

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #5.441**

**Statutory Authority:**

Section 12-60-201(1), C.R.S., Section 12-60-202(3)(c), C.R.S.; Section 12-60-501(2)(a), C.R.S.

**Basis and Purpose:**

Colorado is a member jurisdiction to the Association of Racing Commissioners International (ARCI), and as such, follows their model rules. This year the ARCI adopted ARCI-001-0020 Medications and Prohibited Substances penalties for Multiple Medication Violations (MMV), therefore, Colorado would like to incorporate this document into our rules.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE 5.441** – *(Modified Effective date May 15, 2013)*

- (1) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (2) The stewards or the commission will use the Racing Medication and Testing Consortium's penalty category and schedule as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the *Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances*.
- (3) If a licensed veterinarian is administering or prescribing a drug not listed in the *RCI Uniform Classification Guide lines for Foreign Substances* or shown in the *RMTC Penalty Guideline Listing*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (4) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the most current *RCI Uniform Classification Guidelines for Foreign Substances* shall be assumed to be a RCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule "A" unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.
- (5) The penalty categories and their related schedules, if applicable, shall be on the following criteria:

- (a) Whether the drug is approved by the U.S. Food and Drug Administration for use in the horse;
- (b) Whether the drug is approved by the U.S. Food and Drug Administration for use in any species;
- (c) Whether the drug has any legitimate therapeutic application in the equine athlete;
- (d) Whether the drug was identified as “necessary” by the RMTVC Veterinary Advisory Committee;
- (e) Whether legitimate, recognized therapeutic alternatives exist, and;
- (f) The current RCI Classification of the drug.

The penalty categories “A”, “B” and “C” and their related schedules for Trainers and Owners are shown in the following tables.

*The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty and for violations of ARCI-011-015: Prohibited Practices: LICENSED TRAINER:*

**1st offense**

- Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension.

**AND**

- *Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two).*

**AND**

- May be referred to the Commission for any further action deemed necessary by the Commission.

**LICENSED OWNER:**

**1st offense**

**2nd LIFETIME offense in any jurisdiction**

- Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. **AND**

- Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% of purse (greater of the two).

**AND**

- May be referred to the Commission for any further action deemed necessary by the Commission.

**2nd LIFETIME offense in owner’s stable in any jurisdiction**

**3rd LIFETIME offense in any jurisdiction**

- Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period.

**AND**

- Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two).

**AND**

- May be referred to the Commission for any further action deemed necessary by the Commission.

**3rd LIFETIME offense in owner’s stable in any jurisdiction**

- Disqualification and loss of purse. **AND**
  - Horse shall be placed on the veterinarian’s list for 90 days and must pass a commission-approved examination before becoming eligible to be entered.
- Disqualification and loss of purse. **AND**
  - Horse shall be placed on the veterinarian’s list for 120 days and must pass a commission-approved examination before becoming eligible to be entered.
- Disqualification, loss of purse and \$50,000 fine. **AND**
  - **Horse shall be placed on the veterinarian’s list for 180 days and must pass a commission-approved examination before becoming eligible to be entered.**

*The following are recommended penalties for violations due to the presence of a drug carrying a Category “C” penalty and overages for permitted NSAIDs and furosemide: (All concentrations are for measurements in serum or plasma.)*

**LICENSED TRAINER**

**Phenylbutazone (5.1-9.9 mcg/ml)  
Flunixin (21-99 ng/ml)  
Ketoprofen (11-49 ng/ml)  
Furosemide (>100 ng/ml) and no furosemide when identified as administered\*\***

**Phenylbutazone (≥10.0 mcg/ml)  
Flunixin (≥100 ng/ml)  
Ketoprofen (≥50 ng/ml) and CLASS C Violations**

1<sup>st</sup> Offense (365-day period) in any jurisdiction  
2<sup>nd</sup> Offense (365-day period) in any jurisdiction

Minimum fine of \$250 absent mitigating circumstances  
Minimum fine of \$500 absent mitigating circumstances

Minimum fine of \$1,000 absent mitigating circumstances  
Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances

3<sup>rd</sup> Offense (365-day period) in any jurisdiction

Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances

Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances

**LICENSED OWNER**

**Phenylbutazone (5.1-9.9 mcg/ml)  
Flunixin (21-99 ng/ml)  
Ketoprofen (11-49 ng/ml)  
Furosemide (>100 ng/ml) and no furosemide when identified as administered\*\***

**Phenylbutazone (≥10.0 mcg/ml)  
Flunixin (≥100 ng/ml)  
Ketoprofen (≥50 ng/ml) AND CLASS C VIOLATIONS**

1<sup>st</sup> Offense (365-day period) in any jurisdiction

Loss of purse. Horse must pass commission-approved examination before being eligible to run

2 <sup>nd</sup> Offense (365-day period) in any jurisdiction	Loss of purse. If same horse, placed on veterinarian's list for 45 days, must pass commission-approved examination before being eligible to run
3 <sup>rd</sup> Offense (365-day period) in any jurisdiction	Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian's list for 60 days, must pass commission-approved examination before being eligible to run

(6) The recommended penalty for a violation involving a drug that carries a Category "D" penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspensions.

(7) Any licensee of the commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

(8) The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.

(9) Any veterinarian found to be involved in the administration of any drug carrying the penalty category of "A" shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the stewards or the commission.

(10) Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission in no way prohibits a prosecution for criminal acts committed, nor does a potential criminal prosecution stall administrative action by the stewards or the commission.

Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

The Commission adopts as part of Rule 5.441 of the Colorado Racing Commission rules certain Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances referred to in this Rule 5.441. Such guidelines are published by the Association of Racing Commissioners International. These guidelines were promulgated by the Association of Racing Commissioners model rules committee.

**Proposed Amendment of Rule 5.441 (rulemaking 2013-2014)**

- (1) IN ISSUING PENALTIES AGAINST INDIVIDUALS FOUND GUILTY OF MEDICATION AND DRUG VIOLATIONS, A REGULATORY DISTINCTION SHALL BE MADE BETWEEN THE DETECTION OF THERAPEUTIC MEDICATIONS USED ROUTINELY TO TREAT RACEHORSES AND THOSE DRUGS THAT HAVE NO REASON TO BE FOUND AT ANY CONCENTRATION IN THE TEST SAMPLE ON RACE DAY.
- (2) THE STEWARDS OR THE COMMISSION WILL USE THE RACING MEDICATION AND TESTING CONSORTIUM'S PENALTY CATEGORY AND SCHEDULE AS A STARTING PLACE IN THE PENALTY STAGE OF THE DELIBERATIONS FOR A RULE VIOLATION FOR ANY DRUG LISTED IN THE *ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES*.
- (3) IF A LICENSED VETERINARIAN IS ADMINISTERING OR PRESCRIBING A DRUG NOT LISTED IN THE RCI *UNIFORM CLASSIFICATION GUIDE LINES FOR FOREIGN SUBSTANCES* OR SHOWN IN THE *RMTC PENALTY GUIDELINE LISTING*, THE IDENTITY OF THE DRUG SHALL BE FORWARDED TO THE OFFICIAL VETERINARIAN TO BE FORWARDED TO THE RACING MEDICATION AND TESTING CONSORTIUM FOR CLASSIFICATION.
- (4) ANY DRUG OR METABOLITE THEREOF FOUND TO BE PRESENTING A PRE- OR POST-RACE SAMPLE WHICH IS NOT CLASSIFIED IN THE MOST CURRENT RCI *UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES* SHALL BE ASSUMED TO BE A RCI CLASS 1 DRUG AND THE TRAINER AND OWNER SHALL BE SUBJECT TO THOSE PENALTIES AS SET FORTH IN SCHEDULE "A" UNLESS SATISFACTORILY DEMONSTRATED OTHERWISE BY THE RACING MEDICATION AND TESTING CONSORTIUM, WITH A PENALTY CATEGORY ASSIGNED.
- (5) THE PENALTY CATEGORIES AND THEIR RELATED SCHEDULES, IF APPLICABLE, SHALL BE ON THE FOLLOWING CRITERIA:
  - (A) WHETHER THE DRUG IS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR USE IN THE HORSE;
  - (B) WHETHER THE DRUG IS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR USE IN ANY SPECIES;
  - (C) WHETHER THE DRUG HAS ANY LEGITIMATE THERAPEUTIC APPLICATION IN THE EQUINE ATHLETE;

(D) WHETHER THE DRUG WAS IDENTIFIED AS “NECESSARY” BY THE RMTC VETERINARY ADVISORY COMMITTEE;

(E) WHETHER LEGITIMATE, RECOGNIZED THERAPEUTIC ALTERNATIVES EXIST, AND;

(F) THE CURRENT RCI CLASSIFICATION OF THE DRUG.

**(g) IN ACCORDANCE WITH THE ARCI-011-0020 MEDICATIONS AND PROHIBITED SUBSTANCES PENALTIES FOR MULTIPLE MEDICATION VIOLATIONS (MMV), FROM THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL.**

THE PENALTY CATEGORIES “A”, “B” AND “C” AND THEIR RELATED SCHEDULES FOR TRAINERS AND OWNERS ARE SHOWN IN THE FOLLOWING TABLES.

THE FOLLOWING ARE RECOMMENDED PENALTIES FOR VIOLATIONS DUE TO THE PRESENCE OF A DRUG CARRYING A CATEGORY “A” PENALTY AND FOR VIOLATIONS OF ARCI-011-015: PROHIBITED PRACTICES:

<b>LICENSED TRAINER:</b>		
<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> LIFETIME OFFENSE IN ANY JURISDICTION</b>	<b>3<sup>RD</sup> LIFETIME OFFENSE IN ANY JURISDICTION</b>
<ul style="list-style-type: none"> <li>◦ MINIMUM ONE-YEAR SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF A THREE-YEAR SUSPENSION.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ <b>MINIMUM FINE OF \$10,000 OR 10% OF TOTAL PURSE (GREATER OF THE TWO) ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$25,000 OR 25% OF PURSE (GREATER OF THE TWO).</b></li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MAY BE REFERRED TO THE COMMISSION FOR ANY FURTHER ACTION DEEMED NECESSARY BY THE COMMISSION.</li> </ul>	<ul style="list-style-type: none"> <li>◦ MINIMUM THREE-YEAR SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF LICENSE REVOCATION WITH NO REAPPLICATION FOR A THREE-YEAR PERIOD.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MINIMUM FINE OF \$25,000 OR 25% OF TOTAL PURSE (GREATER OF THE TWO) ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$50,000 OR 50% OF PURSE (GREATER OF THE TWO).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MAY BE REFERRED TO THE COMMISSION FOR ANY FURTHER ACTION DEEMED NECESSARY BY THE COMMISSION.</li> </ul>	<ul style="list-style-type: none"> <li>◦ MINIMUM FIVE-YEAR SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF LICENSE REVOCATION WITH NO REAPPLICATION FOR A FIVE-YEAR PERIOD.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MINIMUM FINE OF \$50,000 OR 50% OF TOTAL PURSE (GREATER OF THE TWO) ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$100,000 OR 100% OF PURSE (GREATER OF THE TWO).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MAY BE REFERRED TO THE COMMISSION FOR ANY FURTHER ACTION DEEMED NECESSARY BY THE COMMISSION.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> LIFETIME OFFENSE IN OWNER’S STABLE IN ANY JURISDICTION</b>	<b>3<sup>RD</sup> LIFETIME OFFENSE IN OWNER’S STABLE IN ANY JURISDICTION</b>
<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ HORSE SHALL BE PLACED ON THE VETERINARIAN’S LIST FOR 90 DAYS AND MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>	<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ HORSE SHALL BE PLACED ON THE VETERINARIAN’S LIST FOR 120 DAYS AND MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>	<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION, LOSS OF PURSE AND \$50,000 FINE.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ <b>HORSE SHALL BE PLACED ON THE VETERINARIAN’S LIST FOR 180 DAYS AND MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</b></li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ REFERRAL TO THE COMMISSION WITH A RECOMMENDATION OF A SUSPENSION FOR A MINIMUM OF 90 DAYS.</li> </ul>

*THE FOLLOWING ARE RECOMMENDED PENALTIES FOR VIOLATIONS DUE TO THE PRESENCE OF A DRUG CARRYING CATEGORY “B” PENALTY, FOR THE PRESENCE OF MORE THAN ONE NSAID IN A PLASMA/SERUM SAMPLE, SUBJECT TO THE PROVISIONS SET FORTH IN ARCI-011-020 E.(1)(C) AND FOR VIOLATIONS OF THE ESTABLISHED LEVELS FOR TOTAL CARBON DIOXIDE:*

<b>LICENSED TRAINER:</b>		
<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION</b>	<b>3<sup>RD</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION</b>
<ul style="list-style-type: none"> <li>◦ MINIMUM 15-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF A 60-DAY SUSPENSION.</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ MINIMUM FINE OF \$500 ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$1,000.</li> </ul>	<ul style="list-style-type: none"> <li>◦ MINIMUM 30-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF A 180-DAY SUSPENSION.</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ MINIMUM FINE OF \$1,000 ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$2,500.</li> </ul>	<ul style="list-style-type: none"> <li>◦ MINIMUM 60-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF A ONE-YEAR SUSPENSION.</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ MINIMUM FINE OF \$2,500 ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$5,000 OR 5% OF PURSE (GREATER OF THE TWO).</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ MAY BE REFERRED TO THE COMMISSION FOR ANY FURTHER ACTION DEEMED NECESSARY BY THE COMMISSION.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE IN STABLE (365-DAY PERIOD) IN ANY JURISDICTION</b>	<b>3<sup>RD</sup> OFFENSE IN STABLE (365-DAY PERIOD) IN ANY JURISDICTION</b>
<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE [IN THE ABSENCE OF MITIGATING CIRCUMSTANCES].</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ HORSE MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>	<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE [IN THE ABSENCE OF MITIGATING CIRCUMSTANCES].</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ HORSE MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>	<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE, AND IN THE ABSENCE OF MITIGATING CIRCUMSTANCES A \$5,000 FINE.</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ HORSE SHALL BE PLACED ON THE VETERINARIAN’S LIST FOR 45 DAYS AND MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>

**THE FOLLOWING ARE RECOMMENDED PENALTIES FOR VIOLATIONS DUE TO THE PRESENCE OF A DRUG CARRYING A CATEGORY "C" PENALTY AND OVERAGES FOR PERMITTED NSAIDS AND FUROSEMIDE: (ALL CONCENTRATIONS ARE FOR MEASUREMENTS IN SERUM OR PLASMA.)**

