

STEROID RULE

The following is the Kentucky Horse Racing Commission's rule concerning the use of anabolic steroids. The rule went into effect on September 5, 2008. It applies to both thoroughbred and standardbred racing. It appears in Section 9 of both the thoroughbred drug regulation (810 KAR 1:018) and the standardbred drug regulation (811 KAR 1:090).

Section 9. Anabolic steroids (1) The presence of exogenous anabolic androgenic steroids ("AAS") is banned in a horse that is racing. The detection of any exogenous anabolic steroid or metabolite thereof in a post race biologic sample or a pre-race biologic sample after the horse has been entered shall constitute a violation.

(2) The detection in a post race sample of any endogenous anabolic steroid or metabolite thereof where the concentration of the AAS, its metabolites, markers and/or any relevant ratio(s) as have been published in peer-reviewed scientific literature deviates from naturally occurring physiological levels shall constitute a violation. For purposes of this rule, the following are deemed to be the naturally occurring physiological levels:

(a) Boldenone (free and conjugated) in male horses other than geldings; - 15 ng/ml in urine. No boldenone shall be permitted in geldings or female horses.

(b) Nandrolone (free and conjugated)

1. In geldings – 1 ng/ml in urine

2. In fillies and mares – 1 ng/ml in urine
3. In male horses other than geldings – 45 ng/ml of metabolite, 5 σ -estrane-3 β , 17 σ -diol in urine or a ratio in urine of 5 σ -estrane-3 β , 17 σ -diol to 5 σ -estrane-3 β , 17 σ -diol of >1:1.

(c) Testosterone (free and conjugated)

1. In geldings – 20 ng/ml in urine
2. In fillies and mares – 55 ng/ml in urine
3. Male horses: in amounts in excess of amounts existing naturally in the untreated horse at normal physiological concentrations.

(3) A horse may receive one of the following medications: boldenone, nandrolone, or testosterone (“Therapeutic AAS”) if each of the following conditions are met:

(a) The Therapeutic AAS must be given for the sole purpose of treating an existing illness or injury having been diagnosed by the regular attending veterinarian. Any owner or trainer who is uncertain about whether a particular purpose is considered to be therapeutic shall consult with the Commission prior to administration.

(b) The horse shall be ineligible to race in Kentucky until all of the following have occurred:

1. a minimum of 60 days has passed since the administration of the therapeutic AAS to the horse;
2. a relevant biological sample is taken from the horse;
3. the sample is tested for anabolic steroids by a laboratory from the approved

list established by the Commission at the expense of the owner of the horse; and

4. the KHRC has received a report from the laboratory of a negative finding regarding the sample.

(c) A report from the Commission laboratory of a negative finding in a pre-race sample does not provide a safe harbor for the owner, trainer, veterinarian or horse. A report from the Commission laboratory of a positive finding in a post-race sample will be treated as a violation even if there was a negative finding by the Commission laboratory in a pre-race sample.

(d) The horse may not be entered to race until at least 60 days after the administration of the Therapeutic AAS to the horse;

(e) Procedures for administration of Therapeutic AAS.

1. Only a licensed veterinarian may administer a Therapeutic AAS.

2. Other treatment methods shall be investigated prior to consideration of the use of Therapeutic AAS and the medical records shall include documentation of the consideration of the alternative methods. The medical records for the horse shall include information documenting the necessity for the administration of the Therapeutic AAS.

3. The administering veterinarian shall record on the Therapeutic AAS

Administration Form the following information:

a. The Therapeutic AAS administered, the amount in milligrams, route, and site of administration.

b. The date and time of administration.

c. The name, age, sex, color, and registration certificate number of the horse to

which the Therapeutic AAS is administered.

d. The diagnosis and justification for administration of the Therapeutic AAS to the horse.

4. The Therapeutic AAS Administration Form shall be signed by the veterinarian administering the medication.

5. The Therapeutic AAS Administration Form shall be delivered electronically to the Equine Medical Director of the Kentucky Horse Racing Commission within 72 hours after administration. If the Therapeutic AAS Administrative Form cannot be delivered electronically the practitioner shall file the form with the Medical Director in person or through the mail. It is the responsibility of the submitting veterinarian to confirm receipt by the Equine Medical Director.

(4) If a horse is shipped into Kentucky from outside the state, prior to being eligible to race in Kentucky:

(a) The protocol in subsection (3) of this Section shall be complied with in its entirety, or

(b)1. The trainer shall certify that he or she has had control of the horse for the 60 days previous to racing and the horse has not been administered anabolic steroids, or

2. The trainer shall certify that he or she has not had control of the horse for the 60 days previous to racing but shall acknowledge that he or she is responsible and accountable should a post-race test identify a violation of this administrative regulation.

(5) Substances referred to in subsections (1) and (2) of this Section are "Class

B” drugs. A positive test for exogenous anabolic steroids or for amounts in excess of the concentrations referred to in paragraph (2) are subject to the penalties referred to in 810 KAR 1:028.

(6) The detection of more than one Therapeutic AAS or metabolite thereof in any sample in excess of the threshold level set forth in subsection (2) of this section shall constitute a violation for each anabolic steroid detected in excess of the one Therapeutic AAS. There shall also be a violation if more than one Therapeutic AAS is present.

(7) The trainer and veterinarian for the horse shall be charged accordingly and shall be subject to penalties for a violation of this administrative regulation.

(8) A claimed horse may be tested for the presence of AAS if the claimant requests the test at the time the claim form is completed and deposited in the association’s claim box. The claimant shall bear the costs of the test. The results of the test shall be reported to the Senior State Steward. If a test is positive, the claim may be voided at the option of the claimant and the claimant shall be entitled to return of all sums paid for the claimed horse, as well as expenses incurred after the date of the claim and the costs of testing. If the test is negative, the claimant shall reimburse the regulatory body or the prior owner for the cost of the testing. While awaiting test results, a claimant: (a) shall exercise due care in maintaining and boarding a claimed horse, and (b) shall not materially alter a claimed horse.

(9) A post-race urine or blood sample collected from an intact male horse shall be identified to the state veterinarian and the testing laboratory.

(10) Only a licensed veterinarian may possess or administer a Therapeutic AAS.

(11) Qualified 90 day grace period. (a) The ban on use of AAS set forth in this Section shall begin immediately upon the effective date of this emergency administrative regulation. Penalties for a positive finding of AAS from a sample taken during a period of 90 days following the effective date of this emergency regulation shall not be imposed, except as follows:

1. A positive test for AAS from a sample taken during the final 30 days of the 90 day period shall be considered an aggravating factor in any subsequent case involving a violation of this administrative regulation.

2. A positive finding of AAS in a post-race sample taken during the final 30 days of the 90 day period, accompanied by evidence of administration within the preceding 60 days, shall constitute a violation of this administrative regulation.

(b) During the 90 day period, a positive test for AAS, or a suspected violation of any provision of this Section, shall be subject to investigation by the Commission.

(c) The trainer and owner shall be notified if there is a positive test for AAS during the last 60 days of the 90 day period.