



12/23/2024

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 Rules of the Minnesota Racing Commission Governing Horse Racing, Definitions, Facilities and Equipment, Class C Licensees, Thoroughbred/Quarter Horse Races, Harness Races, Horse Medication, Physical Examination, Medical Testing, Breeders' Fund, and Prohibited Acts; Chapters 7869, 7875, 7877, 7883, 7884, 7890, 7891, 7892, 7895, and 7897.

Dear Librarian:

The Minnesota Racing Commission intends to adopt rules governing Horse Racing, Facilities and Equipment, Class C Licensees, Thoroughbred/Quarter Horse Races, Harness Races, Horse Medication, Physical Examination, Medical Testing, Breeders' Fund, and Prohibited Acts. We plan to publish a Notice of Intent to Adopt Rules without a Hearing in the December 30, 2024, 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 651-925-3951.

Yours very truly,

A handwritten signature in cursive script that reads 'Taylor Traufler'.

Taylor Traufler

Rulemaking Coordinator

Enclosure: Statement of Need and Reasonableness

R-04887

Minnesota Racing Commission

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendments to Rules Governing Horse Racing: Definitions, Facilities and Equipment, Class C Licensees, Thoroughbred/Quarter Horse Races, Harness Races, Horse Medication, Physical Examination, Medical Testing, Breeders' Fund, and Prohibited Acts; Chapters 7869, 7875, 7877, 7883, 7884, 7890, 7891, 7892, 7895, 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, animal welfare, and the safety of all participants. There is an emphasis on horse health, veterinary practices, medications, and racing rules. Many of these changes are necessitated by new Federal legislation. Following is a summary of the changes.

7869.0100 Subp. 31f. Definitions.

This definition is being added to define "HISA-covered person" which is used elsewhere in the rules and comes directly from the definitions chapter in the 1000 series of HISA regulations.

7869.0100 Subp. 31h. Definitions.

This subpart is being renumbered from "31f" to "31h".

7869.0100 Subp. 50a. Definitions.

This definition is being added to define "Qualifying line" which is used elsewhere in the rules.

7869.0100 Subp. 51b. Definitions.

This definition is being added to define "Race line" which is used elsewhere in the rules.

7869.0200 Subp. 2A. Association of Racing Commissioners International.

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Endogenous, Dietary, or Environmental Substances Schedule is incorporated by reference for Standardbred and Quarter Horse racing only.

7869.0200 Subp. 2B. Association of Racing Commissioners International.

This proposed rule change specifies that Association of Racing Commissioners International (ARCI) Therapeutic Medication Schedule for Horses is incorporated by reference for Standardbred and Quarter Horse racing only.

7869.0200 Subp. 2C. Association of Racing Commissioners International.

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule is incorporated by reference for Standardbred and Quarter Horse racing only.

7869.0200 Subp. 2D. Association of Racing Commissioners International.

This proposed rule change specifies that the Association of Racing Commissioners International (ARCI) Multiple Medication Violation Model Rule is incorporated by reference for Standardbred and Quarter Horse racing only.

7869.0200 Subp. 2a. Horseracing Integrity and Safety Authority.

This proposed rule specifies that the Horseracing Integrity and Safety Authority Rule Series 1000 to 9000 are incorporated by reference for Thoroughbred racing.

7875.0100 Subpart 1. Facilities.

This rule is being amended to require each association to provide an equine isolation facility along with the receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stabling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Alcohol and Gambling Enforcement Division, and information window that were originally included in this subpart.

7877.0130 Subp. 1a. Timely licensure.

This proposed rule requires an owner of a horse entered to race at a Minnesota racetrack to be licensed by the commission no later than the posted scratch time on the day the horse is entered to race. Failure of an owner to be licensed by this time will result in their horse being scratched by the stewards.

7877.0130 Subp. 3B. Trainers and assistant trainers.

This rule change specifies the requirements for licensure of Thoroughbred and Quarter Horse trainer or assistant trainer applicants in Minnesota.

7877.0130 Subp. 3C. Trainers and assistant trainers.

This proposed rule requires first time harness horse trainer or assistant trainer applicants in Minnesota to satisfy the United States Trotting Association (USTA) requirements for licensure.

7877.0130 Subp. 3D. Trainers and assistant trainers.

This rule is being renumbered from subpart "3C" to subpart "3D".

7877.0130 Subp. 3E. Trainers and assistant trainers.

This rule is being renumbered from subpart "3D" to subpart "3E".

7877.0130 Subp. 3F. Trainers and assistant trainers.

This rule is being renumbered from subpart “3E” to subpart “3F”.

7877.0130 Subp. 4. Prospective trainers and assistant trainers.

This rule change specifies that an applicant who has never been licensed by the commission or by another racing jurisdiction as a trainer or an assistant trainer for Thoroughbreds or Quarter Horses must have at least two years’ experience in an occupation that indicates a knowledge of horsemanship and racing practices. New trainer or assistant trainer applicants for Standardbreds have different requirements.

7877.0130 Subp. 4B. Prospective trainers and assistant trainers.

This rule change specifies that a prospective trainer or assistant trainer applicant for Thoroughbred or Quarter Horse racing must pass a written examination administered by the stewards, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment. Prospective trainer or assistant trainer applicants for Standardbred racing have different requirements.

7877.0130 Subp. 4C. Prospective trainers and assistant trainers.

This rule change specifies that a prospective trainer or assistant trainer applicant for Thoroughbred or Quarter Horse racing must pass a practical test of horsemanship administered by the stewards or their designee. A prospective trainer or assistant trainer applicant for Standardbred racing must meet different requirements.

7877.0130 Subp. 4D. Prospective trainers and assistant trainers.

This proposed rule requires new harness horse trainers or assistant trainers applying for a Minnesota racing license to satisfy all USTA requirements.

7877.0170 Subp. 2H. Trainers.

This rule change allows a trainer to use a veterinarian that is not licensed by the commission as a consultant, if they are approved in advance by a commission veterinarian and the non-licensed veterinarian is escorted by a commission veterinarian while on association grounds.

7877.0170 Subp. 2N. Trainers.

This rule is being amended as “nerved” horses are no longer allowed to race.

7877.0170 Subp. 2S. Trainers.

This rule is being updated to clarify Quarter Horse and Thoroughbred trainers licensed as owners must train all horses owned wholly or in part by them.

7877.0170 Subp. 2V. Trainers.

This proposed rule requires Thoroughbred trainer treatment records to be transferred to the new trainer under HISA rules in the event of a successful claim.

7877.0170 Subp. 2W. Trainers.

This rule change specifies what records Quarter Horse and Standardbred racehorse trainers are responsible for providing to a new trainer after a successful claim and the timeframe in which they must provide them. It is also being renumbered from subpart “2V” to subpart “2W”.

7877.0170 Subp. 2X. Trainers.

This item is being renamed from subpart “2W” to subpart “2X”.

7877.0170 Subp. 2Y. Trainers.

This item is being renamed from subpart “2X” to subpart “2Y”.

7877.0170 Subp. 10F. Pony riders.

This proposed rule clarifies that if a pony rider wishes to act as a lead pony during the races, they are required to be in proper attire determined by the association and represent him or herself in a clean and tidy manner.

7877.0175 Subpart 1C. Racing secretary.

This rule change requires the association’s racing secretary to provide the stewards with a proper and complete daily racing program.

7877.0175 Subp. 4. Paddock judge; Thoroughbred and Quarter Horse races.

This rule is being updated as the entirety of subpart 4 is specific to a paddock judge working at Quarter Horse and Thoroughbred races.

7877.0175 Subp. 4G. 2. Paddock judge; Thoroughbred and Quarter Horse races.

This rule is being updated to bring it into alignment with rule 7883.0150, subpart 3, which states that all paddock boots and bandages, except those bandages that will be worn during racing, must be removed upon arrival in the paddock.

7877.0175 Subp. 7C. Claims clerk (Thoroughbred, Quarter Horse, and Arabian only).

This rule is being amended to require the claims clerk at Thoroughbred, Quarter Horse, and Arabian races to make certain a claimant has the amount of the claim, plus any applicable tax or fee in their account when a claim is made.

7877.0175 Subp. 8. Commission veterinarian.

This subpart is being added back to this chapter for clarity.

7877.0175 Subp. 8b. C. Veterinarian’s list.

This proposed rule change requires horses needing an official timed workout to be removed from the veterinarian’s list to have documentation from the attending veterinarian that the horse is sound to work and complete medical testing prior to removal from the veterinarian’s list.

7883.0100 Subp. 2A. Horse must be registered and eligible.

This rule amendment requires all Thoroughbred horses to be registered with HISA before they are eligible to start in a race.

7883.0100 Subp. 2B. Horse must be registered and eligible.

This rule is being updated to remove the inaccurate reference to a freeze brand registration number.

7883.0100 Subp. 2a. C. Prohibited starters.

The word “or” is being removed from this item.

7883.0100 Subp. 2a. D. Prohibited starters.

The word “or” is being added to the end of this rule to allow for another requirement to be listed.

7883.0100 Subp. 2a. E. Prohibited starters.

This rule is being added to prohibit a Thoroughbred or Quarter Horse from starting if it has raced more than 3 times in 30 consecutive days.

