

**THE HRA PROTOCOL AND RULES FOR
THE TESTING OF RIDERS FOR BANNED SUBSTANCES
AND PROCEDURES FOR NOTIFIABLE MEDICATIONS**

This Protocol and the associated Rules represents the measures for the testing of Riders for Banned Substances and procedures for Notifiable Medications approved by the HRA

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THE HRA PROTOCOL FOR THE TESTING OF RIDERS FOR BANNED SUBSTANCES AND PROCEDURES FOR NOTIFIABLE MEDICATIONS.

This Protocol sets out the measures for the Testing of Riders for Banned Substances and Procedures for Notifiable Medications approved by the Horseracing Regulatory Authority (HRA).

1. GENERAL PRINCIPLES

- 1.1 The misuse of some substances (defined in the "Orders and Rules of Racing" and referred to in this Protocol as "Banned Substances" including marijuana, cocaine, amphetamines and alcohol) is forbidden under the Rules of Racing. This policy is designed to prevent dangers associated with using these substances both to the individuals themselves and to others participating in horse racing.
- 1.2 In addition, there are other substances (defined in the "Orders and Rules of Racing" and referred to in this Protocol as "Notifiable Medications") where usage in conjunction with race-riding may present an unacceptable danger. When these substances are being used it is therefore necessary for the HRA's Chief Medical Adviser (HRACMA) to give his consent enabling the Rider to continue to race-ride.
- 1.3 The full list of Banned Substances and Notifiable Medications is set out in Appendix P to the "Orders and Rules of Racing" and is also reproduced at the end of this Protocol. The HRA have powers to modify this list from time to time as the need arises.
- 1.4 Guidelines to the penalties for breaches of Rules 66(vi)-(viii) and (x) which may be imposed are as follows:

ALCOHOL FIRST OFFENCE

17-34 micrograms per 100 millilitres of breath or at or above 54 milligrams per 100 millilitres in urine (the "Lower Level") - **Entry Point:** Caution (Rider stood down on the day)

35 and upwards micrograms per 100 millilitres of breath or 108 and upwards milligrams per 100 millilitres of urine (the "Upper Level")

Entry Point: Rider suspended 40 days

Range: Rider suspended 28-60 days.

SECOND OFFENCE (WITHIN 24 MONTHS)

"Lower Level" - if 1st offence "Lower"

Entry Point: Rider suspended 10 days

Range: Rider suspended 7-21 days

If 1st offence "Upper"

Entry Point: Rider suspended 14 days

Range: Rider suspended 7-21 days

"Upper Level"

If 1st offence "Lower"

Entry Point: Rider suspended 45 days

Range: Rider suspended 40-60 days

If 1st offence "Upper"

Entry Point: Rider suspended 100 days

Range: Rider suspended 90-120 days

THIRD OFFENCE (WITHIN 36 MONTHS)

"Upper or Lower Level"

Entry Point: Rider suspended 90 days

Range: Rider suspended 60-180 days.

DIURETICS

First offence

Entry Point: Rider fined £350

Range: Rider fined £300 -£500

Second Offence (within 24 months)

Entry Point: Rider fined £700

Range: Rider fined £500 - £1,000

Third Offence (within 36 months)

Entry Point: Rider suspended 10 days

Range: Rider suspended 7-14 days.

OTHER BANNED SUBSTANCES AND NOTIFIABLE MEDICATIONS

First offence*

Entry Point: Licence withdrawn for 2months

Range: Licence withdrawn for 1 month - 6 months

Second offence* (within 24 months)

Entry Point: Licence withdrawn for 9 months

Range: Licence withdrawn for 6 months - 2 years

Third offence* (within 36 months)

Entry Point: Licence withdrawn for 3 years

Range: Licence withdrawn for 2 years - 5 years.

* The only exception being for cocaine when the Rider will normally have his licence withdrawn at the top of the range.

REFUSAL OR FAILURE TO PROVIDE A SAMPLE*

Urine

First offence

Entry Point: Licence withdrawn for 9 months

Range: Licence withdrawn for 6-12 months

Second offence (within 36 months)

Entry Point: Licence withdrawn for 3 years

Range: Licence withdrawn for 2-5 years.

Breath

First offence

Entry Point: Licence withdrawn for 90 days

Range: Licence withdrawn for 60-120 days

Second offence (within 36 months)

Entry Point: Licence withdrawn for 9 months

Range: Licence withdrawn for 6-12 months.

* In cases of both breath and urine a refusal to provide a sample is likely to be considered to be serious and attract a penalty at the higher end of the range.

Note : Alcohol and Diuretic findings stand alone when looking at previous and subsequent offences except when in combination with a refusal to provide a sample. Offences under the heading "Other Banned Substances and Notifiable Medications" and "Refusal or Failure to Provide a Sample" will be combined when taking into account previous offences. An offence shall drop out of the reckoning after 36 months of it being imposed, except in the case of an alcohol reading within the "Lower Level" when it shall be after 24 months.

