

RULES GOVERNING THE HUMANE TREATMENT OF ANIMALS

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I. RULES GOVERNING THE ADMINISTRATION OF CERTAIN SUBSTANCES TO ANIMALS ENTERED IN PULLING CONTESTS AND COMPETITIVE EVENTS.

1. STATUTORY AUTHORITY

These rules are promulgated pursuant to 13 V.S.A., Chapter 8, section 392.

2. DEFINITIONS

In addition to those definitions set forth in 13 V.S.A. sections 351 and 391, the following words shall have the following definitions.

- a. **Drug-** Articles recognized in the official United States
 - i. Pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; (4) articles intended for use as a component of any article specified in clauses (1), (2) or (3) but does not include devices or their components, parts or accessories. This definition includes, but is not limited to, the following articles as defined:
- b) **Anabolic Steroid** – Testosterone, or a steroid hormone resembling testosterone or, any one of a large family of chemical substances comprising many hormones, vitamins, body constituents and drugs each containing the tetracyclic cyclopenta (a) phenanthrene skeleton, which stimulates the build up of the body substance through the process of assimilation of nutritive matter and its conversion into living substance.
- c) **Analgesic** - A compound, such as aspirin, that relieves pain by altering perception of noniceptive stimuli without producing anesthesia or loss of consciousness.
- d) **Anti-Inflammatory** – An agent that relieves local swelling, redness and pain caused by an injury or illness by acting on body mechanisms, without directly antagonizing the causative agent. This includes, but is not limited to, non-steroidal anti-inflammatory drugs, steroids, DMSO, antihistamines and glucocorticoids.
- e) **Antipyretic** – An agent that reduces fever.
- f) **Depressant** – An agent that depressed the circulatory, respiratory and/or central nervous system, lowering the vital tone or reducing the functional tone or activity; a sedative.

- g) **Local Anesthetic** – A compound that, when applied directly to mucous membranes or when injected about nerves, reversibly produces loss of sensation by inhibiting nerve excitation or conduction in a limited part of the body; not general or systemic.
- h) **Sedative** – An agent that produces a calming effect and reduces nervous excitement, including tranquilizers.
- i) **Stimulant** – An agent that stimulates the circulatory, respiratory, and/or central nervous system or an agent that arouses organic activity, strengthens the action of heart, increases vitality, and/or promotes a sense of well-being.

B. NORMAL PERFORMANCE:

The extent to which the particular animal entered in the competitive event or pulling competitive is capable of performing if no drug is administered.

C. SPECIMEN:

Blood, urine or saliva of an animal that is extracted for testing purposes.

D. THERAPEUTIC SUBSTANCE:

Medications approved by a veterinarian which is necessary for the treatment of an existing acute illness or injury which do not affect or alter the normal performance of the animal. Antibiotics and antiseptics are considered to be therapeutic substances.

3. DRUGS PROHIBITED

- a) No person shall administer internally or externally a drug to any animal entered in an animal pulling contest or competitive event that may affect or alter the normal performance of that animal. The drugs prohibited by this rule include, but are not limited to, anabolic steroids, analgesics, anti-inflammatories, antipyretics, depressants, local anesthetics, sedatives and stimulants.
- b) This rule prohibits a person from administering a drug that may affect or alter the normal performance of an animal entered in competition, regardless of whether the amount administered actually affects or alters the normal performance of the animal.

4. MASKING DRUGS PROHIBITED

No person shall administer internally or externally to any animal entered in a pulling contest of competitive event any drug that has a potential to interfere with drug detection procedures, including such products as furosemide, sulfa drugs, dipyrone, and benzimidazole anthelmintics.

5. SECURITY OF ANIMALS ENTERED IN COMPETITION

Owners and handlers of animals entered in pulling contests or competitive events shall be responsible for ensuring that their animals are free from any prohibited drug prior to entering the contest or event.

6. USE OF THERAPEUTIC SUBSTANCES

An animal that has received a therapeutic substance may compete if all of the following conditions exist:

- a) The therapeutic substance has no potential to interfere with laboratory tests for prohibited drugs.
- b) The therapeutic substance is given by or under the direction of a licensed veterinarian; a veterinary/client relationship as described by the American Veterinary Medical Association must exist.
- c) Accurate veterinary records detailing the name of the substance, dosage used, dates and times of administration are kept by the animal's owner.
- d) Pulling contest or competitive event officials are notified in writing that a therapeutic substance has been given as soon as possible after treatment and prior to any event the person has entered. The contest or event officials may prohibit from competition any animal treated with a therapeutic substance if such prohibition is in the best interest of the contest or event.
- e) At least 48 hours have elapsed between the last administration of the therapeutic substance and entering a pulling contest or competitive event.

7. STATEMENT OF OWNERSHIP

A signed statement of ownership in the name of the handler, including a description of the animal, shall be submitted to the superintendent before the start of a competitive event or animal pulling contest.

