

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the following responsibilities:

- A. Owners are responsible for stakes payment, jockeys' fees, and drivers' fees.
- B. Any owner wagering for a jockey/driver on any horse that the jockey/driver is to ride/drive for the owner shall keep a written record of the wager.
- C. Owners shall comply with rules of claiming as specified in chapter 7883.
- D. An owner of a thoroughbred, quarter horse, arabian, or other breed is responsible for the registration of colors and for their availability to, and use by, the jockey engaged to ride the owner's horse.
- E. Upon receipt of a positive lab report, an owner is subject to part 7892.0150.

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

A. A trainer shall keep in his or her charge or under his or her supervision at the racetrack horses owned only by owners who are licensed by the commission.

B. A trainer shall ascertain the true identity of all horses in his or her charge.

C. A trainer shall be responsible for horses he or she enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

(1) No trainer may start or permit a horse in his or her custody, care, or control to be started if he or she knows, or might have known, or has cause to believe, that the horse has received any medication in contravention of the provisions of chapter 7890.

(2) The commission shall consider any positive test to be prima facie evidence that the trainer is responsible for such positive test unless he or she can prove by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication.

(3) A trainer must guard each horse trained by him or her in such a manner and for such time prior to racing the horse as to prevent the administration of any medication in contravention of the provisions of chapter 7890.

D. A trainer must obtain a designated stall assignment from the association before occupying any stall on the racetrack grounds.

E. A trainer must register each horse in his or her charge within 24 hours of the horse's arrival on the grounds of an association by completing forms provided by the racing secretary. At the same time, any trainer of thoroughbred, quarter horses, arabian, or other

breeds must submit with that registration a description of the owner's colors for each horse in his or her charge.

F. Each trainer must provide a list of all persons in his or her employ to the association's security office and must ensure that those persons are licensed by the commission no later than the next racing day after those employees arrive on the grounds of an association. Upon discharge of an employee, the trainer shall report that fact to the association's security office by no later than the end of that racing day.

G. The trainer shall supply each horse in his or her care with adequate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

H. A trainer may use only veterinarians licensed by the commission to tend horses in his or her care that are entered to race or at any time that the horses are on the grounds of an association.

I. No trainer may register under a stable name as trainer, but may be permitted to be the owner or part-owner of horses registered under the stable name.

J. A trainer shall represent an owner in making entries and scratches, and in all other matters pertaining to the running of a race.

K. A thoroughbred, quarter horse, arabian, or other breed trainer shall personally attend his or her horses in the paddock, and shall supervise his or her horses' preparation to race, unless excused by the stewards because of illness or other emergency.

L. If a trainer is responsible for two or more horses in any race, the trainer shall instruct the jockeys or drivers he or she has engaged that each shall give his or her best effort and that each horse shall be ridden or driven to win.

M. If a horse entered to race becomes unfit for racing because of illness or injury, the trainer shall notify the stewards or the commission's veterinarian promptly.

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier and racing secretary.

O. A trainer is responsible for having each horse in the trainer's charge that is racing in Minnesota or stabled on the grounds of an association tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. A copy of each horse's negative EIA test results must be attached to the horse's foal registration certificate on or before the time of entry into a race or the entry must not be accepted. The EIA test certificates must be dated

within a 12-month period prior to the date of entry, and must be renewed or replaced on the foal registration certificate no later than 48 hours following the date of expiration.

P. A trainer must ensure that at the time of arrival at a licensed racetrack, each horse in the trainer's care is accompanied by an original health certificate issued not more than ten days prior to the arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificates must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian.

Q. A trainer must promptly report the death of any horse in his or her care on the grounds of an association to the commission veterinarian and must comply with part 7891.0110 governing postmortem examinations.

R. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

S. Trainers licensed as owners must train all horses owned wholly or in part by them.

T. Each trainer shall comply with all provisions of Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

Subp. 2a. **Assistant trainers.** An assistant trainer shall be charged with the same responsibilities as a trainer. If warranted after full consideration by the stewards of all facts and circumstances as contained in chapter 7879, the assistant trainer shall be held equally culpable with the trainer by whom the assistant trainer is employed for any acts to which the assistant trainer has prior knowledge or involvement.

