

DRAFT. June 7, 2012

PUBLIC PROTECTION CABINET

KENTUCKY HORSE RACING COMMISSION

(New Administrative Regulation)

810 KAR 1:300. Prohibition of furosemide on race day.

811 KAR 2:300.

RELATES TO: KRS 230.210, 230.215, 230.240, 230.260, 230.290, 230.320

STATUTORY AUTHORITY: KRS 230.215, 230.240, 230.260, 230.290, 230.320

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in Kentucky. KRS 230.240(2) requires the commission to promulgate administrative regulations restricting or prohibiting the administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. This administrative regulation restricts the use of furosemide on race day and establishes a timeline whereby the administration of furosemide to a horse on race day will ultimately be prohibited.

Section 1. Furosemide use on Race Day. (1) Notwithstanding any other provision of 810 KAR 1:018 or 810 KAR 1:028 to the contrary, furosemide may be administered, in accordance with this section, to a horse eligible to receive furosemide that is entered to compete in a race at an association under the jurisdiction of the commission. To the extent of any conflict between a provision in this administrative regulation and a provision in any other administrative regulation contained in Title 810 KAR, Chapter 1, the provision in this administrative regulation shall supersede.

(2)(a) Effective January 1, 2014 and thereafter, furosemide shall not be administered less than twenty-four (24) hours prior to post time for the race in which the horse is entered to any horse of the 2012 foal crop that is entered in any graded or listed stakes race or to any other horse of any age that is entered to compete in a graded or listed stakes race against a horse of the 2012 foal crop;

(b) Effective January 1, 2015 and thereafter, furosemide shall not be administered less than twenty-four (24) hours prior to post time for the race in which the horse is entered to any horse of the 2012 and 2013 foal crops that is entered in any graded or listed stakes race or to any other horse of any age that is entered to compete in a graded or listed stakes race against a horse of the 2012 or 2013 foal crops; and

(c) Effective January 1, 2016 and thereafter, furosemide shall not be administered less than twenty-four (24) hours prior to post time for the race in which the horse is entered to a horse of any age entered in any graded or listed stakes race.

(3) Furosemide shall be administered to eligible horses as established in this administrative regulation in accordance with 810 KAR 1:018, Section 6 and Section 7.

Section 2. Penalties. If the commission laboratory determines the presence of furosemide in the serum or plasma of a sample by liquid chromatography/mass spectrometry in a horse that is not eligible to receive furosemide pursuant to this administrative regulation, it shall be prima facie evidence that furosemide was administered to the horse in violation of this administrative regulation. Such horse shall be disqualified and listed as unplaced and all purse money shall be forfeited. In addition, a licensee who administers, or is a party to or responsible for administering furosemide to a horse that is not eligible to receive furosemide shall be

subject to the following penalties as deemed appropriate by the commission in keeping with the seriousness of the violation and the facts of the case:

(a) For a first offense, the licensee shall be subject to some or all of the following penalties:

1. A suspension or revocation of licensing privileges from zero days to ten (10) days; and
2. Payment of a fine from \$250 to \$500.

(b) For a second offense within a 365-day period, the licensee shall be subject to some or all of the following penalties:

1. A suspension or revocation of licensing privileges from ten (10) days to thirty (30) days; and
2. Payment of a fine of \$500 to \$1,000.

(c) For a third offense within a 365-day period, the licensee shall be subject to some or all of the following penalties:

1. A suspension or revocation of licensing privileges from thirty (30) days to sixty (60) days ; and
2. Payment of a fine of \$1,000 to \$2,500.

Section 3. A withdrawal guideline of twenty-four (24) hours prior to post time for the race in which the horse is entered for a single intravenous administration of furosemide (not to exceed 500 mg) is voluntary and advisory only.