

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the responsibilities in items A to E.

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 chapters 7883 and 7884.

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 penalties provided in parts 7869.0200 and 7892.0150.

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

A. A trainer shall keep in the trainer's charge or under the trainer's supervision at the licensed racetrack horses owned or leased only by owners or lessees who are licensed by the commission.

B. A trainer shall ascertain the true identity of all horses in the trainer's charge.

C. A trainer is responsible for horses the trainer 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 the trainer's custody, care, or control to be started or to participate in any timed workout, if the trainer knows, or in the exercise of due care should have known, that the horse has received any medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse in contravention of the provisions of chapter 7890.

(2) No trainer may administer a medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13a.

(3) The commission shall consider any positive test or overage under chapter 7890 to be prima facie evidence that the trainer is responsible for such positive test or overage unless the trainer 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 or prohibited substance.

(4) A trainer must guard each horse in the trainer's charge in such a manner and for such time prior to racing the horse as to prevent the administration of any medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse 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 the trainer's 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 the trainer's charge.

F. Each trainer must provide a current list of all persons in the trainer's employ to the association's security office and commission investigator. The list must include each employee's name, occupation, license number, and local address or dorm room number. A trainer must provide an updated list to the stewards within 24 hours of any changes. The trainer must ensure that all employees are licensed by the commission no later than the next racing day after they arrive on the grounds of an association.

G. The trainer shall supply each horse in the trainer's 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 the trainer's 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 the trainer's horses in the paddock, and shall supervise the trainer's 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 the trainer has engaged that each shall give the trainer's 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. This includes notifying the racing secretary and a commission veterinarian when a horse is pregnant or is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier, the racing secretary, and a commission veterinarian.

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 or provided to the racing secretary by 9:00 a.m. on the first day of the meet in which the horse is scheduled to race. The EIA test certificates must be dated within a 12-month period prior to the date of entry, and must be renewed and replaced on the foal registration certificate or provided to the racing secretary no later than 48 hours following the date of expiration.

P. Except as provided in part 7876.0130, 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 certificate of veterinary inspection. The certificate must include the date of inspection and date of issuance, both of which must be dated no more than ten days prior to arrival. The 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 certificate must also contain rectal temperature and product name and date of most recent vaccination with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1. The certificate must be surrendered to stable gate personnel for immediate transmittal to a commission veterinarian. The horse must also have a negative equine piroplasmiasis test as prescribed in part 7876.0100, subpart 11, or 7876.0110, subpart 5.

Q. A trainer must promptly report the death of any horse in the trainer's 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 or assistant trainer to fulfill the absent trainer's 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 Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

U. A trainer shall ensure that complete written records are kept of all treatments provided to each horse that is registered with the racing secretary under item E or entered to race at a licensed racetrack. Each treatment shall be recorded within 48 hours of treatment.

(1) For purposes of this subpart, "treatment" means any medication administered or procedure containing a medication given to a horse by a licensed trainer or a designee. Treatment also includes any medication or treatment prescribed by a veterinarian licensed by the commission but administered or given by a trainer or a designee and those administered or provided by a veterinarian not licensed by the commission. Treatment does not include medications given by a veterinarian licensed by the commission or the veterinarian's designee.

(2) The written record must include the following information on a form prescribed by the commission:

of foaling;

- (a) the name of the horse or, if unnamed, the registered name of the dam and year

- (b) the generic or brand name of the drug or biological;

- (c) the name of the prescribing veterinarian;

- (d) the date of administration;

- (e) the method of administration;

- (f) the dosage administered;

- (g) the approximate time of administration;

- (h) the first and last name of the individual that administered the treatment, medication, or injection;

- (i) the anatomical location of the injection, if any; and

- (j) the signature of the prescribing veterinarian.

(3) The record shall be maintained electronically or on paper until the end of the calendar year in which the trainer is licensed by the commission.

(4) The record must be made available for inspection upon request of the commission, stewards, or commission veterinarian.

(5) For any horse that has not been in a trainer's control for at least 14 days, the trainer must obtain and make available a record going back at least 14 days that complies with this subpart.

(6) A licensed trainer whose horse is transferred to a new trainer shall provide the new trainer with the complete written or electronic records required by this subpart.

V. The trainer of a claimed horse shall, within 72 hours after the race is made official, provide to the commission veterinarian the complete written record, as specified in item U, of all treatments, medications, and intra-articular injections that were administered to the horse within the 30 days preceding the race. In the case of a horse that has been in the trainer's control for less than 30 days, the trainer shall provide a record going back as long as the horse has been in the trainer's control. The trainer of the claimed horse shall authorize the commission veterinarian to provide the record to the new trainer.

