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December 29, 2021

Legislative Reference Library
645 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

**Re: In the Matter of the Proposed Permanent Rules Relating to Horseracing:
Revisor's ID 04714**

Dear Librarian:

The Minnesota Racing Commission intends to adopt rules relating to horse racing. We plan to publish a Notice of Intent to Adopt Rules Without a Public Hearing in the January 3, 2022 State Register.

The Department has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at (651) 356-1200.

Yours very truly,

A handwritten signature in cursive script that reads 'E. Joseph Newton'.

E. Joseph Newton
General Counsel

Enclosure: Statement of Need and Reasonableness

R-04714

Minnesota Racing Commission

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendments to Rules Governing Horse Racing, Definitions, Licensure, Pari-Mutuel Wagering, Class C Licenses, Horse Races, Harness Races, Horse Medication, Physical Examination, Medical Testing and Prohibited Acts; Chapters 7869, 7870, 7873, 7877, 7883, 7884, 7890, 7891, 7892 and 7897.

INTRODUCTION

The Minnesota Racing Commission (MRC) continuously strives to keep its rules current and relevant as the industry evolves. This rulemaking initiative will modify, clarify, and update various existing MRC rules pertaining to licensing, pari-mutuel wagering, animal welfare, and the safety of all participants. There is an emphasis on horse health, veterinary practices, medications, and racing rules. Finally, this initiative will repeal several obsolete rules. Following is a brief summary of the changes.

7869.0100, Subp. 9. **Definitions.**

This definition is being amended to change the word “stride” to “gait.”

7869.0100, Subp. 12a. **Definitions.**

This rule is being added to define “claimant” which is used elsewhere in the rules.

7869.0100, Subp. 30. **Definitions.**

This definition is being amended to specify what “grounds” are referred to.

7869.0100, Subp. 32d. **Definitions.**

This definition is being added to define “Laid off the gate” which is used elsewhere in this document.

7869.0100, Subp. 33b. **Definitions.**

This change is removing “including approved simulcasts” as part of the live race day.

7869.0100, Subp. 51a. **Definitions.**

This change is removing “Racing day includes a televised racing day.”

7869.0100, Subp. 62a. **Definitions.**

This definition is being added to define “Sulky” which is used elsewhere in the rules.

7870.0490, D. **Care of Horses.**

The rule change modifies the need for an outrider during training at a standardbred racetrack.

7870.0491 Subp.1. **Thoroughbred and Quarter Horse racing.**

This change updates the requirements for an ambulance at a Thoroughbred and Quarter Horse racing track.

7870.0491 Subp. 2. **Thoroughbred and Quarter Horse racing.**

This change updates the requirements for an ambulance at a Standardbred horse racing track.

7870.0491 Subp. 3. **Thoroughbred and Quarter Horse racing.**

This change updates the requirements of an ambulance log.

7870.0491, E. Care of **Horses.**

This rule change updates the requirement for horse ambulances and separates the needs of the Standardbred track from those of the Thoroughbred and Quarter Horse track.

7873.0240, Subp. 1. **Number of tip sheets.**

This change is being made to remove the requirement of having a handicapper physically on site at the racetracks.

7873.0240, Subp. 2. **Previous day's sheet to be posted.**

This change is being made to remove the outdated requirement of having tip sheets being posted after a race.

7873.0240, Subp. 3. **Tip sheet vendors must be licensed.**

The rule is being changed as it is no longer required with the removal of 7873.0240.

7877.0130, Subp. 3. **Trainer and Assistant Trainers.**

This change is being made to require four hours of continuing education annually for trainers and assistant trainers.

7877.0130, Subp. 8. **Harness Drivers.**

This rule change will require harness drivers to pass an annual vision examination.

7877.0145, Subp. 2. **Owners.**

This rule is amended to change the information required for an emergency owners license.

7877.0170, Subp. 2. **Trainers.**

This rule is being amended to clarify a trainer's responsibilities for filing forms and reporting information to the commission.

7877.0170, Subp. 3. **Jockeys and Apprentice Jockeys.**

This amendment is a grammatical fix from "fill" to "fulfill."

7877.0170, Subp. 8a. **Vendors.**

This rule change is to restrict the sale or delivery of certain items without a commission veterinarian's approval.

7877.0170, Subp. 9. **Veterinarians.**

This rule is amended to clarify qualifications and responsibilities for veterinarians licensed by the commission.

7877.0175, Subp. 8b. **Commission Veterinarian.**

This rule is amended to clarify the responsibilities and duties of commission veterinarians.

7883.0100, Subp. 16. **Workout Requirements.**

This rule change modifies the timing requirements of workouts for horses before they are qualified to race.

7883.0120, Subp. 1a. **Steward's Must Approve Scratching Horses.**

This rule is amended to clarify that the jockey weighed out.

7883.0120, Subp. 1b. **Procedure for Scratching Horses.**

This rule is amended to clarify process for scratching horses.

7883.0120, Subp. 1c. **Drawing Horses into a Race from Also-Eligible List.**

This amendment clarifies the assignment of post position for horses drawing into races from the also eligible list.

7883.0120, Subp. 1d. **Horse Drawn into Two Races.**

This amendment is for clarifying the rules for a horse drawing into two races.

7883.0120, Subp. 5. **Stewards may permit withdrawal.**

This subsection is being removed.

7883.0140, Subp. 15. **Protest of claim.**

This amendment adds a requirement for trainers of a claimed horse to notify the new trainer of specific medications involved in a violation on the claimed horse.

7883.0140, Subp. 19. **Delivery and responsibility for postrace analysis.**

This amendment adds hair as a specimen type and who can deliver the hair to the test barn by a successful claimant.

7883.0140, Subp. 22. **Claimed horse shall race at track claimed.**

This rule is being amended to decrease the number of days a horse is restricted to race outside of the track the claim was made. The proposed rule clarifies the requirements for which a waiver of the rule can be granted.

7883.0150, Subp. 10. **Horse leaves racecourse.**

This rule is amended to require an automatic steward's scratch after a rider is dislodged and the stewards or track veterinarian lose site of the horse.

7883.0150, Subp. 13. **Farrier in paddock.**

This rule is amended to add the receiving barn as a place a farrier may be located during live horse racing.

7884.0120, Subp. 13. **Horses denied entry.**

This amendment changes “bleeders list” to “veterinarian’s list.”

7884.0170, Subp. 3. **On advice of veterinarian.**

This rule is amended to change the minimum number of days before a horse can race after a scratch from 7 to 10.

7884.0170, Subp. 5. **Horse off grounds scratched.**

This rule is amended to change the minimum number of days before a horse can race after a scratch from 7 to 10.

7884.0210. **CLAIMING RACES.**

This rule is amended to clarify the process if a horse is scratched from a claiming race and the responsibilities of trainers after a successful claim.

7884.0240, Subp. 1a. **Cancellation and Postponement.**

This rule is being added to allow for possible cancellation or postponement of racing due to certain unfavorable track conditions.

7884.0240, Subp. 9. **Conduct of Start.**

This rule is being added to clarified conduct at the start of a race.

7884.0260, Subp. 2. **Conduct after word “go” is given.**

This rule is being amended to shorten the allowed length of a whip and the length of the snapper.

