PUBLIC PROTECTION CABINET

Kentucky Horse Racing Commission

(Amendment)

810 KAR 8:020. Drug, medication, and substance classification schedule.

RELATES TO: KRS 230.215, 230.225, 230.240, 230.260, 230.265, 230.290, 230.320, 230.370

STATUTORY AUTHORITY: KRS 230.215(2), 230.225, 230.240(2), 230.260, 230.320, 230.370

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing Commission (the "commission") to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in Kentucky. KRS 230.240(2) requires the commission to promulgate administrative regulations restricting or prohibiting the administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. This administrative regulation establishes the drug classification schedule in effect in Kentucky for permitted drugs, medications, and substances that may be administered to race horses competing in Kentucky.

Section 1. The Kentucky Horse Racing Commission Uniform Drug, Medication, and Substance Classification Schedule.

(1) This administrative regulation shall establish the respective classifications of all substances contained herein.

(2)

(a) Class A drugs, medications, and substances are those that:

1. Have the highest potential to influence performance in the equine athlete, regardless of their approval by the United States Food and Drug Administration; or

2. Lack approval by the United States Food and Drug Administration, but have pharmacologic effects similar to certain Class B drugs, medications, or substances that are approved by the United States Food and Drug Administration.

(b) Class A shall include:

