

Chapter Game 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.

Note: Chapter WGC 14 was renumbered chapter Game 14 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register November 2003 No. 575.

Game 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.

Game 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.

(3) "Test sample" means any substance obtained from a racing animal for the purpose of submission to the testing laboratory for determining compliance with ch. Game 14. These substances include but are not limited to: urine, blood, feces, saliva, and hair.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; CR 03-070: cr. (3) Register November 2003 No. 575, eff. 12-1-03.

Game 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 section. Notwithstanding any of the foregoing, if the testing laboratory selected pursuant to s. Game 14.23 detects the following substances at or below the levels indicated, the laboratory shall not report the results as a positive finding which indicates the presence of a foreign substance:

(1) Procaine and its metabolites in an amount less than or equal to 5.0 micrograms per milliliter.

(2) Sulfa drugs and their metabolites in an amount less than or equal to 100 micrograms per milliliter.

(3) Polyethylene glycol and fenbendazole, if the laboratory determines, in its sole discretion, that the amount detected is insufficient to interfere with the laboratory's ability to detect the presence of other medications or foreign substances.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; CR 03-070: am. Register November 2003 No. 575, eff. 12-1-03.

Game 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.

Game 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.

Game 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. Game 14.02 or 14.03;

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

Game 14.07 Prescription items. No person except a veterinarian shall have in the person's possession within the kennel compound any prescription drug as defined in s. 450.01 (20), Stats., unless prior written authorization is obtained and the prescription drug is in its original pharmacy container with a prescription label affixed to it.

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; CR 03-070: am. Register November 2003 No. 575, eff. 12-1-03.

Game 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 seek-

ing 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., Register November 2003 No. 575.

Game 14.09 Possession of needles and injectable prohibited. (1) Except as provided in s. Game 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. Game 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.

(3) Dosage syringes manufactured for the exclusive purpose of providing oral administration of medications shall be permitted to be possessed by persons other than a veterinarian if prior approval is obtained from the division's veterinarian. This provision does not permit hypodermic syringes that have been modified to prevent the attachment of a needle to qualify. All dosage syringes shall be identified on the medication list provided to the division's veterinarian.

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; CR 03-070: cr. (3) Register November 2003 No. 575, eff. 12-1-03.

Game 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 evidence 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.

Game 14.11 Test samples. (1) At least one animal from every race selected at the discretion of the stewards or division veterinarian, shall have taken from it test samples. In determining which animals to test, the stewards or division 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 division.

(3) Test samples shall be taken under the supervision of the division veterinarian by persons appointed by the division. Dur-

ing 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 division veterinarian or those under the division 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 division veterinarian for the purpose of collecting test samples for any tests required by the division. The building, location, arrangement, furnishings and facilities, including refrigeration and hot and cold running water, shall be approved by the division.

(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 division veterinarian, the division of stewards, or the authorized representatives of the division 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 division for all pre-race and post-race testing costs incurred that are not allocated through the division'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; CR 03-070: am. (5) Register November 2003 No. 575, eff. 12-1-03.

Game 14.12 Referee samples. (1) A referee sample shall be provided when sufficient volume is available for additional confirmation testing and retention of a portion of the sample as required by sub. (3) at the request of the owner, trainer or other person charged with a violation of these rules. The referee sample may not be tested by the division laboratory.

(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 division 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 provided, a portion of that test sample shall be preserved by the division laboratory in case further testing is requested. If the division laboratory determines there is insufficient sample to conduct the requested confirmation testing and retain a portion by the division laboratory for additional testing, a referee sample shall not be provided.

(4) The laboratory conducting the testing of the referee sample shall provide the results of the testing to the division.

(5) For a laboratory to be eligible to conduct testing of a referee sample, one member of the laboratory personnel shall be a registered member of the Association of Official Racing Chemists.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; CR 03-070: am. (1) and (3), cr. (4) and (5) Register November 2003 No. 575, eff. 12-1-03.

Game 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 administrator.

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

Game 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.

Game 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 division. 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 final determination. The stewards shall proceed to conduct an inquiry or the division shall conduct an inquiry or hearing.

(2) If the report of a laboratory is not contested or if the stewards or the division 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 division 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 division rules.