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

A. An apprentice jockey must ride with a five-pound weight allowance beginning with his or her first mount and for one full year thereafter, unless the jockey is riding in stakes races, handicap races, or substituting for a journeyman jockey who is unable to fulfill a riding engagement. If after one full year from the date of his or her fifth winning mount the apprentice jockey has failed to ride 40 winners, he or she shall continue to ride with a five-pound weight allowance for up to two years from the date of his or her fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes first. If an apprentice jockey is unable to ride for a period of 14 consecutive days or more after the date of the jockey's fifth winning mount because of service in the United States armed forces, enrollment in an institution of secondary or postsecondary education, or because of

physical disability, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride.

B. For purposes of the remainder of this subpart, reference to "jockey" also includes apprentice jockey.

C. Each jockey engaged to ride in a race must be in the jockey's room at the reporting time specified by the stewards on each day he or she is scheduled to ride. Upon arrival, the jockey shall report to the clerk of scales.

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's riding engagements. While in the performance of his or her duties, the jockey may have no contact or communication with any person outside the jockeys' room, without the permission of the stewards, other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

E. Each jockey engaged to ride in a race shall report his or her riding weight to the clerk of scales at the time specified by the association.

F. Each jockey engaged to ride in a race must report to the clerk of scales for weighing out not more than 30 minutes before post time for the first race, if he or she is riding in that race, nor sooner than the running of the preceding race, if he or she is riding in any other race.

G. The jockey's weight shall include his or her clothing, boots, saddle, and saddle attachments. The jockey's weight excludes the helmet and safety vest.

H. No jockey may weigh-out if he or she is more than two pounds over the weight assigned to his or her horse without permission of the owner or trainer, and under no circumstances shall the overweight exceed seven pounds.

I. If employing an agent, a jockey is bound by all commitments made by the agent. If not employing an agent, the jockey shall conduct his or her business as if he or she were his or her own agent.

J. A jockey must fill his or her riding engagements. However, no jockey may be forced to ride a horse he or she believes to be unsafe, or to ride on a race course he or she believes to be unsafe.

K. A jockey unable to fulfill his or her riding engagements because of illness or injury must pass a physical examination conducted by a licensed physician or paramedic before resuming race riding.

L. A jockey must wear the racing colors provided by the owner of the horse the jockey is to ride, plus solid white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily

program. With the approval of the stewards, the jockeys will be permitted to wear black mud pants during bad weather conditions or during muddy or sloppy track conditions. No symbols, words, or emblems shall be worn which, in the opinion of the commission, are not in keeping with the customs of the turf or are employed for advertising or promotional purposes. Notwithstanding this provision, the Jockey's Guild patch or the jockey's name may be displayed on the solid white pants. The size of the display of the jockey's name on the solid white pants is limited to a maximum of 32 square inches on each thigh of the pants on the outer sides between the hip and the knee, and ten square inches on the rear at the base of the spine.

M. A jockey must wear a protective helmet with a buckled chin strap while mounted upon any horse at a licensed racetrack. A jockey must wear a safety vest when riding in any official race. The safety vest shall weigh no more than two pounds and be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association.

N. In any race, a jockey must ride to win or to finish as near as possible to first. A jockey shall not ease his or her horse without cause, even if the horse has no apparent chance to earn a portion of the purse.

O. A jockey must make his or her best effort to control and guide his or her horse in such a way so as not to endanger his or her own horse or other horses and jockeys, nor to cause a foul.

P. A jockey must unsaddle his or her own horse before weighing in, and shall weigh in with the equipment with which he or she weighed out.

Q. Each jockey must check the stewards' daily video replay list in the jockeys' room and report to the stewards, at the time designated, if so required by the list.

R. A jockey must notify the stewards in writing on a form provided by the commission if he or she intends to sever a business relationship with an agent or if he or she intends to change agents. The notification must be signed by both the jockey and agent.

S. A jockey not prohibited by contract may agree to give first or second call on his or her services to any licensed owner or trainer. Such agreements must be in writing if for a period of more than 30 days.