|  |
| --- |
| Acecarbromal |
| Acetophenazine |
| Adinazolam |
| Alcuronium |
| Alfentanil |
| Almotriptan |
| Alphaprodine |
| Alpidem |
| Alprazolam |
| Alprenolol |
| Althesin |
| Aminorex |
| Amisulpride |
| Amitriptyline |
| Amobarbital |
| Amoxapine |
| Amperozide |
| Amphetamine |
| Amyl nitrite |
| Anileridine |
| Anilopam |
| Apomorphine |
| Aprobarbital |
| Arecoline |
| Atracurium |
| Atomoxetine |
| Azacylonol |
| Azaperone |
| Barbital |
| Barbiturates |
| Bemegride |
| Benazepril |
| Benperidol |
| Bentazepam |
| Benzactizine |
| Benzoctamine |
| Benzonatate |
| Benzphetamine |
| Benztropine |
| Benzylpiperazine |
| Bethanidine |
| Biperiden |
| Biriperone |
| Bitolterol |
| Bolasterone |
| Boldione |
| Brimondine |
| Bromazepam |
| Bromfenac |
| Bromisovalum |
| Bromocriptine |
| Bromperidol |
| Brotizolam |
| Bufexamac |
| Bupivacaine |
| Buprenorphine |
| Buspirone |
| Bupropion |
| Butabartital |
| Butacaine |
| Butalbital |
| Butanilicaine |
| Butaperazine |
| Butoctamide |
| Calusterone |
| Camazepam |
| Cannabinoids, Synthetic |
| Captadiame |
| Carazolol |
| Carbidopa |
| Carbromal |
| Carfentanil |
| Carphenazine |
| Carpipramine |
| Cathinone |
| Chloral betaine |
| Chloral hydrate |
| Chloraldehyde |
| Chloralose |
| Chlordiazepoxide |
| Chlorhexadol |
| Chlormezanone |
| Chloroform |
| Chloroprocaine |
| Chlorproethazine |
| Chlorpromazine |
| Chlorprothixene |
| Cimaterol |
| Citalopram |
| Cllibucaine |
| Clobazam |
| Clocapramine |
| Clomethiazole |
| Clomipramine |
| Clonazepam |
| Clorazepate |
| Clormecaine |
| Clostebol |
| Clothiapine |
| Clotiazepam |
| Cloxazolam |
| Clozapine |
| Cobratoxin |
| Cocaine |
| Codeine |
| Conorphone |
| Conotoxin |
| Corticaine |
| Crotetamide |
| Cyamemazine |
| Cyclandelate |
| Cyclobarbital |
| Darbepoetin |
| Decamethonium |
| Dehydrochloromethy-testosterone |
| Delorazepam |
| Demoxepam |
| Dermorphin |
| Desipramine |
| Desoxymethyl-testosterone |
| Dextromoramide |
| Dezocine |
| Diamorphine |
| Dichloralphenazone |
| Diethylpropion |
| Diethylthiambutene |
| Dihydrocodeine |
| Dimefline |
| Diprenorphine |
| Divalproex |
| Dixyrazine |
| Donepezil |
| Dopamine |
| Doxacurium |
| Doxapram |
| Doxazosin |
| Doxefazepam |
| Doxepin |
| Droperidol |
| Duloxetine |
| Eletriptan |
| Enalapril |
| Enciprazine |
| Endorphins |
| Enkephalins |
| Ephedrine |
| Epibatidine |
| Epinephrine |
| Ergaloid Mesylates |
| Erthritol tetranitrate |
| Erythropoietin |
| Eszopiclone |
| Estazolam |
| Ethamivan |
| Ethanol |
| Ethchlorvynol |
| Ethinamate |
| Ethoheptazine |
| Ethopropazine |
| Ethosuximide |
| Ethylisobutrazine |
| Ethylmorphine |
