

RD4443

Minnesota Racing Commission

STATEMENT OF NEED AND REASONABLENESS

Possible Amendment to Rules Governing Horse Racing, Minnesota Rules, Parts 7869 Definitions; 7871 Televised Racing Days; 7879 Stewards; 7883 TB/QH Horse Races; 7884 Harness Races; 7897 Prohibited Acts

INTRODUCTION

The Minnesota Racing Commission (MRC) continually strives to keep its rules current and relevant as the industry evolves. This rulemaking initiative will modify, clarify and update various existing MRC rules, Chapters 7869-7899, including some rules relating to horse medications and medication testing. It will also delete several obsolete rules. Finally, it will add a new type of wagering pool that the racetracks wish to offer, and it will make permanent an emergency rule relating to contagious and infectious equine diseases that was promulgated in May of 2016. Following is a brief summary of the changes.

7869.0100 DEFINITIONS.

Subp. 26. Field. The proposed change eliminates a part of this definition that is now obsolete.

Subp. 41a. Official timed workout. This proposed new definition is specific to timed workouts required and observed by a commission veterinarian for the purpose of removing a horse from the Veterinarian's List or in the case of horses which have not raced in over one calendar year allowing them to enter into a race.

Subp. 63. Supplemental fee. This definition is being amended to make it clear that supplemental fees *may* be required by an association but do not need to be required.

7870.0510 AFFIRMATIVE ACTION.

This rule part is being repealed because it is obsolete and conflicts with current law.

7871.0020 APPROVAL OF PARI-MUTUEL POOLS ON TELEVISED RACING DAYS.

This entire rule part is being repealed because it is obsolete and unnecessary.

7871.0070 INFORMATION WINDOW.

This proposed change simplifies the rule and removes unnecessary requirements.

7871.0080 TIP SHEETS.

This rule part is being repealed because it is obsolete and unnecessary.

7871.0090 SIMULCAST WAGERING ON A TELEVISED RACING DAY.

Subp. 3. Taxes imposed.

This rule part is being repealed because it conflicts with current law.

7871.0120 APPOINTMENT OF PRESIDING OFFICIAL.

This rule part is being repealed because it is obsolete and unnecessary.

7871.0130 AUTHORITY AND DUTIES OF PRESIDING OFFICIAL.

This rule part is being repealed because it is obsolete and unnecessary.

7871.0140 DISCIPLINARY AND APPEAL PROCEDURES.

This rule part is being repealed because it is obsolete and unnecessary.

7871.0150 EMERGENCY PROCEDURES WHEN POOLS ARE COMMINGLED AT THE CLASS A FACILITY OR AT AN ALTERNATIVE FACILITY.

Subp. 2a. Wagering interface interruption when Class A facility is host racetrack.

The proposed amendment removes all the requirements for manual merging of wagering pools because this is no longer done.

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

Subp. 1. Request.

The Revisor's Office is making a technical correction to the language.

Subp. 2. Basis for approving pari-mutuel pools.

This proposed rule change deletes burdensome requirements which are largely duplicative of other requirements and no longer necessary.

Subp. 3. Live racing days; director of pari-mutuel racing authority.

The language is amended to clarify that an association's director of pari-mutuel racing may not approve changes in pools previously approved by the commission. Unnecessary language is being deleted and the reference to "the pick six pool" is being changed to "a pick (n) pool."

Subp. 4. Additional money added.

This proposed change provides flexibility for racetracks to offer more guaranteed payouts on shorter notice by allowing the Executive Director or Deputy Director, rather than the commission itself, to approve them.

7873.0185 TRIFECTA.

Subp. 8. Displaying trifecta rules.

This subpart is being repealed because it is unnecessary and duplicative.

7873.0187 GRAND SLAM.

This new rule will allow for a new type of pari-mutuel wagering already being offered at racetracks in other states.

7873.0188 SUPERFECTA.

Subp. 8. Displaying superfecta rules.

This subpart is being repealed because it is unnecessary and duplicative.

7873.0230 INFORMATION WINDOW.

Obsolete and unnecessary language is being deleted.

7874.0100 GENERAL PROVISIONS.

Subpart 1. Scope.

Technical edits are being made to correct a previous drafting error.

Subp. 2. Payment of pari-mutuel tax, breakage, and breeders' fund.

This proposed change would allow racetracks to remit taxes, breakage, and breeder's fund money to the commission monthly instead of weekly.

7875.0200 EQUIPMENT.

Subpart 1. Equipment.

Language is deleted to remove an obsolete requirement.

Subpart 4. Starting Gates

The rule is being updated to allow trucks and equipment other than tractors or draught horse to pull the starting gates into position. A technical change will also account for the fact that Quarter horses use the same starting gates as Thoroughbred horses.

7876.0130 OUTBREAKS OF INFECTIOUS OR COMMUNICABLE EQUINE DISEASES.

This entire new rule part is being added to make permanent an exempt emergency rule that was adopted by the MRC in 2016 due to an outbreak of the Equine Herpes Virus EHV-1.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE

Subp. 4. Racing officials.

This change would allow the commission to designate and approve racing officials other than those specifically listed. The Revisor's Office is also making technical non-substantive corrections to the rule language.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

The Revisor's Office is making technical edits throughout this rule part to make the language gender neutral.

Subpart 1. Owners.

The Revisor's Office is making non-substantive edits to bring the rule language into compliance with the current drafting convention.

Subpart 2. Trainers.

New language in item C will clarify a trainer's responsibilities with respect to the administration of prohibited substances to racehorses. Item F is amended to specify that a trainer must provide a current list of employees to the association's security office. Item N is amended to add that a trainer must notify the commission, in addition to the racing secretary, when circumstances necessitate changing a horse's registration or eligibility papers. Finally, extraneous language is being deleted from item T.

Subp. 3. Jockeys and apprentice jockeys.

Item M is deleted and replaced with a new Subpart 11 that consolidates safety equipment requirements for all licensees into one place.

Subp. 11. Required Safety Equipment for all licensees.

This new language provides updated requirements for the use of helmets and safety vests by any individual mounted on or driving a horse on association grounds as well as those individuals handling horses in the starting gate.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 4. Paddock Judge

New language provides more clear and specific direction regarding when horses are placed on the paddock judge's schooling list and how they may be removed from the list. It also specifies that a horse may not race until removed from the list.

Subpart 5. Identifier.

This rule is amended to allow for additional approved means of identifying horses and also to allow the identifier to have other persons assist with identification or supervising the identification of horses.

Subp. 8. Commission veterinarian.

Item D is amended to change the location where the veterinarian's list is posted and also to specify that horses on veterinarians' lists in other racing jurisdictions will be included on the list. A technical correction is made to make the language gender neutral.

7878.0140 CONTINUING EDUCATION

Subp. 1. Licensee shall successfully complete refresher training.

The amendment would require security officers to be currently certified in CPR and remove the requirement of at least eight hours of annual CPR training.

Subp. 2. Commission must approve courses.

The amendment would allow security officers to receive credit for courses that are approved by the POST board without seeking prior approval from the commission.

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subp. 16. Workout requirements.

Non-substantive edits are being made to item C for clarification. Item D is amended to use the newly defined term "official timed workout" and to slightly alter workout requirements to make them consistent with those in other jurisdictions. A new item E will provide that any horse performing an official timed workout must do so under the same medication rules applicable to racing.

7883.0140 CLAIMING RACES.

Subp. 8. Voided claims.

Nonsensical language is being deleted.

Subp. 12. Disclosure of bred mare.

This change updates and simplifies requirements for entering a bred mare in a claiming race.

Subpart 32. Report of corticosteroid joint injections.

This new subpart would require a trainer of a claimed horse to notify the new trainer of all corticosteroid joint injections administered to the horse in the previous 30 days.

7883.0160 POST TO FINISH.

Subp. 6. Interference and willful fouling.

The Revisor's office is making a non-substantive edit to conform the rule language to its current drafting convention. Part of item C is being moved into a new subpart 6a for clarity.

Subp. 6a. Use of Riding Crop.

This new subpart pulls the requirements for using a riding crop out of Subpart 6, item C into a separate subpart. The requirements are enumerated in separate items and sub-items for clarity. The word “rider” is replaced with the more commonly used term “jockey” and the archaic term “set down” is replaced with the more commonly used word “suspended.”

Subp. 14. Horse becomes crippled or disabled.

Language is modified to delete the outdated word “crippled.” The requirement that a disabled horse be removed from the course without passing the stand is replaced by a requirement that the horse be removed by horse ambulance.

7884.0230 RACING EQUIPMENT.

Subparts 3 and 3a are being repealed and replaced with the new Part 7877.0170, Subpart 11 which provides updated helmet and vest requirements for all licensees.

7884.0270 EXPANDED HOMESTRETCH RACING.

Non-substantive grammatical corrections are being made to the rule language. In addition, the amendment gives the stewards discretion to determine the order of finish when a horse improperly uses the expanded homestretch lane, rather than requiring the horse to be place last.

7890.0100 DEFINITIONS.

Extraneous language is being deleted from this rule part.

Subp. 3b. Bicarbonate loading.

The definition is being repealed because it is no longer used in the rules.

Subp. 13. Medication.

Item A is amended to make the restrictions on non-steroidal anti-inflammatory drugs (“NSAIDs”) applicable to official timed workouts in addition to racing. The correct term “phenylbutazone” is being substituted in place of the shortened term “bute.” Finally, language is added to define three classes of “NSAID stacking” violations consistent with the national model rules.

Subp. 13b. Milkshaking.

The definition is being repealed because it is no longer used in the rules.

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

Subp. 3. Extracorporeal shock wave therapy or radial pulse wave therapy.

Item B is being amended to provide that extracorporeal shock wave therapy and radial pulse wave therapy must be performed at a designated location and time determined by the commission veterinarian. Item D is amended to require written notice to the commission veterinarian 24 hours prior to treatment rather than merely “prior to use.”

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. Prima facie evidence.

The proposed amendment makes the “prima facie evidence rule” on prohibited substances applicable to official timed workouts in addition to races. It also makes non-substantive grammatical corrections to the rule language.

7892.0120 TAKING OF SAMPLES.

Subpart 1. Horses tested.

The phrase “blood and/or urine samples” is being replaced with the broader term “test samples” in items A and B. Amendments to item B will clarify when horses other than those specified in item A may be selected for testing. Item D is amended to add that hair may be taken from a tested horse in addition to saliva or other bodily fluid or excretion.

7895.0275 STANDARDBRED REGISTRATION.

Subp. 2 Foal certification.

A minor technical amendment is being made by the Revisor’s office to conform the rule to current its drafting convention. Item A is being amended to remove the requirement that Standardbred foal certificates be embossed.

7897.0100 PROHIBITED ACTS.

Subp. 20. Synthetic and natural analogs of hormone releasing factors are added to the list of prohibited substances which may not be possessed at a racetrack or administered to a horse.

7899.0100 VARIANCES.

This rule part is being deleted because it is unnecessary.

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or audio. To make a request, contact Patricia Sifferle at the Minnesota Racing Commission, 15201 Zurich Street, Suite 212, Columbus, MN 55025; phone 651-925-3956, fax 651-925-3954; or email patricia.m.sifferle@state.mn.us. TTY users may call the Racing Commission at 800-627-3529.

STATUTORY AUTHORITY

The Racing Commission's statutory authority to adopt the rules is set forth in Minnesota Statutes section 240.23, which provides as follows:

The Commission has the authority, in addition to all other rulemaking authority granted elsewhere in this chapter to promulgate rules governing: a) the conduct of horse races

held at licensed racetracks in Minnesota, including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results, b) wire and wireless communications between the premises of a licensed racetrack and any place outside the premises, c) information on horse races which is sold on the premises of a licensed racetrack, d) liability insurance which it may require of all racetrack licensees, e) the auditing of the books and records of a licensee by an auditor employed or appointed by the Commission, f) emergency action plans maintained by licensed racetracks and their periodic review, g) safety, security, and sanitation of stabling facilities at licensed racetracks, h) entry fees and other funds received by a licensee in the course of conducting racing which the Commission determines must be placed in an escrow account, i) affirmative action in employment and contracting by licensed racetracks, and j) procedures for the sampling and testing of any horse that is eligible to race in Minnesota for substances or practices that are prohibited by law or rule; and (k) any other aspect of horse racing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare, or safety.

This provision was enacted in 1983 and only amended once since January 1, 1996. Items b and j above were added effective May 25, 2015. *Laws of Minnesota 2015*, Chapter 77, art. 4 § 20. However, the MRC believes this was a non-substantive amendment because it already had catch-all authority under item k to promulgate rules governing any aspect of horse racing or pari-mutuel betting which in its opinion affect the integrity of racing or the public health, welfare or safety. In any case, the MRC did promulgate new rules relating to item j above within 18 month of enactment of this amendment. R-4380, governing horse medication and testing, was adopted on March 18, 2016.

REGULATORY ANALYSIS

(1) A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The people most affected by these proposed rule changes are racetracks, horse owners and trainers, and other persons who participate in horse racing or wagering. All stakeholders will benefit from the updating, simplification and clarification of existing rules and the elimination of obsolete rules and duplicative rules. Racetracks and the public will benefit from having an entertaining new type of wagering pool available. All participants will benefits from a new rule to keep horses safe in the event of an outbreak of a contagious equine disease. Horses will benefit from new rules to prevent the overuse of nonsteroidal anti-inflammatory drugs and corticosteroid injections.

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues

There is no anticipated change in costs to the Commission or to any other state or local agency due to these proposed amendments.

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule

The commission believes the proposed changes will not be intrusive, as they mainly seek to update and clarify existing rules and make them consistent with other jurisdictions, industry practices or

uniform model rules. The cost to implement them will be minimal. The commission has not identified any less costly or less intrusive methods for achieving the purposes of the proposed rules.

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

Industry participants and stakeholders presented many of the proposed rule changes. Others are proposed in order to update, clarify or simplify existing rules. Many of the proposed rules have been used by the commission as guidelines or by the racetracks as “house rules.” They reflect current practices in the industry. However, to the extent these guidelines and practices affect the rights and duties of licensees, the commission believes they should be adopted in rules rather than implemented as racetrack “house rules” or commission guidelines.

(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals

There are no significant anticipated costs to governmental units, businesses or individuals. Most of these proposals seek to clarify or simplify existing rules, conform the rules to industry practice, or conform rules to national trade association rules for the sake of keeping them up-to-date and consistent with requirements in other racing jurisdictions. A very few individuals may need to purchase new safety equipment to comply with the updated standards for helmets and vests. However, most racing participants already have this equipment because it is the current industry standard. The cost to purchase all new equipment that complies with the rule would be approximately \$500.

(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals

The consequences of not adopting the proposed rules would be that some of Minnesota’s horseracing rules would be inconsistent with model rules that are being adopted in other jurisdictions. Horses would be more at risk of overmedication and infectious diseases. Racetracks would need to continue complying with overly burdensome regulations that are unnecessary and obsolete.

(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference

There are no current federal regulations regarding these proposed rule changes. Horse racing is regulated by the various individual state racing commissions. However, there is a growing initiative to regulate racing through national legislation. The current bill in Congress has attracted bipartisan support. Several of the proposed rules are aimed at achieving uniformity across states, reciprocity with other jurisdictions and adoption of uniform Model Rules.

(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

The proposed rules cover areas that are not addressed by federal law or other Minnesota laws or rules. The rules are designed to complement Minnesota Statutes, Chapter 240 without duplicating requirements therein. Another goal is to make our rules consistent with those in other states for the benefit

of horsemen who routinely race in other states as well as in Minnesota, thus reducing the cumulative effect of our rules.

PERFORMANCE-BASED RULES

These rules are proposed to support the health and safety of the horse and the integrity of racing consistent with the MRC mission. They were developed with every effort to emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals. We consulted with staff, commissioners, interested industry members and regulators from other states. We also reviewed model rules and rules in effect in other states.

ADDITIONAL NOTICE

These proposed amendments were thoroughly discussed by the Minnesota Racing Commission's Racing Committee, a panel comprised of three commissioners at public meetings on December 15, 2016 and January 9, 2017. The Racing Committee unanimously voted to recommend these amendments to the Full Commission. On January 9, 2017 the full Minnesota Racing Commission met and accepted the Racing Committee's recommendation and voted to publish the Notice of Intent to Adopt Rules. All rules discussion was clearly included on all agendas duly prepared and mailed or e-mailed 7 days prior to these meetings. Agendas were also posted on the Commission's website. Minutes and recordings of the meetings are available on the Commission's website at www.mrc.state.mn.us.

The Minnesota Racing Commission began work on the rules proposals in October of 2016 after receiving recommendations from racing stewards, judges, racetracks and the Commission Veterinarian. A well-attended stakeholder meeting was held on October 27, 2017 to discuss the rule proposals. Horse trainers, owners, racetrack representatives, racing officials and commission staff were present.

Our Notice Plan includes:

1. Publishing the Request for Comments in the October 31, 2016 edition of the State Register.
2. Posting the Request for Comments on the Office of Administrative Hearings rulemaking e-comments website with a link from commission's website.
3. E-mailing the Request for Comments to everyone registered to be on the Commission's rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a.
4. E-mailing the Request for Comments to Class A & B licensees as well as horsemen's organizations that are affected by horse racing in Minnesota, including the Minnesota Thoroughbred Association, the Horsemen's Benevolent and Protective Association, Minnesota Harness Racing, Inc., the Minnesota Quarter Horse Racing Association, the Jockey's Guild, and the United States Trotting Association.
5. E-mailing the Request for Comments to organizations in Minnesota identified as having an interest in animal health including the Minnesota Board of Animal Health, the Minnesota Humane Society, the Minnesota Veterinary Medical Association, and the University Of Minnesota College Of Veterinary Medicine.
6. Our Notice Plan also includes giving notice required by statute. We will mail the proposed rules and Notice of Intent to Adopt to everyone who has registered to be on the Commission's rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. The Proposed Rules and the Notice of Intent to Adopt will also be published in the State Register.

7. We will post the Notice of Intent to Adopt Rules and draft rules on the Office of Administrative Hearings rulemaking e-comments website, with a link on our website.

8. The Commission will provide a link to the draft rules and Notice of Intent to Adopt Rules to Class A & B licensees, horsemen's organizations, and animal health organizations in Minnesota as noted in paragraphs 3-5 above.

CONSULT WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Commission will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Commission publishes the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The MRC will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH with the documents it submits for ALJ review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Commission has determined that they will not, because all activity that these amendments affect occurs on licensed racetrack grounds, not out in the local community. There are times where we may have to contact local law enforcement or county/city attorney offices, but that is in the normal course of fulfilling our duties and responsibilities when events warrant. It is not anticipated that these amendments will either increase or decrease those contacts.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

As required by Minnesota Statutes, section 14.127, the Racing Commission has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Racing Commission has determined that the cost of complying with the proposed rules could not exceed \$25,000 for a small business. The Racing Commission has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small city.

LIST OF WITNESSES

If these rules go to a public hearing, the Racing Commission anticipates having the following principal witnesses testify in support of the need for and reasonableness of the rules:

1. Thomas DiPasquale, MRC Executive Director
2. Dr. Lynn Hovda, Chief Commission Veterinarian, Minnesota Racing Commission
3. Dr. Camille McArdle, MRC, Chair MRC Racing Committee
4. Mr. James Lane, MRC Vice Chair

Additional witnesses could be called as needed.

RULE BY RULE ANALYSIS

7869.0100 DEFINITIONS.

Subp. 26. Field.

Item B is being stricken from the definition of "field" because it is obsolete. Modern day totalizator technology is capable of assigning a separate number for each horse in the field without the need to group some horses together for wagering purposes. The old language was needed to account for times when there were more than 12 horses in a race because previous totalizator technology did not allow for more than 12 betting interests in a single race.

Subp. 41a. Official timed workout.

The term and definition "official timed workout" is being added to provide a distinction from the commonly used term "timed workout." Timed workouts are routinely performed by Thoroughbred and Quarter horses as part of their training regimen before they enter a race. They are monitored by the official clocker and times are reported in The Daily Racing Form which is used by players to handicap races. An "official timed workout" is a more stringent workout required for horses that have not raced for a year or as part of a requirement for removal of a horse from the Veterinarian's List. Official timed workouts are done in the presence of a commission veterinarian who is not only interested in the time but also the physical performance of the horse as it enters the racetrack, while working on the track, and after exiting the track.

Addition of this term is necessary to differentiate between routine daily timed workouts and those that require the presence of a commission veterinarian to monitor the horse's ability to run the course within a specified time in a sound and safe manner.

Subp. 63. Supplemental fee.

The industry requested this modification to allow racetracks the option to not require a supplemental fee in order to guarantee eligibility for a future race. In some instances, the supplemental fee may be waived or paid at a later time, with or without a late entrance charge. The rule change allows the racetrack more flexibility in accepting entries into stakes races and provides for late entries to occur, thus guaranteeing a fuller field.

7870.0510. AFFIRMATIVE ACTION.

This rule part is being repealed because it is obsolete. It was originally adopted in order to require the construction of Minnesota's racetracks to comply with the same affirmative action requirements that state contractors must follow. It also requires racetracks to obtain a certificate of compliance from the Minnesota Department of Human Rights every two years. Certificates of compliance are now governed by Minnesota Statutes, sections 363A.36-44, which are not applicable to racetracks. This rule part also requires racetracks to comply with the Americans with Disabilities Act which they are required to do in any case.

7871.0020. APPROVAL OF PARI-MUTUEL POOLS ON TELEVISED RACING DAYS.

This rule part is being repealed because it is obsolete. It provides detailed criteria for the commission's approval of pari-mutuel pools specifically for simulcast races. However, all simulcast pools

are now commingled through the host tracks' totalizator systems and are regulated by the host racing commissions. Therefore it is unnecessary for Minnesota race tracks to submit detailed applications for approval of these wagering pools. In addition, this rule is duplicative because Minn. R. 7873.0100 can govern any pari-mutuel pools an association may choose to conduct.

7871.0070 INFORMATION WINDOW.

The MRC has determined, and the racetracks agree, that the deleted language is obsolete. Patrons may now contact the associations through their websites and social media portals, as well as in person. The MRC also has a website, Facebook page, and offices at both racetracks where patrons can and do bring their concerns. Thus the MRC has not required compliance with this rule for many years. Associations do submit "Incident Reports" to the MRC through their security and surveillance operations. These incident reports, together with other information required to be regularly submitted or made available to the MRC, adequately keep the MRC apprised of matters that rise to the level of regulatory concern.

7871.0080. TIP SHEETS.

This rule part governs tip sheets for simulcast racing. This practice has not been employed for a long time, if ever. There remains a tip sheet rule that applies to live racing, Minn. R. 7873.0240. This rule part is therefore being repealed as obsolete.

7871.0090 SIMULCAST WAGERING ON A TELEVISED RACING DAY.

Subpart 3. Taxes imposed.

This subpart is being repealed because it conflicts with Minnesota Statutes, section 240.15. The rule provides, "There is a tax at the rate of six percent of the total amount withheld from all pari-mutuel pools including breakage on the amounts wagered at the licensee's racetrack." However, Minnesota Statutes, section 240.15, subdivision 1 now provides, "There is imposed a tax at the rate of six percent of the amount in excess of \$12,000,000 annually withheld from all pari-mutuel pools by a class B or class D licensee, including breakage and amounts withheld under section 240.13, subdivision 4."

7871.0120. APPOINTMENT OF PRESIDING OFFICIAL.

This provision is being repealed because it is obsolete. It requires simulcast wagering to be presided over by an official of the racing commission. As noted above, simulcast wagering is now reliably regulated in other states where the live race is conducted. There is no need for a "presiding official" in Minnesota.

7871.0130. AUTHORITY AND DUTIES OF PRESIDING OFFICIAL.

This rule part is also obsolete. It describes the authority and duties of the state official presiding over simulcast wagering. As explained above, the presiding official is no longer needed and has not been appointed in many years, if ever.

7871.0140. DISCIPLINARY AND APPEAL PROCEDURES.

This rule part provides for disciplinary and appeal procedures when the presiding official finds a violation of statute or rule. As explained above, the presiding official is no longer needed and has not

been appointed in many years, if ever. Therefore this rule part is obsolete and is being repealed along with the other provisions pertaining to the presiding official.

7871.0150 EMERGENCY PROCEDURES WHEN POOLS ARE COMMINGLED AT THE CLASS A FACILITY OR AT AN ALTERNATIVE FACILITY.

Subpart 2a. Wagering interface interruption when Class A facility is host racetrack.

The language relating to “manual merges” of wagering data is being eliminated. Due to improvements in technology, manual merges have become rare and are best eliminated altogether due to the possibility of error in the process. The racetracks agree with this change and all parties agree that elimination of a manual process will increase the integrity of pool calculation.

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

Subpart 2. Basis for approving pari-mutuel pools.

Minnesota Rules, parts 7873.0100 and 7873.0110, and Minnesota Statutes, section 240.13, subdivision 3, describe the procedure and criteria for the MRC to approve pari-mutuel pools. Pools range from simple win, place and show wagering pools to pools for more sophisticated vertical wagers (on the outcome of a single race) and horizontal wagers (on the outcomes of multiple races). These various pari-mutuel pools are, more or less, the same throughout the country and the rules governing them are well established. (*See* Minn. R. 7873.0160 to 7873.0196.)

The approval process for pari-mutuel pools conducted by a Minnesota licensed racetrack requires application by the tracks, notice to interested parties of a public hearing, and an opportunity to comment on the request. *See* Minn. R. 7873.0100, subp. 2, item E. This process has become largely *pro forma* over the years. The reasons for that are as follows:

- a. Once the types of pools are established in rule, as is the case in Minnesota, they are already considered *per se* legal;
- b. The criteria currently set forth in Minn. R. 7873.0110, subp. 2, items A-W are now, for the most part, irrelevant to a decision whether to approve a specific type of wager and, most important;
- c. The criteria for approval of pools in Minn. R. 7873.0110, subp. 2, items A-W are virtually the same as the criteria for approval of live racing days in Minn. R. 7872.0110, subp. 2, items A-Y. Thus the commission has already considered these very same factors in its approval of live racing days for the track which would carry with it the implication that the wagering pools meet the criteria as well.