7883.0100 Subp. 4E. Entering procedure.

This proposed rule requires a jockey to be named on a specific horse at the time of entry.

7883.0100 Subp. 4F. Entering procedure.

This proposed rule would allow a jockey to be named on only one horse in the body of a race and one also eligible or one Main Track Only horse, or both.

7883.0100 Subp. 4G. Entering procedure.

This proposed rule requires jockeys not represented or present at the draw to call the racing secretary by 9AM the following day to declare their intent to honor their designated engagements.

7883.0100 Subp. 16B. Workout requirements.

This rule is being amended to not allow a Quarter Horse to start that has not started for a period of 46 days or more until it has completed one timed workout within 45 days of and no less than 48 hours prior to the race in which it is entered. A Quarter Horse that has not started for a period of 61 days or more is not eligible to start until it has completed two timed workouts within 60 days and no less than 48 hours before the race in which it is entered, which is an increase from one timed workout within that timeframe.

7883.0100 Subp. 16J. Workout requirements.

This proposed rule requires a Quarter Horse that has not previously started at 870 yards to complete one timed workout at 660 yards or more before the horse can start in a race scheduled for 870 yards. This timed workout must be within 60 days of and not less than 48 hours before the race in which it is entered.

7883.0100 Subp. 20. Quarter Horses must stand in the gate.

This proposed rule requires each Quarter Horse entered in a stakes race to stand in the starting gate either the day before or the day of the race in which the horse is entered.

7883.0130 Subp. 4A. **Sex allowance.**

This rule change clarifies that in all races against male horses, except handicaps and races where the conditions expressly state to the contrary, Thoroughbred fillies two years old are allowed three pounds and Thoroughbred fillies and mares three years old and upwards are allowed five pounds before September 1 and three pounds thereafter. This sex allowance may not be waived.

7883.0130 Subp. 4B. **Sex allowance.**

This proposed rule declares there is no sex allowance in all races for Quarter Horse fillies and mares.

7883.0140 Subp. 8A. **Voided claims.**

The word “or” is being removed from the end of this item.

7883.0140 Subp. 8B. **Voided claims.**

This rule change clarifies when the stewards must void a claim for a Quarter Horse. The word “or” is also being added to the end of the rule to allow for another subpart.

7883.0140 Subp. 8C. **Voided claims.**

This proposed rule declares when the stewards must void a claim for a Thoroughbred, which is if the horse is placed on the veterinarian’s list within one hour of racing for unsoundness or bleeding. A claimant may elect to claim the horse regardless of whether the horse is placed on the veterinarian’s list or not on the claim form.

7883.0140 Subp. 15. **Protest of claim for Quarter Horses.**

This subpart is being renamed as it will only apply to Quarter Horses. Thoroughbred horses must follow HISA regulations for protest of claim.

7883.0140 Subp. 15a. **Protest of claim for Thoroughbreds.**

This proposed rule is being added as claims protested for Thoroughbred horses must follow HISA regulations.

7883.0150 Subp. 14A. **Flipping halters.**

This subpart is being split into “14A” and “14B”.

7883.0150 Subp. 14B. **Flipping halters.**

This proposed rule declares there will be no refund of wagering because a flipping halter prevents the starting gate from opening properly.

7883.0160 Subpart 1. **Thoroughbreds and Quarter Horses must be tattooed physically or be microchipped and tattooed digitally.**

This rule is being updated as Thoroughbred and Quarter Horses must be tattooed physically or be microchipped and tattooed digitally to be eligible to start.

7883.0170 A3. **Equipment.**

This rule is being split up into separate requirements for horseshoes for Thoroughbreds and Quarter Horses.

7883.0170 A3. a. **Equipment.**

This rule change provides regulations on toe grabs for Thoroughbred horses. Toe grabs, other than wear plates with a height no greater than two millimeters (0.07874 inches), bends, jar caulks, stickers and any other traction device worn on the front shoes of Thoroughbred horses while racing or training on all racing surfaces are prohibited.

7883.0170 A3. b. **Equipment.**

This proposed rule provides regulations for toe grabs for Quarter Horses. Toe grabs, other than wear plates with a height no greater than four millimeters (0.15748 inches), bends, jars, caulks, stickers, or any other traction device worn on the front shoes are prohibited. Toe grabs greater than 6.35 millimeters (0.25 inches) from the ground surface side of the hind shoes are prohibited.

7884.0120 Subp. 16. **Entered horse to be on grounds.**

This rule is being amended to allow Standardbred horses participating in non-purse races to be present two hours prior to post time for the first non-purse race. This is a change from five hours prior to post time for the first scheduled race, which will still be the requirement for Standardbred horses scheduled in purse races.

7884.0130 Subpart 1. **Association to establish preference system.**

This rule is being removed so it can be replaced with more current language from the USTA rulebook.

7884.0130 Subp. 1a. **Preference date.**

This subpart will replace the needed rule for preference dates. It is from the USTA rulebook and is more current.

7884.0180 **TIME TRIALS.**

This rule is being removed as it is no longer common practice to use time trials at a harness racetrack.

7884.0190 Subp. 2C. **Horses required to compete in qualifying races for race meets longer than two weeks.**

This rule is being updated to require a Standardbred horse that does not show a clean charted qualifying line or race line within 44 days to compete in a qualifying race. On day 45, the horse is not eligible to enter in a race.

7884.0190 Subp. 2a. B. **Horses required to compete in qualifying races regardless of duration of meet.**

This proposed rule change requires a Standardbred horse that chokes, bleeds, or falls in the paddock, or while going to the track, exiting the track, warming up or racing to compete in a qualifying race before being eligible to enter any race. This is more specific than the current language.

7884.0190 Subp. 2a. D. Horses required to compete in qualifying races regardless of duration of meet.

This rule is being removed to allow the stewards discretion in deciding whether a distanced horse needs to qualify.

7884.0250 Subp. 4A. Inquiry into failure to sound recall.

This rule is being split into parts “A” and “B”.

7884.0250 Subp. 4B. Inquiry into failure to sound recall.

This proposed language clarifies that the stewards must make placings in the same manner used for interference during any part of the race when interference occurs before the start of a race, but no recall is sounded by the starter.

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

The language “The driver is permitted to encourage the horse with the whip only one time from the start to the $\frac{3}{4}$ mile marker, and no more than four times, if the horse is advancing, from the $\frac{3}{4}$ mile marker to the finish line,” is being removed from this rule. The word “judges” is also being replaced with “stewards” as it allows for consistency throughout the rulebook.

7884.0260 Subp. 2T. 5. Conduct after word “go” is given.

This rule is being updated to declare a driver’s whipping arm must not be raised above the driver’s shoulder height.

7890.0100 Subp. 13a. C. Definitions.

This definition is being updated to prevent the use of antibiotics in topical antiseptics, ointments, salves, leg rubs, and leg paints.

7890.0100 Subp. 14d. Definitions.

This definition is being updated to include hair sampling as a method of out-of-competition testing.

7890.0110 Subpart 1. Administration.

This rule is being updated to align with MRC rule 7890.0100, subpart 13a, A2.

7890.0110 Subp. 8a. B. Intra-articular injections.

This rule is being added to follow HISA rules where a Thoroughbred horse is prohibited from receiving a corticosteroid injection in the fetlock joint within 30 days of the race in which it is entered.

7890.0110 Subp. 8a. C. Intra-articular injections.

This subpart is being renamed from part “B” to part “C”.

7890.0120 Subpart 1A. Veterinarians must keep records.

This proposed rule follows HISA rules for Thoroughbreds. Veterinarians must report all treatments and diagnostic procedures electronically to a specified HISA site within 24 hours of treatment.

7890.0120 Subpart 1B. Veterinarians must keep records.

This is the original language of the rule, but it is being labeled for Quarter Horses and Standardbreds as Thoroughbreds have different regulations on veterinarian record keeping through HISA.

7890.0160 A. RESPONSIBILITY OF VETERINARIAN.

Specification of items “B, C, and D” is being added to this rule for clarity.

7891.0100 Subpart 1A. 7. Horses subject to examination.

The language “Track Manager” is being added as the full name of the electronic module for prerace examinations is “InCompass Solutions Track Manager”.

7891.0110 Subp. 2A. 1. Test samples to be taken for analysis.

This rule is being added to comply with HISA regulations for samples collected from Thoroughbred horses that die or are euthanized from a training or race-related injury.

7891.0110 Subp. 2A. 2. Test samples to be taken for analysis.

This is the original language for this rule, but it is being labeled for Quarter Horses and Standardbreds as Thoroughbreds have different regulations through HISA.

7891.0110 Subp. 2B. Test samples to be taken for analysis.

This rule is being updated as hair samples must be obtained prior to or after euthanasia of a horse due to a training or race-related injury.

7891.0110 Subp. 4. Report of injury or death.

This subpart is being renamed for clarity.

7891.0110 Subp. 4. A. Report of injury or death.

This is the original language from this rule. It is being renumbered to subpart 4, item A.

7891.0110 Subp. 4. B. Report of injury or death.

This rule is being added to comply with HISA regulations for Thoroughbreds. Notification of death of a Thoroughbred horse must be submitted to HISA through their online portal within 24 hours.

