

MITCHELL || WILLIAMS

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Secretary of State
Bureau of Legislative Research
Arkansas State Library

Re: Arkansas Racing Commission – Rule 1232(A)

Dear Sir/Madam:

On December 11, 2012, the Arkansas Racing Commission pursuant to Ark. Code Ann. 25-15-204 adopted an emergency rule to become effective January 11, 2013, prior to the 2013 Oaklawn meet. The emergency rule amended Arkansas Racing Commission Rule 1232(A) by lowering the permissible level of Phenylbutazone, a non-steroidal anti-inflammatory drug, from 5 micrograms per milliliter to 2 micrograms per milliliter in the post-race testing of a horse's blood or urine. Attached hereto is a copy of the Amended Rule.

Prior to adopting the Rule, the Arkansas Racing Commission determined that imminent peril to the public health, safety and welfare required the adoption of the emergency rule. The Commission found that 15 other states had adopted a rule lowering the permissible level of Phenylbutazone from 5 to 2 micrograms per milliliter. The rule change was recommended by the Association of Racing Commissioners International, based on information contained in studies and tests that indicate the lower levels of Phenylbutazone mandated in the Rule can help avoid injuries to horses and jockeys, *while increasing the protection to the betting public and improving racing integrity*. The Amended Rule is an effort to protect the safety of the horses and jockeys participating in the 2013 Oaklawn race meet that begins on January 11, 2013.

This change in the permissible levels of Phenylbutazone in post-race tests should have no material financial impact on any owner or trainer in the 2013 Oaklawn meet.

Best regards,

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.

By 
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BF/dw
Enclosure

1232(A). Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

- (1) The use of one of three approved NSAIDs shall be permitted under the following conditions:
 - (a) Not to exceed the following permitted urine, serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:
 - (i) Phenylbutazone (or its metabolite oxyphenylbutazone) – 2 micrograms per milliliter;
 - (ii) Flunixin – 20 nanograms per milliliter;
 - (iii) Ketoprofen – 10 nanograms per milliliter.
 - (b) These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.
 - (c) The presence of more than one of the three approved NSAIDs or any unapproved NSAID in the post-race serum or plasma sample is not permitted with the exception of Phenylbutazone in a concentration below 1 microgram per milliliter of serum or plasma. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.
- (2) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s).