**Section 508.80 Random Testing**

a) State racing boards and commissions in several states have promulgated regulations that subject racing participants to both breathalyzer and urinalysis tests by ramdomly selecting participants for such tests. The validity of this type of regulation was recently upheld in Shoemaker v. Handel, 3rd Cir. (1986) 795 F. 2d 1136, affirming 619 F. Supp. 1098 (D.N.J. 1985).

b) The Board finds, based on its experience and expertise in the regulation of racing, that random testing for alcohol and controlled substances will maximize the value of tests as a deterrent and will tend to reduce the adversarial nature of the test by treating all Jockeys, Drivers, Starters, Assistant Starters, and Outriders equally.

c) As a supplement to the substance abuse testing program based upon individualized suspicion (as set forth in Sections 508.30 and 508.50 above), the Board hereby authorizes the limited use by the Stewards of both breathalyzer and urinalysis tests for Jockeys, Drivers, Starters, Assistant Starters, and Outriders who are selected by random. The names of all Jockeys, Drivers, Starters, Assistant Starters, and Outriders who appear on the official program as participants for a given race program for which testing is to be conducted shall be placed in a locked container which shall be secured by the stewards. The stewards for each racing program shall draw from the container the names of not more than five individuals for alcohol and drug testing. The name drawing shall be proximate to race time and a representative of the Jockey's Guild, the Illinois Horsemen's Benevolent and Protective Association, and the Illinois Harness Horsemen's Association shall be invited to attend the drawings and witness the random selections.

d) The Jockeys, Drivers, Starter, Assistant Starters, and Outriders whose names are drawn at random must provide a urine sample to the stewards or their designee before the last race for that racing program. Any person selected at random who refuses to provide the sample or submit to a breathalyzer test shall be suspended.

e) No Jockey, Driver, Starter, Assistant Starter, or Outrider shall be required to provide a urine sample on a random selection basis more than three times at a race meet. If the participant's name is drawn in excess of three times, the stewards shall disregard the selection, return the name to the container, and draw another name.