| Ethylnorepinephrine |
| Ethylphenidate |
| Etidocaine |
| Etifoxin |
| Etizolam |
| Etodroxizine |
| Etomidate |
| Etorphine HCL |
| Fenarbamate |
| Fenfluramine |
| Fentanyl |
| Fluanisone |
| Fludiazepam |
| Flunitrazepam |
| Fluopromazine |
| Fluoresone |
| Fluoxetine |
| Flupenthixol |
| Flupirtine |
| Flurazepam |
| Fluspirilene |
| Flutoprazepam |
| Fluvoxamine |
| Formebolone |
| Fosinopril |
| Furzabol |
| Galantamine |
| Gallamine |
| Gepirone |
| Gestrinone |
| Glutethimide |
| Guanadrel |
| Guanethidine |
| Halazepam |
| Haloperidol |
| Haloxazolam |
| Hemoglobinglutamers |
| Hemopure |
| Hexafluorenium |
| Hexobarbital |
| Homophenazine |
| Hydrocodone |
| Hydromorphone |
| Hydroxyamphetamine |
| Ibomal |
| Iloprost |
| Imipramine |
| InositolTrispyrophosphate |
| Ipsapirone |
| Irbesarten |
| Isocarboxazid |
| Isomethadone |
| Isoproterenol |
| Ketazolam |
| Ketorolac |
| Lamotrigine |
| Lenperone |
| Levodopa |
| Levomethorphan |
| Levorphanol |
| Lisinopril |
| Lithium |
| Lobeline |
| Lofentanil |
| Loflazepate, Ethyl |
| Loprazolam |
| Lorazepam |
| Lormetazepam |
| Loxapine |
| Mabuterol |
| Maprotiline |
| Mazindol |
| Mebutamate |
| Meclofenoxate |
| Medazepam |
| Meldonium |
| Melperone |
| Memantine |
| Meparfynol |
| Mepazine |
| Meperidine |
| Mephenoxalone |
| Mephentermine |
| Mephenytoin |
| Mephobarbital |
| Meprobamate |
| Mesoridazine |
| Mestanolone |
| Mesterolone |
| Metaclazepam |
| Metaraminol |
| Metazocine |
| Methachloline |
| Methadone |
| Methamphetamine, when detected exclusively as d-methamphetamine or in combination with l-methamphetamine |
| Methandriol |
| Methandrostenolone |
| Methaqualone |
| Metharbital |
| Methasterone |
| Methcathinone |
| Methenolone |
| Methixene |
| Methohexital |
| Methotrimeprazine |
| Methoxamine |
| Methoxyphenamine |
| 3-Methoxytyramine |
| Methyl-1-testosterone |
| Methylandriostenediol |
| Methyldienolone |
| Methyldopa |
| MethyleneDioxypyrovalene(MDPV; 3,4Methylenedioxy-pyrovalerone) |
| Methylhexaneamine |
| Methylnortestosterone |
| Methylphenidate |
| Methyprylon |
| Metocurine |
| Metomidate |
| Metopon |
| Mexazolam |
| Mirtazapine |
| Mivacurium |
| Modafinil |
| Molindone |
| Moperone |
| Morphine |
| Mosapramine |
| Muscarine |
| Naepaine |
| Nalbuphine |
| Nalorphine |
| Nebivolol |
| Nefazodone |
| Nefopam |
| Nikethamide |
| Nimetazepam |
| Nitrazepam |
| Norbolethone |
| Norclostebol |
| Nordiazepam |
| Norepinephrine |
| Norethandrolone |
| Nortriptyline |
| Nylidrin |
| Olanzapine |
| Olmesartan |
| Oxabolone |
| Oxazepam |
| Oxazolam |
| Oxcarbazepine |
| Oxilofrine |
| Oxprenolol |
| Oxycodone |
| Oxymesterone |