However it is emphasised that the imposition of penalties within the Guidelines is not mandatory and the Disciplinary Panel may impose, at its discretion, a greater or lesser penalty as it sees fit which may include the imposition of a fine, either on its own or in addition to any other penalty, if appropriate. **In addition, the above penalties are correct at the time of publication of this Protocol but are subject to change. For up to date penalties reference should be made to the current "HRA Guide to Procedures and Penalties", which is available on request from the HRA.**

- 1.5 The HRA may require a UKAS (United Kingdom Accreditation Service) accredited laboratory (see Paragraph 2.3 below) to report the finding of substances other than Banned Substances or Notifiable Medications which may adversely affect a Rider's health and performance. These findings will be presented so as to protect the identity of the individuals concerned.
- 1.6 The procedure for collecting samples for analysis is termed "sampling" and may be carried out at any time on a racecourse or "off-course" in certain circumstances. The chosen body fluid for sampling will be urine, sweat or saliva. There are separate

arrangements described later for testing for alcohol. The Rider must submit to sampling if requested by a Sampling Officer (SO) unless exemption has been granted. (See Paragraph 3.5 below).

Note: A Sampling Officer is a person either authorised directly by the HRA or by an agent approved by the HRA to collect samples in accordance with the sample collection procedures laid down in this Protocol.

- 1.7 Sample collection procedures will conform generally with the procedures adopted by the HRA contained within this Protocol. (See Sections 4 and 5 below).
- 1.8 When there is a positive analysis of the A sample (see Section 6.6) the procedures laid down in Section 6 will apply. The phrase "positive analysis" when used in this Protocol is a reference to an analysis the result of which could form the basis of a finding of a breach of or an offence under the Rules of Racing.
- 1.9 Subject to Paragraph 1.10 below, the Rider will not be suspended or subjected to other penalty in relation to an offence under Rules 66(vi) - (viii) unless a Disciplinary hearing finds a Rider in breach. However, the HRACMA may consider the Rider as unfit to ride if the A sample shows the presence of a Notifiable Medication (Rule 66(x)) or when the Rider has informed the HRACMA that he has been prescribed a Notifiable Medication or if a Rider records a further positive analysis for any Banned Substance prior to any Disciplinary hearing (except when the substance is alcohol and the Rider had no riding engagements on the day of the test). In all such cases the HRACMA's recommendation to suspend the Rider must be considered by the Licensing Committee who will make the decision on whether or not to suspend and on what terms and conditions. (See also Sections 8 and 11).
- 1.10 A Rider will be suspended from riding on a raceday if two breath samples indicate the presence of alcohol at or above the limit laid down in Appendix P to the Orders and Rules of Racing. (See Paragraph 5.3 below).
- 1.11 Non-compliance by a Rider to comply with the measures in this Protocol in relation to Banned Substances or Notifiable Medications is a breach of Rule 66(vi) **unless this Protocol expressly provides otherwise.**
- 1.12 Any reference to the HRACMA in this Protocol is deemed to apply to his Deputy duly approved by the HRA.
2. **GENERAL TESTING PROCEDURES FOR BANNED SUBSTANCES**
 - 2.1 Sampling will be carried out by SOs at, wherever possible, a sampling station based at the racecourse. The sampling station may consist of a mobile van or a suitable alternative location adapted for the purposes necessary for carrying out sampling.

- 2.2 The SOs will identify themselves to the Clerk of the Scales on arrival at the racecourse. The Clerk of the Scales will notify the Clerk of the Course of this arrival and confirm parking arrangements for the sampling station when it is a mobile van. Under normal circumstances the SOs will arrive at least two hours before racing.
- 2.3 Analyses of urine samples will only take place at UKAS accredited laboratories approved by the HRA. (A list of these laboratories is available on request). In all cases the laboratory carrying out the B sample analysis will have access to the complete results/documentation of the A sample analysis.
- 2.4 Breath testing for alcohol shall take place using equipment approved for that purpose by the HRA.
3. **SELECTION AND NOTIFICATION OF RIDERS AT RACECOURSES - URINE SAMPLES**
 - 3.1 It is the HRA's intention that testing shall be weighted as between different classes of Riders with the aim that Riders with a full licence will be more likely to be selected for testing. Accordingly, the HRACMA may instruct the SOs as to how many tests are to take place in relation to different categories of Rider viz: full licence, conditional licence or apprentice licence, or amateur at any particular meeting at which urine sampling is to take place.
 - 3.2 The Clerk of the Scales will provide the SOs with a complete list of all Riders declared for racing on that day by category from each of which category a number will be selected at random for urine sampling. Under normal circumstances random sampling will involve the selection of at least 10 Riders for urine sampling, or such other number as the HRACMA may have directed.
 - 3.3 The selection procedure requires each Rider to be allocated a unique number. Sequentially numbered discs (1 for each Rider) or suitable alternatives shall be placed into a bag and the quota determined by the HRACMA shall be taken out unseen by the Clerk of the Scales in the presence of the SO and a Weighing Room Security Officer (WRSO) but the results will be kept confidential. Only the selected Riders will be informed and only about their own selection. A Rider is selected if his allocated number matches a drawn number. Riders subject to enhanced testing who are engaged to ride at the meeting will be added to the list of Riders to be tested.
 - 3.4 The Riders selected for urine sampling shall be so notified by the Clerk of the Scales or by the WRSO on his behalf as soon as practically convenient after arriving at the racecourse. Riders will be required to sign to indicate their acknowledgement of the notification. **A Rider so notified must not leave the Racecourse at any time prior to his having provided a complete sample (see Paragraph 4.6 below) unless exemption is obtained from the Stewards of the Meeting.**

