

Minnesota Racing Commission**Proposed Permanent Rules Relating to Horse Racing; Medical Violations; Stewards; Races; and Disciplinary Action****7869.0100 DEFINITIONS.**

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

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

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

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

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

Subp. 57. [See repealer.]

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

7869.0200 INCORPORATION BY REFERENCE.

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

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

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

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

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

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

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

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

to start, and scratches in effect at the host racetrack by submitting an original and 15 copies of the following:

- A. a signed request for approval of pari-mutuel pools; and
- ~~B. a copy of the administrative rules for pari-mutuel pools in the states in which the host racetracks are located;~~
- ~~C. a detailed statement of how the request meets each of the criteria in part 7871.0020, subpart 2; and~~
- ~~D.~~ B. any other documentation the commission considers necessary to ensure a complete understanding of the request.

[For text of subps 2 to 4, see M.R.]

7879.0200 AUTHORITY AND DUTIES OF STEWARDS.

Subpart 1. **General authority of stewards.** The stewards shall exercise immediate supervision, control, and regulation of racing at each licensed race meeting on behalf of the commission and shall be responsible only to the commission. The powers of the stewards shall include:

[For text of items A to K, see M.R.]

L. for a period of 90 days after the conclusion of a race meeting at a licensed facility or a county fair meet, jurisdiction to hold hearings and take action with regard to any aspect of racing at the meet shall continue with the board of stewards or, if considered by the commission to be more practical or convenient for the parties concerned, may be exercised by a single knowledgeable person designated by the commission. Any person acting in lieu of the board of stewards under this part shall have all of the authority granted to the board of stewards under part 7879.0200 or any other applicable rule. A person may appeal from any action taken, in the same manner as an appeal may be taken from a steward's hearing.

Subp. 2. **Specific duties and responsibilities of stewards.** In addition to the duties and responsibilities necessary and pertinent to general supervision, control, and regulation of race meetings, and without limiting the authority of the stewards to perform those and all other duties listed in this part, the stewards shall have the following specific duties and responsibilities:

[For text of items A to C, see M.R.]

D. To review applications for Class C licenses and administer, or cause to be administered by technically qualified persons, standard examinations to all first-time applicants for a trainer, jockey, apprentice jockey, driver, or farrier license, and to make recommendations to the commission through the executive director as to the qualifications of all applicants for Class C licenses. The stewards shall not administer, or cause to be administered, examinations for first-time applicants for a trainer's license after the midpoint of any race meeting is reached.

[For text of items E to P, see M.R.]

Subp. 3. **Criteria and bases for stewards' decisions.**

[For text of item A, see M.R.]

B. When making a determination or recommendation regarding the qualifications of an applicant for a Class C license, the stewards shall consider the following factors:

~~(1) whether the applicant's ability is sufficient so as to not endanger the life or safety of the applicant, other participants, racetrack patrons, horses, or property;~~

~~(2) whether the applicant is able to perform in a competitive manner so as to enhance the quality of horse racing;~~

~~(3) whether the applicant's ability and/or qualifications are at least equal to those of current licensees; and~~

(1) whether the applicant meets the licensing criteria set forth in chapter 7877 and Minnesota Statutes, chapter 240; and

~~(4) (2) any other relevant factors which may affect the integrity of horse racing, or the public health, safety, or welfare of persons and animals so long as these same factors are applied uniformly to all applicants for Class C licenses, and safety within Minnesota.~~

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. **Ownership.** When a person is excluded from a racetrack or ~~has his or her~~ the person's license is denied, revoked, or suspended, every horse owned in whole or in part or under the care and control of that person shall be ineligible to be entered or start in any race until the horse has been reinstated, either by the expiration of the owner's penalty or by the transfer through bona fide sale to an owner approved by the stewards. Such person whether acting as agent or otherwise, shall not be qualified to subscribe for, or to enter or run any horse in any race either in his or her own name or in that of any other person until expiration of such penalty.

Subp. 2. **Horse must be registered and eligible.** No horse shall be permitted to start unless:

A. it is duly registered with and approved by the registry office of The Jockey Club ~~(New York)~~, the American Quarter Horse Association, the Arabian Horse Registry of America, Inc., or the another nationally recognized ~~registration organization relative to other breeds~~ breed registry;

[For text of items B to E, see M.R.]