<b>LICENSED TRAINER</b>	<b>PHENYLBUTAZONE (5.1-9.9 MCG/ML) FLUNIXIN (21-99 NG/ML) KETOPROFEN (11-49 NG/ML) FUROSEMIDE (&gt;100 NG/ML) AND NO FUROSEMIDE WHEN IDENTIFIED AS ADMINISTERED**</b>	<b>PHENYLBUTAZONE (≥10.0 MCG/ML) FLUNIXIN (≥100 NG/ML) KETOPROFEN (≥50 NG/ML) AND CLASS C VIOLATIONS</b>
1 <sup>ST</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION	MINIMUM FINE OF \$250 ABSENT MITIGATING CIRCUMSTANCES	MINIMUM FINE OF <b>\$1000</b> ABSENT MITIGATING CIRCUMSTANCES
2 <sup>ND</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION	MINIMUM FINE OF \$500 ABSENT MITIGATING CIRCUMSTANCES	MINIMUM FINE OF <b>\$1,500</b> AND 15-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES
3 <sup>RD</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION	MINIMUM FINE OF \$1,000 AND 15-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES	MINIMUM FINE OF \$2,500 AND 30-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES
<b>LICENSED OWNER</b>	<b>PHENYLBUTAZONE (5.1-9.9 MCG/ML) FLUNIXIN (21-99 NG/ML) KETOPROFEN (11-49 NG/ML) FUROSEMIDE (&gt;100 NG/ML) AND NO FUROSEMIDE WHEN IDENTIFIED AS ADMINISTERED**</b>	<b>PHENYLBUTAZONE (≥10.0 MCG/ML) FLUNIXIN (≥100 NG/ML) KETOPROFEN (≥50 NG/ML) AND CLASS C VIOLATIONS</b>
1 <sup>ST</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION		LOSS OF PURSE. HORSE MUST PASS COMMISSION-APPROVED EXAMINATION BEFORE BEING ELIGIBLE TO RUN
2 <sup>ND</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION		LOSS OF PURSE. IF SAME HORSE, PLACED ON VETERINARIAN'S LIST FOR 45 DAYS, MUST PASS COMMISSION-APPROVED EXAMINATION BEFORE BEING ELIGIBLE TO RUN
3 <sup>RD</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION		LOSS OF PURSE. MINIMUM \$5,000 FINE. IF SAME HORSE, PLACED ON VETERINARIAN'S LIST FOR 60 DAYS, MUST PASS COMMISSION-APPROVED EXAMINATION BEFORE BEING ELIGIBLE TO RUN

**ARCI-011-020 MEDICATIONS AND PROHIBITED SUBSTANCES  
PENALTIES**

**MULTIPLE MEDICATION VIOLATIONS (MMV)**

(A) A TRAINER WHO RECEIVES A PENALTY FOR A MEDICATION VIOLATION BASED UPON A HORSE TESTING POSITIVE FOR A CLASS 1-5 MEDICATION WITH PENALTY CLASS A-D, AS PROVIDED IN THE ARCI UNIFORM CLASSIFICATION FOR FOREIGN SUBSTANCES, SHALL BE ASSIGNED POINTS BASED UPON THE MEDICATION'S RMTC PENALTY GUIDELINE AS FOLLOWS:

<b>CLASS</b>	<b>POINTS IF CONTROLLED THERAPEUTIC SUBSTANCE</b>	<b>POINTS IF NON-CONTROLLED SUBSTANCE</b>
<b>CLASS A<sup>1</sup></b>	N/A	6
<b>CLASS B</b>	2	4
<b>CLASS C</b>	1	2
<b>CLASS D</b>	½	1

(B) THE POINTS ASSIGNED TO A MEDICATION VIOLATION SHALL BE INCLUDED IN THE STEWARDS' OR COMMISSION RULING. SUCH RULING SHALL DETERMINE, IN THE CASE OF MULTIPLE POSITIVE TESTS AS DESCRIBED IN PARAGRAPH (D), WHETHER THEY SHALL THEREAFTER CONSTITUTE A SINGLE VIOLATION. THE STEWARDS' OR COMMISSION RULING SHALL BE POSTED ON THE OFFICIAL WEBSITE OF THE COMMISSION AND THE OFFICIAL WEBSITE OF THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL. IF AN APPEAL IS PENDING, THAT FACT SHALL BE NOTED IN SUCH RULING. NO POINTS SHALL BE APPLIED UNTIL A FINAL ADJUDICATION OF THE ENFORCEMENT OF ANY SUCH VIOLATION.

(C) A TRAINER'S CUMULATIVE POINTS FOR VIOLATIONS IN ALL RACING JURISDICTIONS SHALL BE MAINTAINED AND CERTIFIED BY THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL. ONCE ALL

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<sup>1</sup> EXCEPT FOR CLASS 1 AND 2 ENVIRONMENTAL CONTAMINANTS, *E.G.*, COCAINE WHICH SHALL BE DETERMINED BY THE STEWARDS BASED UPON THE FACTS OF THE CASE.

APPEALS ARE WAIVED OR EXHAUSTED, THE POINTS SHALL IMMEDIATELY BECOME PART OF THE TRAINER'S OFFICIAL ARCI RECORD AND SHALL THEN SUBJECT THE TRAINER TO THE MANDATORY ENHANCED PENALTIES BY THE STEWARDS OR COMMISSION AS PROVIDED IN THIS REGULATION.

(D) MULTIPLE POSITIVE TESTS FOR THE SAME MEDICATION INCURRED BY A TRAINER PRIOR TO DELIVERY OF OFFICIAL NOTICE BY THE COMMISSION MAY BE TREATED AS A SINGLE VIOLATION.

(E) THE OFFICIAL ARCI RECORD SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF A TRAINER'S PAST RECORD OF VIOLATIONS AND CUMULATIVE POINTS. NOTHING IN THIS ADMINISTRATIVE REGULATION SHALL BE CONSTRUED TO CONFER UPON A LICENSED TRAINER THE RIGHT TO APPEAL A VIOLATION FOR WHICH ALL REMEDIES HAVE BEEN EXHAUSTED OR FOR WHICH THE APPEAL TIME HAS EXPIRED AS PROVIDED BY APPLICABLE LAW.

(F) THE STEWARDS OR COMMISSION SHALL INCLUDE ALL POINTS FOR VIOLATIONS IN ALL RACING JURISDICTIONS AS CONTAINED IN THE TRAINER'S OFFICIAL ARCI RECORD WHEN DETERMINING WHETHER THE MANDATORY ENHANCEMENTS PROVIDED IN THIS REGULATION SHALL BE IMPOSED.

(G) IN ADDITION TO THE PENALTY FOR THE UNDERLYING OFFENSE, THE FOLLOWING ENHANCEMENTS SHALL BE IMPOSED UPON A LICENSED TRAINER BASED UPON THE CUMULATIVE POINTS CONTAINED IN HIS/HER OFFICIAL ARCI RECORD:

<b>POINTS</b>	<b>SUSPENSION IN DAYS</b>
3-5.5	30
6-8.5	60
9-10.5	180
11 OR MORE	360

MMV'S ARE NOT A SUBSTITUTE FOR THE CURRENT PENALTY SYSTEM AND ARE INTENDED TO BE AN ADDITIONAL UNIFORM PENALTY WHEN THE LICENSEE:

- (I) HAS MORE THAN ONE VIOLATION FOR THE RELEVANT TIME PERIOD, AND
- (II) EXCEEDS THE PERMISSIBLE NUMBER OF POINTS.

(H) THE SUSPENSION PERIODS AS PROVIDED ABOVE, SHALL RUN CONSECUTIVE TO ANY SUSPENSION IMPOSED FOR THE UNDERLYING OFFENSE.

(I) THE STEWARDS' OR COMMISSION RULING SHALL DISTINGUISH BETWEEN THE PENALTY FOR THE UNDERLYING OFFENSE AND THE ENHANCEMENT BASED UPON THE TRAINER'S CUMULATIVE POINTS.

(J) ANY TRAINER WHO HAS RECEIVED A MEDICATION VIOLATION MAY PETITION THE ARCI TO EXPUNGE THE POINTS RECEIVED FOR THE VIOLATION FOR THE PURPOSE OF THE MMV SYSTEM ONLY. THE POINTS SHALL BE EXPUNGED AS FOLLOWS:

<b>PENALTY CLASSIFICATION</b>	<b>TIME TO EXPUNGEMENT</b>
A	PERMANENT
B	3 YEARS
C	2 YEARS
D	1 YEAR

- (6) THE RECOMMENDED PENALTY FOR A VIOLATION INVOLVING A DRUG THAT CARRIES A CATEGORY "D" PENALTY IS A WRITTEN WARNING TO THE TRAINER AND OWNER. MULTIPLE VIOLATIONS MAY RESULT IN FINES AND/OR SUSPENSIONS.
- (7) ON MULTIPLE MEDICATION VIOLATION (MMV) OFFENSES, THE DIVISION, BOARD OF STEWARDS, AND HEARING OFFICER SHALL CONSIDER POINTS GIVEN IN ALL OTHER STATES, REGARDLESS OF WHETHER THEY HAVE FORMALLY ADOPTED THE ARCI-001-020 MEDICATIONS AND PROHIBITED SUBSTANCES PENALTY CHART FOR MULTIPLE MEDICATION VIOLATIONS (MMV). THE DIVISION SHALL CONSIDER ALL CUMULATIVE POINTS, AND SUCH ENHANCED PENALTY SHALL RUN CONSECUTIVE TO THE COLORADO PENALTY ASSESSMENT.
- (8) ANY LICENSEE OF THE COMMISSION, INCLUDING VETERINARIANS, FOUND TO BE RESPONSIBLE FOR THE IMPROPER OR INTENTIONAL ADMINISTRATION OF ANY DRUG RESULTING IN A POSITIVE TEST MAY, AFTER PROPER NOTICE AND HEARING, BE SUBJECT TO THE SAME PENALTIES SET FORTH FOR THE LICENSED TRAINER.
- (9) THE LICENSED OWNER, VETERINARIAN OR ANY OTHER LICENSED PARTY INVOLVED IN A POSITIVE LABORATORY FINDING SHALL BE NOTIFIED IN WRITING OF THE HEARING AND ANY RESULTING ACTION. IN

ADDITION THEIR PRESENCE MAY BE REQUIRED AT ANY AND ALL HEARINGS RELATIVE TO THE CASE.

- (10) ANY VETERINARIAN FOUND TO BE INVOLVED IN THE ADMINISTRATION OF ANY DRUG CARRYING THE PENALTY CATEGORY OF “A” SHALL BE REFERRED TO THE STATE LICENSING BOARD OF VETERINARY MEDICINE FOR CONSIDERATION OF FURTHER DISCIPLINARY ACTION AND/OR LICENSE REVOCATION. THIS IS IN ADDITION TO ANY PENALTIES ISSUED BY THE STEWARDS OR THE COMMISSION.
- (11) ANY PERSON WHO THE STEWARDS OR THE COMMISSION BELIEVE MAY HAVE COMMITTED ACTS IN VIOLATION OF CRIMINAL STATUTES MAY BE REFERRED TO THE APPROPRIATE LAW ENFORCEMENT AGENCY. ADMINISTRATIVE ACTION TAKEN BY THE STEWARDS OR THE COMMISSION IN NO WAY PROHIBITS A PROSECUTION FOR CRIMINAL ACTS COMMITTED, NOR DOES A POTENTIAL CRIMINAL PROSECUTION STALL ADMINISTRATIVE ACTION BY THE STEWARDS OR THE COMMISSION.

PROCEDURES SHALL BE ESTABLISHED TO ENSURE THAT A LICENSED TRAINER IS NOT ABLE TO BENEFIT FINANCIALLY DURING THE PERIOD FOR WHICH THE INDIVIDUAL HAS BEEN SUSPENDED. THIS INCLUDES, BUT IS NOT LIMITED TO, ENSURING THAT HORSES ARE NOT TRANSFERRED TO LICENSED FAMILY MEMBERS.

**THE COMMISSION HEREBY CITES THE FOLLOWING SOURCES:**

**(1) VERSION 5.00 DECEMBER 2012 OF THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES;**

**(2) RACING COMMISSIONERS INTERNATIONAL UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES AND RMTC PENALTY GUIDELINE LISTING, (“ARCI UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES” AND “RMTC PENALTY GUIDELINE LISTING”), BY THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL, 1510 NEWTOWN PIKE, SUITE 210, LEXINGTON, KENTUCKY, USA 40511.**

***THIS RULE DOES NOT INCLUDE ANY LATER AMENDMENTS OR EDITIONS OF THE ARCI UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES AND RMTC PENALTY GUIDELINE LISTING;***

**ARCI-011-020 MEDICATIONS AND PROHIBITED SUBSTANCES MULTIPLE MEDICATION VIOLATIONS (MMV), OF THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL AS OF SEPTEMBER 2013.**

**CERTIFIED COPIES OF THE COMPLETE TEXT OF THE REFERENCED MATERIALS ARE MAINTAINED AT THE COLORADO DEPARTMENT OF REVENUE DIVISION OF RACING EVENTS, 1881 PIERCE STREET, ROOM 108, LAKEWOOD COLORADO 80214-1494, AND MAY BE INSPECTED AT THAT ADDRESS DURING NORMAL BUSINESS HOURS. CERTIFIED COPIES SHALL BE PROVIDED AT COST UPON REQUEST.**

**Second Proposed Amendment of Rule 5.441 (rulemaking 2013-2014)**

- (1) IN ISSUING PENALTIES AGAINST INDIVIDUALS FOUND GUILTY OF MEDICATION AND DRUG VIOLATIONS, A REGULATORY DISTINCTION SHALL BE MADE BETWEEN THE DETECTION OF THERAPEUTIC MEDICATIONS USED ROUTINELY TO TREAT RACEHORSES AND THOSE DRUGS THAT HAVE NO REASON TO BE FOUND AT ANY CONCENTRATION IN THE TEST SAMPLE ON RACE DAY.
- (2) THE STEWARDS OR THE COMMISSION WILL USE THE RACING MEDICATION AND TESTING CONSORTIUM'S PENALTY CATEGORY AND SCHEDULE AS A STARTING PLACE IN THE PENALTY STAGE OF THE DELIBERATIONS FOR A RULE VIOLATION FOR ANY DRUG LISTED IN THE *ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES*, AVAILABLE AT 1881 PIERCE STREET, ROOM 108, LAKEWOOD CO 80214-1494 DURING NORMAL BUSINESS HOURS.
- (3) IF A LICENSED VETERINARIAN IS ADMINISTERING OR PRESCRIBING A DRUG NOT LISTED IN THE RCI *UNIFORM CLASSIFICATION GUIDE LINES FOR FOREIGN SUBSTANCES* OR SHOWN IN THE RMTC *PENALTY GUIDELINE LISTING* (PROVIDED BELOW), THE IDENTITY OF THE DRUG SHALL BE FORWARDED TO THE OFFICIAL VETERINARIAN TO BE FORWARDED TO THE RACING MEDICATION AND TESTING CONSORTIUM FOR CLASSIFICATION.
- (4) ANY DRUG OR METABOLITE THEREOF FOUND TO BE PRESENTING A PRE- OR POST-RACE SAMPLE WHICH IS NOT CLASSIFIED IN THE MOST CURRENT RCI *UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES* SHALL BE ASSUMED TO BE A RCI CLASS 1 DRUG AND THE TRAINER AND OWNER SHALL BE SUBJECT TO THOSE PENALTIES AS SET FORTH IN SCHEDULE "A" UNLESS SATISFACTORILY DEMONSTRATED OTHERWISE BY THE RACING MEDICATION AND TESTING CONSORTIUM, WITH A PENALTY CATEGORY ASSIGNED.
- (5) THE PENALTY CATEGORIES AND THEIR RELATED SCHEDULES, IF APPLICABLE, SHALL BE ON THE FOLLOWING CRITERIA:
  - (A) WHETHER THE DRUG IS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR USE IN THE HORSE;
  - (B) WHETHER THE DRUG IS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR USE IN ANY SPECIES;

