

NHBPA Board Resolution, July 24, 2011 –

ARCI Class 1 & 2 Penalty Initiative to be presented at RCI DTSP Cmte. Meeting on July 26, 2011

WHEREAS, since 2001 the National Horsemen's Benevolent & Protective Association (NHBPA) has published and endorsed a document entitled, *Proposed National Policy on Drug Testing and Therapeutic Medication Regulation for Association of Racing Commissioners International (ARCI) class 1, 2, 3, 4, and 5 substances*;

WHEREAS, this document expresses no tolerance for performance-altering substances that have no legitimate use in horses in training or racing and are not therapeutic medications or endogenous, dietary, or environmental substances;

WHEREAS, standardized testing across the nation is the only viable approach to testing for performance-altering substances as described in the NHBPA's *Proposed National Policy on Drug Testing and Therapeutic Medication Regulation for Association of Racing Commissioners International (ARCI) class 1, 2, 3, 4, and 5 substances*;

NOW, THEREFORE, BE IT RESOLVED That the National HBPA Board of Directors supports any industry and/or regulatory effort(s) whose goal is to put in place and/or enforce the strictest penalties for violations involving pharmacologically significant concentrations of ARCI Class 1 or 2 substances which have no approved or indicated use in the horse and are not detected due to environmental contamination, nor are therapeutic, endogenous or dietary substances, and are more particularly defined as follows:

Class 1 - Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the racehorse and their pharmacological potential for altering the performance of a race is very high.

Class 2 - Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the racehorse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a racehorse.

Provided that:

1. The strictest of penalty guidelines are reserved for violations involving ARCI Class 1 or 2 offenses;

ARCI CLASS 1 & 2 PENALTIES

2. The imposition of the most severe penalties for violation involving ARCI Class 1 or 2 offenses is proper and justified, absent extraordinary mitigating circumstances, provided no violation is due to environmental contamination, therapeutic, endogenous or dietary substance;
3. Penalties may be reduced when there are extraordinary mitigating circumstances. This may include but is not limited to when a person acted in good faith and played a minimal role in the matter, truthfully admitted the relevant facts, materially assisted in the successful prosecution of other offenders, voluntarily withdrew from the misconduct and tried to prevent it from occurring, and/or the amount of the substance involved was forensically insignificant.
4. Suspected violators are afforded their full due process rights in accordance with applicable legal requirements;
5. Testing facilities used in confirming a ARCI Class 1 or 2 violation are in compliance with ISO IEC 17025 accreditation and utilize uniform standards and procedures due to the severity of penalties capable of being imposed;
6. Penalties for a first-time offender of a proven ARCI Class 1 violation, with no evidence of environmental contamination, endogenous or dietary substance may be at maximum levels, and of a proven ARCI Class 2 violation, with no evidence of environmental contamination, therapeutic, endogenous or dietary substance, may likewise be at maximum levels;
7. Severe penalty guidelines should be extended to any licensed veterinary professional or owner whose actions are found to have aided or abetted any proven ARCI Class 1 or 2 violation;
8. No substance or agent should be added to the list of ARCI Class 1 or 2 of prohibited substances without scientific evidence that justifies such addition and with prior consultation with the veterinary / scientific community and industry stakeholders; and,
9. Substances with a specific therapeutic use should, however, be capable of administration to a horse in a time, place and manner specifically permitted in advance and in writing by a racing commission. The commission should grant this permission only for a recognized therapeutic use and place appropriate limitations on the return of the horse to racing.

BE IT FURTHER RESOLVED, the National HBPA Board of Directors stands ready to work with the ARCI and state racing regulators to further develop and enforce where needed the strictest possible uniform penalty guidelines for violations involving ARCI Class 1 or 2 prohibited substances in accordance with the above-stated provisions.