

CHAPTER 20:04:27

MEDICATION AND DRUGS

Section

20:04:27:01	Authorization required for admission to veterinarian's facilities.
20:04:27:02	Tests of winner required.
20:04:27:03	Stewards or commission representative may require tests.
20:04:27:04	Transferred.
20:04:27:05	Person required to be present when specimen taken -- Penalty for failure to appear.
20:04:27:06	Repealed.
20:04:27:07	Persons who may take samples of medicines.
20:04:27:08	When action may be taken on chemist's report.
20:04:27:09	Possession of drugs, hypodermic needles, and illegal devices prohibited.
20:04:27:10	Notice of injections of horses by nonveterinarian required.
20:04:27:11	Interference with testing procedures forbidden.
20:04:27:12	Penalty for use of illegal substances.
20:04:27:13	Repealed.
20:04:27:13.01	Use of furosemide (lasix) permitted.
20:04:27:13.02	Endoscopic examination and eligibility for treatment.
20:04:27:13.03	Requirement for endoscopic examinations.
20:04:27:13.04	Repealed.
20:04:17:13.05	Repealed.
20:04:27:13.06	Repealed.
20:04:27:13.07	Requirements for administering furosemide (lasix).
20:04:27:13.08	Repealed.
20:04:27:13.09	Time frames for administration of furosemide (lasix).
20:04:27:13.10	Individuals responsible for horse after administration of furosemide (lasix).
20:04:27:13.11	Disciplinary action authorized for violations.
20:04:27:13.12	Repealed.
20:04:27:13.13	<u>Maximum threshold for Phenylbutazone (bute).</u>
20:04:27:14	Restrictions on use of authorized drugs.
20:04:27:15	Chemist's test to constitute prima facie evidence.
20:04:27:16	Penalty for violation of permitted drug restriction.
20:04:27:17	Penalties for violations.

20:04:27:12. Penalty for ~~use of illegal substances~~ medication violations. If the analysis made by any chemist, who is approved by the commission, of a urine, saliva, or blood specimen taken under the supervision of the commission veterinarian from a horse entered in a race indicates the presence of a drug, chemical, medicine, analgesic, or injectable, which is not specifically authorized by these rules or is detected at a threshold in excess of the thresholds stated in Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020, and Association of Racing Commissioners

International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule

Version 16.0 dated April 2023, the following penalties may apply:

- (1) The purse may be redistributed;
- (2) A track record established by the horse in the race may be declared void;
- (3) The trainer of the horse may be fined up to five hundred dollars or suspended or the trainer's license may be revoked, or the trainer may be given any combination of these penalties;
- (4) A horse which has had a positive test for illegal substances ~~drugs~~ may be suspended from racing for a period equal to any suspension given to the horse's trainer or owner-trainer for the same incident; and
- (5) In a claiming race, if a claimed horse has a positive test, the stewards at their discretion may void the claim.

Each time a trainer or an owner-trainer has been fined or suspended in South Dakota or any other racing jurisdiction for violation of rules prohibiting the use of illegal substances or regulating the use of controlled therapeutic medications constitutes an offense.

Source: 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; 7 SDR 70, effective January 27, 1981; 8 SDR 94, effective February 14, 1982; transferred from § 20:04:05:20, 9 SDR 122, effective March 31, 1983; 11 SDR 177, effective July 2, 1985; 12 SDR 108, effective January 8, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 17 SDR 113, effective February 5, 1991; 23 SDR 126, effective February 13, 1997; 33 SDR 63, effective October 18, 2006; 38 SDR 101, effective December 5, 2011; 43 SDR 150, effective June 1, 2017; 49 SDR 9, effective August 9, 2022.

General Authority: SDCL 42-7-56(4)(13).

Law Implemented: SDCL 42-7-56(4)(13), 42-7-67, 42-7-96

Reference Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020 and Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version 16.0 dated April 2023. Copies may be obtained from the Association of Racing Commissioners International web site at www.arci.com free of charge.

20:04:27:13.13. Maximum threshold for Phenylbutazone (bute). The maximum authorized threshold for Phenylbutazone (bute) is 2.0 micrograms per milliliter of plasma or serum when administered in accordance with ARCI Controlled Therapeutic Medication Schedule Version 4.2.1 dated December 2020 and ARSD 20:04:27:14.

General Authority: SDCL 42-7-56(4).

Law Implemented: SDCL 42-7-56(4).

Reference: Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December 2020, and Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version 16.0 dated April 2023. Copies may be obtained from the Association of Racing Commissioners International web site at www.arci.com free of charge.

