

RULE WORKSHOP AGENDA

Name of Agency: DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION, DIVISION OF PARI-MUTUEL WAGERING

**Time, Date & Place
of Meeting:** TUESDAY, APRIL 11, 2017-1:00 P.M. – 5:00PM

FLORIDA DEPARTMENT OF REVENUE CONFERENCE ROOM 2-
1220, CAPITAL CIRCLE OFFICE CENTER, 2450 SHUMARD OAK
BOULEVARD, TALLAHASSEE, FLORIDA

THIS MEETING IS OPEN TO THE PUBLIC

Agenda:

- I. Call to Order and Opening Remarks
- II. Public Input on Rule 61D-6.0051 Procedures for Collecting Samples from
Racing Horses
- III. Public Input on Rule 61D-6.0052 Procedures for Collecting Samples from
Racing Greyhounds
- IV. Public Input on Rule 61D-6.006 Procedures Relating to Split Samples
- V. Closing Remarks

Draft Language

61D-6.0051 Procedures for Collecting Samples from Racing Horses

(1) Identification of Horses for Sampling:

(a) Any horse the judges, stewards, division, or track veterinarian designate, shall be sent immediately after the race to the detention enclosure for examination by the authorized representative of the division and for the taking of urine, or blood specimens as shall be directed for the monitoring and detection of both permissible and impermissible substances.

(b) The division veterinarian and veterinarian assistant or authorized division representative shall verify the identity of the horse to be sampled by checking the horse's lip tattoo, freeze-brand, microchip, or physical description on its registration papers.

(2) Collection of Specimens:

(a) Urine specimens shall be collected only by authorized representatives of the division. If representatives of the division are unable to collect a urine specimen from a horse which has remained in the detention enclosure for up to ninety minutes, they have the option to accompany the horse to its own barn for additional attempts at collecting a specimen. The owner, trainer of record, groom, or other authorized person shall accompany the horse and division personnel to its barn and shall remain with the horse until a specimen is collected, and is permitted to accompany the division personnel and specimen back to the detention enclosure for sealing of the specimen container(s).

(b) Blood specimens shall be collected only by a Florida licensed veterinarian or designee. The veterinarian or designee shall obtain at least two, but not more than six, full 12.5-milliliter blood tubes from each horse sampled.

1. When only two full 12.5 milliliter blood tubes are obtained as the specimen, one of the full blood tubes shall be considered the primary or "A" sample. The other full blood tube shall be considered the secondary, or "B" portion of the specimen.

2. If a specimen obtained is greater than two full 12.5 milliliter blood tubes, but less than twice that amount, the two full blood tubes shall be considered the primary or "A" sample, and the other portion of the specimen shall be secured as the secondary or "B" portion of the specimen.

3. If a specimen obtained is greater than or equal to four full 12.5 milliliter blood tubes, half of the tubes shall be considered the primary or "A" sample, and the other half shall be considered the secondary, or "B" portion of the specimen. When five tubes are obtained, the fifth tube shall be considered as part of the primary or "A" sample.

(c) The owner, trainer of record, or other authorized person, is permitted to witness when urine or blood specimens are collected from their horse.

(d) After collection, blood specimen tubes shall be immediately closed, sealed, and labeled. The sealing and labeling process must include:

1. Assigning and affixing a sample number, unique to each horse sampled, to the blood specimen tubes, and

2. Affixing evidence tape to the specimen tubes.

(e) Failure of an owner, trainer of record or other authorized person to witness or sign the sample tag shall not preclude the division from proceeding with sample analysis.

(3) Centrifuging of Blood Specimens:

(a) Once collected, a blood specimen shall rest for at least 30 minutes.

(b) Blood specimens shall be centrifuged at the detention barn facility to separate serum from the blood specimen in preparation of refrigeration for shipment to the testing laboratory.

(4) Transferring of Urine Specimens:

(a) After collection, the urine specimen shall be brought into the detention barn office where it shall be transferred to a container and sealed before securing and freezing for shipping.

(b) Only authorized representatives of the division shall transfer the urine specimen.

(c) Transferring shall be done by free pouring of up to 100 ml of the specimen from the collection container into a container suitable for freezing and shipping. At least two people must be present to witness the free pouring (including the pourer).

(d) Once transferred, the container suitable for freezing and shipping shall be sealed and a sample number corresponding to the number assigned to the original collection container shall be affixed to the container suitable for freezing and shipping.

(e) Evidence tape shall be affixed to the container before securing and freezing for shipping.

(5) Securing, and Shipping of Specimens:

(a) Urine shall be stored in a lockable freezer in the detention enclosure.

- (b) Centrifuged blood specimens shall be stored in a lockable refrigerator in the detention enclosure.
- (c) Specimens shall be shipped to the laboratory under contract with the division via common carrier in a locked, tamper proof, container maintained in a manner to preserve the integrity of the specimens.
- (6) Authorized division personnel must record the horse's name and tattoo number; time of collection; name of the trainer or owner's witness, if any; specimen ID number; the time that centrifuging of blood begins; and the time urine is decanted for each specimen collected and processed.

(7) Authority of the division:

(a) The division veterinarian or division investigator is authorized to confiscate any legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials which are found in the stable area or elsewhere on race tracks, or in the possession of any person participating in or connected with racing, including veterinarians and trainers, and which are suspected of containing improper legend or proprietary drugs, medications, medicinal compounds (natural or synthetic) or other materials which are illegal or impermissible under these rules. Such legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials shall be delivered to the laboratory under contract with the division for analysis.

(b) The division may confiscate any evidence that an illegal or impermissible legend or proprietary drug, medication, or medicinal compound (natural or synthetic) may have been administered to a racing animal.