- 3.5 **Each selected Rider must report to the sampling station and produce his Privilege Access Swipe System (PASS) card to establish his identity. If the Rider does not have his PASS card, his identity must be established to the reasonable satisfaction of the WRSO. Each Rider must provide a urine sample for analysis and sign the Chain of Custody Form (CoCF) in the presence of the SO prior to leaving the racecourse unless exemption is obtained from the Stewards of the Meeting.** (Such exemptions will be made only in very limited circumstances where the Stewards consider it appropriate to do so, for example, where a Rider is engaged to ride at a further meeting taking place that day, the meeting is abandoned (see Paragraph 3.6 below), the Rider is unable to get to the meeting, although these examples are not exhaustive. In any case where exemption has been granted by the Stewards, the Stewards will notify the Clerk of the Scales who will sign the CoCF as confirmation of the exemption. Riders who obtain exemption may be required to undergo "off course" testing (see Section 9) at the discretion of the HRACMA. **Without an exemption being granted by the Stewards as above:**
- (i) **leaving the racecourse before providing a complete urine sample (see Paragraph 4.6 below) shall be deemed to be a refusal to provide a sample and therefore a breach of Rule 66(vi) unless the Rider can establish it was necessary to leave the racecourse (or some other similarly good reason why he or she should not be found in breach of Rule 66(vi));**
 - (ii) **failure by the Rider to report to the sampling station within 30 minutes of the finishing time of the last race of the meeting and provide a complete urine sample shall be deemed to be a refusal to provide a sample and therefore a breach of Rule 66(vi) unless the Rider can establish that it was impossible to report to the sampling station or to provide a complete urine sample (or some other similarly good reason why he or she should not be found in breach of Rule 66(vi)).**
- 3.6 When a race meeting is abandoned a selected Rider will be exempted automatically from sampling provided a complete or partial sample has not already been obtained in respect of that Rider.
- 3.7 It is recommended that a selected Rider reports to the sampling station and provides a urine sample as soon as reasonably practical, and, as emphasised above, must so report **no later than 30 minutes after the finishing time of** the last race of the meeting.
- 3.8 The Clerk of the Scales shall keep a copy of this Protocol and shall provide a copy to any selected Rider upon notification of his selection if so requested.

4. **URINE SAMPLING PROCEDURES**

The following procedures will operate:

- 4.1 The time of arrival of the Rider at the sampling station will be noted on the CoCF.

- 4.2 The identity of the Rider and any accompanying person will be confirmed and noted on the CoCF.
- 4.3 Sample collection procedures will be explained to the Rider.
- 4.4 When ready to provide a sample of urine the Rider will select a plastic collecting vessel in a sealed wrapper. The collecting vessel will be disposed of after use and new collecting vessels will be used to obtain partial samples.
- 4.5 The Rider will accompany an SO to the room where the sample is to be given.
- 4.6 The Rider will urinate into the collecting vessel under the supervision of the SO. A minimum of 30 ml of urine will be required for the sample to constitute a complete sample. **Where a selected Rider has attended the sampling station but has provided no sample or only a partial urine sample, the Rider must return to the sampling station, within 30 minutes of the finishing time of the last race of the meeting in order to provide a complete sample and in any event must not leave the racecourse prior to providing his/her completed sample. Should a Rider fail to comply with these requirements any partial sample (that is less than 30ml) will not proceed to analysis, and will be destroyed.**
- 4.7 To ensure authenticity of the sample, the SO may require such disrobing as is necessary to confirm the urine has been correctly produced by the Rider. This means exposure of the body from the middle of the back to below the knees. If the SO has reason to believe that the sample given is not a true sample, a further sample will be required and both samples will be sent to the laboratory in accordance with the procedures set out below.
- 4.8 The Rider shall return to the administration area of the sampling station and shall choose a pair (A and B) of empty bottles from a standard sampling control kit. These kits will have been delivered to the sampling station by one of the SOs and will remain unopened until the bottles are required for use. The bottles will bear unique identification.
- 4.9 Either the Rider (or, if requested, the SO) shall divide between the A and B bottles approximately 15 ml or half of the sample into the A bottle and approximately 15ml or the other half of the sample into the B bottle. This procedure shall take place in the presence of the SO, Rider and any accompanying person as applicable.
- 4.10 The bottles shall be tightly sealed and tested by the Rider or the SO by inverting the bottles in the presence of the Rider and any accompanying person.
- 4.11 The bottles shall be placed into their corresponding containers and sealed and their unique identification will be noted on the CoCF. The Rider and the SO shall check the container seal and the unique identification against that recorded on the CoCF. Any accompanying person shall be invited to do likewise.