For the foregoing reasons, the commission believes the general criterion in Minn. R. 7873.0110 (“pools which promote the purposes of Minnesota Statutes, Chapter 240 and the rules of the commission”) and the more specific description of the relevant considerations in Minn. R. 7873.0110, subp. 2 (“success and integrity of racing...”) are sufficient to provide guidelines to the tracks and decision-making criteria for the commission. This change will essentially eliminate duplicative submissions that the tracks submit to the commission every year.

Subpart 3. Live racing days; director of pari-mutuel racing authority.

The existing rule appears to give authority to both the association's (i.e. the racetrack's) director of pari-mutuel racing and the commission's director of pari-mutual racing¹ to approve changes to pools previously approved by the commission. To the extent the existing rule grants such authority to the association, it is inappropriate. It doesn't make sense for an association to have authority to alter pools that are required to be approved by the commission. Therefore, the proposed change requires that a request be made *from* the association to the commission to change or vary previously approved pools. The request may be considered and approved by the commission's director of pari-mutuel racing unless it involves a horizontal wagering pool, in which case the director of pari-mutuel racing must consult with the deputy or executive director.

The existing rule requires the director of pari-mutuel racing to consult with the commission's executive committee prior to approving a change in "the pick six pool." This requirement is impractical because it takes time to call a meeting of commissioners to review such a request and typically the change is desired on short notice. Hence the proposal would allow the director of pari-mutuels to consult with the commission's deputy or executive director, who are typically at the track on racing days. The existing language referring to "the pick six pool" is being changed to "a pick (n) pool." This is because in 2015 the rule on "pick six" wagering was repealed and replaced with a "pick (n)" rule to provide for other variations of horizontal wagering. For example, it is now common for pick four wagering to be offered in harness racing. *See* Minn. R. Part 7873.0196.

Subp. 4. Additional money added.

Racetrack promotions frequently offer guaranteed minimum payouts, especially for multi-race wagering pools such as the pick four or pick six. These guaranteed payouts attract increased wagering activity which usually results in the pool exceeding the guaranteed amount, thus mitigating the track's financial risk. The racetracks would like the ability to offer these guarantees on shorter notice, such as for an upcoming weekend, for promotional purposes. Therefore the requirement of full commission approval is impractical. It is also unnecessary because these requests are routine and can be handled more timely by the commission's executive staff who are at the racetracks on a daily basis and have the necessary expertise to evaluate them.

7873.0185 TRIFECTA.

Subpart 8. Displaying trifecta rules.

The requirement to display and make trifecta rules available to patrons upon request is already set forth in Minn. R. 7873.0230, which requires all commission rules regarding pari-mutuel wagering be available for inspection by the public during racing hours. Therefore this rule is duplicative and is being repealed.

7873.0188 SUPERFECTA.

Subpart 8. Displaying superfecta rules.

The requirement to display and make superfecta rules available to patrons upon request is already set forth in Minn. R. 7873.0230, which requires all commission rules regarding pari-mutuel wagering be

¹ Under Minn. Stat. § 240.04, subd. 2 provides that the commission may appoint a director of pari-mutuels.

available for inspection by the public during racing hours. Therefore this rule is duplicative and is being repealed.

7873.0189 GRAND SLAM.

The industry requested this rule to allow for a new type of wager that has the potential to be popular in Minnesota. The grand slam wager mixes a fun and fast-growing horizontal bet type (pick 4) with the concept of a “show” bet, which is more popular in Minnesota than in many other jurisdictions. It provides racetracks with an opportunity to present an entertaining new twist on wagering which may help them remain more competitive in a highly-competitive gaming market. The grand slam wager is already being used in other racing jurisdictions and this new rule is patterned after the one in place in New York. As in any horizontal wager, including the commission’s Pick (N) rule (Minn. R. 7873.0196) the proposed rule language provides for how this pool will be conducted and what happens in the event of a scratch or dead heat.

7873.0230 INFORMATION WINDOW.

This existing rule pertains to live racing and is identical to Part 7871.0070 applicable to televised racing which is being simplified in the same manner. The MRC has determined, and the racetracks agree, that the deleted language is obsolete and unnecessary. Patrons may now contact the associations through their websites and social media portals, as well as in person. The MRC also has website, Facebook page, and offices at both tracks where patrons can and do bring their concerns. Thus the MRC has not required compliance with this rule for many years. Associations do submit “Incident Reports” to the MRC through their security and surveillance operations. These incident reports, together with other information required to be regularly submitted or made available to the MRC, adequately keep the MRC apprised of matters that rise to the level of regulatory concern.

7874.0100 GENERAL PROVISIONS.

Subpart 1. Scope.

Non-substantive amendments are being made to this rule part to correct previous drafting errors.

Subpart 2. Payment of pari-mutuel tax, breakage, and breeders' fund.

The current rule language requires racetracks to submit required payments to the MRC on a weekly basis which is unnecessary and cumbersome for both the tracks and the MRC. The proposed change allows the tracks to make required payments on a monthly basis. The rule will now be consistent with statutory provisions requiring tracks and advance deposit wagering providers to make other payments to the MRC monthly by the seventh day after the end of the month. *See*, Minn. Stat. § 240.15, subd. 2, and Minn. Stat. § 240.131, subd. 7, and Minn. R. 7880.0090, subp. 2. This will achieve efficiencies for all involved. The words, “in which racing was conducted” are deleted as superfluous because these payments are made on both live racing and simulcast racing which is always conducted every month.

7875.0200 EQUIPMENT.

Subpart 1. Equipment.

The requirement for racing associations to provide the commission with a pari-mutuel console is being removed. Pari-mutuel consoles are no longer necessary because racing information can now be ascertained via the internet, video and standard computer.

Subpart 4. Starting Gates.

The rule is being updated to provide for additional types of equipment that may be used to pull the starting gates in and out of position. Teams of draught horses are no longer used. Heavy trucks and tractors are typically used. The term "Quarter horse" is being added because the same starting gates are used for Thoroughbred and Quarter horses.

7876.0130 OUTBREAKS OF INFECTIOUS OR COMMUNICABLE EQUINE DISEASES.

This entire new rule part is being added to make permanent an exempt emergency rule that was adopted by the MRC in 2016 in response to several outbreaks of the highly contagious Equine Herpes Virus (EHV-1) at racetracks and training facilities around the country. Because racehorses frequently travel from one racetrack to another, the commission's chief veterinarian was concerned this potentially deadly disease could spread to Minnesota racetracks.

The exempt rule was developed in consultation with the commission's chief veterinarian. It provides for strict entrance requirements and quarantine or non-admittance of certain high-risk horses during outbreaks of contagious or infectious equine diseases. The rule applies only when the commission has determined there is an outbreak which may threaten horses at Minnesota racetracks. By its terms, the commission must cease enforcing the rule when the threat has passed. This rule was implemented for a short time at Canterbury Park last spring and was successful in preventing any cases of EHV-1.

The commission is now seeking to make this rule permanent. The proposed language is identical to that which was approved and adopted in 2016. (Exhibit A) Outbreaks of contagious and infectious equine diseases occur sporadically and often with little warning. In the last few months there have been new outbreaks of EHV-1 at racetracks around the country. (Exhibit B) By its terms this rule may only be invoked for a limited time when necessary to ensure the health of horses at Minnesota racetracks. Therefore it is reasonable and necessary to adopt it as a permanent rule.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 4. Racing officials.

This change is necessary because the current list of racing officials and employees whose duties relate to the running of a race is not all-inclusive. Other positions, such as a safety steward or valet, are occasionally filled by an association. When this occurs the commission may determine those individuals should also be submitted for approval. This additional language provides flexibility in the naming and licensing of racing officials while preventing the need for an exhaustive list of possible positions, many of which are not necessarily filled. This change is consistent with the Association of Racing Commissioner's International (ARCI) model rule ARCI-006-010. See Exhibit C.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Technical amendments are being made by the Revisor's office throughout this rule to make the language gender neutral and to eliminate superfluous words.

Subpart 2. Trainers.

Item C currently provides that a trainer may not enter or permit a horse to start in a race if the horse has received prohibited medication. The proposed amendment modifies this rule to include workouts timed by the official clocker in addition to races. Timed workouts are necessary for horses to train for and enter a race. The results of timed workouts are published and are utilized by fans in deciding how to wager on specific horses. Timed workouts should thus be conducted under the same medication rules as live racing so a horse's work-out performance is not enhanced by medications which it could not use in racing, thus defrauding the betting public. This rule change is reasonable and necessary because it keeps racehorses safe from medications with known adverse effects, helps prevent race-related injuries, and helps to make horse racing fair for all players.

The amendment also modifies the standard of care for trainers from "knows or might have known or has cause to believe" to "knows or in the exercise of due care should have known" to make it more clear and consistent with the accepted legal standard for negligence.

The terms "alkalinizing agent, blood doping agent, venom, or other substance foreign to the natural horse" have been added because not all prohibited substances are medications and these terms represent substances that should never be found in a racehorse while racing or performing a timed workout. Alkalinizing agents, blood doping agents, venoms, and other substances foreign to the natural horse are sometimes given in an effort to make horses run farther and longer or mask pain and they may result in harm, injury, or death of the horse. Thus the rule adds these to the list of substances from which the trainer is responsible for guarding horses.

A new Item C (2) is being added to specify that, in addition to guarding the horse to prevent administration of these substances, a trainer must not physically administer prohibited medications, alkalinizing agents, blood doping agents, venoms, or substances foreign to the natural horse within 48 hours of racing. This is consistent with Minnesota Statutes § 240.24, which provides no medication may be administered to a horse within 48 hours of a race it runs. It is also consistent with Minnesota Rules, part 7890.0110, which provides that no "person" may administer these things within 48 hours of a race. It is reasonable to add this language here to make it clear that this is primarily a trainer's responsibility. It will further deter inadvertent use or deliberate administration of these substances and strengthen the requirement that horses may not race with them in their system.

The word "current" is being added in item F so it is clear that a trainer must keep their list of employees current. Trainers often changes employees during the racing season.

Item N is being amended to add that a trainer must notify the commission veterinarian, in addition to the racing secretary and identifier, when the sex of a horse is altered. This is necessary because several thresholds used in post-race testing for anabolic androgenic steroids, e.g. testosterone, are based on the specific sex of the horse. The commission veterinarian is responsible for reporting the sex of all horses chosen for post racing testing to the testing laboratory and must have accurate and current information when doing so. This rule change is needed and reasonable to prevent false positive or false negative reports in post-race testing.

Subpart 3. Jockeys and apprentice jockeys.

Item M is being deleted and replaced with a new **Subpart 11** which combines the safety equipment standards for both flat racing and harness racing. It will apply to all persons who ride or drive horses at a licensed racetrack as well as those who handle horses in the starting gate. Exercise riders, outriders and starting gate crew need to have the same protective equipment as jockeys and harness drivers because their jobs can be just as hazardous, if not more so. This rule is necessary to extend these industry-recommended safety practices to all licensees whose duties expose them to risk of serious injury. The permitted safety equipment offers licensees several options to meet individual needs. The new language incorporates the latest standards for safety helmets and vests and is consistent with the ARCI model rules which are supported by the Jockey's Guild and the United States Trotting Association. (Exhibit D)

The language pertaining to vests is slightly different than that pertaining to helmets. After consultation with the horseperson's organization, the MRC determined that vests are only necessary for harness drivers when they are actually racing in a sulky, as opposed to driving a horse in a jog cart for training and conditioning purposes.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 4. Paddock Judge.

The proposed new language clarifies the original intent of this rule part and more clearly describes how it has been implemented in practice as an association house rule. The paddock judge's responsibilities are described in Minnesota Rules, part 7877.0175, subpart 4. The paddock judge maintains a "schooling list" of horses that are poorly behaved, fractious, or otherwise dangerous to themselves or others in the paddock. This is a safety measure to prevent these horses from causing injury to themselves, their handlers, other horses, or patrons. At least one fatal injury has occurred at Canterbury Park when a horse became unruly in the paddock. Therefore, horses that need to be "schooled" are not allowed to race until they demonstrate that they can perform safely in the paddock. They are usually brought to the paddock as non-competing horses either after racing or during specified schooling times in the mornings. The schooling list is typically posted in the race office by the paddock judge.

The proposed amendment requires that the stewards be provided with the schooling list. This is consistent with the stewards' "authority over all horses" (Minn. R. 7879.0200, subp. 1, item A), their supervision of "the taking of entries" (Minn. R. 7879.0200, subp. 2) and their authority "to require proof of eligibility of a horse... to participate in a race..." (Minn. R. 7879.0200, subp. 2, item F). Since no horse can race until it is removed from the schooling list, it is necessary and reasonable that the stewards be provided with the current schooling list on a daily basis to prevent unauthorized entries. Finally, the proposed language describes how horses are removed from the schooling list and who has authority to do so. It is consistent with the ARCI model rule (ARCI-006-030 B), Paddock Judge's List. (Exhibit E)

Subpart 5. Identifier.

New language is being added to allow for the use of microchipping and freeze branding as acceptable means of identifying horses. Approximately 50 percent of Thoroughbred foals born in 2016 have microchips implanted in them. The Jockey Club, which is the official breed registry for Thoroughbred horses, has voted to mandate that all Thoroughbred foals have a microchip implanted in order to be registered beginning in 2017. The microchip number, similar to their registration number, will be included on the foal registration papers. The United States Trotting Association, official breed registry for Standardbred horses, has also recognized microchipping in its rules. (Exhibit F)

Freeze branding is a method of identification frequently used on harness horses because lip tattoos fade with age and harness horses tend to continue racing much longer than Thoroughbreds or Quarter horses. (Exhibit F) According to the United States Trotting Association (USTA) only a small number of newly registered Standardbred foals (harness race horses) have lip tattoos.

Other less invasive methods of identification, such as retinal scanning, may at some point be approved as methods of identification by the breed associations but are currently ineffective or too cumbersome for use. Therefore, these reasonable and necessary changes allow new means of identification that may be approved by breed registries and racing officials throughout the United States and can be used by an identifier ensure that the correct horse is brought to the paddock and ultimately allowed to race.

Subpart 8. Commission veterinarian.

Moving the location of the veterinarian's list from the racing secretary's office to a position outside the veterinarian's office is logical as the racing secretary's office is frequently closed and accessible only to trainers and racing officials. The area outside of the veterinarian's office is available to all interested parties (owners, trainers, jockeys, grooms, and individuals who may want to claim a specific horse) at all times the administration building is open and allows them to identify and follow any horse that they may have an interest in. Other veterinary related documents, including ARCI model rules for therapeutic medications and related information, are also posted there so the trainers are already accustomed to checking this specific location.

The new language also provides that horses on the veterinarian's list in other jurisdictions will be included on our veterinarian's list. This is necessary because horses identified by veterinarians in other jurisdictions as being unsound or unfit to race should not be racing in Minnesota until those issues have been resolved. Horses that have been on a veterinarian's list even one time for unsoundness have been identified by The Jockey Club's Equine Injury Database (EID) as having a high risk of suffering a future race related injury and should be monitored closely to ensure that they are ready to return to racing. Exhibit G. The EID is composed of over 100,000 Thoroughbred racehorses injured over the past 5 years in the United States and statistically analyzed on a yearly basis as new horses are added to the databank. The rule change is needed and reasonable as it prevents unscrupulous trainers or owners from "shopping" for a less stringent jurisdiction and entering horses known to have pre-existing conditions that may result in further injury or death to themselves or injury to the jockey or driver. Other states have adopted similar "reciprocity" rules. Exhibit H.

7878.0140 CONTINUING EDUCATION.

Subpart 1. Licensee shall successfully complete refresher training.

A technical change is being made to account for the fact that certification of cardiopulmonary resuscitation (CPR) training is typically good for two years. Therefore, instead of requiring annual CPR training, the rule will now require that CPR certification be kept current.

Subpart 2. Commission must approve courses.

This change will provide that continuing education courses for security personnel that are already approved by the POST board will be deemed approved by the commission. Licensees will no longer need to seek approval of these courses from the commission.

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 16. Workout requirements.

Horses that have not raced for more than one year are a second group of horses identified by the Equine Injury Database (EID) as having an increased risk of injury when they return to racing. Often these horses have been retired or laid off due to a serious injury requiring a long convalescence or they have been used as brood mares. They are returned to racing when the injury has healed or if they are unable to carry a foal. These horses are currently required to complete at least three timed workouts before resuming racing, one of which must be in front of a commission veterinarian. This proposed change modifies the rule to use the newly-defined term "official timed workout" which means the workout is required and supervised by the commission veterinarian. The commission veterinarian observes these horses as they enter the racetrack prior to the workout, during the work, and as they exit the track after working and return to their stalls. Based on these observation points, the commission veterinarian would only approve a workout if the horse demonstrated it was thoroughly sound for racing.

The addition of medication testing to the workout ensures that horses returning to racing after more than one year off are sound and ready to race without any medications that might enhance performance or mask pain. It allows the commission veterinarian to observe these high-risk horses as they will be performing on race day and prevents unsound, medicated horses from being approved for racing.

The MRC's chief racing steward requested that the language regarding the time limits be modified for clarity and to bring our requirements into conformance with those in other jurisdictions.

7883.0140 CLAIMING RACES.

Subpart 8. Voided claims.

This proposed rule change is made to correct nonsensical language remaining from a prior rule. It removes language that would, in effect, allow or require a claimant to claim a deceased horse. It is also inconsistent with the MRC rule requiring all horses that die or are euthanized to be sent to the University of Minnesota Diagnostic Laboratory for a postmortem examination. Minn. R. 7891.0110.

Subpart 12. Disclosure of bred mare.

The existing rule protects persons who purchase horses out of claiming races by ensuring they know whether or not the horse is in foal. The current language is outdated in that stallion sire certificates and veterinarian's certificates are not always available. It will be most practical for the commission to develop a standard disclosure form that includes information essential to deciding whether to claim a horse. At minimum a potential claimant would need to know when a mare was bred and the name of the stallion. This should be posted at the veterinarian's office as a means of identifying the bred mare to the commission veterinarian who is responsible for the wellbeing of all race horses. Pregnant horses that are racing pose special risks especially in the starting gate where many potential problems exist.

Subpart 32. Report of corticosteroid joint injections.

Corticosteroid joint injections are commonly used by trainers at the racetrack to decrease the amount of wear and tear to a horse's cartilage but they can have detrimental effects if used too frequently.

Repeated unnecessary corticosteroid joint injections are hazardous to the health of a horse's joints. It is not unusual for a horse to be claimed several times during the racing season and therefore change trainers multiple times. This proposed rule would ensure that trainers of newly claimed horses know if specific joints were recently injected with corticosteroids, and if so, with which corticosteroid and when. The thirty day reporting period reflects the duration of action for most corticosteroids. A new trainer will thus have the knowledge necessary to prevent overuse of corticosteroid joint injections. This will protect horses from too-frequent, unnecessary injections which may do more harm than good and may cause medication overages in post-race testing.

Similar rules are being proposed in other racing jurisdictions including New York, New Jersey, California, Florida, and Maryland. At their annual meeting in December 2016, the Racing Regulatory Veterinarians voted to support moving this rule on to the ARCI as a model rule. (Exhibit I)

7883.0160 POST TO FINISH.

Subpart 6. Interference and willful fouling.

The Revisor's office is making non-substantive edits to conform the rule language to the current drafting convention. Requirements relating specifically to the use of a riding crop are being removed from Item C and placed in a separate new subpart for clarity. The archaic terms "rider" and "set down" are being replaced with "jockey" and "suspended."

Subpart 6a. Use of Riding Crop.

This new subpart is being created with language moved out of the current Subpart 6, Item C. This is a non-substantive change to make the rule more clearly organized and easy to understand. By separately enumerating each individual requirement, it will be easier for the stewards to communicate in their orders the exact violation with which a jockey is being charged.

Subpart 14. Horse becomes crippled or disabled.

The proposed changes to these rules reflect current practices. Horses unable to finish a race for any reason are always removed by horse ambulance by the commission veterinarian for their own safety and the safety of other participants. The term "crippled" is removed in favor of the more current and inclusive term "disabled." The language in the parenthetical is being deleted because it is too limiting. Other physical conditions such as fatigue, heat exhaustion, atrial fibrillation, or exercise induced pulmonary hemorrhage (EIPH), or equipment issues such as loose horseshoes or broken reins may prevent a horse from finishing a race. Occasionally jockeys fall from their horses. There are many conditions that may render a horse obviously unable to finish a race.

Horses unable to finish a race are removed by horse ambulance regardless of the cause. However, it is not always practical or expedient to do so without passing in front of the Stewards' stand. Depending on track conditions (firm or muddy), track itself (dirt or turf), and location of the disabled horse (at finish line or just past the finish line) the horse ambulance may need to pass directly in front of the Steward's stand as it removes the horse. The goal is always an immediate response which results in the most rapid and successful treatment of these horses as well as the safety of other participants on the race course.

7884.0230 RACING EQUIPMENT.

Subparts 3 and 3a are being deleted because helmet and vest requirements for all participants are now consolidated in the new Part 7877.0170, subpart 11 as described above.

7884.0270 EXPANDED HOMESTRETCH RACING.

Subpart 2. Rules.

The existing rule requires the stewards to place a horse last if it violates driving rules relating to the use of the expanded homestretch lane. However, in practice it is not always appropriate to place a horse last for what may in fact be a relatively minor violation that did not significantly impact the overall outcome of the race. The proposed language would give the stewards discretion in placing horses in the order of finish. Horses inappropriately entering or using the expanded inside line will still be disqualified but other things may occur in the race that prevents them from being placed last. For example, other drivers may commit more serious or numerous driving violations, other horses may fail to finish the race either from physical or equipment problems, or other horses may repeatedly “break” in a pacing or trotting race. These are just a few examples of other issues that must also be considered when determining the order of finish. This rule is necessary to allow the stewards the discretion to determine, based on all things that occurred during the race, the final official order of finish. Non-substantive grammatical corrections are also being made to this rule part.

7890.0100 DEFINITIONS.

Subpart 3b. Bicarbonate loading.

This definition is being deleted because it is not used anywhere in the MRC rules.

Subpart 13. Medication.

The existing rule governing the use of more than one nonsteroidal anti-inflammatory drug (NSAID) is being updated consistent with changes in the ARCI model rules and penalties (011-20 E, part c). (Exhibit J) The new language reflects the number of NSAIDs now in use in racehorses and the testing laboratories’ ability to reliably detect them. For many years phenylbutazone (“bute”) was the only NSAID available; flunixin and ketoprofen became more commonplace several years ago and MRC rules were updated to include them. Several additional NSAIDs now labeled for use or being used in horses and are being detected by the testing laboratories. The current rule specifies that only one NSAID of three chosen ones (bute, flunixin, or ketoprofen) may be present in a horse’s post-race sample and must be declared at the time of entry. The commission veterinarian provides this information to our testing laboratory so no false positives occur. The presence of more than one NSAID in post-race testing is indicative of NSAID “stacking,” i.e. using more than one NSAID to treat or prevent soreness or mask pain. This can be dangerous for a horse by allowing it to continue running through injuries, resulting in much worse injuries.

By way of another rulemaking project currently underway, the MRC is incorporating by reference ARCI model rules which define different penalties categories for the different classes of medication violations.² (Exhibit K) The new language in this rule part will work in concert with those model rules, defining three different classes and penalty categories for NSAID stacking violations as well as the specific NSAIDs and thresholds assigned to each violation. These updated rules provide horsepersons

² Revisor’s Number AR4394

with specific guidance regarding the presence of more than one NSAID in post-race testing which may deter misuse of these drugs.

Subpart 13b. Milkshaking.

This definition is deleted because it is no longer used in the MRC rules.

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

Subpart 3. Extracorporeal shock wave therapy or radial pulse wave therapy.

Extracorporeal shock wave therapy (ESWT) and radial pulse wave therapy (RPWT) are used in horses to promote healing of soft tissue such as tendons and ligaments and small micro fissures in the cannon bone (sometimes referred to as shin splits or sore shins) as well as to treat muscle soreness in backs and necks. These treatments are very effective in many horses. However, they can also mask pain for three or more days, thereby threatening the safety of a racehorse. If these therapies are used close to race time it is very likely that a horse would feel no "old" pain and would run through any new pain. This could cause further damage by rupturing a tendon or ligament, or fracturing a bone, potentially resulting in death of the horse and serious injury to the rider or driver.

Due to the high potential for abuse, our rules currently restrict the use of these machines to veterinarians and provide that any horse receiving these therapies may not race for 10 days. This has been moderately successful to date, but the commission veterinarian's office has received complaints that shock wave therapy is being performed during the late evening and overnight hours and not being reported as required. The purpose of this rule change is to restrict the use to a single central location during specified hours so the commission veterinarian can more closely monitor compliance. The requirement of advance reporting is being clarified to specify it must be reported at least 24 hours prior to treatment.

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. Prima facie evidence.

Technical changes are being made to this rule part to conform it to the proposed change in Part 7883.0100, subpart 16, item E, which will require official timed workouts to be conducted under the same medication and testing rules applicable to racing. Official timed workouts are those required for horses coming back to the racetrack after not racing for a year or longer and for some horses working to be removed from the veterinarian's list. They are observed and approved by a commission veterinarian. These horses have a very high risk of developing a race-related injury that may be life ending. They must work without any medications or substances that may mask unsoundness or pain or otherwise make them appear fit to race when they are not. It is important that the commission veterinarian observe and approve them in the non-medicated condition in which they will race so a fair and accurate determination may be made.