- (C) WHETHER THE DRUG HAS ANY LEGITIMATE THERAPEUTIC APPLICATION IN THE EQUINE ATHLETE;
- (D) WHETHER THE DRUG WAS IDENTIFIED AS “NECESSARY” BY THE RMTC VETERINARY ADVISORY COMMITTEE;
- (E) WHETHER LEGITIMATE, RECOGNIZED THERAPEUTIC ALTERNATIVES EXIST, **AND;**
- (F) THE CURRENT RCI CLASSIFICATION OF THE DRUG; **AND**
- (G) WHETHER THERE ARE MULTIPLE MEDICATION VIOLATIONS IN ACCORDANCE WITH THE ARCI-011-0020 MEDICATIONS AND PROHIBITED SUBSTANCES PENALTIES FOR MULTIPLE MEDICATION VIOLATIONS (MMV), FROM THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL (PROVIDED BELOW).**

**PENALTY GUIDELINE LISTING**

THE PENALTY CATEGORIES “A”, “B” AND “C” AND THEIR RELATED SCHEDULES FOR TRAINERS AND OWNERS ARE SHOWN IN THE FOLLOWING TABLES. *THE FOLLOWING ARE RECOMMENDED PENALTIES FOR VIOLATIONS DUE TO THE PRESENCE OF A DRUG CARRYING A CATEGORY “A” PENALTY AND FOR VIOLATIONS OF ARCI-011-015: PROHIBITED PRACTICES:*

<b>LICENSED TRAINER:</b>		
<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> LIFETIME OFFENSE IN ANY JURISDICTION</b>	<b>3<sup>RD</sup> LIFETIME OFFENSE IN ANY JURISDICTION</b>
<ul style="list-style-type: none"> <li>◦ MINIMUM ONE-YEAR SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF A THREE-YEAR SUSPENSION.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ <b>MINIMUM FINE OF \$10,000 OR 10% OF TOTAL PURSE (GREATER OF THE TWO) ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$25,000 OR 25% OF PURSE (GREATER OF THE TWO).</b></li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MAY BE REFERRED TO THE COMMISSION FOR ANY FURTHER ACTION DEEMED NECESSARY BY THE COMMISSION.</li> </ul>	<ul style="list-style-type: none"> <li>◦ MINIMUM THREE-YEAR SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF LICENSE REVOCATION WITH NO REAPPLICATION FOR A THREE-YEAR PERIOD.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MINIMUM FINE OF \$25,000 OR 25% OF TOTAL PURSE (GREATER OF THE TWO) ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$50,000 OR 50% OF PURSE (GREATER OF THE TWO).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MAY BE REFERRED TO THE COMMISSION FOR ANY FURTHER ACTION DEEMED NECESSARY BY THE COMMISSION.</li> </ul>	<ul style="list-style-type: none"> <li>◦ MINIMUM FIVE-YEAR SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF LICENSE REVOCATION WITH NO REAPPLICATION FOR A FIVE-YEAR PERIOD.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MINIMUM FINE OF \$50,000 OR 50% OF TOTAL PURSE (GREATER OF THE TWO) ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$100,000 OR 100% OF PURSE (GREATER OF THE TWO).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ MAY BE REFERRED TO THE COMMISSION FOR ANY FURTHER ACTION DEEMED NECESSARY BY THE COMMISSION.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> LIFETIME OFFENSE IN OWNER’S STABLE IN ANY JURISDICTION</b>	<b>3<sup>RD</sup> LIFETIME OFFENSE IN OWNER’S STABLE IN ANY JURISDICTION</b>
<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ HORSE SHALL BE PLACED ON THE VETERINARIAN’S LIST FOR 90 DAYS AND MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>	<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ HORSE SHALL BE PLACED ON THE VETERINARIAN’S LIST FOR 120 DAYS AND MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>	<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION, LOSS OF PURSE AND \$50,000 FINE.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ <b>HORSE SHALL BE PLACED ON THE VETERINARIAN’S LIST FOR 180 DAYS AND MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</b></li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>◦ REFERRAL TO THE COMMISSION WITH A RECOMMENDATION OF A SUSPENSION FOR A MINIMUM OF 90 DAYS.</li> </ul>

*THE FOLLOWING ARE RECOMMENDED PENALTIES FOR VIOLATIONS DUE TO THE PRESENCE OF A DRUG CARRYING CATEGORY “B” PENALTY, FOR THE PRESENCE OF MORE THAN ONE NSAID IN A PLASMA/SERUM SAMPLE, SUBJECT TO THE PROVISIONS SET FORTH IN ARCI-011-020 E.(1)(C) AND FOR VIOLATIONS OF THE ESTABLISHED LEVELS FOR TOTAL CARBON DIOXIDE:*

<b>LICENSED TRAINER:</b>		
<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION</b>	<b>3<sup>RD</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION</b>
<ul style="list-style-type: none"> <li>◦ MINIMUM 15-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF A 60-DAY SUSPENSION.</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ MINIMUM FINE OF \$500 ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$1,000.</li> </ul>	<ul style="list-style-type: none"> <li>◦ MINIMUM 30-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF A 180-DAY SUSPENSION.</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ MINIMUM FINE OF \$1,000 ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$2,500.</li> </ul>	<ul style="list-style-type: none"> <li>◦ MINIMUM 60-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF A ONE-YEAR SUSPENSION.</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ MINIMUM FINE OF \$2,500 ABSENT MITIGATING CIRCUMSTANCES. THE PRESENCE OF AGGRAVATING FACTORS COULD BE USED TO IMPOSE A MAXIMUM OF \$5,000 OR 5% OF PURSE (GREATER OF THE TWO).</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ MAY BE REFERRED TO THE COMMISSION FOR ANY FURTHER ACTION DEEMED NECESSARY BY THE COMMISSION.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>ST</sup> OFFENSE</b>	<b>2<sup>ND</sup> OFFENSE IN STABLE (365-DAY PERIOD) IN ANY JURISDICTION</b>	<b>3<sup>RD</sup> OFFENSE IN STABLE (365-DAY PERIOD) IN ANY JURISDICTION</b>
<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE [IN THE ABSENCE OF MITIGATING CIRCUMSTANCES].</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ HORSE MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>	<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE [IN THE ABSENCE OF MITIGATING CIRCUMSTANCES].</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ HORSE MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>	<ul style="list-style-type: none"> <li>◦ DISQUALIFICATION AND LOSS OF PURSE, AND IN THE ABSENCE OF MITIGATING CIRCUMSTANCES A \$5,000 FINE.</li> <li style="text-align: center;"><b>AND</b></li> <li>◦ HORSE SHALL BE PLACED ON THE VETERINARIAN’S LIST FOR 45 DAYS AND MUST PASS A COMMISSION-APPROVED EXAMINATION BEFORE BECOMING ELIGIBLE TO BE ENTERED.</li> </ul>

**THE FOLLOWING ARE RECOMMENDED PENALTIES FOR VIOLATIONS DUE TO THE PRESENCE OF A DRUG CARRYING A CATEGORY "C" PENALTY AND OVERAGES FOR PERMITTED NSAIDS AND FUROSEMIDE: (ALL CONCENTRATIONS ARE FOR MEASUREMENTS IN SERUM OR PLASMA.)**

<b>LICENSED TRAINER</b>	<b>PHENYLBUTAZONE (5.1-9.9 MCG/ML) FLUNIXIN (21-99 NG/ML) KETOPROFEN (11-49 NG/ML) FUROSEMIDE (&gt;100 NG/ML) AND NO FUROSEMIDE WHEN IDENTIFIED AS ADMINISTERED**</b>	<b>PHENYLBUTAZONE (≥10.0 MCG/ML) FLUNIXIN (≥100 NG/ML) KETOPROFEN (≥50 NG/ML) AND CLASS C VIOLATIONS</b>
1 <sup>ST</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION	MINIMUM FINE OF \$250 ABSENT MITIGATING CIRCUMSTANCES	MINIMUM FINE OF <b>\$1000</b> ABSENT MITIGATING CIRCUMSTANCES
2 <sup>ND</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION	MINIMUM FINE OF \$500 ABSENT MITIGATING CIRCUMSTANCES	MINIMUM FINE OF <b>\$1,500</b> AND 15-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES
3 <sup>RD</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION	MINIMUM FINE OF \$1,000 AND 15-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES	MINIMUM FINE OF \$2,500 AND 30-DAY SUSPENSION ABSENT MITIGATING CIRCUMSTANCES
<b>LICENSED OWNER</b>	<b>PHENYLBUTAZONE (5.1-9.9 MCG/ML) FLUNIXIN (21-99 NG/ML) KETOPROFEN (11-49 NG/ML) FUROSEMIDE (&gt;100 NG/ML) AND NO FUROSEMIDE WHEN IDENTIFIED AS ADMINISTERED**</b>	<b>PHENYLBUTAZONE (≥10.0 MCG/ML) FLUNIXIN (≥100 NG/ML) KETOPROFEN (≥50 NG/ML) AND CLASS C VIOLATIONS</b>
1 <sup>ST</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION		LOSS OF PURSE. HORSE MUST PASS COMMISSION-APPROVED EXAMINATION BEFORE BEING ELIGIBLE TO RUN
2 <sup>ND</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION		LOSS OF PURSE. IF SAME HORSE, PLACED ON VETERINARIAN'S LIST FOR 45 DAYS, MUST PASS COMMISSION-APPROVED EXAMINATION BEFORE BEING ELIGIBLE TO RUN
3 <sup>RD</sup> OFFENSE (365-DAY PERIOD) IN ANY JURISDICTION		LOSS OF PURSE. MINIMUM \$5,000 FINE. IF SAME HORSE, PLACED ON VETERINARIAN'S LIST FOR 60 DAYS, MUST PASS COMMISSION-APPROVED EXAMINATION BEFORE BEING ELIGIBLE TO RUN

**ARCI-011-020 MEDICATIONS AND PROHIBITED SUBSTANCES  
PENALTIES**

**MULTIPLE MEDICATION VIOLATIONS (MMV)**

(A) A TRAINER WHO RECEIVES A PENALTY FOR A MEDICATION VIOLATION BASED UPON A HORSE TESTING POSITIVE FOR A CLASS 1-5 MEDICATION WITH PENALTY CLASS A-D, AS PROVIDED IN THE ARCI UNIFORM CLASSIFICATION FOR FOREIGN SUBSTANCES SHALL BE ASSIGNED POINTS BASED UPON THE MEDICATION'S RMTC PENALTY GUIDELINE AS FOLLOWS:

<b>CLASS</b>	<b>POINTS IF CONTROLLED THERAPEUTIC SUBSTANCE</b>	<b>POINTS IF NON-CONTROLLED SUBSTANCE</b>
<b>CLASS A<sup>2</sup></b>	N/A	6
<b>CLASS B</b>	2	4
<b>CLASS C</b>	1	2
<b>CLASS D</b>	½	1

(B) THE POINTS ASSIGNED TO A MEDICATION VIOLATION SHALL BE INCLUDED IN THE STEWARDS' OR COMMISSION RULING. SUCH RULING SHALL DETERMINE, IN THE CASE OF MULTIPLE POSITIVE TESTS AS DESCRIBED IN PARAGRAPH (D), WHETHER THEY SHALL THEREAFTER CONSTITUTE A SINGLE VIOLATION. THE STEWARDS' OR COMMISSION RULING SHALL BE POSTED ON THE OFFICIAL WEBSITE OF THE COMMISSION AND THE OFFICIAL WEBSITE OF THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL. IF AN APPEAL IS PENDING, THAT FACT SHALL BE NOTED IN SUCH RULING. NO POINTS SHALL BE APPLIED UNTIL A FINAL ADJUDICATION OF THE ENFORCEMENT OF ANY SUCH VIOLATION.

(C) A TRAINER'S CUMULATIVE POINTS FOR VIOLATIONS IN ALL RACING JURISDICTIONS SHALL BE MAINTAINED AND CERTIFIED BY THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL. ONCE ALL

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<sup>2</sup> EXCEPT FOR CLASS 1 AND 2 ENVIRONMENTAL CONTAMINANTS, *E.G.*, COCAINE WHICH SHALL BE DETERMINED BY THE STEWARDS BASED UPON THE FACTS OF THE CASE.

APPEALS ARE WAIVED OR EXHAUSTED, THE POINTS SHALL IMMEDIATELY BECOME PART OF THE TRAINER'S OFFICIAL ARCI RECORD AND SHALL THEN SUBJECT THE TRAINER TO THE MANDATORY ENHANCED PENALTIES BY THE STEWARDS OR COMMISSION AS PROVIDED IN THIS REGULATION.

(D) MULTIPLE POSITIVE TESTS FOR THE SAME MEDICATION INCURRED BY A TRAINER PRIOR TO DELIVERY OF OFFICIAL NOTICE BY THE COMMISSION MAY BE TREATED AS A SINGLE VIOLATION.

(E) THE OFFICIAL ARCI RECORD SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF A TRAINER'S PAST RECORD OF VIOLATIONS AND CUMULATIVE POINTS. NOTHING IN THIS ADMINISTRATIVE REGULATION SHALL BE CONSTRUED TO CONFER UPON A LICENSED TRAINER THE RIGHT TO APPEAL A VIOLATION FOR WHICH ALL REMEDIES HAVE BEEN EXHAUSTED OR FOR WHICH THE APPEAL TIME HAS EXPIRED AS PROVIDED BY APPLICABLE LAW.