7884.0260, Subp. 12. **Double Riders on Sulky.**

This rule is being added to limit the number of people on a sulky to one.

7890.0100, Subp. 3e. **Biological Sample.**

This definition is being added to “define biological” sample which is used elsewhere in this document.

7890.0100, Subp. 7a. **Complete feed.**

This definition is being added to define “complete feed” which is used elsewhere in this document.

7890.0100, Subp. 7b. **Compounding.**

This rule is being renumbered from “7a” to “7b”.

7890.0100, Subp. 10c. **Feed Supplement.**

This definition is being added to define “feed supplement” which is used elsewhere in this document.

7890.0100, Subp. 15a. **Prohibited Practice.**

This definition is being added to define “prohibited practice” which is used elsewhere in this document.

7890.0100, Subp. 15c. **Restricted List.**

This definition is being added to define “restricted list” which is used elsewhere in this document.

7890.0110, Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.**

This rule is being amended to clarify the racing prohibitions if a horse is treated with extracorporeal shock wave therapy or radial pulse wave therapy.

7890.0110, Subp. 8a. **Intra-articular Injections.**

This rule is being amended to change the 7-day racing prohibition for Thoroughbreds and Quarter horses to 14 after receiving intra-articular injections.

7890.0160, **Responsibility of Veterinarian.**

This rule is being amended to allow certain licensed individuals into a stall within twenty-four hours after a race if requested by a commission veterinarian.

7891.0100, Subp. 1. **Horses subject to examination.**

This rule is being amended to clarify the process of horse identification before a physical examination begins.

7891.0110, Subp. 1. **Horses that must undergo postmortem examination.**

This rule is being amended to clarify who performs a postmortem examination.

7891.0110, Subp. 2. **Test samples to be taken for analysis.**

This rule is being amended to clarify where test samples are sent for postmortem analysis.

7891.0110, Subp. 5. **Equine Injury Database.**

This rule is added to specify where information from a post-mortem report information is documented.

7892.0110, **Out-Of-Competition Testing.**

This rule expands and clarifies the out-of-competition testing process.

7892.0130, Subpart. 1. **Chemist.**

This definition is being updated for clarity on “official testing laboratory.”

7892.0130, Subpart. 2. **Equipment.**

This rule is amended to clarify the laboratory referred to in the rule.

7892.0130, 3. **Procedures.**

This rule change adds “hair and biological samples” as acceptable samples.

7892.0130, 4. **Reports.**

This change updates language on the official testing laboratory.

7892.0130, Subp. 5. **Laboratory accreditation.**

This amendment clarifies what is necessary for a laboratory to be accredited.

7892.0130, 6. **Official testing laboratory.**

This definition is being added to define “official testing laboratory” which appears elsewhere in this document.

7897.0130, Subp. 5. **Amount of fines.**

This change is a reformatting to break up a large block of text.

7897.0130, Subp. 6. **Timetable for paying fines.**

This change extends the time for paying a fine from 72 to 120 hours. The change adds a written notice requirement to ensure that a licensee is made aware of the ruling and the penalty imposed.

7897.0155, Subp. 4. **Procedure for appeal to commission.**

This amendment clarifies the amount of time to file an appeal with the Commission.

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 Chad Peterson at the Minnesota Racing Commission, 15201 Zurich Street, Suite 212, Columbus, MN 55025; phone 651-925-3951; fax 651-925-3954; or email chad.peterson1@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 240.03, 240.23 and 240.24.

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: (1) 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;(2) wired and wireless communications between the premises of a licensed racetrack and any place outside the premises;(3) information on horse races which is sold on the premises of a licensed racetrack;(4) liability insurance which it may require of all class A, class B, and class D licensees;(5) the auditing of the books and records of a licensee by an auditor employed or appointed

by the commission;(6) emergency action plans maintained by licensed racetracks and their periodic review;(7) safety, security, and sanitation of stabling facilities at licensed racetracks;(8) entry fees and other funds received by a licensee in the course of conducting racing which the commission determines must be placed in escrow accounts;(9) affirmative action in employment and contracting by class A, class B, and class D licensees;(10) 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(11) 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.

Also, Minnesota Statutes section 240.24 authorizes the Racing Commission to “make and enforce rules governing medication and medical testing for horses running at licensed racetracks.” And Minnesota Statutes section 240.03 specifies Racing Commission powers and duties which include regulating horse racing in Minnesota to ensure that it is conducted in the public interest and to take all necessary steps to ensure the integrity of racing in Minnesota.

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 probably affected by these proposed rule changes are racetracks, horse owners, horse trainers and other persons involved in horse racing. All stakeholders will benefit from the updating, modification, and clarification of existing rules. The Racing Commission believes that there will be no increased cost to anyone.

- (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 Racing 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 Racing Commission believes the proposed changes will not be intrusive, as they mainly seek to clarify and simplify existing rules or bring current rules into alignment with industry standards. The cost to implement them will be minimal. The Racing 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.**

There were no alternative methods available. Several meetings were held with industry participants and stakeholders. Many of the proposed rules reflect changes in national racing standards and were presented by industry participants and stakeholders. Other rules changes are proposed to update, clarify, or simplify existing rules.

- (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 practices, or conform rules to national trade association rules to keep them up-to-date and consistent with requirements in other racing jurisdictions.

- (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 medication and horse racing rules would be outdated and inconsistent with national practices. This could lead to confusion in the Minnesota horse industry as horses move from state to state and less ability to detect prohibited drugs in racehorses. Without the proposed rule changes, detection, and prevention of the administration of prohibited medications would be more difficult, leading to an unsafe environment.

- (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. In January 2021 federal legislation was enacted creating the Horse Racing Safety and Integrity Authority that may in the future act to affect state horseracing. However, nothing in the recently enacted law should affect these rules. Several of the proposed rules are aimed at achieving uniformity across states, reciprocity with other jurisdictions, and adoption of industry model rules and safety initiatives.

- (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.

PERFORMANCE-BASED RULES

These rules are proposed to support the horse breeding industry consistent with the Racing Commission's mission. As required by Minnesota Statutes, section 14.002, they were developed with every effort to emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated parties and the agency in meeting those goals. We consulted with staff, commissioners, the Office of the Attorney General, interested industry members, and regulators from other states. We also reviewed model rules and rules in effect in other states.

ADDITIONAL NOTICE

The Racing Commission began work on these rule proposals in July of 2021 after receiving recommendations from racing stewards, racetracks, Racing Commission staff and industry members. A well-attended stakeholder meeting was held on November 18, 2021 to discuss the proposals. Notice of the meeting was sent to all persons on the Racing Commission's rulemaking list, as well as to Class A and B license holders and industry stakeholder groups. Horse trainers, owners, racetrack representatives, racing officials, horsepersons groups, the Jockey's Guild, and Racing Commission staff attended the meeting. The public was encouraged to submit additional proposals.

