

**Minnesota Racing Commission****Proposed Permanent Rules Relating to Licensing; Medications; Conduct of Races; and Other Miscellaneous Subjects****7869.0100 DEFINITIONS.**

*[For text of subparts 1 to 9, see Minnesota Rules]*

Subp. 9a. **Break off a qualifier.** "Break off a qualifier" means a break that is made in the first start after qualifying.

Subp. 9b. **Breath analyzer.** "Breath analyzer" is an instrument used to measure a person's blood alcohol level.

*[For text of subparts 10 to 51, see Minnesota Rules]*

Subp. 51a. **Racing day.** "Racing day" means a day assigned by the commission on which racing is conducted and shall include no fewer than eight live races and no more than 14 live races unless approved by the stewards and the executive director. Racing day includes a televised racing day.

*[For text of subparts 52 to 69, see Minnesota Rules]*

**7870.0500 CONTRACT APPROVAL.****Subpart 1. Contracts and subcontracts subject to prior commission approval.**

A. All contracts entered into, renewed, or extended by Class A, B, and D licensees and their contractors for goods, services, and events ~~occurring during the live race meeting~~ are subject to prior approval by the commission. ~~Licensees must submit contracts to the commission not less than seven days prior to a commission meeting.~~

B. Contracts must include a current Certificate of Compliance, if applicable, issued by the Minnesota Department of Human Rights. Contracts must include a statement by the contractor affirming compliance with the ADA, if applicable.

C. All Class A, B, and D licensees must submit as soon as practicable to the commission the name and the address of the contractor or subcontractor, amount and duration of the contract or subcontract, and a description of the ~~good~~ goods or ~~service~~ services provided.

D. The commission shall determine whether the contract or subcontract may affect the integrity of pari-mutuel racing or card playing, and the commission shall notify the licensee whether the commission intends to review and approve or disapprove the contract or subcontract.

E. In making a determination that a contract or subcontract may affect the integrity of racing, the commission shall consider:

- (1) the amount and duration of the contract;
- (2) the extent to which the contractor or subcontractor will be on the premises of the licensee;
- (3) the relationship of the contract or subcontract to security;
- (4) opportunity for contact between the contractor or subcontractor and horses, horsepersons, ~~or patrons~~, pari-mutuel wagering operations, card playing operations, or the information technology operations of the licensee;
- (5) opportunity for the contractor or subcontractor to influence the management and conduct of pari-mutuel racing or card playing;
- (6) contact with admission, pari-mutuel, concession, ~~or purse~~, or card-playing money; and
- (7) whether the commission has reason to believe that the contractor or subcontractor is incompetent, financially irresponsible, or not of good character.

F. If notified of the commission's intention to review and approve or disapprove a contract or subcontract, the licensee shall promptly submit to the commission copies of any written contracts or subcontracts as well as any documentation, records, or information the commission may request with regard to the contract. If the commission notifies a licensee of the commission's intention to review and approve or disapprove a contract or subcontract, the contract or subcontract is not valid, nor is either of the parties bound by the contract until it has been approved by the commission.

G. The commission shall approve or disapprove contracts and subcontracts within 30 days, as computed pursuant to Minnesota Statutes, section 645.15, after submission.

*[For text of subpart 2, see Minnesota Rules]*

Subp. 3. **Information required.** If the commission notifies a licensee of its intention to review and approve or disapprove a contract or subcontract, and the contract or subcontract is in an amount more than \$100,000 or of a duration longer than 30 days, a Class A, B, or D licensee also must submit to the commission:

*[For text of items A to F, see Minnesota Rules]*

G. The licensee must make its best effort to notify the commission promptly of any change in the information required by items A, B, C, D, and ~~E, and F~~ before performance is completed.

Subp. 4. **Basis for commission approval.** The commission shall approve the contract or subcontract if it determines that approval will not adversely affect racing, pari-mutuel wagering, card playing, or the public interest, is in accordance with applicable laws and rules, and will not adversely affect the public health, safety, and welfare. In making that determination, the commission must consider the contractor or subcontractor's competence, experience, reputation, record of law abidance, and financial responsibility.

*[For text of subparts 5 to 10, see Minnesota Rules]*

**7876.0100 ON-TRACK STABLING.**

*[For text of subparts 1 to 9, see Minnesota Rules]*

Subp. 10. **Original certificate of veterinary inspection.** Each horse arriving on the grounds of a licensed racetrack must be accompanied by an original certificate of veterinary inspection ~~issued not~~. 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 of veterinary inspection 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 results. 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 of veterinary inspection must be surrendered to the stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection will remain valid for 30 days from the date of issue, with the date of issue counted as day one. Horses leaving the facility and returning during this 30-day period do not have to be accompanied by a new certificate of veterinary inspection. Horses leaving and returning after the 30-day period will need to be accompanied by a new original ~~health~~ certificate ~~issued not~~. 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.