7892.0120 TAKING OF SAMPLES.

Subpart 1. Horses tested.

The terms "blood and/or urine" are being deleted because other types of test samples, such as hair or saliva, may also be used in post-race analysis. This is consistent with the language found in Minnesota Statutes, section 240.24, subdivision 2, which defines "test sample" as "any bodily substance including

blood, urine, saliva, or other substance as directed by the commission.” It is also consistent with Minnesota Rules, part 7890.0100, subpart 18, which defines “test sample” as “any bodily substance including blood, urine, saliva, hair, or other substance designated by the commission, taken from a horse under the supervision of the commission veterinarian for the purpose of analysis.”

Item B currently provides that the stewards or commission veterinarian may choose to test a horse not specifically identified for post-race testing under item A. This may occur for any number of reasons such as when a trainer believes his horse has been tampered with, finding blood or fresh needle marks on a horse’s neck just prior to racing, or when a private veterinarian has been found in a horse’s stall on race day. Random testing is typically utilized primarily for TCO2 testing where all horses in one or two complete races are tested but may also include other instances such as testing all or randomly selected ship-in horses for blood doping or the presence of prohibited medications.

The current language in item B is somewhat contradictory in that it permits test samples to be taken from “randomly selected” horses at any time “upon reasonable suspicion.” The language is being clarified to reflect the original intent of the rule, which is that horses may be randomly selected for testing or may be tested upon reasonable suspicion of a medication violation.

7895.0275 STANDARDBRED REGISTRATION.

Subpart 2. Foal certification.

This change is necessary because the official breed registry for Standardbred horses, the United States Trotting Association, no longer routinely issues paper foal certificates but rather publishes them on their website where they are available for viewing. Thus they no longer are physically sent to the MRC office and not embossed. The MRC breeder’s fund coordinator reviews the online certificates for completeness.

7897.0100 PROHIBITED ACTS.

Subpart 20. Possession, administration to, or presence in a horse of a prohibited drug, substance, medication or metabolites, biological product, venom, or synthetic analog of venom.

Growth hormone is added to the title of subpart 20 as it was inadvertently left out in the last rule update. Hormone releasing factors are now being added to this rule because they are the next wave of substances utilized by less than reputable horsepersons looking for an unfair advantage in racing. They are not medications and cannot be found in post-race testing but release substances such as TSH (thyroid stimulating hormone) which in turn causes the thyroid gland to release thyroxine which increases heart rate and may result in the horse running faster. While this seems innocuous, when races are sometimes won by milliseconds any increase in speed is considered important. Other hormone releasing factors, such as growth hormone releasing factor (increases growth and affects fat, carbohydrate, and lipid metabolism) and gonadotropin hormone releasing factor (affects behavior patterns) may also be abused for their performance enhancing effects.

7899.0100 VARIANCES.

This rule part was adopted in 1985 and has rarely been used. The commission believes the more recently enacted legislation, Minnesota Statutes sections 14.055 and 14.045, provides clearer and more comprehensive standards and procedures for variances. Therefore this rule part is being repealed.

EXHIBITS

- A. Record of 2016 exempt rulemaking relating to contagious or infectious equine diseases.
- B. Current news articles on outbreaks of Equine Herpes Virus (EHV-1) among racehorses.
- C. ARCI Model Rule 006-010 on racing officials.
- D. ARCI Model Rule 022-010 Y and Z on protective helmets and vests.
- E. ARCI Model Rule 006-030 B on paddock judge's list.
- F. USTA rule on microchipping and articles from Bloodhorse and The Jockey Club.
- G. Data on racehorse injuries from the Equine Injury Database (EID).
- H. Article and summary of other state rules on reciprocity of veterinarians' lists.
- I. California report on requiring trainers of claimed horses to disclose joint injections and New Jersey proposed rule.
- J. ARCI Model Rule 011-20 E on NSAID stacking.
- K. Excerpts from new MRC rule AR4394 incorporating ACRI penalty classes and recommended penalties and excerpts from the accompanying Statement of Need and Reasonableness Exhibits.

CONCLUSION

Based on the foregoing, the proposed rules are both reasonable and necessary to protect the integrity of racing in Minnesota.



Thomas DiPasquale
Executive Director
Minnesota Racing Commission

DATE: February 6, 2017

EXHIBIT A

May 4, 2016

VIA EMAIL ONLY

Patricia M. Sifferle
Minnesota Racing Commission
15201 Zurich St
Columbus, MN 55025
Patricia.m.sifferle@state.mn.us

**Re: *In the Matter of the Exempt Rulemaking; Amendments to Rules
Governing Horse Racing***
OAH 10-9011-33393

Dear Counsel:

Enclosed and served upon you by mail is the **ORDER ON REVIEW OF RULES
UNDER MINN. STAT. § 14.386** in the above-entitled matter.

With the approval of the adopted rules, the Office of Administrative Hearings has closed this file and is returning the rule record to you so that the Commission can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. Upon submission to the Office of Administrative Hearings of the Commission's signed order approving the rules, the Office of Administrative Hearings will file four copies of the rules with the Secretary of State. The Commission's next step is to arrange for publication of the proposed amendments in the State Register as required by Minn. Stat. § 14.386(a)(4).

If you have any questions regarding this matter, please contact Denise Collins at 651-361-7875 or denise.collins@state.mn.us.

Sincerely,


PERRY WILSON
Administrative Law Judge

PMW:ry
Enclosure
cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Exempt Rulemaking; Amendments to Rules Governing Horse Racing	OAH Docket No.: 10-9011-33393
--	----------------------------------

Rachel Youness, certifies that on May 4, 2016, she served a true and correct copy of the attached **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.386**; by placing it in the United States mail with postage prepaid, or by electronic mail, as indicated below, addressed to the following individuals:

VIA E-MAIL ONLY

Patricia M. Sifferle
Minnesota Racing Commission
Patricia.m.sifferle@state.mn.us

Legislative Coordinating Commission
lcc@lcc.leg.mn

Elizabeth Dressel
Policy Coordinator
Office of Governor Mark Dayton
20 W Twelfth St Ste 116
St Paul, MN 55155

Paul Marinac
Office of the Revisor of Statutes
paul.marinac@revisor.mn.gov

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Exempt
Rules of the Minnesota Racing
Commission Governing Horse Racing,
Minnesota Rules, Chapter 7876

**ORDER ON REVIEW
OF RULES UNDER
MINN. STAT. § 14.386
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge Perry Wilson upon the application of the Minnesota Racing Commission (Commission) for a legal review under Minn. Stat. § 14.386 (2014).

On April 8, 2016 the Commission filed documents with the Office of Administrative Hearings seeking review and approval of the above-entitled rules under Minn. Stat. § 14.386 and Minn. R. 1400.2400 (2015).

Based upon a review of the written submissions by the Commission, and for the reasons set out in the Memorandum which follows below,

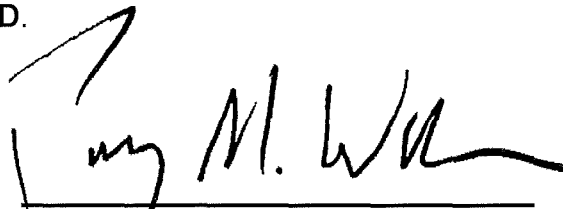
IT IS HEREBY DETERMINED THAT:

1. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2014), and Minnesota Rules, Chapter 1400 (2015).
2. According to Minn. Stat. § 240.23, the Commission has the statutory authority to adopt these proposed rules using the exempt rulemaking process.

IT IS HEREBY ORDERED THAT:

The adopted rules are **APPROVED**.

Dated: May 4, 2016



PERRY WILSON
Administrative Law Judge

MEMORANDUM

The Commission proposes to enact a rule governing the steps it will take at its horseracing tracks in the event certain infectious diseases are found in horses at a racetrack in the United States.¹ The Commission has promulgated this rule under Minn. Stat. § 14.388, subd. 1(1), which permits a state agency to make rules when it finds good cause to believe that “the rulemaking provisions of this chapter are unnecessary, impracticable, or contrary to the public interest when adopting, amending, or repealing a rule to: 1. address a serious and immediate threat to the public health, safety, or welfare.”

The Commission found that:

Equine herpes virus (EHV-1) has become a serious health issue in several racetracks and horse training centers throughout the United States, with horses showing signs of and/or dying from the neurological form of the disease. The Commission recognizes that racehorses routine (sic.) travel between racetracks and may come into contact with EHV-1 and spread the disease, which is highly contagious and that EHV-1 presents a serious and immediate threat to public health, safety or welfare.²

The Commission has supplemented the administrative record with two newspaper articles describing the outbreak of EHV-1 at two racetracks in the United States.³ In each outbreak, horses died as a result of the disease.⁴ The proposed rule therefore satisfies the seriousness and immediacy requirements of the statute.⁵

The record supports the Commission’s finding of good cause to take steps to address a serious and immediate threat to public health, safety, or welfare under Minn. Stat. § 14.388, subd. 1(1). The health and welfare of racehorses is within the purview of the public health, safety and welfare language of the statute because the public has a compelling interest in the good health of animals to which the public may be exposed. The language of section 14.388, subdivision 1(1) is not limited to immediate threats to the health and welfare of human beings.

In addition to a finding of good cause under subdivision 1, section 14.388, subdivision 2 requires the agency to provide notice of its intent to adopt the rule to persons who have registered with the agency pursuant to Minn. Stat. § 14.14, subd. 1a, and include: (1) the proposed rule, amendment, or repeal; (2) an explanation of why the rule meets the requirements of the good cause exemption under subdivision 1; and (3) a statement that interested parties have five business days after the date of the notice to submit comments to the Office of Administrative Hearings.

¹ Resubmitted Rule, April 25, 2016.

² Order Adopting Rules, filed May 3, 2016.

³ Letter from Patricia Sifferle dated April 20, 2016 and attachments. The articles are dated April 8 and 19, 2016.

⁴ *Id.*

⁵ See *Jewish Community Action v. Commissioner of Public Safety*, 657 N.W.2d 604, 608-09 (Minn. Ct. App. 2003)

The record shows that the Commission has satisfied the notice requirements of Minn. Stat. § 14.388, subd. 2.

No public comments have been filed with regard to the Commission's proposed rule.

The determination of whether the Commission's rule has been legally proposed is governed by Minn. R. 1400.2400, subp. 3, which states that in reviewing a filing the Administrative Law Judge must decide whether the rule meets the standards of part 1400.2100, Items A and D to G. Those standards of review provide as follows:

A rule must be disapproved by the judge or chief judge if the rule:

A. was not adopted in compliance with procedural requirements of this chapter, Minnesota Statutes, chapter 14, or other law or rule, unless the judge decides that the error must be disregarded under Minnesota Statutes, section 14.15, subdivision 5, or 14.36, subdivision 3, paragraph (d);

...

D. exceeds, conflicts with, does not comply with, or grants the agency discretion beyond what is allowed by its enabling statute or other applicable law;

E. is unconstitutional or illegal;

F. improperly delegates the agency's powers to another agency, person or group;

G. is not a "rule" as defined in Minnesota Statutes, section 14.02, subdivision 4, or by its own terms cannot have the force and effect of law. . . .

After a careful review of the rule and the administrative record, the Administrative Law Judge concludes that the rule does not raise any legality concerns.

P. M. W.

RECEIVED

By: OAH on 5/3/16 @ 11:20 a.m.

MINNESOTA RACING COMMISSION

ORDER ADOPTING RULES

Adoption of Rules Governing Horse Racing, Minnesota Rules, Chapter 7876; Revisor's ID Number 4401

BACKGROUND INFORMATION

1. This rule is being adopted pursuant to Minnesota Statutes, section 14.388. The Minnesota Racing Commission for good cause finds that the regular rulemaking provisions of Chapter 14 are unnecessary, impracticable or contrary to the public interest due to the need to address a serious and immediate threat to public health, safety, or welfare.

2. The Minnesota Racing Commission has complied with all notice and procedural requirements in Minnesota Statutes, section 14.388. The full commission authorized proposing the rules at its regular public meeting on March 17, 2016, at which a quorum was present and the undersigned was authorized to sign this order with the approval of the chairman. The chairman has approved adopting the rules.

3. Equine herpes virus (EHV-1) has become a serious health issue in several racetracks and horse training centers throughout the United States, with horses showing signs of and/or dying from the neurological form of the disease. The Commission recognizes that racehorses routine travel between racetracks and may come into contact with EHV-1 and spread the disease, which is highly contagious and that EHV-1 presents a serious and immediate threat to public health, safety or welfare.

4. The rules are needed and reasonable to address a serious and immediate threat to public health, safety or welfare.

5. Notice was sent to all interested parties via e-mail on April 25, 2016, and a copy is attached to this Order.


6. A copy of the commission's authorization to adopt the rules is attached.

ORDER

The above-named rules, OAH Docket Number 10-9011-33393, dated April 25, 2016, are adopted under my authority in Statutes, section 240.23.

4/28/2016

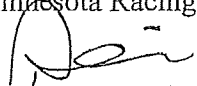
Date



Tom DiPasquale, Executive Director
Minnesota Racing Commission

4/29/16

Date



Ralph Strangis, Chair
Minnesota Racing Commission

CANTERBURY PARK LOCATION
1100 CANTERBURY ROAD, STE. 100
SHAKOPEE, MN 55379
TELEPHONE: 952-496-7950
FAX: 952-496-7954
WWW.MRC.STATE.MN.US



RUNNING ACES HARNESS PARK LOCATION
15201 ZURICH STREET, STE. 212
COLUMBUS, MN 55025-7908
TELEPHONE: 651-925-3951
FAX: 651-925-3953
WWW.MRC.STATE.MN.US

MINNESOTA RACING COMMISSION

April 25, 2016

RECEIVED

By: OAH on 4/25/16 @ 1:38 PM

The Honorable Perry M. Wilson
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Exempt Rules of the Minnesota Racing Commission
Governing Horse Racing, Request for Review and Approval of Exempt Rules Under
Minnesota Statutes, Section 14.388; Revisor's ID Number RD4401

OAH Docket Number: 10-9011-33393

Dear Judge Wilson:

On April 6, 2016, the Minnesota Racing Commission submitted a proposed exempt rule under Minnesota Statutes, section 14.388. On that same date we sent out notice to all persons who had requested to be notified of our agency rulemaking initiatives as well as other interested parties.

The proposed rule relates to contagious and infectious diseases as they may affect racehorses. In particular, there have been several recent outbreaks of Equine Herpes Virus ("EHV-1") at racetracks and racehorse training facilities around the nation. As the situation has developed and more is learned about the spread of the disease, our Chief Commission Veterinarian realized this week that the rule we submitted required revision.

I left a voice mail with your legal assistant yesterday to apprise you of this situation. I also spoke directly with Denise Collins in your office. I do sincerely apologize for the inconvenience.

Today I received revised approved rule language from the Revisor's Office. I have now e-mailed out a revised Notice of Submission along with this revised rule language to all persons on our agency rulemaking list and other interested persons. Therefore, please disregard the versions I sent you on April 6, 2016.

Enclosed for your review are the updated documents required by OAH Rules, part 1400.2400, subpart 2:

- (1) The rules with Revisor's approval.
- (2) A proposed Order Adopting Rules, with a copy of our Notice of Submission attached.

Also enclosed is a Certificate of Mailing and Certificate of Accuracy of Mailing List.

The Honorable Perry M. Wilson
April 25, 2016

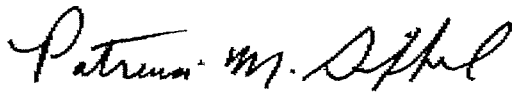
As horses are beginning to arrive at Canterbury Park this week, the Minnesota Racing Commission would truly appreciate if your review of this rule could be expedited to the extent possible.

If you have questions about the enclosed documents or the proposed exempt rule, please contact me at 651-925-3956.

After completing your review, please send any correspondence to me at the following address or by e-mail at patricia.m.sifferle@state.mn.us.

Patricia M. Sifferle
General Counsel
Minnesota Racing Commission
15201 Zurich Street
Columbus, MN 55025

Very Truly Yours,



Patricia M. Sifferle
General Counsel

enclosures

1.1 **Minnesota Racing Commission**1.2 **Adopted Exempt Temporary Rules Relating to Equine Disease Outbreaks**1.3 **7876.0130 OUTBREAKS OF INFECTIOUS OR COMMUNICABLE EQUINE**
1.4 **DISEASES.**

1.5 Subpart 1. Limited application. This part applies only when the Racing
1.6 Commission, its executive director, or its deputy director, in consultation with the
1.7 commission veterinarian, has determined there have been cases in North America of an
1.8 infectious or communicable equine disease that presents a serious and immediate threat to
1.9 the health of horses at a licensed racetrack. When this part applies, it shall supersede any
1.10 conflicting provisions elsewhere in rule.

1.11 Subp. 2. Notice. When this part applies, the commission shall post a notice on its
1.12 Web site and shall also make other reasonable efforts to notify all affected racetracks and
1.13 horse persons in a timely manner, which shall include sending notice via mail or e-mail
1.14 when possible. The commission shall also promptly provide notice in the same manner
1.15 as soon as the commission, its executive director, or its deputy director, in consultation
1.16 with the commission veterinarian, has determined the threat has subsided and this part
1.17 no longer applies.

1.18 Subp. 3. Certificate of veterinary inspection. A horse entering the enclosure of the
1.19 licensed racetrack must be accompanied by an original certificate of veterinary inspection
1.20 issued within the preceding 72 hours. No horse trailers, vans, or other equine transport
1.21 vehicles will be allowed to enter the enclosure of a licensed racetrack if the driver does
1.22 not present the required health certificate for each horse being transported. The certificate
1.23 must contain the following:

1.24 A. documentation that an accredited veterinarian, as defined in part 1721.0010,
1.25 physically examined the horse on the date the health certificate was issued;

2.1 B. a statement from the examining veterinarian that, at the time of examination,
2.2 the horse did not exhibit any clinical signs of disease and the horse's temperature was
2.3 normal;

2.4 C. a statement from the examining veterinarian that the examining veterinarian
2.5 verified with the horse's owner or trainer that, to the best of the owner or trainer's
2.6 knowledge, the horse has not been exposed to any other horse with a contagious or
2.7 infectious disease in the past 30 days or other time period recommended by the Board
2.8 of Animal Health;

2.9 D. complete equine infectious anemia (EIA) test results, including the date,
2.10 laboratory, and accession number of the most recent negative EIA test; and

2.11 E. if required by the commission veterinarian, documentation that the
2.12 horse has been vaccinated by an accredited veterinarian with a Food and Drug
2.13 Administration-approved modified live or killed vaccine specific for EHV-1 not less
2.14 than 14 days and not more than 60 days prior to arrival at the licensed racetrack. The
2.15 vaccination date, brand name, serial number, and expiration date of vaccine must appear
2.16 on the certificate.

2.17 Subp. 4. **Nonadmission of certain horses.** No horse may be admitted to the grounds
2.18 of a licensed racetrack if it has, within the preceding 30 days, been in a county or province,
2.19 or adjacent county or province, where any racetrack, training facility, or stable is under
2.20 quarantine due to an infectious or communicable equine disease.

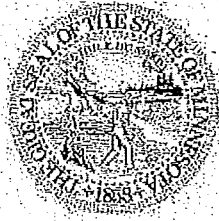
2.21 Subp. 5. **Isolation of certain horses.** If a horse arrives at a licensed racetrack within
2.22 30 days of the most recently initiated quarantine date applicable to that horse, or if a
2.23 horse has tested positive for any contagious or infectious disease within the preceding six
2.24 months, the following requirements shall apply:

3.1 A. after arrival at the licensed racetrack, the horse's owner or trainer shall
3.2 procure and pay for a blood test or nasal swab, or both, as required by the commission
3.3 veterinarian; and

3.4 B. the horse shall be held in an isolation area or removed from the licensed
3.5 racetrack until the horse's owner or trainer presents documentation indicating that the
3.6 blood test or nasal swab, or both, as required by the commission veterinarian, shows no
3.7 presence of infectious or communicable disease.

3.8 **EFFECTIVE PERIOD.** Minnesota Rules, part 7876.0130, is effective for a period of
3.9 two years from its publication in the State Register.

Office of the Revisor of Statutes Administrative Rules

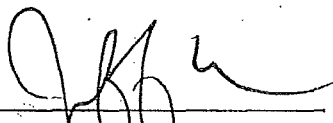


TITLE: Adopted Exempt Temporary Rules Relating to Equine Disease Outbreaks

AGENCY: Minnesota Racing Commission

MINNESOTA RULES: Chapter 7876

The attached rules are approved as to form



Jeff S. Klase
Assistant Deputy Revisor

EXHIBIT B

The following articles are reproduced with permission of the publisher, Ray Paulick of www.paulickreport.com.

The following update was issued by KY State Veterinarian Rusty Ford on Jan. 24:

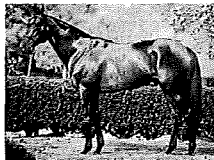
TURFWAY PARK

The sampling of horses in the affected barn at Turfway Park did identify two (2) additional horses (from 1 trainer a 4yo TB gelding and a 9yo TB mare) to be EHV-1 Positive by PCR detecting the 'wild strain' of virus from nasal swabs. There have been no clinical developments in the horses currently housed in Barn 27 and options for removing those two positive horses from the environment and managing the barns remaining population are being evaluated and considered tonight.

KEENELAND

Whole blood samples were submitted from the population of horses in both of the previously quarantined barns today, and testing completed earlier this evening has identified a single positive EHV-1 horse (3yo TB colt) in one barn. That positive horse has been removed from the barn and is in a secured isolation. Testing of nasal swabs collected from each horse in the barn is expected to be completed tomorrow. The population of horses continues to be confined to the barn pending results of that testing. Testing of samples completed on horses in the second quarantined barn have been reported negative on blood only and they too remain confined to the barn until testing of nasal swabs is complete.

The barns are secure with movement into and out of the barns restricted to essential personnel only. Biosecurity measures have and continue to be implemented at the highest level at each track and we are of the opinion tonight that recognizing and responding to the disease risk early in this united manner has been effective at both tracks and does provide the opportunity to resolve the disease threat in the coming weeks. Updates will be provided by the Kentucky Office of State Veterinarian as new information becomes available or developments occur.



**AIRDRIE
STUD** INC.

SUMMER FRONT
WAR FRONT — ROSE OF SUMMER

THINK ABOUT IT!

BRILLIANT MILER SPEED

1:32⁴ in the GI SHOEMAKER, 1:33 in the GI KILROE, 1:33 in the GI BREEDERS' CUP MILE, 1:33³ in the GIII HILL PRINCE

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This entry was posted in [Horse Care](#), [NL List](#) and tagged [ehv-1](#), [ehv-1 restrictions](#), [Horse Racing](#), [Keeneland](#), [rusty ford](#), [thoroughbred](#), [turfway park](#) by [Edited Press Release](#). Bookmark the [permalink](#).

The following update was issued by KY State Veterinarian Rusty Ford on Jan. 26:

KEENELAND – Rice Road Training Center

Testing of samples collected on 1/25/17 from horses in both barns has been completed and reported. The testing did identify a second positive horse in the first barn, bringing the total EHV1 'wild strain' positive horses in that barn to two (2). This most recent horse, a 3yo TB colt was positive on nasal swab, negative on blood. The colt was moved from the barn to the secured isolation last night (Wed 1/25).

Testing of horses in the second barn did identify three (3) horses, all are 2yo TB fillies, to be EHV1 'wild strain' positive by PCR from the nasal swabs. Testing of whole blood samples from each horse did not detect evidence of EHV1. These additional positive horses were moved from the barn to the secured isolation earlier tonight.

Each of the two quarantined barns are secured, entry into the barns restricted to essential personnel only and biosecurity levels are implemented at highest level. In addition to the affected barns, heightened biosecurity has been implemented in the entire barn area that includes directing and restricting entrance into each barn, as well as requiring disinfecting upon entry and exit of each barn.

Designated times have been established for the horses from the quarantined barns to gain access to the track for exercise after – following the normal training hours and after the general population of horses having returned to their barns.

TURFWAY PARK

The two positive horses identified and described on 1/24/17 were moved offsite and are securely isolated on a private farm.

Monitoring of the general population continues with no evidence of further cases developing.

The previously established and described protocols for ship-ins, racing, training and monitoring remains in effect.

Oldham Premises I

Testing of the barn's population of horses that had been exposed to EHV1 was completed yesterday (1/25/2017) with each horse testing NEG on both nasal swabs and whole blood. Having been greater than 14 days post exposure, and each horse now having two (2) negative sets (nasal and blood) of results – The Ky Office of State Veterinarian has released the quarantine imposed on January 5, 2017 and the horses are under no further restrictions.

Oldham Premises II

Daily monitoring and assessment of the horses in the exposed quarantine barn continues with no evidence of further transmission of EHV1. Collection of samples (swabs and blood) from these horses has been scheduled to be completed next week to determine their eligibility to be released from restrictions as well.



