



KENTUCKY HORSE RACING COMMISSION **OUT OF COMPETITION TESTING REGULATION Q & A**

Why do we need an out of competition testing regulation?

Certain prohibited substances, such as blood doping agents, venoms and growth hormones, have the potential to affect a horse's athletic performance for a period of time that extends well beyond a laboratory's ability to detect their presence in the horse's system. This means that a horse can test "clean" following a race even if it had been administered one of the prohibited substances prior to the race. This regulation allows for the sampling and testing of horses at times when these prohibited substances can be detected.

This regulation does not address any substance that is not already prohibited. It simply puts a testing program in place that can effectively enforce the existing prohibition against the use of blood doping agents, venoms and growth hormones.

How will the regulation affect me?

The regulation will have a very minimal effect on you if you are not using the prohibited substances. It will, however, provide you with confidence that your horses are not competing against horses that have a "pharmacologic edge."

If you have horses eligible to race in Kentucky, or that may become eligible to race in Kentucky, you may have a horse selected for testing. If so, you will be required to cooperate in locating the designated horse and making it available to the KHRC for sampling. There is no requirement that you deliver the horse to the KHRC for sampling. If the horse is located on private property, there is no requirement that you allow the KHRC to come on that property to collect a sample. You must simply make the horse available for sampling at an agreed upon location. If that location is on private property, the KHRC will notify you, or any other person exercising care, custody or control of the horse, before arriving to collect the sample. If you choose to transport your horse to an agreed upon location for sampling, you will be responsible for the cost and risk of shipping.

OVER

You, or your representative, are also required to observe the collection of the sample from the horse. This must occur within six hours of your being notified that your horse has been designated for testing. If you fail to make a horse available for sampling within the six hour window, you may be penalized in the same manner as if your horse tested positive for a prohibited substance.

What horses can be tested?

Any horse that is a racing breed and at least two years of age or older that is eligible to race in Kentucky, or may become eligible to race in Kentucky, may be tested. A horse is eligible to race in Kentucky if:

- It is owned by a KHRC licensed owner, or
- It is trained by a KHRC licensed trainer, or
- It is nominated to a race at a KHRC licensed track, or
- It is stabled at a KHRC licensed track or a training center under the jurisdiction of the KHRC, or
- It has raced at a KHRC licensed track within the last 12 months, or
- It is nominated to participate in the Kentucky Thoroughbred Development Fund, the Kentucky Standardbred Development Fund or the Kentucky Quarter Horse, Appaloosa and Arabian Development Fund.

What if I don't want my horse tested?

If there is a refusal to make a horse available for testing, or if there is any other failure to cooperate with the KHRC, the individual(s) directly responsible for the refusal or failure to cooperate will be penalized to the full extent allowed by the regulation. Those penalties are as follows:

- The horse will be placed on the Veterinarian's List and the Steward's/Judge's List and barred from racing for 180 days; and
- The individual(s) responsible for the refusal will have their license revoked for a period of 5 to 10 years and be subject to a fine of up to \$50,000.
 - Any individual who has his or her license revoked under this regulation must come before the License Review Committee before being re-licensed.

The regulation in its entirety can be found on the commission website at: www.khrc.ky.gov/