7891.0110 Subp. 4. C. Report of injury or death.

This rule is being added in part to comply with HISA regulations for Thoroughbreds. Any Thoroughbred horse that sustains an injury requiring transportation by an ambulance must be reported to HISA within 24 hours. Other injuries not requiring transportation by an ambulance may be batched and submitted to HISA within one week.

7891.0110 Subp. 5. Postmortem reports.

This subpart is being renamed for clarity.

7891.0110 Subp. 5. A. Postmortem reports.

This rule is being added to comply with HISA regulations for Thoroughbreds. Initial and updated postmortem reports must be submitted to HISA within 72 hours of receipt.

7891.0110 Subp. 5. B. Postmortem reports.

This rule is being updated to correctly identify where postmortem reports for Thoroughbred horses and Quarter Horses will be documented. The correct location is The Jockey Club's equine injury database.

7891.0110 Subp. 5. C. Postmortem reports.

This rule is being added as postmortem reports are provided to the trainer and trainer's veterinarian and reviewed by the Mortality Review committee.

7892.0105 MEDICAL TESTING FOR THORUGHBRED RACEHORSES.

This proposed rule clarifies that all medical testing for Thoroughbred racehorses is performed under HISA regulations and these rule series are incorporated by reference. It also includes the website where these rule series can be found.

7892.0110 OUT-OF-COMPETITION TESTING FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for out-of-competition testing.

7892.0120 TAKING OF SAMPLES FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for taking of samples.

7892.0130 TESTING FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for testing.

7892.0140 RECORDS FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for record keeping.

7892.0150 PURSES FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This rule is being renamed as it will only apply to Quarter Horse and Standardbred racehorses. Thoroughbreds will follow HISA regulations for purses.

7895.0300 Subp. 3A. Distribution of money.

This rule is being updated to clarify that purse earnings in any North American Quarter Horse race that is conducted outside of Minnesota on or after the first scheduled Minnesota Quarter Horse live race and on or before the last scheduled Minnesota Quarter Horse live race shall not count toward qualified earnings.

7897.0100 Subp. 15A. Removing a horse without permission.

This subpart is being split into breeds as Thoroughbreds and Quarter Horses have different requirements than Standardbreds regarding being removed from the grounds of the racetrack. Thoroughbred and Quarter Horse racehorses are not to be removed from the stable area of a licensed racetrack without written permission of the racing secretary or stewards.

7897.0100 Subp. 15B. Removing a horse without permission.

This subpart is being split into breeds as Standardbreds have different requirements than Thoroughbreds and Quarter Horses regarding being removed from the grounds of the racetrack. A Standardbred racehorse that is required to be on association grounds by 9:00am the day before they race must not be removed from the stable area of a licensed racetrack without written permission of the stewards.

7897.0100 Subp. 17B. 1. Hypodermic equipment and injectable substances prohibited.

The words “and/or” at the end of this item are being removed.

7897.0100 Subp. 17B. 2. Hypodermic equipment and injectable substances prohibited.

A “;” is being added to the end of this item to allow for another item to follow.

7897.0100 Subp. 17B. 3. Hypodermic equipment and injectable substances prohibited.

This proposed rule allows any person to have within a restricted area of a licensed racetrack, a disposable syringe intended for oral use where the tip of the syringe makes it incapable of attaching a needle.

7897.0100 Subp. 17B. 4. Hypodermic equipment and injectable substances prohibited.

This proposed rule allows any person to have within a restricted area of a licensed racetrack, a disposable syringe 60cc or greater designed and intended for topical use where the tip of the syringe makes it incapable of attaching a needle.

7897.0110 Subpart 1. Drugs.

This rule is being updated to allow the commission’s investigative staff, along with the stewards, to require any licensee who exhibits suspected impaired behavior to provide a blood, breath, saliva, or urine sample for analysis. A second specimen may also be required for confirmation or quantification to be analyzed at an independent laboratory selected by the commission. This is in addition to being subject to disciplinary action by the stewards and 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 E. Joseph Newton at the Minnesota Racing Commission, 15201 Zurich Street, Suite 212, Columbus, MN

55025; phone 651-356-1200; fax 651-925-3954; or email joseph.newton@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.

Minnesota Statutes section 240.03 specifies Racing Commission power 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.

Minnesota Statutes section 240.23 provides the racing commission statutory authority to adopt the rules, as follows:

The Commission has the authority, in addition to all other rulemaking authority granted elsewhere in this chapter to promulgate and adopt 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.

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.”

REGULATORY ANALYSIS

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

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, simplification, 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 rules 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 rules.

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 rules that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rules.

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 rules, 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 rules, 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 Thoroughbred racing in Minnesota would not be HISA compliant. In addition, 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 rules and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

In January 2021, federal legislation was enacted creating the Horse Racing Safety and Integrity Authority. There are new federal regulations in place regarding Thoroughbred horse racing and the regulations are changed and modified yearly. There are no current differences between the federal regulations regarding these proposed rule changes and the proposed rules harmonize them. Non-Thoroughbred horse racing is regulated by the various individual state racing commissions. 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 and to stay abreast of current Federal regulation.

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

These rules are specific to horse racing but when required are consistent with state regulations for the Boards of Animal Health and Veterinary Medicine and USDA Animal and Plant Health Inspection Service (APHIS) requirements. Many of these proposed rules are meant to align with the new federal HISA program which went into effect on July 1, 2022. The cumulative effect is unknown as the program is new and regulations are being updated yearly. The remainder of the rules are updates or minor changes to existing rules with no specific cumulative effects.

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 2024 after receiving recommendations from racing stewards, racetracks, Racing Commission staff and industry members. Several stakeholder meetings were held to discuss the proposals. Meetings were held at various times with 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 were consulted. 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 four commissioners, on October 16th, 2024. 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. On October 17th, 2024, 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. The start of this rulemaking project was announced at the July 15, 2024, public meeting of the Minnesota Racing Commission.
2. 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.
3. Publishing the Request for Comments in the August 5, 2024, edition of the State Register.
4. 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.
5. Posting the Request for Comments on the Office of Administrative Hearings rulemaking e-comments website with a link from commission's website.
6. Posting the Request for Comments on the Commission's Facebook page.
7. 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.
8. E-mailing the Request for Comments to each of the commission's contact persons with the Class A & B licensees.
9. 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.
10. E-mailing the Request for Comments separately to each of our contacts at the five horsepersons' 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 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.
11. 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.

12. Commission staff will hold a public stakeholder meeting within the 60-day comment period, to obtain input from interested persons. This meeting will be announced at Commission meetings, via our website, and via our mailing lists as described above.

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 in the local or rural 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. Kyle Gustafson, Executive Director, Minnesota Racing Commission.
2. Dr. Lynn Hovda, Chief Commission Veterinarian, Minnesota Racing Commission.
3. E. Joseph Newton, General Counsel, Minnesota Racing Commission.

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

RULE BY RULE ANALYSIS

7869.1000 DEFINITIONS.

Subp. 31g. HISA-covered person.

The term HISA-covered person is added as it is commonly used throughout HISA regulations and by default, this rule packet. All HISA-covered persons must register online with HISA. It is important that each person involved in racing knows whether they are included. (Exhibit 1).

Subp. 31h. Horseracing Integrity and Welfare Unit.

This is a housekeeping update needed for re-lettering.

Subp. 50a. Qualifying line.

Qualifying line is a racing term used in another part of this rule package (7884.0190, Subp. 2) and is needed so people clearly understand what is being referred to. This is a colloquial racing term, so no exhibit is provided.

Subp. 51b. Race line.

Race line is a racing term used in another part of this rule package (7884.0190, Subp. 2) and is needed so people clearly understand what is being referred to. This is a colloquial racing term, so no exhibit is provided.

7869.0200 INCORPORATION BY REFERENCE.

Subp. 2A. Association of Racing Commissioners International.

This proposed rule change is needed as only Standardbred and Quarter Horse racehorses are currently regulated by the ARCI Endogenous, Dietary, or Environmental Substances Schedule. Thoroughbreds are regulated by HISA.

Subp. 2B. Association of Racing Commissioners International.

This proposed rule change is needed as only Standardbred and Quarter Horse racehorses are currently regulated by the ARCI Controlled Therapeutic Medication Schedule. Thoroughbreds are regulated by HISA.

Subp. 2C. Association of Racing Commissioners International.

This proposed rule change is needed as only Standardbred and Quarter Horse racehorses are currently regulated by the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule. Thoroughbreds are regulated by HISA.

Subp. 2D. Association of Racing Commissioners International.

This proposed rule change is needed as only Standardbred and Quarter Horse racehorses are currently regulated by the ARCI Multiple Medication Violation Model Rule. Thoroughbreds are regulated by HISA.

Subp. 2a. Horseracing Integrity and Safety Authority.

Since July 1, 2022, Thoroughbreds training and racing at United States tracks with pari-mutuel betting are regulated by the Horseracing Integrity and Safety Authority (HISA). The regulations are divided in nine different rules series, each being updated on a yearly basis and approved by the Federal Trade Commission (FTC). The most recent updates occurred in early July 2024 with additional updates to the Horseracing Integrity Welfare Unit (HIWU) sections expected in the next several months. The expectation is that updating will continue yearly as HISA refines and adds new rules and regulations. This frequent updating makes it difficult, if not impossible, to keep the MRC rules current with HISA rules, thus making it reasonable to adopt them by reference. (Exhibit 2).