*[For text of subparts 10a to 12, see Minnesota Rules]*

**7876.0110 OFF-TRACK STABLING.**

*[For text of subparts 1 to 3, see Minnesota Rules]*

Subp. 4. **Original certificate of veterinary inspection.** Any horse arriving on the grounds of a licensed racetrack must be accompanied by an original certificate of veterinary inspection ~~issued not~~. 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 of

veterinary inspection 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 of veterinary inspection must be surrendered to the stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection will remain valid for 30 days from the date of issue, with the date of issue counted as day one. Horses leaving the facility and returning during this 30-day period do not have to be accompanied by a new certificate of veterinary inspection. Horses leaving and returning after the 30-day period will need to be accompanied by a new original certificate of veterinary inspection ~~issued not~~. 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.

*[For text of subparts 4a to 6, see Minnesota Rules]*

#### **7876.0120 ON- AND OFF-TRACK STABLING OF NONRACING HORSES.**

Subpart 1. **Certificate of veterinary inspection.** Any horse arriving on the grounds of a licensed racetrack must be accompanied by an original certificate of veterinary inspection ~~issued not~~. 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 the arrival. The certificate of veterinary inspection 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 ~~certificates~~ certificate of veterinary inspection must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection will

remain valid for 30 days from the date of issue, with the date of issue counted as day one. Horses leaving the facility and returning during this 30-day period do not have to be accompanied by a new certificate of veterinary inspection. Horses leaving and returning after the 30-day period will need to be accompanied by a new original certificate of veterinary inspection ~~issued not~~. 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 horse must also have a negative equine piroplasmosis test as prescribed in part 7876.0100, subpart 11, or 7876.0110, subpart 5.

*[For text of subparts 2 and 3, see Minnesota Rules]*

**7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.**

*[For text of subparts 1 to 3b, see Minnesota Rules]*

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

*[For text of item A, see Minnesota Rules]*

~~B.~~ ~~association veterinarian;~~

~~€.~~ B. claims clerk (Thoroughbred, Quarter Horse, or Arabian);

~~Đ.~~ C. clerk of course (harness);

~~E.~~ D. clerk of scales (Thoroughbred, Quarter Horse, or Arabian);

~~F.~~ E. clocker (Thoroughbred, Quarter Horse, or Arabian);

~~G.~~ F. director of security;

~~H.~~ G. general manager;

~~I.~~ H. identifier;

~~J.~~ I. jockeys' or drivers' room custodian;

~~K.~~ J. mutuels manager;

~~L.~~ K. paddock judge;

~~M.~~ L. patrol judge;

~~N.~~ M. placing judge;

~~O.~~ N. program director (harness);

~~P.~~ O. outrider;

~~Q.~~ P. racing secretary;

~~R.~~ Q. starter;

~~S.~~ R. steward;

~~T.~~ S. timer;

~~U.~~ T. track superintendent; and

~~V.~~ U. any other official as designated by the commission.

The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license, including a personal resume, with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of the examination to the commission. The request shall be made only where there is a reasonable basis for suggesting

that the applicant's physical condition would hinder or prevent the applicant from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

Under no circumstances shall an identifier, placing judge, or patrol judge begin working in that capacity unless the person has provided the commission with documentation of having satisfactorily passed an optical examination within 90 days prior to beginning work. The documentation must show that the person has at least 20-20 vision (corrected) and the ability to distinguish colors.

#### **7877.0120 FEES.**

Subpart 1. **License fees.** Each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

*[For text of items A to N, see Minnesota Rules]*

O. owner, ~~multiple, corporate, partnership,~~ or stable, one-year, \$50; three-year, \$150;

*[For text of items P to U, see Minnesota Rules]*

V. veterinarian or animal chiropractor, \$100;

*[For text of items W to HH, see Minnesota Rules]*

*[For text of subparts 2 to 4, see Minnesota Rules]*

#### **7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.**

*[For text of subpart 1, see Minnesota Rules]*



Subp. 2. ~~Multiple owners~~ Stable name. Applicants for a ~~multiple owner's~~ stable name license must comply with subpart 1 and the following requirements.

