



February 17, 2006

**ENGROSSED
SENATE BILL No. 86**

DIGEST OF SB 86 (Updated February 16, 2006 11:22 am - DI 14)

Citations Affected: IC 4-31.

Synopsis: Medication of horses in pari-mutuel events. Eliminates statutory provisions permitting race horses to race while being treated with certain medications. Requires the horse racing commission to consider model rules approved by the Association of Racing Commissioners International before adopting rules permitting the use of any medication. Repeals the definition of "test level". Repeals a provision concerning restrictions on race horses that are known to have bled from their nostrils.

Effective: July 1, 2006.

Jackman, Nugent

(HOUSE SPONSORS — MESSER, GUTWEIN, ROBERTSON)

January 9, 2006, read first time and referred to Committee on Agriculture and Small Business.
January 26, 2006, reported favorably — Do Pass.
January 30, 2006, read second time, ordered engrossed. Engrossed.
January 31, 2006, returned to second reading; reread second time.
February 1, 2006, read third time, amended, ordered engrossed.
February 2, 2006, re-engrossed, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 7, 2006, read first time and referred to Committee on Public Policy and Veterans Affairs.
February 16, 2006, reported — Do Pass.

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ES 86—LS 6254/DI 92+



February 17, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

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ENGROSSED SENATE BILL No. 86

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-31-12-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) ~~As used in this~~
 3 ~~section, "confirmed bleeder" means a horse that:~~
 4 (1) ~~is examined by or in the presence of a regulatory veterinarian;~~
 5 (2) ~~during the examination demonstrates visible external evidence~~
 6 ~~of exercise-induced pulmonary hemorrhage or existence of~~
 7 ~~hemorrhage in the trachea after exercise upon endoscopic~~
 8 ~~examination; and~~
 9 (3) ~~is certified in writing as a confirmed bleeder by a commission~~
 10 ~~veterinarian and entered on the bleeder list by that veterinarian.~~
 11 ~~A copy of the written certification under subdivision (3) shall be issued~~
 12 ~~to the owner of the horse or the owner's agent upon request.~~
 13 (b) (a) ~~Except for phenylbutazone and furosemide, no as permitted~~
 14 ~~by the rules of the commission, a horse participating in a race shall~~
 15 ~~may not carry in its body any foreign substance. Phenylbutazone is~~
 16 ~~permitted at a test level not to exceed five (5) micrograms per milliliter~~
 17 ~~of blood. Furosemide is permitted for confirmed bleeders. Horses~~

ES 86—LS 6254/DI 92+



1 qualified for furosemide must be treated at least four (4) hours before
2 post time. Furosemide shall be administered at an intravenous dose
3 level not to exceed two hundred fifty (250) milligrams.

4 (c) (b) The commission shall adopt the rules the commission
5 considers necessary to implement this section. **Before adopting a rule**
6 **with regard to permitting the use of any medication, the**
7 **commission shall consider the model rules approved by the**
8 **Association of Racing Commissioners International.**

9 (d) (c) In order to inform the racetrack patrons of those horses
10 running with medication, the permit holder shall indicate in the racing
11 program a horse that is racing with ~~phenylbutazone, furosemide, or~~
12 ~~both:~~ **a medication permitted by the rules of the commission.**

13 SECTION 2. IC 4-31-12-8 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this
15 section, "milkshake or bicarbonate loading" means a bicarbonate or
16 alkaline substance, administered to a horse by any possible means, that
17 elevates the horse's bicarbonate level or pH level above those existing
18 naturally in the untreated horse at normal physiological concentrations
19 as determined by the commission.

20 (b) A finding by the chemist or an authorized commission employee
21 that a milkshake or bicarbonate loading or a foreign substance, other
22 than ~~the amount of phenylbutazone or furosemide as a medication~~
23 ~~permitted by section 2 of this chapter and~~ the rules of the commission,
24 is present in the test sample shall be considered:

- 25 (1) a positive test and a violation of section 2 of this chapter; and
- 26 (2) prima facie evidence that:
 - 27 (A) the milkshake or bicarbonate loading or foreign substance
 - 28 was administered and carried or attempted to be carried in the
 - 29 body of the horse while participating in a race; and
 - 30 (B) the trainer and the trainer's agents responsible for the care
 - 31 and custody of the horse have been negligent in the handling
 - 32 or care of the horse.

33 (c) The commission may establish the concentration level that is an
34 unacceptable concentration level for substances that it considers
35 necessary for the detection of a milkshake or bicarbonate loading under
36 this section.

37 SECTION 3. THE FOLLOWING ARE REPEALED [EFFECTIVE
38 JULY 1, 2006]: IC 4-31-2-22; IC 4-31-12-9.

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SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 86.

JACKMAN

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill No. 86, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 86 as introduced.)

NUGENT, Chairperson

Committee Vote: Yeas 6, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 86, which is eligible for third reading, be returned to second reading for purposes of amendment.

JACKMAN

SENATE MOTION

Madam President: I move that Senate Bill 86 be amended to read as follows:

Page 2, line 5, after "." insert "**Before adopting a rule with regard to permitting the use of any medication, the commission shall consider the model rules approved by the Association of Racing Commissioners International.**"

(Reference is to SB 86 as printed January 27, 2006.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Senate Bill 86, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STUTZMAN, Chair

Committee Vote: yeas 7, nays 0.

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