W. A trainer accepting a horse from another trainer must notify the stewards in writing within 24 hours that such a transfer has been made.

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 the jockey's 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 the jockey's fifth winning mount the apprentice jockey has failed to ride 40 winners, the jockey shall continue to ride with a five-pound weight allowance for up to two years from the date of the jockey's fifth winning mount or until the jockey has ridden a total of 40 winners, whichever comes first. Apprentice allowances may be waived with the stewards' permission at the time of entry by the trainer or the trainer's designee. 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 concerning the day's races 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. (1) A jockey's weight shall include clothing, boots, saddle and its attachments, and any other equipment except the bridle, bit, blinkers, goggles, number cloth, and safety equipment including helmet, vest, overgirth, reins, and breast collar.

(2) Upon the steward's approval, jockeys may be allowed up to three pounds more than published weights to account for inclement weather clothing and equipment.

H. No jockey may weigh-out if the jockey is more than two pounds over the weight assigned to the jockey's 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 business as if the jockey is the agent.

J. A jockey must fulfill all riding engagements. However, no jockey may be forced to ride a horse that the jockey believes to be unsafe, or to ride on a race course the jockey believes to be unsafe.

K. A jockey unable to fulfill riding engagements because of 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.

(1) A jockey shall not wear advertising or promotional material of any kind on clothing during a race unless the material:

- (a) advertises or promotes the Jockeys' Guild;
- (b) advertises or promotes a racing-related 501(c)(3) nonprofit organization;
- (c) contains the jockey's name; or

(d) constitutes other advertising or promotional material that does not compete with, conflict with, or infringe upon sponsorship agreements applicable to the racing association, race, or race meet in progress.

(2) All advertising or promotional material must comply with the following limits on size and location:

(a) there may be up to 32 square inches of advertising or promotional material on each thigh of the pants, which must be located on the outer side between the hip and knee;

(b) there may be up to ten square inches of advertising or promotional material on the rear of the pants, which shall be located near the rear waistline at the base of the spine;

(c) there may be up to 24 square inches of advertising or promotional material on boots and leggings, on the outside of each, nearest the top of the boots; and

(d) there may be up to six square inches of advertising or promotional material on the front center of the neck area, on a turtleneck, or other undergarment.

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

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

O. A jockey must unsaddle the jockey's own horse before weighing in.

(1) A jockey shall weigh in at no less than the same weight at which the jockey weighed out, and if under that weight, and after consideration of mitigating circumstances by the board of stewards, the jockey's mount may be disqualified from any portion of the purse money.

(2) In the event of a disqualification, all money wagered on the horse shall be refunded unless the race has been declared official.

(3) A jockey's weight shall include clothing, boots, saddle and its attachments, and any other equipment except the bridle, bit, blinkers, number cloth, overgirth, reins, and breast collar.

(4) Upon approval of the stewards, the jockeys may be allowed up to three pounds more than published weights to account for inclement weather clothing and equipment.

(5) The postrace weight of jockeys includes any sweat, dirt, and mud that have accumulated on the jockey, and the jockey's clothing, safety equipment, and overgirth. This accounts for additional weight, depending on specific equipment, as well as weather, track, and racing conditions.

P. 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.

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

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

S. 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.

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

U. A jockey mount fee shall be considered earned by a jockey when the jockey 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 the jockey at the time of the draw, the stewards shall require a jockey fee to be paid to the removed jockey if that jockey is available to ride in the race. The fee to be paid to the jockey who was removed from the mount must be 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.

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

W. A jockey who is suspended for less than ten days for a riding infraction may be allowed to ride in a stakes or trial race that was designated by the stewards prior to the start of the race season. Permission to race will be granted at the stewards' discretion, based on the circumstances of the suspension. For each racing day that a jockey is permitted to ride in a stakes or trial race under this item, the stewards shall designate an additional day of suspension to be served.

X. Beginning April 1, 2021, jockeys and apprentice jockeys shall comply with the concussion protocol in place at the licensed racetrack.

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.

Beginning April 1, 2021, a driver shall comply with the concussion protocol in place at the licensed racetrack.

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 the first engagement shall be designated as the first call and the other as the second call. The jockey would have to fulfill the contract with the first call unless the horse is unable to start.