A. ~~A legally formed corporation, partnership, or trust, or any combination of two or more individuals except spouses, which owns or leases a horse eligible to race in Minnesota (hereinafter referred to as "multiple owner") must obtain a Class C multiple owner license issued by the commission.~~ A stable is defined as any ownership operating under a name other than the ownership's own name and must be registered with the commission by filing an application on a form prescribed by the commission. No person may use the real name of another owner of race horses as a stable name. A stable name that has already been registered may not be registered by another owner. The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a fictitious name as provided by the laws of Minnesota. The registration of a stable name must reflect all actual ownership interests. The stable name and the name of the owner shall be published in the program. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase "et al."

B. ~~Directors, officers, general partners, policymakers, and all holders of direct or indirect record or beneficial ownership or other voting interests or control, whether absolute or contingent, of five percent or more in a multiple owner also must obtain Class C licenses issued by the commission.~~ The applicant must give consent for the commission to share the following data on each such horse registered with The Jockey Club:

[For text of subitems (1) and (2), see Minnesota Rules]

C. ~~Individuals or entities required by items A and B to obtain a Class C license must make their best effort, as defined in part 7870.0030, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, any interest in a race horse other than horses owned or leased by the multiple owner, and~~

~~any agreement or understanding entered into regarding the racing of horses owned or leased by the multiple owner or the distribution of the benefits of racing the horses.~~

~~D. A multiple owner must make its best effort, as defined in part 7870.0030, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, the nature and extent of every direct or indirect record of beneficial ownership or other voting interest or control, whether absolute or contingent, in the multiple owner. The disclosure shall include the names and addresses of every individual and other entity. The individuals and other entities identified, except those required to be licensed pursuant to item B, shall not be licensed and shall not have access to restricted areas at racetracks.~~

~~E. A multiple owner must file with the commission, at the time of application for a Class C license, a notarized statement signed by one or more individuals agreeing to represent the entire ownership and be responsible for the multiple owner's horses and all racing matters.~~

~~F. A stable is defined as any ownership operating under a name other than their own name and must be registered with the commission by filing an application on a form prescribed by the commission. No person may use the real name of another owner of race horses as a stable name. A stable name which has already been registered may not be registered by another owner. The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a fictitious name as provided by the laws of Minnesota. The registration of a stable name must reflect all actual ownership interests. The stable name and the name of the owner shall be published in the program. If the stable name consists of more than one person, the program shall list the name of the managing owner along with the phrase "et al."~~

*[For text of subparts 3 to 9a, see Minnesota Rules]*

Subp. 9b. **Animal chiropractor.** An applicant for an animal chiropractor license must:

A. be currently licensed by the Minnesota Board of Chiropractic Examiners as a human chiropractor;

B. provide documentation that the applicant has completed the necessary training and is registered with the Minnesota Board of Chiropractic Examiners as an animal chiropractor; and

C. demonstrate to the commission's veterinarian that the applicant is familiar with current equine medical practices and possesses knowledge of the commission's rules as they relate to the practice of animal chiropractic.

[For text of subparts 10 to 13, see Minnesota Rules]

Subp. 14. **Authorized agents.** To be appointed an authorized agent, the appointee must be licensed as an individual owner, a trainer, or an assistant trainer. A written agency appointment authorizing the authorized agent to act on behalf of a licensed individual owner ~~or licensed multiple owner~~, or licensed trainer in racing matters not directly related to the care and training of horses must accompany the appointment. The authorization shall be on a form provided by the commission and shall define the powers, limits, and terms of the agency agreement. The authorization must be signed by the individual principals ~~or the multiple owner designated representative~~ and notarized.

A separate notarized agency appointment is required for each principal an authorized agent intends to represent. All such agencies shall remain in effect for the duration of the current race meeting unless written notice of revocation is submitted to the stewards at the meeting where the principal is racing.

[For text of subparts 15 to 17, see Minnesota Rules]

#### **7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.**

[For text of subpart 1, see Minnesota Rules]

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

*[For text of items A to N, see Minnesota Rules]*

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 ~~or~~ 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 ~~health certificate issued not~~ health certificate. 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 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 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 ~~health certificate~~ certificate must be surrendered to stable gate personnel for immediate transmittal to the 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.

*[For text of items Q to V, see Minnesota Rules]*

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.

[For text of subparts 2a to 8, see Minnesota Rules]

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

[For text of items A to I, see Minnesota Rules]

J. Veterinarians must examine each horse in their care that is scheduled for an official timed workout in front of a commission veterinarian 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 in advance of the scheduled work.

