

RULE HEARING AGENDA

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

**Time, Date & Place
of Meeting:** May 21, 2019 10:00AM-12:00PM

DIVISION OF PARI-MUTUEL WAGERING,
NORTH BROWARD REGIONAL SERVICE CENTER,
1400 W. COMMERCIAL BLVD., SUITE 165- ROOM 195,
FT. LAUDERDALE, FL 33309

THIS MEETING IS OPEN TO THE PUBLIC

Agenda:

- I. Call to Order and Opening Remarks.
- II. Public Input on Draft Rule 61D-6.007, Permitted and Prohibited Substances for Racing Greyhounds.
- III. Public Input on Draft Rule 61D-6.012, Drug and Substance Classification System and Penalty Schedule for Drug Violations in Greyhounds.
- IV. Closing Remarks.

Draft Language:

61D-6.007 Permitted and Prohibited Substances for Racing Greyhounds, Permitted Medications for Racing Greyhounds.

The following medications are permitted to be administered to racing greyhounds in the dosages and under the conditions listed below:

(1) Testing Methodologies: Methodologies used to screen for and confirm the administration of medications, drugs, and naturally occurring substances in racing greyhounds shall be limited to the following: Immunoassay, Liquid Chromatography Mass Spectrometry (LCMS), Gas Chromatography Mass Spectrometry (GCMS), and/or Specific Gravity.

(2) Permitted Medications and Environmental Contaminants in Greyhounds: The following medications, drugs, naturally occurring substances, and other substances are permitted in racing greyhounds in the concentrations and under the conditions listed below:

(a)(1) The administration of testosterone or testosterone-like substances, when used for the control of estrus in female racing greyhounds, is permitted at any prescribed concentration, subject to the following conditions:

1.(a) Track veterinarians may administer injectable testosterone on the grounds of the permitholder to female racing greyhounds for the control of estrus.

2.(b) Kennel owners may use their regular Florida licensed veterinarian or may enter into a collective agreement for the services of a Florida licensed veterinarian to administer injectable testosterone to female racing greyhounds for the control of estrus.

3.(e) The administration of oral testosterone shall be permitted provided it is validly prescribed and properly labeled.

4.(d) Veterinarians that administer injectable or oral testosterone shall be responsible for maintaining security, inventory, and a retrievable record or records/ log in accordance with the Drug Enforcement Agency (DEA) regulations pertaining to a Schedule III drug under the federal Controlled Substances Act and shall be accountable for all syringes and needles used therewith and their disposal in accordance with approved biomedical hazardous waste methods.

(b)(2) Sulfa drugs drug(s) are is/are permitted to be administered at any prescribed concentration to a racing greyhound subject to the following conditions: to a racing greyhound providing:

1.(a) The racing greyhound is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, F.S. Florida Statutes; and

2.(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, F.S. Florida Statutes; and

3.(e) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.

(c)(3) The following permitted substances at concentrations less than or equal to the following schedule under any condition of use shall not be a violation of Section 550.2415, F.S. In order to be considered a violation, the quantity of the substance found by the racing laboratory must exceed the specified concentration allowed plus the established measurement uncertainty value for that substance. medications shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, F.S.:

1.(a) The detection of caffeine at a urinary concentration less than or equal to 200 nanograms per milliliter; the measurement uncertainty in urine shall be 30 ng/mL.

2.(b) The detection of theophylline and theobromine at a urinary concentration less than or equal to 400 nanograms per milliliter; the measurement uncertainty in urine shall be 80 ng/mL for theophylline and 90 ng/mL for theobromine.

3.(e) The detection of procaine at a urinary concentration less than or equal to 2 micrograms per milliliter; the measurement uncertainty in urine shall be 0.3 µg/mL. and

4.(d) The detection of flunixin at a urinary concentration less than or equal to 250 nanograms per milliliter; the measurement uncertainty in urine shall be 25 ng/mL.

(d) All measurement uncertainties identified in this rule are followed by the University of Florida Racing Laboratory as of May 2, 2019. If a sample is diluted for testing, the measurement uncertainty is

multiplied by the factor of dilution.

