

ILLINOIS REGISTER

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ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

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

<u>Section Numbers:</u>	<u>Emergency Action:</u>
603.70	Amendment
603.90	Amendment
603.210	Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Emergency Amendment: January 26, 2011
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they are to expire: The emergency rulemaking will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date filed with the Index Department: January 26, 2011
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Illinois Racing Board's central office and is available for public inspection.
- 9) Reason for Emergency: Expand the Board's Medication rule governing anabolic steroids to include threshold levels in plasma. The Thoroughbred Owners and Breeders Association (TOBA) is responsible for grading all thoroughbred stakes races. The grading system assigns a grade (1, 2 or 3) to a stakes race based on the relative quality of the race. TOBA requires that to maintain a graded status, extensive drug testing must be performed on the racehorses participating, including the testing for anabolic steroids in plasma. There are two graded stakes in early April at Hawthorne Race Course and the proposed rulemaking needs to be put in place prior to April 1, 2011. Failure to implement TOBA's drug testing requirement may jeopardize the graded status of Hawthorne's two stakes races.
- 10) A Complete Description of the Subjects and Issues Involved: This rulemaking expands the Board's Medication rule governing anabolic steroids in racehorses, Section 603.210, to include plasma threshold levels for four anabolic steroids. Currently, only threshold levels in urine for four anabolic steroids are permitted. The proposed rulemaking also corrects typographical errors to Section 603.70(b)(1)(2). The proposed amendment to Section 603.90 adds written approval from the "Executive Director or his designee" and expands the list of prohibited substances to include Bee Venom.

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- 11) Are there any proposed amendments pending on this Part: Yes

<u>Section Numbers:</u>	<u>Action:</u>	<u>Register Citation:</u>
603.60	Amendment	35 Ill. Reg. 185; January 3, 2011
603.75	Amendment	35 Ill. Reg. 185; January 3, 2011
603.160	Amendment	35 Ill. Reg. 185; January 3, 2011

- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 13) Information and questions regarding these emergency amendments shall be directed to:

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

(312) 814-5017

The full text of the Emergency Amendments 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 ~~ca~~: GENERAL 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

**EMERGENCY**

- 603.75 Environmental Contaminants
- 603.80 Needles, Syringes and Injectables
- 603.90 Drugs, Chemicals and Prescription Items

**EMERGENCY**

- 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)

**EMERGENCY**

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

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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 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. \_\_\_\_\_, effective February 1, 2010~~, 2810, effective January 26, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 603.70 Furosemide**  
**EMERGENCY**

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome, this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.
  
- b) Eligibility for Furosemide Treatment

A horse is eligible to race with furosemide if at least one of the following occurs:

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- 1) The horse is on the Illinois Furosemide List and has complied with subsection (c~~d~~);
- 2) The horse is on the Illinois Bleeder List and has complied with subsection (d~~e~~);
- 3) The trainer provides the State Veterinarian or his or her designee with evidence that the horse is on the Furosemide List or Bleeder List in another racing jurisdiction. Acceptable evidence shall be a furosemide or bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the furosemide or bleeder certificate;
- 4) The trainer provides the State Veterinarian or his or her designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for standardbreds shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association (CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

c) Furosemide List

Furosemide shall be administered to a horse, that is entered to race, only after the State Veterinarian has placed the horse on the Furosemide List. In order for a horse to be placed on the Furosemide List, the following process shall be followed:

- 1) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall

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notify the State Veterinarian or his or her designee, using the prescribed form provided by the Board, that they wish the horse to be placed on the Furosemide List.

- 2) The form must be received by the State Veterinarian or his or her designee no later than the time of entry to ensure public notification prior to race participation.
  - 3) A horse placed on the Furosemide List must remain on that list until the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the State Veterinarian or his or her designee, on the proper form, no later than the time of entry.
  - 4) After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined, in consultation with the State Veterinarian, to be detrimental to the welfare of the horse. If a horse is removed from the Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.
- d) Bleeder List
- 1) The State Veterinarian shall maintain a Bleeder List of all horses that have demonstrated:
    - A) External evidences of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout, as observed by an official veterinarian.
    - B) Internal evidences of exercise induced pulmonary hemorrhage via endoscopy reported by a licensed practicing veterinarian on a Board approved form.
  - 2) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following time periods:
    - A) First incident – 14 days;
    - B) Second incident within a 365 day period – 30 days;