(F) THE STEWARDS OR COMMISSION SHALL INCLUDE ALL POINTS FOR VIOLATIONS IN ALL RACING JURISDICTIONS AS CONTAINED IN THE TRAINER'S OFFICIAL ARCI RECORD WHEN DETERMINING WHETHER THE MANDATORY ENHANCEMENTS PROVIDED IN THIS REGULATION SHALL BE IMPOSED.

(G) IN ADDITION TO THE PENALTY FOR THE UNDERLYING OFFENSE, THE FOLLOWING ENHANCEMENTS SHALL BE IMPOSED UPON A LICENSED TRAINER BASED UPON THE CUMULATIVE POINTS CONTAINED IN HIS/HER OFFICIAL ARCI RECORD:

<b>POINTS</b>	<b>SUSPENSION IN DAYS</b>
3-5.5	30
6-8.5	60
9-10.5	180
11 OR MORE	360

MMV'S ARE NOT A SUBSTITUTE FOR THE CURRENT PENALTY SYSTEM AND ARE INTENDED TO BE AN ADDITIONAL UNIFORM PENALTY WHEN THE LICENSEE:

- (I) HAS MORE THAN ONE VIOLATION FOR THE RELEVANT TIME PERIOD, AND
- (II) EXCEEDS THE PERMISSIBLE NUMBER OF POINTS.

(H) THE SUSPENSION PERIODS AS PROVIDED ABOVE, SHALL RUN CONSECUTIVE TO ANY SUSPENSION IMPOSED FOR THE UNDERLYING OFFENSE.

(I) THE STEWARDS' OR COMMISSION RULING SHALL DISTINGUISH BETWEEN THE PENALTY FOR THE UNDERLYING OFFENSE AND THE ENHANCEMENT BASED UPON THE TRAINER'S CUMULATIVE POINTS.

(J) ANY TRAINER WHO HAS RECEIVED A MEDICATION VIOLATION MAY PETITION THE ARCI TO EXPUNGE THE POINTS RECEIVED FOR THE VIOLATION FOR THE PURPOSE OF THE MMV SYSTEM ONLY. THE POINTS SHALL BE EXPUNGED AS FOLLOWS:

<b>PENALTY CLASSIFICATION</b>	<b>TIME TO EXPUNGEMENT</b>
A	PERMANENT
B	3 YEARS
C	2 YEARS
D	1 YEAR

- (6) THE RECOMMENDED PENALTY FOR A VIOLATION INVOLVING A DRUG THAT CARRIES A CATEGORY "D" PENALTY IS A WRITTEN WARNING TO THE TRAINER AND OWNER. MULTIPLE VIOLATIONS MAY RESULT IN FINES AND/OR SUSPENSIONS.
- (7) ON MULTIPLE MEDICATION VIOLATION (MMV) OFFENSES, THE DIVISION, BOARD OF STEWARDS, AND HEARING OFFICER SHALL CONSIDER POINTS GIVEN IN ALL OTHER STATES, REGARDLESS OF WHETHER THEY HAVE FORMALLY ADOPTED THE ARCI-001-020 MEDICATIONS AND PROHIBITED SUBSTANCES PENALTY CHART FOR MULTIPLE MEDICATION VIOLATIONS (MMV). THE DIVISION SHALL CONSIDER ALL CUMULATIVE POINTS, AND SUCH ENHANCED PENALTY SHALL RUN CONSECUTIVE TO THE COLORADO PENALTY ASSESSMENT.
- (8) ANY LICENSEE OF THE COMMISSION, INCLUDING VETERINARIANS, FOUND TO BE RESPONSIBLE FOR THE IMPROPER OR INTENTIONAL ADMINISTRATION OF ANY DRUG RESULTING IN A POSITIVE TEST MAY, AFTER PROPER NOTICE AND HEARING, BE SUBJECT TO THE SAME PENALTIES SET FORTH FOR THE LICENSED TRAINER.
- (9) THE LICENSED OWNER, VETERINARIAN OR ANY OTHER LICENSED PARTY INVOLVED IN A POSITIVE LABORATORY FINDING SHALL BE NOTIFIED IN WRITING OF THE HEARING AND ANY RESULTING ACTION. IN

ADDITION THEIR PRESENCE MAY BE REQUIRED AT ANY AND ALL HEARINGS RELATIVE TO THE CASE.

- (10) ANY VETERINARIAN FOUND TO BE INVOLVED IN THE ADMINISTRATION OF ANY DRUG CARRYING THE PENALTY CATEGORY OF “A” SHALL BE REFERRED TO THE STATE LICENSING BOARD OF VETERINARY MEDICINE FOR CONSIDERATION OF FURTHER DISCIPLINARY ACTION AND/OR LICENSE REVOCATION. THIS IS IN ADDITION TO ANY PENALTIES ISSUED BY THE STEWARDS OR THE COMMISSION.
- (11) ANY PERSON WHO THE STEWARDS OR THE COMMISSION BELIEVE MAY HAVE COMMITTED ACTS IN VIOLATION OF CRIMINAL STATUTES MAY BE REFERRED TO THE APPROPRIATE LAW ENFORCEMENT AGENCY. ADMINISTRATIVE ACTION TAKEN BY THE STEWARDS OR THE COMMISSION IN NO WAY PROHIBITS A PROSECUTION FOR CRIMINAL ACTS COMMITTED. ~~NOR DOES A POTENTIAL CRIMINAL PROSECUTION STALL ADMINISTRATIVE ACTION BY THE STEWARDS OR THE COMMISSION.~~

~~PROCEDURES SHALL BE ESTABLISHED TO ENSURE THAT~~ A LICENSED TRAINER ~~IS~~ ~~SHALL~~ NOT ~~ABLE TO~~ BENEFIT FINANCIALLY DURING THE PERIOD FOR WHICH THE INDIVIDUAL HAS BEEN SUSPENDED. THIS INCLUDES, BUT IS NOT LIMITED TO, ENSURING THAT HORSES ARE NOT TRANSFERRED TO LICENSED FAMILY MEMBERS.

**THE COMMISSION HEREBY CITES THE FOLLOWING SOURCES:**

**(1) VERSION 5.00 DECEMBER 2012 OF THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES;**

**(2) RACING COMMISSIONERS INTERNATIONAL UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES AND RMTC PENALTY GUIDELINE LISTING, (“ARCI UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES” AND “RMTC PENALTY GUIDELINE LISTING”), BY THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL, 1510 NEWTOWN PIKE, SUITE 210, LEXINGTON, KENTUCKY, USA 40511.**

***THIS RULE DOES NOT INCLUDE ANY LATER AMENDMENTS OR EDITIONS OF THE ARCI UNIFORM CLASSIFICATION GUIDELINES FOR FOREIGN SUBSTANCES AND RMTC PENALTY GUIDELINE LISTING;***

**ARCI-011-020 MEDICATIONS AND PROHIBITED SUBSTANCES MULTIPLE MEDICATION VIOLATIONS (MMV), OF THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL AS OF SEPTEMBER 2013.**

**CERTIFIED COPIES OF THE COMPLETE TEXT OF THE REFERENCED MATERIALS ARE MAINTAINED AT THE COLORADO DEPARTMENT OF REVENUE DIVISION OF RACING EVENTS, 1881 PIERCE STREET, ROOM 108, LAKEWOOD COLORADO 80214-1494, AND MAY BE INSPECTED AT THAT ADDRESS DURING NORMAL BUSINESS HOURS. CERTIFIED COPIES SHALL BE PROVIDED AT ~~COST UPON REQUESTORS COST.~~**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #6.330**

**Statutory Authority:**

Section 12-60-201(1); C.R.S., Section 12-60-504(6), C.R.S.; Section 12-60-508(4), C.R.S.; CRCR 6.330.

**Basis and Purpose:**

The purpose of this rule is to allow the Director to sign and issue subpoenas, delegated by the Commission (which usually only meets every 4 months), whereby the Director can subpoena parties and information during the administrative hearing process. The authority is delegated by the Commission to the Director consistent with CRS 12-60-508(4), rather than the Director acting for the Division which can only issue subpoenas through the Board of Stewards.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE- 6.330**

The Board or a hearing officer shall conduct all hearings and administer oaths. The Board or a hearing officer may issue subpoenas for persons or documents and order the production of other evidence.

In all proceedings before the Board or a hearing officer, the respondent shall have the right to be present and represented by counsel, and shall also have the right to cross-examine witnesses, present evidence and arguments, and have the Commission, the Board, or a hearing officer issue subpoenas for witnesses or documents.

All hearings shall be recorded either stenographically or by tape recorder unless the recording is waived by the respondent. An appeal is not possible from the decision of the Board or a hearing officer if the recording is waived and the respondent shall be so advised. After considering all the evidence, the Board by a majority vote or a decision of the hearing officer shall determine whether any violation of these Rules or of the Law has occurred, and shall issue a written ruling accordingly, a copy of which shall be mailed by first-class mail to the respondent, addressed to the last known address furnished by the respondent to the Commission, or the ruling may be hand delivered to the respondent.

**PROPOSED AMENDMENT TO 6.330**

The Board or a hearing officer shall conduct all hearings and administer oaths. The Board or a hearing officer may issue subpoenas for persons or documents and order the production of other evidence.

In all proceedings before the Board or a hearing officer, the respondent shall have the right to be present and represented by counsel, and shall also have the right to cross-examine witnesses, present evidence and arguments, and have the Commission, the Board, **THE DIRECTOR**, or a hearing officer issue subpoenas for witnesses or documents.

All hearings shall be recorded either **STENO GRAPHICALLY** or by tape recorder unless the recording is waived by the respondent. An appeal is not possible from the decision of the Board or a hearing officer if the recording is waived and the respondent shall be so advised. After considering all the evidence, the Board by a majority vote or a decision of the hearing officer shall determine whether any violation of these Rules or of the Law has occurred, and shall issue a written ruling accordingly, a copy of which shall be mailed by first-class mail to the respondent, addressed to the last known address furnished by the respondent to the Commission, or the ruling may be hand delivered to the respondent.

**SECOND PROPOSED AMENDMENT TO 6.330**

The Board or a hearing officer shall conduct all hearings and administer oaths. The Board or a hearing officer may issue subpoenas for persons or documents and order the production of other evidence.

In all proceedings before the Board or a hearing officer, the respondent shall have the right to be present and represented by counsel, and shall also have the right to cross-examine witnesses, present evidence and arguments, and have the Commission, the Board, **THE DIRECTOR**, or a hearing officer issue subpoenas for witnesses or documents.

All hearings shall be recorded either **STENO GRAPHICALLY** or by tape recorder unless the recording is waived by the respondent. An appeal is not possible from the decision of the Board or a hearing officer if the recording is waived and the respondent shall be so advised. After considering all the evidence, the Board by a majority vote or a decision of the hearing officer shall determine whether any violation of these Rules or of the Law has occurred, and shall issue a written ruling accordingly, a copy of which shall be mailed by first-class mail to the respondent, addressed to the last known address furnished by the respondent to the Commission, or the ruling may be hand delivered to the respondent.

**(Comment: The Division and Assistant Attorney General have decided not to proceed with the substantive language change to this proposal.)**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #3.508**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to delete this provision and move it to incorporate it into a more comprehensive rule under CRCR 3.506 with regards to the licensing requirements for trainers.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE 3.508** - *(Modified Effective date May 15, 2013)*

Beginning no later than January 31, 2014, in order to maintain a current license, trainers must complete at least four (4) hours per calendar year of continuing education courses approved by the Commission or the ARCI. However, the commission may waive this requirement if no continuing education course is available that meets the approval of the commission.

**PROPOSED DELETION OF 3.508** - *(Modified Effective date May 15, 2013)* ~~BEGINNING NO LATER THAN JANUARY 31, 2014, IN ORDER TO MAINTAIN A CURRENT LICENSE, TRAINERS MUST COMPLETE AT LEAST FOUR (4) HOURS PER CALENDAR YEAR OF CONTINUING EDUCATION COURSES APPROVED BY THE COMMISSION OR THE ARCI. HOWEVER, THE COMMISSION MAY WAIVE THIS REQUIREMENT IF NO CONTINUING EDUCATION COURSE IS AVAILABLE THAT MEETS THE APPROVAL OF THE COMMISSION.~~

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #5.308(4)**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-202(3)(c), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to address the vagueness of the language relating to what "may or may not happen as a result" of extra-corporeal shockwave therapy on a horse, and what penalty the Department should administer for offenders.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE 5.308 (4)** - *(Modified Effective date May 15, 2013)*

The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted.:

(A) Any person participating in the use of extracorporeal shock wave therapy and/or the possession of extracorporeal shock wave therapy machines in violation of this rule shall be considered to have committed a prohibited practice and is subject to disciplinary action.

**PROPOSED AMENDMENT TO 5.308 (4)** - *(Modified Effective date May 15, 2013)*

The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted.:

(A) Any person participating in the use of extracorporeal shock wave therapy and/or the possession of extracorporeal shock wave therapy machines in violation of this rule shall be considered to have committed a prohibited practice and is subject to disciplinary action.

**(B) EXTRACORPOREAL SHOCK WAVE THERAPY IS CONSIDERED A PROHIBITED PRACTICE, AND THUS SHALL BE A "CLASS A PENALTY" VIOLATION AS REFERRED TO ON THE PENALTY CATEGORY CHART UNDER CRCR 5.441.**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Definition of Misrepresentation**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-102, C.R.S.; Section 12-60-507(1)(d), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to correct the erroneous reference to 1993 when referring to the statute.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT DEFINITION “MISREPRESENTATION”**

The term “misrepresentation” in 12-60-507(1)(d), C.R.S. 1993, which prohibits “fraud, willful misrepresentation, or deceit in racing” prohibits the making of any substantial or willful misrepresentation concerning any aspect of the racing industry including but not limited to making any substantial or willful misrepresentation to a racing official concerning a racing matter. The term “misrepresentation” may include acts of omission as well as acts of commission and may include, unless otherwise stated, behavior which is negligent, reckless or done knowingly. It also includes the giving of false statements and fraudulent documents to Division officials regarding any racing matter.

**PROPOSED AMENDMENT TO DEFINITION OF “FRAUD” / “MISREPRESENTATION”**

The term “misrepresentation” in 12-60-507(1)(d), C.R.S. ~~1993~~, which prohibits “fraud, willful misrepresentation, or deceit in racing” prohibits the making of any substantial or willful misrepresentation concerning any aspect of the racing industry including but not limited to making any substantial or willful misrepresentation to a racing official concerning a racing matter. The term “misrepresentation” may include acts of omission as well as acts of commission and may include, unless otherwise stated, behavior which is negligent, reckless or done knowingly. It also includes the giving of false statements and fraudulent documents to Division officials regarding any racing matter.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Definition of Colorado Bred (Horse)**

**Statutory Authority:**

Section 12-60-201(1); C.R.S., Section 12-60-102, C.R.S.; Section 12-60-704, C.R.S.; and references CRCR 9.204; CRCR 9.310; CRCR 9.316.