**G1 Winner of over \$1.8 Million
Four-time GSW**

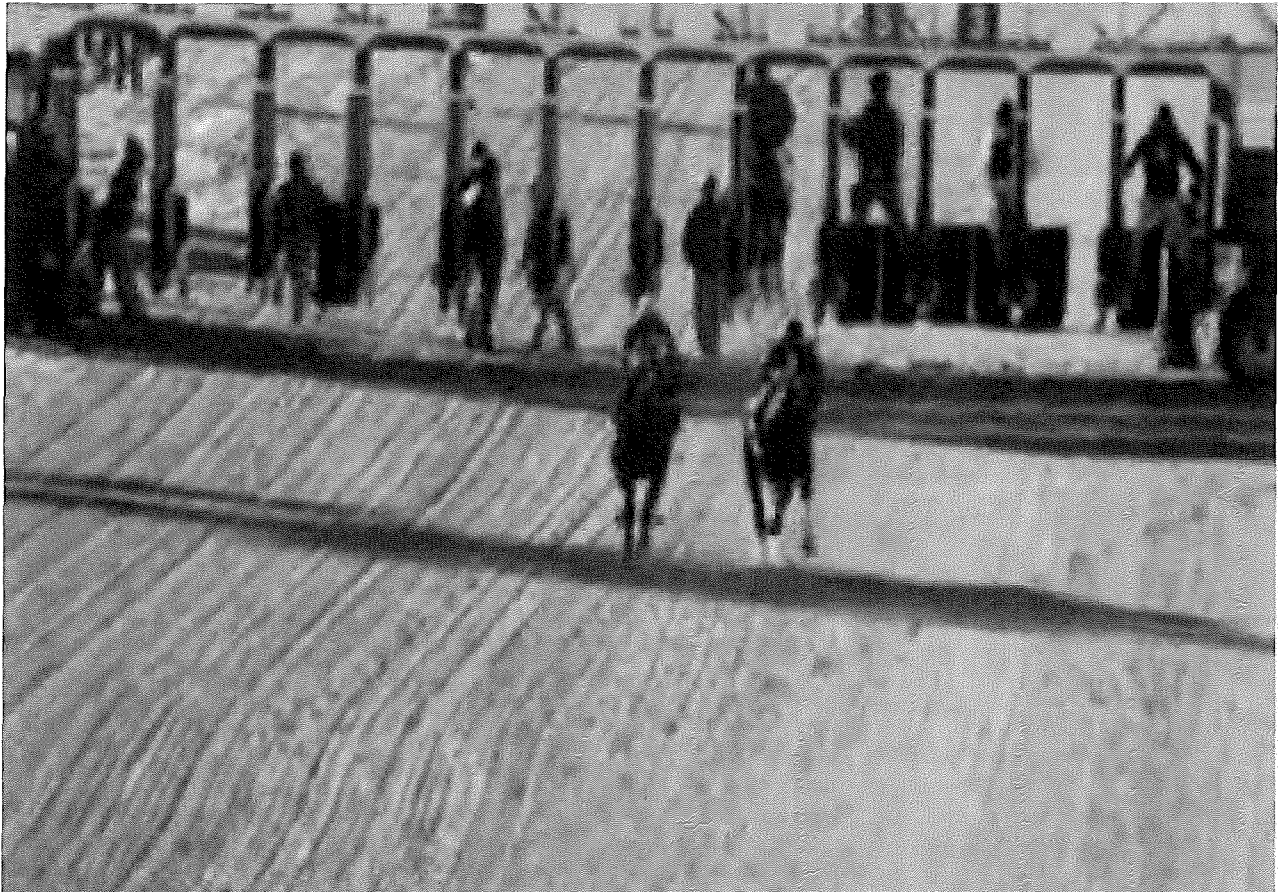
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Several Horses Released From Fair Grounds EHV-1 Quarantine; Five Remain Positive

by [Press Release](#) | 01.26.2017 | 8:54pm



Both Fair Grounds and Delta Downs had two-horse races earlier this month, due to quarantine-related scratches

The Equine Disease Communication Center posted the following update on the Fair Grounds Racetrack EHV-1 outbreak on Wednesday:

On January 23, all horses in isolation at the Fair Grounds racetrack were retested blood and nasal for EHV-1 after at least seven days of isolation. Five of 37 horses remained positive for EHV-1 non-neuropathogenic based only on nasal swab with 32 horses testing negative. Five horses that have completed quarantine were released. Trace-out horses from the receiving barn were released from restrictions following testing and or isolation. Scheduled retesting will continue on isolated horses until release requirements are fulfilled. No new symptomatic horses have been reported in any barns and increased monitoring and biosecurity remain in force.

EXHIBIT C

FLAT RACING OFFICIALS - CHAPTER 6

ARCI-006-005 Purpose

To define the duties and responsibilities of flat racing officials

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

ARCI-006-010 General Provisions

A. Racing Officials

Officials at a race meeting include the following:

- (1) stewards;
- (2) racing secretary;
- (3) horsemen's bookkeeper;
- (4) paddock judge;
- (5) horse identifier;
- (6) clerk of scales;
- (7) jockey room custodian;
- (8) starter;
- (9) timer/clocker;
- (10) patrol judge, absent video replay equipment;
- (11) placing judge, if duty not performed by stewards;
- (12) official veterinarian;
- (13) racing veterinarian;
- (14) association-employed veterinarian
- (15) horseshoe inspector
- (16) any other person designated by the Commission.

B. Eligibility

To qualify as a racing official, the appointee shall be:

- (1) of good character and reputation;
- (2) experienced in flat racing;
- (3) familiar with the duties of the position and with the Commission's rules of flat racing;
- (4) mentally and physically able to perform the duties of the job; and
- (5) in good standing and not under suspension or ineligible in any racing jurisdiction.

EXHIBIT D

- (4) A person who is licensed as an owner or trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction shall not be employed or licensed at that race meeting as a racing official; racetrack director, officer or managing employee; track maintenance supervisor or employee; racetrack security employee; horseshoer; veterinarian; photo finish operator; horsemen's bookkeeper; racing chemist, or testing laboratory employee.

W. License Presentation

- (1) A person shall present an appropriate license to enter a restricted area.
- (2) The judges may require visible display of a license in a restricted area.
- (3) A license may only be used by the person to whom it is issued.

X. Visitor's Pass

- (1) Licensed owners and trainers participating at that track may sign in guests, unless such are unacceptable to the Commission or association.
- (2) Track security may allow authorized unlicensed persons temporary access to restricted areas provided such persons shall be identified and their purpose and credentials verified and approved in writing by track security. A copy of the written approval shall be filed with the Commission or its designee within 48 hours. Such authorization or credential may only be used by the person to whom it is issued.

Y. Safety Helmets

A protective helmet, race meeting the 1984 Standard for Protective Headgear (Snell Memorial Foundation), Laboratory Procedure for Motorcycle Helmet Testing (Federal Motor Vehicle Safety Standard No. 218, U.S. Department of Transportation) or Specification for Headgear Used in Horse Sports and Horse Back Riding (ASTM Standard F085.53, Draft #4, 1986) standards for protective harness racing headwear, securely fastened under the chin, must be worn at all times on association grounds when:

- (1) racing, parading, or warming up a horse prior to racing; or
- (2) jogging, training, or exercising a horse at any time.

Z. Safety Vests

- (1) A safety vest shall be worn when:
 - (a) racing, parading or warming up a horse prior to racing; or
 - (b) jogging, training or exercising a horse at any time.
- (2) A safety vest shall:
 - (a) Cover the torso, front and back, from the collar bone to the hip bone;

- (b) Be of uniform material and thickness over the whole of the vest except for localized:
 - (A) Variation due to pattern, for example, quilting.
 - (B) Thinner areas to aid fit, for example, under the arms, at fastenings and at edges, and
 - (C) Thicker areas in regard to particularly sensitive areas of the body, for example, the spine; and
- (c) Equal or exceed a minimum shock absorbance rating of 5 according to the specifications established by the British Equestrian Trade Association (BETA) which are as follows:
 - (A) Use a critical height apparatus to measure the maximum deceleration on impact of a striker consisting of a spherical indentor weighing 5.9 (+/- 0.05) Kilograms with a diameter of 215 (+/- 2) millimeters,
 - (B) Condition the vest and the striker for a minimum of 3 hours at 23° (+/- 2°) Centigrade.
 - (C) With the vest lying on a smooth, flat massive concrete base with the inside of the vest facing the striker and positioned so that the striker will impact on an area of typical thickness, not reinforced by additional material, raise and release the striker starting at a height of 0.2 meter and increasing the height by increments of 0.2 meter to a height which will result in a deceleration of over 300 gravity units ($1G=9.81 \text{ ms}^{-1}$) as measured by recording the signal from an accelerometer through the impact from the time before the striker impacts the vest until the accelerometer returns to the same level as before the impact.
 - (D) Record the gravity units measured at each height increment on a line graph which has the gravity units in ascending order as the vertical axis and the release height in meters in ascending meters as the horizontal axis.
 - (E) Plot the height in meters at which the deceleration reached 300 gravity units, and
 - (F) Multiply the height obtained in Section 3 Subsection (e) by 10 to calculate the shock absorbance rating.

AA. Knowledge of Rules

- (1) A licensee shall be knowledgeable of the rules of the Commission; and by acceptance of the license, agrees to abide by the rules.

EXHIBIT E

- (2) maintain a written record of all equipment, inspect all equipment of each horse saddled and report any change thereof to the stewards;
- (3) Insure that all horses are properly equipped with a type of safety reins that are approved by the commission, and are originally designed and constructed to insure a secure secondary connection to the bit and reinforcement to prevent breakage.
- (4) prohibit any change of equipment without the approval of the stewards;
- (5) ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are mounted at the same time, and leave the paddock for the post in proper sequence;
- (6) supervise paddock schooling of all horses approved for such by the stewards;
- (7) report to the stewards any observed cruelty to a horse;
- (8) ensure that only properly authorized persons are permitted in the paddock; and
- (9) report to the stewards any unusual or illegal activities.

B. Paddock Judge's List

- (1) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.
- (2) At the end of each race day, the paddock judge shall provide a copy of the List to the stewards.
- (3) To be removed from the paddock judge's List, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02
Version 4.0 to 4.1: New rule language added

ARCI-006-035 Horse Identifier

A. General Authority

The Horse Identifier shall:

- (1) when required, ensure the safekeeping of registration certificates and racing permits for horses stabled and/or racing on association grounds;
- (2) inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;
- (3) examine every starter in the paddock for sex, color, markings and lip tattoo, microchip (ISO 11784), freeze brand or other identification method approved by the

EXHIBIT F

- (i) Indicate pacers that are racing without hobbles.
- (j) Summary of starts in purse races, earnings, and best win time for current and preceding year. A horse's best win time may be earned in either a purse or non-purse race.
- (k) The name of the trainer and stable.
- (l) The consolidated line shall carry date, place, time, driver, finish, racetrack condition and distance, if race is not at one mile.
- (m) Wherever a horse races under permissive medication, that fact shall be recorded on the horse's electronic eligibility and thereafter that information shall be included in the performance lines on the printed programs at all extended pari-mutuel meetings, using the standard symbol adopted therefore.

§ 7.03 **Inaccurate Information.**—An owner, trainer, driver, or others found guilty of providing inaccurate information on a horse's performance, or of attempting to have misleading information given on a program may be fined, suspended, or expelled.

§ 7.04 **Check on Identity of Horse.**—Any official, officer of the USTA, or owner, trainer, or driver of any horse entered in to race wherein the question arises may call for information concerning the identity and eligibility of any horse on the grounds of a track member, and may demand an opportunity to examine such horse or his electronic eligibility with a view to establish his identity or eligibility. If the owner or party controlling such horse shall refuse to afford such information, or to allow such examination, or fail to give satisfactory identification the horse and the said owner or party may be barred by the member track, and suspended or expelled by the USTA.

§ 7.05 **False Chart Lines.**—Any official or person who enters a chart line on an electronic eligibility when the race has not been charted by a licensed charter may be fined, suspended or expelled.

§ 7.06 **Tattoo/Freeze Brand/Microchip Requirements.**—No horse that has not been tattooed or freeze branded and implanted with a microchip as authorized by the USTA will be permitted to start at an extended pari-mutuel meeting unless the permission of the presiding judge is obtained and arrangements are made to have the horse tattooed or freeze branded or implanted with a microchip. Any person refusing to allow a horse to be tattooed/freeze branded/micro-chipped by a USTA representative may be fined, suspended or expelled, or further applications for registrations submitted by such person may be refused.

No horse may start in any race at an extended pari-mutuel or any other meeting unless it is fully identified. The burden of establishing the identity of a horse rests with the person or persons having charge of the horse at the meeting, and in connection therewith any person found guilty of fraud or attempted fraud or any person who aids in any way in the perpetration of a fraud or any person who participates in any attempt at fraud shall be expelled. Provided further that the provisions of this section shall not be interpreted as relieving the paddock judge and/or the identifier from any responsibilities outlined in Rule 6.17 and 6.18.

RULE 8.—RACING, FARM, CORPORATE OR STABLE NAMES.

Section

- 8.01 Registration of Racing, Farm, Corporate, or Stable Names
- 8.02 Individual Membership Requirements for Members
- 8.03 Prohibition Against Duplicate Names

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The Jockey Club to Require Microchips in 2017

by BloodHorse Staff

Date Posted: 8/9/2015 1:50:03 PM

Last Updated: 6/1/2016 10:58:27 AM



Rick Bailey, registrar for The Jockey Club

Photo: The Jockey Club

The Jockey Club's board of stewards voted Aug. 9 to change certain provisions of the Principal Rules and Requirements of the American Stud Book and, as a result, microchips will become a requirement for registration for foals of 2017 and later.

The microchips will be used in conjunction with official markings to provide an effective means of confirming the identity of Thoroughbreds for the duration of their lives.

Beginning with foals born in 2017, a microchip will be provided with all registration application and genetic sampling kits. In 2016, owners will have the option to request free microchips with registration and genetic sampling kits when they report the birth of a live foal. There will be no increase in registration fees.

"The advancement to DNA typing 14 years ago is a good example of where technology improved reliability and

efficiency," said Rick Bailey, registrar for The Jockey Club, during the 63rd Annual Round Table Conference. "Microchip should be the same for Thoroughbred identification."

Microchips are a compulsory component of Thoroughbred registration in several countries, including Great Britain, France, Ireland, Australia, South Africa, Germany, Italy, and New Zealand.

"Microchips are a fast, safe, and effective measure for enhancing the identification of Thoroughbred racehorses and have proven successful in other countries around the world," said Matt Iuliano, executive vice president and executive director of The Jockey Club. "When coupled with official written markings, the use of microchips will improve the efficiency and reliability of the identification process throughout the life of every Thoroughbred."

The microchip in an RFID (Radio Frequency Identification) device operates by receiving a radio wave signal from a microchip reader. The chip then transmits its number to the scanner. The interaction between the chip and scanner takes less than a second, allowing quick identification.

Software is available, according to Bailey, to display data about the horse based on the reading of the microchip. This data may include pedigree, racing performance or even health records.

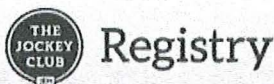
"It will improve the delivery of instant information," he said.

"We have microchipped Juddmonte's U.S.-bred foals that are bound to race in Europe for years, and it is both easy and safe," said Garrett O'Rourke, manager of Juddmonte Farms near Lexington. "The practicality that microchipping can bring to Thoroughbred identification makes it an essential. The possibilities it may open up to better manage our horses is very exciting."

The Jockey Club, founded in 1894 and dedicated to the improvement of Thoroughbred breeding and racing, is the breed registry for North American Thoroughbreds. In fulfillment of its mission, The Jockey Club provides support and leadership on a wide range of important industry initiatives and it serves the information and technology needs of owners, breeders, media, fans, and farms, among others. Additional information is available at jockeyclub.com.

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RULE BOOK : REGISTRATION : NAMING : TATTOO LOOKUP : AFTERCARE : THE JOCKEY CLUB

Interactive Registration™ Help Desk

Thoroughbred Microchipping - Frequently Asked Questions

The Basics

Contact Us

Interactive Registration Extras

How to Identify a Thoroughbred

Overview of Registration Process

Fee Schedule

Rule Book

DNA Sampling

Tips on Photos

FAQ

The Jockey Club Checkoff Program

Microchip FAQ

Thoroughbred Aftercare Alliance FAQ

Sold as Retired from Racing FAQ

Microchip General Information

Tattoo Lookup General Information

Tattoo FAQ

Submit Tattoo Research Form

The Jockey Club Identification App

The Jockey Club Naming App

Home

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Answers to Frequently Asked Questions About Thoroughbred Microchipping:

Microchip General Information

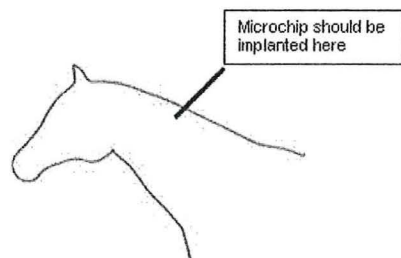
1. Do Thoroughbreds in the United States, Canada, and Puerto Rico have to be microchipped?

Microchips are **not** currently a requirement to register a Thoroughbred; however microchips will become a requirement of registration for foals of 2017 and later.

In 2016, owners will have the option to request free microchips with registration and genetic sampling kits when they submit a Live Foal Report.

2. How large is the microchip and where is it implanted in the horse?

The microchip is about the size of a grain of rice and is implanted in the nuchal ligament in the left side of the animal in the middle third of the neck.



3. What is the process of obtaining a microchip and implanting it into a Thoroughbred?

Microchips for Thoroughbreds born in 2015 and earlier can be purchased through The Jockey Club, or through your veterinarian or supplier. For foals of 2016, owners will have the option to request free microchips with registration and genetic sampling kits when they submit a Live Foal Report. For foals of 2017, owners will be sent a free microchip with each registration and genetic sampling kits.

The microchip should be implanted before or at the same time the DNA hair sample is collected, markings are recorded, and photos are taken. **The horse identifier should always scan for a microchip and record the number when identifying a horse.**

Before the microchip is implanted, the horse should be properly identified and checked for an existing microchip with a reader. The microchip to be implanted should be checked with a reader to make sure it is active and readable.

The microchip should be implanted in the nuchal ligament, halfway between the poll and withers on the left side of the horse. The veterinarian will prepare the site by clipping and scrubbing the area before implanting the microchip.

After the microchip has been implanted, it should be checked again with a reader to verify that it is still readable. Finally, the label from the microchip should be attached to the Registration Application or the information should be recorded to be reported to The Jockey Club.

4. What are the advantages of microchipping a Thoroughbred?

When used in conjunction with the official markings described on the Certificate of Foal Registration, microchips provide a convenient additional layer of confidence when establishing the identity of a Thoroughbred. Microchips may be helpful in establishing identity of Thoroughbreds involved in breeding operations, domestic or international travel, and in the event a horse is lost or stolen.

5. How do I read the microchip in my Thoroughbred?

Microchips supplied by The Jockey Club can be read with an ISO 11785 compliant microchip reader. A number of other readers are also available from your veterinarian or veterinary supplier. You must ensure the reader you select is ISO 11785 compliant and can detect ISO compliant 11784 134.2 KHz radio frequency identification devices.

6. Can I acquire a microchip reader from The Jockey Club?

Datamars, Pet Travel is offering microchip scanners to Thoroughbred owners and breeders at a preferred price. Datamars manufactures the Datamars Microchip Scanner Compact Max and it is marketed and distributed by Pet Travel. The price for Thoroughbred owners and breeders will be \$249.00.

Please see <https://www.pettravelstore.com/scanner-for-thoroughbred-owners-breeders>.

You may also consult your veterinarian or veterinary supply house to acquire a reader.

7. If the owner of a microchipped Thoroughbred doesn't know its name or pedigree, can The Jockey Club help identify the horse using its microchip number?

If an owner knows the horse's microchip number and the microchip number has been reported to The Jockey Club, limited identification information on record with The Jockey Club about that horse can be obtained through Interactive Registration™ (IR) located at www.registry.jockeyclub.com. After logging on to IR, click on the **Microchip Requesting, Reporting & Lookup** banner in the **Other Forms** section on the right side of the page and follow the simple step-by-step instructions. Help screens are available. Identification information includes the horse's name (if named), year of birth, gender, color and dam's name.

8. Will The Jockey Club provide a horse's microchip number if the horse's name is provided?

No. A microchip number cannot be retrieved based on a horse's name.

9. How much does it cost to microchip a Thoroughbred?

There will be no costs to request a microchip for a foal born in 2016 or later, however a fee may be incurred for replacement microchips.

For foals born in 2015 and earlier, microchips are available through The Jockey Club for \$10.00 per microchip, which includes shipping and handling. Kentucky and New York residents will also be charged applicable sales tax.

There is no fee to report a microchip number to The Jockey Club. It is recommended, however, that a veterinarian implant the microchip in the horse so additional fees may be associated with implantation.

10. Can microchip numbers be reported to The Jockey Club by phone?

No. Microchip numbers can be reported to The Jockey Club only through Interactive Registration™ (IR). If you do not have access to IR, please call the Registry for assistance at (800) 444-8521.

11. What if a mistake was made when reporting a microchip number to The Jockey Club?

If a mistake was made when reporting a microchip number to The Jockey Club, the owner should send a written, signed statement to The Jockey Club indicating the name of the horse and the incorrect microchip number. Once The Jockey Club invalidates the number, the owner can report the correct microchip number via *Interactive Registration™*.

12. Are Thoroughbreds microchipped in other countries?

Yes, a number of countries around the world already microchip Thoroughbreds, including Great Britain, Ireland, France, Japan, Germany, South Africa, and Australia.

13. What kind of microchips is The Jockey Club selling?

Microchips available from The Jockey Club are ISO 11784-compliant. These microchips contain a unique, 15-character number.

14. Once I have implanted the microchip from The Jockey Club, what other steps are required?

Once the microchip is implanted, you should log on to *Interactive Registration™* (IR) and report the microchip number using the online **Microchip Requesting, Reporting & Lookup** module. Microchip numbers are not associated with a specific horse until reported to The Jockey Club by the owner or breeder. If you do not have access to IR, please call the Registry for assistance at (800) 444-8521.

15. Can I purchase a microchip from The Jockey Club for my non-Thoroughbred horse?

The Jockey Club sells microchips only to customers who have conducted registration-related activity with the Registry. Thoroughbred owners or breeders who have horses of other breeds on the same premises should consult the responsible breed authority for specific information on microchipping those breeds.

Helpful Links:

[AAEP](#)

[AAEP How to Implant a Microchip Video](#)

[Equine Species Working Group](#)

[Digital Angel](#)

[List of State's Vets Offices](#)

Is this enough information?

[Yes, please return me to the last page I visited.](#)

[No, I'd like to fill out a feedback form and receive additional help.](#)

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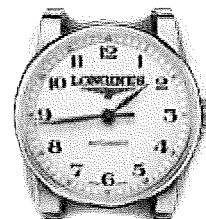
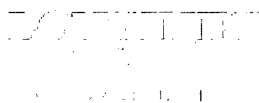
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(<http://www.longines.com>)

Resources

The Jockey Club Rule Book (</default.asp?section=Resources&area=8>)

Registration Services (</default.asp?section=Resources&area=9>)

News Releases (</default.asp?section=Resources&area=10>)

Fact Book (</default.asp?section=Resources&area=11>)

State Fact Books (</default.asp?section=Resources&area=12>)

Round Table Conference (</default.asp?section=Resources&area=13>)

Experimental Free Handicap (</default.asp?section=Resources&area=14>)

News Releases

News Releases (<default.asp?section=Resources&area=10>) |

News Release Archives (<default.asp?section=Resources&area=10&archives=show>) |

Communications Dept. (<default.asp?section=Contact&area=2>)

Sunday, August 09, 2015

Contact: Bob Curran Jr. (212) 521-5326

Microchips to Become Requirement for Registration Starting with Foals of 2017

The Jockey Club's Board of Stewards voted Saturday to change certain provisions of the *Principal Rules and Requirements of the American Stud Book* and, as a result, microchips will become a requirement for registration for foals of 2017 and later.

The microchips will be used in conjunction with official markings to provide an effective means of confirming the identity of Thoroughbreds for the duration of their lives.

