

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
603.60	Amendment
603.210	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking updates the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances, referenced in Section 603.60(a)(3), to version 14.1, dated January 2020. Threshold levels are updated pursuant to the ARCI Controlled Therapeutic Medication Schedule version 4.2.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: Association of Racing Commissioners International (ARCI) Controlled Therapeutic Medication Schedule version 4.2.
- 7) Will this proposed rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

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- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2018

The full text of the Proposed Amendments begins on the next page.

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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].

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,

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effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 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; emergency amendment at 35 Ill. Reg. 18959, effective October 25, 2011, for a maximum of 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; amended at 39 Ill. Reg. 11492, effective August 1, 2015; amended at 40 Ill. Reg. 9208, effective July 1, 2016; amended at 41 Ill. Reg. 12866, effective October 1, 2017; amended at 42 Ill. Reg. 10424, effective June 1, 2018; amended at 43 Ill. Reg. 6684, effective May 24, 2019; amended at 44 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

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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 ~~603.60~~~~603.80~~ are cimetidine, furosemide, omeprazole sulfide, and ranitidine and ~~phenylbutazone, flunixin, ketoprofen, pyrilamine, isoxsuprine and the therapeutic medications listed in subsection (f).~~
- 3) Laboratory reports of phenylbutazone in a concentration greater than or equal to 0.32 mcg/ml in serum or plasma, flunixin in a concentration greater than or equal to 520-ng/ml in serum or plasma, and ketoprofen in a concentration greater than or equal to 2 ng/ml in serum or plasma shall be treated as Class 4 drugs, category “C” penalty, 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 ~~2020~~2019 version 14.14.0; this incorporation includes no later amendments or editions).
- 4) 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 ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- 5) The detection of one or more additional NSAIDs in blood and/or urine constitutes a stacking violation in addition to the violation associated with the detection of each additional NSAID.~~The use of multiple permitted NSAIDs shall be discontinued at least 48 hours prior to post time for the race in which the horse is entered. The presence of more than one NSAID is prohibited with the exceptions of:~~
 - A) ~~Phenylbutazone in a concentration less than 0.3 mcg/ml in serum or plasma.~~
 - B) ~~Flunixin in a concentration less than 3 ng/ml in serum or plasma.~~
 - C) ~~Ketoprofen in a concentration less than 1 ng/ml in serum or plasma.~~

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- 6) If the phenylbutazone, 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 the ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- 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, or anti-protozoal 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

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Methenamine
Metronidazole
Neomycin sulfate
Nitrofurantoin
Oxytetracycline
Penicillin G. Benzathine
Penicillin G. Potassium
Sulfadimethazine
Sulfadimethoxine
Sulfamethoxazole
Sulfametranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecyclenate
Nystatin

3) Anti-Protozoals

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

- d) This listing of anti-bacterial, anti-fungal, and anti-protozoal drugs is all inclusive and shall not include any other anti-bacterial, anti-fungal or anti-protozoal drug, except as provided in subsection (f).
- 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 ARCI Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).

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- f) Subject to the prohibition contained in Section 603.40 (24 hour ban), the use of the following therapeutic medications shall be permitted. The official test samples may contain the following therapeutic medications in concentrations less than the following threshold levels:
- 1) Acepromazine – 10 ng/ml as 2-(1-hydroxyethyl) promazine sulfoxide (HEPS) in urine.
 - 2) Albuterol – 1 ng/ml in urine.
 - 3) Betamethasone (harness racing only) – 10 pg/ml in serum or plasma.
 - 4) Butorphanol – 300 ng/ml of total butorphanol in urine.
 - 5) Cetirizine – 6 ng/ml in serum or plasma.
 - 6) Cimetidine – 400 ng/ml in serum or plasma.
 - 7) Clenbuterol – 140 pg/ml in urine in thoroughbred and quarter horse breeds; and Limit of Detection (which is not less than 10 pg/ml) in serum or plasma in the standardbred breed.
 - 8) Dantrolene – 100 pg/ml of 5-hydroxydantrolene in serum or plasma.
 - 9) Detomidine – Level of Detection for detomidine in serum or plasma.
 - 10) Dexamethasone (harness racing only) – 5 pg/ml in serum or plasma.
 - 11) Diclofenac – Level of Detection if found~~5 ng/ml in serum or plasma.~~
 - 12) Dimethyl sulfoxide (DMSO) – 10 mcg/ml in serum or plasma.
 - 13) Firocoxib – Level of Detection if found~~20 ng/ml in serum or plasma.~~
 - 14) Furosemide – 100 ng/ml in serum or plasma.
 - 15) Glycopyrrlate – 3 pg/ml in serum or plasma.
 - 16) Guaifenesin – 12 ng/ml in serum or plasma.