- 4.12 The Rider will be asked to identify and declare (to the best of his/her ability) any drugs or medications taken within the last seven days. The names of such medications and/or treatments and the approximate dosage(s) shall be noted on the CoCF.
- 4.13 The Rider and the SO must sign the CoCF and any accompanying person shall be invited to do likewise. Any irregularities in the sample collection procedures identified by the Rider or any accompanying person shall be indicated on the CoCF before signature otherwise the signature will certify that the Rider is satisfied with the sample collection procedures.
- 4.14 The CoCF consists of one original (white) and two copies (coloured yellow and blue). The original (white) shall be sent to the approved laboratory, the (yellow) copy shall be sent to the HRACMA (see Paragraph 4.19) and the (blue) copy shall be handed to the Rider.
- 4.15 If the Rider provides insufficient urine, the partial sample shall be stored **until 30 minutes after the finishing time of the last race of the meeting** in a temporary bottle and sealed in the corresponding container. The temporary bottle and container will also bear unique identification which shall be confirmed by the Rider and noted on the CoCF. When the Rider is ready to provide more urine, a further collecting vessel shall be selected by the Rider and the sample provided under observation. The Rider shall return to the administration area and check the seal on the temporary container before the SO breaks it and pours the additional urine from the collecting vessel into the temporary bottle. If the sample is still insufficient, the sealing and recording procedures are repeated. However, when sufficient urine has been provided (30 ml), the procedure will continue as from Paragraph 4.8.
- 4.16 A Rider who has attended the sampling station to provide a urine sample but has not produced a sample and who needs to leave the sampling station before having produced a complete sample (e.g. to ride in a race at the meeting or to attend an enquiry) **will be required to sign to indicate his acknowledgement that he must return as required in Paragraph 4.6.** During the Rider's absence, any partial urine sample in the sealed temporary bottle and container will be handled as if it were a complete sample and the Rider's absence noted on the CoCF.
- 4.17 **A refusal or failure to provide a sample or to comply with any requirement of this Protocol shall be a breach of Rule 66(vi).** If a Rider fails or refuses to give a complete sample or otherwise fails or refuses to comply with any requirement of this Protocol that fact shall be noted by the SO on the CoCF. The form shall be signed by the Rider if he is present and the SO and any accompanying person shall be invited to do likewise and the form then distributed as in accordance with Paragraph 4.14. **A refusal by the Rider to sign the CoCF following a request to do so shall itself be a breach of Rule 66(vi).**
- 4.18 The sealed containers carrying the A and B samples will be placed in an outer transport bag together with a sealed envelope containing the laboratory copy of the CoCF. The envelope shall be labelled 'Confidential' and contain details of the number

of A and B samples enclosed. Seal numbers for the return journey to the laboratory will be documented.

- 4.19 The HRAMA's copy (yellow) of the CoCF shall be placed in the stamped addressed envelope provided, sealed and labelled 'Confidential' and sent immediately. The number of A and B samples collected will be recorded on the CoCF.
- 4.20 The SO shall complete an SO report form indicating the number of A and B samples collected, the selection procedure, and details of any matters which might need to be brought to the attention of the HRACMA and the approved collecting agent relating to facilities, unusual circumstances or any other relevant matter. The racecard and/or Rider list should be appended to this form. The SO report form shall be forwarded to the approved collecting agent.
- 4.21 The samples shall be returned to the laboratory by the SO as soon as possible after collection, utilising a secure chain of custody arranged by the HRA or the approved collecting agent.
- 4.22 After all Riders selected for sampling have produced a complete sample or 30 minutes after the finishing time for the last race has passed, whichever is earlier, the SO will contact the Clerk of the Scales to inform him whether or not all selected Riders have been accounted for.

5. **BREATH TESTING FOR ALCOHOL SAMPLING PROCEDURES AND OTHER SAMPLING PROCEDURES**

- 5.1 Breath testing for alcohol shall take place on a non-selective basis, which is to say that an SO will conduct breath testing at such meetings as the HRACMA may require them to attend for that purpose and **every Rider present at the meeting and engaged to ride will be required to provide a breath sample. Each Rider will be required to produce his PASS card to establish his identity. If the Rider does not have his PASS card, his identity must be established to the reasonable satisfaction of the WRSO.**
- 5.2 Where an SO is present at a meeting to administer breath tests, a Rider will not be permitted by the Clerk of the Scales to weigh out for his first riding engagement of the meeting until he completes the procedures for breath testing, including where this Protocol so requires giving a second sample. However, where there is insufficient time for him/her to provide a sample the Clerk of the Scales will decide whether or not the foregoing requirement may be waived. In such cases the Rider will be required to provide a sample immediately after weighing in after the race. Where time only permits some but not all Riders to be tested before a race the Clerk of the Scales will decide the selection based on age and seniority i.e. younger Riders will be required to provide a sample first and older or more senior Riders after weighing in.

- 5.3 When a Rider is required to report to the sampling station in order to give a breath sample for alcohol the procedures will be explained to him/her. **A failure to provide a breath sample when required shall be deemed to be a refusal to provide a sample and is therefore a breach of Rule 66(vi) unless the Rider can establish that it was impossible to provide a breath sample (or some other similarly good reason why he or she should not be found in breach of Rule 66(vi)). Exemption from testing will not normally be granted by the Stewards in respect of breath sampling.** A breath sample which indicates the presence of alcohol at or above the limit laid down in Appendix P to the Orders and Rules of Racing will result in a further breath sample being taken within **15** minutes of the first. **If the second breath sample confirms the result of the first breath sample (a "failed breath test") the Rider will be suspended from riding for that day forthwith and the Stewards will refer the matter to the HRA.**
- 5.4 The results of these two tests will be recorded and the Rider will be informed of the results. The lower of the two readings will be used to determine the level of seriousness of the offence which may have been committed (see Guidelines to Penalties in Section 1 above).
- 5.5 When the lower of the two readings is between 17 and 50 micrograms per 100 millilitres in breath the Rider may elect to provide a urine sample of not less than 30ml. If the Rider fails to provide such a urine sample within **30 minutes** of the second breath test, disciplinary action will proceed on the basis of the lower of the readings given by the breath testing equipment.
- 5.6 The taking of a urine sample following a breath test will follow as closely as the circumstances reasonably allow the urine sampling procedures set out in this Protocol save for the requirement in Paragraph 5.5 that the required volume of the sample must be provided within 30 minutes of the second breath test. If a Rider is unable to provide such a sample within the prescribed period such sample, if any, as he is able to provide will be destroyed. Where a urine sample has been provided in the required amount within the prescribed time any disciplinary action will proceed on the basis of the result of the analysis of the urine sample without reference to the result of the breath tests unless there is cause to doubt the validity of the analysis of the urine sample or its identification, in which event the lower of the two breath tests may be relied upon.
- 5.7 The Banned Substances Control Committee will not be convened for cases involving only alcohol. The HRACMA will notify the Rider of the result of an analysis of any urine sample. In cases not involving a urine sample steps to convene an enquiry before the Disciplinary Panel into a possible breach of the Rules of Racing will be taken promptly following the result of a failed breath test. In cases where a urine sample is involved, steps to convene an enquiry will be taken shortly after the Rider is notified of the result of the "A" sample analysis.