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**Executive Offices**

The Jockey Club
40 East 52nd Street
New York, NY 10022
Phone: (212) 371-5970
Fax: (212) 371-6123

Registry

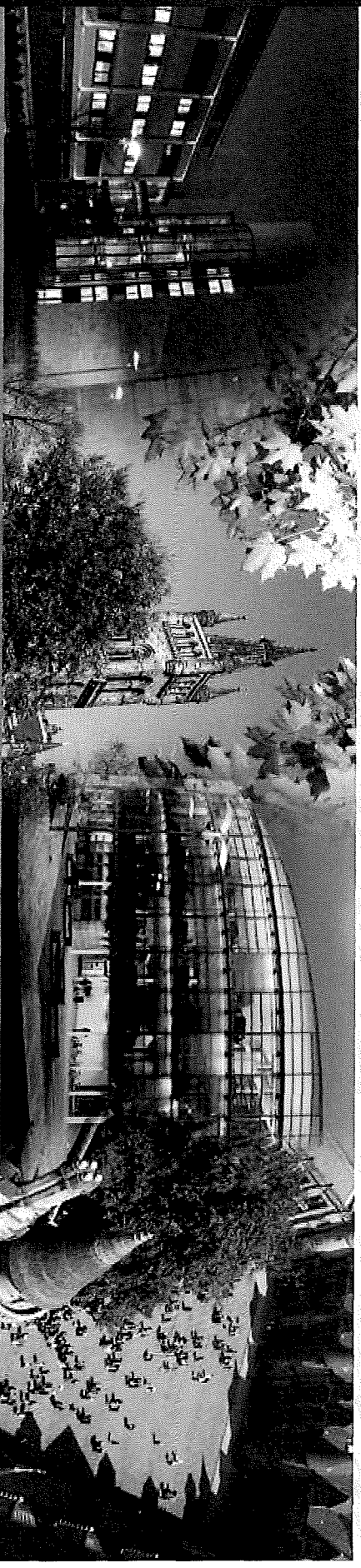
The Jockey Club
821 Corporate Drive
Lexington, KY 40503
Phone: (859) 224-2700
Fax: (859) 224-2710

EXHIBIT G

Equine Injury Database – models, risk factors and prediction

Tim.Parkin@Glasgow.ac.uk

@ThoroughbredHN

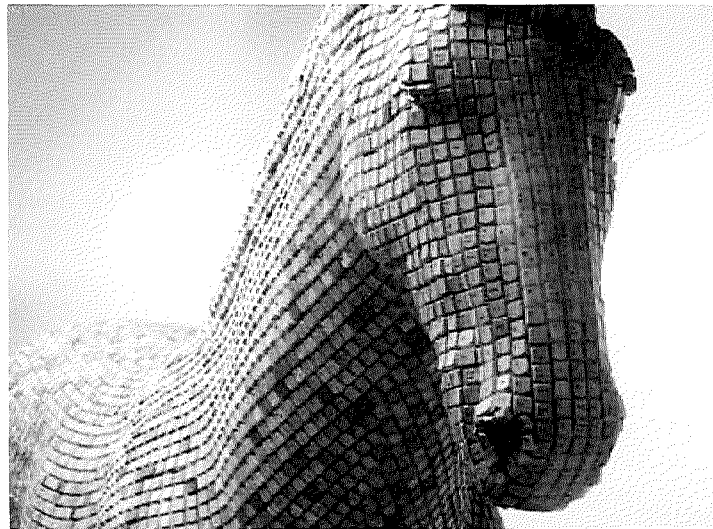


Introduction

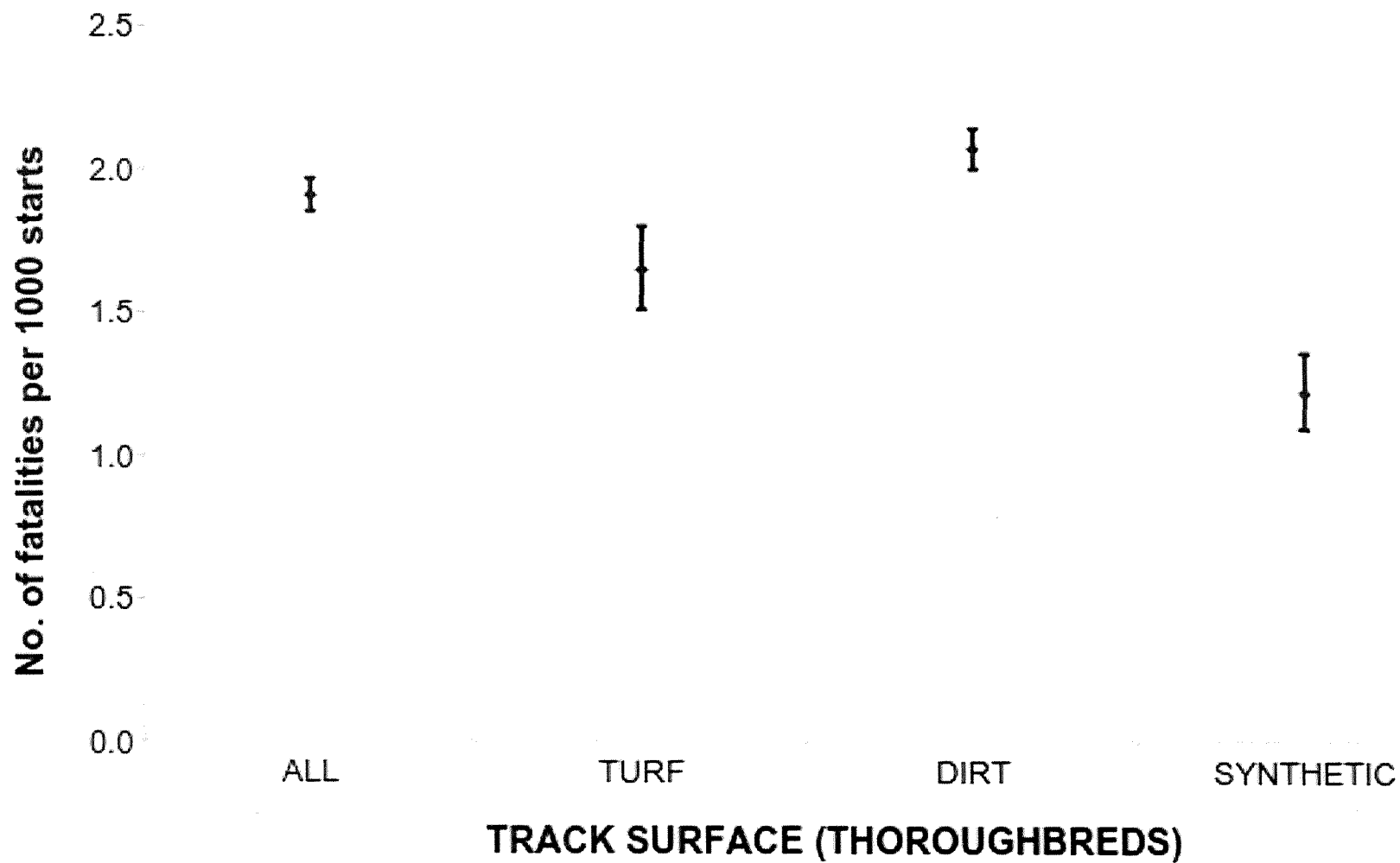
- EID since 2008
- Raw descriptive statistics
- Modelling to identify risk factors
- Testing the predictive ability of the models
- The next 12 months

Definitions of race day fatalities

- Within 72 hours of race
- Estimates now by calendar year
- Point estimates and 95% confidence intervals
- Now producing multivariable models that account for inter-relationships between variables

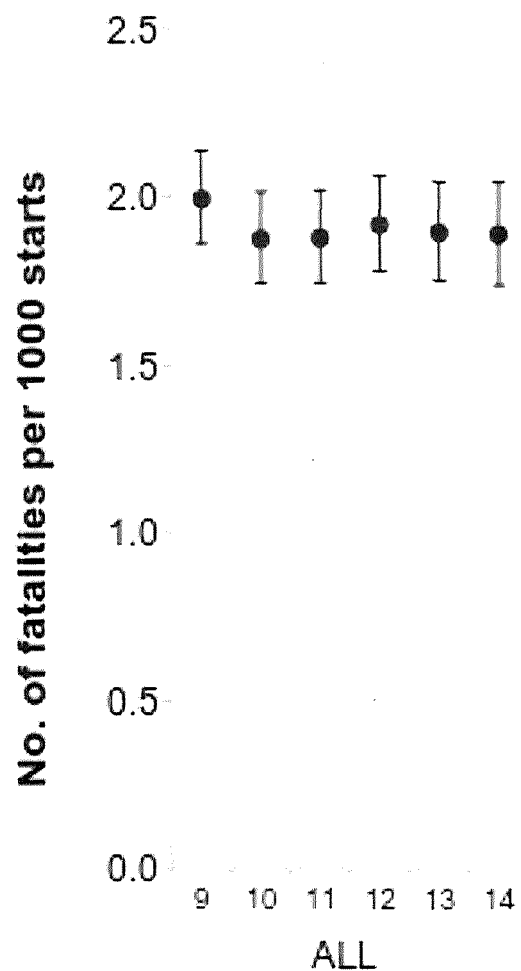


By surface type



2009 to 2018

By surface type 2009 - 2014



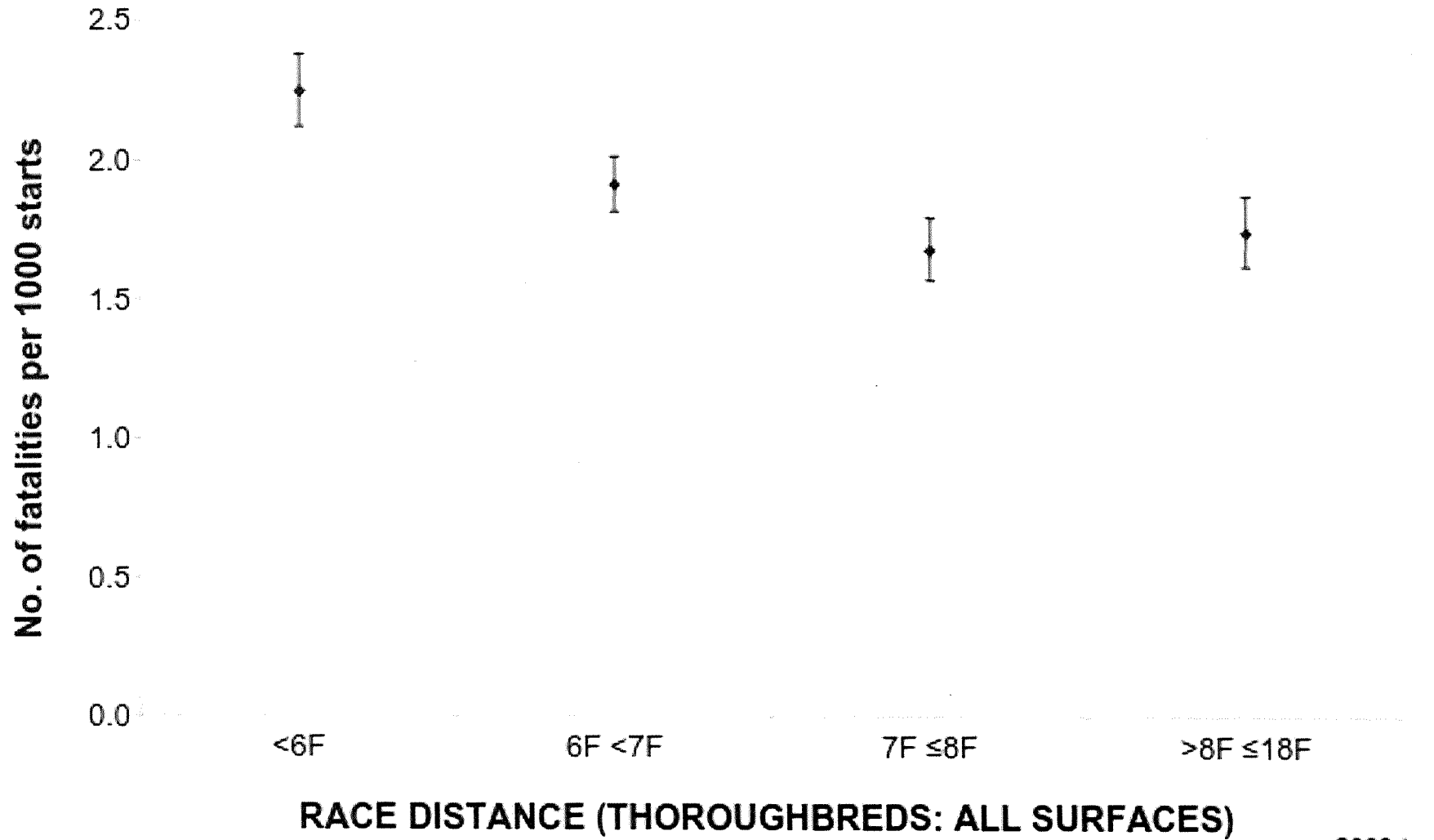
TRACK SURFACE (THOROUGHBREDS)

2009 to 2014

By age



By race distance



Models

- Account for effect of risk factor upon each other and the risk of fatal injury
- National and Track Specific models
- National models built using 6-years of data
 - All races and claiming races only
- Track-specific models for 8 tracks
 - Dependent on sufficient number of starts at these tracks to provide adequate statistical power

National and track-specific models

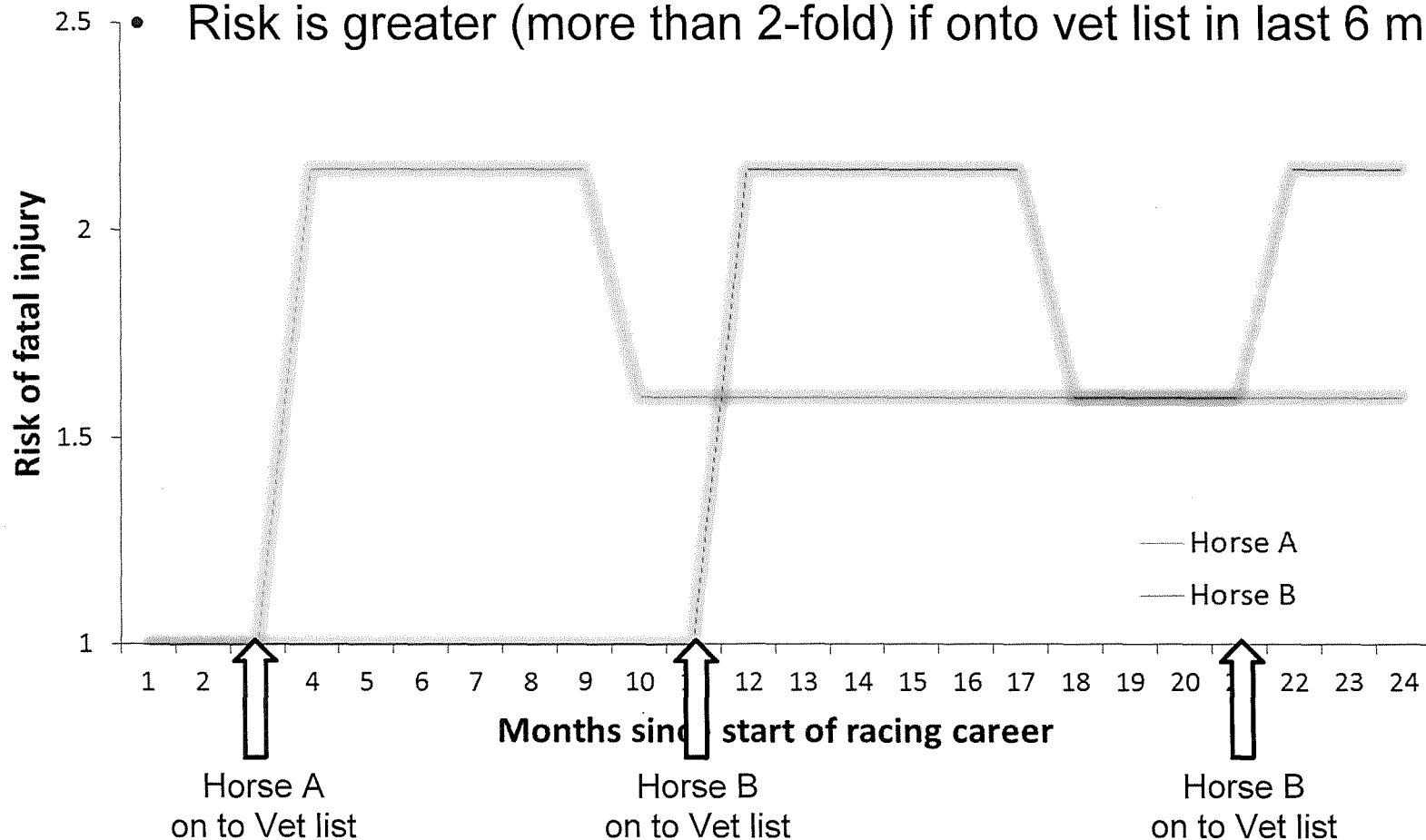
- 2.2 million starts
- 150,000 horses
- 94% of all starts in North America (2009 to 2014)
- A selection of important risk factors:
 - Previous EID injuries
 - Appearance on a vet list
 - Time with same trainer
 - Race distance
 - Surface
 - Previous race history
 - Drop in claim price since previous race
 - Age at first race

Previous injuries

- Note: Only EID reported injuries
 - Actual relationship could be much bigger
- For every extra previous injury the risk of fatal injury during racing increases by 30%
 - Compared with a horse with no previous EID injury:
 - 1 previous injury – 30% greater risk (about 2% of starts)
 - 2 previous injuries – 70% greater risk (0.1% of starts)
 - 3 previous injuries – 110% greater risk (0.01% of starts)
- Could be much more valuable IF we could include injuries that are not recorded on EID

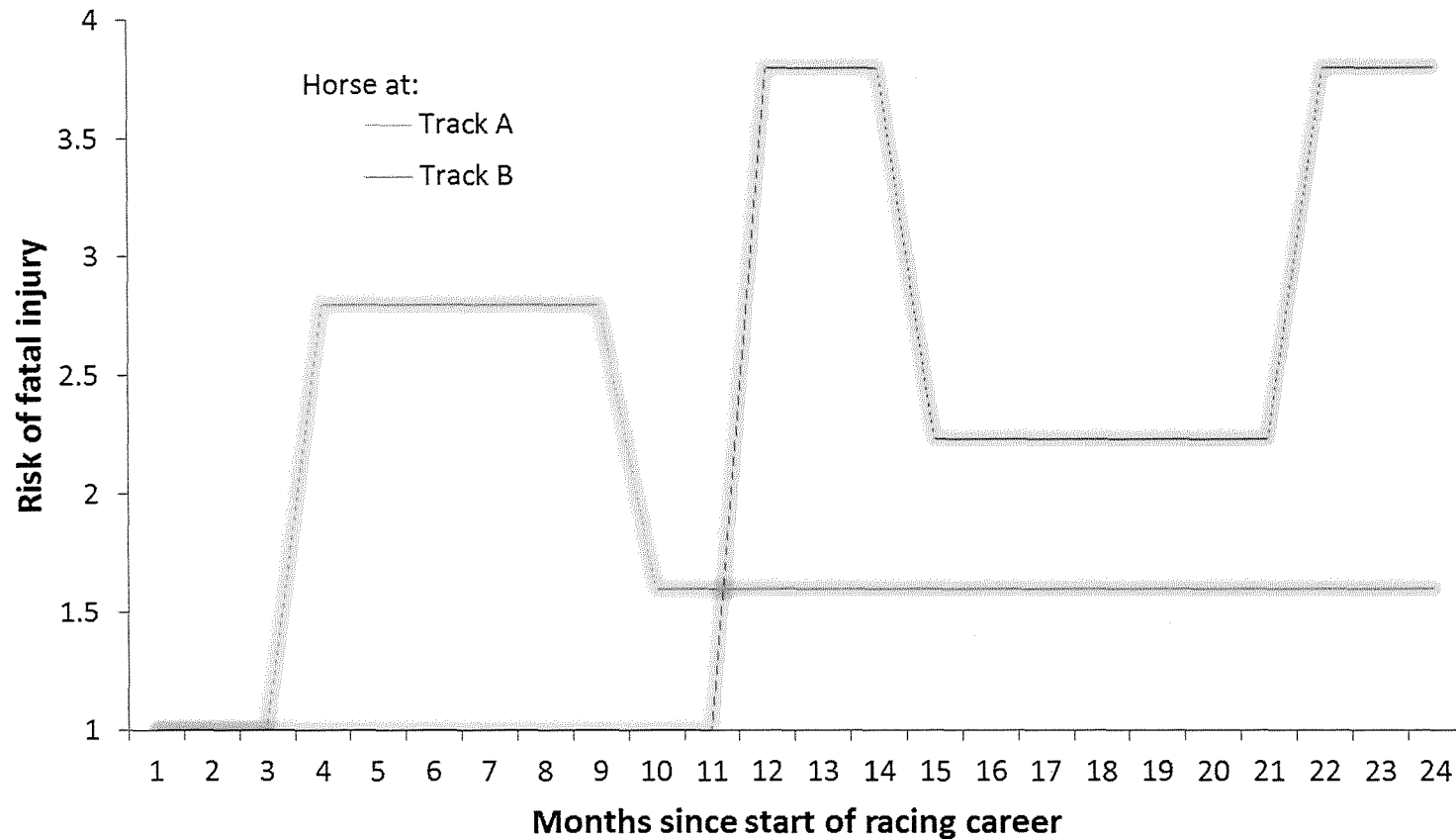
Vet list

- No difference if include when come off the vet list
- Risk does not return to 'base line' once been on the vet list
- Risk is greater (more than 2-fold) if onto vet list in last 6 months

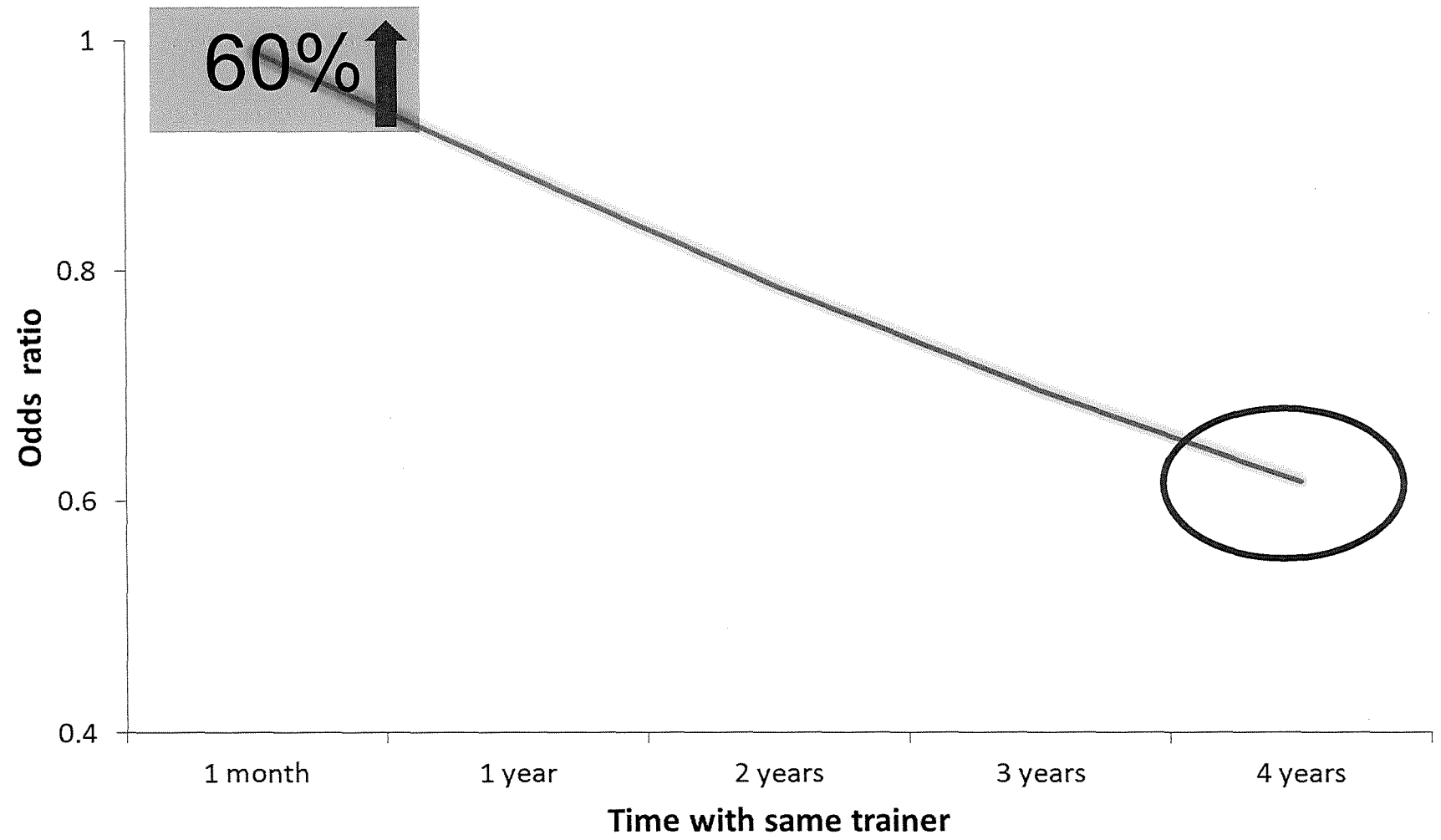


Vet list

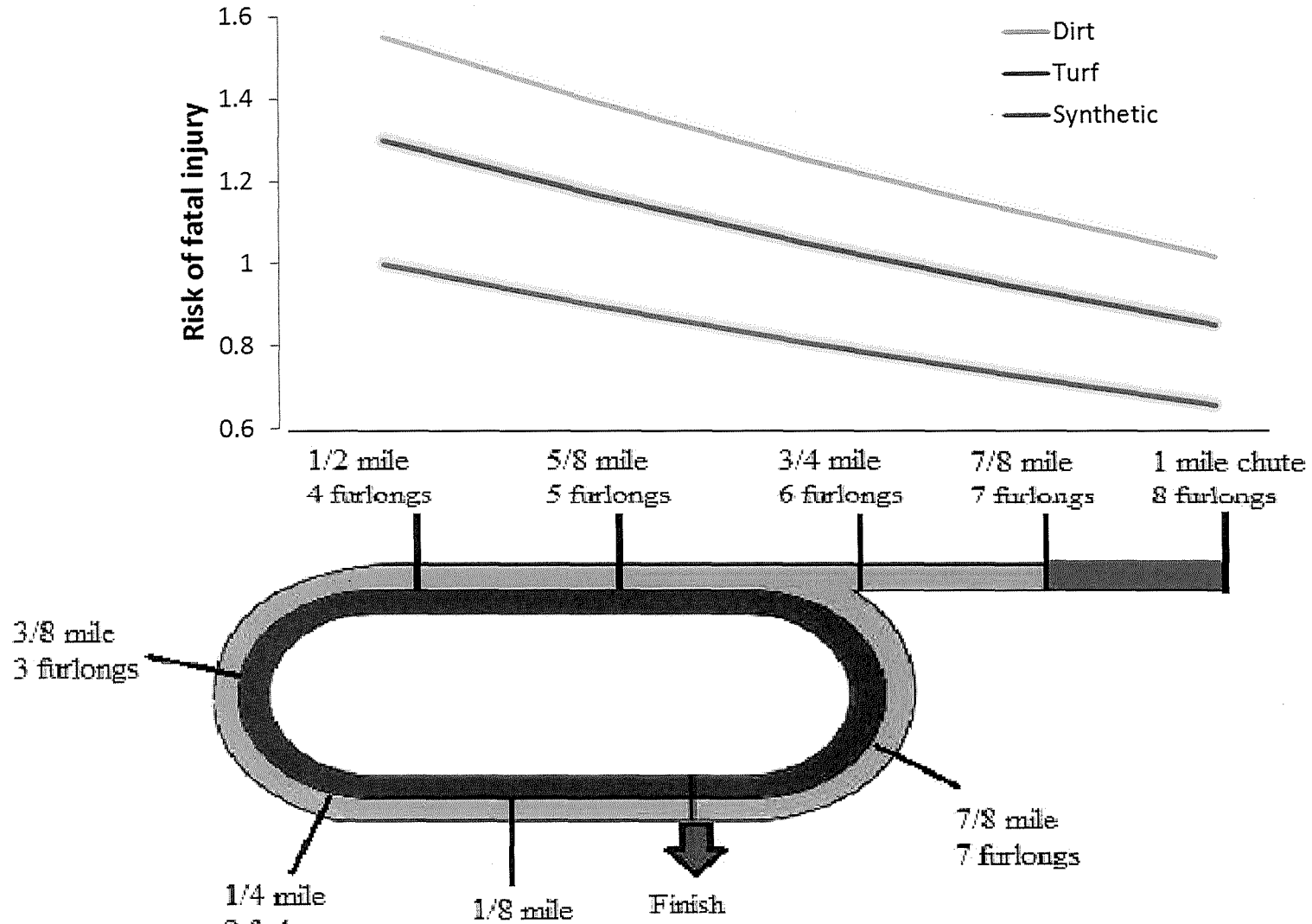
- Each track is different
 - Amount of time after onto vet list that risk is increased
 - After onto vet list 'baseline' risk



