

# Recommended Penalty and Model Rule

The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty and for violations of ARCI-011-015 and ARCI-025-015: Prohibited Practices:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> LIFETIME offense in any jurisdiction</b>	<b>3<sup>rd</sup> LIFETIME offense in any jurisdiction</b>
<ul style="list-style-type: none"> <li>• Minimum one-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> LIFETIME offense in owner’s stable any jurisdiction</b>	<b>3<sup>rd</sup> LIFETIME offense in owner’s stable in any jurisdiction</b>
<ul style="list-style-type: none"> <li>• Disqualification and loss of purse</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse shall be placed on the Veterinarian’s List for 90 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>• Disqualification and loss of purse</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse shall be placed on the Veterinarian’s List for 120 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>• Disqualification, loss of purse and \$50,000 fine</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Horse shall be placed on the Veterinarian’s List for 180 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>• Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.</li> </ul>

## Recommended Penalty and Model Rule (Continued)

The following are recommended penalties for violations due to the presence of a drug carrying Category “B” penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020(E) and ARCI-025-020(E) and for violations of the established levels for total carbon dioxide:

<b>LICENSED TRAINER:</b>		
<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> offense (365-day period) in any jurisdiction</b>	<b>3<sup>rd</sup> offense (365-day period) in any jurisdiction</b>
<ul style="list-style-type: none"> <li>Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,500.</li> </ul>	<ul style="list-style-type: none"> <li>Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension.</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% purse (greater of the two).</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>May be referred to the Commission for any further action deemed necessary by the Commission.</li> </ul>
<b>LICENSED OWNER:</b>		
<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> offense (365-day period) in owner’s stable any jurisdiction</b>	<b>3<sup>rd</sup> offense (365-day period) in owner’s stable in any jurisdiction</b>
<ul style="list-style-type: none"> <li>Disqualification and loss of purse [in the absence of mitigating circumstances]*</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>Horse must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification and loss of purse [in the absence of mitigating circumstances]*</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>Horse must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>	<ul style="list-style-type: none"> <li>Disqualification, loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.*</li> </ul> <p style="text-align: center;"><b>AND</b></p> <ul style="list-style-type: none"> <li>Horse shall be placed on the Veterinarian’s List for 45 days and must pass a commission-approved examination before becoming eligible to be entered.</li> </ul>

\*The RMTTC recommendation called for loss of purse to happen in absence of mitigating circumstances. The Joint Model Rules Committee has made loss of purse mandatory in their proposal.

## Recommended Penalty and Model Rule (Continued)

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.)*

<b>LICENSED TRAINER</b>	<b>Phenylbutazone (&gt;2.0-5.0 mcg/ml)* Flunixin (&gt;20 - 100 ng/ml) Ketoprofen (&gt;2- 50 ng/ml) Furosemide (&gt;100 ng/ml) and/or no furosemide when identified as administered</b>	<b>Phenylbutazone (&gt;5.0 mcg/ml) Flunixin (&gt;100 ng/ml) Ketoprofen (&gt;50 ng/ml) and CLASS C Violations</b>
1 <sup>st</sup> Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$500	Minimum fine of \$1,000 absent mitigating circumstances
2 <sup>nd</sup> Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$750	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances
3 <sup>rd</sup> Offense (365-day period) in any jurisdiction	Minimum fine of \$500 to a maximum fine of \$1,000	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances
<b>LICENSED OWNER</b>	<b>Phenylbutazone (&gt;2.0-5.0 mcg/ml)* Flunixin (&gt;20 - 100 ng/ml) Ketoprofen (&gt;2- 50 ng/ml) Furosemide (&gt;100 ng/ml) and/or no furosemide when identified as administered</b>	<b>Phenylbutazone (&gt;5.0 mcg/ml) Flunixin (&gt;100 ng/ml) Ketoprofen (&gt;50 ng/ml) and CLASS C Violations</b>
1 <sup>st</sup> Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Loss of purse. Horse must pass commission-approved examination before being eligible to run
2 <sup>nd</sup> Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Loss of purse. If same horse, placed on veterinarian’s list for 45 days, must pass commission-approved examination before being eligible to run
3 <sup>rd</sup> Offense (365-day period) in any jurisdiction	Disqualification and loss of purse. Horse must pass commission-approved examination before being eligible to run	Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian’s list for 60 days, must pass commission-approved examination before being eligible to run

\*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml absent of aggravating factors.

