

Chapter WGC 14

MEDICATION

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Note: Chapter RACE 14 was renumbered chapter WGC 14 and corrections made under s. 13.93 (2m) (b) 1. and 6., Stats., Register, March, 1995, No. 471.

WGC 14.01 Purpose. The purpose of this chapter is to govern procedures relative to permissible administration of medication to racing animals.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.02 Definitions. (1) "Foreign substance" means any substance except those which exist naturally in the untreated animal of normal physiological concentrations.

(2) "Medication" means any substance recognized as a drug in the official U.S. pharmacopoeia and national formulary or official homeopathic pharmacopoeia of the United States or, any supplement to either of them; or, any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or other conditions in persons or animals; or, any substance other than a device or food intended to affect the structure or any function of the body of persons or animals; or, any substance intended for use as a component of any article specified previously.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.03 Prohibition against foreign substance and medication. No animal participating in a race shall carry in its body any foreign substance or medication, irrespective of when administered or injected. No person shall administer, conspire to administer or attempt to administer a foreign substance or medication in violation of this rule.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.04 Forty-eight hour ban. No foreign substance or medication shall be administered to an animal entered to race by hypodermic injection, oral administration, topical administration which can penetrate the skin, rectal infusion, suppository, inhalation or any other means within 48 hours prior to the scheduled post time of the first race of the day on which the animal is entered.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.05 Unlawful entry. Any person who enters any animal in a race and who knows, or by exercise of due diligence in his or her duties should know, that the animal carries in its body during the race any foreign substance or medication, regardless of when administered or injected, shall be subject to a suspension or revocation of licensure, forfeiture or both.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.06 Willful failure to disqualify. No person shall willfully fail to disqualify an animal from a race when the person has notice that:

(1) A foreign substance or medication has been administered to the animal in violation of s. WGC 14.02 or 14.03;

(2) The animal has not been properly made available for any test or inspection required by the commission; or

(3) The animal is not eligible to race in Wisconsin, or any other racing jurisdiction.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

WGC 14.07 Prescription items. No person except a veterinarian shall have in his or her possession within a race track enclosure any prescription drug as defined in s. 450.01 (20), Stats., unless prior written authorization is obtained by the commission veterinarian or that person has complied with s. WGC 14.09 (2).

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

WGC 14.08 Possession of drugs and chemicals. No veterinarian or any other person shall have in his or her possession or administer to any animal within any race track enclosure any chemical substance which:

(1) Has not been approved for use on animals by the food and drug administration, pursuant to the federal food, drug and cosmetic act, 21 USC 301 et. seq., and implementing regulations; or

(2) Which is on any of the schedules of controlled substances as prepared by the attorney general of the United States pursuant to 21 USC 811 and 812, or those contained in ch. 961, Stats., without the prior written approval from the state veterinarian. The state veterinarian shall not give such approval unless the person seeking such approval can produce evidence in recognized veterinary journals or by recognized experts that such chemical substance has a beneficial, therapeutic use in racing animals.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; correction in (2) made under s. 13.93 (2m) (b) 7., Stats.

WGC 14.09 Possession of needles and injectable prohibited. (1) Except as provided in s. WGC 14.10, no person, except a veterinarian, shall have in his or her possession within any race track enclosure any hypodermic syringe or needle or any instrument capable of being used for the injection into any animal or human of any chemical substance.

(2) Except as provided in s. WGC 14.10, no person, except a veterinarian, shall have in his or her possession within any race track enclosure any substance prepared for the purpose of being injected into an animal or human being.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. Register, July, 1990, No. 415, eff. 8-1-90; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

WGC 14.10 Human use of substances and hypodermic syringes or needles. (1) PRESCRIPTION ITEMS - HUMAN USE. No person may possess within a race track enclosure any chemical substance for use on their own person, unless such chemical substance is a prescription drug as defined in s. 450.01 (20), Stats., and such person is in possession of documentary evi-

dence that a valid prescription for the prescription drug has been issued to the person.