[For text of subparts 9a and 9b, see Minnesota Rules]

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 commission-licensed 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:

[For text of items A and B, see Minnesota Rules]

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~~. 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.

*[For text of items D and E, see Minnesota Rules]*

*[For text of subpart 11, see Minnesota Rules]*

#### **7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.**

*[For text of subparts 1 to 4, see Minnesota Rules]*

Subp. 4a. **Paddock judge responsibilities for harness races.** Under the direction and supervision of the stewards, the paddock judge will have complete charge of the paddock activities. The paddock judge is responsible for:

A. getting the field on the track for post parades in accordance with the schedule given by the stewards;

B. inspection of horses for changes in equipment, nonrecognized racing equipment, broken or faulty equipment, head numbers, or saddle pads; and reporting any equipment changes to the presiding steward;

C. supervision of paddock gate persons;

~~D. Proper check-in and check-out of horses and drivers and checking the identification of all horses coming into the paddock including the tattoo, freeze brand, digital tattoo, or microchip number.~~

~~E.~~ D. directing the activities of the paddock blacksmith;

~~F.~~ E. immediately notifying the stewards of anything that could in any way change, delay, or otherwise affect the racing program. The paddock judge will report to the stewards any cruelty to any horse that the paddock judge observes;

~~G.~~ F. ensuring that only authorized persons are permitted in the paddock and notifying the stewards of any apparent rule violation occurring in the paddock; and

~~H.~~ G. immediately reporting to the commission veterinarian ~~or the association veterinarian~~ the suspected infirmity or unsoundness of any horse.

*[For text of subparts 5 to 8a, see Minnesota Rules]*

Subp. 9. **Patrol judge.** Patrol judges may observe the running of each race. In the case of harness racing, a patrol judge may serve as a roving patrol judge by riding in the starting gate and observing activity on the race course at all times during a race program.

Patrol judges shall be in communication with the stewards during every race, and shall immediately notify the stewards of:

*[For text of items A to C, see Minnesota Rules]*

~~D. the lameness or unfitness of any horse;~~

~~E.~~ D. any lack of or broken racing equipment; and

~~F.~~ E. any unusual or illegal behavior of horses, jockeys, or drivers.

When instructed by the stewards, patrol judges shall be present at video reviews of races to confirm or to clarify reported observations.

[For text of subparts 10 to 15, see Minnesota Rules]

**7877.0180 CONFLICTS.**

[For text of subpart 1, see Minnesota Rules]

Subp. 1a. **Other employees.** No detention barn employee, commission staff, assistant starter, claims clerk, outrider, ~~association veterinarian~~, or track superintendent shall request or accept any remuneration or honorarium in payment or kind from any owner, trainer, or other person licensed by the commission.

Subp. 2. ~~Veterinarians~~ **Veterinarian, veterinary assistant, equine masseuse, animal chiropractor.** No veterinarian, ~~equine masseuse~~, or veterinary assistant, equine masseuse, or animal chiropractor may participate in pari-mutuel wagering while licensed by the commission.

Subp. 2a. **Veterinarian designated as an official.** No veterinarian designated as an official at a race meeting shall treat or prescribe treatment for a horse racing at that meeting, except in emergencies or if no other veterinarian licensed by the commission is on the grounds of the association. In that case, the official veterinarian shall notify the commission of any compensation received.

Subp. 3. **Wagering by owners, trainers, drivers, or jockeys.**

A. No owner, trainer, driver, or jockey shall:

(1) place a win wager to win on any horse except his or her own in a race in which he or she competes;

(2) place a place or show wager on his or her own horse in a race unless also betting the same or higher amount as a win wager;

(3) wager on any other horse to finish better than his or her own in an exacta, trifecta, superfecta, or super high five wager; or



(4) wager on any other horse except his or her own in any leg of a daily double, Pick 3, or Pick (n) wager in which he or she has a horse competing.

#### **7884.0170 SCRATCHES.**

*[For text of subparts 1 to 3, see Minnesota Rules]*

Subp. 4. **Scratched as unsound.** Any horse that is scratched by the stewards as unsound during warmup for a race in which the horse is entered must compete in a qualifying race prior to reentry. ~~Horses competing in qualifying races may be selected for random postrace drug testing under chapter 7892, and if so selected, negative test results must be returned~~ scratched at other times, dependent upon placement on the official veterinarian's list, may requalify prior to reentry.