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- 17) Isoflupredone (harness racing only) – 100 pg/ml in serum or plasma.
 - 18) Lidocaine – 20 pg/ml of total 3-hydroxylicocaine in serum or plasma.
 - 19) Mepivacaine – 10 ng total hydroxymepivacaine/ml in urine.
 - 20) Methocarbamol – 1 ng/ml in serum or plasma.
 - 21) Methylprednisolone – 100 pg/ml in serum or plasma.
 - 22) Omeprazole sulfide – 10 ng/ml in serum or plasma.
 - 23) Prednisolone (harness racing only) – 1 ng/ml in serum or plasma.
 - 24) Procaine penicillin – 25 ng/ml of procaine in serum or plasma.
Procaine penicillin must be reported to the Board at time of administration and shall not be administered after the horse is entered to race.
 - 25) Ranitidine – 40 ng/ml in serum or plasma.
 - 26) Triamcinolone acetonide (harness racing only) – 100 pg/ml in serum or plasma.
 - 27) Xylazine – 200 pg/ml in serum or plasma.
- g) Laboratory reports of the therapeutic medications listed in subsection (f) greater than or equal to their respective threshold level shall be treated as they are defined and classified in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in subsection (a)(3)).
- h) Official test samples may contain any of the following drug substances, or their metabolites, in a concentration less than the threshold level:
- 1) Isoxsuprine - shall be less than 1,000 ng/ml in urine.
 - 2) Pyrilamine - shall be less than 50 ng/ml of O-desmethyl pyrilamine in urine.

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- i) 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.
- j) To help licensees determine the test levels of substances contained in this Section, the Board laboratory will test, at the sole expense of the licensee for the actual cost of processing the sample, all equine urine, serum or plasma samples submitted to it that are accompanied by a certification indicating time, method and route of administration.

(Source: Amended at 44 Ill. Reg. _____, effective _____)

Section 603.210 Androgenic-Anabolic Steroids (AAS)

- a) No AAS shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances nandrolone, boldenone and testosterone at concentrations less than the threshold levels indicated in subsection (b).
- b) Concentrations of these AAS shall be less than the following free (i.e., not conjugated) steroid concentrations in plasma or serum:
 - 1) Boldenone – shall be less than 25 pg/ml for all horses regardless of sex.
 - 2) Nandrolone – shall be less than 25 pg/ml for geldings, fillies and mares. Male horses other than geldings will not be tested.
 - 3) Testosterone – in fillies, mares, and geldings – shall be less than 10025 pg/ml.
- c) All other AAS are prohibited in racing horses.
- d) The sex of the horse must be identified to the laboratory on all pre-race and post-race samples.
- e) If an anabolic steroid has been administered to a horse in order to assist in the recovery from illness or injury, the horse may be placed on the Veterinarian's List in order to monitor the concentration of the drug or metabolite in serum or

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plasma. After the concentration has fallen below the designated threshold for the administered AAS, the horse is eligible to be removed from the list.

(Source: Amended at 44 Ill. Reg. _____, effective _____)