The proposed rules were revised and then thoroughly discussed at a public meeting of the Racing Commission's Racing Committee, a panel comprised of three commissioners, on November 4, 2021. Members of the public provided valuable input at this meeting. The Racing Committee unanimously voted to recommend the rules to the full Racing Commission with some minor modifications. After the initial 60-day comment period, on November 18, 2021 the full Minnesota Racing Commission met and accepted the Racing Committee's recommendation and voted to publish the Notice of Intent to Adopt Rules. The rules discussion was clearly included on all agendas duly prepared and mailed or e-mailed 7 days prior to these public meetings. Agendas were also posted on the Racing Commission's website. Minutes and recordings of the meetings are available on the Racing Commission's website at www.mn.gov/mrc/.

Our Notice Plan includes:

1. Publishing the Request for Comments in the August 2, 2021 edition of the State Register. Attachment A.
2. Posting the Request for Comments on the Commission's website at <https://mn.gov/mrc/> with a link to the Office of Administrative Hearings rulemaking e-comments website.

3. Posting the Request for Comments on the Office of Administrative Hearings rulemaking e- comments website with a link from commission's website.
4. Posting the Request for Comments on the Commission's Facebook page.
5. E-mailing the Request for Comments to everyone registered to be on any of the Commission's mailing lists, in addition to those persons on the rulemaking list required under Minnesota Statutes, section 14.14, subdivision 1a. See mailing list at Attachment B.
6. E-mailing the Request for Comments to each of the commission's contact persons with the Class A & B licensees. See mailing list at Attachment B.
7. E-mailing the Request for Comments to each person holding a Class C license from the Commission to work as a racing veterinarian in the past two years. See mailing list attached at Attachment B.
8. E-mailing the Request for Comments separately to each of our contacts at the six horsepersons' s organizations that are affected by horse racing in Minnesota, along with a specific request that they post it on their website or otherwise communicate it to their members. These organizations include: the Minnesota Thoroughbred Association, the Minnesota 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. See mailing list at Attachment B.
9. E-mailing the Request for Comments to organizations in Minnesota that we have identified as having an interest in animal health, including the Minnesota Board of Animal Health, the Minnesota Board of Veterinary Medicine, the Minnesota Humane Society, the Minnesota Veterinary Medical Association, and the University of Minnesota College of Veterinary Medicine. We will request that these organizations disseminate the Request for Comments to their members and constituents as they see fit. See mailing list at Attachment B.
10. The start of this rulemaking project was announced at the July 21, 2021 public meeting of the Minnesota Racing Commission. (See agenda attached as Attachment C.)
11. Commission staff will hold a public stakeholder meeting to obtain input from interested persons. This meeting will be announced at a Commission meeting, via our website, and via our mailing lists as described above.
12. Commission staff will update the Commission and the public on the progress of rule development at each regularly scheduled public meeting of the Minnesota Racing Commission.

CONSULT WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Racing 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. We will do this before the Racing 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 Racing Commission 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 to comply with these rules. The Racing Commission has determined that they will not, because all activity that these amendments affect occurs on licensed racetrack grounds or private farms, 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 will be negligible and 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. Steve May, Executive Director, Minnesota Racing Commission.
2. Dr. Lynn Hovda, Chief Commission Veterinarian, Minnesota Racing Commission.
3. E. Joseph Newton, General Counsel, Minnesota Racing Commission.
4. Stephanie Jenson, Safety Coordinator, Minnesota Racing Commission.

Additional witnesses could be called as needed. The Racing Commission does anticipate calling non-agency witnesses.

RULE BY RULE ANALYSIS

7869.0100, Subp.9 **Break.**

This change is made to clarify and correct the terminology used when a harness horse alters its declared gait or way of moving (trot or pace) while racing. Stride is the incorrect term and should not be used here as it describes the amount of distance a horse's gait covers when moving.

(Exhibit 1)

7869.0100, Subp. 12a. **Claimant.**

This definition is being added as the term is used elsewhere in the rules. It is modified from the current claim definition used by the United States Trotting Association (USTA).

(Exhibit2)

7869.0100, Subp. 30. **Grounds.**

The changes in this definition are being made to clarify and correct what is defined as the "grounds" of an association. The previous definition was not clear in specifically defining what this area encompassed.

7869.0100, Subp. 32d. **Laid off the gate.**

This definition is being added as the term is used elsewhere in the rules. It is taken from the current "charging the gate" definition used by the USTA to describe a horse failing to come into position for the start of a harness race.

(Exhibit 4)

(Exhibit 5)

7869.0100, Subp. 33b. **Live Racing Day.**

This change is proposed to remove outdated language defining simulcasts as part of the live racing day. Simulcasts, live or delayed, are broadcast worldwide throughout the year, and are not specifically related to the assignment of a live racing day.

7869.0100, Subp. 51a. **Racing Day.**

This proposed change is made as the term "racing day" is specific to days in which live racing is conducted at a Minnesota racetrack. "Televised racing day" more accurately refers to national and international television broadcasts of major racing events such as the Kentucky Derby, and the Dubai Festival of Racing. These events that occur outside of Minnesota are televised live and provide extended coverage with background information and race-by-race analysis.

7869.0100, Subp. 62a. **Sulky.**

This definition is being added as the term is used elsewhere in the rules and should be properly defined. It complies with the USTA requirements for a sulky.

(Exhibit 6)

(Exhibit 7)

7870.0490, D. **Care of Horses.**

This proposed rule change makes a modification to the need for an outrider during training at the Standardbred racetrack. The sheer number of Thoroughbred and Quarter Horse training on the track at one time and their physical, high speed training necessitates that an outrider be on duty during training not only to deal with the congestion, but also loose horses, out of control horses, younger horses just beginning their career, and equine accidents and injuries. Outriders are needed during racing to assist with equine and human accidents and injuries that occur in the paddock or on the racing surface. Outriders are not needed during the training of Standardbred horses, where there is little congestion, and the pace of training is slower and less intense. Standardbred horses are generally older and more well trained prior to arriving at the racetrack, are spread out over the track surface during training, and suffer very few injuries. An outrider is needed during racing, however, when horses are moving at higher speeds, are bunched together behind the starting gate and for the immediate time after the gate is opened. It is here that injuries and accidents most often occur.

7870.0491. **Ambulance Requirements.**

Part 1 updates the horse ambulance specifics and separates the horse ambulance needs for the Thoroughbred and Quarter Horse racetrack from those of the Standardbred track. The National Thoroughbred Racing Association (NTRA) through its Safety and Alliance program accredits racetracks throughout the United States. Accreditation includes a rigorous three-day inspection with the expectation that the racetrack will conform with their best practices for racehorse safety. The NTRA code of standards is provided to the racetrack and commission prior to accreditation so policies and procedures, which often contain specific commission rules, may be updated as required for accreditation. The proposed rules and regulations for the Horse Racing Integrity Act (HISA) are still in the comment period, with final rules expected by March 1, 2022 and implementation for all racetracks required on July 1, 2022. Both the NTRA and HISA clearly spell out the items needed for a horse ambulance. Current NTRA best practices for a horse ambulance include a fully equipped primary ambulance staffed and ready to be used on a moment's notice when horses are training or racing. In addition, the American Association of Equine Practitioners (AAEP) and HISA recommend that a second ambulance be available in the case of multiple equine injuries or mechanical failure of the primary horse ambulance. Two horse ambulances have been available at Canterbury Park for the past 10 years so this is not a new requirement, nor is the requirement for an equine slide or winch as they both already met this portion of the proposed rule change.