[For text of subps 3 to 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

[For text of items A to C, see M.R.]

D. enter in a race a horse if it is wholly, or partly owned by, trained by, or under the management of an unlicensed person, a person whose license is under suspension, a person whose license has been revoked or denied and has not been reinstated at the time of entry, or a person who acts in concert with or under the control of such a person whose license is under suspension. If ~~any~~ an entry from ~~an unlicensed person or a person whose license is under suspension or of an ineligible horse~~ any such person is received, the entry shall be void and any money paid ~~for the entry~~ to make the horse eligible for the race shall be paid to the winner. An entry may be taken from a person whose license is under suspension in any racing jurisdiction if the term of the suspension has ended prior to the day of the race for which the entry was made and any other requirements associated with the suspension have been satisfied prior to the entry;

[For text of item E, see M.R.]

Subp. 7. **Coupled entries.** Except in stakes races and races which are conditioned for horses eligible for specified stakes, not more than two horses of the same licensed ownership or interest shall be entered and started in a race.

A. No trainer shall enter more than ~~four~~ three horses in an overnight event except in split races.

[For text of item B, see M.R.]

[For text of subps 8 to 10, see M.R.]

Subp. 11. **Drawing of entries.** The drawing of entries for post positions shall be governed by the following procedures.

[For text of item A, see M.R.]

B. Each day after the entries have been closed, the racing secretary shall designate from ~~an owner or trainer~~ among those licensees present in the entry office a person to draw the entry sheets and a person to shake the post position numbers out of the

container. In every case, the entry shall be drawn from its approved receptacle before the number ball is released from the ~~number box~~ container.

[For text of item C, see M.R.]

[For text of subps 12 to 15a, see M.R.]

Subp. 16. **Workout requirements.** In order to be eligible:

A. A thoroughbred horse which that has not started for a period of ~~45~~ 46 days or more ~~shall~~ is not be eligible to start 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 thoroughbred 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. Any ~~day of entry~~ workout following the entry of a horse shall appear on the official daily racing program or shall be posted for the public.

B. A quarter horse that has not started for a period of 61 days or more is not eligible to start until it has completed one timed workout within 60 days of and no less than 48 hours before the race in which it is entered. Any workout following the entry of a horse must appear on the official or daily racing program or must be posted for the public.

~~B. A horse which has not started for a period of 60 days or more shall not be eligible to start until it has completed two timed workouts within 60 days of and no less than 48 hours prior to the race in which it is entered.~~

C. First-time starters must have gate approval and a minimum of two timed workouts, one of which must be out of the gate, within 60 days prior to the race in which it is entered.

D. A horse, other than a first-time starter, which has not started for a period of one year or more shall not be eligible to start until it has completed three timed workouts, at least one of which must be before a commission veterinarian. The timed workout before

a commission veterinarian must occur within 30 days and no less than 48 hours prior to the race for which the horse is entered.

E. For all county fairs in which the average daily handle for the preceding year was less than \$150,000 all workout requirements shall be waived except that in the case of a horse that has not started for a period of one year, the owner or trainer must contact the commission veterinarian prior to entry for an examination and workout as determined by the commission veterinarian.

For the purposes of items D and E and removing a horse from the stewards' list, all workouts must be conducted under the same medication requirements as those for race days.

[For text of subps 17 and 18, see M.R.]

7883.0140 CLAIMING RACES.

[For text of subps 1 to 14, see M.R.]

~~Subp. 15. **Protest of claim.** Not later than the next racing day after the race was run, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible. In the event that a stewards' ruling is issued concerning a medication violation discovered through postrace drug testing of a claimed horse, a written protest of a claim may be submitted to the stewards within 24 hours of the posting of a ruling; however, a claimant may submit a written protest of a claim within 24 hours of the receipt of notification from the stewards of such a ruling.~~

A. Except for protests involving medication violations in item B, a written protest of a claim that states the basis of the protest must be submitted to the stewards not later than the next racing day after the race was run. The stewards shall investigate the matter as soon as reasonably possible and determine the validity of the protest.