7875.0100 FACILITIES.

Subpart 1. Facilities.

The requirement for an equine isolation facility is added to this list as it plays an important role in racetrack biosecurity. Both Minnesota racetracks have a small equine isolation facility, which can be used for horses with known or suspected infectious, communicable diseases, so this change is needed for completeness. The recent outbreak of equine infectious anemia (EIA) in three Southwestern states resulting in the death of 22 racing Quarter Horses underscores the importance of having a designated facility to house and care for horses, while preventing spread of disease. It is reasonable to make this rule change as it ensures that isolation facilities would be available if needed and underscores the importance of biosecurity. (Exhibit 3a and Exhibit 3b).

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subp. 1a. Timely licensure.

This proposed rule is needed to alleviate the pressures on the licensing office to provide last minute, emergency licenses to those who could easily have become licensed earlier in the day or week. It is reasonable because it supports timely licensing and helps prevent late scratching of programmed horses and changes to mutuals when owners waiting until the last minute are unable to be licensed because the office is closed or due to another unforeseen issue.

Subp. 3B. Trainers and assistant trainers.

The rules for obtaining a Thoroughbred or Quarter Horse trainer's or assistant trainer's license in Minnesota have not changed. This proposed rule change, as do several of them in this subpart, separates the requirements of flat racing, i.e. Thoroughbred and Quarter Horse racing, from harness racing, i.e. Standardbred racing. This is a needed and reasonable rule change as these are two distinct types of racing each with different associations and licensing requirements.

Subp. 3C. Trainers and assistant trainers.

The United States Trotting Association (USTA) provides and monitors licensing requirements for harness trainers and assistant trainers. The proposed rule is needed as it is specific for Standardbred horse trainers and assistant trainers applying for a first-time harness horse license and makes it clear that USTA requirements must be met. It is reasonable as it defines the path for first time harness horse trainer or assistant trainer licensure in Minnesota. (Exhibit 4).

Subp. 3D. Trainers and assistant trainers.

This is a housekeeping update needed for re-lettering.

Subp. 3E. Trainers and assistant trainers.

This is a housekeeping update needed for re-lettering.

Subp. 3F. Trainers and assistant trainers.

This is a housekeeping update needed for re-lettering.

Subp. 4. Prospective trainers and assistant trainers.

This proposed rule change is needed as it separates the requirements for the Thoroughbred and Quarter Horse trainers and assistant trainers from Standardbred trainers and assistant trainers. Neither the Jockey Club nor the American Quarter Association provide requirements for licensure as a trainer or assistant trainer. They are regulated by the individual racing jurisdiction. This is a reasonable rule change as these are two distinct types of Minnesota horse racing with different breed associations and licensing requirements.

Subp. 4B. Prospective trainers and assistant trainers.

This proposed rule change separates the requirements for those applying for a Thoroughbred and Quarter Horse trainer's or assistant trainer's license from those applying for a Standardbred trainer's or assistant trainer's license. Neither the Jockey Club nor the American Quarter Association provide requirements for licensure as a trainer or assistant trainer. They are regulated by individual racing jurisdictions. This is a needed and reasonable change as the rule requiring a passage of a written examination for those attempting to obtain a trainer's or assistant trainer's license for Thoroughbred and Quarter Horse racing has not changed but has been modified to be specific for those two breeds.

Subp. 4C. Prospective trainers and assistant trainers.

This proposed rule change separates the requirements for those applying for a Thoroughbred and Quarter Horse trainer's or assistant trainer's license from those applying for a Standardbred trainer's or assistant trainer's license. Neither the Jockey Club nor the American Quarter Association provide requirements for licensure as a trainer or assistant trainer. They are regulated by individual racing jurisdictions. This is a needed and reasonable change as the rule requiring a passage of a practical examination for those attempting to obtain a trainer's or assistant trainer's

license for Thoroughbred and Quarter Horse racing has not changed but has been modified to be specific for those two breeds.

Subp. 4D. Prospective trainers and assistant trainers.

This proposed rule is needed so an individual interested in obtaining a harness horse trainer's or assistant trainer's license understands this is regulated by USTA rule and that all USTA requirements for licensure must be met prior to receiving a license. The rule is reasonable as it clearly defines and provides prospective trainers with a specific path to licensure. (Exhibit 5).

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subp. 2H. Trainers.

In 2024, a board-certified veterinary equine ophthalmologist, board-certified veterinary equine surgeon, and two board certified veterinary internal medicine specialists provided consultation on individual equine cases at Canterbury Park or Running Aces Harness Park. None of them were licensed by the MRC as they were there only for a single day to evaluate a specific condition for an individual horse. In each case, the horse received an appropriate diagnosis, treatment, and care plan. A commission veterinarian was involved with each horse, arranged the consultation, and was present during the visit.

This exception to normal licensing rules is needed and necessary to provide additional specialized care for a small number of individual horses. It is not unusual for a few horses each year to require more extensive or advanced care than can be provided by the attending MRC licensed veterinarian. Trainers do not always have access to trailers making transportation to available clinics where there are specialists difficult and sometimes it is not in the best interest of the horse to attempt to transport. It is more direct to ask a specialist to come to the racetrack as a consultant. These veterinarians are not familiar with the backside and could easily become lost, so escorting them is an important part of this rule. In addition, the presence of a MRC commission veterinarian at the time of examination keeps the consultant, who may not be familiar with HISA and MRC rules, from providing treatment that may result in a medication overage or violate any other HISA or MRC rules. This is a reasonable rule change as it provides the best medical treatment for a small subset of horses while still ensuring regulatory oversight and compliance with MRC rules.

Subp. 2N. Trainers.

This is primarily a housekeeping correction as the rule (7897.0100, Subp. 11) was changed in 2023 so nerved horses are no longer able to race in Minnesota.

Subp. 2S. Trainers.

Like other changes in Chapter 7877, this proposed rule change separates Thoroughbreds and Quarter Horses requirements from those of the Standardbreds. The current rule itself has not changed for Thoroughbreds and Quarter Horses, but Standardbreds have been removed as transfers occur under a different rule. In Standardbred racing, there are circumstances where an owner/trainer, under the jurisdiction of the stewards, needs to move a horse to another trainer

(7884.0120, Subp. 12). When this occurs, accurate information is provided to the betting public by the stewards through the program or by announcement. This proposed rule change is reasonable as it provides accurate information specific to Thoroughbreds and Quarter Horses.

Subp. 2V. Trainers.

This proposed rule is needed to comply with HISA requirements, where transfer of trainer treatment records for claimed Thoroughbred horses follows a specific set of regulations. Under HISA rules, the transfer occurs through the HISA portal once the new trainer is identified. No paper records are transferred (HISA Rule 2261). The proposed rule change is reasonable as it complies with specific requirements for transfer of trainer treatment records provided by HISA. (Exhibit 6).

Subp. 2W. Trainers.

There is no change in the MRC rule other than to identify that it applies only to Quarter Horses and Standardbreds. It is a reasonable change as it separates Quarter Horses and Standardbreds where records continue to be transferred under MRC rules from Thoroughbreds where records are transferred according to HISA rules.

Subp. 2X. Trainers.

This is a housekeeping update needed for relettering.

Subp. 2Y. Trainers.

This is a housekeeping update needed for relettering.

Subp. 10F. Pony riders.

Lead pony riders are mounted individuals hired by the trainer to take care of their horse once it is on the racetrack. This includes picking up the horse as it enters the racetrack, staying with the horse as it warms up, and accompanying the horse to the starting gate. As such, they represent the association and are very visible to onsite fans and those watching on TV or portable devices, making a clean, tidy, and professional appearance an important part of their job. Most associations have some form of dress code for lead pony riders and this proposed rule makes it a requirement. It is reasonable as it allows each association to post and provide information in the condition book and elsewhere on what is considered appropriate attire. (Exhibit 7).

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1C. Racing Secretary.

This proposed change is needed so the stewards can perform their duties correctly and without worry. The official daily program contains information used by the stewards and others every working day. The stewards are responsible for providing mutuels and other involved parties with the specific, correctly spelled names of horses scratched (removed from racing) as well as jockey and trainer changes. To do this correctly and prevent errors they must have an accurate and complete program to refer to and work from. They need to know what jockey was named on

each horse and if a change is in order, what the past performance is of a horse when a trainer is requesting a change, or who the trainer of a specific horse is when a commission veterinarian requests that the horse be scratched from racing. It is reasonable to require the racing secretary to provide this information in a complete manner and not just a collection of summary pages stapled together.

Subp. 4. Paddock Judge; Thoroughbred and Quarter Horse races.

This housekeeping rule change is needed as all of subpart 4 is specific to Thoroughbred and Quarter Horse races. Subpart 4a is specific for harness races.

Subp. 4G. 2. Paddock Judge; Thoroughbred and Quarter Horse races.

This proposed change is a housekeeping update needed to bring this rule into alignment with 7883.0150, subp. 3, which states that blankets and bandages must be removed immediately upon arrival in the paddock.

Subp. 7C. Claims clerk (Thoroughbred, Quarter Horse, and Arabian only).