- 5.8 A list of equipment approved by the HRA for determining alcohol levels by analysis of exhaled air will be published from time to time in the Racing Calendar. Sampling procedures will conform generally with the procedures prescribed by the manufacturer of the equipment in question.
- 5.9 When a Rider is required to provide sweat or saliva samples the procedures for taking swabs (which shall have been approved by the HRA and published in the Racing Calendar) will be explained to him/her.

6. **NOTIFICATION OF RESULTS**

- 6.1 The results of the analyses of all samples shall be passed directly to the HRACMA and shall not be disclosed by him to any third party other than the Rider as in Paragraph 6.2 below, members of The Banned Substances Control Committee (See Section 7 below) and his Personal Assistant.
- 6.2 These results will, wherever possible, be notified to the relevant Rider(s) within 72 hours of receipt by the HRACMA in such a way as may reasonably be expected to protect the Rider(s) from identification.
- 6.3 If analysis of the A sample shows a positive result the Rider may require within 14 days of the notification in Paragraph 6.2 above analysis of the B sample or he/she may apply to the HRA Office for this time to be extended up to a maximum of a further 7 days. Wherever possible, the B sample will be analysed within 21 working days of the requirement and at the original laboratory. However, the Rider may also require within 8 days of the notification in Paragraph 6.2 above, that the B sample is analysed at another UKAS accredited laboratory approved by the HRA. A Rider will forego the opportunity to have the B sample analysed or to choose an alternative laboratory for such analysis if he/she fails to take the necessary action within the aforesaid time periods. Where the Rider requires analysis of the B sample he must lodge a deposit with the HRA Office of **£1000** which shall be forfeited if the B sample confirms the result of the A sample.
- 6.4 The Rider concerned, and/or a representative, is entitled to be present during analysis of the B sample at the laboratory upon production of appropriate identification. The Rider will be consulted over the fixing of the appointment for the analysis of the B sample and the HRA will use reasonable endeavours to accommodate the Rider and his chosen representative. The Rider shall be entitled to not less than 7 days notice of the date of the analysis but his presence is not essential to the process and he shall have no complaint if the appointment is inconvenient for him or his representative even to the extent of making their presence impossible. Whenever the B sample is analysed, a representative of The Banned Substances Control Committee must be present during the course of the analysis.
- 6.5 The result of the B sample analysis will, wherever possible, be notified to the Rider within 72 hours of receipt by the HRACMA.

6.6 If the Rider does not request analysis of the B sample within the stipulated period or analysis of the B sample confirms a positive result the Rider concerned must attend a hearing of The Banned Substances Control Committee of the HRA, at such times and on such occasions as it requires him to do so. In this Protocol "positive result" means the result of an analysis of a sample which shows the presence of any Banned Substance or Notifiable Medication as defined and provided for in the Rules of Racing. (Also see Appendix P). When analysis of the B sample takes place and it does not confirm a positive result the Rider will not be in breach of Rules 66(vii), (viii) and (x) and his **£1000** deposit will be returned.

7. **THE BANNED SUBSTANCES CONTROL COMMITTEE**

7.1 The Banned Substances Control Committee will comprise no less than three members of the Banned Substances Control Panel including the HRACMA (who will not act as Chairman).

7.2 The HRACMA will convene a hearing of The Banned Substances Control Committee which will take place in private.

7.3 At any hearing of The Banned Substances Control Committee the Rider will be entitled to be represented by a legal adviser and may call witnesses of his/her own choice. Any costs resulting from such representation or calling of witnesses at the hearing will be incurred by the Rider. A record of the hearing will be kept and may be referred to at any subsequent enquiry convened by the Disciplinary Panel whether relating to the same incident or not.

7.4 The purpose of The Banned Substances Control Committee is to review the laboratory findings in the light of any explanation given by the Rider to account for the positive result and to eliminate those cases where it is not satisfied that the scientific evidence is sufficient to warrant convening an enquiry before the Disciplinary Panel into a possible breach of the Rules of Racing. All cases will be referred to the Disciplinary Panel except when The Banned Substances Control Committee is not so satisfied. In all cases which are referred The Banned Substances Control Committee will provide the Disciplinary Panel with a written report detailing whether or not the result of the analysis is consistent with any explanation provided by the Rider. A copy of this report will also be made available to the Rider wherever possible 14 days before any enquiry is convened.

7.5 The Rider will be informed immediately by The Banned Substances Control Committee whether it intends to recommend that no further steps are to be taken in relation to the positive result, or whether it will recommend that the Disciplinary Panel convenes an enquiry into any possible breaches of the Rules of Racing.

7.6 Notification of an intended recommendation shall not prevent, restrict or curtail in any respect the discretion of the Disciplinary Panel to exercise any power in the Rules of Racing to convene an enquiry in relation to any positive result. (For "The Guidelines for Disciplinary Enquiries" Appendix S of the Rules of Racing refers).