B. A postrace test shall be conducted on any claimed horse in compliance with chapter 7890. The claimant may request voidance of the claim if the initial forensic analysis of the test sample demonstrates a medication violation under chapter 7890. Upon receipt of notification from the commission veterinarian of a medication violation involving a claimed horse, the stewards shall immediately notify the successful claimant who shall then have 72 hours to decide whether to keep the horse or request that the claim be voided.

C. When a request is made to void any claim under item A or B, the successful claimant is responsible for all expenses incurred for the care of the claimed horse from the time the horse is transferred to the claimant until the time the horse is ordered returned to the prior owner following voidance of the claim by the stewards in accordance with this rule.

D. Voidance of a claim is not an option if, after coming under the care, custody, and control of the claimant, the horse has already run for the claimant or has died.

[For text of subps 16 to 21, see M.R.]

Subp. 22. **Claimed horse shall race at track claimed.** No claimed horse shall race at any other racetrack until ~~after the close of the race meeting at which it was claimed,~~ the last scheduled overnight race for that breed at the meet has been drawn or for 60 days, whichever is shorter, except to fulfill one or more stakes engagements or by request of the association's racing secretary and with written approval of the stewards.

[For text of subps 23 to 31, see M.R.]

7884.0230 RACING EQUIPMENT.

Subpart 1. **Sulkies.** ~~Sulkies will be permitted only if they are of the conventional dual-shaft and dual-hitch type as follows:~~ must meet the requirements described in United States Trotting Association, rule 18.25.

A. ~~they have two shafts that are parallel to, and securely hitched on each side of the horse;~~

B. ~~no point of a hitch and no part of a shaft of the sulky is above a horizontal level equal to the lowest point of the horse's back;~~

C. ~~they are equipped with mud guards when so required by the stewards; and~~

D. ~~they are equipped with plastic wheel discs on the inside and outside of each wheel with such discs being either clear or of a solid pastel color.~~

[For text of subps 2 to 7, see M.R.]

7884.0260 DRIVING RULES.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **Stewards to determine extent of violation.** The stewards shall determine the extent of the alleged violation and may place the offending horse either behind the horses that in their judgment were interfered with, or last in the field. The stewards' discretion applies to all placings and their determination is final.

Subp. 11. Pylon rule for horses racing without interference.

A. Any horse gaining an unfair advantage by going inside, over, or between one or more pylons in order to pass another competitor may be disqualified at the discretion of the stewards, whose determination is final.

B. Any horse going inside two pylons shall be disqualified and placed behind any lapped on horse in the official order of finish.

C. Any horse going inside three or more consecutive pylons shall be disqualified and placed last.

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Endogenous, dietary, and environmental substances.** No endogenous, dietary, or environmental substances other than those listed below shall be allowed in the test sample of a horse. Levels shall not exceed the limits found in the Racing Commissioners International Endogenous, Dietary, or Environmental Substances Schedule, RCI Chapter 11 and Chapter 25, which is incorporated by reference. ~~The Racing Commissioners International Schedule of feed contaminants are subject to change and are available to the public free of charge at the State Law Library, on the MRC Web site, and at http://www.us-rtip.org/industry_service/download_model_rules. The level for cobalt is 25 ppb until the Racing Commissioners International has established levels in the schedule of feed contaminants.~~

Subp. 10. **Medications with regulatory limits.** No medications other than those listed in this subpart or found in part 7890.0100, subpart 13, items A to D, shall be allowed in the test sample of a horse. Serum or urine thresholds on the following medications shall not exceed those found in the Association of Racing Commissioners International Schedule of Controlled Therapeutic Substances, RCI Chapter 11 and Chapter 25 Medication Schedule for Horses, which is incorporated by reference. ~~The Racing Commissioners International Schedule of Controlled Therapeutic Substances are subject to frequent change and are available to the public free of charge at the State Law Library, on the MRC Web site, and at http://www.ua-rtip.org/industry_service/download_model_rules.~~

[For text of subps 11 and 12, see M.R.]

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. **Licenses Sanctions.** Any licensee person engaging in any prohibited act as provided in parts 7897.0100 to 7897.0115 is subject to license suspension or revocation, and/or the levying of a fine as provided in part 7897.0130 and such other sanctions or restrictions as the commission reasonably deems necessary to carry out its duties under Minnesota Statutes, section 240.03.

[For text of subp 2, see M.R.]