Time with same trainer



Surface and race distance



Previous race history

Horse A

2014

Horse B

2014

January							February							March						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	5	6	7	8	9	10	11	4	5	6	7	8	9	10
8	9	10	11	12	13	14	12	13	14	15	16	17	18	11	12	13	14	15	16	17
15	16	17	18	19	20	21	19	20	21	22	23	24	25	18	19	20	21	22	23	24
22	23	24	25	26	27	28	26	27	28	29	25	26	27	28	29	30	31			
29	30	31																		

April							May							June						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	6	7	11	12	13	14	15	16						
8	9	10	11	12	13	14	No starts							17	18	19	20	21	22	23
15	16	17	18	19	20	21	24	25	26	27	28	29	30							
22	23	24	25	26	27	28														
29																				

July							August							September						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	5	6	7	8	9	10	11	2	3	4	5	6	7	8
8	9	10	11	12	13	14	12	13	14	15	16	17	18	9	10	11	12	13	14	15
15	16	17	18	19	20	21	19	20	21	22	23	24	25	16	17	18	19	20	21	22
22	23	24	25	26	27	28	26	27	28	29	30	31	23	24	25	26	27	28	29	
29	30	31												30						

October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	2	3	4	5	6	7	8				
8	9	10	11	12	13	14	4	5	6	7	8	9	10	9	10	11	12	13	14	15
15	16	17	18	19	20	21	11	12	13	14	15	16	17	16	17	18	19	20	21	22
22	23	24	25	26	27	28	18	19	20	21	22	23	24	23	24	25	26	27	28	29
29	30	31	25	26	27	28	29	30	30	31										

January							February							March						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	5	6	7	8	9	10	11	4	5	6	7	8	9	10
8	9	10	11	12	13	14	12	13	14	15	16	17	18	11	12	13	14	15	16	17
15	16	17	18	19	20	21	19	20	21	22	23	24	25	18	19	20	21	22	23	24
22	23	24	25	26	27	28	26	27	28	29	25	26	27	28	29	30	31			
29	30	31																		

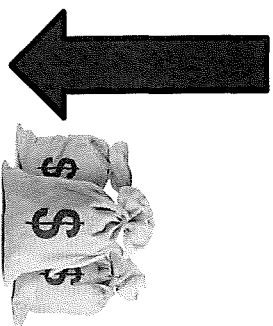
April							May							June						
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8	9	10	11	12	13	14	15	16	17	18	19	20	21	10	11	12	13	14	15	16
15	16	17	18	19	20	21	22	23	24	25	26	27	28	17	18	19	20	21	22	23
22	23	24	25	26	27	28	27	28	29	30	31	24	25	26	27	28	29	30		
29	30																			

July							August							September						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	5	6	7	8	9	10	11	2	3	4	5	6	7	8
8	9	10	11	12	13	14	12	13	14	15	16	17	18	9	10	11	12	13	14	15
15	16	17	18	19	20	21	19	20	21	22	23	24	25	16	17	18	19	20	21	22
22	23	24	25	26	27	28	26	27	28	29	30	31	23	24	25	26	27	28	29	
29	30	31												30						

October							November							December						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	1	2	3	2	3	4	5	6	7	8				
8	9	10	11	12	13	14	4	5	6	7	8	9	10	9	10	11	12	13	14	15
15	16	17	18	19	20	21	11	12	13	14	15	16	17	16	17	18	19	20	21	22
22	23	24	25	26	27	28	18	19	20	21	22	23	24	23	24	25	26	27	28	29
29	30	31	25	26	27	28	29	30	30	31										

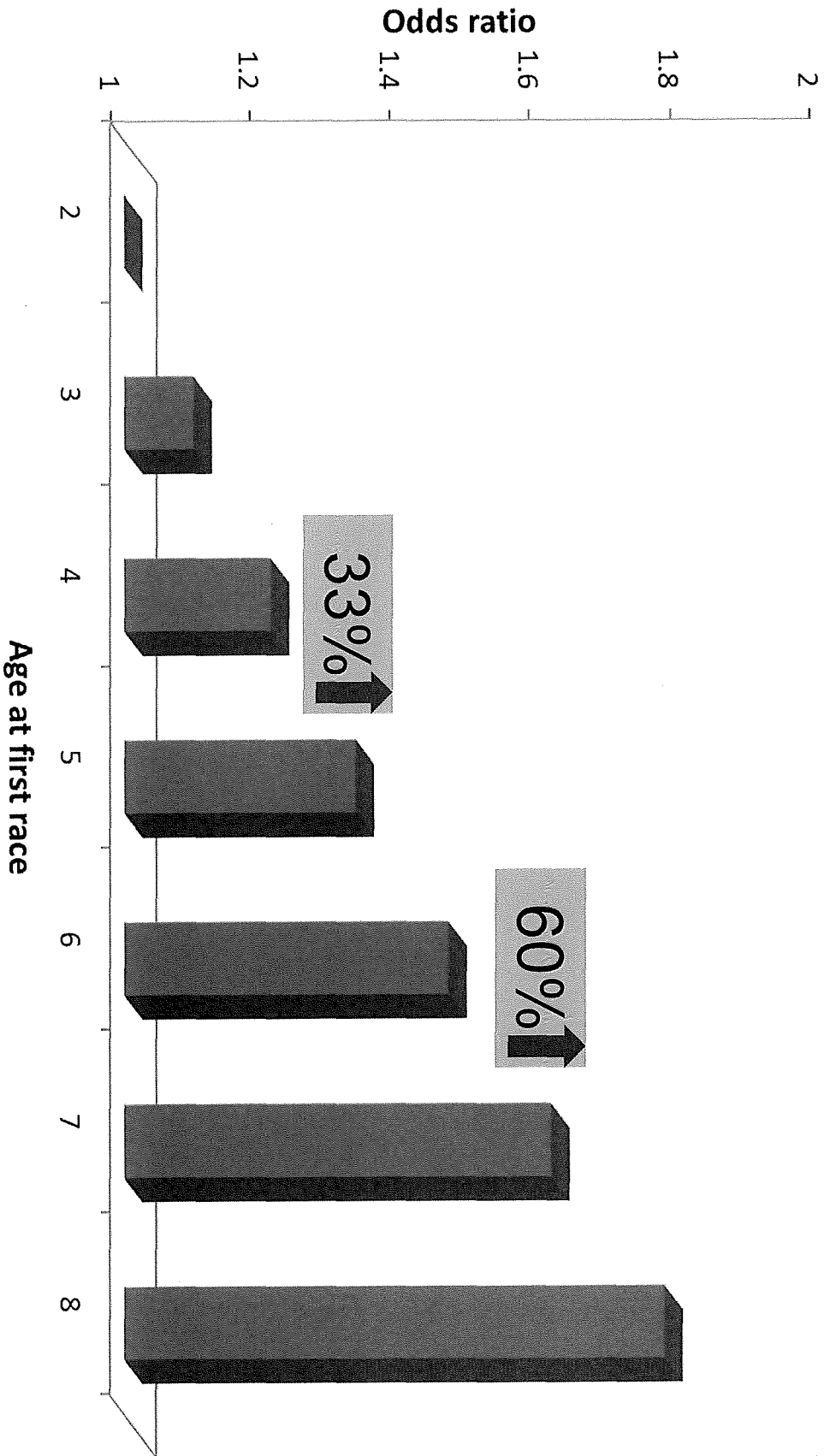
25X

Drop in claiming price since last race



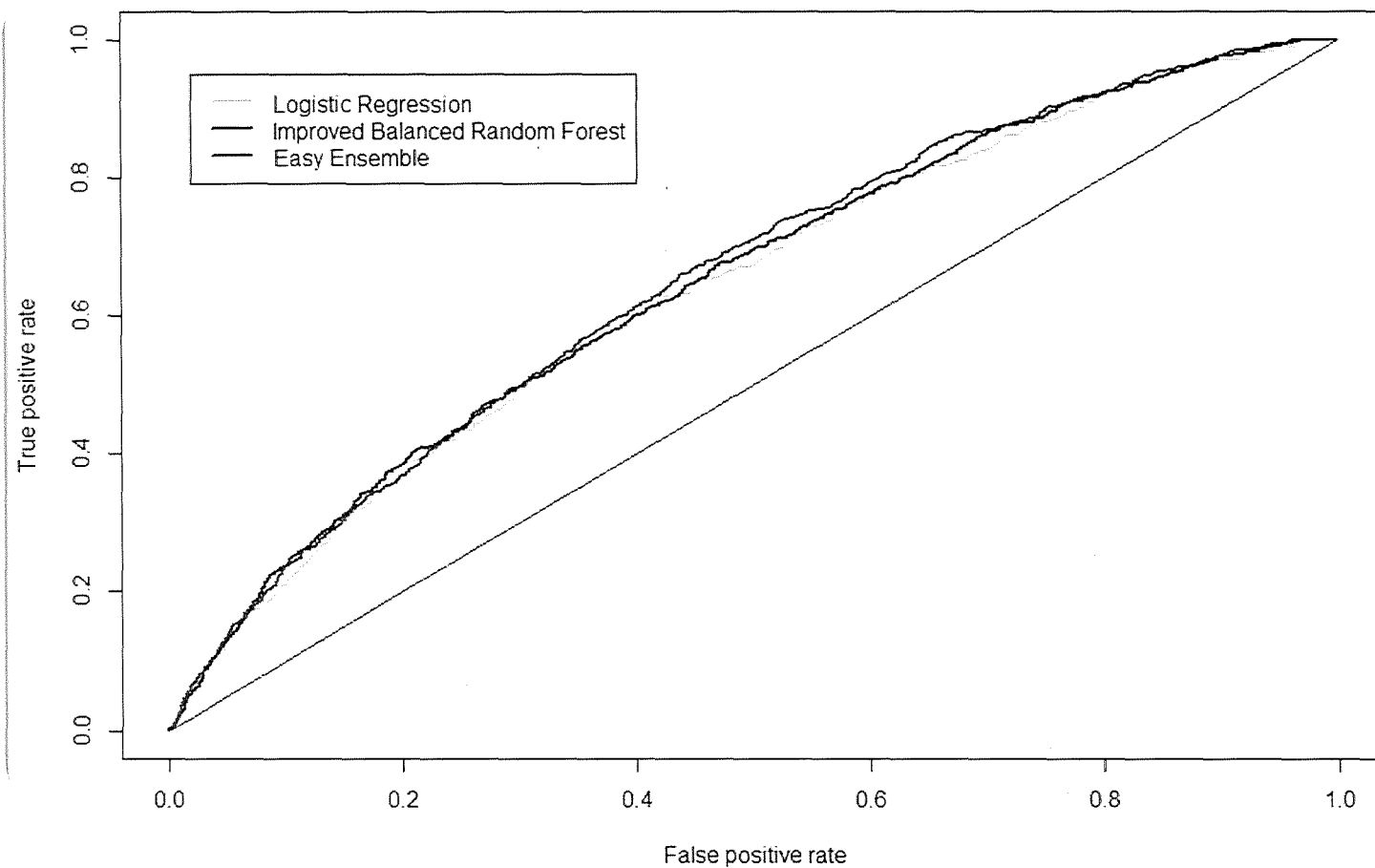
Little change since last race (+/- \$500)	Drop of between \$500 and \$10,000	Drop of more than \$10,000
Reference	14%	16%

Age at first race



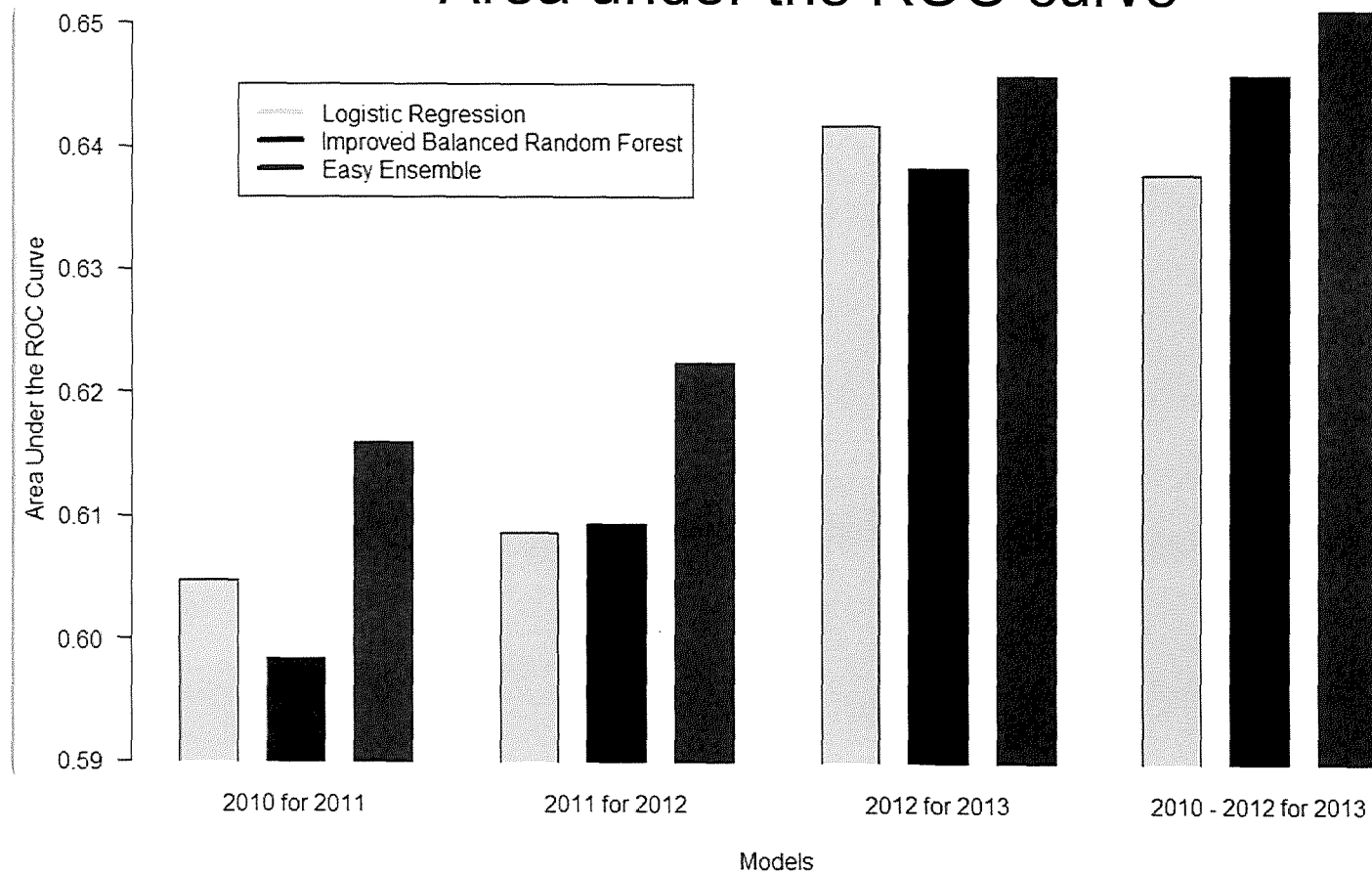
Predictive ability of models ~ 65%

Area under the ROC curve



Predictive ability

Area under the ROC curve



Variable predictive ability at different tracks

- AUC at different tracks:
- Range from 53% to 68%
 - Most individual track models are slightly less predictive
- A lot of ‘local’ factors that are simply missed in EID or not recorded at all
- Importance of ‘local’ knowledge and working with those on the ground at different tracks

Overall 3-fold greater risk for top 5%

Multivariable Logistic Regression								
Quantiles of Score	0-5%	5-20%	20-35%	35-50%	50-65%	65-80%	80-95%	95-100%
Relative Horse Risk	0.46	0.47	0.66	0.87	0.94	1.09	1.60	2.71
Improved Balanced Random Forest								
Quantiles of Score	0-5%	5-20%	20-35%	35-50%	50-65%	65-80%	80-95%	95-100%
Relative Horse Risk	0.49	0.45	0.62	0.72	1.05	1.14	1.46	3.26
Easy Ensemble								
Quantiles of Score	0-5%	5-20%	20-35%	35-50%	50-65%	65-80%	80-95%	95-100%
Relative Horse Risk	0.43	0.47	0.67	0.74	0.94	1.20	1.48	3.10

Predictive ability of the models

- How close are we at being able to more accurately find horses of interest BEFORE they race?
- Topping out at 65% on predictive models?
 - Maybe best possible
 - Unmeasured variables
 - Inherent variability i.e. unmeasurable variables
- Risk factors & predictive models for injuries/triage 2+
- Keep with analysis from all tracks
- Focus in on tracks with available training data
- Availability of medical/treatment records?
 - Importance of being on the vet list/previous injuries and from work we have done with BHA

Further analyses

Variables

- Number of times on vet list
- Work to get off vs. automatically off vet list
- Type of previous injury (fetlock)
- Vet scratches vs. trainer scratches
- Length of meet

Fast work data models

Use of “National” model

- Examine predictive ability of National model for each track

What to do with this information?

- Is a three-fold difference in risk important for you to be aware of?
 - 3-fold difference in risk between ‘average’ horse and horse in ‘top 5%’
- Which outcome would be best to try to embed within automatic risk profiling for each start?
 - Fatality – clearly important but rare
 - Injury/triage 2+ – important and more common, but case definition will include a lot of variation
 - Fracture of distal limb (fatal and non-fatal)

Acknowledgements

- US Jockey Club
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 - Jamie Haydon
- University of Glasgow
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EXHIBIT H

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Time For A Change? Veterinarian's List No Safe Harbor For Racehorses - Horse Racing News | Paulick Report

On Jan. 27, 2015, six Thoroughbreds went to the post for the second race at Turf Paradise, but only five came back. Four-year-old Time for a J fractured the sesamoids in his left front leg and was euthanized on the track.

What separated the dark bay gelding from most other horses who meet the same sad fate is that he had been officially identified as unsound before he entered the gates on that January afternoon. It was a red flag that at least one trainer and multiple racetrack officials chose to ignore — all completely within the bounds of Arizona state law.

On Oct. 4, 2014, the horse had been entered in a claiming event at Los Alamitos but scratched after he failed a pre-race soundness examination that morning. This automatically placed him on the veterinarian's list in California—a status that made it illegal for him to run at any track in the state without demonstrating his condition had been resolved.

Trainer Robert Lucas opted not to go through the regulatory procedures to have the horse removed from the list in California, and instead entered him in a race at Turf Paradise in Phoenix, Ariz., on Nov. 16. Officials there knew, or should have known, the horse's status when they accepted the entry for that race, as well as subsequent entries for Dec. 2, Dec. 29, Jan. 14, and that fateful Jan. 27.

In hindsight, Lucas said he wishes he had kept the horse in California and given Time for a J the vacation he was slated to receive at the end of the Turf Paradise season.

“I wasn't trying to circumvent the rule in California, I just had a lot of horses going to [Arizona],” said Lucas. “I was surprised he got claimed because he had such bad legs. If you looked from his knees down, it was just dreadful. I would have rather had him back [on a voided claim] in a heartbeat.

“In that case, I shouldn't have ran him there, because if I brought him back here, maybe he wouldn't have passed the vet check.”

Lucas recalled that the horse had an old bowed tendon in one front leg, and an old ligament injury in the other. He remembered the gelding as having been sound in October, and suspected the veterinarian who flagged the horse did so due to the appearance of the legs, rather than any active issues.

Time for a J was claimed by trainer Kayna Kemper on behalf of owner Jay Radar after finishing third in his Dec. 29 start. Kemper had been reluctant to claim the horse, even though she said she was never informed by anyone at the racetrack that the horse was on a veterinarian's list in California.

“I didn't think it would turn out the way it did. I worked him, and then I started hearing bad things about him. Word gets around the racetrack,” said Kemper.

In fact, Time for a J's name is still on California's vet list months after his death, alongside 27 other horses who were added for unsoundness in 2014 and ran out of state while still ineligible to start in California.

Those numbers aren't a surprise to Dr. Rick Arthur, equine medical director for the California Horse Racing Board.

“There is certainly vet's list shopping,” Arthur said. “People know in California if you have a horse that has a problem that's not going to be corrected, then you're going to have to take your horse elsewhere.

“There are states that are just as tough as California, and then there are states that, frankly, will take anything.”

What is the list?

The veterinarian's list is designed as a safeguard to prevent unsound or unhealthy horses from showing up on the program before they've had a chance to fully recover from the physical issues that put them there. Like so many other areas of Thoroughbred racing regulation, however, there is little uniformity from one state to another. The organization of the list, and requirements for entry and exit, vary from state to state and even track to track.

Per California regulation, horses are subjected to pre-race soundness exams by state-contracted official veterinarians and are observed on-track and in the post-race test barn for signs of unsoundness or illness. If the veterinarian spots anything of concern, the horse goes on the list and any entries for the horse must be rejected by the racing office until he is removed from the list. To be taken off the list, a horse must record a five-furlong workout in front of the official veterinarian, pass a pre-workout soundness exam, and pass a post-workout blood and urine test screening for anti-inflammatory drugs.

In Arizona, the law is less specific. A veterinarian hired by the racetrack performs pre-race examinations and determines whether a horse should be placed on a veterinarian's list. Regulations state that a horse may enter a race in Arizona while on the list if 72 hours have passed since he was placed on the list and the trainer receives permission from track and state veterinarians. Arizona rules do not clearly define the standard process for taking a horse off the list, only that the track veterinarian must be satisfied that the horse's condition has been resolved.

Lucas said Arizona officials did ask him to work Time for a J before allowing his first start in the state due to the horse's status on the California veterinarian's list (though that work does not appear on his record). He said officials did not conduct any post-workout testing, however.

“I did not work him on Bute or anything,” he said. “But I suppose if a guy had a horse who couldn't pass here [in California], they could Bute him up.”

Dr. Scot Waterman, animal medical and welfare advisor to the Arizona Department of Racing, did not respond to calls seeking further detail on standard procedure in the jurisdiction.

A solution already exists

Even though there is no central authority governing the veterinarian's lists, there is a national computer system that simplifies the exchange of information between states. The Jockey Club's InCompass software system is used in nearly all states to perform a variety of tasks from taking entries to paying out purse money, and it includes a component for exchanging veterinarian's lists.

InCompass takes note of the location and the name of the veterinarian who added the horse to a list, and includes a spot for details describing the nature of the horse's condition. That information is then made available to any official using the software, including those in other states.

When the racing office processed Time for a J's entries for each of his starts at Turf Paradise, a pop-up box appeared with the horse's name in red lettering, informing the entry clerk that the horse was on the list in California for unsoundness. The person processing entries that day had to manually override the block to allow the gelding to enter the field.

Laws have not caught up to technology

California rules dictate that a horse on a vet's list in another jurisdiction is not permitted to run at any of the state's racetracks. California is in the minority, however; most state rules do not address reciprocity of veterinarian's lists from other jurisdictions.

The University of Arizona's Racetrack Industry Program compiled a chart of state rules regarding reciprocity, revealing that only six states (California, Delaware, Kentucky, Maryland, Pennsylvania, and Virginia) include language specifically addressing veterinarian's lists in other states. Most, like Arizona, do not mention outside veterinarian's lists at all, leaving racetracks to combat the problem (or not) independently.

Some tracks are diligent about honoring veterinarian's list status whether or not their state codes require it. Delaware Thoroughbred Racing Commission Chief Veterinarian Dr. John Peters said he's seen more collaboration and trust in recent years between regulators in the Mid-Atlantic region.

“Everybody tries to work together,” he said. “We have a list of all the veterinarians that we deal with, and we talk back and forth if there is a problem. We have an excellent relationship with the others because I

have been here a long time and so have most of the other people.”

Other tracks have been slower to come around. Turf Paradise was a few steps behind its eastern cohorts until this racing season, when officials say the track instituted a new house policy.

“As of the 2015-16 season at Turf Paradise, the department's policy is to track horses that come from other states,” said Amanda Jacinto, public relations officer for the Arizona Department of Gaming. “If a horse is on the veterinarian's lists in the state they are coming from, we will not let that horse run in a race in Arizona until it has successfully completed the requirement(s) to be removed from the list from the originating state.”

Pressure

To further complicate matters, the person responsible for adding or removing horses from a veterinarian's list may vary between states, too. Some states require that the list be controlled by a veterinarian hired by the state commission. Others leave that task to a track-employed veterinarian.