**Basis and Purpose:**

The purpose of this rule is to update existing definition in accordance with advancements in breeding technology regarding embryo transfers.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT DEFINITION “COLORADO BRED (HORSE)”**

A Colorado bred horse is a horse which satisfies each of the following criteria:

- 1) A horse which was foaled in the State of Colorado out of a mare that was, itself, at the time of the foal’s birth, a Colorado broodmare registered with the relevant official Colorado breed registry; and,
- 2) A horse which has been registered with the relevant official Colorado breed registry.

**PROPOSED AMENDMENT TO DEFINITION OF “COLORADO BRED (HORSE)”**

A Colorado bred horse is a horse which satisfies each of the following criteria:

- 1) A horse which was foaled in the State of Colorado out of a mare that was, itself, at the time of the foal’s birth, **AN ACCREDITED** Colorado broodmare registered with the relevant official Colorado breed registry; **OR**
- 2) IN THE CASE OF AN EMBRYO RECIPIENT, AT THE TIME THE EMBRYO IS TAKEN FROM THE GENETIC DAM, THE EMBRYO ITSELF HAS TO COME FROM AN ACCREDITED COLORADO BROODMARE, AND THE RECIPIENT MARE HAS TO BE DOMICILED IN COLORADO AT THE TIME OF THE FOALS BIRTH. THE FOAL CERTIFICATES FROM BREED REGISTRIES MAY REFLECT THIS POSITION. OR,**
- 3) A horse which has been registered with the relevant official Colorado breed registry.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Definition of Breeder (Horse)**

**Statutory Authority:**

Section 12-60-201(1); C.R.S., Section 12-60-102, C.R.S.; Section 12-60-704, C.R.S.; and references CRCR 9.204; CRCR 9.310; CRCR 9.316.

**Basis and Purpose:**

The purpose of this rule is to update the definition due to advancements in breeding technology that Breed Associations can insert into their by-laws.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT DEFINITION - “BREEDER (HORSE)”**

**“BREEDER (HORSE)”** – A Breeder is the owner of the horse’s dam at the time of foaling for Thoroughbreds. For Quarter Horses, Appaloosas, Arabians, and Paint Horses, the Breeder is the owner of the dam at the time of service.

**PROPOSED AMENDMENT TO DEFINITION OF “BREEDER (HORSE)”**

**“BREEDER (HORSE)”** – A Breeder is the owner of the horse’s dam at the time of foaling for Thoroughbreds. For Quarter Horses, Appaloosas, Arabians, and Paint Horses, the Breeder is the owner of the dam at the time of service. **OR, IN THOSE CASES WHERE THE BREED ASSOCIATION DEFINES IN THEIR BY-LAWS.**

**SECOND PROPOSED AMENDMENT TO DEFINITION OF “BREEDER (HORSE)”**

**“BREEDER (HORSE)”** – A Breeder is the owner of the horse’s dam at the time of foaling for Thoroughbreds. For Quarter Horses, Appaloosas, Arabians, and Paint Horses, the Breeder is the owner of the dam at the time of service. **OR, IN THOSE CASES WHERE THE BREED ASSOCIATION DEFINES IN THEIR BY-LAWS. OR AS DEFINED BY EACH INDIVIDUAL BREED ASSOCIATION.**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Definition of Body Fat Scale**

**Statutory Authority:**

Section 12-60-201(1); C.R.S., Section 12-60-102, and references CRCR 4.602; CRCR 7.633.

**Basis and Purpose:**

The purpose of this rule is to rework the definition which is outdated due to advancements in technology.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT DEFINITION “BODY FAT SCALE”**

“Body Fat Scale” shall mean a Division-approved, association-provided professional-grade body-compositing scale, utilizing bioelectric impedance analysis technology, capable of reliably and consistently measuring the percentage of body fat at 0.1% body fat graduation, and capable of printing out the measured body-fat percentage results immediately after measurement.

**PROPOSED DELETION OF DEFINITION OF “BODY FAT SCALE”**

~~“Body Fat Scale” shall mean a Division-approved, association-provided professional-grade body-compositing scale, utilizing bioelectric impedance analysis technology, capable of reliably and consistently measuring the percentage of body fat at 0.1% body fat graduation, and capable of printing out the measured body-fat percentage results immediately after measurement.~~

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Definition of Animal Cruelty**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-102, C.R.S; Section 18-9-202, C.R.S.

**Basis and Purpose:**

The purpose of this rule is to cite the correct statutory provision. CRS 18-9-201 states nothing with regards to Animal Cruelty, and et seq. indeed refers to the following section. However, it is more direct, and certainly more correct, to just cite to CRS 18-9-202.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT DEFINITION “ANIMAL CRUELTY”**

“Animal Cruelty” - As defined in C.R.S. 18-9-201, *et seq.*

**PROPOSED AMENDMENT TO THE DEFINITION OF “ANIMAL CRUELTY”**

“Animal Cruelty” - As defined in ~~C.R.S. 18-9-201, et seq.~~ **C.R.S. § 18-19-202**

**SECOND PROPOSED AMENDMENT TO THE DEFINITION OF “ANIMAL CRUELTY”**

“Animal Cruelty” - As defined in ~~C.R.S. 18-9-201, et seq.~~ **C.R.S. § 18-9-202**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #9.400**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-704, C.R.S; Section 12-60-102(3)(b), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to propose amendment in order to comply with recent statutory change.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - 9.400**

The Colorado greyhound purse, welfare and adoption fund shall derive its money from the following source pursuant to section 12-60-701(2)(a)(II)(B), C.R.S.:

:1 – An instate simulcast facility that receives simulcast races of greyhounds, pursuant to section 12-60-602(5)(a)(III), shall deposit in the purse trust fund, one-fourth of one percent of the gross receipts of all pari-mutuel wagering, except on win, place or show, placed on such greyhound simulcast races.

**PROPOSED AMENDMENT TO 9.400**

The Colorado greyhound purse, welfare, and adoption fund shall derive its money from the following source pursuant to section 12-60-701(2)(a)(II)(B), C.R.S.:

:1 – An instate simulcast facility that receives simulcast races of greyhounds, pursuant to section 12-60-602(5)(a)(III), shall deposit in the purse trust fund, one-fourth of one percent of the gross receipts of all pari-mutuel wagering, except on win, place or show, ~~placed~~ ~~on such~~ **AT** greyhound simulcast races.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #9.410**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-704, C.R.S; Section 12-60-102(3)(b), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to propose amendment in order to comply with recent statutory change.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - 9.410**

At least once a year, during its regularly scheduled meeting, the commission shall entertain requests for distribution of the monies deposited in the purse trust fund pursuant to sections 12-60-701 (2)(a)(II)(B) and 12-60-702 (1)(e)(II) C.R.S, using the following guidelines for distribution:

- :1 – At the request of the licensed association scheduled to conduct a live greyhound race meet in the upcoming year, the commission may direct all monies to remain in trust to be paid as purses for that meet; or
- :2 – If there is no live greyhound racing or no request is made and granted by the commission that the money stay in escrow for purses, the commission may accept requests for reimbursement. Requests shall be filed with the division 30 days prior to the scheduled meeting. The division director shall review all requests and forward those requests that meet all requirements to the commission, with a recommendation for disbursement based on funds available at the time and best use of the funds for overall greyhound welfare and racing. All requests must be from the following: greyhound welfare and adoption organizations or other entities or organizations that promote or participate in greyhound racing or promote the welfare of racing greyhounds. In order to request reimbursement, the entity or organization must meet the following:

- A: - Must be a licensee in good standing and subject to all the rules and regulations of the commission, and
- B: - Must be on a form approved by the commission, and
- C: - Must be an entity or organization or organization that promotes greyhound welfare and does not act in the opposition of greyhound racing.

**PROPOSED AMENDMENT TO 9.410**

At least once a year, during its regularly scheduled meeting, the commission shall entertain requests for distribution of the monies deposited in the purse trust fund pursuant to sections 12-60-701 (2)(a)(II)(B) and 12-60-702 (1)(e)(II) C.R.S, using the following guidelines for distribution:

- :1 – At the request of the licensed association scheduled to conduct a live greyhound race meet in the upcoming year, the commission may direct all monies to remain in trust to be paid as purses for that meet; or
- :2 – If there is no live greyhound racing or no request is made and granted by the commission that the money stay in escrow for purses, the commission may accept requests for reimbursement. Requests shall be filed with the division 30 days prior to the scheduled meeting. The division director shall review all requests and forward those requests that meet all requirements to the commission, with a recommendation for disbursement based on funds available at the time and best use of the funds for overall greyhound welfare and racing. All requests must be from the following: greyhound welfare and adoption organizations. ~~or other entities or organizations that promote or participate in greyhound racing or promote the welfare of racing greyhounds.~~ In order to request reimbursement, the entity or organization must meet the following:
  - A: - Must be a licensee in good standing and subject to all the rules and regulations of the commission, and
  - B: - Must be on a form approved by the commission, and
  - C: - Must be an entity or organization that ~~promotes greyhound welfare and~~ does not act in the opposition of greyhound racing.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #3.708**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-505(1), C.R.S; Section 12-60-507.5(c), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to propose amendment of this rule in order to allow for Racing Clubs in Colorado, similar to Rules in Kentucky, Indiana, Minnesota and the Association of Racing Commissioners International (ARCI).

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - 3.708**

Each member of a partnership must be individually licensed as an owner. A member of a partnership must file with the Board and the Racing Secretary written consent of the other partners before transferring any share of ownership.

**PROPOSED AMENDMENT TO 3.708**

Each member of a partnership must be individually licensed as an owner. A member of a partnership must file with the Board and the Racing Secretary written consent of the other partners before transferring any share of ownership.

**FOR RACING CLUBS, MINOR BUSINESS (PRINCIPAL) LICENSE WILL BE REQUIRED. THE PRINCIPAL OWNER HAS TO BE LICENSED AND FINGERPRINTED. THE PRINCIPAL OWNER MUST ALSO REGISTER AND UPDATE ALL PARTICIPANT OWNERS WHO OWN LESS THAN 10% SHARES OF OWNERSHIP. ANY PERSON OR BUSINESS THAT HOLDS 10% OR MORE SHARE IN THE RACING CLUB, MUST HAVE AN OWNERS LICENSE. THOSE THAT DON'T SHALL HAVE CURRENT REGISTRATION. THE RACING CLUB PRINCIPAL MUST LIST ALL OF RACING CLUB PARTICIPANTS, AND THEIR ADDRESSES, AND THEIR FINANCIAL INTEREST IN THE PARTNERSHIP (PURSUANT TO 3.712), AND PROVIDE SUCH INFORMATION TO THE DIVISION UPON APPLICATION FOR THE PRINCIPAL LICENSURE. THE MEMBERS OF THE RACING CLUB ARE RESPONSIBLE FOR THE ACTS OF THE RACING CLUB.**

**SECOND PROPOSED AMENDMENT TO 3.708**

Each member of a partnership must be individually licensed as an owner. A member of a partnership must file with the Board and the Racing Secretary written consent of the other partners before transferring any share of ownership.

**FOR RACING CLUBS, MINOR BUSINESS (PRINCIPAL) LICENSE WILL BE REQUIRED. THE PRINCIPAL OWNER IS THE FOUNDING MEMBER OF THE RACING CLUB AND HAS TO BE LICENSED AND FINGERPRINTED. THE PRINCIPAL OWNER MUST ALSO REGISTER AND UPDATE ALL PARTICIPANT OWNERS WHO OWN LESS THAN 10% SHARES OF OWNERSHIP. ANY PERSON OR BUSINESS THAT HOLDS 10% OR MORE SHARE IN THE RACING CLUB, MUST HAVE AN OWNERS LICENSE. THOSE ~~THAT DON'T~~ WITH LESS THAN 10% SHARE SHALL HAVE CURRENT REGISTRATION. THE RACING CLUB PRINCIPAL MUST LIST ALL ~~OF~~ RACING CLUB PARTICIPANTS MEMBERS, AND THEIR ADDRESSES, AND THEIR FINANCIAL INTEREST IN THE PARTNERSHIP (PURSUANT TO 3.712), AND PROVIDE SUCH INFORMATION TO THE DIVISION UPON APPLICATION FOR THE PRINCIPAL LICENSURE. THE MEMBERS OF THE RACING CLUB ARE JOINTLY AND SEVERALLY LIABLE RESPONSIBLE FOR THE ACTS OF THE RACING CLUB.**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Definition of Racing Club**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-102, C.R.S; Section 12-60-505(1), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to propose amendment of this rule in order to allow for Racing Clubs in Colorado, similar to Rules in Kentucky, Indiana, Minnesota and the Association of Racing Commissioners International (ARCI).

**Fiscal Impact:**

This revision has no fiscal impact.

**NO CURRENT DEFINITION FOR “RACING CLUB”**

**PROPOSED DEFINITION OF “RACING CLUB”**

**“RACING CLUB”: MEMBERS OF A GROUP WHO FORM A PARTNERSHIP FOR A LIMITED TIME, FOR ONE SEASON CLAIMING HORSES SO THEY CAN UNDERSTAND THE ECONOMICS AND STRATEGY OF OWNERSHIP. RACING CLUBS HAVE THEIR OWN REQUIREMENTS FOR LICENSURE BASED ON LEVEL OF PARTICIPATION BY ITS OWNERS.**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Definition of Owner**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-503(2)(a), C.R.S.; Section 12-60-505(1), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to update the existing definition so that an owner is limited to training only when licensed to do such conditioning.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - DEFINITION OF “OWNER”**

An owner is a person in whose name an animal is registered with the official registry designated by the Commission. In the case of a leased animal, both the lessor and the lessee shall be considered as the owners, for the purpose of licensure, and both shall be licensed under these rules.

**PROPOSED AMENDMENT TO DEFINITION OF “OWNER”**

An owner is a person in whose name an animal is registered with the official registry designated by the Commission. In the case of a leased animal, both the lessor and the lessee shall be considered as the owners, for the purpose of licensure, and both shall be licensed under these rules. **IN ADDITION, AN OWNER WHO IS LICENSED AND HAS FULFILLED THE REQUIREMENT OF A TRAINER, CAN CONDITION ANIMALS FOR RACING. BUT OWNERS, WITHOUT TRAINERS LICENSES SHALL NOT BE THE PRIMARY PERSON WHO CONDITIONS THE ANIMALS FOR RACING.**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #3.510**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-501(2)(b), C.R.S.; Section 12-60-505(1), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to add practical language regarding tack room roster posting.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - 3.510**

A trainer of horses shall file with the Division a current roster of all employees and shall amend the roster filed with the Division within seventy-two (72) hours of when an employee is discharged or a new employee is hired.

