



## ADMINISTRATIVE RULES OF MONTANA

### 8.22.3201 GENERAL RULES

- (1) The board may require the licensee to set apart a building or other enclosure in a building in a location acceptable to the board containing such facilities for medication or other test of horses as may be required by the board.
- (2) All horses entered in races held under these rules may be subject to inspection by the track veterinarian at any time before or after a race. After each race whenever possible a urine and/or hair and/or post-race serum or plasma sample shall be collected from each winning horse and such other horses as may be designated by the stewards. Such samples shall be designated as official samples, and they shall be sealed in the presence of the trainer or his or her authorized representative and an official receipt signed by such person to indicate that the sample is a true and prompt sample from the horse in question shall be given.
- (3) The stewards of the meeting may require at any time that any horse be sent to the testing enclosure for the taking of such specimens of saliva, urine and/or blood as shall be directed, as well as for an examination for "sponging" and other examinations as may be directed.
- (4) The trainer or his authorized representative must be present in the testing enclosure when saliva, urine or other specimen is taken from his horse, and must remain until the sample tag attached to the specimen shall be signed by the trainer or his representative as witness to the taking of the specimen. Willful failure to be present at or refusal to allow the taking of any such specimen, or otherwise to interfere therewith, shall subject the person or persons guilty thereof, to immediate disciplinary action by the stewards of the meeting and the matter shall be referred to the board for such further action as in their discretion they may determine.
- (5) All specimens taken by or under the direction of the track veterinarian or other authorized representative of the board shall be delivered to the laboratory approved by the board for official analysis. Each specimen shall be marked by number and date and may also bear such information as may be essential to its proper analysis; but the identity of the horse from which the specimen was taken or the identity of its owner, trainer, jockey, or the stable shall not be revealed to the laboratory.
  - (a) The container of each specimen shall be sealed as soon as the specimen is placed therein, and each such seal shall bear the name of the race meet.
- (6) The official veterinarian, the board representatives, the stewards or their authorized representatives may take samples of any medicines, feeds or other materials suspected of containing substances which might affect the performance of a horse in a race which may be found in the stables or elsewhere on the premises of a licensee, or in the possession of any person on the premises of the licensee.

- (7) The trainer, groom, assistant trainer and substitute trainer having charge, custody or care of horses racing on any track under the jurisdiction of the board are obligated to protect the horses in their care against the administration of any substance which could affect the performance of a horse in a race. Failure to protect any horse may result in any penalty deemed proper by the stewards and the matter may be referred to the board.
- (8) The trainer shall be absolutely responsible for the condition of any horse he enters in a race as disclosed by any test and/or analysis conducted by an approved chemist.
- (9) Possession of any material or substance, for human or animal use, not approved by the U.S. Food and Drug Administration or use of such material or substance on a horse by external application, ingestion or injection or in any other manner is prohibited.
- (10) Any licensed veterinarian who administers or makes available for administration by external application, ingestion or injection or by any other means any material or substance to a horse stabled at a licensed race meeting during the course of the race meeting shall maintain records of all treatments and make those records available to the board or its representative upon demand.
  - (a) This rule shall not apply to water, heat or cold treatment or customary liniments or salves, provided the same be applied externally only.
- (11) Should any analysis made by any testing laboratory approved by the board, or any urine, saliva, blood or other sample taken from a horse entered in a race, before or after the race, prove positive, i.e. show the presence of any narcotic, stimulant, depressant, or any derivative or compound thereof, or any other identifiable drug or ingredient, the testing laboratory shall report the positive test in the manner described. The approved testing laboratory shall send an original and a duplicate signed copy reporting the results of such analysis and/or test the testing laboratory has conducted to the office of the board. The board secretary shall file the original and immediately mail duplicate copy to the state steward.
- (12) The state steward shall not authorize purse payment of a race until the state steward has received a report from the approved testing laboratory. If the report shows a positive test indicating the presence of a forbidden substance, the stewards will conduct a hearing. The purse shall not be released until ordered by the stewards after hearing the case.
- (13) When the stewards receive a written report from the testing laboratory that a positive urine or other test has been found, they shall at once summon the trainer, the groom or grooms, and any other employees of the trainer who may have had contact with the horse from which a positive test was obtained. The trainer, grooms and such other employees shall appear before the stewards.
- (14) After the stewards have informed the trainer of the positive test, they may request the security officer or officers to assist them to accompany the trainer to the stable and to conduct in the presence of the trainer, a thorough search of the trainer's barn, automobile, and any other vehicles which the trainer may have in the trainer's possession or under the trainer's control.
- (15) As a result of the evidence gathered, the board of stewards shall have the authority to fine and/or suspend or revoke the license of a trainer up to the limits allowed in 23-4-202, MCA. If for any reason the stewards determine the matter should be heard by the Board of Horse Racing, they have the option of imposing such sanctions as they see fit and referring the matter for further action to the Board of Horse Racing.

- (16) Any horse showing a positive test indicating the presence of a forbidden substance shall be subject to disqualification and the owner or owners shall not participate in the purse distribution and shall not receive any trophy, blanket, or other prize awarded unless so ordered by the board after hearing the case.
- (17) Any track record established by a horse showing a positive test indicating the presence of a forbidden substance shall be null and void.
- (18) Except by specific written permission of the stewards, no person other than a licensed veterinarian within the grounds of a race meet where horses are lodged or kept shall have in or upon the premises which he occupies or has the right to occupy, or in his personal property or effects, any hypodermic instrument or part of a hypodermic instrument.
- (19) Any time a positive test and/or analysis is reported by the approved testing laboratory and at any other time deemed advisable, the board, the stewards, or duly authorized representative of either may conduct a search for and seize any illegal paraphernalia, forbidden substance, or substance not approved by the U.S. Food and Drug Administration.
- (20) In regard to hair sampling, the presence of any prohibited substances that appear in a pre-race or post-race sample including, but not limited to, clenbuterol, zilpaterol, and ractopamine will constitute a violation.
- (21) If a horse is selected for hair testing and the mane is less than three inches in length, a hair sample may be collected from the tail.

**Authorizing statute(s):** 23-4-104, 23-4-202, 37-1-131, MCA

**Implementing statute(s):** 23-4-104, 23-4-202, MCA

---

**History:** Eff. 12/31/72; AMD, Eff. 5/4/74; AMD, Eff. 4/4/77; AMD, 1979 MAR p. 39, Eff. 1/26/79; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 569, Eff. 3/25/88; AMD, 1989 MAR p. 968, Eff. 7/28/89; AMD, 1990 MAR p. 1891, Eff. 10/12/90; TRANS & AMD, from Dept. of Commerce, 2002 MAR p. 1500, Eff. 5/17/02; TRANS, from 32.28.1401, 2015 MAR p. 2252, Eff. 12/25/15; AMD, 2017 MAR p. 132 Eff. 1/21/17; AMD, 2018 MAR p. 2400, Eff. 12/8/18; AMD, Notice No. 2025-89, Eff. 4/26/25.