(e)(4) All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

(3) Therapeutic Medication for Racing Greyhounds: Any and all findings above zero, under any condition of use, for the following therapeutic medications will be considered a violation of Section 550.2415, F.S.:

(a) Acepromazine [2-(1-hydroxyethyl) promazine sulfoxide].

(b) Albuterol.

(c) Betamethasone.

(d) Butorphanol.

(e) Clenbuterol.

(f) Dantrolene (5-hydroxydantrolene).

(g) Detomidine (carboxydetomidine).

(h) Dexamethasone.

(i) Diclofenac.

(j) Dimethyl sulfoxide (DMSO).

(k) Firocoxib.

(l) Glycopyrrolate.

(m) Isoflupredone.

(n) Lidocaine.

(o) Mepivacaine (hydroxymepivacaine).

(p) Methocarbamol.

(q) Methylprednisolone.

(r) Omeprazole.

(s) Prednisolone.

(t) Triamcinolone Acetonide.

(u) Xylazine.

(4) Prohibited Substances: A prohibited drug, chemical, or other substance includes:

(a) Any stimulants, depressants, tranquilizers, local anesthetics, drugs, drug metabolites or other substances which could affect the health or performance of a racing greyhound, however minimal, except for the drugs, chemicals or other substances permitted by Section 550.2415, F.S., or the rules promulgated thereunder.

(b) A drug or substance, regardless of how harmless or innocuous it might be, which interferes with the detection of stimulants, depressants, tranquilizers, local anesthetics, drugs, drug metabolites or other substances which could affect the health or performance of a racing greyhound, however minimal, or quantitation of drugs permitted by Section 550.2415, F.S., or the rules promulgated thereunder.

(5) Screening Limit for Prohibited Substances in Racing Greyhounds: Any and all findings above zero, under any condition of use, for prohibited substances shall be considered a violation of Section 550.2415, F.S.

Rulemaking Authority ~~120.80(4)(a)~~, 550.0251(3), (11), 550.2415(7), (12), ~~(16)~~ FS. Law Implemented ~~120.80(4)(a)~~, 550.0251, 550.2415 FS. History—New 10-20-96, Amended 6-6-00, 6-6-04, 4-12-06, 6-26-11,

61D-6.012 Drug and Substance Classification System and Penalty Schedule for Drug Violations in Greyhounds.

Penalty Guidelines for Class I-V Drug Violations in Greyhounds.

(1) The purpose of this rule is to designate and classify prohibited substances and the corresponding penalties that the Division shall impose upon a finding that a greyhound participated in a race while impermissibly medicated or with a prohibited substance present in its body. Nothing hereunder modifies the provisions promulgated under Section 550.2415, F.S. Any reference to a Commission within the incorporated document in subsection (1)(b) of this rule is not applicable because the State of Florida has not established a Racing Commission.

(2) The Division hereby incorporates by reference the classification system for drugs and substances and corresponding penalty schedule in the Uniform Classification Guidelines for Foreign Substances, version 8.0, revised December 2014, by the Association of Racing Commissioners International, Inc. (the "Classification and Penalty Guidelines"). An electronic copy is available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-06400>.

(3) The penalties corresponding to the drug or medication classification, as provided in the incorporated Classification and Penalty Guidelines, shall be imposed when an animal has been impermissibly medicated or determined to have a prohibited substance present in its body. Penalties shall be imposed against racing greyhound trainers, pursuant to Rule 61D-6.002(1), F.A.C. and Section 550.2415(2), F.S.

(1) The penalties in this rule shall be imposed when the Division finds that the following substances have been identified by the state laboratory in a urine sample or blood sample collected from a greyhound participating in a pari mutuel event:

(a) Any drug or 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. Is detected in urine or blood concentrations that indicate a level of dosage that would constitute a threat to the health and safety of the greyhound.

- a. First violation of this chapter \$1,000 to \$2,500 fine and suspension of license zero to one year, or revocation of license;
- b. Any subsequent violation of this chapter \$2,500 to \$5,000 fine and revocation of license.

