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January 5, 2026

Mr. Sam Reinhardt  
HISA Assistant General Counsel  
[Samuel.Reinhardt@hisaus.org](mailto:Samuel.Reinhardt@hisaus.org)

**Re: Comments on proposed modifications to the ADMC Rule Series 1000, 3000 and 4000**

Dear Mr. Reinhardt,

The California Veterinary Medical Association (CVMA), representing approximately 7,000 veterinarians, registered veterinary technicians, and veterinary students, appreciates the opportunity to comment on the Horseracing Integrity and Safety Authority's (HISA) proposed modifications to Rule Series 1000, 3000 and 4000 of its Anti-Doping and Medication Control (ADMC) Program. California's horse racing industry still includes approximately two dozen specially licensed veterinarians, many of whom have expressed concerns about the proposed modifications. Accordingly, we respectfully request that you consider the following comments in your revision of the proposed modifications.

**Proposed Rule 3214. Possession of a Banned Substance or a Banned Method without Compelling Justification**

The CVMA requests that proposed Rule 3214 be removed from the rulemaking package. Because of the nature of their practices, this proposed rule is unreasonably burdensome for equine veterinarians and introduces an unnecessary requirement that impedes their ability to practice veterinary medicine. The CVMA's request is based on four concerns.

First, California's horse racing industry is insufficiently robust to permit veterinarians to make a living practicing exclusively on the track. Most, if not all, of the veterinarians licensed to work on covered horses in California also practice outside of the horseracing setting on non-covered horses. Proposed Rule 3214 does not seem to recognize that these veterinarians make multiple daily visits to both covered and non-covered sites, making the removal of banned substances from their vehicles every time they enter a covered facility a functional impossibility. Simply put, there would be no way for most equine veterinarians to conduct a day's worth of appointments in such a manner.

Second, and relatedly, Rule 3214 suggests that the mere possession of a banned substance equates to veterinarian administration of that substance to a covered horse. Veterinarians hold their ethical obligations in the highest regard and are committed to ensuring that banned substances are not administered to covered horses. However, because many of those same substances are routinely utilized in veterinary practice outside of the track

environment, it is necessary for veterinarians to possess them in order to discharge their clinical responsibilities to non-covered animals, as required by state-imposed minimum standards of practice.

Third, Rule 3214 fails to define "compelling justification," thus creating a massive grey area of subjectivity in regulatory interpretation and enforcement. Without an explicit set of rules that clarify the meaning of "compelling justification," veterinarians will be placed in the unfair position of not knowing what circumstances permit them to be in possession of a banned substance. In turn, the Rule's vagueness will force veterinarians to provide their own interpretation of "compelling justification," essentially rendering the term unenforceable in a legal setting.

Finally, the CVMA contends that existing Rule 3213 (Use or Attempted Use of a Banned Substance or a Banned Method) is sufficient to deter use of banned substances on covered horses and provides an adequate enforcement mechanism should a potential violation occur.

For all of these reasons, the CVMA believes that proposed Rule 3214 is unnecessary, unfair, and untenable for equine veterinarians. We appreciate dialogue on this matter and are eager to engage HISA in exploring alternatives to this rule.

Respectfully yours,



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