20:04:27:14. Restrictions on use of authorized drugs. Therapeutic medications authorized by the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020, and the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version 16.0 dated April 2023 may administered to horses in accordance with the following restrictions:

- (1) These substances in an injectable form may be administered only by a licensed veterinarian;
- (2) These substances in another form may be administered by the trainer if a veterinarian licensed by this state or another racing jurisdiction has prescribed or approved the use of the substances;
- (3) These substances, except furosemide and phenylbutazone, may not be administered to a horse on the day the horse is scheduled to run;
- (4) A veterinarian administering furosemide shall submit a written report to the commission veterinarian or the state steward on forms provided by the commission. The use of furosemide or phenylbutazone must be declared at the time of entry;
- (5) Failure to submit the reports or to make the declarations required by subdivision (4) may subject the veterinarian and the trainer of the horse involved to disciplinary actions by the stewards or the commission;
- (6) A horse noted on the veterinarian list as using an authorized substance which is suspected to be racing without that substance may be tested. If a urine or blood sample from the horse fails to disclose the presence of furosemide or phenylbutazone, the horse and its trainer may be subject to disciplinary actions by the stewards or the commission;
- (7) For a horse being shipped into a licensed track in this state, a report from a licensed veterinarian of another racing jurisdiction certifying that the horse has been treated with an authorized drug in accordance with the provisions of this section may be accepted by the stewards. The report must be filed with the presiding steward or the commission veterinarian before 10:00 a.m. on the day of the race; and

(8) Notice of use of furosemide or phenylbutazone shall be given to the public.

Source: 4 SDR 85, effective June 15, 1978; 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; transferred from § 20:04:05:37, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 129, effective February 4, 1990; 17 SDR 113, effective February 5, 1991; 21 SDR 98, effective November 30, 1994; 37 SDR 70, effective October 20, 2010; 43 SDR 150, effective June 1, 2017.

General Authority: SDCL 42-7-56(4).

Law Implemented: SDCL 42-7-56(4).

Reference: Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020 and Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version 16.0 dated April 2023. Copies may be obtained from the Association of Racing Commissioners International web site at www.arci.com free of charge.

~~**20:04:27:16. Penalty for violation of permitted drug restriction.** A trainer, owner, or veterinarian found guilty of violating any provision of § 20:04:27:14 shall be fined by the board of stewards not more than \$250 five hundred dollars or suspended for a period of not more than four horse racing days, or both. A horse which has been subject to actions violating § 20:04:27:14 may be suspended for a period of not more than four racing days by the board of stewards. The fine or suspension may be reviewed by the commission and increased, decreased, or otherwise modified.~~

~~— **Source:** 4 SDR 85, effective June 15, 1978; 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; transferred from § 20:04:05:39, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 129, effective February 4, 1990; 38 SDR 101, effective December 5, 2011.~~

~~— **General Authority:** SDCL 42-7-56(4).~~

~~— **Law Implemented:** SDCL 42-7-56(4), 42-7-67.~~

20:04:27:17. Penalties for violations. When imposing a penalty for a violation of any rules pertaining to medication or drugs in a horse, the stewards and the commission shall follow the penalty guidelines established in the Association of Racing Commissioners International Uniform Classification Guidelines Version 14.4 dated December, 2020, and the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version 16.0 dated April 2023, which is incorporated by reference.

A trainer who receives a penalty for a medication violation based on a horse testing positive for a drug Class 1 through 5 with a penalty Class A through C shall be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Non-Controlled Substance
Class A	N/A	6
Class B	2	4
Class C	1/2 for first violation with an additional 1/2 point for each additional violation within 365 days	1 for first violation with an additional 1/2 point for each additional violation within 365 days
Class D	0	0

If the stewards or the commission determine that the violation is due to environmental contamination they may assign less points or no points against the trainer based on the specific facts of the case.

The stewards and the commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official record maintained by the Association of Racing Commissioners International.

In addition to the penalty imposed for the underlying offense the following enhancements shall be imposed upon a trainer based on the cumulative points contained in the trainer's record of violations maintained by the Association of Racing Commissioners International.

Points	Suspension in days
5 to 5.5	15 to 30
6 to 8.5	30 to 60
9 to 10.5	90 to 180
11 or more	180 to 360

The stewards and the commission shall consider aggravating and mitigating circumstances including the trainer's prior record of medication violations when determining the penalty for a violation of these rules.

Multi-medication violation points are intended to be a separate and additional penalty to be imposed upon a trainer who has a pattern of violations.

The stewards or commission ruling shall distinguish between the penalty for the underlying offense and any enhancement penalty based on a stewards or commission review of the trainer's cumulative record of violations.

Source: 43 SDR 150, effective June 1, 2017.

General Authority: SDCL 42-7-56(4).

Law Implemented: SDCL 42-7-56(4)(11), 42-7-93.

Reference: Association of Racing Commissioners International Uniform Classification Guidelines Version 14.4 dated December, 2020 and the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version 16.0 dated April 2023. Copies may be obtained from the Association of Racing Commissioners International web site at www.arci.com free of charge.