



ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL

MODEL RULES COMMITTEE AGENDA:

FRIDAY, APRIL 16, 2021 - 12:00PM EASTERN

Advance Registration Required - Use the following link:

[https://us02web.zoom.us/meeting/register/tZcsce6tpjMtHdLaf7_H4iO-Rzrb2CzaQLR](https://us02web.zoom.us/j/9161315391)

1. Call to Order - Denny Lee, Committee Chair, Nebraska Racing Commission.
2. RMTC Proposed Penalty Classification for the Presence of Furosemide in a non-lasix race. *(Action Item)*
3. Classification and Penalty Recommendation for Dextrophan. *(Action Item)*
4. Removal of “mitigating” option to require a DQ for all drug violations. *(Action Item)*
5. Published research vs. Unpublished research results - (Cobalt Threshold). *(Discussion Item)*
6. Status Report on Pending Items: *(Informational Items)*
 - a) USTA Clenbuterol Policy Proposal;
 - b) Revision of Pick(N) Wagers;
 - c) Rules for Fixed Odds Wagers;
7. Adjournment/



AGENDA ITEM # 2

**RMTC Proposed Penalty Classification for the
Presence of Furosemide in a non-lasix race.**



401 WEST MAIN STREET, SUITE 222 · LEXINGTON, KY 40507 · PHONE: 859-759-4081 · WWW.RMTCNET.COM

To: Ed Martin, ARCI Executive Director

From: Mary Scollay, DVM, RMTC Executive Director

Date: March 15, 2021

Re: Penalty classification for furosemide when detected in post-race samples from horses participating in races where the use of raceday furosemide is prohibited

The following is excerpted from the ARCI Uniform Classification of Foreign Substances and Recommended Penalties Model Rule, December 2020 v14.4, and displays the current regulatory approach to the detection of furosemide in a post-race sample derived from a horse having participated in a race where the administration of furosemide to eligible horses is permitted up to 4 hours prior to the scheduled post time for the race in which the horse is entered.

Drug/Substance	Trade Name(s)	Drug Class	Penalty Class	Special Notation
Furosemide	<i>Lasix</i>	N/A		

Penalty Category "C"

The following are recommended penalties for violations due to the presence of a drug carrying a Category "C" penalty and overages for permitted NSAIDs and furosemide: **(All concentrations are for measurements in serum or plasma.)**

LICENSED TRAINER	Furosemide (>100 ng/ml) and/or no furosemide when identified as administered
1 st Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$500
2 nd Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$750
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 to a maximum fine of \$1,000
LICENSED OWNER	Furosemide (>100 ng/ml) and/or no furosemide when identified as administered
1 st Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run
2 nd Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run
3 rd Offense (365-day period) in any jurisdiction	Disqualification and loss of purse. Horse must pass commission-approved examination before being eligible to run

Note that there is no penalty guidance when furosemide is detected in a horse entered to race without it. This may be acknowledgement that the failure to administer furosemide to an eligible horse establishes it at a competitive disadvantage and the horse's performance may be a sufficient penalty for the error.

In consideration of regulatory authorities or individual racing associations establishing a prohibition on the administration of race day furosemide, the penalty schedule above warrants revision. Both Thoroughbredⁱ and Standardbredⁱⁱ racehorses have been demonstrated to achieve faster race times when treated with furosemide than untreated horses. Gross, et al., determined the advantage in Thoroughbred racehorses to be 0.56-1.09 seconds (+/- 0.04-0.07 s), "a difference equivalent to 3 to 5.5 lengths."

The administration of furosemide to a horse participating in a race where its use is prohibited represents a far different event than a missed administration or mis-administration to a horse eligible to receive furosemide on race day. The current penalty guidelines for a first-time furosemide violation provide for a written warning up to a \$500 fine for the trainer, and no disqualification. For a second violation, a written warning up to a \$750 fine, and no disqualification. While these are entirely appropriate when horses are eligible to receive furosemide on race day; they are inadequate as deterrents or remedies when furosemide is administered to horses racing in furosemide-prohibited contests.

The RMTC Scientific Advisory Committee at its February 3, 2021 meeting recommended a B penalty classification for furosemide as it relates to races in which furosemide is a banned substance and its use prohibited 24 hours (or more) prior to the post time for the race in which the horse is entered. Further, the RMTC recommends that disqualification be mandatory and non-mitigable to remedy the loss of integrity in the competition. The recommendation was approved by supermajority vote by the RMTC Board of Directors at their February 22, 2021 meeting.

ⁱ Gross, DK, et al., *Effect of furosemide on performance of Thoroughbreds racing in the United States and Canada*, *J Am Vet Med Assoc* 1999 Sep 1;215(5):670-5.

ⁱⁱ Soma, LR, et al., *The effects of frusemide on racing times of Standardbred Pacers*, *Eq.Vet. J.* (2000) **32** (4) 334-340



AGENDA ITEM # 3

Classification and Penalty Recommendation for Dextrophan



401 WEST MAIN STREET, SUITE 222 · LEXINGTON, KY 40507 · PHONE: 859-759-4081 · WWW.RMTCNET.COM

Date: March 15, 2021

To: Ed Martin, Executive Director ARCI

From: Mary Scollay, DVM, Executive Director RMTC

Re: Recommendation for 4/B Penalty Classification for Dextrorphan

The RMTC was requested to recommend a penalty classification for dextrorphan, a substance currently unclassified in the ARCI's Uniform Classification of Foreign Substances.