Part 2 separates Standardbred horses as injuries to Standardbred racehorses are very rare, yet a fully operational horse ambulance must be available for use if needed. The horse ambulance at Running Aces Harness Park has met these requirements since the racetrack opened so this also is really an update to the rules. During the past ten years, that ambulance has been used less than a dozen times, making the need for a backup or secondary ambulance unnecessary.

(Exhibit 8 – 2G, Equine Ambulance, page 12)

(Exhibit 9 – Equine Ambulance, 34.1)

(Exhibit 10 – Equipment, Equine Ambulance, Page 4)

(Exhibit 11)

78770.0491, subp.3. **Ambulance Log.**

This proposed rule change is necessary to ensure that accurate documentation is available after an equine injury or and death has occurred. This rule is added to the rules for completeness as a horse ambulance log is already in use at each racetrack. The information is collated for year- end analysis and used to report unsound horses and catastrophic injuries to the Incompass Solutions' Equine Injury Database, a national repository of injured and deceased horses. Similar to other proposed rule changes, this is an NTRA "best practices" requirement for accreditation and also found in the proposed HISA regulations.

(Exhibit 8 – 1A,Reporting of Injuries and Fatalities, Page 10)
(Exhibit 12)

7873.0240, Subp. 1. Number of tip sheets.

This change is proposed to remove the outdated practice of requiring a handicapper to physically be on-site at the racetrack. Tip sheets are now available online and on-site in various different forms and updated in live time to provide the most accurate information.

7873.0240, Subp. 2. Previous day's sheet to be posted.

This change is being made to remove the requirement that tip sheets with results must be posted the day after a race. This is an outdated practice as all tip sheets are posted electronically and are also posted within the grandstand to accommodate those without digital means.

7873.0240, Subp. 3. Tip sheet vendors must be licensed.

This rule is being removed as it is no longer needed with the removal of 7873.0240, subp.1.

7877.0130, Subp. 3. Trainer and Assistant Trainers.

This change is needed to comply with ARCI and NTRA recommendations and proposed HISA safety standards requiring trainers and assistant trainers to complete at least four hours of continuing education (CE) hours to maintain their license. This standard ensures that trainers and assistant trainers are not only maintaining but furthering their knowledge of industry specific matters. All CE is available through HorsemenU online as a free no cost platform and is easily tracked and documented for record keeping. There are many different topics that have been recorded and hosted live by accredited and knowledgeable presenters.

(Exhibit 3 – Rule 008-020 (A) 4)
(Exhibit 8 – Safety Training and Continuing Education, K, Page 16)
(Exhibit 9 – Education, Section 28)
(Exhibit 13)
(Exhibit 14)

7877.0130, Subp. 8. Harness Drivers.

This rule proposal is needed to comply with the USTA rules required for vision assessments of harness racing drivers. While the USTA has less strict vision requirements, our rule takes into consideration that harness races in Minnesota are conducted at night; under lights requiring more strict vision requirements to ensure a higher level of safety for participants.

(Exhibit 15)

7877.0145, Subp. 2. **Owners.**

This change is proposed to clarify the requirements for an owner/trainer to obtain an emergency license. The existing rule has been restructured into a format that is more clear. The proposed rule also includes the addition of the date of birth for the owner requiring the emergency license, while removing the need for the Social Security Number. It is not only easier for a trainer to provide the date of birth, but also prevents unnecessary access to an individual's Social Security Number.

7877.0170, Subp. 2. **Trainers.**

F. This rule is necessary as the commission investigators, who are on the backside, and not an individual in the licensing office is responsible for knowing who is working for each specific trainer.

N. Minnesota Rules 7877.0175, subpart 8(E) and new subpart 8(F) require the commission veterinarian to post a list of nerved horses and mares and fillies that are pregnant or "in foal". It is necessary for the trainer notify the commission veterinarian that this has occurred so the information can be posted in an accessible area.

P. This proposed rule change is a housekeeping update. It provides the complete and accurate name for the term "certificate", as certificate of veterinary inspection is correctly used elsewhere in the rules (7876.0100, subp. 10 and 11; 7876.0110, subp 4, 7876.0120, subp 1 and 2; 7876.0130, subp3).

7877.0170, Subp. 3. **Jockeys and Apprentice Jockeys.**

Grammar is corrected in this proposed rule change as a jockey fulfills an engagement, rather than filling one.

7877.0170, Subp. 8a. **Vendors.**

There are many feed supplements, medications, supplies and other items that should not be sold on the backside. Ractopamine and zilpaterol, for example, are supplements added to cattle or pig feed that may be fed unintentionally or intentionally by unscrupulous trainers for anabolic or growth promoting effects. Use will likely result in a positive test in a horse and serious consequences for the trainer, but more importantly, a dangerous, life-threatening reaction in the horse. Many of the newer "natural products" contain substances like valerian root or CBD that may result in a positive test if used in the horse. Veterinary equipment, in particular needles and syringes, are prohibited under MRC rule (7897.0100, subp. 17) and shock wave machines, endoscopes, and other specific pieces of veterinary diagnostic equipment should be sold only to practicing veterinarians and not to trainers, owners, or others.

This proposed rule change allows the commission, through the commission veterinarian, to approve and follow items that may be sold directly or indirectly to trainers, owners, and others by a variety of vendors. The rule is necessary to make certain that items being fed to or used in a racehorse are in concert with MRC rules and helps ensure that no harm is done to horses in a trainer's care. It also provides the investigators with accurate and timely documentation should a positive sample, equine welfare check, or anonymous report of abuse require further scrutiny or a full investigation.

This is a reasonable rule to add. California has already successfully put it in place and it is referred to in the proposed HISA regulations. It is similar to current MRC veterinary procedures as vendors selling feeds, medications, and supplies meet with a commission veterinarian prior to licensure. It is an

opportunity for education by both parties. Most of the vendors come prepared with a list, documentation, or brochure of items they wish to sell as they do not want to be responsible for selling anything that might harm a racehorse.

(Exhibit 9 – Regulatory Veterinarian, 30.4 (C))
(Exhibit 16)

7877.0170, Subp. 9. **Veterinarians.**

The specific rules for practicing Veterinarians were updated from the Association of Racing Commissioners International (ARCI) model rules for horse racing.

A and Part B are updated to include best practices for veterinary medicine. It should be clear to every practicing veterinarian wanting to work at a Minnesota racetrack that they must be licensed by the Minnesota Board of Veterinary Medicine under their rules. There should be no exceptions for a racetrack. The addition of reporting violations or sanctions in other jurisdictions is needed to ensure that ethical veterinarians are present and practicing on the racetrack.

(Exhibit 17)
(Exhibit 18)
(Exhibit 19)

Part L is needed to ensure that practicing veterinarians, the individuals actually treating racehorses, are not purchasing or using substances that are specifically prohibited by the ARCI. Class 1 medications include stimulant and depressant drugs with the highest potential to affect performance and has no accepted medical use in the racing horse.

(Exhibit 20)

Part M is modified slightly to allow a practicing veterinarian to examine a horse on race day if his/her presence is requested by a commission veterinarian and he/she is accompanied by a commission veterinarian. There are few instances during the prerace examination where the opinion and knowledge of the practicing veterinarian is important to determining whether or not the horse is fit to race. This may include a visual examination, physical palpation, or diagnostics such as ultrasound or radiology. Working together in this manner is in the best interest of the horse and trainer.