Subp. 3. **Reciprocity of rulings.** The commission, its designee, or ~~the~~ stewards may deny, suspend, or revoke a Class C license if it is found that the applicant or licensee, or any person who is an agent, employee, or associate of such applicant or licensee:

A. is presently under suspension or his or her license has been denied or revoked for any reason by a legally constituted racing commission or gaming authority of another jurisdiction; or

B. becomes suspended or has his or her license denied or revoked for any reason by a legally constituted racing commission or gaming authority of another jurisdiction while such licensee is ~~participating in racing~~ licensed in Minnesota.

Before considering a licensee for reinstatement in Minnesota or granting a license to an applicant, the commission ~~or~~ its designee, or stewards shall require such licensee to obtain reinstatement in the original racing jurisdiction where his or her license was denied, suspended, or revoked, and to establish his or her fitness to be reinstated in Minnesota.

7897.0130 SCHEDULE OF FINES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Assignment of categories and determination of fine amount.** In assigning a particular violation to a category, and in determining the amount of the fine for any violation, the commission or stewards shall consider the following factors:

A. ~~inherent severity of the conduct as indicated by the potential harm to person, property~~ the potential or actual harm to persons, property, or the integrity of racing;

B. the culpability of the violator;

C. the frequency of the violator's failure to comply with law or rule; and

~~D. actual harm caused to person, property, or the integrity of racing; and~~

~~E. D. any other factors related to the seriousness of violations which the commission or stewards deem crucial to assignment as long as the same factors are considered with regard to all violators. The commission or stewards, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies~~ the health, safety, and welfare of participants in racing or the integrity of pari-mutuel racing in Minnesota.

Subp. 4. **Serious violations.** Violations of Minnesota Statutes, section 240.25, misrepresentation of the identity of a horse, possession of a firearm in violation of state law, ~~and~~ setting or attempting to set a fire on the racetrack premises, and any violation involving a substance defined by the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances as a Class 1 foreign substance shall be deemed per se serious violations.

Subp. 5. **Amount of fines.** The fine for a serious violation of law or rule shall be ~~\$500 to \$5,000~~ at least \$1,000 and up to \$10,000 for a first serious violation; up to \$25,000 for a second serious violation; or up to \$50,000 for a third serious violation. The fine for other violations shall not exceed ~~\$499~~ \$999. The commission may impose a fine in excess of \$5,000 but no more than \$200,000 against a Class A, B, or D licensee as necessary to enforce parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

Subp. 6. **Timetable for paying fines.** All fines imposed by the stewards or commission must be paid within 72 hours of the date of the ruling imposing the fine. Failure to pay the fine within the required time is grounds for suspension, an additional fine, and such other sanctions and restrictions as the commission, its designee, or the stewards reasonably deem necessary. The commission shall designate one or more employees responsible for collecting fines and they shall notify the stewards and executive director of delinquent fines.

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

[For text of subp 1, see M.R.]

Subp. 2. Penalties imposed by stewards.

A. The stewards may suspend ~~the license of the holder~~ a license up to 90 days or impose a fine of up to ~~\$2,000~~ \$5,000 in accordance with the schedule of fines in part 7897.0130 or both; ~~or~~ in addition, they may order any other appropriate disciplinary or corrective action. The stewards may also make recommendations to the commission for penalties in excess of their authority.

B. Upon a finding of a violation of chapter 7890, the stewards shall consider the classification and penalty category of the substance at the time of the violation as referenced in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances and Recommended Penalties, as well as any existing mitigating or aggravating factors, and shall impose penalties and disciplinary measures consistent with the recommendations contained therein except as limited by part 7897.0130, subpart 5.

C. Mitigating or aggravating factors must be shown by a preponderance of evidence that the circumstances were actually present in the instant case. Mere speculation that the circumstances might have been present is not sufficient proof.

For purposes of this subpart, mitigating factors are conditions or circumstances that do not excuse or justify wrongful conduct, but are considered out of fairness in deciding to reduce a penalty.

For purposes of this subpart, aggravating factors are conditions or circumstances that permit a harsher penalty to be imposed but do not permit a penalty to be imposed greater than that allowed under the law or rule.

[For text of subps 3 to 9, see M.R.]

REPEALER. Minnesota Rules, part 7869.0100, subpart 57, is repealed.