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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 8. SPECIAL BUSINESS REGULATIONS [18400 - 22949.92.2]** ( *Division 8 added by Stats. 1941, Ch. 44. )*

**CHAPTER 4. Horse Racing [19400 - 19668]** ( *Chapter 4 repealed and added by Stats. 1959, Ch. 1828. )*

**ARTICLE 8.5. Equine Medication [19580 - 19585]** ( *Article 8.5 added by Stats. 1991, Ch. 401, Sec. 1. )*

**19580.** (a) The board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state. Those policies, guidelines, and penalties shall include, at a minimum, the provisions set forth in this article.

(b) It is the intent of the Legislature that the board, in its testing efforts to determine illegal or excessive use of substances, recognize the greater importance of conducting complete and thorough testing of a lesser number of samples in preference to conducting less thorough testing on a greater number of samples.

(Amended by Stats. 2000, Ch. 1082, Sec. 77. Effective January 1, 2001.)

**19581.** No substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. The board may require that the official veterinarian approve, in writing, the administration of those substances in accordance with the regulations of the board. Any medication or equipment used to dispense medication that is located within the inclosure is subject to search and inspection at the request of any board official.

(Amended by Stats. 2000, Ch. 1082, Sec. 78. Effective January 1, 2001.)

**19582.** (a) (1) Violations of Section 19581, as determined by the board, are punishable as set forth in regulations adopted by the board.

(2) The board may classify violations of Section 19581 based upon each class of prohibited drug substances, prior violations within the previous three years, and prior violations within the violator's lifetime.

(3) (A) The board may provide for the suspension of a license for not more than three years, except as provided in subdivision (b), or a monetary penalty of not more than one hundred thousand dollars (\$100,000), or both, and disqualification from purses, for a violation of Section 19581.

(B) The actual amount of the monetary penalty imposed pursuant to this paragraph shall be determined only after due consideration has been given to all the facts, circumstances, acts, and intent of the licensee, and shall not be solely based on the trainer-insurer rule, as established in Sections 1843 and 1887 of Title 4 of the California Code of Regulations.

(4) The punishment for second and subsequent violations of Section 19581 shall be greater than the punishment for a first violation of Section 19581 with respect to each class of prohibited drug substances, unless the administrative law judge, in findings of fact and conclusions of law filed with the board, concludes that a deviation from this general rule is justified.

(b) (1) A third violation of Section 19581 during the lifetime of the licensee, determined by the board to be at a class I or class II level, may result in the permanent revocation of the person's license.

(2) The administrative law judge shall, after consideration of the circumstances surrounding a violation specified in paragraph (1), file a decision with the board that includes findings of fact and conclusions of law.

(c) Any person whose license is suspended or revoked pursuant to this section shall not be entitled to receive any material benefit or remuneration in any capacity or from any business activity permitted or allowed by the license during any period of its suspension or revocation.

(d) The penalties provided by this section are in addition to any other civil, criminal, and administrative penalties or sanctions provided by law, and do not supplant, but are cumulative to, other penalties or sanctions.

*(Amended by Stats. 2007, Ch. 155, Sec. 1. Effective January 1, 2008.)*

**19582.5.** The board may adopt regulations that prohibit the entry in a race of a horse that tests positive for a drug substance in violation of Section 19581. Upon a finding of a prohibited drug substance in an official test sample, a horse may be summarily disqualified from the race in connection with which the drug sample was taken. Upon the disqualification of a horse pursuant to these regulations, any purse, prize, award, or record for that race shall be forfeited. However, the board, including its hearing officers and stewards, shall have the authority to order, in the interests of justice, that a jockey be permitted to keep his or her share of the purse, prize, or award for that race upon a finding that a person, other than the jockey, willfully, and with flagrant disregard for recommended veterinary practice and the regulations of the board, administered the prohibited substance. Such an order may provide that the jockey's share of the purse, prize, or award shall be paid by the person or persons determined to be responsible for willfully administering the prohibited substance.

*(Amended by Stats. 2005, Ch. 329, Sec. 3. Effective January 1, 2006.)*

**19583.** Every veterinarian who treats a horse within the inclosure shall, in writing, on a form prescribed by the board, report to the official veterinarian in a manner prescribed by him or her, the name of the horse treated, the name of the trainer of the horse, the time of treatment, any medication administered to the horse, and any other information requested by the official veterinarian.

*(Added by Stats. 1994, Ch. 881, Sec. 2. Effective January 1, 1995.)*

**19583.5.** (a) Horses that are unsound or lame are subject to immediate placement on the Veterinarian's List with criteria for removal that may include diagnostic imaging, examination of blood, and counsel with attending veterinarians.