For track-employed veterinarians like the ones at Turf Paradise, the task could prove a conflict of interest. In an ideal world, interaction between examining veterinarians and the racing office is minimal, no matter who is signing the paychecks of either party. But John Wayne, executive director of the Delaware Thoroughbred Racing Commission, said that priorities can shift in practice.

“There are different goals,” said Wayne. “The racing office is trying to get as many horses in the race as possible. Our veterinarians are there to make sure every horse that's in there is healthy, fit, and going to come back safely after the race.”

Too often, the goal of getting the starting gate as full as possible collides with concerns over equine safety

For a trainer's perspective, pressure from racing secretaries might also lead to risky decisions. Lucas said there are several factors in his plan not to return to Arizona racing this season, but one was the pressure he felt to enter horses in races he wasn't sure were a safe fit for them. He said Time for a J's issues did not place him at risk in races between four and a half and five furlongs, but was talked into running the horse at five and a half in his Dec. 29 race at Turf Paradise.

“You get a lot of pressure from the racing secretary. I didn't want to run him at that distance. He would have been much better going at four and a half [furlongs],” Lucas said.

Additional concerns

Besides the tangled web of state regulation and track policy, the statistical patterns related to a horse's presence on the veterinarian's list are troubling. Research on The Jockey Club's Equine Injury Database by

Dr. Tim Parkin of the University of Glasgow indicates that a horse's risk for fatal injury rises somewhere between 250 and 400 percent in its first start off the list, and the risk can remain elevated for weeks or months after the horse begins running again.

A horse that has been on the veterinarian's list is also less likely to make another start than a horse that has not been on the list. Dr. Mary Scollay, equine medical director for the Kentucky Horse Racing Commission, used the Florida veterinarian's list to study the issue. Between 2000 and 2010, she found that 21.5 percent of horses scratched by regulatory veterinarians for unsoundness never started again.

"I think that's a pretty substantial number," Scollay said at the 2012 Jockey Club Welfare and Safety Summit. "To me, the high percentage of non-starters post-scratch suggests that in some cases, intervention may be occurring too late."

Horses on the veterinarian's list also have a higher incidence of drug positives than those that are not on the list. Dr. Rick Arthur reported that 1.9 percent of post-workout blood tests conducted on California horses trying to work their way off the list were above permitted levels for Class 4 or 5 drugs in 2014. The rate of positives in post-race tests overall in California is .5 percent.

Arthur suspects this is not a coincidence.

"My guess would be [the trainers] know they're sore, and they're giving them a little bit extra phenylbutazone, hoping to get by the test," said Arthur.

Help could be on the way

The Jockey Club, together with the Racing Officials Accreditation Program and a working group of regulatory veterinarians, is in the process of drafting suggested language to help state lawmakers make the lists uniform and reciprocal. The American Association of Equine Practitioners (AAEP) publicly called for reform on the topic at the Jockey Club Round Table earlier in 2015.

Any reforms will come along too late for Time for a J, of course. The factors behind a horse's breakdown are often many and various, so it's hard to say what made the unfortunate difference for him on Jan 27. Lucas thinks it's likely the horse would have passed California's standards eventually, but if he hadn't, he had a retirement gig all lined up.

"I would have loved to have bought him back, because I know I could fix him and run 870 [yards] with him, or make him a pony," said Lucas. "He was a sweet soul and he didn't need to die."

It is hard not to imagine, though, that if the system designed to protect him had worked cohesively, he might not have entered the Turf Paradise starting gates in the first place.

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<p>Delaware http://regulations.delaware.gov/AdminCode/title3/1000/1001/index.shtml#TopOfPage</p>	<p>2.5.1.1 & 10.8.1.2</p>	<p>2.5 Grounds for Refusal, Suspension, or Revocation of a Permit, etc.: 2.5.1 The Commission in its discretion, may refuse to register or to issue an authorization or permit to an applicant, or may suspend or revoke a registration, permit, or authorization previously issued, or order disciplinary measures, on the following grounds: 2.5.1.1 Denial of a license, permit, authorization or registration to an applicant, or suspension or revocation of such, in another racing jurisdiction at any previous time; 10.8 Serviceable for Racing: 10.8.1 No horse may be entered or raced that: 10.8.1.2 is posted on a Veterinarian's list or Steward's list or is suspended in any racing jurisdiction;</p>
<p>Florida www.myfloridalicense.com/dbpr/pmw/statutes.html</p>	<p>§550.105(5)(a)(1) &(2), Fla. Stat. 61D-5.006</p>	<p>§550.105 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines. (5)(a) The division may: 1. Deny a license to or revoke, suspend, or place conditions upon or restrictions on a license of any person who has been refused a license by any other state racing commission or racing authority; 2. Deny, suspend, or place conditions on a license of any person who is under suspension or has unpaid fines in another jurisdiction; 61D-5.006 Waiver of Criminal Convictions or Other Offenses. (1) Any applicant for an occupational license who is subject to denial on the basis of a criminal conviction or discipline by any racing jurisdiction may seek a waiver from the division director. The applicant shall submit Form DBPR PMW-3120, Individual Occupational License Application, adopted by reference in Rule 61D-5.001, F.A.C., the annual license fee and fingerprint fee, a complete set of fingerprints on a card supplied by the division, and Form DBPR PMW-3180, Request for Waiver, adopted by reference in Rule 61D-5.001, F.A.C. The applicant shall also schedule a waiver interview with the Office of Investigations. Failure to participate in a waiver interview or to disclose any pertinent information regarding criminal convictions, or discipline by any racing jurisdiction shall result in a denial of the request for waiver. (2) The applicant shall establish proof of rehabilitation and demonstrate good moral character. The waiver applies to criminal convictions or discipline by any racing jurisdiction disclosed to the division, unless revoked by the division for violation of Chapter 550, F.S., or these rules. (3) No applicant for a waiver shall be allowed to work in any capacity as an occupational licensee until a license is issued based upon a waiver, granted by the director.</p>
<p>Idaho http://adminrules.idaho.gov/rules/current/11/index.html#Racing%20</p>	<p>11.04.03 - 030.13, 11.04.04 - 400 & 401</p>	<p>11.04.03 - 030. REFUSAL TO ISSUE LICENSE. The Racing Commission may refuse to issue a license and may revoke any license already issued to any person: 13. Deny or Revoke. The Racing Commission may deny a license to, or revoke the license of, any person who has had a license revoked or denied by any recognized racing jurisdiction. 11.04.04 - 400. RULINGS IN OTHER JURISDICTIONS. The Racing Commission and the Stewards may honor rulings from other pari-mutuel jurisdictions regarding license suspensions, revocation, or eligibility of horses. 11.04.04 - 401. APPEALS OF RECIPROCAL RULINGS. Persons subject to rulings in other jurisdictions have the right to request a hearing before the Racing Commission to show cause why such ruling should not be enforced in this jurisdiction.</p>

<p><i>Illinois</i> www.state.il.us/agency/irb/</p>	<p>Section 502.100 Section 502.104(a)(1)&(2)</p>	<p>Section 502.100 Just Cause The Board shall deny a license if the applicant's license or permit has been suspended, revoked, or denied for just cause in another racing jurisdiction. For the purpose of this Section and Section 502.104, "just cause" means a violation of the statutes, ordinances, or rules of another racing jurisdiction. Just cause shall not include any cause based solely on race, color, creed, national origin, or sex. Section 502.104 Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction a) Pursuant to Sections 15(c)(4) and (5) of the Act, the Board shall deny an application for a license for just cause if: 1) The applicant's license in another racing jurisdiction has been suspended or revoked; or 2) The applicant has been excluded by another racing jurisdiction;</p>
<p><i>Indiana</i> www.in.gov/legislative/iac/title71.html</p>	<p>71 IAC 5.5-1-14(a)(18), 71 IAC 5.5-1-15, 71 IAC 7.5-5-1(a)(20)</p>	<p>71 IAC 5.5-1-14 Grounds for sanctions Sec. 14. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, or other person, if: (18) The person has racing or gaming disciplinary charges pending in this state or other jurisdictions. 71 IAC 5.5-1-15 Reciprocity Sec. 15 If a person is suspended, expelled, or ruled off, or if his or her license is revoked or his or her application for a license has been denied, or he or she is under any other current penalty pursuant to the rules of the racing authority of any other state or country or of the gaming commission, such person shall stand suspended, expelled, ruled off, or denied a license at all tracks and satellite facilities operating under the jurisdiction of the commission until the ruling has been withdrawn by the originating authority. 71 IAC 7.5-5-1 Horses Ineligible Sec. 1. (a) A horse is ineligible to start in a race when: (20) it is barred or suspended in any recognized jurisdiction</p>

<p>Iowa www.state.ia.us/irgc/Content.htm#top Kansas http://krgc.ks.gov/index.php?id=25</p>	<p>491—6.5(99D,99F) (1)h. 491—10.6(99D)(1) (a)(11) none</p>	<p>491—6.5(99D,99F) Grounds for denial, suspension, or revocation of a license or issuance of a fine. The commission or commission representative shall deny an applicant a license or, if already issued, a licensee shall be subject to probation, fine, suspension, revocation, or other disciplinary measures, if the applicant or licensee: 6.5(1) Does not qualify under the following screening policy: h. A license may be denied if an applicant is ineligible to participate in gaming in another state and it would not be in the best interest of racing or gaming to license the applicant in Iowa. A license shall be denied if an applicant is ineligible to participate in racing in another state whose regulatory agency is recognized by and reciprocates in the actions of this state. 491—10.6(99D) Conduct of races 10.6(1) Horses ineligible. Any horse ineligible to be entered for a race, or ineligible to start in any race, which competes in that race may be disqualified and the stewards may discipline the persons responsible for the horse competing in that race. a. A horse is ineligible to enter a race when: (11) A horse is barred from racing in any racing jurisdiction.</p>
<p>Kentucky http://www.lrc.ky.gov/kar/TITLE810.HTM</p>	<p>810 KAR 1:012 Section 10(2) 810 KAR 1:025 Section 14(1)h 810 KAR 1:025 Section 15 810 KAR 1:028 Section 2(5)</p>	<p>810 KAR 1:012. Horses Section 10. Serviceable for Racing. A horse shall not be entered or raced that: (2) Is posted on a veterinarian's list, stewards' list, or starter's list, or is suspended, in any racing jurisdiction 810 KAR 1:025. Licensing thoroughbred racing Section 14. License Denial, Revocation, or Suspension. (1) The commission, executive director, chief racing steward, or director of licensing may deny a license application, and the commission or chief state steward may suspend or revoke a license, or otherwise penalize in accordance with KRS 230.320(1) a licensee, or other person participating in horse racing, for any of the following reasons: (h) The licensee or applicant has been ejected, ruled off, or excluded from racing association grounds in the Commonwealth of Kentucky or a racetrack in any jurisdiction; Section. 15. Reciprocity. If the license of a person is denied, suspended, or revoked, or if a person is ruled off, excluded, or ejected from a racetrack in Kentucky or in another jurisdiction, the commission may require reinstatement at that track before a license is granted by the commission. 810 KAR 1:028. Disciplinary measures and penalties. Section 2. General Provisions. (5) A licensee whose license has been suspended or revoked in any racing jurisdiction or a horse that has been deemed ineligible to race in any racing jurisdiction, shall be denied access to locations under the jurisdiction of the commission during the term of the suspension or revocation.</p>
<p>Louisiana http://horseracing.la.gov/rules.html</p>	<p>Title 4, Part I, §150(B)(12), La. Rev. Stat. Title 46, Part XLI, Ch. 5, §519</p>	<p>§150. Licenses to Owners, Trainers, Jockeys, and Riders; Qualifications of Applicant for a License B. Applicants for a license under this Section shall meet the following qualifications and conditions: (12) Is not in bad standing in any racing jurisdiction. §521. Refusal Based on Conduct A. The commission may refuse to license or revoke the license of an applicant whose previous conduct in Louisiana or elsewhere in connection with horse racing is considered by the commission to have been objectionable, obnoxious or detrimental to the best interest of racing.</p>

<p>Maryland www.dsd.state.md.us/comar/subtitle_chapters/09_Chapters.aspx#Subtitle10</p>	<p>09.10.04.07</p>	<p>09.10.04.07 Reciprocity A. An individual whose license is suspended or revoked in another state or country is suspended or revoked in this State. B. Denial of a license by the racing commission of another state may be considered as grounds for the denial of a license by the Commission.</p>
<p>Massachusetts http://www.mass.gov/ocabr/government/oca-agencies/src-lp/rules-and-regs-src/</p>	<p>4.13(12) 4.11(5)(a)21</p>	<p>4.13 General Rules (12) No person or horse ruled off, or under suspension by any recognized turf authority, trotting association included, shall be admitted to the grounds of any Association. (For exception see 205 CMR 4.15(22)). 4.11: Rules of the Race (5) Horses ineligible. (a) A horse is ineligible to start in a race when: It is barred or suspended in any recognized jurisdiction;</p> <p style="text-align: right;">21.</p>
<p>Michigan http://www.michigan.gov/mgcb/0,1607,7-120-57232_57204_57205---,00.html</p>	<p>R 431.1005(d), R 431.1055(3), R 431.1095 (3)(b), R 431.1185, R 431.1190, R 431.1230(3), R 431.3095 (b)</p>	<p>R 431.1005 Definitions; D to F (d) "Disqualified person" means a person who is ineligible for licensing under the act or a person whose licensed status is such that he or she is temporarily ineligible to participate in racing under these rules or those of any other racing jurisdiction. R 431.1055 Occupational licensing standards; individuals. (3) Applicants who have been denied a license or had a license suspended or revoked by another racing jurisdiction may be required by the commissioner to seek reinstatement in the jurisdiction where the license was denied, revoked, or suspended. R 431.1095 Associations; duties. (3) Each association shall exclude all of the following from its grounds: (b) Upon written notification of the commissioner, all persons whom it knows have been designated by written order of the recognized racing authority in another recognized racing jurisdiction to be under expulsion, ruled off, or otherwise excluded from racetrack grounds in such other racing jurisdiction. R 431.1185 Licensure denial by other jurisdiction. The denial of a license by any other racing jurisdiction shall be considered as a basis for the denial of a license by the commissioner. R 431.1190 Reinstatement. When a license is revoked by the commissioner or other racing jurisdiction, the former holder of such license remains disqualified in the state of Michigan until his or her license is restored in good standing by the commissioner. R 431.1230 Fines; suspensions. (3) A licensee who is suspended in any recognized racing jurisdiction is suspended from participation in Michigan for as long as his or her sentence continues, unless otherwise modified by the commissioner. R 431.3095 Horses prohibited from entry or racing. (b) The horse is posted on a stewards' list or starter's list or is suspended in any racing jurisdiction.</p>

<p>Minnesota http://www.mrc.state.mn.us/Racing/default.html</p>	<p>7877.0125 Subp. 2</p>	<p>7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY. Subp. 2. Burden of proof. If an applicant for a Class C license has had a license denied or had his or her license suspended or revoked or been excluded by another racing jurisdiction, or has engaged in conduct that the commission determines would adversely affect the public health, welfare, and safety or the integrity of racing in Minnesota, the commission shall consider such fact as prima facie evidence that the applicant is unfit to be granted a Class C license, and the burden of proof shall rest upon the applicant to establish his or her fitness. In reviewing such applications, the commission shall consider the factors provided in part 7877.0100, subpart 2.</p>
<p>Montana www.mtrules.org/gateway/ChapterHome.asp?Chapter=32.28</p>	<p>32.28.701(8)(c)</p>	<p>32.28.701 GENERAL PROVISIONS (8)(c) The board will recognize and will uphold all rulings of every racing jurisdiction.</p>
<p>Nebraska www.horseracing.state.ne.us/</p>	<p>10.014</p>	<p>10.014 The Commission may deny or revoke a license to any person who shall have been refused a license by any other State Racing Commission or racing authority; provided, however, that the State Racing Commission or racing authority of each other state extends to the State Racing Commission of Nebraska reciprocal courtesy to maintain the disciplinary control.</p>
<p>Nevada http://gaming.nv.gov/index.aspx?page=51</p>	<p>30.271 1.(g),(h),(i), 30.373 21.</p>	<p>30.271 Grounds for refusal, denial, suspension, revocation, or conditioning of license. 1. The board or its designee may refuse to issue a license to an applicant or may suspend or revoke a license issued, or may order disciplinary measures, if the applicant: (g) Has racing disciplinary charges pending in this state or other jurisdictions; (h) Has been or is currently excluded from association grounds by a recognized racing jurisdiction; (i) Has had a license denied, suspended or revoked by any racing jurisdiction; 30.373 Horses ineligible. A horse is ineligible to start in a race when: 21. It is barred or suspended in any recognized jurisdiction;</p>
<p>New Jersey</p>	<p>//////</p>	<p>//////</p>

<p><i>New Mexico</i> http://nmrc.state.nm.us/dyn/rules_reg_00.html</p>	<p>15.2.1.9C(22)(a)&(b) 15.2.5.12U 16.47.1.8L(1)(f)&(g)</p>	<p>15.2.1.9 DUE PROCESS AND DISCIPLINARY ACTION: (C) PROCEEDINGS BY THE COMMISSION: (22) Rulings in other jurisdictions. (a) Reciprocity. The stewards shall honor rulings from other pari-mutuel jurisdictions regarding license suspensions, revocation or eligibility of horses. (b) Appeals of reciprocal rulings. Persons subject to rulings in other jurisdictions shall have the right to request a hearing before the commission to show cause why such ruling should not be enforced in this jurisdiction. Any request for such hearing must clearly set forth in writing the reasons for the appeal. 15.2.5.12 HORSES INELIGIBLE: A horse shall be ineligible to start in a race when: (U) it is barred or suspended in any recognized jurisdiction 16.47.1.8 GENERAL PROVISIONS: L. GROUNDS FOR REFUSAL, DENIAL, SUSPENSION, OR REVOCATION OF LICENSE: (1) The commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, if the applicant: (f) has been or is currently excluded from association grounds by a recognized racing jurisdiction (g) has had a license denied, suspended, or revoked by any racing jurisdiction</p>
<p><i>New York</i> www.racing.state.ny.us/racing/racing.home.htm</p>	<p>Article 1, 4002.9(a)</p>	<p>4002.9 Grounds for refusal, suspension, revocation. (a) The board may refuse to issue or renew a license, or may suspend or revoke a license if it shall find that the applicant or any person who is a partner, agent, employee or associate of the applicant has been convicted of a crime in any jurisdiction, or is or has been associating or consorting with any person who has or persons who have been convicted of a crime or crimes in any jurisdiction or jurisdictions, or is consorting or associating with or has consorted or associated with bookmakers, touts or persons of similar pursuits, or has himself engaged in similar pursuits, or is financially irresponsible, or has been guilty of or attempted any fraud or misrepresentation in connection with racing, breeding or otherwise, or has violated or attempted to violate any law with respect to racing in any jurisdiction or any rule, regulation or order of the board, or shall have violated any rule of racing which shall have been approved or adopted by the board, or has been guilty of or engaged in similar, related or like practices. Furthermore, the board may refuse to issue or renew a license, or may suspend or revoke a license if, in its opinion, the refusal to issue or renew a license or the suspension or revocation of a license is necessary to protect the public health, safety or welfare.</p>
<p><i>North Dakota</i> www.legis.nd.gov/information/acdata/html/Title69.5.html</p>	<p>69.5-01-05-09.4</p>	<p>69.5-01-05-09. Ineligible license applicants. The commission may deny or revoke the license of any applicant or holder who: 4. Is ineligible to participate in racing in another state or racing jurisdiction whose racing regulatory agency is recognized by and reciprocates in the actions of this state;</p>

<p>Ohio http://codes.ohio.gov/oac/3769</p>	<p>3769-7-43(A)</p>	<p>3769-7-43 Reciprocity. (A) If a person or horse is suspended, expelled, ruled off, or otherwise ineligible, or if a person's license is revoked, or application for a license has been denied or if a person or horse is under any other current penalty pursuant to the rules of a racing authority of any other state or country, such person and/or horse shall stand suspended, expelled, ruled off or denied a license at all tracks operating under permit from the Ohio state racing commission until the ruling be withdrawn by the originating authority.</p>
<p>Oklahoma www.ohrc.org/rulesonline.html</p>	<p>325:15-5-10(a)(6)&(7), (b) & (c)</p>	<p>325:15-5-10 Grounds for Denial, Refusal, Suspension or Revocation of License (a) In addition to any other valid ground or reason, the stewards may deny, refuse to issue, suspend or refer to the Commission for revocation the occupation license for any person; or the Commission may deny, refuse to issue, suspend or revoke an occupation license for any person: (6) Whose license or spouse's license for any racing occupation or activity requiring a license has been or is currently suspended, revoked, refused or denied for just cause in any recognized racing jurisdiction; or (7) Who has been or is currently excluded from any racing enclosure by a recognized racing jurisdiction. (b) Notwithstanding the provisions in (a) of this Section, any person whose racing record(s) from any racing jurisdiction(s) recognized by the Commission, including Oklahoma, reflects two or more racing medication rule violations for any Schedule I or II controlled substances or Buprenorphine or violation of rules regarding electrical or mechanical devices within the preceding five years shall be denied a Commission occupation license; provided, however, that any person who has been continuously licensed by the Commission since 1986 and where said racing medication or electrical or mechanical device rule violation occurred prior to January 1, 1987, shall not be denied a license solely by reason(s) of those violation(s) which occurred prior to January 1, 1987. (c) Notwithstanding the above provisions, any applicant whose racing record(s) from any racing jurisdiction(s) recognized by the Commission, including Oklahoma, reflects any human substance abuse violations may be denied a Commission occupation license until the person pays for and submits to two (2) urine samples thirty (30) days apart with both samples failing to show any trace of a controlled dangerous substance. All such samples shall be obtained and tested by the Commission under conditions properly controlled to guarantee the complete integrity of the process and at the expense of the person. After the person has received two (2) negative tests, s/he may reapply for a license unless his/her continuing participation at a race meeting shall be deemed by the Commission Director of Law Enforcement or his/her designee as to be detrimental to the best interest of horse racing.</p>

<p>Oregon http://arcweb.sos.state.or.us/rules/OARS_400/OAR_462/462_tofc.html</p>	<p>462-130-0020</p>	<p>462-130-0020 Reciprocity Suspension The board of stewards or the commission may suspend, prior to any hearing, the license of any person whose license is currently suspended or revoked by an official body of another state or country for violation of the racing laws or regulations of that jurisdiction. However, at the time the board of stewards or commission issues a suspension order, the licensee shall be promptly notified of the right to contest the suspension and request a hearing under ORS 183 (the Oregon Administrative Procedures Act) before an administrative law judge and subsequent commission consideration of the proposed order regarding the matter.</p>
<p>Pennsylvania http://www.pacode.com/secure/data/058/partIVtoc.html</p>	<p>§163.56(4), §163.112., §163.316.</p>	<p>§ 163.56. Requirements. If the Commission finds that the experience, character and general fitness of the applicant are such that the participation of the person in thoroughbred horse race meets will be consistent with the public interest and with the best interests of racing generally in conformity with the purpose of the act, the Commission may grant a license. The Commission may refuse to issue a license under this section, if it finds the applicant: (4) Has been found guilty of a violation or attempt to violate a law, rule or regulation of racing in a jurisdiction, for which suspension from racing might be imposed in the jurisdiction. § 163.112. Disqualifications, stewards' list, starters' list and veterinarian's list. A horse, disqualified in any jurisdiction, or placed on the stewards' list, starters' list or veterinarians' list in any jurisdiction, is not allowed to be entered or to start in a race without permission of the stewards. § 163.316. Repeated offenses by owners and trainers. An owner or trainer who once having been suspended for a violation of this chapter, or of the same or similar rule in another racing jurisdiction, and who is thereafter found guilty of a further violation by this Commission, or another racing commission or turf governing body shall be considered guilty of a second offense, and the owner or trainer or both shall be ruled off the tracks in this Commonwealth.</p>
<p>South Dakota http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=20:04</p>	<p>20:04:29:08(6) 20:04:29:10 20:04:29:10.01</p>	<p>20:04:29:08. Grounds for refusal, revocation, or suspension of licenses. The commission may refuse, revoke, or suspend a license as provided in SDCL 42-7-91 and for the following reasons: (6) Suspension, revocation, or refusal to be licensed by any other racing jurisdiction; 20:04:29:10. Denial or refusal of license. The commission may deny or revoke a license to any person who has been refused a license by another racing jurisdiction or racing authority, provided that the other racing jurisdiction or racing authority extends the reciprocal courtesy. 20:04:29:10.01. License suspensions. A licensee whose license is suspended by the commission or a person who has a license suspended by the racing regulatory agency of another state may not participate in any capacity licensed by the commission.</p>
<p>Texas www.txrc.state.tx.us/laws/racing_rules.php</p>	<p>RULE §311.6 (b)(1)(F) RULE §313.103(b)</p>	<p>RULE §311.6 Denial, Suspension and Revocation of Licenses (b) Grounds for Denial, Suspension, and Revocation of Licenses (1) Violations or Convictions. A license may be denied, suspended or revoked if it is determined that the licensee has: (F) had a license issued by another pari-mutuel racing jurisdiction revoked or is currently under suspension in another pari-mutuel racing jurisdiction after notice and an opportunity to be heard. RULE §313.103 Eligibility Requirements (b) A horse that has been barred in any racing jurisdiction is ineligible to start or be entered in a race without the approval of the stewards.</p>