T. A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent the jockey from riding another horse.

U. Conflicting claims for the services of a jockey shall be decided by the stewards.

V. A jockey mount fee shall be considered earned by a jockey when he or she is weighed out by the clerk of scales, except in the following cases:

(1) (a) When the jockey does not weigh out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay a jockey mount fee that is equal to that earned by the jockey who rode the horse to each jockey engaged for the race.

(b) In the event an owner or trainer elects to remove a jockey from a mount after naming a rider at the time of the draw, the stewards shall require a double jockey fee to be paid if the named rider is available to ride in that race. The fee to be paid to the jockey who was removed from the mount is equal to that earned by the jockey who rode the horse.

(2) When a jockey, of the jockey's own free will, elects to be taken off a mount where injury to the horse or rider is not involved.

(3) When the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing out and the start of the race.

(4) Any conditions or considerations not covered by this part shall be addressed at the discretion of the stewards. All jockey protests must be filed prior to the race.

W. Whenever a jockey from a foreign country, excluding Mexico or Canada, rides in Minnesota, the jockey must present a declaration sheet stating that he or she is a holder of a valid license and not under suspension, and that he or she agrees to be bound by the commission's rules. This sheet shall be retained by the clerk of scales and, at the conclusion of the jockey's participation in racing, shall be returned to the jockey properly endorsed by the clerk of scales stating whether or not the jockey incurred any penalty or had a fall.

X. No jockey shall willfully or purposely touch, strike, or jostle another jockey or horse, either with hands or whip, from the time they leave the paddock until after dismounting from a race.

Subp. 4. **Drivers.** In every race a driver shall drive so as to win or to finish as near as possible to first. The driver shall not ease a horse without adequate cause, even if the horse has no apparent chance to earn a portion of the purse.

Each driver shall make a best effort to control and guide the horse in such a way so as not to endanger other drivers or horses, and so as not to cause a foul.

A driver shall fulfill a commitment to drive, unless excused by the stewards. A driver unable to fulfill a commitment because of illness or injury must pass a physical examination before resuming race driving.

Each driver shall wear the traditional driver's costume in any pre-race warm-up, post parade, race, or time trial. The costume shall consist of racing colors, white pants, and a fully padded fiberglass helmet buckled whenever the driver is in a sulky.

A driver reporting to the driver's room must remain there until the driver has fulfilled all of that day's driving engagements. While in the performance of the driver's duties, the driver must have no contact or communication with any person outside the driver's room, without the permission of the stewards, other than with an owner or trainer for whom the driver is driving that day, or other commission officials.

Subp. 5. **Pharmaceutical representatives.** Each pharmaceutical representative must register with the commission veterinarian at the racetrack, and file with the veterinarian for his or her approval a list of the items proposed to be sold or delivered.

Subp. 6. **Bloodstock agents.** Every bloodstock agent who participates as an agent in the purchase or sale of a race horse where any warranty of soundness, condition, or racing ability is expressed or implied shall file with the commission within five days of the date of sale a memorandum report of warranty which shall set forth all warranties expressed or implied. In the absence of any such filing it shall be presumed that no warranties were expressed or implied by the seller. A memorandum report of warranty shall be signed by both seller and purchaser or by the bloodstock agent acting in their behalf.

Every bloodstock agent who participates as an agent in the purchase or sale of any race horse eligible to race in Minnesota, where any condition of such purchase or sale includes any lien upon such horse by the seller or other person, shall file a memorandum report of conditional sale with the commission within five days of the date of sale.

Any warranty or condition of sale set forth in any sale catalog, printed offer of sale, or sales agreement shall be considered as a memorandum of warranty or condition of sale, whether or not filed with the commission.

No bloodstock agent shall misrepresent any material fact, nor knowingly withhold any material fact from any person connected with the sale of a horse, nor misrepresent the agent's personal interest in any horse. All bloodstock agents licensed pursuant to part 7877.0130, subpart 15, must file with the stewards and commission security personnel by the 30th of each month a report of their activities for the previous month. Failure to provide these reports by the 30th of each month shall result in disciplinary action by the stewards. All bloodstock agents must make available to the stewards and commission security personnel upon request all documents necessary to verify and evaluate the licensee's business activity as a bloodstock agent. If in the opinion of the stewards pursuant to part 7879.0200, subpart

1, it is determined that the licensee's conduct and business activity as a bloodstock agent can be questioned, the stewards shall take appropriate disciplinary action.

