**Section 508.50 Licensee Subject to Testing**

a) No licensee shall have present in his or her body, or possess or use on the grounds of any race track, any controlled substance or any prescription drug unless the substance was obtained directly, or pursuant to a valid prescription or order, from a licensed physician, while acting in the course of his or her professional practice.

b) Each licensee at a race track or other facility under the jurisdiction of the Board may be subject to a drug test at any time while within the enclosure of any race track or other facility, at the direction of the Stewards or Executive Director or designee, if there is individualized suspicion that a licensee is possessing or using any controlled substance or any drug in violation of any federal or State law. This provision notwithstanding, specific categories of occupation licenses are subject to random drug testing pursuant to Section 508.80. Failure to submit to or complete a drug test at the time, location and manner directed by Board personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete a drug test shall be immediately suspended for no more than 30 days and shall not be allowed to participate at any race track under the jurisdiction of the Board until a negative test result is achieved. A licensees' refusal to test shall subject the licensee to the penalties in Section 508.60.

c) Each specimen received from a licensee shall be divided into two separate parts. One portion designated as the referee sample, shall be available for testing upon the request of the individual who provided the specimen. The referee sample may also be tested by the laboratory with the consent of the individual who provided the specimen. The other portion of the sample shall be known as the laboratory sample and shall be tested by the laboratory. The cost of testing the referee portion shall be borne by the person requesting the additional test.

d) After the specimen has been taken from a licensee and analyzed by an accredited laboratory approved by the Board, the laboratory shall make a positive test finding. The Board shall consider both the initial test level and confirmatory test level for controlled substances or prescription drugs, pursuant to the Mandatory Guidelines for Federal Workplace Drug Testing (Substance Abuse and Mental Health Services Administration available at http://www.workplace.samhsa.gov) when determining a positive for a controlled substance that is included in the federal guidelines.

e) A confirmed positive for an illegal drug, controlled substance or prescription drug result shall be reported, in writing, to the Stewards. On receiving written notice from the laboratory that a sample has been found positive for an illegal drug, controlled substance or prescription drug, the Stewards shall notify the individual of the test results.

f) Upon receipt of a notice of positive test finding, the stewards shall conduct an inquiry at which the individual with notice of a positive test finding shall have the opportunity to be heard. Further, any individual with notice of a positive test finding may challenge his or her particular test or test result by having a portion of the sample tested at the laboratory of his or her choice. Any individual contesting the tests or test results may request a hearing before the Board as set forth in 11 Ill. Adm. Code 204.

(Source: Amended at 33 Ill. Reg. 4158, effective March 1, 2009)