Part N narrows the time frame for when workout documentation may be received. Without this change, documentation could be received anywhere from 48 hours to weeks or months. Forty-eight hours notice gives the commission veterinarian adequate time to examine the past performances and prior prerace examinations and the restriction to 96 hours prevents a longer time lag during which time a horse could be injured or become ill.

7877.0175, Subp. 8b. **Veterinarian's list.**

Rules for the commission veterinarian have been subdivided into categories A through I and are updated to be consistent with ARCI model rules. The changes are made for ease in understanding and to be certain that duties performed by the commission veterinarian are actually found in the rules.

Part B increases the time on the Veterinarian's List from 7 days to 10 days. This was done primarily to conform with the HISA proposed regulations, but also because it discourages an

unscrupulous trainer from using it as an easy method to scratch a horse. It is simple for that trainer to request a scratch stating the horse was “off feed” yesterday and still “not quite right” today. There is no real method to assess this so the horse is scratched, but can be entered right back the next week. Increasing the length of time on the Veterinarian’s List to ten days provides a longer period of time for re-entry and provides some additional time for the trainer to review his/her decision.

(Exhibit 9 – 30.4 (h) (3) Veterinarian’s List, At a Minimum)

Part D is a clarification to what specific biologic sample is used when a negative post-workout test is required after a positive race day test finding. For instance, if the positive test finding occurred in blood, blood will be used; if it occurred in urine, urine will be used; if it occurred in hair, hair will be used.

Part 8c defines what happens to a horse that is found to be unfit to race after a prerace examination.

Part 8h is adopted so mares or fillies that are pregnant are clearly identified and that information posted in an area accessible to trainers. This is important to trainers since pregnancy may impact a potential sale. Mares and fillies over 120 days gestation cannot race (7897.0100, subp 21) and pregnant or in foal mares and fillies are ineligible to be entered in a claiming race (7883.0140, subp 12).

Part 8k is adopted from the ARCI rules. It ensures that those professional individuals seeking a commission license (veterinarian, veterinary assistant, animal chiropractor, equine masseuse) have the necessary license or documentation required by MRC rule. For those individuals (vendors and pharmaceutical representatives), it provides an opportunity for the commission veterinarian to review rules specific to what can and cannot be sold or distributed on the backside.

(Exhibit 3 – 006-070, B (17) Official Veterinarian)

7883.0100, Subp. 16. **Workout Requirements.**

Parts D and E are added to allow additional time for horses that have completed an official timed workout to be entered and race. This rule is necessary as the time it takes to perform the workout with blood sampling and the wait for blood sample results is often exceeds 21 days. The time delay depends on when the horse was worked, when the sample was sent to the official testing laboratory, when it was received by the laboratory, when testing was instituted, and when the results were returned. Dark days or days when the track is closed, weekends, and holidays all play a role in delaying the sample results. This extended time delay may not allow a trainer to find a race that fits the horse’s conditions, enter, and race within 30 days. This rule change is reasonable as a review of veterinary department records show that everything should be complete and horses able to be entered and race within 45 days of the official timed workout.

Part F is a proposed rule to account for the number of horses that are off for 6 months to a year without a start. Many of the Minnesota bred horses as well as other horses do not follow a horse racing circuit going from one track to the next, but instead are given the winter off from training. This means that a horse which last raced in mid-September could be out of training until mid-April or early May. During this time period accidents, injuries, and illness may happen and a return to training may not go as smoothly as the owner/trainer would like. The intent of this rule is to examine these horses in their own

barns for evidence of injury or unsoundness and help prevent further injury or catastrophic injuries from occurring once the horse starts racing.

In Part I, the reference to old items E and G is removed as the requirements are clearly spelled out in new G.

7883.0120, Subp. 1a. **Steward's Must Approve Scratching Horses.**

This proposed rule is a language correction. The jockey is the person weighing out, not the horse.

7883.0120, 1b. **Procedure for Scratching Horses.**

This entire subpart has been modified to more clearly explain the procedure for scratching a horse and updates some of the language.

Part A is a language update and old Part A has been moved to 7883.0120, subp 1.

Part C spells out the limit to the field size and provides the action should a trainer want to scratch below the field size of 7. This proposed rule change is needed to ensure that an adequate field of horses goes to the starting gate and discourages trainers from using arbitrary and capricious reasons for scratching a horse.

Part D. The racing office, from time to time, will ask the stewards to scratch a horse so it can be entered in another day's race that doesn't have enough horses to fill the field. This is a valid reason for requesting the scratch. Requesting that a horse be scratched to enter a much larger, but potentially easier race for the horse, is not valid and under this proposed rule is not acceptable. When this occurs, it is often due to the trainer looking for a race that is less difficult for the horse to compete in.

7883.0120, Subp. 1c **Drawing Horses into a Race from Also-Eligible List.**

Part A of this proposed rule identifies how the post position is determined when horses on the "also eligible list" are allowed to race. "Also eligible" horses are those that are entered to race but are only able to start if another horse is scratched by the stewards. For some races there may be several "also eligible" horses.

Part B relates only to Quarter Horse racing as these are the horses that race in a straight line. For these horses, ARCI rules specify that the also eligible horse take the post position in the starting gate that was originally assigned to the scratched horse. Oregon, Indiana and other states also follow this rule.

(Exhibits 3 – 010-10 (J) (4))
(Exhibit 21)

Part C pertains to Thoroughbred races and shorter mixed Thoroughbred and Quarter Horse races (880 yards) where there is a turn.

(Exhibit 3 – 010-10 (J) (5))

7883.0120, Subp. 1d. **Horse Drawn Into Two Races.**

There are two reasons this proposed rule is needed. Sometimes, the racing secretary will need a horse already drawn into a race be scratched so it can enter and fill the second race. In this instance, a

horse is entered into two races, which is technically illegal and the horse would need to be scratched from the first race it was drawn into so it could race in the second race. The second and most compelling veterinary reason is related to horse welfare. Without this rule, horses could be entered and race back in 3 or 4 days. Typically, this occurs at the end of the season when trainers and owners want just one more race from their horse. This is not in the best interest of the horse as it does not provide adequate recovery time to overcome the physical demands of racing. It often these fatigued horses that end up with career ending injuries.

7883.0120, Subp. 5. Stewards may permit withdrawal.

This rule was struck and moved to 7883.0120, subp. 1(B).

7883.0140, Subp. 15. Protest of claim.

This proposed rule ensures that the trainer of a newly claimed horse is made aware of the specific medication involved if that horse had a post-race medication violation. When medication violations are reported in claimed horses, the new owner has the right to void the claim. Not all medications last in the body for the same amount of time or have similar adverse effects. It may be a short acting medication such as phenylbutazone which has few adverse effects or a much longer acting medication such as EPO that might be present for months making the horse ineligible for racing. It is difficult for the trainer to advise the new owner on what to do without knowing what medication was involved.

7883.0140, Subp. 19. Delivery and responsibility for postrace analysis.