8. TESTING PROCEDURES

- a) The Commissioner of Agriculture, as his or her discretion, or upon request from a person or sponsor of a pulling contest or competitive event (sponsor), may take specimens for laboratory testing from any animals entered in a pulling contest or competitive event.
- b) The specimen shall be drawn by a veterinarian authorized by the Department of Agriculture to draw such specimens. The Specimen shall be drawn no later than six hours from the completion of the contest or event.
- c) A person or sponsor requesting a test shall make the request to the Commissioner in writing prior to the start of the pulling contest or competitive event.
- d) The person or sponsor requesting the test shall pay the Commissioner a fee at the completion of sampling to cover the testing costs. The veterinarian shall collect the fee for the Commissioner after the last sample is drawn. The testing fee includes materials used, laboratory fee and veterinary services.
- e) The owner or handler of the animal being tested and a representative of the sponsor may observe the testing and identification of the specimen and may sign required documents to affirm that those persons observed the taking, identification, and security of that specimen.

9. PENALTIES FOR FAILING TO COMPLY WITH TESTING PROCEDURES *

Failure of an owner or handler to submit an animal for testing on request, or to provide adequate information, or to assist in restraining the animal so that the specimen can be taken, is a violation of 13 V.S.A. Section 394, subject to the penalty provision in 13 V.S.A. Section 397.

10. NOTIFICATION OF TEST RESULTS AND HEARING

- a) The Commissioner shall notify the animal's owner and the superintendent of the contest of event of any positive test results within 14 calendar days from the date the Commissioner receives the results.
- b) The presence of a prohibited drug in the chemical analysis of the specimen shall be prima facie evidence that a drug has been administered. If the laboratory test indicates the presence of a prohibited drug, the Commissioner shall hold a hearing at which the animal's owner or a representative of the owner may appear and be heard.
- c) Based on all the evidence, the Commissioner shall issue a finding of whether the provisions of 13 V.S.A., Chapter 8, subchapter 8 and this rule have been violated.

***THE FOLLOWING STATUTE CHANGE IS EFFECTIVE JULY 1, 1994:**

Sec. 1. 13 V.S.A. Section 394 (c) (testing) is amended to read:

- d) Failure of an owner of handler to submit and animal for testing on request shall be treated under this chapter as if the presence of a drug were found in a test performed on the animal.
- e) Failure to provide adequate information or assistance in animal restraint for the Commissioner to obtain an official sample shall be a violation of this section, subject to the penalty provision of section 397 of this title

11. PENALTIES FOR STATUTORY AND RULES VIOLATIONS

Upon finding that a violation has occurred:

- a) The animal administered the prohibited drug shall be disqualified from the competition, and any award, premium, or trophy shall be forfeited; and
- b) The Commissioner may prohibit the person responsible for the violation from participating in any capacity in any pulling contest or competitive event.
- c) The Commissioner may bar any animal found to have been drugged from entering any pulling contest or competitive event regardless of ownership.
- d) The Commissioner may assess the violator an administrative penalty in an amount not to exceed \$1,000.00 per violation. The Commissioner shall utilize the provisions of 6 V.S.A. sections 16 and 17 in assessing the penalty.

12. APPEAL

Any person aggrieved by the Commissioner's finding and order or penalty may appeal to the superior court in the county in which the animal pulling contest or competitive event was held.

13. LOSS OF ELIGIBILITY FOR OUT-OF-STATE VIOLATIONS

Any person fined or convicted of administering an unlawful drug to animals entered in a competitive event or pulling contest held in another state shall be ineligible to compete in any pulling contest or competitive event in this state for a period not to exceed two years from the date of such fine or court conviction.

14. ABUSE OF ANIMALS IN PULLING CONTESTS PROHIBITED

- a) Any person found rein-whipping or otherwise whipping a horse in an animal pulling contest shall be automatically disqualified, and shall be ineligible to receive any award, premium, or trophy. The light use of reins applied to the hindquarters may be permitted on entry to the pit and while the team is making its draw. The use of reins at any other time for purposes other than guiding the animals is prohibited.
- b) Any person found face-whipping cattle in an animal pulling contest shall be automatically disqualified and ineligible to receive any award, premium or trophy.
- c) Any good stick used with cattle in an animal pulling contest shall be made of wood, shall not be taped, and shall not be more than $\frac{3}{4}$ inches in diameter.

Excessive violation of this rule is a violation of 13 V.S.A section 352 (a) (2).

15. ALCOHOL BREATH TEST; DISQUALIFICATION

A superintendent may require that contestants or other participants at an animal pulling contest or competitive event pass a breathalyzer test for alcohol. The test shall be conducted by the state police, sheriff, or local police before the contest or event occurs. Any person above a 0.10 percent concentration level shall be disqualified and barred from participation in any animal pulling contest or competitive event held on the day of the test.