(2) **HYPODERMIC SYRINGE OR NEEDLE.** No person may possess within any race track enclosure any hypodermic syringe or needle for the purpose of administering a chemical substance unless the person has:

(a) Provided the state stewards prior written notification of the possession of such device;

(b) Provided the state stewards prior written notification of the size of such device;

(c) Provided the state stewards prior written notification of the chemical substance to be administered by such device;

(d) Provided the state stewards a copy of a physician's order documenting the need for such device.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.11 Test samples. (1) At least one animal from every race selected at the discretion of the stewards or commission veterinarian, shall have taken from it test samples. In determining which animals to test, the stewards or commission veterinarian shall consider, without limitation, whether the performance of the animal is such that it suggests the animal was not performing within its usual parameters, such as with beaten favorites or animals displaying significant reversals of form. Additional factors in determining animals to be tested shall include but are not limited to testing animals from as many kennels as possible, suspected medication usage, possible sickness and winning animals.

(2) Any trainer or owner of an animal who shall refuse to submit such animal for test samples shall have their license suspended for not less than 30 days and such animal shall be disqualified from racing at meetings under the jurisdiction of the commission.

(3) Test samples shall be taken under the supervision of the commission veterinarian by persons appointed by the commission. During the taking of such test samples the owner or trainer or their agent or employee may, at their discretion, be present at all times.

(4) The test samples shall be sealed by the commission veterinarian or those under the commission veterinarian's supervision and the evidence of such sealing shall be witnessed by the signature of the owner or trainer or their agent or employee, if present. Failure to be present to witness the sealing shall constitute a waiver of the right to witness the sample collection.

(5) An area located adjacent to the paddock shall be set aside and be under the supervision of the commission veterinarian for the purpose of collecting body fluid samples for any tests required by the commission. The building, location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, must be approved by the commission.

(6) No unauthorized person shall be admitted at any time to the building or the area utilized for the purpose of collecting the required body fluid samples or the area designated for the retention of greyhounds pending the obtaining of body fluid samples.

(7) The commission veterinarian, the commission of stewards, or the authorized representatives of the commission may take samples of any medicine or other materials suspected of containing improper medication, drugs, or other substance which could affect the racing condition of a greyhound which may be found in kennels or elsewhere on racetracks or in the possession of any person connected with racing, and the same shall be delivered to the official chemist for analysis.

(8) The associations shall reimburse the commission for all pre-race and post-race testing costs incurred that are not allocated through the commission's spending authority for this purpose.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. (8), Register, March, 1993, No. 447, eff. 7-1-93; emerg. am. (1), eff. 8-25-95; am. (1), Register, January, 1996, No. 481, eff. 2-1-96.

WGC 14.12 Referee samples. (1) For each animal tested, one portion of the test sample, referred to as the referee

sample, shall be taken at the same time as the test sample, when sufficient quantities of fluid are present, and preserved by the laboratory. The referee sample shall be available for testing at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may also be tested by the commission laboratory with the consent of the owner of the animal from whom the sample was taken. If the commission requests permission from the owner to test the referee sample, and the owner refuses to grant the permission, the commission shall deem such refusal by the owner as grounds for revoking the owner's occupation license.

(2) If the owner, trainer or other person charged with a violation of these rules desires to send the referee sample to another laboratory for testing, the commission shall bear the cost of preparing the samples for shipment, but the cost of such shipment and of such testing at another laboratory shall be borne by the person requesting the additional tests.

(3) Whenever a referee sample is opened, a portion of that test sample shall be preserved in case further testing is requested.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.13 Laboratory reports and findings. If the laboratory determines that a foreign substance, medication, or any metabolite thereof, is a constituent in a test sample, the laboratory shall report such determination to the director.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.14 Distribution of purses. The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no foreign substance or medication has been administered, and such purse money remains subject to the provisions of this section after it is paid.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.15 Finality of purse distribution. (1) Upon receipt of a laboratory report for a positive finding from the laboratory, the stewards shall immediately direct that no purse money shall be awarded to the animal in question pending a final determination by the stewards or the commission of the accuracy of the laboratory's report. The stewards shall notify the owner, trainer, and any other person having care, custody or control of the animal. If the purse money has been distributed, the stewards shall order it returned pending determination of the accuracy of the laboratory's report. The stewards shall proceed to conduct an inquiry or the commission shall conduct an inquiry or hearing.

(2) If the report of a laboratory is not contested or if the stewards or the commission determine that the laboratory report is accurate, all purse money won by the animal in the race in question shall be forfeited and redistributed among the remaining animals according to their order of finish. No such forfeiture and redistribution shall affect the distribution of pari-mutuel pools.