This proposed rule change is necessary so the owner or their representative is present at the detention barn to pick up a newly claimed horse once drug testing is complete. Claimants are almost always owners and often not on the grounds or even in the state, which makes picking up their horse at the detention barn very difficult. This rule corrects that by adding the trainer or their employee as individuals allowed to take custody of the horse, which has been the past practice without a supporting rule.

7883.0140, Subp. 22. Claimed horse shall race at track claimed.

It is a common industry practice to require horses that are trained to remain at the racetrack from which the horse was claimed. Allowing horses to be claimed at a racetrack and moved to another racetrack or racing jurisdiction has a negative economic effect on the racetrack due to the decline in horse population. This concept has been challenged in the court system, but the United States Supreme Court denied hearing the case in 2016.

The proposed rule would ease the restrictions on horses that are claimed at a Minnesota racetrack. The rule would lower the number of days that must pass from 60 to 30 and allow for a horse to race at another racetrack if the horse has made at least one start at the Minnesota racetrack. These rules are less restrictive than other jurisdictions. The rule has also been rewritten to make it easier for a reader to follow the language.

7883.0150, Subp. 10. Horse leaves racecourse.

From time-to-time horses moving from the paddock to the starting gate throw their rider and run off. Most of the time they are caught by the attendant or outrider prior to this occurring, but sometimes they run loose, jumping over a rail or going through an opening and disappearing from view. The horse may run into the receiving barn or detention barn or back to its own barn. This rule is needed

to comply with the detention barn's chain of custody, as once the horse is out of sight, there is no way to ensure that it has not come into contact with some form of contamination which would skew post-race testing.

7883.0150, Subp. 13. Farrier in paddock.

This proposed rule change ensures that a farrier is present during racing to attend to horses who have lost or damaged a horseshoe. The rule is expanded to include the receiving barn as many times the farrier is needed there to correct things before the horse goes to the paddock for saddling. It is far easier to deal with a racehorse in the relative quiet of the receiving barn than the noise and activity of the paddock.

7884.0120, Subp. 13. Horses denied entry.

The term bleeder list is scratched and replaced with veterinarian's list as horses that bleed is now placed on the veterinarian's list. No separate bleeder list is maintained.

7884.0170, Subp. 3. On advice of veterinarian.

This proposed rule is similar to the newly proposed Thoroughbred and Quarter Horse rule (7877.0175, subp [A][2]) that increases the time on the veterinarian's list from seven days to ten days. Seven days is really not enough time for most horses to recover and race again. Not only does ten days provide more recovery time, but it also provides the practicing veterinarian additional time to treat the horse and evaluate a response to treatment, positive or negative. The longer time frame also discourages an unscrupulous trainer from requesting a scratch by simply stating the horse was "off feed" yesterday and is still "not quite right" today. There is no real method to assess this so the horse gets scratched, but can be entered back the next week. Increasing the length of time on the veterinarian's list to ten days provides a longer period of time for re-entry and provides some additional time for the trainer to review his/her decision.

7884.0170, Subp. 5. Horse off grounds scratched.

This new proposed rule incorporates proposed changes in 7884.0170 Subp. 3 and ensures that all ill and injured horses are treated in the same manner.

7884.0210. CLAIMING RACES.

E. The proposed rule is necessary to ensure that an owner or trainer that suspects that his or her horse is going to be claimed cannot scratch the horse and attempt to enter the horse in a non-claiming race or at a higher claiming price to avoid the claim.

G. This proposed rule change is necessary so the owner or their representative is present at the detention barn to pick up a newly claimed horse once drug testing is complete. Claimants are almost always owners and often not on the grounds or even in the state, which makes picking up their horse at the detention barn very difficult. This rule corrects that by adding the trainer or their employee as individuals allowed to take custody of the horse, which has been past practice without a supporting rule.

H2. This proposed rule makes certain that the trainer of a newly claimed horse is made aware of the specific medication involved if that horse had a post-race medication violation. When medication violations are reported in claimed horses, the new owner has the right to void the claim. Not all medications last in the body for the same amount of time or have similar adverse effects. It may be a short acting medication such as phenylbutazone which has few adverse effects or a much longer acting

medication such as erythropoietin (EPO) that might be present for months making the horse ineligible for racing until the effects of EPO, for example, are no longer present. It is difficult for the trainer to advise the new owner on what to do without knowing what medication was involved.

H3. Language is clarified in this proposed rule change as only Stewards are able to void a claim.

7884.0240, Subp. 1a. **Cancellation and postponement.**

This proposed rule is necessary to reflect the current practices at the harness racetrack on how decisions are made to cancel or postpone races due to severe weather conditions. The decision is made only after consultation with representatives from the racetrack, horsemen/women, and the commission so all affected parties are represented and have substantial input. This incorporates information provided in the current USTA rules.

(Exhibit 22)

(Exhibit 23)

7884.0240, Subp. 9. **Conduct of start.**

Part F. Harness horse start by lining up behind a gate attached to a car. This rule specifies that horses with post positions in the first tier, or the front of the group, come up to the gate at the same time and are lined up appropriately behind the gate at the start. Should a driver try to gain an advantage by deliberately staying behind the gate and then rapidly coming up with the horse at racing speed when the gate is opened, the judge would have the ability to fine, suspend, or both. This rule is necessary and reasonable as it provides for a fair and equitable start and complies with USTA Rule 16.04.

(Exhibit 4)

7884.0260, Subp. 2. **Conduct after word “go” is given.**

Part T. This rule change is being proposed to reduce the length of the whip that is used in harness racing. Currently the whip is allowed to be four feet in length with a snapper not longer than six inches. This new rule would reduce the whip length to three and one-half feet and reduce the snapper to not longer than three inches. Moving to a shorter whip and snapper will encourage the drivers to use the whip less on the horse, decrease the number of whip related horse welts, and encourage safer driving styles by making the drivers sit more erect in the racing sulky.

(Exhibit 24)

(Exhibit 25)

7884.0260, Subp. 12. **Double riders on sulky.**

This rule change is proposed to make very clear, for safety reasons, that only one person should be seated on a sulky with a single seat at a time. Having more than one person on a sulky with a single seat may cause the horse pulling the sulky to spook and unseat the driver, which in turn may cause an accident on the racetrack, putting other drivers and horses in harm's way.

(Exhibit 6)

(Exhibit 7)

7890.0100, Subp. 3e. **Biological sample.**

This definition is added as it is used elsewhere in the rule packet.

(Exhibit 26)

7890.0100, Subp. 7a. **Complete feed.**

This definition is added as it is a frequently used term that has not been previously defined.

(Exhibit 27)

7890.0100, Subp. 7b. **Compounding.**

This definition is not changing and is only being moved into alphabetical order.

defined.

7890.0100, Subp. 7c. **Darbepoetin alfa.**

This definition is not changing and is only being re-numbered.

7890.0100, Subp. 10c. **Feed Supplement.**

This definition is added as it is a frequently used term that has not been previously defined.

(Exhibit 28)

7890.0100, Subp. 10d. **Flunixin meglumine.**

This definition is not changing and is only being re-numbered.

7890.0100, Subp. 10e. **Furosemide.**

This definition is not changing and is only being re-numbered.