This rule change is needed to ensure that a person claiming a horse has enough money in their account to pay in total for the horse and is not short any additional money for taxes or fees. Claiming races are generally listed in the program for a designated amount of money, for example \$5000 or \$10,000. This would be the amount to claim a horse and would not include any additional taxes or fees on the claim. The rule is reasonable as it provides good business information to anyone wanting to claim a horse and ensures the claim will not be voided due to lack of funds should there be any additional fees or taxes.

Subp. 8. Commission veterinarian.

This heading is added as there are many subparts related to the work of the commission veterinarian but there is no actual heading.

Subp. 8b. C. Veterinarian's list.

This is proposed rule change is a simple housekeeping update as a specific rule regarding documentation was added in the 2023 packet and not updated in this rule until now. (Exhibit 8).

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subp. 2A. Horse must be registered and eligible.

This rule is needed to ensure that all Thoroughbred owners and trainers understand that in addition to being registered with the Jockey Club, their horse must be registered with HISA, or it cannot start in a horse race. It is reasonable as it puts trainers on notice that under HISA rules a horse is ineligible to start unless it has been appropriately registered with HISA. (Exhibit 9).

Subp. 2B. Horse must be registered and eligible.

This proposed rule change is needed to remove an older, inaccurate reference to freeze branding a horse with its registration number. Thoroughbred and Quarter Horse racehorses have either an older lip tattoo number that corresponds to their registration number or more recently, a permanent microchip with digital registration papers. This is a reasonable rule change as it provides accurate information on how Thoroughbred and Quarter Horse racehorses are identified.

Subp. 2a. C. Prohibited starters.

This is a housekeeping update to adjust for the new item in this subpart.

Subp. 2a. D. Prohibited starters.

This is a housekeeping update to allow for another item to be added to this subpart.

Subp. 2a. E. Prohibited starters.

This proposed rule is needed to provide a Thoroughbred or Quarter Horse with a rest period. Most trainers train and race their horses in a kind and thoughtful manner, typically racing once every 2 weeks. There are a few trainers who push their horses more and race them week after week after week. This is mentally and physically hard on the horse and a break or rest period is in order. This rule does not tell the trainer when or how to enter and race their horse, just that at some time in a 30-day period the horse needs a week off. It is broad enough to allow a trainer time to look at the condition book and plan while still giving the horse some needed rest. In addition, it provides support for those trainers who understand that the horse needs a rest but are getting pushed by an owner to repeatedly enter and race their horse. The proposed rule is reasonable as it supports humane treatment and health of the racehorse as well as protecting the betting public from horses that are overworked and cannot continue to race competitively. (Exhibit 10).

Subp. 4E. Entering procedure.

This proposed rule is necessary to ensure that a horse entered in a race will indeed have a jockey available and willing to ride that horse in the race. When a horse is entered in a race, but then a trainer is unable to find a jockey to ride the horse in that race, the horse needs to be scratched. This in turn negatively impacts the owner of the horse as they will not have the opportunity to have their horse compete and win purse money. This proposal is reasonable, because at the time of entering a horse in a race, a trainer can contact jockeys and their agents to confirm their availability and willingness to ride a horse in a particular race. In addition, this is a standard of practice at other racetracks. (Exhibit 11).

Subp. 4F. Entering procedure.

This proposed rule is necessary to prevent a situation where a jockey is named as the rider of multiple horses, when the jockey is only able to ride one horse. This results in a scratch for one

of the horses on which the jockey is named to ride or a late substitution of jockey for the horse that the original jockey chose not to ride. These late-scratch and late-jockey substitutions can create confusion and incomplete information for the wagering public, as bettors are left wondering which jockey will ride on which horse, or whether a horse will even end up racing. Horses on the also eligible list race only if another horse in the race has been scratched and horses on the Main Track Only list race only if inclement weather results in moving the race from the grass course (turf course) to the dirt track (main track). The allowance for a jockey to still be named on a horse that is on the also eligible list or Main Track Only list gives the jockey a back-up option if their primary horse is scratched from a race, without causing confusion for the public, as previously described. This change is reasonable, as jockeys and their agents have existing relationships with trainers, and they can evaluate which horse they prefer to ride prior to entries in a race being closed.

Subp. 4G. Entering procedure.

The draw occurs after entries for each race have been taken for a specific race day. It is a live process where the horse and named jockey are assigned a position in the starting gate for each race. This new rule is needed because there are instances where neither a jockey, nor their agent, can attend the draw for a race, yet a trainer may have named the jockey as the rider of a horse without informing the jockey. In some situations, a jockey may be unwilling to ride the horse for which they have been named the rider. This results in either a new jockey being named on that horse without that information being provided to the public in the program or the horse being scratched. Both outcomes deprive the betting public of having timely information about the horses and jockeys that will be running in a race. This proposal is reasonable, because it simply requires that jockeys confirm that they are willing to ride the horses on which they have been named. It is also reasonable, as it encourages trainers and jockeys to connect with each other prior to a race being drawn, to ensure that the trainer is naming a jockey who is willing to ride their horse.

Subp. 16B. Workout requirements.

Quarter Horses do not necessarily race as often as Thoroughbreds and while it is not unusual for them to have some time off between races, a layoff longer than 45 days is minor cause for concern. Long layoffs, in particular 60 days or more, are often associated with an injury or lameness that has required time to heal. This change to the current rule is needed to ensure that in the event of a layoff longer than 45 days, a Quarter Horse has had a least one timed workout and for layoffs longer than 60 days at least 2 timed workouts. A timed workout, which includes a required distance and acceptable time, shows how fit and race ready a horse is. A horse must pass both the distance and time requirements for the workout to be official and the horse entered to race. Results of recent timed workouts are also printed in the program to provide information for the betting public. Horses that haven't raced for longer than 45 days may not be physically fit or capable of racing in the race or division entered and those that have not raced for longer than 60 days are at even greater risk of racing poorly or having a catastrophic injury. This long layoff provides an unfair advantage to the betting public who expects that all horses will be evenly matched and race to their ability. This rule is reasonable as it prevents unfit or unsound horses

from racing, detracts trainers from entering horses that are sore and “might go” from those that are capable of racing, and provides current information for the betting public. (Exhibit 12).

Subp. 16J. Workout requirements.

This rule is needed to ensure that all Quarter Horses entered at 870 yards are indeed capable of racing competitively for that distance. A race of 870 yards is generally a mixed race, that is both Thoroughbreds and Quarter Horses are racing against each other. All Thoroughbreds can race 870 yards at speed. Almost all Quarter Horses race at distances of 440 yards or shorter and few can race at a consistent high speed for a longer distance like 870 yards. One timed workout at 660 yards, which includes a predetermined time for the workout to be official, is needed to ensure the Quarter Horse is not only sound and but will be competitive in a race that is much longer than normal for that breed. This rule is reasonable as it prevents a trainer from inappropriately entering a Quarter Horse into a race where it will be noncompetitive, which in turn protects the betting public. (Exhibit 13).

Subp. 20. Quarter Horses must stand in the gate.

Quarter Horses entered in a stakes race frequently ship in from another racetrack for the race. This rule is needed to allow the starter time to become familiar with each horse and any of the horse’s special requirements, i.e. load first in the gate, needs a tail restraint, will test the flipping halter, etc. before it comes to the gate for a race. Some Quarter Horses do not stand quietly in the gate, which again gives the starter and assistant starters advance warning so they can shield or protect the adjacent horses in the starting gate by loading it last. It also provides the starter with the ability to assign a horse that is poorly behaved to a more experienced assistant starter or even recommend a scratch if the horse cannot or will not stand in the gate. The proposed rule is reasonable as it provides information useful to the starter before the horse is brought to the gate for a race and may prevent late scratches or serious gate accidents.

7883.0130 PENALTIES AND ALLOWANCES.

Subp. 4A. Sex allowance.

This proposed rule change is needed to separate Thoroughbred weight allowances based on sex from those of Quarter Horses where there are no sex allowances. There is no change for Thoroughbred fillies and mares, just the removal of Quarter Horses from this rule.

Subp. 4B. Sex allowance.

This proposed new rule, specific for Quarter Horses, is needed to comply with the industry standard for racing Quarter Horses. Quarter Horses race over very short distances, measured in yards, and faster times, measured in seconds, and the addition of weight for younger fillies and mares does not benefit them and in fact may be a detriment. The proposed rule is reasonable as it complies with industry standards at most Quarter Horse racetracks. (Exhibit 14a and Exhibit 14b).

7883.0140 CLAIMING RACES.

Subp. 8A. Voided claims.

This is a housekeeping change to adjust for the new item in this subpart.

Subp. 8B. Voided claims.

This proposed rule change is needed as it separates how voided claims on Thoroughbreds and Quarter Horses are processed. The process for voiding a Quarter Horse claim continues under the original MRC rule. The process for voiding a Thoroughbred claim is controlled by HISA and is provided in a newly proposed rule (7883.0140, Subp. 8C).

Subp. 8C. Voided claims.

This proposed rule is needed as it provides the process for voiding a claim on a Thoroughbred racehorse. HISA rules provide for voiding a claim only if the horse is placed on the veterinarian's list within one hour as unsound or bleeding. It is a reasonable rule change as it conforms with HISA regulations at pari-mutuel racetracks. (Exhibit 15).