8. **ENHANCED CONTROLS**

- 8.1 Riders penalised for an offence under Rules 66(vi) -(viii) and (x) may, at the discretion of the HRA, be obliged to submit to an enhanced sampling programme "on" and "off-course" as a condition of reinstatement and to undergo additional sampling during the period of suspension, "off-course". In addition, a Rider who is the subject of a positive A sample may be obliged to submit to an enhanced sampling programme "on" and "off-course" until the time of the Disciplinary hearing or until any B sample fails to confirm the result, whichever is the earlier. (See Sections 9 & 10 below).
- 8.2 Riders penalised by a Recognised Turf Authority or convicted in a criminal court for an offence relating to drugs may, at the discretion of the HRA, also be required to submit to an enhanced "on" and "off-course" programme of sampling over a period of 60 months from the time when the penalty or conviction is imposed.
Note: Riders found to have committed an offence relating to drugs and disqualified by a Recognised Turf Authority should note the provisions of Rule 204 of the "Orders and Rules of Racing".
- 8.3 Riders required to submit to an enhanced programme of sampling must be notified in writing of this requirement and shall not be selected for enhanced testing before such notification has occurred. The contents of any such letter addressed to the Rider at the address most recently given to the HRA Office as his/her address, shall be deemed to be notified to him/her in writing 7 days after the date of posting.
- 8.4 Riders subject to enhanced testing will be identified by an official list supplied by the HRA given to the lead SO. The list will be time limited and regularly reviewed.
- 8.5 Following the random selection procedure, any Rider subject to enhanced testing who has not been selected by the random selection procedure may be required to undergo sampling in accordance with the sampling procedure laid down in Section 4 above.

9. **SAMPLING TESTS CONDUCTED "OFF-COURSE"**

- 9.1 If a Rider is exempted from a sampling test at the racecourse or is subject to an enhanced sampling programme or is ordered by the Stewards to submit him/herself to testing for the presence of a Banned Substance or Notifiable Medication under Rule 14(xx) of the Rules of Racing he/she may be required to undergo "off course" testing and the procedure outlined below will operate unless Paragraph 9.8 or Section 10 applies. (Note: A Rider who is selected for random urine sampling and who fails to arrive at the racecourse will be required to undergo "off-course" testing under the provisions of Rule 14(xx)).
- 9.2 An SO will contact the Rider by telephone or in person, without prior notice, to notify the Rider of his/her selection for "off course" testing. The SO will carry appropriate authorisation naming the individual, together with his/her SO identity card.

- 9.3 The SO will make a minimum of three attempts to contact the Rider over a period of 5 days. The SO shall not identify the purpose of the contact to anyone other than the Rider. If the Rider is unavailable or absent throughout this time from the address provided by the HRACMA, then the SO shall forward a report of non-availability to the approved agent.
- 9.4 When the SO contacts the Rider by telephone, a time and place for collection of the sample will be arranged as soon as possible and no later than within **8** hours of the contact. The Rider will be invited to propose a close and easily accessible meeting point and a reasonable time and suitable, private place for sampling. The Rider's suggestion will be the sampling place provided the SO agrees that such place is suitable for carrying out the sampling procedures. If the SO acting reasonably considers the suggested sampling place is unsuitable the Rider must propose an alternative(s) until the SO is able to agree one which is suitable. The SO will wait for one hour at the proposed meeting point beyond the time agreed. Thereafter the Rider shall be declared as absent from testing and a report made to the approved agent.
- 9.5 The Rider shall attend at the time and meeting point agreed. Reasonable expenses incurred by the Rider will be reimbursed by the HRA. Any Rider who fails to suggest a reasonable time and sampling place and/or who fails without reasonable cause to attend the agreed meeting point at the agreed time and/or who having attended as agreed **fails without reasonable cause to provide the requisite sample or samples shall be deemed to have refused to provide a sample and therefore be in breach of Rule 66(vi).**
- 9.6 The Rider will be advised to bring means of identification and of his/her right to be accompanied by one other person during the sample collection procedure. Any accompanying person should also bring means of identification. Details of the means of identification will be recorded on the CoCF and SO report form.
- 9.7 If the SO notifies the Rider in person without prior notice, sample collection procedures may begin immediately if both parties are agreeable. In the event of the Rider disagreeing he/she is to provide a reason, which will be recorded by the SO, and suggest a reasonable time and suitable place for collection of the sample as soon as possible and no later than within **8** hours.
- 9.8 Urine sampling will also be conducted "off-course" at the British Racing School and Northern Racing College when a Rider is attending riding courses run by either establishment. All Riders attending such courses will be subject to sampling which will not be conducted on a random sampling basis. If analysis of a urine sample in such circumstances shows a positive result the procedures laid down in this Protocol for such eventuality applies and the Rider will be referred to the Banned Substances Control Committee. The procedures detailed in Paragraphs 9.2 - 9.7 above do not apply to such sampling.
- 9.9 Sample collection procedures conducted "off-course" will as far as practicable follow those laid down in Section 4 above.