7890.0100, Subp. 10f. **Growth factor.**

This definition is not changing and is only being re-numbered.

7890.0100, Subp. 10g. **Hemoglobin-based oxygen carrier.**

This definition is not changing and is only being re-numbered.

7890.0100, Subp. 10h. **Hemopure®.**

This definition is not changing and is only being re-numbered.

7890.0100, Subp. 15a. **Prohibited practice.**

This definition is added as it is used elsewhere in the Commission rules and has not been previously defined.

7890.0100, Subp. 15c. **Restricted list.**

This term is added as it is used elsewhere in the rule package. Horses on this list would include, among other things, pregnant mares or fillies over 120 days gestation, horses without a start between 6 and 12 months, and horses that have been nerved.

7890.0110, Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.**

Extracorporeal shock wave therapy and radial pulse wave therapy are types of noninvasive treatment utilizing three dimensional positive and negative sound waves to decrease pain and increase healing. In horses, they are used to stimulate fracture healing, encourage tendon repair, and treat a variety of soft tissue conditions. The mechanism of action is unknown, yet use is known to provide pain relief. Depending on the treatment location and lesion, the duration of analgesia may be a few days or much longer necessitating a longer time for recovery.

This proposed rule change is needed to comply with the newly proposed HISA safety regulations and to be as certain as possible that training and racing horses do so under the safest conditions possible. Horses receiving shock wave therapy are already placed on the veterinarian's list so that part of the change is primarily housekeeping in nature. The change to 30 days is needed as fractures and tendon injuries don't generally heal in 10 days and analgesia from shock wave therapy may mask pain for a longer period of time than expected, especially if shock wave therapy is repeated too often. The presence of analgesia and/or failure of an injury to heal properly when training or racing often results in a career ending injury to the horse and a serious outcome for the rider or driver. The change to 30 days allows the horse time to recover from analgesia or an injury and provides an extended time period for the veterinarian to monitor the underlying condition. (Exhibits 9, 29 & 30)

(Exhibit 9 – 30.4(h)(3)(v); Veterinarian's List, At a Minimum, Shock Wave Therapy, 38)
(Exhibit 29)
(Exhibit 30)

7890.0110, Subp. 8a. **Intra-articular Injections.**

This proposed rule splits the use of intra-articular joint injections by breed. The change to 14 days is needed in Thoroughbreds and Quarter Horses to conform with ARCI model rules, NTRA accreditation requirements, and proposed HISA regulations and to ensure that these horses race safely. Under ARCI model rules for Standardbred horses, however, the use of an intra-articular joint injection, in particular those using a corticosteroid, has remained at 7 days or less. The rule is reasonable as it takes into account the differences in how these breeds train and race and treatment provided by practicing veterinarians.

Part A deals with Thoroughbred and Quarter Horses, which have high speed works and races, an explosive exit from the starting gate, carry weight on their backs, and typically have a much larger number of catastrophic injuries. By far, the most common joint involved in both intra-articular injections and catastrophic injuries is the fetlock joint. Despite veterinary efforts, it is difficult to identify issues that preclude an injury within this joint, even using radiology and other techniques, and response to therapy is often the best method of determining racing soundness. Intra-articular injections, especially corticosteroid injections, are frequently used in these and other joints to decrease pain and inflammation. The change from 7 days to 14 days allows additional time for the beneficial effects of an injection to occur and for the practicing veterinarian and commission veterinarian to determine if the expected response was positive and the horse sound to enter a race.

(Exhibit 3 – 011-020(F) Medications and Prohibited Substances)

Part B deals with Standardbred racehorses, which typically have lower speed works and very few catastrophic injuries, they carry no weight on their backs and are already moving towards the starting point when the gated is opened, thereby putting less stress on their bodies when training or racing. Lameness occurs infrequently and often involves the larger stifle and hock joint. Response to therapy in these larger joint is easier for the trainer and practicing and commission veterinarian to evaluate.

(Exhibit 31)

7890.0160, **Responsibility of Veterinarian.**

Part C of this rule is modified slightly to allow a practicing veterinarian to examine a horse on race day if his/her presence is requested by a commission veterinarian and he/she is accompanied by a commission veterinarian. There are a few instances during the prerace examination where the opinion and knowledge of the practicing veterinarian is important to determining whether or not the horse is fit to race. This may include a visual examination, physical palpation, or diagnostics such as ultrasound or radiology. The proposed modification is needed and reasonable as it maintains good communication between practicing and commission veterinarians and because working together in this manner is in the best interest of the horse, trainer, and owner.

7891.0100, Subp. 1. **Horses subject to examination.**

Part A. This proposed rule change is needed to split the prerace examination for Thoroughbreds and Quarter Horses from Standardbreds. The prerace examination for Thoroughbred and Quarter Horses is done in the morning on every horse that is entered to race that day. The examination starts in the stall after the horse has been identified either by lip tattoo or microchip and continues with a hands-on physical examination of the front limbs and evaluation of the horse as it moves. This proposed rule change adds specifics of how the examination is performed and what occurs should the horse be unfit to race. It also ensures that the exam findings are shared with other jurisdictions through use of the prerace examination module.

It is reasonable to make changes to these rules, but important to note that they are not a change over what the commission veterinarians are already doing. The change conforms to ARCI model rules for flat racing, NTRA accreditation requirements, and proposed HISA rules for Thoroughbred racing.

(Exhibit 3 – 006-070, Official Veterinarian)

(Exhibit 8 – 1B, Page 10)

(Exhibit 9 – 30.4 (g), Assessment of Racing Conditions)

Part B. Standardbred prerace examinations are done in a different manner using the ARCI model rules or harness racing. Many of these horses ship in prior to racing and are not available for a standard type examination performed on Thoroughbreds and Quarter Horses. In addition, Standardbred horses, because they pace or trot, have different movements than other racehorses and are best examined in motion while warming up, during the post parade, or during their actual warmup mile. They are identified in the paddock prior to racing by the horse identifier and provided with colors and numbers for warming up and racing that the commission veterinarian understands and uses to monitor each horse on the racetrack. The commission veterinarian may choose to examine each horse in the paddock prior to warming up or request that a particular horse warming up poorly be brought back by for a second or third look during the post parade. It is reasonable to make changes to these rules, but important to note that they are not a change over what the commission veterinarians are already doing.

(Exhibit 3 – 020-060 (C) Official Veterinarian, Starting and Finishing Inspection)

(Exhibit 32)

7891.0110, Subp. 1. **Horses that must undergo postmortem examination.**

A. Postmortem examinations have been done by the University of Minnesota Diagnostic Laboratory under the direction of a pathologist for several years now. This is a housekeeping update, so rules conform with suggestions from the NTRA and HISA.

B. This proposed rule is needed to allow the pathologist to physically inspect a horse's shoes at postmortem prior to making any comments on the relationship to an injury. There are many different kinds of shoes worn by racehorses, including wedges, bar shoes, spider plates, and glue shoes, and any one of these may play a part in an injury. The presence of glue shoes, for example, may indicate that there is a problem with the hoof wall and weakness in the underlying structures. Front toe grabs over 2 millimeters in Thoroughbreds, prohibited by Minnesota rule 7883.0170 A (3), have long been associated with fetlock injuries. The presence of stickers, bends, and jar caulks, prohibited under the same rule, may also be of particular interest to the pathologist.