Subp. 7. **Jockey's agent.** A jockey's agent shall keep a written record of all engagements made for jockeys he or she represents. The record shall be accurate and up-to-date, and shall be available at all times for inspection by the stewards.

No jockey agent shall be permitted to contract riding engagements for more than two jockeys and one apprentice jockey. No agent may arrange more than two calls for a jockey in any race and shall designate one of the engagements as a first call and the other as a second call.

A jockey's agent shall be in the racing secretary's office, or shall check in with the racing secretary's office, at scratch time to confirm a jockey's commitments for the day's program.

A jockey's agent shall notify the stewards in writing if he or she no longer intends to serve as agent for any jockey. When so notifying the stewards, the agent also shall turn over to the stewards a list of any unfulfilled engagements that he or she has made for the jockey.

Subp. 8. **Horsepersons' bookkeeper.** It shall be the responsibility of the association to administer the horsepersons' accounts by providing the services of a horsepersons' bookkeeper who shall be bonded in the amount of \$100,000.

The association must establish an interest-bearing trust account for the horsepersons' accounts. The horsepersons' trust account shall be separate and distinct from any other account. Deposits made into the horsepersons' trust account by the association are the property of the horsepersons' trust account and not of the association.

The horsepersons' bookkeeper shall be the custodian of the horsepersons' trust account and shall keep accurate records of all receipts, deposits, and disbursements and make those records available at all times for inspection by the commission. The horsepersons' bookkeeper shall not distribute any purse money to a person with an emergency license.

The association must deposit into the horsepersons' account:

A. by the end of the business day following the date of the race in which purses are earned, an amount to cover all of its obligations including breeders fund purse supplements, other supplements, guarantees, stated purses of official races, and, when due, any other payments that the association has agreed to make including agreements entered into under Minnesota Statutes, section 240.13, subdivision 5, paragraph (b); and

B. by the end of the business day following the date of receipt by the association, all stakes, entrance money, starting fees, purchase money in claiming races, and deposits made by other parties.

Subp. 9. **Veterinarians.** The following shall apply to veterinarians licensed by the commission:

A. Veterinarians shall be responsible for the conduct of any veterinary assistant working with or employed by the veterinarian to ensure compliance with this subpart.

B. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of a medication or injectable substance, or in the use of equipment for hypodermic injection.

C. All drugs, substances, medication, venom, or biological product administered, dispensed, or carried by a veterinarian on the grounds of an association must be FDA or USDA approved. A veterinarian may possess substances that are FDA or USDA approved, but not specifically for use on the horse, only by providing prior notice to the commission's veterinarian and the Board of Stewards. Veterinarians shall not possess medications or substances without a specific manufacturer's name, lot number, and expiration date.

D. Veterinarians shall not be in possession of controlled substances in schedules for which they are not currently registered and approved by the Drug Enforcement Administration.

E. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers or make arrangements with the commission veterinarian regarding removal.

F. Veterinarians shall dispense prescription and compounded drugs abiding by the rules of the state of Minnesota, Boards of Pharmacy and Veterinary Medicine, and according to the guidelines of the American Veterinary Medical Association.

G. All medications and hypodermic equipment must be in the veterinarian's possession, personal vehicle, or stored off grounds.

H. Veterinarians shall immediately report any horse suspected of harboring a communicable infectious disease to the commission veterinarian.

I. No veterinarian shall have contact with an entered horse on race day except for administration of furosemide under the guidelines in part 7890.0100, subpart 13, and medical emergencies under the guidelines in part 7890.0160.