(c) Any licensee who threatens to or interferes with, or fails to allow the taking of urine, blood or other specimens authorized by Chapter 550, F.S., is subject to any disciplinary action authorized by Chapter 550, F.S., or the rules promulgated thereunder.

Rulemaking Authority 120.80(4)(a), 550.0251(3), 550.2415(12), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155, 550.2415 FS. History--New 10-20-96, Amended 12-15-97, 11-19-01, 6-15-15.

61D-6.0052 Procedures for Collecting Samples from Racing Greyhounds

(1) Any racing greyhound the judges, division, track veterinarian, or authorized division representative shall designate, shall be sent immediately prior to the race to the detention enclosure for examination by an authorized representative of the division for the taking of urine or other such samples as shall be directed for the monitoring and detection of both permissible and impermissible substances.

(2) Collection of Specimens:

(a) Urine specimens shall be collected in a urine container by authorized representatives of the division. At the time of collection, the authorized representative of the division responsible for collecting the specimen shall wear gloves approved for use by the division.

(b) After a specimen is collected, the authorized representative of the division shall record the tattoo number of the greyhound from which the specimen was collected.

(c) The authorized representative of the division shall collect as much urine as possible from each greyhound sampled.

(d) The owner, trainer of record, or other authorized person, is permitted to witness when urine is collected from their dog. Failure of an owner, trainer of record or other authorized person to witness and/or sign the sample tag shall not preclude the division from proceeding with sample analysis.

(3) Sealing and Labeling of Specimens:

(a) Collection containers for urine shall be closed immediately following collection of the specimen.

(b) Once closed, the collection container shall be immediately assigned a sample number. The sample number and evidence tape shall be affixed to the specimen container to complete the sealing process.

(c) The authorized representative of the division that sealed the specimen container shall initial the sample number tag and evidence tape after it has been affixed to the container.

(4) Urine specimens shall be stored in a lockable freezer in the detention enclosure for freezing until the time of shipping.

(5) Urine specimens shall be shipped to the laboratory under contract with the division via common carrier in a locked, tamper proof, container maintained in a manner to preserve the integrity of the specimens.

(6) Authorized representative of the division must record the greyhound's name and tattoo number; time of collection; name of the trainer or owner's witness, if any; and specimen ID number.

(7) Authority of the division:

(a) The division investigator or other authorized representative is authorized to confiscate any legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials which are found on the grounds of greyhound race tracks and kennel compounds or in the possession of any person participating in or connected with

greyhound racing, including veterinarians and trainers, and which are suspected of containing improper legend or proprietary drugs, medications, medicinal compounds (natural or synthetic) or other materials which are illegal or impermissible under these rules. Such legend or proprietary drugs, medications, unlabeled medication, medication with altered labels, medicinal compounds (natural or synthetic) or other materials shall be delivered to the laboratory under contract with the division for analysis.

(b) The division may confiscate any evidence that an illegal or impermissible legend or proprietary drug, medication, or medicinal compound (natural or synthetic) may have been administered to a racing animal.

(c) Any licensee who threatens to or interferes with, or fails to allow the taking of urine, blood or other specimens authorized by Chapter 550, F.S., is subject to any disciplinary action authorized by Chapter 550, F.S., or the rules promulgated thereunder.

Rulemaking Authority 120.80(4)(a), 550.0251(3), 550.2415(12), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, 11-19-01, 6-15-15,

61D-6.006 Procedures Relating to Split Samples.

The following procedures shall be followed when requesting a split portion of an official sample for analysis at an independent laboratory:

(1) A trainer of record or owner of a racehorse or racing greyhound who has received a report of positive result may request that a split sample analysis be conducted on the corresponding portion of the specimen, or secondary (“B” portion), if applicable ~~analyzed by the primary racing laboratory under contract with the Division.~~ The trainer of record or owner may request that the split sample be sent to an independent laboratory approved by the Division for split sample analysis. The request must be made in writing or on Form DBPR PMW-3290, Split Sample Request, effective December 2015 and adopted herein by reference, which can be obtained at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06325>, www.myfloridalicense.com/dbpr/pmw, or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399, and submitted by certified mail or hand delivery to the State Steward, Division Hearing Officer, or the Division’s Office of the General Counsel no later than ten (10) calendar days after receipt of the report of positive result.

(2) The party requesting the split sample shall select an independent laboratory from a list of laboratories approved by the Division to perform the split sample analysis. The party requesting a split sample analysis shall bear all costs of the analysis and provide the Division with proof of payment.

(3) Failure to request a split sample with an approved independent laboratory within ten (10) calendar days after receiving written notification of the report of positive result from the primary racing laboratory shall constitute a waiver of the right to a split sample. Failure to pay the independent laboratory in full for split sample analysis and provide proof of payment to the Division within ten (10) days of ~~receipt of the request for split sample analysis by the Division~~ shall constitute a waiver of the right to a split sample.

(4) Upon receipt of the split sample request, the Division shall notify the primary laboratory of the request, identifying ~~only the number on the sample~~ number on container from which the split sample analysis is to be performed ~~taken~~, the independent laboratory which has been selected, the volume requested by the independent laboratory, and the primary laboratory’s internal tracking number. The primary racing laboratory shall send the split sample to the independent laboratory selected within ten (10) calendar days of receiving the request.

(5) The request of a split sample shall operate as a stay of any hearing before the stewards or judges until the analysis of the split sample has been completed. Failure by the requestor to pay the independent laboratory for a split sample test shall not operate as a stay of any hearing before the stewards or judges.

Rulemaking Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(5), (12) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, 4-12-06, 6-26-11, 1-10-16,_____.

CONTACT INFORMATION:

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