Greyhound Medication Classification 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 ensurer 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 horse,
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 equine therapeutics are placed in lower classes. Substances that
clearly are not intended for use in the horse are placed in higher
classes, particularly if they might affect the outcome of a race.
Substances that are recognized as legitimately useful in equine
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  
Fentanyl  
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  
   Chlora hydrate  
   Droperidol  
   Meprobromate  
   Methohexital  

Stimulants in lesser DEA schedules, including:  
   Benzphetamine  
   Diethylproprion  
   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:
   Mepivicaine
   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
Zomepirac
Feldene
Dipyrone

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
- Propantheline

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
- Verapamill

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 year suspension, $5,000 fine, and loss of purse

Class 2 substance:
- 6 months - 1 year suspension and $2,500-$5,000 fine, and loss of purse

Class 3 substance:
- 30-180 days suspension and $750-$2,500 fine, and loss of purse

Class 4 substance:
- 5-30 days suspension and $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