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- C) Third incident within a 365 day period – 180 days;
  - D) Fourth incident within a 365 day period – Barred from racing for its lifetime.
- 3) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled is the first day of the recovery period.
  - 4) After the expiration of the barred periods in subsections (d)(2)(A), (B) and (C), a horse must perform a workout, without bleeding, to the satisfaction of the State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
  - 5) All horses on the Bleeder List that are eligible to race shall be administered furosemide pursuant to subsection (f).
- e) Furosemide Administration
- 1) All horses on the Furosemide List must be treated with furosemide in order to be permitted to participate in a race.
  - 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes prior to the scheduled post time of the race in which a horse is entered.
  - 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 500 mg of furosemide by single intravenous injection and shall verify the administration on Board prescribed affidavits no later than one hour prior to the post time for the race for which the horse is entered.
  - 4) The trainer or his or her licensed employee shall witness the furosemide administration.
  - 5) The administration of furosemide may take place in the horse's own stall or in a centralized location.

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- 6) Failure to administer furosemide in accordance with subsection (e)(2) may result in the horse being scratched from the race by the Stewards and the trainer may be fined not less than \$200 and not more than \$500.
- f) Removal from Bleeder List
- 1) Once a horse is placed on the Bleeder List, it must continue to race with furosemide unless the removal from the list is approved by the State Veterinarian. The State Veterinarian may remove a horse from the Bleeder List upon written request of the trainer, if the horse's performance is negatively affected by the use of furosemide or if the horse has an adverse physiological reaction to furosemide.
  - 2) Once removed from the Bleeder List, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A standardbred horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the State Veterinarian approves the removal of the horse from the Bleeder List. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding, to the satisfaction of the State Veterinarian. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- g) Absence of Furosemide
- In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.
- h) Excessive Use of Furosemide
- 1) The test level for furosemide shall not be in excess of 100 nanograms (ng) per milliliter (ml) of serum or plasma.
  - 2) The first time the laboratory reports an amount of furosemide in excess of 100 nanograms, the trainer shall be fined \$250.

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- 3) The second time the laboratory reports an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$500.
  - 4) For a third or subsequent laboratory report of an amount of furosemide in excess of 100 nanograms within 365 days after the first offense, the trainer shall be fined \$1,000 and/or suspended for 15 days and the purse shall be redistributed.
  - 5) When imposing penalties, the stewards shall consider the criteria in Section 603.160(b)(3), (4), (5) and (6) of this Part.
- i) Trainer's Responsibilities for Horses on the Furosemide List
- 1) The trainer shall be responsible for:
    - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
    - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
    - C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;
    - D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
    - E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
    - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).
  - 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (i).

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- j) Veterinarian's Responsibilities
  - 1) The practicing veterinarian shall be responsible for:
    - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
    - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
  - 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (j).
- k) Security
  - 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.
  - 2) The barn area is a secure area and shall be under the supervision of the Board.
  - 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
  - 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
  - 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.

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- 1) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2810, effective January 26, 2011, for a maximum of 150 days)

**Section 603.90 Drugs, Chemicals and Prescription Items**  
**EMERGENCY**

- a) No veterinarian or any other person shall have in his or her possession or administer to any horse within any race track enclosure any chemical substance that:
  - 1) has not been approved for use on equines by the Food and Drug Administration, pursuant to the Federal Food, Drug and Cosmetic Act (21 USC 301 et seq.) and implementing regulations, without prior written approval from the State Veterinarian~~veterinarian~~ and Executive Director or his or her designee;
  - 2) is on any of the schedules of controlled substances prepared by the Attorney General of the United States pursuant to 21 USC 811 and 812, without prior written approval from the State Veterinarian and Executive Director or his or her designee; or
  - 3) the possession and/or use, on the premises of a facility under the jurisdiction of the Board, of any drug, substance or medication specified in this subsection (a)(3) for which a recognized analytical method has not been developed to detect and confirm its administration, or the use of which may endanger the health and welfare of the horse or the safety of the rider or driver.
    - A) Erythropoietin (EPO)
    - B) Darbepoietin
    - C) Snake venom
    - D) Snail venom