(Exhibit 3 – 011-030 C (3), Physical Inspection of Horse)

7891.0110, Subp. 2. **Test samples to be taken for analysis.**

This proposed rule is needed as it clarifies that the laboratory obtaining samples for post-race and out-of-competition testing is the laboratory approved for this and not to a laboratory approved by the commission for other reasons such as split sample testing or diagnosis of an infectious disease.

7891.0110, Subp. 5. **Equine Injury Database.**

Information from post-mortem reports has been reported to The Jockey Club for inclusion in the Incompass Solutions's Equine Injury Database for at least 10 years. The NTRA requires submission for racetrack accreditation and a requirement for submission is present in the proposed HISA rules so it has been added here for completeness.

(Exhibit 8 – 1A, Page10)

(Exhibit 9 - 30.4 (C) 9, Regulatory Veterinarian)

7892.0110, **Out-Of-Competition Testing.**

This entire section on out-of-competition testing has been modified from the ARCI model rules for racing. Out-of-competition testing is a method used to look for prohibited substances that may have been administered to a horse but are no longer present in the biologic sample when the horse is tested or for those medications that are very difficult to find in routine post-race testing and require additional special testing. For example, erythropoetin (EPO), used to boost the oxygen carrying capacity of blood, is present in a horse's blood or urine for just 2 or 3 days after administration, but has effects that last for weeks to months. Snake venom, used as an analgesic agent, and growth hormone, used to promote muscle mass and increase endurance, are difficult to find on routine postrace analysis and require specific, targeted testing.

Out-of-competition testing is permitted under 7892.0120 subpart 1(C), but this new section expands on that subpart and provides very specific information on the entire process. It is both needed and necessary, so the process of out-of-competition testing is clearly defined and that everyone involved understands the procedure.

(Exhibit 3 – 011-022, Out-of-Competition Testing, page 317)

7892.0130, Subpart. 1. **Chemist.**

This proposed change is housekeeping in nature, providing newer and more correct language.

7892.0130, Subpart. 2. **Equipment.**

This proposed change is housekeeping in nature, providing newer and more correct language.

7892.0130, 3. **Procedures.**

This proposed rule change is necessary to account for increased testing capabilities by the official testing laboratory. Testing for illicit substances has expanded in recent years past the routine use of blood and/or urine. Hair is a commonly used test sample, particularly in Quarter Horses, and bone and saliva are being used more often in post-mortem analysis as a surveillance tool.

7892.0130, 4. **Reports.**

This proposed change is housekeeping in nature, providing newer and more correct language.

7892.0130, Subp. 5. **Laboratory accreditation.**

This proposed rule change is needed to ensure that the official testing laboratory is in good standing under both ARCI model rules and NTRA accreditation requirements. Interestingly, in order to be RMTC accredited the laboratory must meet part A and part B. They are added, however, as HISA has indicated that it will do its own laboratory accreditation.

(Exhibit 33)

7892.0130, Subpart. 6. **Official testing laboratory.**

This is a new definition added as it is used elsewhere in the rule packet.

(Exhibit 8 – Definitions, page 9)

7897.0130, Subp. 5. **Amount of fines.**

The proposed rule change is needed to make it easier to read as it breaks up a large block of text.

7897.0130, Subp. 6. **Timetable for paying fines.**

The proposed rule change is necessary to ensure that the time in which a fine must be paid coincides with the amount of time is afforded a licensee to file an appeal once a regular ruling is issued. It is unfair to a licensee to require that a fine be paid two days before he or she decides to appeal a ruling and requiring that the fine be paid creates additional work for Racing Commission staff if a refund is eventually required.

7897.0155, Subp. 4. **Procedure for appeal to commission.**

This proposed rule is needed as it makes it easier for Racing Commission staff and licensees to understand when an appeal must be filed. The term “five days” can be interpreted many ways. Instead, “120 hours” makes it easier to know exactly how long a licensee has to file an appeal.

The proposed rule is also needed to ensure that a licensee receives a written ruling before starting the time in which he or she must file an appeal. There may be several days between the time that a licensee is orally advised that he or she is going to receive a regulatory ruling, and it is not fair to the licensee that their time in which to file an appeal begins before knowing the full extent of the regulatory ruling.

The proposed rule change is needed to make it easier to read as it breaks up a large block of text.

EXHIBITS

Exhibit 1	USTA definition 4.16 (Break)
Exhibit 2	USTA definition 4.24 (Claim)
Exhibit 3	ARCI Model Rules of Racing, Version 10.0
Exhibit 4	USTA Rule 16.04 (Charging the Gate)
Exhibit 5	Photo of starting gate with horse in a line
Exhibit 6	USTA Rule 4.181 (Sulky)
Exhibit 7	Photo of single seat sulky
Exhibit 8	NTRA Code of Standards 2021
Exhibit 9	Proposed HISA Regulations (November 19, 2021)
Exhibit 10	AAEP Thoroughbred Injury Management Guidelines, first edition, 2016, Equipment, Equine Ambulance, page 4
Exhibit 11	Photo of equine slide device in use and the interior of horse ambulance
Exhibit 12	Photo of equine ambulance log
Exhibit 13	Horsemen U Website Home Page
Exhibit 14	Horsemen U Trainer Invitation
Exhibit 15	USTA Rule 17.05(i) (Contents of Application for Driver's License)
Exhibit 16	CHRB Code Regs, Section 1861 (Vendors)
Exhibit 17	MN Statutes 156.10, Unlawful practice without license or permit
Exhibit 18	MN Statutes 156.02, Applicants for license; Qualifications
Exhibit 19	Minnesota Board of Veterinary Medicine 9100.0400, Application and Examination Fees for Licensure to Practice Veterinary Medicine
Exhibit 20	ARCI Uniform Classification Guidelines for Foreign Substances and Recommendations for Penalties
Exhibit 21	Oregon Racing Commission Rule, Chapter 462
Exhibit 22	USTA Rule 15.01 (Selection of Horsemen's Committee)
Exhibit 23	USTA Rule 15.02 (Questionable Racetrack Conditions)
Exhibit 24	Side-by-side photo of old and new driving whips/snappers
Exhibit 25	USTA Rule Proposal on Urging Regulations, Whip Length
Exhibit 26	Glossary of Statistical Terms, Biological Sample
Exhibit 27	The Horse, description of Complete feed
Exhibit 28	Law Insider, Definition of Feed Supplement
Exhibit 29	Callaghan Suspended for Shock Wave Therapy Violation. The Blood Horse. October 20,2021
Exhibit 30	Paulick. Press Release. CHRB Adopts New Limitations on Shock Wave Therapy. February 02, 2021
Exhibit 31	ARCI Controlled Therapeutic Medication Schedule for Horses, Version 4.2.1, December 2020 (Highlighted Footnote)
Exhibit 32	USTA Rule 19.05, Veterinary Examination
Exhibit 33	Racing Medication and Testing Consortium, 2.1, Applying for laboratory Accreditation, Page 9

CONCLUSION

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

DATE: December 27, 2021
This document available for
public review on this date.

Steve May
Executive Director
Minnesota Racing Commission