE

PENNSYLVANIA DEPARTMENT OF AGRICULTURE STATE HORSE RACING COMMISSION

Equine Veterinary Practices

The State Horse Racing Commission (“Commission”) hereby provides notice that on August 31, 2017, (Administrative Docket No. 2017-13), in accordance with the statutory authority set forth in §9311 (a) and (h) of the Race Horse Industry Reform Act, (3 Pa. C.S. §9311 (a) and (h)), it issued an Order approving a temporary regulation governing equine veterinary practices in the horse racing industry. This regulation is intended to set forth the professional duties, ethical obligations and procedures to be used by licensed equine practitioners to ensure the health, safety and welfare of racehorses and its participants and to properly safeguard the integrity of the racing industry in the Commonwealth. This temporary regulation is based upon the identical regulation adopted by the Association of Racing Commissioner’s International (ARCI) Model Rules.

The complete text of the August 31, 2017 Order, including the specific provision adopted by that Order, is set forth below.

ORDER

AND NOW, this 31st day of August, 2017, the Commission, in accordance with its general authority and jurisdiction over pari-mutuel racing activities and specifically, under the authority set forth in §9311(h) of the Racing Act (3 Pa. C.S. §9311(h)) to adopt temporary regulations, hereby authorizes the adoption and publication of the temporary rule relating to “Equine Veterinary Practices (based upon ARCI Model Rules 011-110 and 025-015), as set forth in the Annex A attached hereto.

RUSSELL C. REDDING,
Chairman
State Horse Racing Commission

ATTACHMENT A

STATE HORSE RACING COMMISSION EQUINE VETERINARY PRACTICES

Section 1. General Purpose.

To expressly set forth the professional duties, ethical obligations and procedures to be used by licensed equine veterinarians to ensure the health, safety and welfare of racehorses and to properly safeguard the integrity of racing, the interests of the general public and the participants in racing. A practicing veterinarian administering medications, drugs or other substances to race horses regulated

by the Commission shall be responsible to see that all medications, drugs or other substances are administered in accordance with their professional duties and ethical obligations and the regulations of the Commission.

Section 2. Licensed by Commission.

(a) Eligibility.

An applicant for a license as a practicing veterinarian shall be qualified and duly licensed by the Pennsylvania State Board of Veterinary Medicine to practice veterinary medicine in this jurisdiction and be otherwise qualified to be issued a license to participate in racing. An application for a practicing veterinarian license from the Commission must be accompanied by a copy of the applicant's current license to practice veterinary medicine within the Commonwealth.

(b) Responsibility.

(1) All practicing veterinarians administering drugs, medications or other substances shall be responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with rules in this chapter.

(2) All practicing veterinarians shall promptly notify the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge.

(c) Restrictions on Wagering.

A practicing veterinarian shall not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.

Section 3. Veterinary Practices.

(a) Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the Commission Veterinarian and the Board of Stewards at that racetrack or other location.

(b) The following limitations apply to drug treatments of horses that are engaged in racing activities, including training, related to competing in pari-mutuel racing in the Commonwealth:

(1) No drug or other substance may be administered except in the context of a valid veterinarian-client-patient relationship between the attending veterinarian, the horse owner (who may be represented by the trainer or other agent) and the horse.

(2) The owner is not required by this subdivision to follow the veterinarian's instructions, but no drug may be administered without a veterinarian having examined the horse and provided the treatment recommendation. Such relationship requires the following:

- i. The veterinarian, with the consent of the owner, has accepted responsibility for making medical judgments about the health of the horse;
- ii. The veterinarian has sufficient knowledge of the horse to make a preliminary diagnosis of the medical condition of the horse;
- iii. The veterinarian has performed an examination of the horse and is acquainted with the keeping and care of the horse;
- iv. The veterinarian is available to evaluate and oversee treatment outcomes, or has

- made appropriate arrangements for continuing care and treatment;
- v. The relationship is maintained by veterinary visits as needed, and;
- vi. The veterinarian's judgments are independent and are not dictated by the trainer or owner of the horse.
- vii. The veterinarian maintains appropriate, substantial and pertinent records reflecting the treatment of the horse(s) as set forth above.

