

1 PUBLIC PROTECTION CABINET

2 Kentucky Horse Racing Commission

3 (New Administrative Regulation)

4 810 KAR 8:050. International Medication Protocol as a Condition of a Race.

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

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

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse  
8 Racing Commission to promulgate administrative regulations prescribing conditions under which  
9 all legitimate horse racing and wagering thereon is conducted in Kentucky. KRS 230.240(2)  
10 requires the commission to promulgate administrative regulations restricting or prohibiting the  
11 administration of drugs or stimulants or other improper acts to horses prior to the horse  
12 participating in a race. This administrative regulation authorizes licensed racing associations to  
13 require adherence to International Medication Protocol, as defined, as a condition of entry in a  
14 particular race.

15 Section 1. Definition. "International Medication Protocol" means a condition of a race that  
16 all horses nominated or entered to compete in the race shall not be administered furosemide  
17 less than twenty-four (24) hours prior to post time for the race.

18 Section 2. Notwithstanding any other provision of KAR Title 810 to the contrary, an  
19 association may require adherence to the International Medication Protocol as a condition of a  
20 particular race. The association shall publish the requirement in its condition book or otherwise


1 make the requirement known to all licensees participating in its race meeting. The horses entered  
2 to compete in an International Medication Protocol race shall not be eligible to receive  
3 furosemide less than twenty-four (24) hours prior to post time for the race. All matters related  
4 to sample collection, ownership, storage, shipment, chain of custody, testing, and reporting and  
5 other applicable provisions shall be done in accordance with 810 KAR 8:010, 810 KAR 8:030, and  
6 810 KAR 8:060.

7 Section 3. Penalties. If the commission laboratory determines the presence of furosemide  
8 at a concentration of greater than 1,000 picograms/ml in a serum sample, derived post-race from  
9 a horse that is not eligible to receive furosemide pursuant to this administrative regulation, it  
10 shall be prima facie evidence that furosemide was administered to the horse in violation of this  
11 administrative regulation. Violations of this administration regulation shall be subject to the  
12 penalties provided for Class C drug violations in 810 KAR 8:030 Section 4(3).


13 Section 4. To the extent of any conflict between a provision in this administrative regulation  
14 and a provision in any other administrative regulation contained in KAR Title 810, the provisions  
15 in this administrative regulation shall supersede.

810 KAR 8:050

READ AND APPROVED:

  
\_\_\_\_\_  
Franklin S. Kling, Jr., Chairman  
Kentucky Horse Racing Commission

11/12/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
K. Gail Russell, Acting Secretary  
Public Protection Cabinet

11/13/18  
\_\_\_\_\_  
Date

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on December 27, 2018 at 10:00 a.m., at the office of the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify the Kentucky Horse Racing Commission in writing by no later than five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m., December 31, 2018. Please send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

**CONTACT PERSON:** John L. Forgy  
General Counsel  
Kentucky Horse Racing Commission  
4063 Iron Works Parkway, Building B  
Lexington, KY 40511  
Phone: (859) 246-2040  
Facsimile: (859) 246-2039  
Email: [John.Forgy@ky.gov](mailto:John.Forgy@ky.gov)

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation No.: 810 KAR 8:050

Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;  
Telephone: (859) 246-2040; Email: John.Forgy@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a procedures by which licensed racing association may opt to run races without the use of furosemide (Lasix).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to clearly establish requirements and prohibitions concerning the use of medications during race meetings.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. KRS 230.240(2) authorizes the commission to promulgate administrative regulations restricting or prohibiting the use and administration of drugs or stimulants or other improper acts to horses prior to horses participating in a race. This administrative regulation establishes the requirements, prohibitions, and procedures pertaining to the use of medications on racing days during horse race meetings in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures that medications are used appropriately on racing days and in a manner that is consistent with the integrity of racing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

(b) The necessity of the amendment to this regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statute: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Horse Racing Commission is affected by this administrative regulation. In addition, Kentucky's licensed thoroughbred race tracks, and all individual participants in horse racing, are potentially affected by this administrative regulation's establishment of fundamental rules pertaining to the use of medication in horse racing. In the year 2017, the Commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Participants in horse racing, and especially owners, trainers and veterinarians, will be required to adhere to the requirements and rules set forth in this administrative regulation pertaining to the use of medication in horse racing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No new costs are anticipated to comply with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3)? Participants in racing will benefit from clearly defined rules that enhance the integrity of racing.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial administrative cost to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Kentucky's racing associations are required by KRS 230.240(2) to pay for the cost of testing for prohibited medications. The Kentucky Horse Racing Commission covers other costs of implementing and enforcing this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any new fees or increase any current fees to participate.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used.) Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No.: 810 KAR 8:050  
Contact Person: John L. Forgy, General Counsel, Kentucky Horse Racing Commission;  
Telephone: (859) 246-2240; Email: John.Forgy@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Horse Racing Commission will be impacted by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 230.215, 230.225, 230.240, 230.260, KRS 230.290, KRS 230.300.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? No funds will be required to administer this regulation for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral.

Expenditures (+/-): Neutral.

Other Explanation: None.