

Greyhound Medication Classification Policy and Penalty Guidelines

Purpose

This document is intended to assist the racing judges at Texas pari-mutuel greyhound racetracks in issuing consistent and effective rulings against licensees for violations of the Texas Racing Act (Act) and the Texas Racing Commission's rules (Rules) prohibiting the illegal influencing of a race. It is the policy of the Commission to discipline licensees in a consistent and fair manner that will foster honest and safe pari-mutuel racing and a better understanding of the Commission's rules.

Authority

Under the Act, §3.16, the Commission is charged with adopting rules prohibiting a person from illegally influencing the outcome of a race, including rules relating to the use of a prohibited substance. The Commission is authorized by the Act to conduct pre-race and post-race testing to determine whether a prohibited substance was present in a race animal. The Act further provides:

The licensed trainer of an animal is:

- (1) considered by law to be the absolute insurer that no prohibited substance has been administered to the animal; and
- (2) is responsible for ensuring that no prohibited substance is administered to the animal.

(Act, §3.16(h))

In Rule §311.104(b), the Commission adopts the "absolute insurer" rule, which is in practice in most U.S. racing jurisdictions. This rule states that each trainer shall ensure that a race animal that runs a race while in the care and custody of the trainer is free from all prohibited drugs, chemicals, or other substances. Rule §319.1(b) defines a prohibited drug, chemical, or other substance as:

- (1) any stimulants, depressants, tranquilizers, local anesthetics, drugs, [or] other drug metabolites which could affect the health or performance of a race animal, however minimal, except as expressly permitted by this chapter;
- (2) a drug permitted by this chapter in excess of the maximum or other restrictions in this chapter; and
- (3) [a] drug or substance, regardless of how harmless or innocuous it might be, which interferes with the detection of stimulants, depressants, tranquilizers, local anesthetics, drugs, or drug metabolites which could affect the health or performance of a race animal, however minimal, or quantitation of drugs permitted by this chapter.

(Rules, §319.1(b))

This policy is developed and adopted pursuant to Rule §319.304(b), which authorizes the Executive Secretary to promulgate a classification for prohibited drugs, chemicals, and other substances and a recommended schedule for disciplinary action.

Responsibility for Violation

Because the Act and the Rules require a trainer to prevent the administration of prohibited substances to a race animal, it is the Commission's policy to hold the trainer of record for a race animal responsible when a pre-race or post-race specimen from the animal tests positive for a prohibited drug, chemical, or other substance.

Classification System

The classification of substances is based largely on the Uniform Classification Guidelines for Foreign Substances issued by the Association of Racing Commissioners International. The classification of a given substance is based on several factors, including the substance's pharmacology, its ability to influence the outcome of a race, whether or not it has a legitimate therapeutic use in a race animal, or other evidence that it may be used improperly.

Pharmacology. Substances that are known to be potent stimulants or depressants are placed in higher classes, while those that have or would be expected to have little effect on the outcome of a race are placed in lower classes.

Use Patterns. Consideration is given to placement of substances based on practical experience with their use and the nature of positive tests. For example, procaine positives have in the past been associated primarily with the administration of procaine penicillin, and this has been taken into consideration in the placement of procaine into Class 6 instead of Class 3 with other injectable local anesthetics.

Appropriateness of Use. Substances that clearly are intended for use in canine therapeutics are placed in lower classes. Substances that clearly are not intended for use in the greyhound are placed in higher classes, particularly if they might affect the outcome of a race. Substances that are recognized as legitimately useful in canine therapeutics but could affect the outcome of a race are placed in the middle or higher classes.

Classification System

Class 1

Class 1 substances have the highest pharmacologic potential to affect performance and have no generally accepted medical use in racing greyhounds.

Opiates and opium derivatives, synthetic opioids, psychoactive drugs in DEA Schedules I and II, including:

- Alfentanil
- Apomorphine
- Carfentanil
- Cocaine
- Codeine
- Etorphine
- Fentanil

Hydromorphone
Levorphanol
Methadone
Morphine
Oxycodone
Oxymorphone
PCP
Sufentanil
Methaqualone

Amphetamines or amphetamine-like drugs in DEA Schedules I and II, including:

Amphetamine
Methamphetamine
Methylphenidate

Class 2

Class 2 substances are prominent central nervous system stimulants in the lesser DEA Schedules.