**PROPOSED AMENDMENT TO 3.510**

A trainer of horses shall file with the Division a current roster of all employees and shall amend the roster filed with the Division within seventy-two (72) hours of when an employee is discharged or a new employee is hired. **A COPY OF THE STABLE ROSTER MUST BE POSTED IN THE TACK ROOM.**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #3.524**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-503(2)(a), C.R.S.; Section 12-60-505(1), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to add language better defining the role of trainer, assigned trainers, and assistant trainers.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - 3.524**

A trainer who has no assistant trainer and is absent from his/her kennel or stable or the grounds where his/her animals are racing for more than five consecutive days or on a day in which the trainer has an animal in a race, and whose animals are entered or are to be entered, shall provide a licensed trainer to assume complete responsibility for the animals being entered or running. Such licensed trainer shall sign in the presence of the Board a form furnished by the Racing Commission accepting complete responsibility for the animals being entered or running.

**PROPOSED AMENDMENT TO 3.524**

A trainer who has no assistant trainer and is absent from his/her kennel or stable or the grounds where his/her animals are racing for more than five consecutive days or on a day in which the trainer has an animal in a race, and whose animals are entered or are to be entered, shall provide a licensed trainer to assume complete responsibility for the animals being entered or running. Such licensed trainer shall sign in the presence of the Board a form furnished by the Racing Commission accepting complete responsibility for the animals being entered or running, **THIS INCLUDES THE TRAINING OF THE ANIMALS. IN ADDITION THE ASSIGNED TRAINER WILL ASSIST IN THE TRAINING AND CONDITIONING OF THE ANIMALS. AN ABSENTEE TRAINER SHOULD HAVE AN ASSISTANT TRAINER CONDUCTING BUSINESS FOR THEM.**

**SECOND PROPOSED AMENDMENT TO 3.524**

**AN ABSENTEE TRAINER ~~SHOULD~~ SHALL HAVE AN ASSISTANT TRAINER CONDUCTING BUSINESS FOR THEM.**

A trainer who has no assistant trainer and is absent from his/her kennel or stable or the grounds where his/her animals are racing for more than five consecutive days or on a day in which the trainer has an animal in a race, and whose animals are entered or are to be entered, shall ~~provide~~ **ASSIGN** a licensed trainer to assume complete responsibility for the animals being entered or running. Such licensed trainer shall sign in the presence of the Board a form furnished by the Racing Commission accepting complete responsibility for the animals being entered or running, **THIS INCLUDES INCLUDING THE TRAINING OF THE ANIMALS. IN ADDITION THE ASSIGNED TRAINER WILL ASSIST IN THE TRAINING** AND CONDITIONING OF THE ANIMALS.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #5.220**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-505(1), C.R.S.; Section 12-60-501(2)(b), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to add language suggested by the Division Veterinarian to make certain that the Commission or track and add additional documentation to the registration file, in health related emergent circumstances.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE – 5.220**

The association, after consultation with State authorities, and the veterinarian representing the Division, shall establish policies consistent with allowing only healthy horses to enter the racetrack. All horses entering the state shall be required to meet the current regulations as established by the Colorado Department of Agriculture. All horses entering Colorado tracks, whether from in-state or out-of-state, must have a negative Coggins test for Equine Infectious Anemia (EIA) within twelve (12) months prior to entering the racetrack grounds. The racing secretary shall not accept a horse's registration papers unless it's coggins test is current at the time that it enters the racetrack grounds.

**PROPOSED AMENDMENT TO 5.220**

The association, after consultation with State authorities, and the veterinarian representing the Division, shall establish policies consistent with allowing only healthy horses to enter the racetrack. All horses entering the state shall be required to meet the current regulations as established by the Colorado Department of Agriculture. All horses entering Colorado tracks, whether from in-state or out-of-state, must have a negative Coggins test for Equine Infectious Anemia (EIA) within twelve (12) months prior to entering the racetrack grounds.

The racing secretary shall not accept a horse's registration papers unless it's Coggins Test is, **HEALTH CERTIFICATE, AND ANY OTHER COMMISSION OR TRACK REQUIRED HEALTH RELATED DOCUMENTS ARE** current at the time that it enters the racetrack grounds.

**SECOND PROPOSED AMENDMENT TO 5.220**

The association, after consultation with State authorities, and the veterinarian representing the Division, shall establish policies consistent with allowing only healthy horses to enter the racetrack. All horses entering the state shall be required to meet the current regulations as established by the Colorado Department of Agriculture. All horses entering Colorado tracks, whether from in-state or out-of-state, must have a negative Coggins test for Equine Infectious Anemia (EIA) within twelve (12) months prior to entering the racetrack grounds.

The racing secretary shall not accept a horse's registration papers unless ~~it's~~ **ITS** Coggins Test is, **HEALTH CERTIFICATE, AND ANY OTHER COMMISSION OR TRACK REQUIRED HEALTH RELATED DOCUMENTS ARE** current at the time that it enters the racetrack grounds.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #5.328**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-202(3)(c), C.R.S.; Section 12-60-501(2)(a), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to delete an obsolete rule.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE 5.328**

A horse which has been approved by the Division veterinarian for the use of furosemide (Lasix) to prevent epistaxis and subsequently races in a jurisdiction that does not allow the use of furosemide (Lasix) must be re-approved by the Commission veterinarian before being allowed to race under the influence of furosemide in Colorado

**PROPOSED DELETION 5.328**

~~A horse which has been approved by the Division veterinarian for the use of furosemide (Lasix) to prevent epistaxis and subsequently races in a jurisdiction that does not allow the use of furosemide (Lasix) must be re-approved by the Commission veterinarian before being allowed to race under the influence of furosemide in Colorado.~~

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #5.508**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-502, C.R.S.; Section 12-60-503(1)(a), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to add information about a valid health certificate being less than 30 days old.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE 5.508** - (*Modified Effective date May 15, 2013*)

Additionally, with respect to horses in his/her care or custody, the trainer is responsible for:

- :1 The proper identity, custody, care, health, condition and safety of horses;
- :2 Ensuring that at the time of arrival at locations under the jurisdiction of the Commission a valid health certificate and a valid negative Equine Infectious Anemia (EIA) test certificate accompany each horse and which, where applicable, shall be filed with the racing secretary;
- :3 Having each horse in his/her care that is racing, or is stabled on Association grounds, tested for Equine Infectious Anemia (EIA) in accordance with the jurisdiction's law and for filing evidence of such negative test results with the racing secretary;
- :4 Using the services of those veterinarians licensed by the Commission to attend horses that are on association grounds;
- :5 Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;
- :6 Promptly reporting to the racing secretary and the Division veterinarian when a Posterior Digital Neurectomy (heel nerving) is performed and ensuring that such fact is designated on its certificate of registration;
- :7 Promptly notifying the Division veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge;
- :8 Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the Commission to the stewards and the Division veterinarian and compliance with the rules in this chapter governing postmortem examinations;
- :9 Maintaining a knowledge of the medication record and status;

- :10 Immediately reporting to the stewards and the Division veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;
- :11 Ensuring the fitness to perform creditably at the distance entered;
- :12 Ensuring proper bandages, equipment and shoes;
- :13 Presence in the paddock at least fifteen (**15**) minutes before post time or at a time otherwise appointed before the race in which the horse is entered;
- :14 Personally attending in the paddock and supervising the saddling thereof, unless excused by the stewards; and
- :15 Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.

**PROPOSED AMENDMENT TO 5.508** - *(Modified Effective date May 15, 2013)*

Additionally, with respect to horses in his/her care or custody, the trainer is responsible for:

- :1 The proper identity, custody, care, health, condition and safety of horses;
- :2 Ensuring that at the time of arrival at locations under the jurisdiction of the Commission a valid health certificate and a valid negative Equine Infectious Anemia (EIA) test certificate accompany each horse and which, where applicable, shall be filed with the racing secretary.  
**THE VALID HEALTH CERTIFICATE SHALL BE LESS THAN 30 DAYS OLD, HOWEVER THE COMMISSION OR RACING OFFICE, WITH APPROVAL OF THE DIVISION, CAN CHANGE THE REQUIREMENT IN EMERGENCY CIRCUMSTANCES;**
- :3 Having each horse in his/her care that is racing, or is stabled on Association grounds, tested for Equine Infectious Anemia (EIA) in accordance with the jurisdiction's law and for filing evidence of such negative test results with the racing secretary;
- :4 Using the services of those veterinarians licensed by the Commission to attend horses that are on association grounds;
- :5 Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;
- :6 Promptly reporting to the racing secretary and the Division veterinarian when a Posterior Digital Neurectomy (heel nerving) is performed and ensuring that such fact is designated on its certificate of registration;
- :7 Promptly notifying the Division veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge;
- :8 Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the Commission to the stewards and the Division veterinarian and compliance with the rules in this chapter governing postmortem examinations;
- :9 Maintaining a knowledge of the medication record and status;
- :10 Immediately reporting to the stewards and the Division veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;
- :11 Ensuring the fitness to perform creditably at the distance entered;
- :12 Ensuring proper bandages, equipment and shoes;
- :13 Presence in the paddock at least fifteen (**15**) minutes before post time or at a time otherwise appointed before the race in which the horse is entered;
- :14 Personally attending in the paddock and supervising the saddling thereof, unless excused by the stewards; and
- :15 Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #3.602**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-502, C.R.S.; Section 12-60-503(1)(a), C.R.S

**Basis and Purpose:**

The purpose of this rule is to add details to the jockey licensing requirement, and limit discretion, so that all jockeys take the same test.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - 3.602**

An applicant for a jockey or apprentice jockey license shall show competence by prior licensing as approved by the stewards, and/or the demonstration of riding ability, which may include participation in up to five races with the prior approval of the stewards with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track. The demonstration of riding ability is defined at a minimum of:

- (a) Breaking a horse in company from the starting gate;
- (b) Working a horse in company around the turn and down the stretch;
- (c) Switching the riding whip from one hand to the other while maintaining control of the horse; and
- (d) Aiding a horse to switch leads.

**PROPOSED AMENDMENT TO 3.602**

An applicant for a jockey or apprentice jockey license shall show competence by prior licensing ~~as approved by the stewards, and/or the demonstration of riding ability,~~ **WHEREBY AN APPLICANT FOR JOCKEY AND APPRENTICE JOCKEY SHALL DEMONSTRATE THEIR RIDING ABILITY**, which may include participation in up to five races ~~with the prior approval of the stewards~~ **WITNESSED BY THE STEWARDS AND A DIVISION REPRESENTATIVE**, with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track.

The demonstration of riding ability is defined at a minimum of:

- (a) Breaking a horse in company from the starting gate;
- (b) Working a horse in company around the turn and down the stretch;
- (c) Switching the riding whip from one hand to the other while maintaining control of the horse; and
- (d) Aiding a horse to switch leads.

**SECOND PROPOSED AMENDMENT TO 3.602**

An applicant for a jockey or apprentice jockey license shall show competence by prior licensing **WHEREBY AN THE APPLICANT FOR JOCKEY AND APPRENTICE JOCKEY** shall demonstrate their riding ability, which may include participation in up to five races witnessed by the Stewards and a Division Representative, with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track.

The demonstration of riding ability is defined at a minimum of:

- (a) Breaking a horse in company from the starting gate;
- (b) Working a horse in company around the turn and down the stretch;
- (c) Switching the riding whip from one hand to the other while maintaining control of the horse; and
- (d) Aiding a horse to switch leads.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #5.412**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-202(3)(c), C.R.S.; Section 12-60-503(2)(a), C.R.S

**Basis and Purpose:**

The purpose of this rule is to add the Association of Racing Commissioners International (ARCI) Model Rule information about Out of Competition for Blood or Gene Doping Agents to our Rules. This model rule is as a result of advancements in technology, which creates the ability for owners and trainers to cheat and drug their horses incrementally over time, to attempt and avoid detection.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE 5.412**

Random or extra testing may be required by the stewards or the Commission at any time on any horse on association grounds.

**PROPOSED AMENDMENT TO RULE 5.412**

Random or extra testing may be required by the Stewards, or the Commission at any time on any on association grounds. **SUCH EXTRA TESTING MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:**

**OUT OF COMPETITION TESTING FOR BLOOD AND/OR GENE DOPING AGENTS**

**(1) ANY HORSE ON THE GROUNDS AT A RACETRACK OR TRAINING CENTER; OR UNDER THE CARE OR CONTROL OF TRAINER OR OWNER LICENSED BY THE COMMISSION IS SUBJECT TO TESTING FOR BLOOD AND/OR GENE DOPING AGENTS WITHOUT ADVANCE NOTICE, WHETHER LOCATED IN COLORADO OR IN ANOTHER JURISDICTION. THIS RULE DOES NOT APPLY TO THERAPEUTIC MEDICATIONS APPROVED BY THE FDA FOR USE IN THE HORSE.**

**(2) HORSES TO BE TESTED MAY BE SELECTED AT RANDOM, WITH PROBABLE CAUSE, OR AS DETERMINED BY THE COMMISSION;**

**(3) THE COMMISSION VETERINARIAN, OR ANY LICENSED VETERINARIAN OR LICENSED VETERINARY TECHNICIAN AUTHORIZED BY THE COMMISSION, MAY AT ANY TIME, TAKE A URINE, BLOOD, SALIVA, AND/OR HAIR SAMPLES FROM A HORSE FOR THIS PURPOSE.**

**(4) PROHIBITED SUBSTANCES, PRACTICES AND PROCEDURES ARE DEFINED AS:**

**(A) BLOOD DOPING AGENTS INCLUDING, BUT NOT LIMITED TO ERYTHROPOIETIN (EPO), DARBOPOETIN, OXYGLOBIN, HEMPURE, ARANESP OR ANY SUBSTANCE THAT ABNORMALLY ENHANCES THE OXYGENATION OF BODY TISSUES;**

**(B) GENE DOPING AGENTS OR THE NON-THERAPEUTIC USE OF GENES, GENETIC ELEMENTS AND/OR CELLS THAT HAVE THE CAPACITY TO ENHANCE ATHLETIC PERFORMANCE OR PRODUCE ANALGESIA;**

**(C) GROWTH HORMONES, INSULIN-LIKE GROWTH FACTOR, ENDORPHIN/ENKEPHALINS, THE NON-THERAPEUTIC ADMINISTRATION OF WHOLE BLOOD OR PACKED RED BLOOD CELLS.**

