

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61D-6.011 Penalty Guidelines for Class I-V Drug Violations in Horses.

(1) ~~The presence of a Class I-V foreign substance, as defined by the Uniform Classification Guidelines for Foreign Substances, revised August 2008, April 15, 2004, as promulgated by the Association of Racing Commissioners International, Inc., in the bodily fluids of an animal collected either immediately prior to or immediately after the racing of that animal constitutes a violation of Chapter 550, F.S. The Uniform Classification Guidelines for Foreign Substances, revised August 2008, April 15, 2004, as promulgated by the Association of Racing Commissioners International, Inc., is hereby incorporated and adopted by reference. A copy of this document may be obtained by contacting the Division of Pari Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.~~

~~(2) The penalties in this rule shall be imposed when the stewards or the division finds that the following substances have been identified by the state laboratory in a urine sample or blood sample collected from a horse participating in a pari-mutuel event: Pursuant to Rule 61D-6.002, F.A.C., the trainer of record is the absolute insurer of the condition of an animal he or she enters to race. Consequently, when evidence of the presence of an impermissible substance, or substances, is presented either to the Division or to a panel of stewards or judges, the division or the stewards or judges, absent aggravating or mitigating circumstances, must impose on the trainer of record one or more of the following penalties in accordance with the class of impermissible substance. Provided, however, that any discipline imposed by the stewards or judges shall not exceed their authority pursuant to Section 550.1155, F.S.~~

(a) Any medication listed in Rule 61D-6.008(8), F.A.C.

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| <u>1. First violation</u> | <u>\$500 to \$750 fine; redistribution of purse.</u> |
| <u>2. Second violation within 12 months of a previous violation</u> | <u>\$750 to \$1000 fine and suspension of license up to 60 days, revocation of license, redistribution of purse.</u> |
| <u>3. Third violation within 24 months of a second violation, or a fourth or any subsequent violation without regard to the time past since the third violation</u> | <u>\$1,000 to \$5,000 fine, suspension of license up to 180 days; revocation of license, redistribution of purse.</u> |

(b) Any medication that:

1. Is not approved for veterinary use in the United States by the Food and Drug Administration;
2. Cannot be detected by the state laboratory in a urine or blood sample unless the medication was administered within 24 hours of the race; or
3. Results in urine or blood concentrations that indicate a level of dosage that would constitute a treat to the health and safety of the horse.

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| <u>1. First violation</u> | <u>\$1,000 to \$2,500 fine, suspension or revocation of license; redistribution of purse</u> |
| <u>2. Any subsequent violation</u> | <u>\$2,500 to \$5,000 fine, suspension or revocation of license; redistribution of purse</u> |

(2) The penalty for any medication or drug which is not described in (1) above shall be based upon the classification of the medication or drug found in the Uniform Classification Guidelines for Foreign Substances, revised August 2008, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted by reference. A copy of this document may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The penalty schedule shall be as follows:

(a) Class I impermissible substances:

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| 1. First violation | \$ 500 to \$1,000 fine to <u>\$3,000 fine</u> ,
suspension or revocation of license;
<u>mandatory redistribution of purse</u> |
| 2. Any subsequent violation | <u>\$3,000</u> to \$5,000 fine, suspension or
revocation of license. <u>mandatory
redistribution of purse</u> |
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(b) Class II impermissible substances: | |
| 1. First violation | <u>\$250</u> 100 to \$1,000 fine, suspension
of license up to 30 days; <u>mandatory
redistribution of purse</u> |
| 2. Second violation within 36 months of a previous violation | <u>\$250</u> to \$1,000 fine, suspension or
revocation of license; <u>mandatory
redistribution of purse</u> |
| 3. Third violation within 36 months of a second violation, or a fourth or any
subsequent violation without regard to the time past since the third violation | \$500 to \$1,000 fine to <u>\$5,000 fine</u> ,
suspension or revocation of license. |
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(c) Class III impermissible substances: | |
| 1. First violation | \$100 to \$500 fine; <u>redistribution of
purse.</u> |
| 2. Second violation within 12 months of a previous violation | \$250 to \$750 fine, suspension of
license up to 30 days, <u>revocation of
license, redistribution of purse.</u> |
| 3. Third violation within 24 months of a second violation, or a fourth or any
subsequent violation without regard to the time past since the third violation | \$500 to \$1,000 fine, suspension of
license up to <u>180</u> 60 days <u>or
revocation of license; redistribution
of purse.</u> |
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(d) Class IV or V impermissible substances: | |
| 1. First violation | Reprimand, \$100 to \$250 fine; |
| 2. Second violation in a 12 month period | \$250 to \$500 fine; <u>suspension of
license up to 10 days.</u> |
| 3. Third or subsequent violation in a 12 month period | \$500 to \$1,000 fine, suspension of
license up to <u>60</u> 30 days. |
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(3) Nothing in this rule modifies the provisions of Rule 61D-6.008 or 61D-3.002, Florida Administrative Code, or rules promulgated under Section 550.2415(16), F.S.
<i>Specific Authority 550.0251(3), 550.2415(13), (14) FS. Law Implemented 550.0251, 550.1155, 550.2415(14) FS. History—New 1-5-98, Amended 2-8-01, 3-4-07.</i> | |