Opiates and opium derivatives with accepted medical use but not listed solely as Schedule I or II drugs, including:

Buprenorphine
Meperidine
Nalorphine
Pentazocine
Racemorphan
Racemethorphan
Valium
Chloral hydrate
Droperidol
Meprobromate
Methohexital

Stimulants in lesser DEA schedules, including:

Benzphetamine
Diethylpropion
Mazindol
Pemoline

Class 3

Class 3 substances are non-scheduled drugs that have no generally accepted therapeutic use in racing greyhounds, drugs that could alter performance in a normal, healthy untreated racing greyhound, drugs that have a high potential for abuse as local anesthetics, and potent diuretics with potential for diluting a urine specimen.

Non-scheduled opiates including:

Nalbuphine

Narcotic analgesics in lesser DEA schedules, including:

Butorphanol

Local anesthetics with high potential for abuse as nerve-blocking agents, including:

Mepivacaine

Tetracaine

Xylocaine

Sympathomimetics and other central nervous system stimulants unlikely to be picked up through the food chain, including:

Aminophylline

Dopram

Ephedrine

Metaraminol

Phenylpropanolamine

Theophylline

Wyamine sulfate

Non-scheduled central nervous system depressants and tranquilizers including:

Acepromazine

Azaparone

Chlorpromazine

Detomidine

Fluphenazine

Ketamine

Promazine

Propiopromazine

Reserpine

Diuretics likely to significantly dilute a urine specimen including:

Bumetanid

Ethacrynic acid

Furosemide

Class 4

Class 4 substances are non-scheduled drugs with cardiac or respiratory effects, mild sedatives, steroidal anti-inflammatory drugs with short withdrawal times indicating race day administration.

Autonomic nervous system drugs with primarily cardiac or respiratory systems, including:

Albuterol

Atropine

Epinephrine

Metaproteranol

Norepinephrine

Phenoxybenzamine

Phenylphrine

Propranolol
Terbutaline

Local anesthetics with less potential for use as nerve blocking agents, including:
Ethylaminobenzoate

Antihistamines with mild sedative properties, including:
Diphenhydramine
Doxylamine
Promethazine

Corticosteroids with short withdrawal times indicating race day administration, including:
Betamethasone
Dexamethasone
Prednisolone

Sympathomimetics and other central nervous system stimulants with some likelihood of appearing through the food chain, including:
Caffeine
Theobromine

Depressants with some likelihood of appearing through the food chain, including:
Barbiturates

Class 5

Class 5 substances are therapeutic medications routinely used to restore the health of an ailing greyhound.

Anti-inflammatory drugs, including:
Salicylate
Phenylbutazone
Flunixin
Ibuprofen
Naproxen
Tiaprofenic acid
Zomepiac
Feldene
Dipyron

Mild diuretics not traditionally used as diluting agents which are likely to be found in combination with other medication in an anti-inflammatory product, including:
Trichloromethiazide

Autonomic nervous system drugs without central nervous system, cardiac, or respiratory effects, including:
Bethanecol
Ergonovine

Ergotamine
Glycopyrrolate
Proprantheline

Antihistamines without central nervous system depressant effects, including:

Chlorpheniramine
Cimetidine
Pyrilamine
Tripelannamine

Skeletal muscle relaxants, including:

Dantrolene
Guaifenasin
Methocarbamol
Nefopam
Orphenadine

Expectorants or stomachics, including:

Camphor
Dextromethorphan
Metoclopramide

Peroxide scavengers or mild anti-inflammatory carry agents, including:

DMSO

Cardiac glycosides or antiarrhythmics, including:

Digoxin
Procainamide
Quinidine
Verapamil

Class 6

Class 6 substances are local anesthetics likely to produce urinary levels due to factors other than use as a nerve blocking agent, including:

Procaine

Substances are likely to interfere with testing procedures, including:

Sulfa drugs
Polyethylene glycol
Mebendazole
Fenbendazole

Penalty Determinations

When determining the amount of a penalty, the judges should consider what penalty would best punish the violator for the harm caused by the violation and deter future similar violations by the violator and other licensees.

