

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 813 TESTING HORSES AND PULLING TEAMS FOR DRUGS AT STATE FUNDED EVENTS

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R 285.813.1 Definitions.

Rule 1. As used in these rules:

(a) "Drug" means any of the following:

(i) A substance recognized or for which the standards or specifications are prescribed in the official compendium consisting of the United States pharmacopoeia, homeopathic pharmacopoeia, of the United States or national formulary and supplements in effect on the effective date of these rules.

(ii) A substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals.

(iii) A substance, other than food, intended to affect the structure or any function of the body of man or other animals.

(b) "Department" means the department of agriculture.

(c) "Director" means the director of the department or his or her designee.

(d) "Fair" means all agricultural fairs and expositions which hold harness horse races or pulling contests and receive state funding for purses or premiums.

(e) "Horses" mean all members of the family equidae.

(f) "Official sample" means a collection of blood, hair, urine, saliva, or tissue obtained from a horse.

(g) "Racing commissioner" means the official created by the Racing Law under Section 4 of 1995 PA 279, MCL 431.304.

History: 1979 AC; 2006 AACs.

R 285.813.2 Drugs; illegal use.

Rule 2. Unless authorized by the racing commissioner by rule or written order, a person shall not administer internally or externally a drug that could affect or alter the normal performance of a horse in a horse race or pulling event where state funds are used for any portion of the purse or premiums.

History: 1979 AC; 2006 AACs.

R 285.813.3 Collection of official samples.

Rule 3. (1) Official samples may be obtained by the director of agriculture or his or her designee from any horse entered in a state-funded race or pulling event. The director or his or her designee may request the fair association or event organizer to furnish necessary help to obtain official samples. Failure to provide sufficient help when requested shall result in forfeiture of all rights to state aid to the fair or event for these contests. The owner, trainer, groom, or other responsible representative of the owner shall be present when an official sample is taken from the horse and shall remain until the sample is sealed in his or her presence. The official sample tag attached to the specimen shall be signed by the owner, trainer, groom, or other representative as witness of the taking of the specimen. Refusal or failure to sign the sample tag shall not affect the validity of the specimen.

(2) Willful failure to be present at or refusal to allow the taking of a specimen, or any act or threat to impede, prevent, or otherwise interfere with the taking of the official sample, shall be a violation of this rule. The official sample shall be analyzed in the laboratories of the Michigan department of agriculture or a laboratory designated by the director.

(3) The director or director's designee may require a preliminary breath test (PBT) from any driver, jockey, teamster, or starting gate operator for the races and pulling events described in these rules. If the results of the PBT show a reading of 0.05% of alcohol or above, then the driver, jockey, teamster, or starting gate operator shall not participate in that day's races or pulling events.

(4) Each fair shall comply with and assist in the enforcement of these rules and provide proper facilities and lighting as may be required by the department to perform the requirements of this rule.

History: 1979 AC; 2006 AACS.

R 285.813.4 Stimulants and Depressants.

Rule 4. Electrical, mechanical, or other devices shall not be used for stimulating or depressing a horse or affecting its speed or ability in a horse race or pulling event, nor shall a person have such a device in his or her possession, where state funds are used for any portion of the purse or premium offered. However, an ordinary whip with spur may be used in a horse race.

History: 1979 AC; 2006 AACS.

R 285.813.5 Hearings.

Rule 5. (1) If a provision of these rules or any other rules or state law related to a horse race or pulling event is violated, then the director shall notify the horse's owner of the violation and shall hold a hearing within 14 days from the date that the violation is reported to the director or shall refer the matter to the State Office of Administrative Hearings and Rules.

(2) For hearings conducted by the director, from testimony taken, the director shall render a decision on the penalty imposed and/or the eligibility of the owner, his or her representative, and the horse, or any of them, to participate in state-funded horse races or pulling events or in any future state, county, district, or community fair horse race or pulling event.

(3) The director or an administrative law examiner representing the State Office of Administrative Hearings and Rules may impose any of the following penalties:

- (a) Return to the department any purse or premium awarded in the horse race or pulling event.
- (b) A penalty or fine pursuant to section 30 and section 31 of 1995 PA 279, MCL 431.330 and 431.331.
- (c) The owner and the horse may be prohibited from participating in horse races or pulling events at fairs for up to 1 year from the date of notification of the first violation.
- (d) For second or additional violations, the owner and the horse may be prohibited from participating in horse races or pulling event indefinitely.

History: 1979 AC; 2006 AACS.