(b) A horse placed on the Veterinarian's List for being unsound or lame shall not workout for seven days after being placed on the list without the permission of the official veterinarian.

(c) The official veterinarian shall require any horse placed on the Veterinarian's List to undergo a veterinary examination that may include diagnostic imaging before resuming training at any facility under the jurisdiction of the board.

(d) A horse placed on the Veterinarian's List as unsound or lame shall be removed from the list only after having established or demonstrated to the satisfaction of the official veterinarian that the horse is then raceably sound and in fit physical condition to exert its best effort in a race.

(e) (1) A horse placed on the Veterinarian's List as unsound or lame for the first time within a 365-day period shall stay on the Veterinarian's List for a minimum of 15 days before the horse is eligible to be removed from the list.

(2) A horse placed on the Veterinarian's List as unsound or lame for the second time in 365 days shall stay on the Veterinarian's List for a minimum of 45 days before the horse is eligible to be removed from the list.

(3) A horse placed on the Veterinarian's List as unsound or lame for the third time in 365 days shall stay on the Veterinarian's List for a minimum of 75 days before the horse is eligible to be removed from the list.

(4) A horse placed on the Veterinarian's List as unsound or lame for the fourth time in 365 days shall stay on the Veterinarian's List for a minimum of 180 days before the horse is eligible to be removed from the list.

(f) The board may adopt rules and regulations to carry out the purposes of this section.

(g) As used in this section, "workout" means an exercise session near full speed, or close to full speed.

*(Added by Stats. 2020, Ch. 251, Sec. 3. (AB 1974) Effective January 1, 2021.)*

**19583.7.** In addition to any criteria set forth by a racing association, a thoroughbred or quarter horse that is four years of age or older that has not competed in a race or has previously raced but has not raced in the preceding 365 days shall not be allowed to race, unless the horse has passed an examination and a postwork official blood test or tests required by the official veterinarian or the equine medical director, administered by the official veterinarian or the equine medical director's designee. The horse shall race within 30 days after meeting these requirements. A thoroughbred or quarter horse that has not raced within 120 days but has raced within 365 days shall have an examination performed by the official veterinarian or the equine medical director's designee within 14 days before entry. Based upon that examination, the official veterinarian or the equine medical director's designee may require the horse to work before being allowed to enter in a race. If the horse is required to work, it shall meet the same requirements as a horse that is working to be taken off the Official Veterinarian's List, as specified in Section 19583.5 or any regulation adopted by the board pursuant to that section.

*(Added by Stats. 2020, Ch. 251, Sec. 4. (AB 1974) Effective January 1, 2021.)*

**19583.9.** (a) All horses at a licensed thoroughbred, fair, or quarter horse race meet shall be subject to veterinary monitoring during morning training. A licensed trainer and their staff shall be required to cooperate fully with all requests made by board-licensed veterinarians and outriders. All examining veterinarians at a race meet conducting live racing shall be under the direct supervision of the official veterinarian or the equine medical director.

(b) A trainer shall not administer, directly or indirectly, or otherwise permit to be administered, any medication to a horse under the trainer's care that is racing or training at a board-approved racetrack, unless the medication is prescribed for that specific horse and administered strictly in accordance with board regulations.

(c) A trainer shall not apply to a horse's feet on racing day any type of topical medication designed to alleviate pain, soreness, or tenderness of a horse's feet.

(d) The use of diagnostic imaging shall be an accepted component of prerace examinations by an examining veterinarian. The official veterinarian may order the diagnostic imaging if they believe that the use is warranted. In addition, video footage may be used and maintained by the official veterinarian for the purpose of comparison when a horse is removed from the Veterinarian's List.

*(Added by Stats. 2020, Ch. 251, Sec. 5. (AB 1974) Effective January 1, 2021.)*

**19583.10.** A racing association shall provide a location within the inclosure where a horse can be observed jogging in a circle in both directions by the official veterinarian or the equine medical director's designee, if needed, as part of the prerace examination process.

*(Added by Stats. 2020, Ch. 251, Sec. 6. (AB 1974) Effective January 1, 2021.)*

**19585.** The board shall establish and maintain a whistleblower program through which an owner, trainer, jockey, or stable-area employee may call designated persons under strict confidentiality to report questionable activity or concerns relating to the health and safety of humans or horses under this chapter.

*(Added by Stats. 2020, Ch. 251, Sec. 7. (AB 1974) Effective January 1, 2021.)*