The judges should avoid blindly assessing "consistent" penalties without regard to the specifics of each case. Each violation must be reviewed according to the individual circumstances of the case. The Legislature intended each Board of Judges to use the qualifications, experience, and collective wisdom of its members to act as an adjudicatory body when considering violations of the Act or the Rules. To ensure due process for the affected licensees, every violation must be judged on the evidence presented to the judges, with the judges weighing the evidence and the credibility of the witnesses.

Mitigating/Aggravating Circumstances

Because the facts of each case will vary, an exhaustive list of mitigating or aggravating circumstances is not practical. Generally, mitigating or aggravating circumstances must be shown by persuasive, credible evidence that the circumstances were actually present in the instant case, not mere speculation that the circumstances could have been present. An example of mitigating circumstances is when the trainer presents credible evidence that another individual actually caused the greyhound to race with a prohibited substance in its system. An example of aggravating circumstances is when the staff or other party to the proceeding presents credible evidence that the trainer administered a prohibited substance or permitted a prohibited substance to be administered despite warnings that the administration of the substance would likely result in a positive test.

The amount of the substance in a sample should not be considered a mitigating or aggravating factor. The definition of a prohibited substance adopted by the Commission in §319.1(b) establishes a zero-tolerance standard. In other words, the presence in a post-race sample of any amount of a prohibited drug, chemical, or other substance is a *per se* violation of the Commission's rules.

Penalty Recommendations

The following recommended penalties should be followed in all cases in the absence of persuasive, credible evidence of mitigating circumstances justifying a lesser penalty or aggravating circumstances justifying an enhanced penalty.

The recommended penalties for medication violations offer a range of penalties, including fines, suspension, and loss of purse. By offering a range of penalty, it is the intent of the Commission that for a first violation involving a particular substance, the penalty would be at the lower end of the range, absent mitigating or aggravating circumstances. Conversely, for a subsequent violation for a particular substance, the penalty would be at the higher end of the range. The penalty should be enhanced for subsequent violations regardless of when the subsequent violations occur with respect to the first violation. Because a licensee's compliance history with respect to a particular substance is incorporated into the recommended penalties, the licensee's overall compliance history should not be considered a mitigating circumstance.

In all cases, however, the judges have the discretion to impose the penalty that best accomplishes the Commission's enforcement goals:

1. To protect the health and safety of the participants in racing, including licensees, patrons, and race animals.

2. To ensure pari-mutuel racing is conducted honestly and fairly.

Violations involving positive tests

Class 1 substance:

- 1-5 year suspension, \$5,000-\$25,000 fine, and loss of purse

Class 2 substance:

- 6 months-2.5 year suspension, \$2,500-\$12,500 fine, and loss of purse

Class 3 substance:

- 30-180 days suspension, \$750-\$2,500 fine, and loss of purse

Class 4 substance:

- 5-30 days suspension, \$200-\$750 fine, and loss of purse

Class 5 substance:

- \$100-\$200 fine and loss of purse

Class 6 substance:

- Up to \$100 fine

Violations involving contraband

Unauthorized possession of substance in Class 1, 2, or 3:

- 1/2 the recommended penalty for medication violation for the applicable class of substance

Unauthorized possession of substance in other class found in a location indicating high probability of intended use on association grounds (i.e. kennel, loaded syringe):

- 1/2 the recommended penalty above for the applicable class of substance

Unauthorized possession of substance in other class found in a location indicating low probability of intended use on association grounds (i.e. inadvertently left in vehicle when entering kennel area):

- Written warning or fine at discretion of racing judges

Unauthorized possession of controlled substance not included in classification primarily used by humans:

- Fine or suspension at discretion of racing judges

Possession of a weapon prohibited under Penal Code §46.05:

- Possible suspension and \$500 fine

Possession of other weapons or ammunition:

- Possible suspension and \$100 fine

Possession of unloaded syringe with needle capable of giving injections:

- Fine at discretion of racing judges

Possession of syringe loaded with prohibited substance:

- 1/2 the recommended penalty for medication violation for the applicable class of substance

Possession of alcoholic beverages in restricted area:

- Oral or written warning or fine at discretion of racing judges