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E) Bee Venom

- b) The State Veterinarian and Executive Director or his or her designee, shall not give approval under subsection (a) unless the person seeking approval can produce evidence in recognized veterinary journals or by recognized equine experts that the chemical substance has a beneficial, therapeutic use in horses.
- c) No person except a veterinarian shall have in his or her possession within a race track enclosure any prescription drug, except as provided in this Section.
- d) A person may possess a prescription drug for animal use if:
  - 1) The person possesses, within the race track enclosure, documentary evidence that a prescription has been issued for the prescription drug;
  - 2) The prescription contains a specific dosage for the particular horse or horses to be treated by the prescription drug; and
  - 3) The horse or horses named in the prescription are in that person's care within the race track enclosure.

(Source: Amended by emergency rulemaking at 35 Ill. Reg. 2810, effective January 26, 2011, for a maximum of 150 days)

**Section 603.210 Androgenic - Anabolic Steroids (AAS)**  
**EMERGENCY**

- a) ~~The use of any one of the following four anabolic steroids is permitted if the following urine or plasma threshold concentrations are not exceeded:~~
  - 1) ~~Stanozolol (Winstrol) — 1 ng/ml in urine;~~
  - 2) ~~Boldenone (Equipoise) — in male horses other than geldings; including free boldenone and boldenone liberated from its conjugates — 15 ng/ml in urine;~~
  - 3) ~~Nandrolone — 1 ng/ml in urine; and~~

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- 4) ~~Testosterone—20 ng/ml in urine in geldings and 55 ng/ml in urine in fillies and mares.~~
  
- b) ~~No other anabolic steroids shall be administered.~~
  
- e) ~~The presence of more than one of the four approved anabolic steroids at any concentration is not permitted.~~
  
- d) ~~Post-race urine samples collected from intact males shall be identified to the laboratory.~~
  
- e) ~~Any horse to which an anabolic steroid has been administered in order to assist in the recovery from an illness or injury may be placed on the State Veterinarian's list in order to monitor the concentration of the drug in urine. Once the concentration is below the designated threshold, the horse is eligible to be removed from the State Veterinarian's list.~~
  
- a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of stanozolol, nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.
  
- b) Concentrations of these AAS shall not exceed the following threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates) drug:
  - 1) In urine:
    - A) 16 $\beta$ -hydroxystanozolol (metabolite of stanozolol (Winstrol)) – 1 ng/ml in urine for all horses regardless of sex.
  
    - B) Boldenone (Equipoise® is the undecylenate ester of boldenone) in male horses other than geldings – 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.
  
    - C) Nandrolone (Durabolin® is the phenylpropionate ester and Deca-Durabolin® is the decanoate ester) –
      - i) In geldings - 1 ng/ml in urine.
  
      - ii) In fillies and mares – 1 ng/ml in urine.

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iii) In male horses other than geldings – 45 ng/ml of metabolite, 5 $\alpha$ -oestrane-3 $\beta$ ,17 $\alpha$ -diol in urine.

D) Testosterone -

i) In geldings – 20 ng/ml in urine.

ii) In fillies and mares – 55 ng/ml.

iii) Male horses other than geldings will not be tested.

or

2) In plasma:

A) Stanozolol – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for all horses regardless of sex.

B) Boldenone – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for all horses regardless of sex.

C) Nandrolone – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml for geldings and fillies and mares. Male horses other than geldings will not be tested.

D) Testosterone -

i) In geldings – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml.

ii) In fillies and mares – screening limit no greater than 100 pg/ml in serum or plasma with a confirmatory threshold no greater than 25 pg/ml.

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- iii) In male horses other than geldings –confirmatory threshold no greater than 2,000 pg/ml.
  
- c) All other AAS are prohibited in racing horses.
  
- d) Post-race urine and blood samples collected from intact males must be identified to the laboratory.
  
- e) Any horse to which an anabolic steroid has been administered in order to assist in the recovery from illness or injury may be placed on the veterinarian’s list in order to monitor the concentration of the drug or metabolite in urine. 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 by emergency rulemaking at 35 Ill. Reg. 2810, effective January 26, 2011, for a maximum of 150 days)