

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3)

<u>Section Number:</u>	<u>Adopted Action:</u>
603.60	Amend
603.75	Amend
603.160	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: August 25, 2014
- 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: 38 Ill. Reg. 8783, April 25, 2014.
- 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: Oxyphenbutazone, a metabolite of phenylbutazone, is being removed from Section 603.60. There are no commercial manufacturers of oxyphenbutazone so its use by compounders to produce a product for use in horses is highly unlikely. Therefore, the need for a threshold for oxyphenbutazone no longer exists. For this reason, the ARCI removed the threshold for oxyphenbutazone from its model rules. A finding of oxyphenbutazone by itself (i.e., no detectable phenylbutazone in the blood sample) will be treated as a rule violation because such a finding would suggest that

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

oxyphenbutazone had been administered to the horse. Scientists and regulators have learned more about the pharmacokinetics of oxyphenbutazone since the original threshold was adopted. A finding of oxyphenbutazone at a concentration greater than that of phenylbutazone is an expected finding in samples collected more than 24 hours after dose administration. Therefore, findings being reported by the Board's laboratory are entirely consistent with the administration of phenylbutazone 27-32 hours before sample collection. These findings were never intended to be considered rule violations, particularly because they are indicative of compliance with the rules regarding the timing of phenylbutazone administrations.

Sections 603.60, 603.75, and 603.160 are being amended to reflect the most recent version of the ARCI drug guidelines, December 2013 version 6.00.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 5-700
Chicago, Illinois 60601

(312) 814-5017

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

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
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

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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. 12815, effective August 1, 2012; amended at 36 Ill. Reg. 17078, effective November 28, 2012; emergency amendment at 36 Ill. Reg. 17131, effective November 28, 2012, for a maximum of 150 days; amended at 37 Ill. Reg. 4993, effective April 1, 2013; emergency amendment at 38 Ill. Reg. 9121, effective April 10, 2014, for a maximum of 150 days; amended at 38 Ill. Reg. 18555, effective August 25, 2014.

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),

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

flunixin, pyrilamine, isoxsuprine and ketoprofen.

- 3) The threshold level of phenylbutazone ~~or oxyphenylbutazone~~ is 2 micrograms (mcg) per milliliter (ml) of serum or plasma. The level of phenylbutazone ~~or oxyphenylbutazone~~ shall be less than 2 mcg/ml 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 mcg/ml but less than 5 mcg/ml of serum or plasma, the trainer and any other responsible party shall be subject to the following penalties:
- i) first offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$500;
 - ii) second offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$750 and the owner shall be notified;
 - iii) third or subsequent offense within a 365 day period, minimum fine of \$500 to a maximum fine of \$1,000 and the purse shall be redistributed.
- B) In the event a post-race sample from a horse contains an amount of phenylbutazone ~~or oxyphenylbutazone~~ greater than or equal to 5 mcg/ml of serum or plasma, the trainer and any other responsible party shall be subject to the following penalties absent mitigating circumstances:
- i) first offense within a 365 day period, minimum fine of \$1,000; and the purse shall be redistributed;
 - ii) second offense within a 365 day period, minimum fine of \$1,500, a 15-day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense within a 365 day period, minimum fine of \$2,500, a 30-day suspension ~~and~~, the purse shall be redistributed and the owner shall be

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

fined a minimum of \$5,000.

C) A finding by the Board's laboratory of any amount of oxyphenbutazone in the absence of phenylbutazone shall be treated as a Class 4 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington KY 40511; January 2014 version 7.00; this incorporation includes no later amendments or editions).

4) The threshold level of flunixin shall be less than 20 ng/ml of serum or plasma and the threshold level of ketoprofen shall be less than 10 ng/ml 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 ng/ml but less than 100 ng/ml or ketoprofen greater than or equal to 10 ng/ml but less than 50 ng/ml, the trainer shall be subject to the following penalties ~~and~~ absent mitigating circumstances:

i) first offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$500;

ii) second offense within a 365 day period, minimum penalty of a written warning to a maximum fine of \$750 and the owner shall be notified;

iii) third or subsequent offense within a 365 day period, minimum fine of \$500 to a maximum fine of \$1,000 and the purse shall be redistributed.

B) flunixin greater than or equal to 100 ng/ml or ketoprofen greater than or equal to 50 ng/ml, the trainer shall be subject to the following penalties, ~~and~~ absent mitigating circumstances:

i) first offense within a 365 day period, minimum fine of \$1,000 and the purse shall be redistributed;

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- ii) second offense within a 365 day period, minimum fine of \$1,500, a 15-day suspension and the purse shall be redistributed;
 - iii) third or subsequent offense within a 365 day period, minimum fine of \$2,500, a 30-day suspension and, the purse shall be redistributed and the owner shall be fined a minimum of \$5,000.

- 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.~~

- 67) 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,

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Protozoals

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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 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; ~~January 2014 version 7.00/December 2012 version 5.00~~; 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 ng/ml in urine.
 - 2) The threshold level of O-desmethyl pyrilamine shall be less than 50 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.
- h) To help horsemen determine the test levels of substances contained in this Section, 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

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

by an affidavit indicating time, method and route of administration.

(Source: Amended at 38 Ill. Reg. _____, effective _____)

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse.

- a) Benzoyllecgonine (a metabolite of cocaine):
- 1) Each time the laboratory reports benzoyllecgonine less than ~~150.0~~150 ng/ml, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to Section 508.50.
 - 2) Laboratory reports of benzoyllecgonine, greater than or equal to ~~150.0~~150 ng/ml, shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington, KY 40511; January 2014 version 7.00~~December 2012 version 5.00~~; this incorporation includes no later amendments or editions).
- b) Dimethyl Sulfoxide (DMSO):
- The test level of DMSO, greater than or equal to 500 mcg/ml, in urine shall be considered a violation of Section 603.50 and the trainer shall receive a fine of not less than \$500 and the purse shall be redistributed.
- c) Caffeine:
- Laboratory reports of caffeine greater than or equal to 100 ng/ml in urine shall be treated as a Class 2 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington, KY 40511; January 2014 version 7.00~~December 2012 version 5.00~~; this incorporation includes no later amendments or editions).

(Source: Amended at 38 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 603.160 Penalties

- a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed.
- b) Penalties for violations of this Part shall be based on the following criteria:
 - 1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;
 - 2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;
 - 3) the age and experience of the violator;
 - 4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - 5) what action, if any, was taken by the violator to avoid the violation;
 - 6) the purse of the race.
- c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.
- d) In harness racing, any trainer suspended for a violation of this Part, shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.
 - 1) The horses on the stable list shall be placed on the Steward's List unless:
 - A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;
- 2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.
- e) Penalties for Class 4 and 5 drug violations:
 - 1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 1510 Newtown Pike, Suite 210, Lexington, KY 40511; January 2014 version 7.00~~December 2012 version 5.00~~; this incorporation includes no later amendments or editions). Except as provided in Sections 603.60 and 603.70 of this Part, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances. Except as provided in Sections 603.75 and 603.60(c) of this Part, upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).
 - 3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:
 - A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.
 - B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.
 - C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.
- E) The criteria set forth in subsection (b).
- 4) The provisions of this subsection (e) 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 (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Amended at 38 Ill. Reg. _____, effective _____)