Dextrorphan is a metabolite of dextromethorphan (4/B), a cough suppressant that is commercially available with FDA-approved for human use in over-the-counter, tablet and oral syrup formulations (e.g. Robitussin DM). It is a component of combination products (e.g. Mucinex) with guaifenesin (4/C), an expectorant that is listed on the Schedule of Controlled Therapeutic Substances. Dextromethorphan is also a substance of human abuse. When consumed in large doses, its dose-dependent effects range from euphoria to hallucinations, dissociative (out-of-body) experiences, coma, and death.

The SAC met via videoconference on March 4th and reviewed scientific literature and facts related to previous dextrorphan cases. The SAC recommended a 4/B classification, consistent with the parent drug dextromethorphan. While for other substances, evidence for psychoactive effect in horses, or other mammalian species, would result in a higher penalty classification, the SAC was unable to identify a source for dextrorphan (other than dextromethorphan), and further determined that the detection of dextrorphan in a horse's post-race sample would either be attributed to administration of dextromethorphan syrup for cough control or inadvertent exposure through contact with human substance abusers. In some cases, dextromethorphan was determined to have been administered by lay persons and absent veterinary examination of the affected horse. Consultation with a veterinarian could potentially prevent these violations and ensure that a horse's medical treatment addresses the underlying cause of the cough rather than simply suppressing the clinical signs of respiratory disease.

Human substance abusers are reported to consume doses of dextromethorphan (to achieve psychoactive effects of its metabolite dextrorphan) at 5-30 times the maximum label dose. Extrapolating that dosing to a horse this would equate to an administration of 2 ½ to 15 pints of over-the-counter dextromethorphan. The willful administration of dextromethorphan to achieve the psychoactive effects—that represent risk of harm rather than performance enhancement—is highly improbable. The

recommended 4/B classification fairly addresses the logical routes of exposure and allows for mitigation of the penalty assessed the trainer in consideration of the facts of the case.

The RMTC Board of Directors considered the SAC's 4/B recommendation and approved it by a supermajority vote of: 19 in favor; 1 opposed (NHBPA) and 1 abstention (ARCI).



AGENDA ITEM # 4

Removal of “mitigating” option to require a DQ for all drug violations.



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To: Ed Martin, Executive Director ARCI

From: Mary Scollay, DVM, Executive Director RMTC

Date: March 15, 2021

Re: In support of non-mitigable disqualifications

The penalty assessed for a medication violation is intended to achieve two purposes:

- 1) To penalize the individual(s) having culpability for the presence of the substance in the horse;
and,
- 2) To remedy the loss of integrity in the race and its impact on other contestants.

The penalty for culpability should rightly be mitigable—in consideration of the facts of the case. A mistaken administration is far different from a willful one, and the penalty to the trainer (and any other licensees determined accountable) should reflect that. Intent, or lack thereof, matters. The trainer whose horse tests positive for methamphetamine, the exposure to which was determined to be unintended transfer from a substance abusing stable employee, may be assigned reduced or no culpability by the Stewards. Did the trainer drug test new hires? Did the employee ever show signs of impairment while working? Did the trainer employ reasonable measures to prevent his horse's exposure? If it is determined the trainer exercised due diligence in preventing such exposure to his horses, his penalty can be mitigated accordingly.

Now, if that same trainer gets a subsequent methamphetamine positive that is traced back to the same employee—that could be considered an aggravating circumstance. The trainer was now aware that an employee had a substance abuse problem and did not take adequate measures to protect his horses from exposure.

For most cases, the facts indicate culpability somewhere between malicious intent and complete inability to prevent exposure to the substance. What is the trainer's accountability for assigning a groom who does not read English, to administer oral medications thus resulting in mis-administrations? The trainer did not intend for the wrong horse to receive the medication. However, he also did not take reasonable steps to prevent the error. He could have had additional labelling in Spanish applied to the medication containers. He could have assigned an individual able to read the medication labels to oversee those treatments. These are the cases that challenge Stewards as each case has its own unique set of facts that must be considered.

However, lack of intent or even inability to prevent exposure does not alter the fact that the prohibited substance was present in the horse at the time of the race. And so, disqualification should not be a penalty that can be elective—either mitigated away or augmented to. The detection of a given substance should always be associated with a disqualification or never associated with a disqualification. The current penalty structure with its option to mitigate a disqualification for Class B and C substances means that in two different races in which a horse tested positive for the same drug (and at the same concentration) the results can stand for one race, while a horse is disqualified in the other. This cannot fairly address the loss of integrity to the competition or remedy the impact of those horses' performances on the other entrants' final placings. Repeated infractions are aggravating factors that can be addressed by a scale of escalating fines and/or suspensions. The DQ impacts every other horse/owner/trainer in the race. The ability to mitigate to a non-DQ based on facts related to how and why a substance was introduced into a horse, or the trainer's record of offenses, or other factors, fails to consider the effect of the DQ/non-DQ on the other participants.

Adoption of the non-mitigable DQ may rightly require a review of the 4/C substances to determine which, if any, should never be associated with a disqualification. A subset of 4/C substances could be established as non-DQ substances, or they could be reclassified as 4/D—where Class D penalties do not result in disqualification.

When a board of Stewards mitigates to a non-DQ, they are basically declaring that the infraction did not matter that much—to them. Perhaps it is more appropriate to wonder if it did not matter that much to the others in that race.