**(D) NATURALLY PRODUCED VENOMS, SYNTHETIC ANALOGUES OF VENOMS, DERIVATIVES OF VENOMS, OR SYNTHETIC ANALOGUES OF DERIVATIVES OF VENOMS;**

**(E) SUBSTANCES CAPABLE OF PRODUCING A REPARTITIONING EFFECT THAT ARE NOT FDA APPROVED FOR USE IN HORSES, INCLUDING, BUT NOT LIMITED TO, RACTOPAMINE, ZILPATEROL, OR ANY SIMILAR AGENT;**

**(F) AAS (ANDROGENIC-ANABOLIC STEROIDS) OTHER THAN STANOZOLOL, NANDROLONE, BOLDENONE, TESTOSTERONE, AND METABOLITES THEREOF; AND**

**(G) THE PRESENCE IN A HORSE OF ANY SUBSTANCE THAT THE COLORADO DIVISION OF RACING EVENTS DEFINES AS PROHIBITED.**

**(H) THE PRESENCE IN A HORSE OF ANY SUBSTANCE OR BIOMARKER INDICATIVE OF A PROHIBITED PRACTICE AS DEFINED BY THE RACING MEDICATION AND TESTING CONSORTIUM (RMTC) OR THE WORLD ANTI-DOPING AGENCY (WADA).**

**(5) AN OWNER, TRAINER, OR ANY AUTHORIZED DESIGNEE SHALL FULLY COOPERATE WITH THE DIVISION VETERINARIAN, OR HIS/ HER DESIGNEE BY:**

**(A) LOCATING AND IDENTIFYING ANY HORSE DESIGNATED FOR OUT OF COMPETITION TESTING;**

**(B) MAKING THE HORSE AVAILABLE FOR THE COLLECTION OF THE SPECIMEN AT AN AGREED UPON STALL OR OTHER SAFE LOCATION; AND**

**(C) OBSERVING THE COLLECTION OF THE SPECIMEN.**

**(6) THE COLLECTION SHALL OCCUR NO LATER THAN SIX (6) HOURS AFTER NOTICE OF INTENT TO COLLECT A SPECIMEN FROM A HORSE IS RECEIVED. IF THE COLLECTION DOES NOT OCCUR WITHIN THE TIME PROVIDED, THEN ANY HORSE THAT IS DESIGNATED FOR TESTING MAY BE BARRED FROM RACING IN COLORADO AND PLACED ON THE VETERINARIAN'S LIST AND THE STEWARD'S LIST FOR A PERIOD OF 180 DAYS AND THE OWNER AND TRAINER OF THE HORSE MAY BE SUBJECT TO THE PENALTIES FOR MEDICATION VIOLATIONS OF PROHIBITED SUBSTANCES.**

**(7) THE OWNER AND/OR TRAINER OF THE HORSES MAY BE SUBJECT TO ANY OTHER SANCTIONS ALLOWED BY COLORADO LAW AND REGULATIONS, INCLUDING FINE OR SUSPENSION OF LICENSE. THE EXECUTIVE DIRECTOR, STEWARDS, OR HEARING OFFICER MAY SUMMARILY SUSPEND AND OR PENALIZE ANY TRAINER AND/ OR AUTHORIZED REPRESENTATIVE OR DESIGNEE WHO DOES NOT FULLY COOPERATE WITH A COMMISSION EMPLOYEE OR DIVISION REPRESENTATIVE IN ASSISTING AND IDENTIFYING AN ELIGIBLE HORSE OR PROVIDING A SAFE STALL TO COLLECT SAMPLES IN A TIMELY FASHION.**

**(8) A HORSE THAT IS BARRED FROM RACING IN COLORADO AND PLACED ON THE VETERINARIANS LIST FOR 180 DAYS SHALL REMAIN BARRED FROM RACING:**

**(A) UPON SALE OR TRANSFER OF THE HORSE TO ANOTHER OWNER OR TRAINER UNTIL THE EXPIRATION OF THE 180 DAYS; AND**

**(B) UNTIL THE HORSE IS DETERMINED BY THE COMMISSION TO TEST NEGATIVE FOR ANY SUBSTANCE DESCRIBED IN SECTION 4 OF THIS ADMINISTRATIVE REGULATION, AND IS APPROVED FOR RACING BY THE DIVISION VETERINARIAN AND THE CHIEF STATE STEWARD.**

**(9) THE COMMISSION SHALL APPROVE THE LABORATORIES FOR SCREENING, CONFIRMATION, AND SPLIT SAMPLE TESTING. OUT OF COMPETITION SAMPLES WILL BE SENT TO THE OFFICIAL LABORATORY OF THE COMMISSION, OR OTHER LABORATORY AS DESIGNATED BY THE COMMISSION WITH REPORTS MADE IN ACCORDANCE WITH THE PROVISIONS OF THESE MEDICATION RULES AND THE PENALTY PROVISIONS THEREOF.**

**(10) IN THE ABSENCE OF EXTRAORDINARY MITIGATING CIRCUMSTANCES, A MINIMUM PENALTY OF TEN (10) YEAR SUSPENSION WILL BE ASSESSED FOR A VIOLATION OF THIS RULE, WITH ADDITIONAL PENALTIES FOR ANY DRUG NOT FDA APPROVED FOR USE IN HORSES.**

**SECOND PROPOSED AMENDMENT TO RULE 5.412**

Random or extra testing may be required by the **DIVISION DESIGNEE, Stewards**, or the Commission at any time on any horse **ENTERED OR ELIGIBLE TO RACE IN COLORADO** ~~on association grounds~~. **SUCH EXTRA TESTING MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:**

**OUT OF COMPETITION TESTING FOR BLOOD AND/OR GENE DOPING AGENTS**

**(1) ANY HORSE ON THE GROUNDS AT A RACETRACK OR TRAINING CENTER, OR UNDER THE CARE OR CONTROL OF TRAINER OR OWNER LICENSED BY THE COMMISSION IS SUBJECT TO TESTING FOR BLOOD AND/OR GENE DOPING AGENTS WITHOUT ADVANCE NOTICE, WHETHER LOCATED IN COLORADO OR IN ANOTHER **ARCI** JURISDICTION. THIS RULE DOES NOT APPLY TO THERAPEUTIC MEDICATIONS APPROVED BY THE FDA FOR USE IN THE HORSE.**

~~**(2) HORSES TO BE TESTED MAY BE SELECTED AT RANDOM, WITH PROBABLE CAUSE, OR AS DETERMINED BY THE COMMISSION;**~~

~~**(3)**~~ **(2) THE COMMISSION VETERINARIAN, OR ANY LICENSED VETERINARIAN OR LICENSED VETERINARY TECHNICIAN AUTHORIZED BY THE COMMISSION, MAY AT ANY TIME, TAKE A URINE, BLOOD, SALIVA, AND/OR HAIR SAMPLES FROM A HORSE FOR THIS PURPOSE.**

~~**(4)**~~**(3) PROHIBITED SUBSTANCES, PRACTICES AND PROCEDURES ARE DEFINED AS:**

**(A) BLOOD DOPING AGENTS INCLUDING, BUT NOT LIMITED TO ERYTHROPOIETIN (EPO), DARBPOETIN, OXYGLOBIN, HEMPURE, ARANESP OR ANY SUBSTANCE THAT ABNORMALLY ENHANCES THE OXYGENATION OF BODY TISSUES;**

**(B) GENE DOPING AGENTS OR THE NON-THERAPEUTIC USE OF GENES, GENETIC ELEMENTS AND/OR CELLS THAT HAVE THE CAPACITY TO ENHANCE ATHLETIC PERFORMANCE OR PRODUCE ANALGESIA;**

**(C) GROWTH HORMONES, INSULIN-LIKE GROWTH FACTOR, ENDORPHIN/ENKEPHALINS, THE NON-THERAPEUTIC ADMINISTRATION OF WHOLE BLOOD OR PACKED RED BLOOD CELLS.**

**(D) NATURALLY PRODUCED VENOMS, SYNTHETIC ANALOGUES OF VENOMS, DERIVATIVES OF VENOMS, OR SYNTHETIC ANALOGUES OF DERIVATIVES OF VENOMS;**

**(E) SUBSTANCES CAPABLE OF PRODUCING A REPARTITIONING EFFECT THAT ARE NOT FDA APPROVED FOR USE IN HORSES, INCLUDING, BUT NOT LIMITED TO, RACTOPAMINE, ZILPATEROL, OR ANY SIMILAR AGENT;**

**(F) AAS (ANDROGENIC-ANABOLIC STEROIDS) OTHER THAN STANOZOLOL, NANDROLONE, BOLDENONE, TESTOSTERONE, AND METABOLITES THEREOF; AND**

**(G) THE PRESENCE IN A HORSE OF ANY SUBSTANCE THAT THE COLORADO DIVISION OF RACING EVENTS DEFINES AS PROHIBITED.**

**(H) THE PRESENCE IN A HORSE OF ANY SUBSTANCE OR BIOMARKER INDICATIVE OF A PROHIBITED PRACTICE AS DEFINED BY THE RACING MEDICATION AND TESTING CONSORTIUM (RMTC) OR THE WORLD ANTI-DOPING AGENCY (WADA).**

**(5)(4) AN OWNER, TRAINER, OR ANY AUTHORIZED DESIGNEE SHALL FULLY COOPERATE WITH THE DIVISION VETERINARIAN, OR HIS/ HER DESIGNEE BY:**

**(A) LOCATING AND IDENTIFYING ANY HORSE DESIGNATED FOR OUT OF COMPETITION TESTING;**

**(B) MAKING THE HORSE AVAILABLE FOR THE COLLECTION OF THE SPECIMEN AT AN AGREED UPON STALL OR OTHER SAFE LOCATION; AND**

**(C) OBSERVING THE COLLECTION OF THE SPECIMEN.**

**(6)(5) THE COLLECTION SHALL OCCUR NO LATER THAN SIX (6) HOURS AFTER NOTICE OF INTENT TO COLLECT A SPECIMEN FROM A HORSE IS RECEIVED. IF THE COLLECTION DOES NOT OCCUR WITHIN THE TIME PROVIDED, THEN ANY HORSE THAT IS DESIGNATED FOR TESTING MAY BE BARRED FROM RACING IN COLORADO AND PLACED ON THE VETERINARIAN'S LIST AND THE STEWARD'S LIST FOR A PERIOD OF 180 DAYS AND THE OWNER AND TRAINER OF THE HORSE MAY BE SUBJECT TO THE PENALTIES FOR MEDICATION VIOLATIONS OF PROHIBITED SUBSTANCES.**

**(7)(6) THE OWNER AND/OR TRAINER OF THE HORSES MAY BE SUBJECT TO ANY OTHER SANCTIONS ALLOWED BY COLORADO LAW AND REGULATIONS, INCLUDING FINE OR SUSPENSION OF LICENSE. THE EXECUTIVE DIRECTOR, STEWARDS, OR HEARING OFFICER MAY SUMMARILY SUSPEND AND OR PENALIZE ANY TRAINER AND/ OR AUTHORIZED REPRESENTATIVE OR DESIGNEE WHO DOES NOT FULLY COOPERATE WITH A COMMISSION EMPLOYEE OR DIVISION REPRESENTATIVE IN ASSISTING AND IDENTIFYING AN ELIGIBLE HORSE OR PROVIDING A SAFE STALL TO COLLECT SAMPLES IN A TIMELY FASHION.**

**(8)(7) A HORSE THAT IS BARRED FROM RACING IN COLORADO AND PLACED ON THE VETERINARIANS LIST FOR 180 DAYS SHALL REMAIN BARRED FROM RACING:**

**(A) UPON SALE OR TRANSFER OF THE HORSE TO ANOTHER OWNER OR TRAINER UNTIL THE EXPIRATION OF THE 180 DAYS; AND**

**(B) UNTIL THE HORSE IS DETERMINED BY THE COMMISSION TO TEST NEGATIVE FOR ANY SUBSTANCE DESCRIBED IN SECTION 4 OF THIS ADMINISTRATIVE REGULATION, AND IS APPROVED FOR RACING BY THE DIVISION VETERINARIAN AND THE CHIEF STATE STEWARD.**

**(9)(8) THE COMMISSION SHALL APPROVE THE LABORATORIES FOR SCREENING, CONFIRMATION, AND SPLIT SAMPLE TESTING. OUT OF COMPETITION SAMPLES WILL BE SENT TO THE OFFICIAL LABORATORY OF THE COMMISSION, OR OTHER LABORATORY AS DESIGNATED BY THE COMMISSION WITH REPORTS MADE IN ACCORDANCE WITH THE PROVISIONS OF THESE MEDICATION RULES AND THE PENALTY PROVISIONS THEREOF. (SEE CRCR 5.423)**

**(10)(9) IN THE ABSENCE OF EXTRAORDINARY MITIGATING CIRCUMSTANCES, A MINIMUM PENALTY OF TEN (10) YEAR SUSPENSION WILL BE ASSESSED FOR A VIOLATION OF THIS RULE, WITH ADDITIONAL PENALTIES FOR ANY DRUG NOT FDA APPROVED FOR USE IN HORSES.**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #3.506**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-503(2)(a), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to add more comprehensive details to the trainer's licensing requirement. Also CRCR 3.508 is incorporated into this rule.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE 3.506**

An applicant for the occupations of trainer or assistant trainer, if not so previously licensed, or if previously licensed and said license has been expired for more than three years, shall be given an examination, oral, written, and/or practical, by a qualified Division representative to determine the applicant's qualifications.