10. PROCEDURES TO BE FOLLOWED REGARDING REINSTATEMENT

- 10.1 Following the removal of a Rider's licence or permit for committing an offence under Rules 66 (vi), (vii), (viii) or (x) the said Rider must give the HRACMA a minimum of 4 weeks notice of his/her intention to apply for the reinstatement of the licence/permit.
- 10.2 During the said 4 week period the Rider must be available at all times in Great Britain (England, Scotland and Wales) for ready contact. A contact address and telephone number must be provided with the notice which will enable the SOs and/or counsellors appointed by the HRA to contact the Rider for testing without notice and counselling.
- 10.3 If the SOs and/or counsellors appointed by the HRA are unable to contact the Rider on two occasions an explanation will be required from the Rider and is likely to lead to the licence or permit application being delayed.

11. PROCEDURES FOR NOTIFIABLE MEDICATIONS

- 11.1 When a Rider is prescribed by a medical practitioner any Notifiable Medication as listed in Part 3 of Appendix P to the "Orders and Rules of Racing" the Rider must inform the HRACMA of that fact immediately.
- 11.2 After the HRACMA has been informed that a Rider has been prescribed a Notifiable Medication he will consider whether the Rider is unfit to ride. In appropriately serious cases he may recommend forthwith to the Licensing Committee that the Rider's licence is suspended until such time as is reasonably necessary for the procedures laid down below in Paragraphs 11.3 and 11.4 to be completed. The Licensing Committee may make its decision without a hearing and without the Rider being given prior notice of the recommendation.
- 11.3 To enable the HRACMA to consider whether the Rider is or is not fit to ride, the Rider must confirm in writing the fact that he has been prescribed a Notifiable Medication accompanied by a report from his medical practitioner stating the diagnosis and prognosis for recovery. The Rider will provide, if so required by the HRACMA, his permission to contact the Rider's medical practitioner and/or specialist and to obtain such further medical report(s) and history as the HRACMA may reasonably deem necessary relevant to his assessment of the Rider's fitness to ride and will submit to any medical examination by the HRACMA and/or an independent medical practitioner as the HRACMA may require.

- 11.4 Upon completion of the process the HRACMA may either:-
- (i) authorise the Rider to continue to ride or,
 - (ii) recommend to the Licensing Committee that the Rider's licence be suspended until such time as the course of medication is completed or the Rider's medical status is no longer a cause for concern.
- The Licensing Committee may make its decision without a hearing and without the Rider being given prior notice of the recommendation.
- 11.5 The Rider may invoke the Medical Review Procedure in relation to any suspension imposed by the Licensing Committee following a recommendation by the HRACMA.
- 11.6 Where it is established that a Rider has failed to obtain the written authorisation required under these provisions he will be in breach of Rule 66(x).

RELEVANT DETAIL FROM THE "ORDERS AND RULES OF RACING"

Definitions

"Banned Substance" is any substance or any isomer or diagnostic metabolite of any substance listed in Parts 1 and 2 of Appendix P to these Orders and Rules.

"Notifiable Medication" is any substance listed in Part 3 of Appendix P to these Orders and Rules.

"The Banned Substances Control Committee" is any two or more persons and the HRA Chief Medical Adviser convened together by him from a panel approved by the HRA to make preliminary investigations following a laboratory report showing the presence of a Banned Substance or Notifiable Medication in a sample taken from a Rider.

Rules

- 14 The Stewards have full power:-
- (xvii) to grant exemption to a Rider selected for testing for Banned Substances or Notifiable Medications from providing a sample in accordance with the protocol from time to time approved by the HRA for testing for Banned Substances and procedures for Notifiable Medications.
 - (xx) at any time with justifiable cause to order a Rider to submit himself to testing for the presence of any Banned Substance or Notifiable Medication as required by the protocol from time to time approved by the HRA for testing for Banned Substances

and procedures for Notifiable Medications. Where the Rider fails to comply with such an order made by the Stewards without good reason the Rider shall have committed an offence under these Rules.

Note: Where this Rule is invoked the HRA Chief Medical Adviser must be notified in confidence immediately in order for him to arrange "off-course" testing in accordance with the aforesaid approved protocol. This testing would normally take place within 24/48 hours of such notification.

66 (vi) (a) All Riders shall comply with the testing for Banned Substances and procedures for Notifiable Medications protocol from time to time approved by the HRA including without limitation providing samples as required by such protocol and attending any meeting of The Banned Substances Control Committee. For the avoidance of doubt this requirement applies to any person who has ceased to be subject to the Rules of Racing provided that such person was selected to provide samples whilst he was subject to the Rules of Racing.

(b) A departure from the procedures set out in any such approved protocol on the part of any sampling officer or any official of the HRA or such like persons shall not invalidate **any finding derived from the operation of those procedures** unless it casts reasonable doubt on the reliability of **that finding. In particular:**

(i) in a case where a Rider has provided a sample, a departure from the procedures shall not invalidate the result of an analysis of any such sample unless the Rider can establish that the departure from the procedures casts reasonable doubt on the reliability of the result of the analysis or the identity of the donor of the sample; **and**

(ii) in a case where a Rider has failed or refused to provide a sample, a departure from the procedures shall not invalidate a finding that the Rider has so failed or refused to provide a sample unless the Rider can establish that the departure from the procedures materially contributed to such failure or refusal.

(vii) Where the result of an Analysis of any sample of a Rider shows the presence of any Banned Substance listed in Part 1 of Appendix P to these Orders and Rules the Rider shall have committed an offence under these Rules unless in the case of samples taken "off-course" the Banned Substance in question is alcohol and the Rider had no forthcoming professional riding engagements of any description on the day on which the sample was taken. For the purposes of Rule 2(i) the offence shall be deemed to have been committed on the date the Rider was selected for sampling.