| Oxymorphone |
| Oxypertine |
| Paliperidone |
| Pancuronium |
| Papaverine |
| Paraldehyde |
| Paramethadione |
| Pargyline |
| Paroxetine |
| Pemoline |
| Penfluridol |
| Pentaerythritol |
| Pentobarbital |
| Pentylenetetrazol |
| Perazine |
| Perfluorocarbons |
| Perfluorodecahydro-naphthalene |
| Perfluorodecalin |
| Perfluorooctylbromide |
| Perfluorotripro-pylamine |
| Periciazine |
| Perindopril |
| Perlapine |
| Perphenazine |
| Phenaglycodol |
| Phenazocine |
| Phencyclidine |
| Phendimetrazine |
| Phenelzine |
| Phenmetrazine |
| Phenobarbital |
| Phentermine |
| Physostigmine |
| Picrotoxin |
| Piminodine |
| Pimozide |
| Pinazepam |
| Pipamperone |
| Pipecuronium |
| Pipequaline |
| Piperacetazine |
| Piperocaine |
| Pipotiazine |
| Pipradrol |
| Piquindone |
| Piritramide |
| Prazepam |
| Procaterol |
| Prochlorperazine |
| Propanidid |
| Propiomazine |
| Propionylpromazine |
| Propiram |
| Propofol |
| Propoxycaine |
| Prostanozol |
| Prothipendyl |
| Protokylol |
| Protriptyline |
| Proxibarbital |
| Pyrithyldione |
| Quazipam |
| Quetiapine |
| Quinapril / Quinaprilat |
| Quinbolone |
| Racemethorphan |
| Racemorphan |
| Raclopride |
| Ractopamine |
| Ramipril / Ramiprilat |
| Remifentanil |
| Remoxipride |
| Rilmazafone |
| Risperidone |
| Ritanserin |
| Rivastigmine |
| Rocuronium |
| Ropivacaine |
| Secobarbital |
| Selegiline |
| Sertraline |
| Sildenafil |
| Snake Venoms |
| Somatrem |
| Somatropin |
| Spiclomazine |
| Spiperone |
| Spirapril / Spiraprilat |
| Stenbolone |
| Succinylcholine |
| Sufentanil |
| Sulfondiethylmethane |
| Sulfonmethane |
| Sulforidazine |
| Sulpiride |
| Sultopride |
| Tadalasil |
| Talbutal |
| Tandospirone |
| Temazepam |
| Terazosin |
| Tetrabenazine |
| Tetracaine |
| Tetrahydrogestrinone |
| Tetrazepam |
| Thebaine |
| Thialbarbital |
| Thiamylal |
| Thiethylperazine |
| Thiopental |
| Thiopropazate |
| Thioproperazine |
| Thioridazine |
| Thiothixene |
| Tiapride |
| Tiletamine |
| Timiperone |
| Tofisopam |
| Topirimate |
| Torsemide |
| Tranylcypromine |
| Trazodone |
| Tretoquinol |
| Triazolam |
| Tribromethanol |
| Tricaine |
| Trichloroethanol |
| Tricholoethylene |
| Triclofos |
| Trifluomeprazine |
| Trifluoperazine |
| Trifluperidol |
| Triflupromazine |
| Trihexylphenidyl |
| Trimethaphan |
| Trimipramine |
| Tubocurarine |
| Tybamate |
| Urethane |
| Valerenic Acid |
| Valnoctamide |
| Vardenafil |
| Venlafaxine |
| Veralipride |
| Vercuronium |
| Viloxazine |
| Vinbarbital |
| Vinylbital |
| Zaleplon |
| Ziconotide |
| Zilpaterolhydrochloride |
| Ziprasidone |
| Zolazepam |
| Zolpidem |
| Zopiclone |
| Zotepine |
| Zuclopenthixol |