Subp. 15. Protest of claim for Quarter Horses.

The change is needed as the current rule for protesting a claim is specific for Quarter Horses. Thoroughbred claim protests take place under HISA regulations are provided in a new rule (7883.0140, Subp. 15a).

Subp. 15a. Protest of claim for Thoroughbreds.

Again, the proposed rule is needed to separate claiming rules for Thoroughbreds from those for Quarter Horses. The process for protesting a Quarter Horse claim continues under the original rule (7883.0140, Subp. 15) while that for a Thoroughbred is now regulated by HISA. (Exhibit 16).

7883.0150 PADDOCK TO POST.

Subp. 14A. Flipping halters.

This is a housekeeping update to allow for re-lettering.

Subp. 14B. Flipping halters.

Flipping halters are used on unruly horses to prevent them from rearing in the starting gate and injuring themselves or the jockey. They essentially tie a horse into the gate and by design are released when the gates open. A race is considered started when horses are dispatched from the gate. Occasionally a flipping halter does not release appropriately, and that horse does not leave the gate, while the remainder of the field does. In this instance, the race is considered to have started as all the other horses have left the gate. The use of a flipping halter on an individual

horse is specified in the program so all interested individuals know it is being worn. This rule is needed and reasonable to ensure that everyone involved, including the betting public, understands that should a flipping halter prevent a horse from leaving the starting gate, the race has started and there is no refund on wagering. (Exhibit 17a and Exhibit 17b).

7883.0160 POST TO FINISH.

Subpart 1. Thoroughbreds and Quarter Horses must be tattooed physically or be microchipped and tattooed digitally.

This proposed rule change is needed to simplify the content, as left alone it is confusing. To be clear, Thoroughbreds and Quarter Horses must have a physical tattoo OR a microchip and digital tattoo to start. Physical tattoos are directly related to the horse's registration papers with either the Jockey Club or AQHA and are on file with the Racing Secretary. Microchips can be inserted at any time in the horse's life and are not an accurate means of identification until assigned to the horse's digital tattoo which provides additional information like color, physical description, sex, and any identifying marks used by the identifier to be certain the correct horse has been brought up for the race.

7883.0170 RACING EQUIPMENT.

Subp. A3. Equipment.

This subpart is being split up to allow for specific regulations on horseshoes for Quarter Horses and Thoroughbred horses.

Subp. A3. a. Horseshoes.

This change is needed to separate horseshoe requirements for Thoroughbreds from those of Quarter Horses. The best height of the Thoroughbred shoes to prevent injury has long been determined to be close to flat. It is reasonable as the two breeds start differently, race different distances, and use different muscle groups while starting and racing.

Subp. A3. b. Horseshoes.

This proposed rule is needed to separate the horseshoe requirements of Thoroughbreds from those Quarter Horses. Thoroughbreds start in a more controlled manner, race longer distances, and use different muscle groups while starting and racing. Quarter Horses have a more explosive start, use their hind end to push more, cover much shorter distances, and use different muscle groups while racing. The Association of Racing Commissioners International (ARCI) recognized these differences in the August 2024 meeting and modified their Quarter Horse horseshoe rule. It is reasonable to change this rule for Quarter Horses as it accommodates their different racing styles and prevents the need to change a horse's horseshoes as it moves from track to track. (Exhibit 18a, Exhibit 18b, and Exhibit 18c).

7884.0120 ELIGIBILITY AND ENTERING.

Subp. 16. Entered horse to be on grounds.

A non-purse race is one where no purse money is given. In harness racing, these are almost always qualifying races, which are races used to establish eligibility or fitness to race. Horses in qualifying races are not typically stabled on grounds and are brought only for the qualifying race and then returned to their home stable. Often, these horses are shipping from long distances and must leave their farm or training center many hours before their qualifying race. This proposed rule change would allow the trainers to leave later in the day, but still be on the racetrack grounds in time for the regulatory veterinarian to examine their horse if necessary. It is a reasonable change as it saves the trainers time and prevents a horse standing in a stall for five or more hours before their qualifying race.

7884.0130 PREFERENCE SYSTEM.

Subpart 1. Association to establish preference system.

This rule is struck as it is being replaced with a more current version of the same content from the United States Trotting Association.

Subp. 1a. Preference date.

The proposed rule change is needed to align MRC preference system rules with the current USTA rule used in other racing jurisdictions. The preference date is the date used to determine a horse's eligibility to race, and with a few exceptions is based on the last date it competed in a purse race. The main change with the USTA preference system is the exception present in subpart A2, where if the horse is now racing for a first time in a year, the qualifying date becomes their preference date rather than declaration in a purse race. This proposed change is reasonable as the USTA rule is used in other harness horse jurisdictions making it easier for trainers as they ship from track to track. (Exhibit 19).

7884.0180 TIME TRIALS.

This rule is struck as time trials are no longer used in harness racing.

7884.0190 QUALIFYING RACES.

Subp. 2C. Horses required to compete in qualifying races for race meets longer than two weeks.

This proposed rule change is needed so the betting public is provided with the best representation of a horse's racing ability. Qualifying lines and race lines provide a comprehensive and complete picture of a horse's past performances. Under the old rule, a horse could race at a fair meet where no records or charts were kept and then race at a pari-mutuel track if it had a charted line sometime, somewhere in the current year. This proposed change is reasonable as it removes the uncharted fair meets and requires a horse to have a charted qualifying or racing line within the

past 44 days to be eligible to enter and race. This in turn allows the betting public to make a more informed decision based on actual performance.

Subp. 2a. B. Horses required to compete in qualifying races regardless of duration of meet.

This proposed change is needed to ensure that all horses choking, bleeding, or falling, regardless of where they are during a race period, participate in a qualifying race. Horses are monitored closely during all parts of a racing event, not just the warmup or race itself. Falling is something regulatory veterinarians worry about as the bones in a horse's head are very fragile and significant damage can easily occur if not monitored closely. Occasionally a fall is reported but not witnessed by a regulatory veterinarian who is left to wonder what exactly occurred. While it is easy to see if a horse is bleeding or any cuts and abrasions are present, it is not easy to tell if neurological damage has occurred from a fall. Observing the horse in motion is necessary for a thorough and complete evaluation of neurological status. This rule is reasonable as it provides an additional safety measure for the horse and driver and allows the regulatory veterinarian to examine the horse in the stall and while participating in a qualifying race.

Subp. 2a. D. Horses required to compete in qualifying races regardless of duration of meet.

This rule is struck as it does not allow the stewards any latitude in determining whether a horse needs to qualify. Not all horses that are distanced need to qualify. A horse may be distanced or in other words, be far at the back of the pack, for several reasons, not all of which are related to physical problems. Sometimes a horse, particularly a young filly racing against more mature geldings, is placed in a race where it is disadvantaged and not expected to perform well but is there due to the method of Minnesota bred classification. This horse does not have the physical ability to compete in that race and is distanced, but essentially hung up there until reclassified after another start or two. It is reasonable to strike this rule as it allows the stewards, who are aware of the Minnesota bred classification system, to decide if the horse needs to qualify.

7884.0250 RECALLS.

Subp. 4A. Inquiry into failure to sound recall.

This is a housekeeping adjustment to split the subpart into parts "A" and "B".

Subp. 4B. Inquiry into failure to sound recall.

This proposed rule is needed to clarify the process used by the stewards to place horses finishing the race when interference occurs prior to the start of a race. It is a reasonable rule as it provides an accurate description of how interference before a race will be dealt with and ensures the integrity of Standardbred racing as no horse should finish ahead of a horse that it interfered with regardless of where the interference occurred.

7884.0260 DRIVING RULES.

Subp. 2T. Conduct after word "go" is given.

The change from judges to stewards is a housekeeping change as by definition in statute (240.01, Subd. 21), steward means judge. (Exhibit 20a).

The remainder of the proposed rule change is necessary to allow the stewards to accurately determine whether a whip violation has occurred. Sometimes, a whip needs to be used as a safety measure to control or turn a horse that is not behaving well, interfering with other horses or drivers, or involved in an accident on the track. This is a reasonable rule change as the stewards can directly see and respond immediately to what has happened and if needed, review the replay with the driver.

Subp. 2T. 5. Conduct after word “go” is given.

This proposed rule addition is needed to protect the horse from significant harm by limiting the height of the whipping motion. It is reasonable, as in addition to just using wrist action, the driver is prevented from using an overly aggressive whipping technique. (Exhibit 20b, Exhibit 20c, and Exhibit 20d).

7890.0100 DEFINITIONS.

Subp. 13a. C. Medications.

This rule is needed to remove the indiscriminate use of antibiotics in topical applications. It does not prevent a veterinarian from prescribing an antibiotic cream or salve for a specific horse but limits the routine use in topical substances. It is reasonable as it is consistent with the One Health initiative for decreasing the incidence of antibiotic resistance by reducing the use of antibiotics in the animal population. (Exhibit 21).

Subp. 14d. Out-of-competition testing.