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. 8a. **Vendors.**

A. No vendor permitted on the grounds of an association shall sell or deliver any horse feed, feed supplement, tonic, veterinary preparation, medication, veterinary equipment or supplies, or substance containing any prohibited drug unless the vendor has filed with a commission veterinarian a list of items the vendor intends to sell or deliver and has received the written approval of a commission veterinarian.

B. A commission veterinarian, after consulting with the stewards and executive director, may restrict the sale of, prohibit the sale or delivery of, or place conditions on the sale or delivery of any item that violates commission rules.

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

A. Veterinarians must be licensed and in good standing with the Board of Veterinary Medicine.

B. Veterinarians must abide by the rules of the commission and promptly notify the commission of any sanctions or disciplinary actions taken against them by another state's veterinary medicine licensing body.

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

D. Veterinarians shall create and maintain medical records as required by the Board of Veterinary Medicine and the federal Drug Enforcement Agency.

E. 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.

F. 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.

G. 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.

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

I. 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.

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

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

L. The commission shall initiate a complaint with the Board of Veterinary Medicine against a veterinarian determined to have acquired or administered a Class 1 substance contained in the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalty Rule.

M. No veterinarian shall have contact with an entered horse within 24 hours of the race in which the horse was entered except for administration of furosemide under the guidelines in part 7890.0100, subpart 13a, if requested and accompanied by a commission veterinarian, or in the case of medical emergencies under the guidelines in part 7890.0160.

N. Veterinarians must examine each horse in their care that is scheduled for an official timed workout and submit a statement on a form prescribed by the commission that the veterinarian has examined the horse and found it sound to work. The form must be submitted to a commission veterinarian at least 48 hours and no more than 96 hours in advance of the scheduled work.

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. 9b. **Equine masseuse.** The following shall apply to an equine masseuse licensed by the commission.

A. An individual licensed as an equine masseuse shall not:

- (1) diagnose disease, lameness, or illness;
- (2) provide a prognosis;
- (3) prescribe any treatments, drugs, medications, or appliances or administer medications;
- (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; or
- (9) administer injectable medications.

B. An equine masseuse must keep a daily log either in writing or electronically on a form prescribed by the commission of horses treated at a licensed racetrack and must show the log to the commission veterinarian upon request. The log must be kept until the end of the calendar year in which the equine masseuse is licensed by the commission. The log must contain the following:

- (1) date and time of treatment;
- (2) name of the horse treated;
- (3) trainer of the horse;
- (4) anatomical location of treatment; and
- (5) device name used during the treatment session.

Subp. 9c. **Animal chiropractor.** Animal chiropractors licensed by the commission must:

A. not be negligent in the performance of their duties with respect to the health and welfare of the horse;

B. have a referral from a veterinarian prior to performing chiropractic and provide written notes, if requested by the owner to the veterinarian; and

C. not be in the stall with an entered horse at any time within 24 hours prior to the race in which the horse is entered.

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. The certificate must include the date of inspection and date of issuance, both of which must be dated no 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 must also contain rectal temperature and product name and date of the most recent vaccination with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1. The horse must also have a negative equine piroplasmiasis test as prescribed in part 7876.0100, subpart 11, or 7876.0110, subpart 5. 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.

Subp. 11. Required safety equipment for all licensees.

A. A person mounted on or driving a horse on association grounds, and a person handling a horse at the starting gate, must wear a properly secured safety helmet at all times. The helmet must comply with one of the following minimum safety standards or later revisions:

- (1) American Society for Testing and Materials (ASTM 1163);
- (2) European Standards (EN-1384 or PAS-015 or VG1);
- (3) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012); or
- (4) Snell Equestrian Standard 2001.

B. A person mounted on a horse or racing in a sulky on association grounds, and a person handling a horse at the starting gate, must wear a properly secured safety vest at all times. The safety vest must comply with one of the following minimum standards or later revisions:

- (1) British Equestrian Trade Association (BETA):2000 Level 1;
- (2) Euro Norm (EN) 13158:2000 Level 1;
- (3) American Society for Testing and Materials (ASTM) F2681-08 or F1937;
- (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3; or
- (5) Australian Racing Board (ARB) Standard 1.1998.

C. A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

Statutory Authority: *MSs 240.03; 240.08; 240.10; 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; 40 SR 29; 41 SR 1322; 42 SR 1258; 44 SR 1031; 44 SR 1047; 46 SR 6; 46 SR 1210*

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