(3)

(a) Class B drugs, medications, and substances are those that:

1. Are approved by the United States Food and Drug Administration and have a high potential to influence performance in the equine athlete, but less potential than Class A drugs, medications, and substances that are classified at that level because they have the highest potential to influence performance; or

2. Lack approval by the United States Food and Drug Administration, but have pharmacologic effects similar to certain Class C drugs, medications, or substances that are approved by the United States Food and Drug Administration.

(b) Class B shall include:

|  |
| --- |
| 2-Aminoheptane |
| Acebutolol |
| Acepromazine |
| Acetanilid |
| Acetophenetidin |
| Adrenochromemonosemicarbazonesalicylate |
| Albuterol |
| Alclofenac |
| Aldosterone |
| Ambenonium |
| Ambroxol |
| Amiloride |
| Aminophylline |
| Aminopyrine |
| Amiodarone |
| Amisometradine |
| Amitraz |
| Amlodipine |
| Amrinone |
| Anisotropine |
| Antipyrine |
| Apazone |
| Aprindine |
| Arformoterol |
| Articaine |
| Atenolol |
| Atropine |
| Baclofen |
| Bendroflumethiazide |
| Benoxaprofen |
| Benzocaine |
| Benzthiazide |
| Bepridil |
| Betaxolol |
| Bisoprolol |
| Boldenone |
| Bretylium |
| Bromhexine |
| Bromodiphenhydramine |
| Brompheniramine |
| Bumetanide |
| Butorphanol |
| Butoxycaine |
| Caffeine |
| Candesartan |
| Captopril |
| Carbachol |
| Carbamezapine |
| Carbazochrome |
| Carbinoxamine |
| Carisoprodol |
| Carprofen |
| Carteolol |
| Carticaine |
| Carvedilol |
| Celecoxib |
| Chlormerodrin |
| Chlorothiazide |
| Chlorpheniramine |
| Chlorthalidone |
| Chlorzoxazone |
| Cilostazol |
| Clanobutin |
| Clemastine |
| Clenbuterol |
| Clidinium |
| Clofenamide |
| Clonidine |
| Colchicine |
| Cyclizine |
| Cyclobenzaprine |
| Cyclothiazide |
| Cycrimine |
| Cyproheptadine |
| Danazol |
| Deracoxib |
| Detomidine |
| Dextromethorphan |
| Dextropropoxyphene |
| Diazepam |
| Diazoxide |
| Dibucaine |
| Diflunisal |
| Digitoxin |
| Digoxin |
| Dihydroergotamine |
| Diltiazem |
| Dimethisoquin |
| Diphenhydramine |
| Diphenoxylate |
| Dipyridamole |
| Disopyramide |
| Dobutamine |
| Doxylamine |
| Dromstanolone |
| Dyphylline |
| Edrophonium |
| Eltenac |
| Enalapril |
| Ergotamine |
| Esmolol |
| Etamiphylline |
| Etanercept |
| Ethacrynic acid |
| Ethotoin |
| Ethylestrenol |
| Etodolac |
| Felbamate |
| Felodipine |
| Fenbufen |
| Fenclozic acid |
| Fenoldopam |
| Fenoprofen |
| Fenoterol |
| Fenspiride |
| Fentiazac |
| Flecainide |
| Floctafenine |
| Flufenamic acid |
| Flumethiazide |
| Flunarizine |
| Fluoroprednisolone |
| Fluoxymesterone |
| Fluphenazine |
| Flurbiprofen |
| Formoterol |
| Fosphenytoin |
| Gabapentin |
| Guanabenz |
| Heptaminol |
| Hexocyclium |
| Hexylcaine |
| Homatropine |
| Hydralazine |
| Hydrochlorthiazide |
| Hydroflumethiazide |
| Hydroxyzine |
| Ibutilide |
| Indomethacin |
| Infliximab |
| Ipratropium |
| Isoetharine |
| Isometheptene |
| Isopropamide |
| Isosorbide dinitrate |
| Isoxicam |
| Isradipine |
| Kebuzone |
| Ketamine |
| L-methamphetamine, when detected by itself and not in combination with d-methamphetamine |
| Labetalol |
| Levamisole |
| Levobunolol |
| Lidocaine |
| Loperamide |
| Losartan |
| Mecamylamine |
| Meclizine |
| Medetomidine |
| Mefenamic acid |
| MelMepenzolate |
| Mephenesin |
| Mepivacaine |
| Meralluride |
| Merbaphen |
| Mercaptomerin |
| Mercumatilin |
| Mersalyl |
| Metaproterenol |
| Metaxalone |
| Methantheline |
| Methapyrilene |
| Methdilazine |
| Methosuxamide |
| Methotrexate |
| Methscopolamine |
| Methylatropine |
| Methylchlorthiazide |
| Methysergide |
| Methyltestosterone |
| Metiamide |
| Metolazone |
| Metoprolol |
| Mexilitine |
| Mibefradil |
| Mibolerone |
| Midazolam |
| Midodrine |
| Milrinone |
| Minoxidil |
| Moexipriloxicam |
| Nadol |
| Naloxone |
| Naltrexone |
| Nandrolone |
| Naphazoline |
| Naratriptan |
| Neostigmine |
| Nicardipine |
| Nifedipine |
| Niflumic acid |
| Nimesulide |
| Nimodipine |
| Nitroglycerin |
| Nortestosterone |
| Orphenadrine |
| Oxandrolone |
| Oxaprozin |
| Oxymetazoline |
| Oxymetholone |
| Oxyphencyclimine |
| Oxyphenonium |
| Penbutolol |
| Pentazocine |
| Pergolide |
| Phenacemide |
| Phenoxybenzamine |
| Phensuximide |
| Phentolamine |
| Phenylephrine |
| Phenylpropanolamine |
| Phenytoin |
| Pindolol |
| Pirbuterol |
| Piretanide |
| Piroxicam |
| Polythiazide |
| Prazosin |
| Prilocaine |
| Primidone |
| Procainamide |
| Procaine |
| Procyclidine |
| Promazine |
| Promethazine |
| Propafenone |
| Propantheline |
| Propentophylline |
| Propranolol |
| Propylhexedrine |
| Pseudoephedrine |
| Pyridostigmine |
| Pyrilamine |
| Quinidine |
| Reserpine |
| Ritodrine |
| Rizatriptan |
| Rofecoxib |
| Romifidine |
| Salmeterol |
| Scopolamine |
| Sibutramine |
| Sotalol |
| Spironalactone |
| Stanozolol |
| Strychnine |
| Sumatriptan |
| Telmisartin |
| Tenoxicam |
| Tepoxalin |
| Terbutaline |
| Terfenadine |
| Testolactone |
| Testosterone |
| Tetrahydrozoline |
| Theobromine |
| Theophylline |
| Thiosalicylate |
| Thiphenamil |
| Tiaprofenic acid |
| Timolol |
| Tocainide |
| Tolazoline |
| Tolmetin |
| Tramadol |
| Trandolapril |
| Trenbolone |
| Triamterene |
| Tridihexethyl |
| Trimeprazine |
| Trimethadione |
| Tripelennamine |
| Triprolidine |
| Valdecoxib |
| Valsartan |
| Vedaprofen |
| Verapamil |
| Xylazine |
| Xylometazoline |
| Yohimbine |
| Zolmitriptan |
| Zomepirac |
| Zonisamide |