**PROPOSED AMENDMENT TO 3.506**

An applicant for the occupations of trainer or assistant trainer, if not so previously licensed, or if previously licensed and said license has been expired for more than three years, shall be given an examination, oral **OR** written, ~~and/or practical~~, by a ~~qualified~~ Division representative, **WHO WILL ADMINISTER A TEST** to determine the applicant's qualifications. **THIS WILL INCLUDE A PRACTICAL COMPONENT GIVEN BY THE STEWARDS, AND/OR A DIVISION REPRESENTATIVE.**

**(1) ELIGIBILITY FOR APPLICANTS FOR LICENSE AS A TRAINER:**

**(A) SHALL BE AT LEAST 18 YEARS OF AGE.**

**(B) SHALL, IN THE CASE OF NOT BEING PREVIOUSLY LICENSED, BE QUALIFIED, AS DETERMINED BY THE STEWARDS OR OTHER COMMISSION DESIGNEE, BY REASON OF:**

**(A) AT LEAST 2 YEARS OF EXPERIENCE AS A LICENSED ASSISTANT TRAINER, OR COMPARABLE EXPERIENCE IN OTHER EQUINE DISCIPLINES, OR COLLEGE-LEVEL EDUCATION IN EQUINE SCIENCE AND/OR HORSEMANSHIP.**

**(B) SUBMISSION OF TWO WRITTEN STATEMENTS FROM TRAINERS CURRENTLY LICENSED IN THAT JURISDICTION AS TO CHARACTER AND QUALIFICATIONS OF THE APPLICANT, AND ONE WRITTEN STATEMENT FROM A CURRENTLY LICENSED OWNER STATING INTENT TO PLACE ONE OR MORE HORSES WITH THE APPLICANT, WHEN LICENSED.**

**(C) SHALL BE REQUIRED TO PASS A WRITTEN EXAMINATION, ORAL INTERVIEWS WITH THE STEWARDS AND REGULATORY VETERINARIAN; AND DEMONSTRATE PRACTICAL SKILLS.**

**(2) A TRAINER LICENSED AND IN GOOD STANDING IN ANOTHER JURISDICTION, HAVING BEEN ISSUED WITHIN A PRIOR PERIOD AS DETERMINED BY THE COMMISSION, MAY BE ACCEPTED IF EVIDENCE OF EXPERIENCE AND QUALIFICATIONS ARE PROVIDED. EVIDENCE OF QUALIFICATIONS SHALL REQUIRE PASSING ONE OR MORE OF THE FOLLOWING:**

**(A) A WRITTEN EXAMINATION;**

**(B) A DEMONSTRATION OF PRACTICAL SKILLS;**

**(C) AN INTERVIEW WITH THE STEWARDS.**

**(3) UPON TIMELY REQUEST TO THE STEWARDS DO TO DISABILITY OR OTHER FACTORS AFFECTING THE APPLICANT'S ABILITY TO EFFECTIVELY COMPLETE THE TRAINER'S TEST (SUCH AS ILLITERACY OR LANGUAGE BARRIERS), REASONABLE ACCOMMODATIONS MAY BE MADE FOR THE APPLICANT INCLUDING, BUT NOT LIMITED TO ORAL ADMINISTRATION OF THE EXAMINATION, USE OF A PRE-APPROVED TRANSLATOR, AND AID FROM PRE-APPROVED ASSISTANT WHERE DEEMED APPROPRIATE BY THE STEWARDS ADMINISTERING THE EXAMINATION.**

**(4) BEGINNING NO LATER THAN JANUARY 31, 2014, IN ORDER TO MAINTAIN A CURRENT LICENSE, TRAINERS MUST COMPLETE AT LEAST FOUR (4) HOURS PER CALENDAR YEAR OF CONTINUING EDUCATION COURSES APPROVED BY THE COMMISSION OR THE ARCI. HOWEVER, THE COMMISSION MAY WAIVE THIS REQUIREMENT IF NO CONTINUING EDUCATION COURSE IS AVAILABLE THAT MEETS THE APPROVAL OF THE COMMISSION.**

## **SECOND PROPOSED AMENDMENT TO 3.506**

An applicant for the occupations of trainer or assistant trainer, if not so previously licensed, or if previously licensed and said license has been expired for more than three years, shall be given an examination, oral **OR** written, ~~and/or practical~~, by a ~~qualified~~ Division representative, **WHO WILL ADMINISTER A TEST** to determine the applicant's qualifications. **THIS WILL INCLUDE A PRACTICAL COMPONENT GIVEN BY THE STEWARDS, AND/OR A DIVISION REPRESENTATIVE.**

### **(1) ELIGIBILITY FOR APPLICANTS FOR LICENSE AS A TRAINER:**

**(A) SHALL BE AT LEAST 18 YEARS OF AGE, AND;**

**(B) SHALL, IN THE CASE OF NOT BEING PREVIOUSLY LICENSED, BE QUALIFIED, AS DETERMINED BY THE STEWARDS OR OTHER COMMISSION DESIGNEE, BY REASON OF:**

**(A)(I) AT LEAST 2 YEARS OF EXPERIENCE AS A LICENSED ASSISTANT TRAINER, OR COMPARABLE EXPERIENCE IN OTHER EQUINE DISCIPLINES, OR COLLEGE-LEVEL EDUCATION IN EQUINE SCIENCE AND/OR HORSEMANSHIP.**

**(B)(II) SUBMISSION OF TWO WRITTEN STATEMENTS FROM TRAINERS CURRENTLY LICENSED IN THAT JURISDICTION AS TO CHARACTER AND QUALIFICATIONS OF THE APPLICANT, AND ONE WRITTEN STATEMENT FROM A CURRENTLY LICENSED OWNER STATING INTENT TO PLACE ONE OR MORE HORSES WITH THE APPLICANT, WHEN LICENSED.**

**(C)(III) SHALL BE REQUIRED TO PASS A WRITTEN EXAMINATION, ORAL INTERVIEWS WITH THE STEWARDS AND REGULATORY VETERINARIAN; AND DEMONSTRATE PRACTICAL SKILLS.**

**(2) A TRAINER LICENSED AND IN GOOD STANDING IN ANOTHER JURISDICTION, HAVING BEEN ISSUED WITHIN A **PRIOR** PERIOD AS DETERMINED BY THE COMMISSION, MAY BE ACCEPTED IF EVIDENCE OF EXPERIENCE AND QUALIFICATIONS ARE PROVIDED. EVIDENCE OF QUALIFICATIONS SHALL REQUIRE PASSING **ON-E** OR MORE OF THE FOLLOWING:**

**(A) A WRITTEN EXAMINATION;**

**(B) A DEMONSTRATION OF PRACTICAL SKILLS, AND;**

**(C) AN INTERVIEW WITH THE STEWARDS.**

**(3) **AN APPLICANT MAY SUBMIT A REQUEST UPON TIMELY REQUEST** TO THE STEWARDS **DO DUE** TO DISABILITY OR OTHER FACTORS AFFECTING THE APPLICANT'S ABILITY TO EFFECTIVELY COMPLETE THE TRAINER'S TEST (SUCH AS ILLITERACY OR LANGUAGE BARRIERS), REASONABLE ACCOMMODATIONS MAY BE MADE FOR THE APPLICANT INCLUDING, BUT NOT LIMITED TO ORAL ADMINISTRATION OF THE**

**EXAMINATION, USE OF A PRE-APPROVED TRANSLATOR, AND AID FROM PRE-APPROVED ASSISTANT WHERE DEEMED APPROPRIATE BY THE STEWARDS ADMINISTERING THE EXAMINATION.**

**(4) ~~BEGINNING NO LATER THAN JANUARY 31, 2014,~~ IN ORDER TO MAINTAIN A CURRENT LICENSE, TRAINERS MUST COMPLETE AT LEAST FOUR (4) HOURS PER CALENDAR YEAR OF CONTINUING EDUCATION COURSES APPROVED BY THE COMMISSION OR THE ARCI. HOWEVER, THE COMMISSION MAY WAIVE THIS REQUIREMENT IF NO CONTINUING EDUCATION COURSE IS AVAILABLE THAT MEETS THE APPROVAL OF THE COMMISSION.**

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #11.544(i)**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-501(b), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to delete an obsolete rule regarding compliance, of which the relevant time period has passed over a decade ago.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - 11.544(i)**

Each stable building not in compliance as of January 1, 2002, shall submit a plan to the division that will bring the facility into compliance by December 31, 2004. Said plan must include an equal work plan for each successive year.

**PROPOSED DELETION OF 11.544(i)**

~~CRCR 11.544(i) EACH STABLE BUILDING NOT IN COMPLIANCE AS OF JANUARY 1, 2002, SHALL SUBMIT A PLAN TO THE DIVISION THAT WILL BRING THE FACILITY INTO COMPLIANCE BY DECEMBER 31, 2004. SAID PLAN MUST INCLUDE AN EQUAL WORK PLAN FOR EACH SUCCESSIVE YEAR.~~

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #5.331**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-503(2)(a), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to add more comprehensive screening levels for the collection of blood.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE 5.331 - Androgenic-Anabolic Steroids (AAS)**

- (1) No AAS shall be permitted in test samples collected from racing horses, except for residues of the major metabolite of Stanozolol, Nandrolone, and the naturally occurring substances, Boldenone and Testosterone, at concentrations less than the indicated thresholds.
- (2) Concentrations of these AAS shall not exceed the following urine threshold concentrations for total drug (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):
  - (a) 16 $\beta$ -hydroxystanozolol (metabolite of Stanozolol (Winstrol®)) – 1 ng/ml in urine for all horses regardless of sex;
  - (b) Boldenone (Equipoise® is the undecylenate ester of Boldenone) in male horses other than geldings --- 15 ng/ml in urine. No Boldenone shall be permitted in geldings or female horses.
  - (c) Nandrolone (Durabolin® is the phenylpropionate ester and deca-durabolin® is the decanoate ester) –
    1. In geldings --- 1 ng/ml in urine
    2. In fillies and mares --- 1 ng/ml in urine.
    3. In male horses other than geldings --- 45 ng/ml in urine
  - (d) Testosterone

1. In geldings --- 20 ng/ml in urine
  2. In fillies and mares --- 55 ng/ml in urine
  3. In male horses other than geldings minimum thresholds will not apply
- (3) All other AAS are prohibited in racing horses.
- (4) Post-race urine samples must have the sex of the horse identified to the laboratory.
- (5) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian's list in order to monitor the concentration of the drug or metabolite in urine. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list. Any laboratory testing to determine the concentration of an administered AAS shall be done at the trainer's and/or the owner's sole expense.

**PROPOSED AMENDMENT TO 5.331 - Androgenic-Anabolic Steroids (AAS)**

- (1) No AAS shall be permitted in test samples collected from racing horses, except for ENDOGENOUS CONCENTRATIONS ~~residues of the major metabolite of Stanozolol, Nandrolone, and the naturally occurring substances, Boldenone, NANDROLONE, and Testosterone, at concentrations less than the indicated thresholds.~~
- (2) CONCENTRATIONS OF THESE AAS SHALL NOT EXCEED THE FOLLOWING FREE (I.E., NOT CONJUGATED) STEROID CONCENTRATIONS, IN PLASMA OR SERUM:
  - (a) BOLDENONE- 25 PG/ML FOR ALL HORSES REGARDLESS OF SEX.
  - (b) NANDROLONE- 25 PG/ML FOR FILLIES, MARES, AND GELDINGS. MALE HORSES OTHER THAN GELDINGS SHALL BE TESTED FOR NANDROLONE IN URINE. (SEE CRCR 5.331(3)(b)(ii)).
  - (c) TESTOSTERONE –
    - (i) IN GELDINGS: 25 PG/ML
    - (ii) IN FILLIES AND MARES: 25 PG/ML
- (3) TOTAL Concentrations of these AAS shall not exceed the following TOTAL ~~urine threshold~~ concentrations IN URINE AFTER HYDROLYSIS OF CONJUGATES: ~~for total drug (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates):~~
  - (a) ~~16 $\beta$  hydroxystanozolol (metabolite of Stanozolol (Winstrol®)) — 1 ng/ml in urine for all horses regardless of sex;~~

- (b)—Boldenone (Equipoise® is the undecylenate ester of Boldenone)
- i (i) In male horses other than geldings - 15 ng/ml in urine.  
~~No Boldenone shall be permitted in geldings or female horses.~~
- (ii) IN FILLIES, GELDINGS, AND MARES – 1 NG/ML IN URINE.
- (e)—(b) Nandrolone (Durabolin® is the phenylpropionate ester and deca-durabolin® is the decanoate ester)—
- (i) In FILLIES, geldings, AND MARES - 1 ng/ml in urine  
~~In fillies and mares — 1 ng/ml in urine.~~
- (ii) In male horses other than geldings - 45 ng/ml in urine (AS 5 $\alpha$ -ESTRANE-3 $\beta$ ,17 $\alpha$ -DIOL) OF URINE
- (d)(c) Testosterone
- (i) In geldings - 20 ng/ml in urine
- (ii) In fillies and mares - 55 ng/ml in urine
- (iii) In male horses other than geldings minimum thresholds will not apply
- (4) All other AAS are prohibited in racing horses.
- (5) ~~Post-race urine samples must have~~—The sex of the horse MUST BE identified to the laboratory ON ALL PRE-AND POST-RACE SAMPLES DESIGNATED FOR AAS TESTING.
- (6) ~~Any horse to which~~ IF an anabolic steroid has been administered TO A HORSE in order to assist in ~~the~~ ITS recovery from illness or injury, THAT HORSE may be placed on the Veterinarian's List in order to monitor the concentration of the drug or metabolite in urine.—OR BLOOD. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list. Any laboratory testing to determine the concentration of an administered AAS shall be done at the trainer's and/or the owner's sole expense.

**Statement of Authority, Basis, Purpose, and Fiscal Impact  
of Amendment of Regulation  
1 CCR 208-1  
Rule #5.431**

**Statutory Authority:**

Section 12-60-201(1), C.R.S.; Section 12-60-503(2)(a), C.R.S.

**Basis and Purpose:**

The purpose of this rule is to bring the language more in line with current technology and new way for drug testing.

**Fiscal Impact:**

This revision has no fiscal impact.

**CURRENT RULE - CRCR 5.431**

If a substance that is detected by ImmunoAssay testing (a.k.a. ELISA) is on the Environmental Contaminant List, adopted by the Commission as part of the animal welfare and medication policy, but has not been confirmed by another type of test, the Division shall not proceed with administrative action.

**PROPOSED AMENDMENT TO CRCR 5.431**

CRCR 5.431 – If a DETECTED substance ~~that is detected by ImmunoAssay testing (a.k.a. ELISA)~~ is on the Environmental Contaminant List, adopted by the Commission as part of the ~~animal welfare and medication policy, but has not been confirmed by another type of test, the Division shall not proceed with administrative action.~~ COLORADO DIVISION OF RACING EVENTS ESTIMATED THERAPEUTIC MEDICATIONS WITHDRAWAL TIMES, THE DIVISION SHALL NOT PROCEED WITH ADMINISTRATIVE ACTIONS, AS LONG AS THE DETECTED LEVEL DOES NOT EXCEED THE ADOPTED ENVIRONMENTAL THRESHOLD.

**SECOND PROPOSED AMENDMENT TO CRCR 5.431**

CRCR 5.431 – If a DETECTED substance ~~that is detected by ImmunoAssay testing (a.k.a. ELISA) is on the Environmental Contaminant List, adopted by the Commission as part of the animal welfare and medication policy, but has not been confirmed by another type of test, the Division shall not proceed with administrative action.~~ COLORADO DIVISION OF RACING EVENTS ESTIMATED THERAPEUTIC MEDICATIONS WITHDRAWAL TIMES, THE DIVISION SHALL NOT PROCEED WITH **ADMINISTRATIVE DISCIPLINARY** ACTIONS, AS LONG AS THE DETECTED LEVEL DOES NOT EXCEED THE ADOPTED ENVIRONMENTAL THRESHOLD.