

SOUTH DAKOTA COMMISSION ON GAMING
Notice of Public Hearing to Adopt Rules

A public hearing will be held at the City Hall, 102 Sherman Street, Deadwood, South Dakota, on Tuesday, June 17, 2025, at 9:00 a.m., MT, to consider the adoption and amendment of proposed rules numbered:

HORSE RACING RULES: 20:04:27:12.; 20:04:27:14.

- (1) Proposed rule amendment: ARSD 20:04:27:12. Penalty for use of illegal substances.

This amendment incorporates the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommend Penalties as applied to authorized drugs. It is not anticipated that this change will increase or decrease the current violation volume.

- (2) Proposed rule amendment: 20:04:27:14. Restrictions on use of authorized drugs.

This amendment incorporates the most recent version of the Association of Racing Commissioners International Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties as applied to authorized drugs. It is not anticipated that this change will increase or decrease the current violation volume.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may appear in-person at the hearing, or mail or e-mail them to South Dakota Commission on Gaming, 120 Industrial Drive, Suite 1, Spearfish, South Dakota, 57783 and mark.heltzel@state.sd.us. The deadline to submit any such written comments for consideration by the South Dakota Commission on Gaming is seventy-two hours before the date of the public hearing. After the written comment period, the South Dakota Commission on Gaming will consider all written and oral comments it receives on the proposed rules. The South Dakota Commission on Gaming may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact South Dakota Commission on Gaming at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling 605-578-3074.

The text of the above-proposed rules are available on the South Dakota Administrative Rules website at: <http://rules.sd.gov/>. Copies of the proposed rules may be obtained without charge from:

South Dakota Commission on Gaming
120 Industrial Drive, Suite 1
Spearfish, South Dakota 57783
Telephone: (605) 578-3074

Published at the approximate cost of \$_____.

20:04:27:12. Penalty for medication violations. If a urine, saliva, or blood specimen taken under the supervision of the commission veterinarian from a horse entered in a race, is analyzed by the official chemist and indicates the presence of a drug, chemical, medicine, analgesic, or injectable, which is not specifically authorized by these rules or is authorized but detected at a threshold in excess of the thresholds stated in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020, or the Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version ~~18-019.0~~ dated ~~March, 2024~~ May, 2025, any of the following penalties may be imposed:

- (1) The purse for the race is redistributed;
- (2) A track record established by the horse in the race is declared void;
- (3) The trainer of the horse is fined up to five hundred dollars, is suspended, has the trainer's license revoked, or any combination of these penalties;
- (4) A horse which has had a positive test for an illegal substance or an illegal amount of substance may be suspended from racing for a period equal to any suspension given to the horse's trainer or owner-trainer for the same incident; and
- (5) In a claiming race, if a claimed horse has a positive test, the stewards at their discretion may void the claim.

Each time a trainer or an owner-trainer has been fined or suspended in South Dakota or any other racing jurisdiction for violation of rules prohibiting the use of illegal substances or regulating the use of controlled therapeutic medications constitutes an offense.

Each time a trainer or an owner-trainer has been fined or suspended in South Dakota or any other racing jurisdiction for violation of rules prohibiting the use of illegal substances or regulating the use of controlled therapeutic medications constitutes an offense.

Source: 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; 7 SDR 70, effective January 27, 1981; 8 SDR 94, effective February 14, 1982; transferred from § 20:04:05:20, 9 SDR 122, effective March 31, 1983; 11 SDR 177, effective July 2, 1985; 12 SDR 108, effective January 8, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 17 SDR 113, effective February 5, 1991; 23 SDR 126, effective February 13, 1997; 33 SDR 63, effective October 18, 2006; 38 SDR 101, effective December 5, 2011; 43 SDR 150, effective June 1, 2017; 49 SDR 9, effective August 9, 2022; 50 SDR 15, effective August 13, 2023.

General Authority: SDCL 42-7-56(4)(13), 42-7-96.

Law Implemented: SDCL 42-7-67, 42-7-96.

Reference: Association of Racing Commissioners International (ARCI), **ARCI Controlled Therapeutic Medication Schedule for Horses Version 4.2.1** dated December, 2020, and **Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version ~~18.0~~19.0** dated ~~March, 2024~~ May, 2025. Copies of both documents may be obtained from the ARCI website at www.arci.com free of charge.

20:04:27:14. Restrictions on use of authorized medications. Therapeutic medications authorized by the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020, and the Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version ~~18.0~~ 19.0 dated ~~March, 2024~~ May, 2025, may only be used under the following conditions:

- (1) Only a licensed veterinarian may administer a medication in injectable form;
- (2) A trainer may administer a medication other than with an injection if a veterinarian licensed by this state or another racing jurisdiction has prescribed or approved the use of the medication;
- (3) Medications, except furosemide and phenylbutazone, may not be administered to a horse on the day the horse is scheduled to run;
- (4) A veterinarian administering furosemide shall submit a written report to the commission veterinarian or the state steward on forms provided by the commission. The use of furosemide or phenylbutazone must be declared at the time of entry. Failure to submit the report may subject the veterinarian and the trainer of the horse involved to disciplinary actions by the stewards or the commission;
- (5) A horse may be tested if it is noted on the veterinarian list as using an authorized medication but is suspected to be racing without that medication. If a urine or blood sample from the horse fails to disclose the presence of furosemide or phenylbutazone, the horse and its trainer may be subject to disciplinary actions by the stewards or the commission;
- (6) For a horse being shipped into a licensed track in this state, a report from a licensed veterinarian of another racing jurisdiction certifying that the horse has been treated with an authorized medication in accordance with the provisions of this section may be accepted by the

stewards. The report must be filed with the presiding steward or the commission veterinarian before 10:00 a.m. on the day of the race; and

(7) Notice of use of furosemide or phenylbutazone must be given to the public.

Source: 4 SDR 85, effective June 15, 1978; 5 SDR 87, effective April 15, 1979; 6 SDR 77, effective February 3, 1980; transferred from § 20:04:05:37, 9 SDR 122, effective March 31, 1983; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 16 SDR 129, effective February 4, 1990; 17 SDR 113, effective February 5, 1991; 21 SDR 98, effective November 30, 1994; 37 SDR 70, effective October 20, 2010; 43 SDR 150, effective June 1, 2017; 49 SDR 9, effective August 9, 2022; 50 SDR 15, effective August 13, 2023; 51 SDR 16, effective August 18, 2024.

General Authority: SDCL 42-7-56(4).

Law Implemented: SDCL 42-7-47.

Reference: Association of Racing Commissioners International (ARCI), ARCI Controlled Therapeutic Medication Schedule for Horses Version 4.2.1 dated December, 2020 and Uniform Clarification Guidelines for Foreign Substances and Recommended Penalties Model Rule Version ~~18.019.0~~ dated ~~March, 2024~~ May, 2025. Copies of both documents may be obtained from the ARCI website at www.arci.com free of charge.