(4)

(a) Class C drugs, medications, and substances are those that:

1. Are approved by the United States Food and Drug Administration and have a lesser potential to influence performance in the equine athlete than Class A drugs, medications, and substances and those Class B drugs, medications, and substances that are classified at that level because they have a high potential to influence performance and are approved by the United States Food and Drug Administration; or

2. Lack approval by the United States Food and Drug Administration, but have pharmacologic effects similar to certain Class D drugs, medications, or substances that are approved by the United States Food and Drug Administration.

(b) Class C shall include:

|  |
| --- |
| Acenocoumarol |
| Acetaminophen |
| Acetazolamide |
| Acetylsalicylic acid |
| Alclometasone |
| Amcinonide |
| Aminocaproic acid |
| Beclomethasone |
| Benoxinate |
| Betamethasone |
| Bethanechol |
| Budesonide |
| Butamben |
| Camphor |
| Cetirizine |
| Chlorophenesin |
| Chloroquine |
| Ciclesonide |
| Clobetasol |
| Clocortolone |
| Cortisone |
| Cyclomethylcaine |
| Dantrolene |
| Dembroxol |
| Deoxycorticosterone |
| Desonide |
| Desoximetasone |
| Dexamethasone |
| Dibucaine |
| Dichlorphenamide |
| Diclofenac |
| Diflorasone |
| Diflucortolone |
| Dimethylsulfoxide |
| Diphenadione |
| Dipyrone |
| Dyclonine |
| Ergonovine |
| Ethoxzolamide |
| Ethylaminobenzoate |
| Fexofenadine |
| Firocoxib |
| Fludrocortisone |
| Flumethasone |
| Flunisolide |
| Flunixin |
| Fluocinolone |
| Fluocinonide |
| Fluorometholone |
| Fluprednisolone |
| Flurandrenolide |
| Fluticasone |
| Furosemide |
| Glycopyrrolate |
| Guaifenesin |
| Halcinonide |
| Halobetasol |
| Hydrocortisone |
| Ibuprofen |
| Isoflupredone |
| Ketoprofen |
| Letosteine |
| Loratidine |
| Meclofenamic acid |
| Medrysone |
| Mesalamine |
| Methazolamide |
| Methocarbamol |
| Methylergonovine |
| Methylprednisolone |
| Metoclopramide |
| Mometasone |
| Montelukast |
| N-butylscopolamine |
| Nabumetone |
| Naproxen |
| Olsalazine |
| Oxyphenbutazone |
| Paramethasone |
| Phenylbutazone |
| Pirenzapine |
| Pramoxine |
| Prednisolone |
| Prednisone |
| Probenecid |
| Proparacaine |
| Salicylamide |
| Salicylate |
| Sulfasalazine |
| Sulindac |
| Tranexamic acid |
| Triamcinolone acetonide |
| Trichlormethiazide |
| Zafirlukast |
| Zeranol |
| Zileuton |

(5)

(a) Class D drugs, medications, and substances are those that:

1. Have a lesser potential to influence performance in the equine athlete than Class A and B drugs, medications, and substances or those Class C drugs, medications, and substances that are classified at that level because they have a lesser potential to influence performance and are not approved by the United States Food and Drug Administration; or

2. Have a lesser potential to influence performance in the equine athlete than any Class A, B, or C drugs, medications or substances.