(3) No prescription drug or medication may be administered except as prescribed by an attending veterinarian and who shall provide copies of such prescriptions or orders to the Commission at all reasonable times.

(4) The trainer and veterinarian are both equally responsible to ensure compliance with these limitations on drug treatments of horses, except the medical judgment to recommend a drug treatment or to prescribe a drug is the responsibility of the veterinarian and the decision to proceed with a drug treatment that has been so recommended is the responsibility of the horse owner (who may be represented by the trainer or other agent).

Section 4. Treatment Restrictions.

(a) Only licensed owners, trainers, or their duly appointed designees shall be permitted to authorize veterinary medical treatment of horses under the veterinarian's care, custody, and control at a racetrack, facility or other location under the jurisdiction of the commission.

(b) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any racetrack, facility or other location under the jurisdiction of the Commission.

(c) This subsection does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:

- (1) A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;
- (2) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or
- (3) A non-injectable non-prescription medication or substance.

(d) No person, other than a veterinarian licensed by the commission, shall use or be in the care, control, custody or possession of a hypodermic needle, syringe capable of accepting a needle or injectable substances of any kind on racetrack property or grounds. At any racetrack or other location under the jurisdiction of the Commission, veterinarians may use only a one-time (one-use) disposable syringe and needle, and shall dispose of both in a manner approved by the Commission.

Except that: If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person may request permission of the stewards and/or the Commission in writing, furnish a letter from a

licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the stewards and/or the Commission.

(e) Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of furosemide under the guidelines set forth Chapter 401 (regarding medications and prohibited substances) unless approved by the commission veterinarian. Any unauthorized contact may result in the horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the stewards.

Section 5. Treatment sheets or veterinarian medication report form.

(a) Every veterinarian who treats a racehorse at any racetrack or other location under the jurisdiction of the Commission shall maintain an accurate and complete written log of treatment activities on a "Medication Report Form" (or also known as a "Treatment Sheet") and report such treatment to the Commission office and the Stewards or Judges at the racetrack where the horse is entered to run or as otherwise specified by the commission. The treatment sheet shall contain the following:

- (1) the name of the horse treated;
- (2) list of all medications, drugs, substances, or procedures administered or prescribed to the horse;
- (3) the name of the trainer of the horse;
- (4) the date and time of treatment
- (5) indicate the route of administration on all meds and specific amounts administered;
- (6) must list all oral medications left with trainers and indicate the horse's need for such oral medications;
- (7) for all intra-articular injections, identify the exact location, body part, limb or joint on the horse of the injection and specific dosage amounts;
- (8) indicate whether the horse is entered to run;
- (9) any other information that may be requested by the commission veterinarian.

(b) The medication report form or treatment sheet shall be signed and attested to by the practicing veterinarian under the penalties of 18 Pa. C.S.A. §4904, relating to un-sworn falsification to authorities and may subject the practicing veterinarian to other administrative penalties as set forth below.

(c) The Medication Report Form/Treatment Sheet must be filed by the treating veterinarian with the Commission office within 24 hours after treatment. Any such report is confidential and its content shall not be disclosed, except in the course of an investigation of a possible violation of these rules or in a proceeding before the Stewards/Judges or the Commission, or to the trainer or owner of record at the time of treatment.

Section 6. Penalties.

(a) Failure of any veterinarian to adhere to the above provisions or to properly and timely provide such Medication Reports (Treatment Sheets) to the Commission or its designee shall subject the practicing veterinarian to all applicable penalties, including fines or suspensions, as set forth in the Racing Act and the Commission's regulations.

(b) In addition to the above administrative penalties, the Commission, in its sole discretion, may refer any violation of the above sections by a licensed practicing veterinarian to the Pennsylvania State Board of Veterinary Medicine for any action it may deem necessary and appropriate.