**Section 603.160 Penalties**

a) Any person who administers or conspires to administer any foreign substance to any horse in violation of this Part shall be subject to a fine and/or license suspension or revocation and the purse money won may be redistributed.

b) Penalties for violations of this Part shall be based on the following criteria:

1) the nature of the foreign substance; e.g., cough medicine, steroid, narcotic, stimulant, depressant, etc.;

2) the accessibility of the drug; e.g., can be purchased over the counter, only with a prescription, only with a license for controlled substances, cannot be purchased in this country;

3) the age and experience of the violator;

4) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;

5) what action, if any, was taken by the violator to avoid the violation;

6) the purse of the race.

c) Any person who violates any provision of this Part for which no specific penalty is provided may be penalized by the stewards or the Board in accordance with the provisions for penalties contained elsewhere in this Chapter or in the Illinois Horse Racing Act of 1975. When imposing penalties, the stewards or the Board shall consider all relevant factors including, but not limited to those specified in this Part.

d) In harness racing, any trainer suspended for a violation of this Part shall, upon notice of the violation, submit to the Stewards a current stable list on a form provided by the Board.

1) The horses on the stable list shall be placed on the Steward's List unless:

A) The owner of each horse on the stable list secures the services of a trainer approved by the Stewards; and

B) The approved trainer stables the horses on the stable list on the grounds of an organization licensee for the full term of the penalized trainer's suspension;

2) Horses on the stable list shall be permitted to leave to race in other racing jurisdictions or for medical reasons.

e)Penalties for Class 4 and 5 drug violations:

1) Class 4 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)). Except as provided in Sections 603.60 and 603.70, upon finding of a Class 4 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).

2) Class 5 as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (incorporated by reference in Section 603.60(a)(3)). Except as provided in Sections 603.75 and 603.60(c), upon finding of a Class 5 substance, the trainer shall be subject to a fine and/or license suspension or revocation and the purse money won may be re-distributed according to the criteria set forth in subsection (e)(3).

3) In determining a disqualification and purse redistribution under this subsection (e), the Stewards shall use the following criteria:

A) A recommendation by the Board veterinarian and/or Board chemist regarding the significance of the concentration of the drug or metabolite present and the estimated withdrawal time.

B) A recommendation by industry experts, including equine pharmacologists and equine physiologists, regarding the effect of the drug on the horse in the concentration found and/or estimated withdrawal times.

C) Repeat violations of these medication and prohibited substance rules by the same trainer or with respect to the same horse.

D) Prior violations of similar rules in other racing jurisdictions by the same trainer or with respect to the same horse.

E) The criteria set forth in subsection (b).

4) The provisions of this subsection (e) shall be applied retroactively when substantively applicable, including all actions pending before the Board, without regard to when the cause of action accrued; provided, however, that this subsection (e)(4) shall not operate to affect rights of individuals that have fully vested prior to April 23, 2007.

(Source: Amended at 40 Ill. Reg. 9208, effective July 1, 2016)