(b) Class D shall include:

|  |
| --- |
| Anisindione |
| Cimetidine |
| Cromolyn |
| Dicumarol |
| Esomeprazole |
| Famotidine |
| Isoxsuprine |
| Lansoprazole |
| Misoprostol |
| Nedocromil |
| Nizatidine |
| Omeprazole |
| Pantoprazole |
| Pentoxyfylline |
| Phenindione |
| Phenprocoumon |
| Polyethylene glycol |
| Rabeprazole |
| Ranitidine |
| Warfarin |

APPROVED BY AGENCY: February 23, 2023

FILED WITH LRC: March 6, 2023 at 11:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. on May 22, 2023 at 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jennifer Wolsing; General Counsel; 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511; phone +1 (859) 246-2040; fax +1 (859) 246-2039; email jennifer.wolsing@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Wolsing

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation sets a medication classification schedule.

(b) The necessity of this administrative regulation:

This regulation is necessary to clearly establish requirements and prohibitions concerning the use of medications before and during race meetings.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 230.215(2) authorizes the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing conditions under which all legitimate horse racing and wagering thereon is conducted in Kentucky. KRS 230.240(2) requires the commission to promulgate administrative regulations restricting or prohibiting the administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. This administrative regulation establishes the drug classification schedule in effect in Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation ensures that medications are used appropriately on and before racing dates, and in a manner that is consistent with the integrity of racing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This proposed amendment adds levamisole as a Class B medication.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to clarify the status of levamisole as a Class B substance, particularly following the results of equine studies involving levamisole administration.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing conditions under which racing shall be conducted in Kentucky. KRS 230.240(2) authorizes the commission to promulgate administrative regulations restricting or prohibiting the use and administration of drugs or simulants or other improper acts to horses participating in a race. The amendment to this regulation is necessary to ensure that racing participants have easier access to the commission’s regulatory requirements and guidance.

(d) How the amendment will assist in the effective administration of the statutes:

The amendment will assist in the effective administration of KRS 230.215(2), 230.260(8), KRS 230.240(2) by ensuring that racing participants have easier access to regulations establishing appropriate requirements and prohibitions pertaining to the use of medications in horse racing in Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Kentucky Horse Racing Commission is affected by this administrative regulation. In addition, Kentucky’s licensed thoroughbred and standardbred race tracks, and all individual participants in horse racing, are potentially affected by this administrative regulation’s establishment of fundamental rules pertaining to the use of medication in horse racing. In 2017, the commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Participants in horse racing, and especially owners, trainers, and veterinarians, will be required to adhere to the requirements and rules set forth in these medication classifications, which pertain to the use of medications in horse racing. In this case, participants will be required to adhere to the rule regarding levamisole.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

No new costs are anticipated to comply with this administrative regulation, as Kentucky’s licensees have operated in accordance with similar requirements for many years.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Participants in racing will benefit from clearly defined rules that enhance the integrity of racing.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There is no initial administrative cost to implement this administrative regulation.

(b) On a continuing basis:

There is no continuing cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Kentucky’s racing associations are required by KRS 230.240(2) to pay for the cost of testing for prohibited medications. The Kentucky Horse Racing Commission covers other costs of implementing and enforcing this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No additional fees or funding are necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any new fees or increase any current fees to participate.

(9) TIERING: Is tiering applied?

Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Kentucky Horse Racing Commission will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 230.215, 230.225, 230.240, 230.260, 230.300.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation will not generate revenue for state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation will not generate revenue for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year?

No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years?

No funds will be required to administer this regulation for the subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation:

None

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This bill is not anticipated to save costs during the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This bill is not anticipated to save costs in subsequent years.

(c) How much will it cost the regulated entities for the first year?

This bill is not anticipated to generate new costs in the first year.

(d) How much will it cost the regulated entities for subsequent years?

This bill is not anticipated to generate new costs in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-): None.

Expenditures (+/-): None.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars ($500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This regulation will not need to a major economic impact; it will neither save nor generate costs.