Out of competition testing is testing done on non-race days to prevent trainers from using drugs that violate MRC and HISA rules. Hair has been added to the list of out of competition testing modalities as it is no longer a nebulous idea, but a well-defined technique used to detect specific substances like clenbuterol, albuterol, and others. Clenbuterol is a banned substance often abused due to its ability to promote skeletal muscle growth, much like an anabolic steroid. Some unscrupulous trainers administer it for days in a row and stop three days before a race, so the horse does not test positive in blood. Depending on the length of the hair sample, clenbuterol can be found for months in hair thus providing another avenue of detection. The addition of hair to routine out of competition testing is reasonable as it provides another deterrent to those trainers who deliberately attempt to circumnavigate the rules. (Exhibit 22a and Exhibit 22b).

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

Subpart 1. Administration.

This is a housekeeping change to align the rule with the current MRC rule 7890.0100, Subp. 13a. A2, which states that no NSAIDS can be administered within 48 hours before post time for the race in which the horse is entered.

Subp. 8a. B. Intra-articular injections.

HISA has a very specific rule (HISA Rule 2271. a12) regarding the use of any corticosteroid in the fetlock (metacarpophalangeal or metatarsophalangeal joint) of a Thoroughbred within 30 days of a race. The fetlock joint is one of the most common joints injected in Thoroughbreds and the one most often associated with catastrophic injuries. A few trainers routinely inject this joint every 14 days which may result in degradation of the cartilage, damage to the bone, and a training or racing injury or death. Limiting the injection to once every 30 days prevents this overzealous use. This rule is needed and reasonable as it may help decrease the incidence of injury and to ensure compliance with HISA regarding corticosteroid injections in the Thoroughbred fetlock joint. (Exhibit 23).

Subp. 8a. C. Intra-articular injections.

This is a housekeeping update needed for re-lettering.

7890.0120 REPORTING PROCEDURES.

Subpart 1A. Veterinarians must keep records.

This proposed rule is needed to separate reporting of veterinary treatment records for Thoroughbreds from those of Quarter Horses and Standardbreds. Veterinarians treating any Thoroughbred racehorse must submit all diagnostic procedures and treatments electronically to HISA within 24 hours. They can use one of several designated electronic sites or enter directly into the HISA portal using their cell phone, tablet, or computer. This is a reasonable rule as it applies specifically to mandated HISA reporting for Thoroughbred racehorses, while reporting for Quarter Horses and Standardbreds continue under the original MRC rule (7890.0120, Subp. 1B). (Exhibit 24).

Subpart 1B. Veterinarians must keep records.

This proposed rule change is needed to separate submission of veterinary records for Quarter Horses and Standardbreds from that of Thoroughbreds, where reporting will be done under the newly proposed rule (7890.0120, Subp. 1A). It is a reasonable rule change as it continues to provide appropriate reporting procedures for Quarter Horse and Standardbred racehorse veterinary treatment records.

7890.0160 RESPONSIBILITY OF VETERINARIAN.

A.

This is a housekeeping change for necessary item re-lettering.

7891.0100 RACING SOUNDNESS EXAMINATION.

Subpart 1A. 7. Horses subject to examination.

This is a simple housekeeping update to correctly identify the system used by the MRC Commission veterinarians to enter prerace examination findings.

7891.0110 POSTMORTEM EXAMINATION.

Subp. 2A. 1. Test samples to be taken for analysis.

This proposed rule is needed and necessary as HISA has developed their own system for collection and submission of samples from Thoroughbred racehorses. There are small changes in how sample collection occurs, but the method in how they are documented and submitted to the laboratory is quite different. In addition, no HISA samples are retained on site for potential split sample analysis; all are submitted to the laboratory together. It is a reasonable rule as HISA controls all areas of Thoroughbred racehorse testing. (Exhibit 25a and Exhibit 25b).

Subp. 2A. 2. Test samples to be taken for analysis.

This proposed rule change is needed for the submission of samples taken from Quarter Horses and Standardbreds. No Thoroughbred racehorse samples are included in this rule. It is reasonable as the MRC currently contracts with a laboratory for analysis of samples taken only from Quarter Horses and Standardbreds.

Subp. 2B. Test samples to be taken for analysis.

The MRC veterinarians have been obtaining hair samples prior to euthanasia for the past three years so this rule is needed to support that practice. Hair is a valuable testing modality as it provides a snapshot of what drugs were administered to the horse anywhere from a few days to several months ago. Blood is generally obtained prior to euthanasia; urine is not collected before euthanasia. It would be inhumane to postpone euthanasia until a horse has passed urine. Collecting urine after euthanasia is rarely done, primarily as the chain of custody is incomplete or the sample is contaminated. This makes hair, which is very easy to obtain, the backup sample for blood. It is reasonable to add this rule change as hair sampling provides valuable information and the MRC veterinarians have been doing it for three years without incident.

Subp. 4. Report of injury or death.

The name change is a housekeeping update to better encompass what the subpart covers.

Subp. 4A. Report of injury or death.

This is a housekeeping update for necessary subpart re-lettering.

Subp. 4B. Report of injury or death.

The proposed new rule is needed as it spells out the timeline for notifying HISA about a deceased horse and reasonable as it puts the MRC in compliance with HISA Rule 2135. a9. (Exhibit 26).

Subp. 4C. Report of injury or death.

The proposed new rule is needed to correspond with the timeline for notifying HISA about injuries. The HISA rule specifically states 24 hours for a fatality and 72 hours for other injuries, but due to the large number of injuries at many racetracks HISA allows weekly submission of an Excel file for those injuries that did not result in a fatality. The rule is reasonable as it follows HISA Rule 2131. c8 yet allows for more painless and less time-consuming reporting of injury results by the Safety Director. (Exhibit 27).

Subp. 5. Postmortem reports.

The name change is a housekeeping update to better encompass what the subpart covers.

Subp. 5A. Postmortem reports.

The new rule once again separates Thoroughbreds, running under HISA rules, from the Standardbreds and Quarter Horses, which are still regulated by MRC statutes and administrative rules. This rule is reasonable as it separates horses into two distinct groups and ensures that all parties understand how postmortem reports for each group need to be submitted. (Exhibit 28).

Subp. 5B. Postmortem reports.

This rule change is needed as information from Thoroughbred and Quarter Horse racehorses only is provided to the Jockey Club. No Standardbred information is provided. The rule is also a housekeeping update as it corrects the name of the organization collecting postmortem reports for Thoroughbreds and Quarter Horses.

Subp. 5C. Postmortem reports.

This new rule is needed to provide information on who receives final postmortem reports and how they are used. Every horse that dies at a Minnesota regulated racetrack goes to the University of Minnesota Diagnostic Laboratory for a complete necropsy by a board-certified pathologist (7891.0110, Subp. 1). Under MRC rule 7891.0120, Subp 1 and HISA rule 2121 c1. vA-C. the mortality review committee meets to review the circumstances under which a horse has died and whether it was a catastrophic race related injury or a medical/surgical problem. Necropsy results are provided to the trainer and trainer's veterinarian by a regulatory veterinarian prior to mortality review so they understand what occurred and are not surprised when the results are discussed in an open manner. The rule is reasonable as it allows every person involved in an equine death to clearly understand the disposition and use of the postmortem reports received from the University of Minnesota Veterinary Diagnostic Laboratory. (Exhibit 29a and Exhibit 29b).

7892.0105 MEDICAL TESTING FOR THOROUGHBRED RACEHORSES.

This proposed rule is necessary as HISA has complete control over the medical testing of all covered Thoroughbred racehorses. This includes out of competition testing, bicarbonate loading testing, post-race testing, and any samples obtained before or after euthanasia. It is a reasonable rule as it pertains only to Thoroughbreds as Quarter Horses and Standardbreds continue to race under MRC statutes and rules. (Exhibit 30).

7892.0110 OUT-OF-COMPETITION TESTING FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This is a needed and reasonable rule change as these rules are now specific for Quarter Horses and Standardbred horses. Thoroughbreds are covered by HISA rules.

7892.0120 TAKING OF SAMPLES FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This is a needed and reasonable rule change as these rules are now specific for Quarter Horses and Standardbred horses. Thoroughbreds are covered by HISA rules.

7892.0130 TESTING FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This is a needed and reasonable rule change as these rules are now specific for Quarter Horses and Standardbred horses. Thoroughbreds are covered by HISA rules.

7892.0140 RECORDS FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This is a needed and reasonable rule change as these rules are now specific for Quarter Horses and Standardbred horses. Thoroughbreds are covered by HISA rules.

7892.0150 PURSES FOR QUARTER HORSE AND STANDARDTBRED RACEHORSES.

This is a needed and reasonable rule change as these rules are now specific for Quarter Horses and Standardbred horses. HISA controls the length of time documents for Thoroughbreds are retained.

7895.0300 QUARTER HORSE BREEDERS' FUND.

Subp. 3A. Distribution of money.

The published live race meet at Canterbury Park is from mid-May to mid-September. Thoroughbreds race from the first day until the last day of the published meet. Quarter Horses in Minnesota do not follow this timeline and currently race at Canterbury Park from mid-June until mid-to-late August, although the exact date varies from year to year. They begin racing at a time when there are enough Minnesota Quarter Horses on the backside to support Quarter Horse racing. This leaves several weeks on each side of the Canterbury Park live meet when

Minnesota-bred Quarter Horses may be racing out of state. This proposed rule is needed to provide a time frame of eligibility for Breeder's Fund Awards when there is no Quarter Horse racing at Canterbury Park, and horses are racing in other jurisdictions. It is a reasonable change as clearly spells out that once the Minnesota Quarter Horse racing begins with a scheduled live Quarter Horse race and continuing through the last scheduled live Quarter Horse race, purse earnings in a North American race outside of Minnesota are not eligible for Breeder's Fund awards.

