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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.60                      Adopted Action:  
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: August 1, 2012
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 36 Ill. Reg. 5954 – April 20, 2012.
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: This proposed rulemaking lowers the threshold level for phenylbutazone from 5 micrograms to 2 micrograms for graded thoroughbred stakes races pursuant to TOBA's American Graded Stakes Committee drug testing protocol. Penalties for overages are consistent with the RCI model rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mickey Ezzo

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Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

(312) 814-5017

The full text of the Adopted Amendment begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603  
MEDICATION

Section

|         |  |
|---------|--|
| 603.10  | Pre-Race Saliva Tests                                    |
| 603.20  | Racing Soundness Exam                                    |
| 603.30  | Foreign Substances and Pharmaceutical Aids Banned        |
| 603.40  | Twenty-four Hour Ban                                     |
| 603.50  | Trainer Responsibility                                   |
| 603.55  | Prima Facie Evidence                                     |
| 603.60  | Permitted Use of Foreign Substances and Threshold Levels |
| 603.70  | Furosemide   |
| 603.75  | Environmental Contaminants                               |
| 603.80  | Needles, Syringes and Injectables                        |
| 603.90  | Drugs, Chemicals and Prescription Items                  |
| 603.100 | Detention Barn   |
| 603.110 | Test Samples   |
| 603.120 | Referee Samples  |
| 603.130 | Laboratory Findings and Reports                          |
| 603.140 | Distribution of Purses                                   |
| 603.150 | Post Mortems   |
| 603.160 | Penalties  |
| 603.170 | Veterinarian's Records                                   |
| 603.180 | Carbon Dioxide Tests                                     |
| 603.190 | Erythropoietin and Darbepoietin Antibody Testing Program |
| 603.200 | Out of Competition Testing                               |
| 603.210 | Androgenic - Anabolic Steroids (AAS)                     |

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at

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28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28 Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005; amended at 29 Ill. Reg. 14038, effective September 1, 2005; emergency amendment at 30 Ill. Reg. 14371, effective August 21, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 18729, effective November 20, 2006; amended at 31 Ill. Reg. 1478, effective January 1, 2007; emergency amendment at 31 Ill. Reg. 6680, effective April 23, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 12982, effective September 1, 2007; amended at 32 Ill. Reg. 7397, effective May 1, 2008; amended at 33 Ill. Reg. 12571, effective August 25, 2009; expedited correction at 34 Ill. Reg. 9551, effective August 25, 2009; emergency amendment at 35 Ill. Reg. 265, effective December 17, 2010, for a maximum of 150 days; emergency amendment at 35 Ill. Reg. 2810, effective February 1, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 7400, effective April 25, 2011; amended at 35 Ill. Reg. 8485, effective May 23, 2011; emergency amendment at 35 Ill. Reg. 15296, effective September 6, 2011, for a maximum of 150 days; emergency rule repealed by emergency amendment at 35 Ill. Reg. 18434, effective October 24, 2011, for the remainder of the 150 days; amended at 36 Ill. Reg. 330, effective January 1, 2012; emergency amendment at 36 Ill. Reg. 3290, effective February 15, 2012, for a maximum of 150 days; emergency amendment at 36 Ill. Reg. 6057, effective April 6, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 8967, effective June 1, 2012; amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 603.60 Permitted Use of Foreign Substances and Threshold Levels**

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
  - 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID, greater than the threshold level, is forbidden and will result in the purse being redistributed.
  - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign substances that now meet the criteria established in Section 603.80 are phenylbutazone (or its metabolite oxyphenylbutazone), flunixin, pyrillamine, isoxsuprine and ketoprofen.
  - 3) The threshold level of phenylbutazone shall be less than 5.0 micrograms (mcg) per milliliter (ml) of serum or plasma. The threshold level for

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oxyphenylbutazone shall be less than 5.0 mcg/ml of serum or plasma. However, the threshold levels of phenylbutazone and oxyphenylbutazone for graded thoroughbred stakes races shall be less than 2.0 micrograms per milliliter of serum or plasma.

A) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 2.0 micrograms but less than 5.0 micrograms of serum or plasma, the trainer shall be subject to a written warning.

BA) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 5.0 mcg/ml but less than 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:

- i) first offense, minimum fine of \$250;
- ii) second offense, minimum fine of \$500;
- iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.

CB) Within a 365 day period, in the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 10.0 mcg/ml of serum or plasma, the trainer shall be subject to the following penalties absent mitigating circumstances:

- i) first offense, minimum fine of \$500 and the purse shall be redistributed;
- ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
- iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.

4) The threshold level of flunixin shall be less than 20.0 ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 10.0 ng/ml

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of serum or plasma. In the event a post-race sample from a horse contains an amount of:

- A) flunixin greater than or equal to 20.0 ng/ml but less than 100.0 ng/ml or ketoprofen greater than or equal to 10.0 ng/ml but less than 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
  - i) first offense, minimum fine of \$250;
  - ii) second offense, minimum fine of \$500;
  - iii) third or subsequent offense, minimum fine of \$1,000 and a 15 day suspension.
- B) flunixin greater than or equal to 100.0 ng/ml or ketoprofen greater than or equal to 50.0 ng/ml, the trainer shall be subject to the following penalties, within a 365 day period, and absent mitigating circumstances:
  - i) first offense, minimum fine of \$500 and the purse shall be redistributed;
  - ii) second offense, minimum fine of \$1,000, a 15 day suspension and the purse shall be redistributed;
  - iii) third or subsequent offense, minimum fine of \$2,500, a 30 day suspension and the purse shall be redistributed.
- 5) If the phenylbutazone, oxyphenylbutazone, flunixin or ketoprofen overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A) and (B) and (a)(4)(A) and (B).
- 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, pyrilamine, isoxsuprine and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.

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- 7) Penalties for violations of this Section shall be based on the following criteria:
  - A) previous warnings and rulings for violations of this Section;
  - B) the age and experience of the violator;
  - C) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
  - D) what action, if any, was taken to avoid the violation;
  - E) the purse of the race.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment that do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and that can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drugs, may be present in the body of a horse participating in a race.
  - 1) Anti-Bacterials
    - Amikacin
    - Ampicillin
    - Ampicillin sodium
    - Azolsulfamide
    - Chloramphenicol
    - Doxycycline
    - Enrofloxacin (Baytril)
    - Erythromycin sulfate
    - Gentamicin sulfate
    - Kanamycin sulfate
    - Methenamine
    - Metronidazole
    - Neomycin sulfate

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Nitrofurantoin  
Oxytetracycline  
Penicillin G. Benzathine  
Penicillin G. Potassium  
Sulfadimethozine  
Sulfadimethoxine  
Sulfamethoxazole  
Sulfametranidazole  
Sulfapyridine  
Sulfathiazole  
Tetracycline  
Trimethoprim

2) Anti-Fungals

Amphotericin B  
Griseofulvin  
Neomycin Undecylenate  
Nystatin

3) Anti-Protozoals

Nitazoxanide (Navigator)  
Ponazuril (Marquis)  
Pyrimethamine (Daraprim)

4) Anti-Ulcers

Cimetidine (Tagamet)  
Omeprazole (Prilosec or GastroGard)  
Ranitidine (Zantac)

- d) This listing of anti-bacterial, anti-fungal, anti-protozoal and anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal, anti-protozoal or anti-ulcer drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines, when making



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additions to the permitted list, that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International (ARCI, 1510 Newtown Pike, Suite 210, Lexington, KY 40511; December 2011 version 3.00; this incorporation includes no later amendments or editions).

- f) Official test samples may contain the following drug substance, or its metabolites, in an amount that does not exceed the threshold level:
  - 1) The threshold level of isoxsuprine shall be less than 1,000.0 ng/ml in urine.
  - 2) The threshold level of pyrilamine shall be less than 50.0 ng/ml in urine.
- g) The provisions of this Section shall be applied retroactively when substantively applicable, including all actions pending before the Board without regard to when the cause of action accrued; provided, however, that this subsection shall not operate to affect rights of individuals that have fully vested.

(Source: Amended at 36 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)