

# DECLARATION OF EMERGENCY

Office of the Governor

Division of Administration

Racing Commission

The Louisiana State Racing Commission is exercising the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., adopts the following emergency rule effective September 26, 2010, and it shall remain in effect for 120 days or until this rule takes effect through the normal promulgation process, whichever comes first.

The Louisiana State Racing Commission finds that an imminent peril to the public health, safety and welfare requires adoption of a rule upon shorter notice than that provided in R.S. 49:953(A) and within five days of adoption states in writing to the governor of the state of Louisiana, the attorney general of Louisiana, the speaker of the House of Representatives, the president of the Senate, and the Department of the State Register, its reasons for the declaration of emergency, *two wit*,

1. A number of cases of equine piroplasmosis have recently been identified throughout the United States. Piroplasmosis can be caused by either *Babesia cabali* or *Theileri equi*, which are protozoan parasites. The U.S. had previously been considered free of this disease.

2. It is clear from the cases identified that the U.S. is not clear of piroplasmosis, and it continues to spread due to poor containment. There is no cure for horses testing positive for piroplasmosis. The only options for owners of horses testing positive for piroplasmosis are euthanasia, permanent quarantine, or sale to a country that will accept the diseased animal. The racing population is at particular risk because of the migratory nature of the industry and close stabling of horses at racetracks. Containment necessitates insuring and protecting the population of horses which are stabled at the racetrack from each other and from other horses entering the racetrack which may be carriers.

3. Cases of piroplasmosis have been identified in race horses traveling into and out of Louisiana racetracks licensed by the Commission.

4. Presently, numerous racing jurisdictions have instituted mandatory screening/testing for piroplasmosis. These jurisdictions include racing states of Oklahoma, Texas, New Mexico, Colorado, Florida and Iowa.

5. Horses will be migrating into Louisiana to participate in the opening of race meets which are impending and horses continue to move within the state from racetrack to racetrack.

6. Failure to institute a program of mandatory screening/testing for piroplasmosis in Louisiana poses an imminent threat to the Louisiana racehorse population and racing industry.

## Title 35

### HORSE RACING

#### Part I. General Provisions

#### Chapter 13. Health Rules

#### **§1304. ~~Coggins Test~~ Mandatory Health Screening**

A. No horse shall be allowed to race in Louisiana unless it has had a Coggins test taken within 12 months of the date of the race in question, with a negative result. Record of the negative test shall be

attached to registration papers of the horse, or such results shall be recorded on said registration papers by an employee of the commission, prior to the running of the race. The trainer of the horse is responsible for insuring that a negative Coggins test result is in the racing secretary's office as required by this rule.

B. No horse shall be allowed to enter the confines of a racetrack of any association holding a license to conduct a race meeting or race in Louisiana unless it has had an Equine Piroplasmiasis (EP) test taken within 12 months of the date of entry upon the racetrack and/or race, with a negative result for Theileria equi and Babesia caballi. Record of the negative test shall be attached to registration papers of the horse upon entry to the racetrack. The trainer of the horse is responsible for insuring that a negative Piroplasmiasis test result is in the racing secretary's office as required by this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141 and R.S. 4:142.

HISTORICAL NOTE: Promulgated by Department of Commerce, Racing Commission, LR 14:226 (April 1988).

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Executive Director