7897.0100 PROHIBITED ACTS.

Subp. 15A. Removing a horse without permission.

This proposed rule change is needed as it separates removing a Thoroughbred or Quarter Horse from backside from those rules for removing a Standardbred. There are many more Thoroughbreds and Quarter Horses than Standardbreds and every Thoroughbred and Quarter Horse is assigned a specific barn and location prior to arrival. Their paperwork, including all vaccinations, equine infectious anemia testing, and certificate of veterinary inspection is checked for completeness prior to arrival. Thoroughbreds and Quarter Horses live, train, and race at Canterbury Park, rarely leaving even for a day or so. Backside veterinarians licensed by the MRC are present to provide treatment and there is no reason for them to leave other than a medical emergency, which must be reported to the stewards and an MRC commission veterinarian. This rule itself is reasonable as it keeps this large number of horses in a closed environment, which decreases the incidence of infectious and communicable diseases. It also prevents unscrupulous trainers or owners from taking their horses off site for illegal or banned treatments such as shockwave therapy or administration of a bisphosphonate drug.

Subp. 15B. Removing a horse without permission.

This proposed rule change is needed as it separates removing a Thoroughbred or Quarter Horse from the backside from removing a Standardbred. Ideally the same rule for Thoroughbreds and Quarter Horses would apply to Standardbreds, but there are not enough stalls at Running Aces Harness Park for all the horses and it is the nature of Standardbred racing throughout the United States to ship in and out to train and race. A certain number of stalls at Running Aces are kept for ship in horses, so they have someplace to rest overnight and receive veterinary treatment if needed. Their paperwork must be updated every 30 days with a special attention to vaccination history and known infectious diseases. Keeping horses that live on the backside safe from illness is more difficult when horses ship in and out from many different locations around the state or from another racetrack located out of state. It is reasonable to require an entered horse to be on the grounds at 9AM the day before it races and not be removed so there is time to accurately identify, examine, test, and move it to an equine isolation facility should it be suspected of harboring an infectious or communicable disease. Keeping horses on the grounds once they have arrived also gives the practicing veterinarian and regulatory veterinarian time to deal with any unsoundness issues that may have developed after arrival.

Subp. 17B. 1. Hypodermic equipment and injectable substances prohibited.

This is a housekeeping update needed to adjust for the new items in this subpart.

Subp. 17B. 2. Hypodermic equipment and injectable substances prohibited.

This is a housekeeping update needed to adjust for the new items in this subpart.

Subp. 17B. 3. Hypodermic equipment and injectable substances prohibited.

This rule is needed as some oral solutions or suspensions are dispensed by pharmacies and manufacturers with a small syringe meant to draw fluid out of the container. The tip of the syringe has been modified so no needle can be put on the tip and used for injecting medication. For small oral use syringes, the tip of the syringe is wider and cannot support a needle. It is reasonable to add this rule as it will prevent a trainer or assistant trainer from being penalized by inadvertently possessing what is perceived to be an illegal syringe. (Exhibit 31).

Subp. 17B. 4. Hypodermic equipment and injectable substances prohibited.

This proposed rule is needed as 60cc disposable syringes meant for irrigating a wound, foot abscess, or other body area are commercially available. Generally referred to as a “catheter tipped syringe” or “syringe without a needle”, the syringe is specifically designed so no needle can be attached and used for injecting medication. It is reasonable to add this rule as it will prevent a trainer or assistant trainer from being penalized by inadvertently possessing what is perceived to be an illegal syringe. (Exhibit 32).

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. Drugs.

There are several significant proposed changes to this rule. The MRC investigative staff has replaced the director of security as these are the onsite individuals dealing with a licensee who may be endangering a horse, themselves, or others, or are demonstrating impaired behavior. The investigators are closely involved with the issue and the ones, in conjunction with the stewards if they are onsite and available, who should request evaluation or a diagnostic test. The provision for a second confirmatory test is needed should the first test taken be only diagnostic. Often first tests are strictly qualitative, with the results showing only whether a substance is present; a few provide the presence of along with groups of numbers that correlate to different concentrations. A second, more in depth test at a location determined by the commission may be needed for those substances when confirmation and quantitation of the amount present is required. Based on the amount of alcohol or medication present, the individual may not be allowed to compete that day.

These rules are needed and reasonable as they allow the investigative staff and stewards to do their job and keep the backside safe from individuals experimenting with prescription, illegal, and prohibited drugs including excess amounts of alcohol. They also clearly lay out the mechanism for testing and repercussions should drug levels be elevated over what is routinely

expected based on an individual's personal prescription or alcohol concentration over those provided in rule.

EXHIBITS

Exhibit 1	HISA Rule 1020; Definitions
Exhibit 2	HISA Regulations Homepage; Rule Series 1000 through 9000
Exhibit 3a	Paulick Report, Oct. 28th, 2024; EIA Update: Total of 22 Quarter Horses Reported Dead
Exhibit 3b	UC Davis Veterinary Medical Teaching Hospital; Basic Equine Facility Biosecurity for Horse Owners and Horse Professionals
Exhibit 4	USTA Rules 17.06-17.09 and 17.12, 17.14, Drivers and Trainers
Exhibit 5	USTA Rules 17.06-17.09 and 17.12, 17.14, Drivers and Trainers
Exhibit 6	HISA Rule 2261; Transfer of Claimed Covered Horse Records
Exhibit 7	Canterbury Park Condition Book: Pony Rider & Groom Attire
Exhibit 8	Minnesota Racing Commission Veterinary Department Pre-Workout Examination Form
Exhibit 9	HISA Rule 9000(h); Registration of Covered Horses
Exhibit 10	Laurel Park, Maryland: November 2024 Condition Book
Exhibit 11	Nevada Rule 30.344; Name of jockey to be furnished
Exhibit 12	Trainer Magazine, April 12, 2019; Should all racehorses have a mandatory layoff?
Exhibit 13	Kentucky Rule 4:030 Section 3. (8)(g); Procedure for Making Entries
Exhibit 14a	Iowa Rule 491 10.4(5). (g)(4); Sex Allowances
Exhibit 14b	Illinois Administrative Code 11 1440.50; Apprentices, Special Allowances and Weights
Exhibit 15	HISA Rule 2262; Void Claim
Exhibit 16	HISA Rule 2262(g) and 2262(h); Void Claim
Exhibit 17a	Picture of flipping halter
Exhibit 17b	Kentucky Rule 4:040. Section 10. (6)(b); Horses Left at Post
Exhibit 18a	ARCI-010-030 (31); Horses Ineligible
Exhibit 18b	Indiana Rule 7.5-5-1. Section 1. (a)(27); Horses ineligible
Exhibit 18c	Texas Administrative Code Rule 313.426. (b); Toe Grabs Prohibited
Exhibit 19	USTA Rule 14.10, Preference Date
Exhibit 20a	Minnesota Statutes 240.01. Subd. 21; Definitions
Exhibit 20b	New York proposed rule 4117.8. (c)(3); Whips, goads and head poles
Exhibit 20c	New Jersey Administrative Code Section 13:71-20.15. (c)(3); Restricted use of whip and prohibition of goading devices
Exhibit 20d	USTA Rule 18.08(c)(3); Urging Regulations, Prohibitions, and Penalties
Exhibit 21	JAVMA, August 2024, Vol. 262, No. 8; Mapping the future of antimicrobial use data collection in US animal agriculture: insights from FDA-funded pilot studies
Exhibit 22a	Washington State Legislature 260-70-665; Hair testing
Exhibit 22b	Texas A&M Veterinary Medical Diagnostic Laboratory, August 14th, 2024; Segmental analysis of hair for drug detection in racing horses
Exhibit 23	HISA Rule 2271(a)(12); Prohibited Practices
Exhibit 24	HISA Rule 2251(b) and 2251(c); Veterinary Reports

Exhibit 25a	HISA Rule 2162; Catastrophic Injury
Exhibit 25b	HISA Rule 5130(e); Prioritizing Between Covered Horses, Types of Testing, and Samples
Exhibit 26	HISA Rule 2135(a)(9); Responsibilities and Duties of Regulatory Veterinarian
Exhibit 27	HISA Rule 2131(c)(8); Safety Director
Exhibit 28	HISA Rule 2170(c)(3); Necropsies
Exhibit 29a	HISA Rule 2121(c)(1)(v)(A)(B)(C); Racetrack Risk Management Committee
Exhibit 29b	HISA Equine Catastrophic Injury Trainer Review Template
Exhibit 30	HISA Regulations Homepage; Rule Series 1000 through 9000
Exhibit 31	Picture of disposable syringe for oral use with no needle attachment
Exhibit 32	Picture of 60cc disposable syringe with no needle attachment

CONCLUSION

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



DATE: 12/23/2024

**This document available for
public review on this date.**

Kyle Gustafson
Executive Director
Minnesota Racing Commission