After a two-year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0-5.0 category will be expunged from the licensee’s record for penalty purposes.

## **Recommended Penalty and Model Rule (Continued)**

The recommended penalty for a violation involving a drug that carries a Category “D” penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspension.

## Recent Document Revisions

Version	Date	Drug/Substance	Notes	Approx. Page(s)
11.00	December 2015	2-Aminoheptane	Corrected typographical error to reflect Class 4, Penalty B Substance	1, 23
11.00	December 2015	Xylometazoline	Corrected typographical error to reflect Class 4, Penalty B Substance	11, 25
11.00	December 2015	Rivastigmine	Corrected typographical error to reflect Class 2, Penalty A Substance	10, 17
11.00	December 2015	Rabeprazole	Corrected typographical error to reflect Class 5, Penalty D Substance	10 26
11.00	December 2015	Prilocaine	Corrected typographical error to reflect Class 2, Penalty A Substance	9, 17
11.00	December 2015	Hexocyclium	Corrected typographical error to reflect Class 4, Penalty B Substance	6, 24
11.00	December 2015	Gabapentin	Corrected typographical error to reflect Class 3, Penalty B Substance	5, 20
11.00	December 2015	Ergoloid Mesylates	Corrected typographical error to reflect Class 2, Penalty A Substance	4, 15
11.00	December 2015	Butacaine	Corrected typographical error to reflect Class 4, Penalty B Substance	2, 23
11.00	December 2015	Budesonide	Corrected typographical error to reflect Class 4, Penalty C Substance	2, 23
11.00	December 2015	Brimonidine	Corrected typographical error to reflect Class 2, Penalty A Substance	2, 14
11.00	December 2015	Benazepril	Corrected typographical error to reflect Class 3, Penalty B Substance	2, 19
11.00	December 2015	Amlodipine	Corrected typographical error to reflect Class 3, Penalty B Substance	1, 19
11.00	December 2015	3-Methoxytyramine	Added as Class 2, Penalty A Substance	1, 14
10.00	July 2015	Methylhexanamine	Added alternative spelling	7, 13

Version	Date	Drug/Substance	Notes	Approx. Page(s)
10.00	July 2015	Gamma Aminobutyric Acid (GABA)	Added as Class 3, Penalty B Substance	5, 19
9.00	April 2015	Cobalt	Added as Class 3, Penalty B with note to refer to ARCI Endogenous, Dietary, or Environmental Substances Schedule for threshold and penalty information for contrations of less than 50 parts per billion (ppb) in blood serum or plasma	3, 18
8.00	December 2014	Firocoxib	Changed Penalty Class from "B" to "C" to conform to the ARCI Controlled Therapeutic Medication Schedule	5, 23
8.00	December 2014	Acenocoumarol	Had been previously omitted from Listing by Classification Section, Added to section	25
8.00	December 2014	Deracoxib	Corrected Spelling in Alphabetical Listing by Substance Section	3
8.00	December 2014	Norclostebol	Corrected Spelling in Alphabetical Listing by Substance Section	8
8.00	December 2014	Rizatriptan	Corrected Spelling in Alphabetical Listing by Substance Section	10
8.00	December 2014	Dehydrochloromethyltestosterone	Corrected Spelling in Alphabetical Listing by Substance Section	3
8.00	December 2014	Amiodarone	Corrected Spelling in Listing by Classification Section	22
8.00	December 2014	2-Aminoheptane	Corrected Spelling in Listing by Classification Section	22
8.00	December 2014	Bupropion	Corrected Spelling in Listing by Classification Section	13
8.00	December 2014	Alclofenac	Assigned Penalty Class A	1, 13
8.00	December 2014	Recommended Penalties for Ketoprofen	Updated the recommended penalty for Ketoprofen to comply with the primary threshold established in the ARCI Controlled Therapeutic Medication Schedule.	29
8.00	December 2014	Class B Recommended Penalties	Corrected typographical error on recommended penalties for Class B substances for licensed owners. Version 7.00 incorrectly recommended penalties for second or third offense in the owner's lifetime. Version 8.00 corrects error and recommends penalty for second or third offense in 365-day period.	28
8.00	December 2014	Aminorex	Addition is not a change of the Uniform Classification Guidelines. Aminorex has been a DEA Schedule 1 substance. All DEA Schedule 1 substances are considered Class 1, Penalty A substances by reference. By request, Aminorex has been listed to avoid confusion.	1, 13
8.00	December 2014	Bufotenine	Corrected the precursor to 5-methoxy-N-N dimethyltryptamine	26