(3) If no report has been issued by the laboratory to the stewards or the commission within 60 days after the date of a race, the owner of the animal shall become legally entitled to the money in the purse and it shall be conclusively presumed that the conditions precedent to such entitlement have been met. However, laboratory reports issued more than 60 days after the date of a race may be considered as evidence of a violation of commission rules.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.16 Retention of samples. If a laboratory report has been issued, whatever remains of that particular test sample shall be retained until all legal proceedings have been concluded, and all test results shall be retained for a period of one year. All samples shall be retained by the laboratory until the commission approves their disposal.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.17 Trainer responsibility. (1) Every trainer has the duty to guard or cause to be guarded each animal trained by the trainer in such a manner as to prevent any person, including

the animal's veterinarian, from administering to such animal any foreign substance or medication in violation of these rules.

(2) Every trainer has the duty to be familiar with the medication rules of the commission and reasonably familiar with the foreign substances and medications the trainer administers or directs the trainer's employees to administer, and which are administered by such trainer's veterinarian.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.18 Prima facie evidence. (1) A determination by the laboratory pursuant to these rules shall constitute prima facie evidence that the trainer has violated, or has failed to fulfill the duties specified in, s. WGC 14.17.

(2) As used in this rule, "prima facie evidence" means that the commission has met its burden of proof without more and the trainer has the burden of going forward with evidence.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; am. (1) Register, July, 1990, No. 415, eff. 8-1-90; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

WGC 14.19 Penalties. (1) When imposing penalties for a violation of s. WGC 14.03, 14.04, or 14.05 the stewards and the commission shall consider but not be limited to the following factors:

- (a) The nature of the effect foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
- (b) The accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
- (c) The age and experience of the violator;
- (d) Whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
- (e) What action, if any, was taken to avoid such violation;
- (f) The average handle at the race meeting where the violation occurred and the purse of the race.

(2) When imposing penalties for a violation of s. WGC 14.16 the stewards and the commission shall consider but not be limited to the following matters:

- (a) What action, if any, was taken by the trainer to guard the animal during the 24 hours prior to the race;
- (b) What action, if any, was taken by the trainer to guard the animal during the period between entry and the race;
- (c) The nature of the effect of foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
- (d) The accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country, etc.;
- (e) The age and experience of the trainer;
- (f) Whether the trainer has been the subject of a medication ruling in this or any other racing jurisdictions;
- (g) The average handle at the race meeting where the violation occurred and the purse of the race.

(3) The steward shall not be required to specifically articulate any of the foregoing in their ruling nor shall ignorance of the rules be deemed a mitigating factor.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; correction in (1) (intro.) and (2) (intro.), made under s. 13.93 (2m) (b) 7., Stats., Register, March, 1995, No. 471.

WGC 14.20 Veterinary requirements. (1) All veterinarians licensed by the commission shall maintain records which accurately reflect all purchases of medication by a licensee, name of each animal treated, date of the treatment, method of administration, prescription of medication and name of the trainer. All veterinarians shall also retain duplicate copies of their bills or statements to trainers or owners. Veterinarian's records shall include the following:

- (a) The name of the greyhound.
- (b) Tattoo number.

- (c) Kennel.
- (d) The nature of the greyhound's ailment.
- (e) The type of treatment prescribed and performed.
- (f) The date and time of treatment.

(2) Said records shall be retained for at least 3 years and shall be made available for inspection upon request of the commission or its representative.

(3) Veterinarians engaged in private practice on tracks under the jurisdiction of the commission shall be licensed to practice in the state of Wisconsin.

(4) A veterinarian practicing medicine at a track licensed by the commission shall use disposable needles and keep the needles in possession until the needles can be properly disposed of off the grounds of the racetrack.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.21 Postmortems. (1) Every animal which suffers a breakdown on the race track in training, or in competition and is destroyed and every other animal which expires while on the grounds of a race track under the jurisdiction of the commission shall undergo post-mortem examination at a time and place acceptable to the state veterinarian to determine the injury or sickness which resulted in euthanasia or natural death. Post-mortems shall not be required when death is due to fire.

(2) The post-mortem examination required under this rule shall be conducted by the commission's veterinarian.