(viii) Where the result of an Analysis of any sample of a Rider shows the presence of any Banned Substance listed in Part 2 of Appendix P to these Orders and Rules the Rider shall have committed an offence under these Rules if the presence thereof was not attributable to any one or more of the following:-

(a) the injection or consumption of medical compounds or proprietary medicines in normal or recommended quantities entirely for recognised medical purposes other than the treatment of drug addiction or dependency; or

(b) the ingestion of food or other nutritional substances in the ordinary course of

dietary nourishment

and, in the absence of any explanation by the Rider accounting for the presence of any Banned Substance, the HRA shall be entitled to infer that the presence of the Banned Substance was not so attributable.

Provided also that where a Rider seeks to attribute the presence of any Banned Substance to the injection, consumption or use of a medical compound or proprietary medicine which is supplied on prescription only made out by a medical practitioner, a prescription in the name of the Rider, valid at the time of sampling, must be supplied on request to the HRA Chief Medical Adviser or the HRA as the case may be, or a written confirmation from a medical practitioner must be provided failing which (and in the absence of any compelling evidence to the contrary) the presence of the substance in question shall be deemed not to be attributable to such injection, consumption or use.

- (x) Any Rider who is prescribed by a medical practitioner any Notifiable Medication listed in Part 3 of Appendix P to these Orders and Rules must inform the HRA Chief Medical Adviser forthwith and obtain his consent in writing to continue to ride in races whilst taking such a substance or substances. Such prescription must be produced if required to the HRA Chief Medical Adviser. Where the result of an Analysis of any sample of a Rider shows the presence of a Notifiable Medication and/or it is established that a Rider failed to obtain the required consent he shall have committed an offence under these Rules.
- (xi) When any Rider fails a second breath sample taken in accordance with the testing for Banned Substances and procedures for Notifiable Medications protocol from time to time approved by the HRA the Stewards, in addition to their powers under Rules 14 and 15, have power to suspend him from riding for that day forthwith.

APPENDIX P

LIST OF BANNED SUBSTANCES AND NOTIFIABLE MEDICATIONS

The HRA give notice that the following are Banned Substances and Notifiable Medications under the Rules of Racing for the purposes of Rules 66(vii), (viii) and (x).

Part 1 - Banned Substances

Alcohol

- at a threshold in the A sample at or above 54 milligrams per 100 millilitres in urine or 17 microgrammes per 100 millilitres in breath.

Barbiturates

Cannabinoids (or Cannabis metabolites)

- at or above a screening threshold in the A sample of

- i) 50 nanograms per millilitre as immunoreactive cannabinoids by immuno-assay and
- ii) confirmed at or over a threshold of 15 nanograms per millilitre 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid by gas chromatography/mass spectrometry.

Both measurements must be at or above the stipulated thresholds.

Gamma-hydroxybutyrate (GHB) and pro-drugs of GHB (1,4-Butanediol, Gammabutyrolactone) at or above a threshold of 10 microgrammes per millilitre.

Dissociative Anaesthetics and related substances e.g. Ketamine, Phencyclidine, Tiletamine.

Lysergic Acid Diethylamide (LSD)

Sibutramine

Stimulants excluding Caffeine, Phenylpropanolamine, Pseudoephedrine. N.B. Salbutamol, Salmeterol and Terbutaline may be taken by inhaler only. (For Ephedrine see Part 2 below).

Cocaine metabolites to be screened at 300 nanograms per millilitre and confirmed at 150 nanograms per millilitre.

(Substances in this group include, but are not exclusively restricted to, Amphetamines, Cocaine, and the "Ecstasy" group i.e. Methylenedioxyamphetamine (MDA), Methylenedioxyethylamphetamine (MDEA), and Methylenedioxymethylamphetamine (MDMA). L-methamphetamine (levo-metamphetamine) is excluded.

Other Prohibited Stimulants - Clenbuterol, Benzylpiperazine and its' derivatives.

Part 2 - Banned Substances

Diuretics

Ephedrine (at or above a threshold in the A sample of 10 micrograms per millilitre)

Methylphenidate

Modafinil

Opiates and Opioids excluding Codeine, Dextromethorphan, Ethylmorphine, Pholcodine and Propoxyphene.

(Substances in this group include, but are not exclusively restricted to, Heroin, Methadone, Morphine, Oxycodone and Pethidine. Morphine at a threshold of 2 microgrammes per millilitre).

Part 3 - Notifiable Medications

Anti-Depressants, including but not exclusively restricted to,

- Monoamine Oxidase Inhibitors (MAOIs)
- Tetracyclic Anti-depressants
- Tricyclic Anti-depressants
- 5HT Reuptake Inhibitors
- Lithium Salts.

Benzodiazepines (for example - Diazepam, Lorazepam, Nitrazepam, Oxazepam, Temazepam) **and substances with similar structure or pharmacological activity - Benzodiazepine receptor agonists** (Zaleplon, Zolpidem, Zopiclone).

Dihydrocodeine

Sedative Medications including the H1 receptor antagonists (e.g. Diphenhydramine, Promethazine and Trimeprazine) as well as medications such as Chloral Hydrate and Meprobamate.

Anti-Psychotic Drugs including Chlorpromazine, Clozaril, Haloperidol, Olanzapine, Phenothiazines and related drugs and new atypical anti-psychotic drugs and Melatonin agonists (e.g. Ramelteon).

Note:

Substances without thresholds will be declared positive at the limit of detection using appropriate hybrid analytical techniques e.g. gas chromatography/mass spectrometry.

1st July 2007