(2) The penalty for any medication or drug which is not described in subsection (1) above shall be based upon the classification of the medication or drug found in the Uniform Classification Guidelines for Foreign Substances, revised December 2014, as promulgated by the Association of Racing Commissioners International, Inc., which is hereby incorporated and adopted by reference, <https://www.flrules.org/Gateway/reference.asp?No=Ref-06400>. A copy of this document may be obtained at www.myfloridalicense.com/dbpr/pmw or by contacting the Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399. The penalty schedule shall be as follows:

(a) Class I substances:

1. First violation of this chapter \$500 to \$1,000 fine and suspension of license zero to one year, or revocation of license;
2. Any subsequent violation of this chapter \$1,000 to \$5,000 fine and suspension of license no less than one year, or revocation of license.

(b) Class II substances:

1. First violation of this chapter \$100 to \$1,000 fine and suspension of license zero to 30 days;
2. Second violation of this chapter \$250 to \$1,000 fine and suspension of license no less than 30 days, or revocation of license;
3. Third violation or any subsequent violation of this chapter \$500 to \$1,000 fine and suspension of license no less than 60 days, or revocation of license.

(c) Class III substances:

1. First violation of this chapter \$50 to \$500 fine;
2. Second violation of this chapter \$150 to \$750 fine and suspension of license zero to 30 days;
3. Third violation or any subsequent violation of this chapter \$250 to \$1,000 fine and suspension of license zero to 60 days.

(d) Class IV or V substances:

1. First violation of this chapter \$50 to \$250 fine;
2. Second violation of this chapter \$100 to \$500 fine;

3. ~~Third or subsequent violation of this chapter~~ \$200 to \$1,000 fine and suspension of license zero to 30 days.

~~(3) The Division may consider mitigation or aggravation to deviate from these penalty guidelines.~~

~~(4) The Division shall consider the following mitigating or aggravating factors to deviate from the penalties provided by the Classification and Penalty Guidelines: Circumstances which may be considered for the purposes of mitigation or aggravation of any penalty shall include the following:~~

~~(a) The impact of the offense to the integrity of the pari-mutuel industry.~~

~~(b) The danger to the public and/or racing animals.~~

~~(c) The number and date of prior violations of any penalty class in Florida and any other jurisdiction of repetitions of offenses.~~

~~(d) The number of similar prior offenses.~~

~~(e)(d) The time periods between offenses.~~

~~(f)(e) The number of complaints filed against the licensee or permit holder, which have resulted in prior discipline.~~

~~(g)(f) The length of time the licensee or permit holder has been licensed in Florida or any other jurisdiction, has practiced.~~

~~(h) Any efforts at rehabilitation.~~

~~(i) Any other mitigating or aggravating circumstances.~~

~~(5) If a penalty within the Classification and Penalty Guidelines provides for a sanction in excess of the limitation contained in Section 550.2415(3)(a), F.S., the sanction imposed shall be reduced to an amount that does not exceed the statutory maximum limit. Absent mitigating circumstances, the division judge or the division shall order the return of any purse, prize, or award from any pari mutuel event for redistribution when a positive test for a drug or medication described in paragraphs (1)(a), (1)(b), (1)(c), (2)(a), or (2)(b) is reported by the state laboratory and confirmed through the hearing process.~~

~~(6) The judges or the division shall specify in writing the reasons for requiring the return of any purse, prize, or award for redistribution when the positive test of a drug or medication reported by the state laboratory is not described in paragraphs (1)(a), (1)(b), (1)(c), (2)(a), or (2)(b) of this rule.~~

~~(7) Nothing in this rule modifies the provisions of Rule 61D-6.008 or 61D-3.002, F.A.C., or rules promulgated under Section 550.2415, F.S.~~

Rulemaking Authority 550.0251(3), (11), 550.2415(7), (12) FS. Law Implemented 550.0251, 550.1155, 550.2415 FS. History—New 6-26-11, Amended 1-10-16, _____.

CONTACT INFORMATION:

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