Subp. 9a. **Veterinary assistants.** The following apply to veterinary assistants licensed by the commission:

A. Veterinary assistants must work under the direct supervision of a veterinarian who is currently licensed by the commission. For purposes of this item, "direct supervision" means that the licensed veterinarian is in the stable area of the grounds of the association at all times when veterinary assistants employed by the licensed veterinarians are engaged in their duties in the stable area of the grounds of the association, and that the animal patient

under the care of the veterinary assistant has been examined by the licensed veterinarian. When the veterinarian has delegated certain animal care tasks to a veterinary assistant, the licensed veterinarian is at all times quickly and easily available to the veterinary assistant to render veterinary care consistent with the delegated animal health care task. Veterinary assistants are held to the same standard of care as the licensed veterinarian.

B. Veterinary assistants shall not:

- (1) diagnose disease, lameness, or illness;
- (2) provide a prognosis;
- (3) prescribe any treatments, drugs, medications, or appliances;
- (4) dispense, compound, or mix drugs or medications;
- (5) perform surgery;
- (6) draw blood;
- (7) place catheters, needles, swabs, or tubes of any kind in any body part of the horse;
- (8) apply splints, slings, or tourniquets;
- (9) administer injectable medications including rabies vaccine; or
- (10) sign the veterinarian's daily log.

C. Veterinary assistants may assist licensed veterinarians with the following procedures, but may not perform the procedures themselves:

- (1) radiology;
- (2) ultrasound;
- (3) extracorporeal shock wave treatment; or
- (4) endoscopic assistance.

D. Veterinary assistants may perform the following tasks:

- (1) maintain the veterinarian's medication inventory;
- (2) draw up injectable medications;
- (3) deliver prescription medications to the appropriate trainer;
- (4) maintain the veterinarian's daily log;
- (5) dispose of biohazardous materials, including needles, syringes, and used medication vials in the appropriate containers in the detention barn; and
- (6) perform equine dentistry and equine massage therapy.

Subp. 10. **Pony riders.** The following applies to pony riders licensed by the commission:

A. Within 24 hours of obtaining a Class C license, a pony rider must register with the commission veterinarian and provide at that time a list of all pony horses for which he or she is responsible and which he or she intends to bring onto the grounds of the association. Such a list will include the name, sex, age, and brief description of color and markings for each pony horse. Should a pony rider obtain additional pony horses during the racing season, he or she must also register these animals with the commission veterinarian prior to bringing them onto the grounds of the association.

B. A pony rider is responsible for having each pony horse in his or her charge tested for equine infectious anemia (EIA) once every 12 months. The test shall be performed by a laboratory approved by the United States Department of Agriculture. A copy of each pony horse's current negative EIA test results must be provided to the commission veterinarian at the time of registration pursuant to item A or, if not available at the time of registration, prior to the arrival of the pony horse at the racetrack. Any certificate which expires during the racing season must be replaced with a current EIA test certificate no later than 48 hours following the date of expiration.

C. Anyone bringing any pony horse onto the grounds of the association must provide to stable gate personnel the accurate name of the animal. Each pony horse must be accompanied by an original certificate of veterinary inspection completed by an accredited veterinarian and issued not more than ten days prior to arrival. It must contain complete equine infectious anemia test results, including the date, laboratory, and accession number of the most recent negative EIA test. The certificate of veterinary inspection must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection for horses leaving and returning on an ongoing basis throughout the meet must be renewed within the first five days of each month.

D. The pony rider shall supply each pony horse in his or her care with adequate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

E. A pony rider must promptly report the death of any pony horse in his or her care on the grounds of an association to the commission veterinarian, and must comply with part 7891.0110 governing postmortem examinations if such examination is deemed necessary by the commission veterinarian.

Statutory Authority: *MS s 240.03; 240.08; 240.13; 240.15; 240.16; 240.19; 240.23; 240.24*

History: 9 SR 2527; 10 SR 2161; 11 SR 2201; 13 SR 38; 14 SR 2008; 14 SR 2454; 15 SR 2307; 16 SR 2684; 18 SR 886; 19 SR 2307; 20 SR 2592; 24 SR 1568; 25 SR 1609; 26 SR 1438; 28 SR 1482; 31 SR 1277; 33 SR 8; 34 SR 1135; 36 SR 10; 39 SR 1739

Published Electronically: *June 29, 2015*