<p>Virginia www.vrc.virginia.gov/racingrules.shtml</p>	<p>11VAC10-60-10(W), 11VAC10-110-20(4),(5) & (7)</p>	<p>PARTICIPANTS 11VAC10-60-10. Generally. W. Reciprocity of rulings. Any holder of a permit whose permit or license to engage in any activity related to horse racing in any other jurisdiction has been denied, suspended or revoked for just cause in that jurisdiction shall not be permitted to participate in horse racing with pari-mutuel wagering in the Commonwealth of Virginia if such denial, suspension or revocation is still in effect. 11VAC10-110-20. Horses ineligible to be entered horse is ineligible to be entered in a race when: 4. The horse is wholly or partially owned by a person who is under suspension, has been ruled off or whose permit or license has been revoked by the commission or by a similar regulatory body in another jurisdiction; 5. The horse is under the care and supervision of or being trained by, a person who is under suspension, has been ruled off or whose permit or license has been revoked by the commission or a similar regulatory body in another jurisdiction; 7. The horse appears on the stewards', veterinarian's, starter's or similar list in this or another jurisdiction;</p>
<p>Washington www.whrc.wa.gov/?page=400</p>	<p>WAC 260-12-150, WAC 260-36-060(3), WAC 260-36-120(1)(i) & (j), WAC 260-36-120(2)(c)</p>	<p>WAC 260-12-150 Denial of admission to grounds — suspended persons and horses. A person who is denied, suspended, or revoked by another recognized racing jurisdiction may not be admitted to the grounds of any racing association in Washington. A horse owned or trained by a person who is denied, suspended, or revoked may not be allowed on the grounds. WAC 260-36-060 Application for license — stewards' review. (3) If an applicant has been previously determined, within the past five years, to be qualified for the license requested, review of the applicant's qualifications for that license is not necessary for subsequent license applications for the same type of license. An applicant may be determined to be qualified for the license requested if that person has been licensed in this state or other recognized jurisdiction in the past five years. WAC 260-36-120 Denial, suspension, and revocation — grounds. (1) The commission, executive secretary, or board of stewards may refuse to issue or may deny a license to an applicant, may modify or place conditions upon a license, may suspend or revoke a license issued, may order disciplinary measures, or may ban a person from all facilities under the commission's jurisdiction, if the applicant licensee, or other person: (i) Has been or is currently excluded from a racetrack at which parimutuel wagering on horse racing is conducted by a recognized racing jurisdiction; (j) Has had a license denied by any racing jurisdiction; (2) The commission, executive secretary or board of stewards must deny the application for license or suspend or revoke an existing license if the applicant or licensee: (c) Is currently suspended or revoked in Washington or by another recognized racing jurisdiction.</p>
<p>West Virginia www.wvracingcommission.com/wvrc_010.htm</p>	<p>24.11 (24.11.j).</p>	<p>24.11 Grounds for Denial, Suspension or Revocation of Permit. The Racing Commission and/or the stewards may, in their discretion, refuse to issue or renew an occupational permit to an applicant, or may in their discretion suspend, revoke, or impose other disciplinary measures upon an occupational permit issued pursuant to this rule, if the applicant or permit holder: 24.11.j. has had an occupational permit refused, denied, suspended, revoked or otherwise disciplined by any other racing jurisdiction.</p>

EXHIBIT I

DISCUSSION REGARDING THE FEASIBILITY OF AMENDING
CHRB RULE 1658, VESTING OF TITLE TO CLAIMED HORSE,
TO REQUIRE THE TRAINER OF RECORD OF THE HORSE THAT WAS CLAIMED
TO PROVIDE TO THE NEW OWNER, A RECORD OF ALL
JOINT INJECTIONS WITHIN THE LAST 30 DAYS

Medication and Track Safety Committee Meeting
March 16, 2016

BACKGROUND

Knowledge of a horse's previous medical history is important in planning future veterinary treatment to best care for its health and well-being. Between November 30, 2011 and March 18, 2012, 21 horses died or were euthanized while racing at Aqueduct Race Track. New York Governor Andrew Cuomo appointed a task force to investigate the deaths. One of the many findings during the investigation concerned the lack of prior medical history when horses are claimed from one trainer to another:

"The Task Force is also greatly concerned that in claiming races, there is no way for a successful claimant to determine if the horse he/she has claimed has been recently injected with an intra-articular corticosteroid, putting that horse at risk for redundant medical treatment as well as preventing an accurate assessment of the horse's soundness. The Task Force believes that in this limited instance, it is appropriate that the New York State Racing and Wagering Board, by regulation, institute a reporting requirement that provides disclosure to the successful claimant of any intra-articular corticosteroid injection performed within 30 days of the race. The Task Force believes that this appropriately establishes accountability for subsequent medical decisions and is in the best interests of the racing safety of the horse and rider¹."

Subsequently, the New York Gaming Commission amended its claiming rule to require trainers to provide the new trainer with a history of intra-articular cortisone injections.

Rules and Regulations, Chapter I (Division of Horse Racing and Pari-Mutuel Wagering)
Subchapter A (Thoroughbred Racing) 9 NYCRR §§ 4000-4082.3.

§ 4038.5. Requirements for claim; determination by stewards.

(c) The previous trainer of a claimed horse shall, within 48 hours after the race is made official, provide to the new owner an accurate record of all corticosteroid joint injections that were administered to the horse within 30 days before the race.

The Stronach Group, owners of several racetracks including Santa Anita and Golden Gate Fields in California, instituted a similar "house rule" at Gulfstream Park in Florida in 2016. The Gulfstream Park rule (below) was provided by Dr. Robert Oneil, Director of Equine Health & Safety for The Stronach Group at Gulfstream Park:

¹ <http://www.governor.ny.gov/sites/governor.ny.gov/files/archive/assets/documents/Report.pdf>

JOINT INJECTIONS CONCERNING HORSES CLAIMED

Concerning a Claimed horse; the Trainer of record of the horse that was claimed shall have his Veterinarian supply the Equine Health & Safety Director within 72 hours a report in writing or (email) the joint(s) injection(s) performed on said animal within the last 30 days. Report will include joint(s) involved, medication used (Depo-Medrol, Hyaluronic acid, etc.) and the dose used. This data will be shared with the party who claimed the said animal.

In 2015 at the four major California racetracks, Santa Anita, Golden Gate Fields, Los Alamitos and Del Mar, there were 1669 successful claims with horses changing trainers and owners that would be subject to this regulation.

RECOMMENDATION

This item is presented for Committee discussion.

New Jersey sales tax. Should the test result in a positive finding, the claimant has the right to void the claim within 24 hours from the time notification of the positive finding was communicated to the claimant. The trainer at the time of entry into the claiming race shall be responsible for a positive finding of any drug and/or substance foreign to the natural horse. A claimant's election to conduct post-race testing shall not affect the transfer of ownership title pursuant to N.J.A.C. 13:70-12.19. Should the claimant not elect to conduct post-race testing, the former trainer shall conduct the horse to the detention barn after the race and the transfer of possession will occur as soon as is practicable. Should the claimed horse be selected for testing by the Commission, the cost of testing will remain the responsibility of the Commission regardless of the claimant's indication that he or she wished to have the horse tested. The claimant shall have the right to void [said] his or her claim should the forensic analysis of the sample so taken be positive for any drug and/or substance foreign to the natural horse.

13:70-12.37 Open claiming

(a)-(b) (No change.)

(c) An applicant may obtain an open claiming license by complying with the following procedures:

1. (No change.)

2. The applicant shall deposit, with the horsemen's bookkeeper, an amount no less than the minimum claiming price, plus the applicable post-race testing fee pursuant to N.J.A.C. 13:70-12.36, if elected, New Jersey sales tax, and any other [application] applicable charges required at that race meet. Such amount shall remain on account until a claim is made. In the event the funds are withdrawn or withdrawn prior to completion of a claim, any license issued will be automatically revoked and terminated.

3. (No change.)

(d)-(e) (No change.)

* 13:70-12.38 Delivery of corticosteroid records

The previous trainer of a claimed horse shall, within 48 hours after the race from which the horse was claimed is made official, provide accurate treatment records of all corticosteroid joint injections that were administered to the horse within 30 days before the race took place to the new trainer. The previous trainer shall also deliver a copy of the records to the State Veterinarian within the same 48 hour timeframe.

determined that the risk of a claimant abusing the rule and voiding the claim of a horse with a minor malady is remote.

This new rule will affect the current claiming practice by expanding the situations in which a claim will not be executed. As the rules are presently written, there are only limited circumstances in which a claim may be considered void. This section is a natural and required alteration due to the significant changes that have occurred in the horse racing industry practices over the past 20 years.

* Proposed new N.J.A.C. 13:70-12.38, Delivery of corticosteroid records, further safeguards the health of claimed horses. The rules requires the previous trainer of a claimed horse provide, to the new trainer, accurate treatment records of all corticosteroid joint injections that were administered to the claimed horse within the 30 days prior to the race in which the horse was claimed. The trainer also has to provide a copy of the records to the State Veterinarian. Delivery of these records must occur within 48 hours from the time the race becomes official. Should the trainer fail to provide the new trainer or State Veterinarian with the corticosteroid injection records within 48 hours, the trainer will be held strictly liable and subject to penalty. Disclosure of the corticosteroid injection records is important to the health of the animal.

This rule will primarily affect the previous trainer of a claimed horse, the State veterinarians, the new trainer, and the claimant of a claimed horse. Upon receipt of the corticosteroid injection records, the State Veterinarian's office is responsible for the review, recordkeeping, and disbursement of said records.

N.J.A.C. 13:70-12.1, Claiming races on the flat, is being proposed for amendment to conform to current industry practices. The need for amendment arose from the advent of open claiming and the elimination of the stabling requirement due to lack of available stabling. The proposed amendments eliminate the language requiring an owner to start a horse at the current meeting before making a claim. The proposed amendments also eliminate the language requiring all claimants to have permanent stabling at the racetrack or a State approved farm. Both of these proposed amendments are in line with current industry practice. In fact, most of the State's racetracks no longer have available stabling onsite. The language being proposed in lieu of the starting and stabling requirement is simply that any person who possesses a current New Jersey owner's license or who has utilized the open claiming provisions in N.J.A.C. 13:70-12.37 may claim any horse entered into a claiming race at any meet at a New Jersey racetrack. The only exception to this rule being the proposed exemption from claim rule at N.J.A.C. 13:70-12.1A.

The Commission is proposing the repeal of N.J.A.C. 13:70-12.2, Restrictions, claiming privileges, as the rule no longer serves any purpose should the proposed amendments to N.J.A.C. 13:70-12.1 be adopted. The existing rule grants racetrack stewards the right to permit an owner from out-of-State who has entered a horse at the current race meeting to claim a horse for the purpose of replacing his or her horse should it have been claimed. However, any person can now claim a horse via open claiming and should the proposed amendment to N.J.A.C. 13:70-12.1 be adopted, there will no longer be any stabling requirements. This rule has become outdated and should be eliminated.

The Commission is proposing a substantive amendment to N.J.A.C. 13:70-12.4, Claimed horse. The current rule requires that a horse, upon being claimed, race for a claiming price of 25 percent greater than the price it was claimed for a period of 20 days. Therefore, should a horse be claimed for \$20,000 on April 1st, if it runs again prior to April 21st, the horse must race for a claiming price of at least \$25,000. The proposed amendment would eliminate the 25 percent greater requirement, as the rule no longer has any practical purpose. The change would instead require that a claimed horse not race for less than the amount for which it was claimed for at least 20 days from the date it was claimed.

The proposed amendment would allow this rule to conform to current industry practice. Since 2010, all horses claimed have been required to run for no less than the amount for which they were claimed, as opposed to 25 percent greater than the amount for which they were claimed, for at least 20 days from the date of the claim. This amendment would bring the rules in step with current practices. The change would not affect anyone negatively as the change is in line with the current practices of the industry. The enforcement of such a change would be conducted in the

same manner as it is currently being conducted. Approving this measure will have no effect on the horse racing industry or its practices.

N.J.A.C. 13:70-12.12, Intimidation, is proposed for substantive amendment to protect a greater spectrum of situations. The rule currently forbids any person from making an attempt by intimidation or threat of bodily harm to prevent anyone from racing a horse in any claiming race for which it is entered.

The proposed amendment leaves the original language intact and makes several additions to the rule. The changes would add language to prohibit intimidation or threat of bodily harm used to coerce any person to enter a horse into a claiming race, to prevent any person from entering a horse into a claiming race, and to interfere with any claiming race or its entrants in any way. The proposed language is intended to act as a deterrent for individuals considering interference with a claiming race in any way.

Minor grammatical changes and one substantive change are being proposed to N.J.A.C. 13:70-12.13, Affidavits. The first proposed change will alter the paragraph from a two-part compound sentence to two separate sentences for clarity. Two other proposed changes are grammatical and are proposed to make the rules throughout the subchapter uniform. First, the uppercase "S" in the word "Stewards" in the first line is changed to a lowercase "s." Such a change allows this section to remain consistent with the rest of the subchapter in which the word "steward" or "stewards" is generally written in lowercase.

The second proposed change alters the words "the rules" in the last line to "this subchapter." This change is being made for clarity and to specify which specific subchapter is effectuated by this section.

The substantive change will alter the second sentence to read: "Failure to make an affidavit in writing or the filing of a claim which is not made in keeping with this subchapter shall result in the claim being deemed void." This change is being made to represent the result of a claimant's refusal to make an affidavit as required by the stewards.

The Commission is proposing a substantive amendment of N.J.A.C. 13:70-12.14, Form of claims, to allow for greater steward discretion regarding the completion of the claim form. Currently, the rule states that all claim forms and envelopes must be accurate in every detail, otherwise the claim will be void. The purpose is to ensure the racetrack officials can ascertain precisely which horse is being claimed and whether the claimant has sufficient funds and qualifies to make the claim. The rule was not intended to void a claim for failure to "dot an 'i' or cross a 't.'"

The proposed amendment alters the language of the rule to allow far greater discretion on behalf of the stewards when determining if a form is filled out properly as to effectuate the claim. The language will now read that forms and envelopes must be filled out completely and be substantially accurate, in the judgment of the stewards, otherwise, the claim may be voided at the discretion of the stewards. This change improves the rule and is more in line with its true intent and purpose.

This will have a minor impact on the industry as stewards will be given greater discretion than they currently have in regards to claiming forms and envelopes. In practice, not much will change. The stewards must review all claim forms and envelopes to ensure accuracy as it is. This will ensure that the stewards are the final arbiters when determining if a claim form and envelope are sufficiently completed to effectuate the claim.

The Commission is proposing amendments to N.J.A.C. 13:70-12.15, No money in claim box, to create uniformity in the chapter and subchapter, and to include language regarding the proposed testing costs associated with the proposed amendments to N.J.A.C. 13:70-12.36, discussed below, and to codify a timeframe when the depletion language can become effective.

The alteration to create uniformity concerns the title of the association employee who keeps track of a claimant's account. The proposed amendments correct the current reference to "association's horsemen's accountant," and instead correctly identify the racetrack employee as the "horsemen's bookkeeper."

The second proposed change to this section is to require the presence of additional funds in the claimant's account should he or she wish to have the horse tested. Currently, a valid claim requires the claimant have sufficient funds in his or her account to pay the claiming fee and applicable New Jersey sales tax. However, due to a major amendment

EXHIBIT J

ARCI-011-020(D). A surrender shall not be deemed voluntary after a licensee has been advised or it is apparent that an investigatory search has commenced.

E. Non-Steroidal Anti-Inflammatory Drugs (NSAIDs)

(1) The use of NSAIDs shall be governed by the following conditions:

- (a)
- (b) NSAIDs included in the ARCI Controlled Therapeutic Medication Schedule, Version 2.2, are not to be used in a manner inconsistent with the restrictions contained therein. NSAIDs not included on the ARCI Controlled Therapeutic Medication Schedule, Version 2.2, are not be present in a racing horse biological sample at the laboratory concentration of detection.
- (c) The presence of more than one NSAID may constitute a NSAID stacking violation consistent with the following restrictions:

A. A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

- i. Two non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:
 - a. Diclofenac – 5 nanograms per milliliter of plasma or serum;
 - b. Firocoxib - 20 nanograms per milliliter of plasma or serum;
 - c. Flunixin – 20 nanograms per milliliter of plasma or serum;
 - d. Ketoprofen – 2 nanograms per milliliter of plasma or serum;
 - e. Phenylbutazone – 2 micrograms per milliliter of plasma or serum; or
 - f. all other non-steroidal anti-inflammatory drugs – laboratory concentration of detection
- ii. Three or more non-steroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:
 - a. Diclofenac – 5 nanograms per milliliter of plasma or serum;
 - b. Firocoxib - 20 nanograms per milliliter of plasma or serum;
 - c. Flunixin – 3 nanograms per milliliter of plasma or serum;
 - d. Ketoprofen – 1 nanograms per milliliter of plasma or serum;
 - e. Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum; or
 - f. all other non-steroidal anti-inflammatory drugs – laboratory concentration of detection.

- B. A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:
- i. Any one substance noted in Subsection (A)(i) above is found in excess of the restrictions contained therein in combination with any one of the following substances at levels below the restrictions so noted but in excess of the following levels:
 - a. Flunixin – 3 nanograms per milliliter of plasma or serum;
 - b. Ketoprofen – 1 nanogram per milliliter of plasma or serum; or
 - c. Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum;
- C. A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:
- i. Any combination of two of the following non-steroidal anti-inflammatory drugs are found at or below the restrictions in Subsection (A)(i)(a through e) above but in excess of the noted restrictions:
 - a. Flunixin – 3 nanograms per milliliter of plasma or serum;
 - b. Ketoprofen – 1 nanogram per milliliter of plasma or serum; or
 - c. Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum;

- (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).

F. **Furosemide**

- (1) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the Veterinarian's List or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the Furosemide List. In order for a horse to be placed on the Furosemide List the following process must be followed.
- (a) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide the official veterinarian or his/her designee shall be notified using the prescribed form, that the horse is to be put on the Furosemide List.

EXHIBIT K

1.1 **Minnesota Racing Commission**

1.2 **Proposed Permanent Rules Relating to Horse Racing; Medical Violations; Stewards;**
1.3 **Races; and Disciplinary Action**

1.4 **7869.0100 DEFINITIONS.**

1.5 [For text of subps 1 to 31, see M.R.]

1.6 Subp. 32. **Horse.** "Horse" includes filly, mare, colt, horse, gelding, and ridgling.
1.7 Horse does not mean a cloned horse or offspring of a cloned horse regardless of whether
1.8 any breed association or registry has registered the horse. A cloned horse is one born as a
1.9 result of the genetic material of an unfertilized egg or embryo being modified by any means.

1.10 [For text of subp 32a, see M.R.]

1.11 Subp. 32b. **Lapped on.** "Lapped on" means any part of a trailing horse is at least
1.12 even with the offending horse's hindquarters at the finish.

1.13 [For text of subps 33 to 56, see M.R.]

1.14 Subp. 57. [See repealer.]

1.15 [For text of subps 57a to 69, see M.R.]

1.16 **7869.0200 INCORPORATION BY REFERENCE.**

1.17 Subpart 1. **United States Trotting Association.** For the purposes of chapters 7869
1.18 to 7899, ~~Rule 10 and Rule~~ Rules 11, 17, and 18.25, of the Charter, Bylaws, Rules and
1.19 Regulations of the United States Trotting Association (USTA), ~~(2006), 750 Michigan~~
1.20 ~~Avenue, Columbus, Ohio, 43215~~, are incorporated by reference. The USTA Charter,
1.21 Bylaws, Rules and Regulations are subject to frequent change and are available to the
1.22 public free of charge at the State Law Library, on the Minnesota Racing Commission Web
1.23 site, and at <http://www.ustrotting.com> on the United States Trotting Association Web site.

1.24 Subp. 2. **Association of Racing Commissioners International.**

2.1 A. For the purposes of chapters 7869 to 7899, the Association of Racing
2.2 Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances
2.3 Schedule is incorporated by reference. The ARCI Endogenous, Dietary, or Environmental
2.4 Substances Schedule is subject to frequent change and is available to the public free of
2.5 charge at the State Law Library, on the Minnesota Racing Commission Web site, and
2.6 through ARCI.

2.7 B. For the purposes of chapters 7869 to 7899, the Association of Racing
2.8 Commissioners International (ARCI) Controlled Therapeutic Medication Schedule for
2.9 Horses is incorporated by reference. The ARCI Controlled Therapeutic Medication
2.10 Schedule for Horses is subject to frequent change and is available to the public free of
2.11 charge at the State Law Library, on the Minnesota Racing Commission Web site, and
2.12 through ARCI.

2.13 C. For the purposes of chapters 7869 to 7899, except as limited by part
2.14 7897.0130, subpart 5, the Association of Racing Commissioners International (ARCI)
2.15 Uniform Classification Guidelines for Foreign Substances and Recommended Penalties
2.16 are incorporated by reference. These guidelines and recommended penalties are subject to
2.17 frequent change and are available to the public free of charge at the State Law Library, on
2.18 the Minnesota Racing Commission Web site, and through ARCI.

2.19 Subp. 3. **Alteration or amendment.** Any alteration or amendment to rules
2.20 incorporated by reference becomes effective in Minnesota 30 days after adoption and
2.21 approval by the Minnesota Racing Commission unless the Minnesota Racing Commission
2.22 opts out of implementing the change.

2.23 **7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.**

2.24 Subpart 1. **Submission of pari-mutuel requests.** A class B licensee may apply for
2.25 approval of pari-mutuel pools including rules governing calculation of payoffs, disposition
2.26 of unclaimed tickets, pools offered based on the number of entries, prevention and failure

Non-Steroidal Anti-Inflammatory Drug (NSAID) Rules for Horses^{††}

Controlled Therapeutic Medication	Threshold (Primary)	Withdrawal Guideline	Dosing Specifications	Reference Notes	Threshold (Secondary)
Flunixin	20 nanogram per milliliter of plasma or serum	32 hours	Single intravenous dose of flunixin as Banamine [®] (flunixin meglumine) at 1.1 milligram per kilogram	University of California at Davis/RMTC study	<u>Secondary anti-stacking threshold:</u> 3.0 nanograms per milliliter of plasma or serum (Administration 48 hours prior)
Ketoprofen	2 nanograms per milliliter of plasma or serum	24 hours	Single intravenous dose of ketoprofen as Ketofen [®] at 2.2 milligrams per kilogram	HFL Sport Sciences/ Kentucky Equine Drug and Research Council/RMTC study	<u>Secondary anti-stacking threshold: 1 nanogram per milliliter of plasma or serum (Administration 48 hours prior)</u>
Phenylbutazone	2 micrograms per milliliter of plasma or serum	24 hours	Single intravenous dose of phenylbutazone at 4.0 milligrams per kilogram	ARCI model rule	<u>Secondary anti-stacking threshold:</u> 0.3 micrograms per milliliter of plasma or serum (Administration 48-hours prior)

^{††} Samples collected may contain one of the NSAIDs in this chart at a concentration up to the Primary Threshold. Samples may also contain another of the NSAIDs in this chart up to a concentration up to the Secondary Threshold. No more than 2 of the NSAIDs in this chart may be present in any sample.

Association of Racing Commissioners International, Inc.
Drug Testing Standards and Practices Program
Model Rules Guidelines



**Uniform Classification Guidelines for Foreign Substances
and
Recommended Penalties and Model Rule**

Recommended Penalty and Model Rule (Continued)

The following are recommended penalties for violations due to the presence of a drug carrying Category “B” penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020(E) and ARCI-025-020(E) and for violations of the established levels for total carbon dioxide:

LICENSED TRAINER:		
1st Offense	2nd offense (365-day period) in any jurisdiction	3rd offense (365-day period) in any jurisdiction
<ul style="list-style-type: none"> • Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$1,000. 	<ul style="list-style-type: none"> • Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum fine of \$2,500. 	<ul style="list-style-type: none"> • Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% purse (greater of the two). <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		
1st Offense	2nd offense (365-day period) in owner’s stable any jurisdiction	3rd offense (365-day period) in owner’s stable in any jurisdiction
<ul style="list-style-type: none"> • Disqualification and loss of purse [in the absence of mitigating circumstances]* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> • Disqualification and loss of purse [in the absence of mitigating circumstances]* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse must pass a commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> • Disqualification, loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.* <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> • Horse shall be placed on the Veterinarian’s List for 45 days and must pass a commission-approved examination before becoming eligible to be entered.

*The RMTC recommendation called for loss of purse to happen in absence of mitigating circumstances. The Joint Model Rules Committee has made loss of purse mandatory in their proposal.

Recommended Penalty and Model Rule (Continued)

The following are recommended penalties for violations due to the presence of a drug carrying a Category “C” penalty and overages for permitted NSAIDs and furosemide: *(All concentrations are for measurements in serum or plasma.)*

LICENSED TRAINER	Phenylbutazone (>2.0-5.0 mcg/ml)* Flunixin (>20 - 100 ng/ml) Ketoprofen (>2- 50 ng/ml) Furosemide (>100 ng/ml) and/or no furosemide when identified as administered	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$500	Minimum fine of \$1,000 absent mitigating circumstances
2 nd Offense (365-day period) in any jurisdiction	Minimum of a written warning to maximum fine of \$750	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 to a maximum fine of \$1,000	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances
LICENSED OWNER	Phenylbutazone (>2.0-5.0 mcg/ml)* Flunixin (>20 - 100 ng/ml) Ketoprofen (>2- 50 ng/ml) Furosemide (>100 ng/ml) and/or no furosemide when identified as administered	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Loss of purse. Horse must pass commission-approved examination before being eligible to run
2 nd Offense (365-day period) in any jurisdiction	Horse may be required to pass commission-approved examination before being eligible to run	Loss of purse. If same horse, placed on veterinarian’s list for 45 days, must pass commission-approved examination before being eligible to run
3 rd Offense (365-day period) in any jurisdiction	Disqualification and loss of purse. Horse must pass commission-approved examination before being eligible to run	Loss of purse. Minimum \$5,000 fine. If same horse, placed on veterinarian’s list for 60 days, must pass commission-approved examination before being eligible to run

*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml absent of aggravating factors.

After a two-year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0-5.0 category will be expunged from the licensee’s record for penalty purposes.