Version	Date	Drug/Substance	Notes	Approx. Page(s)
7.00	January 2014	Pergolide	Added as Class 3, Penalty B	8, 20
6.00	December 2013	Methylhexanamine	Added as Class 1, Penalty A	7, 12
5.00	December 2012	Zilpaterol hydrochloride	Moved from Class 3 to Class 2 Substance, Penalty Remains Unchanged	11, 17
5.00	December 2012	Tetramisole hydrochloride	Removed from Non-Classified Substance list	26
5.00	December 2012	Ambroxol	Moved from Class 4, Penalty B to Class 4, Penalty C	1, 22
4.01	October 2012	Ractopamine	Corrected typographical error in Drug Class (Incorrectly listed as a Class 3 substance)	9, 16
4.01	October 2012	Pyrilamine	Corrected typographical error on Penalty Class (Listed as Penalty Class A in "Listing by Classification" section.	9, 20
4.00	July 2012	<i>myo</i> -inositol trispyrophosphate (ITPP)	Added as Class 1, Penalty A	7, 12
4.00	July 2012	Benzonatate	Added as Class 2, Penalty A	2, 13
3.00	December 2011	Almotriptan	Corrected Penalty Class omission in Alphabetical Listing section of document	1, 18
3.00	December 2011	Naltrexone	Corrected Penalty Class omission in Alphabetical Listing section of document	7, 20
3.00	December 2011	Amiloride	Corrected Penalty Class omission in Alphabetical Listing section of document	1, 22
3.00	December 2011	Butanilicaine	Corrected Penalty Class omission in Alphabetical Listing section of document	2, 13
3.00	December 2011	3,4-methylenedioxy-pyrovalerone, aka MDPV, "Bath Salts"	Corrected typographical error in Trade Name sections	1, 12
3.00	December 2011	Carbazochrome	Added as Class 4, Penalty C	2, 22
2.01	August 2011	Dimethylsulfoxide (DMSO)	Edited Drug Classification definitions to remove mention of DMSO from Class 5 definition	vii
2.00	July 2011	<<Drugs Not Listed>>	Language pertaining to all drugs/substances not found in this document shall be considered a Class I, Penalty A Substance	ii

Version	Date	Drug/Substance	Notes	Approx. Page(s)
2.00	July 2011	Phenylbutazone	Penalties for tests over 2.0 micrograms per milliliter of plasma or serum but less than 5.0 micrograms per milliliter of plasma or serum added.	29
2.00	July 2011	Dermorphin	Added as Class 1, Penalty A	3, 12
2.00	July 2011	3,4-methylenedioxy-pyrovalerone, aka MDPV, "Bath Salts"	Added as Class 1, Penalty A	1, 12
2.00	July 2011	Synthetic cannabis	Added as Class 1, Penalty A	10, 12
2.00	July 2011	Alclomethasone	Corrected typographical error in spelling	1, 22
1.01	January 2011	Methocarbamol	Corrected typographical error on Penalty Class from Class B to Class C	7, 23
1.00	December 2010	Zilpaterol	Added as Class 3, Penalty a	11, 17
1.00	December 2010	Dimethylsulfoxide (DMSO)	Changed from Class 5 to Class 4	4, 23