(4) Failure by the kennel owner or owner of an animal to return previously distributed purse monies as ordered by the stewards or division shall result in a suspension of the kennel or greyhound owner's license until such monies are returned.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; **CR 03-070: am. (1), cr. (4) Register November 2003 No. 575, eff. 12-1-03.**

Game 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 division approves their disposal.

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

Game 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 division 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.

Game 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. Game 14.17.

(2) As used in this rule, "prima facie evidence" means that the division 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.

Game 14.19 Penalties. (1) When imposing penalties for a violation of s. Game 14.03, 14.04, or 14.05 the stewards and the division 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. Game 14.16 the stewards and the division 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.

Game 14.20 Veterinary requirements. (1) All veterinarians licensed by the division 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 division or its representative.

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

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

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; **CR 03-070: am. (4) Register November 2003 No. 575, eff. 12-1-03.**

Game 14.21 Postmortems. (1) The kennel owner or trainer shall immediately inform the division veterinarian of any animal in the kennel owner or trainer's care that expires or is euthanized. 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 division shall undergo, unless other-

wise determined by the division veterinarian, a post-mortem examination at a time and place acceptable to the division veterinarian to determine the injury or sickness which resulted in euthanasia or natural death.

(2) The post-mortem examination required under this rule shall be conducted by the Wisconsin animal health laboratory, University of Wisconsin – Madison school of veterinary medicine, or another entity designated by the division.

(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 division 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 division veterinarian, or with the division if the race meeting has ended, within 72 hours of the death submitted on a form supplied by the division.

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

(6) The trainer of a greyhound required under sub. (1) to have a post-mortem examination conducted shall be required to deliver the greyhound to the division's veterinarian.

(7) The division shall be responsible for any transportation costs associated with the delivery of the deceased greyhound from the division veterinarian's office to the laboratory for post-mortem examination.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; CR 03-070: am. (1) and (2), cr. (6) and (7) Register November 2003 No 575, eff. 12-1-03.

Game 14.22 Division veterinarian. (1) The division shall employ a veterinarian licensed to practice in the state of Wisconsin at each race meeting.

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

(3) The division'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 division veterinarian shall observe each greyhound as it enters the lock-out kennel, inspect the greyhound if deemed necessary when entering the paddock prior to the race, and recommend to the stewards that any greyhound deemed unsafe to race or physically unfit to produce a satisfactory effort in a race be scratched.

(6) The division 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 division veterinarian. The entry of any greyhound on the veterinarian's list may be accepted only after receiving written authorization by the division veterinarian removing the greyhound from the list.

(7) The division veterinarian shall have full access to each kennel on the association's premises. The division veterinarian 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 division veterinarian and reported to the stewards.

History: Cr. Register, March, 1990, No. 411, eff. 4-1-90; CR 03-070: am. (5), r. (8) Register November 2003 No. 575, eff. 12-1-03.

Game 14.23 Testing laboratory. (1) QUALIFICATIONS.

Any laboratory selected to perform testing services for the division shall, at a minimum, meet all requirements established by the division 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 division 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 division 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 Immunoassay (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 antibiotics;

(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, administrator, or holder of any ownership interest in the laboratory shall have a financial interest, either directly or indirectly, in racing greyhounds, any entity licensed by the division, the racing industry, or any other conflict of interest, including those contained in s. 562.025, Stats.

(2) PROCEDURES. The division 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.

History: Cr. Register, July, 1990, No. 415, eff. 8-1-90; CR 03-070: am. (1) (h) and (2) Register November 2003 No. 575, eff. 12-1-03.

Game 14.24 Medication list. (1) All kennels shall maintain a listing of all chemical substances, medications, vitamins, and nutritional supplements present in the kennel for the purpose of ingestion or absorption by racing greyhounds.

(2) Medication lists shall be prominently displayed in the kennel building.

(3) Medication lists shall be subject to review and approval by the division. The division may deny approval of any item on the medication list if the item poses a risk to the health, safety or welfare of a greyhound or human; possession or administration of the item is prohibited by state or federal law; or the item has not been approved for use in dogs by the Food and Drug Administration or United States Department of Agriculture unless a prescription for the secondary use of the item is issued by a licensed veterinarian. Items denied by the division for placement on the medication list shall be prohibited in the kennel compound.

History: CR 03-070: cr. Register November 2003 No. 575, eff. 12-1-03.