(3) Test samples must be obtained from the carcass upon which the post-mortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. When practical, blood and urine samples should be procured prior to euthanasia.

(4) A record of every such post-mortem shall be filed with the commission veterinarian, or with the commission if the race meeting has ended, within 72 hours of the death submitted on a form supplied by the commission.

(5) Each owner and trainer accepts the responsibility, as a prerequisite for maintaining the occupational license issued by the commission, for ensuring the post-mortem examination as provided in this section is conducted.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.22 Commission veterinarian. (1) The commission shall employ a veterinarian licensed to practice in the state of Wisconsin at each race meeting.

(2) The commission veterinarian shall advise the commission and stewards on veterinary matters.

(3) The commission's veterinarian shall be on the grounds of the association at weighing-in time and during all racing hours.

(4) The veterinarian shall make an examination of the physical condition of each greyhound at weighing-in time.

(5) The commission veterinarian shall observe each greyhound as it enters the lock-out kennel, examine it when it enters the paddock prior to the race, and recommend to the commission of stewards that any greyhound deemed unsafe to race or physically unfit to produce a satisfactory effort in a race be scratched.

(6) The commission veterinarian shall place any greyhound determined to be sick or having a communicable disease, or any greyhound deemed unsafe, unsound or unfit on a veterinarian's list which shall be posted in a conspicuous place available to all owners, trainers and officials. Once a greyhound has been placed on the veterinarian's list it may be allowed to race only after it has been removed from the list by the commission veterinarian. The entry of any greyhound on the veterinarian's list may be accepted only after receiving written authorization by the commission veterinarian removing the greyhound from the list.

(7) The commission veterinarian shall have full access to each kennel on the association's premises. The commission veterinarian

ian shall inspect the general physical condition of the greyhounds, sanitary conditions of the kennels, segregation of female greyhounds in season, segregation of sick greyhounds, the types of medicine found in use, cruel and inhumane treatment, and any other matters or conditions which are brought to the attention of the commission veterinarian and reported to the stewards.

(8) The commission veterinarian may not buy or sell any greyhound under their own supervision; nor may the commission veterinarian or assistants wager on a race, nor be licensed to participate in racing in any other capacity.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90.

WGC 14.23 Testing laboratory. (1) QUALIFICATIONS.

Any laboratory selected to perform testing services for the commission shall, at a minimum, meet all requirements established by the commission in the request for proposal or request for bid issued pursuant to subch. IV of ch. 16, Stats. These shall include, but not limited to;

(a) Chain of custody procedures sufficient to allow introduction of test sample results as evidence in administrative hearings before the commission or in judicial proceedings in the circuit courts of Wisconsin;

(b) Personnel with background sufficient to qualify as expert witnesses in the detection of substances in bodily fluid samples in hearings before the commission or the circuit courts of Wisconsin.

(c) Participation in a program to evaluate and ensure laboratory quality control;

(d) Drug specific immunoassay testing which may include, but is not limited to, Particle Concentration Fluorescence Immunoas-

say (PCFIA), Enzyme Linked Immunosorbent Assay (ELISA), Radio Immunoassay (RIA), or any combination, to perform screening and detection tests of urine and blood samples for drug synthetic narcotics, opiates, stimulants, steroids, anti-inflammatories, depressants, muscle relaxants, tranquilizers and anti-biotics;

(e) Confirmation procedures utilizing gas chromatography-mass spectrometry (GC/MS) or other alternative computer aided instrument method of appropriate methodology;

(f) One year of experience as a testing laboratory for another racing jurisdiction in North America utilizing the testing methodologies in pars. (d) and (e);

(g) One member of the laboratory personnel shall be a registered member of the association of official racing chemists (AORC), who shall attend the annual meeting of the AORC at the laboratory's expense;

(h) No laboratory staff, officer, director or holder of 25% or more of the ownership interest in the laboratory shall have a financial interest, either directly or indirectly, in racing greyhounds, any entity licensed by the commission, the racing industry, or any other conflict of interest, including those contained in s. 562.025, Stats.

(2) PROCEDURES. The commission shall select a laboratory pursuant to a request for proposal or request for bid issued pursuant to the procedures set forth in the department of administration's procurement manual as required by subch. IV of ch. 16, Stats. No laboratory shall be selected which does not meet all requirements of the request for proposal or request for bid.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90.