*[For text of subpart 5, see Minnesota Rules]*

#### **7884.0190 QUALIFYING RACES.**

*[For text of subparts 1 and 2, see Minnesota Rules]*

Subp. 2a. **Horses required to compete in qualifying races regardless of duration of meet.** The following horses shall not be eligible to enter any race until they have competed in qualifying races:

*[For text of items A and B, see Minnesota Rules]*

C. A horse finishing first, second, or third on a "fast" track and making a break in the race ~~would~~ does not have that break counted against it in terms of eligibility for future entries unless it was a break off a qualifier. However, For these horses, when the break occurs in the first start after the horse qualified, the horse must requalify regardless of its finishing position. Any horse making breaks in ~~three~~ two consecutive races over fast tracks would still be required to qualify regardless of finishing position.

*[For text of item D, see Minnesota Rules]*

[For text of subparts 3 to 7, see Minnesota Rules]

Subp. 8. **Medications.** All horses racing in qualifying races must participate under the same medication requirements as those for race days. Horses competing in qualifying races may be selected for random postrace drug testing under chapter 7892, and if so selected, negative test results must be returned prior to reentry.

#### **7884.0210 CLAIMING RACES.**

[For text of items A to E, see Minnesota Rules]

F. If a horse that is drawn to start in a claiming race has been declared to start in a subsequent claiming race, a successful claimant, if any, of the horse in the first race shall have the option of scratching the horse from the subsequent race.

F. G. Postrace testing on all claimed horses shall be performed as set forth in chapter 7892. Upon receipt of notification from the commission veterinarian that the initial forensic analysis demonstrates a medication violation under chapter 7890, 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. In that case, the following provisions shall apply.

[For text of subitems (1) and (2), see Minnesota Rules]

#### **7884.0220 PADDOCK PROCEDURES.**

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Driver to register.** Drivers shall report to the paddock judge and sign the drivers' register at least one hour before post time of any race in which they are programmed to drive. All drivers must undergo breath analyzer testing when they sign in and be retested if they leave the paddock or drivers' room. After signing the drivers' register, no driver shall leave the paddock or drivers' room, except to drive in a race or to view the races from a

point approved by the stewards, until all his or her driving engagements for the day have been fulfilled.

*[For text of subparts 3 to 5, see Minnesota Rules]*

#### **7884.0230 RACING EQUIPMENT.**

*[For text of subparts 1 to 7, see Minnesota Rules]*

Subp. 8. **Number pads.** Number pads must be returned to the paddock immediately after each warmup and race with no apparent damage or destruction.

#### **7884.0260 DRIVING RULES.**

*[For text of subpart 1, see Minnesota Rules]*

Subp. 2. **Conduct after word "go" is given.** After the word "go" is given no driver shall:

*[For text of items A to S, see Minnesota Rules]*

T. use a whip exceeding four feet in length or a snapper longer than six inches in length, or use unreasonable or unnecessary force in the whipping of a horse, nor whip any horse causing visible injury, nor whip any horse about the head including but not limited to trailing horses, nor whip any horse after the finish line has been crossed except when it has been deemed by the board of judges necessary to control the horse. The driver is permitted to encourage the horse with the whip only one time from the start to the 3/4 mile marker, and no more than four times, if the horse is advancing, from the 3/4 mile marker to the finish line. The board of judges will notify the commission veterinarian to conduct any postrace examination on any horse deemed to have been subject to unreasonable or unnecessary force. The following actions shall be considered indiscriminate, unreasonable, or unnecessary uses of the whip:

*[For text of subitems (1) to (5), see Minnesota Rules]*

[For text of items U to X, see Minnesota Rules]

[For text of subparts 3 to 11, see Minnesota Rules]

**7890.0100 DEFINITIONS.**

[For text of subparts 1 to 2a, see Minnesota Rules]

Subp. 2b. **Animal chiropractor.** "Animal chiropractor" means a Doctor of Chiropractic who is licensed under Minnesota Statutes, sections 148.01 to 148.108, and registered with the Minnesota Board of Chiropractic Examiners under parts 2500.7010 to 2500.7080 to perform services on animals.

[For text of subparts 3 to 12b, see Minnesota Rules]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. Medication includes all alkalinizing agents, analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

[For text of items A to D, see Minnesota Rules]

~~E. Electrolytes except those containing sodium bicarbonate or other alkalinizing agents.~~

[For text of subparts 13a to 14e, see Minnesota Rules]

Subp. 14f. **Out of competition testing.** "Out of competition testing" is the taking of blood, urine, or another biological sample from a horse at any time other than race day.

Subp. 14g. **Prescription number.** "Prescription number" means the unique identification number assigned by the veterinarian, pharmacist, or other supplier to the prescription.

*[For text of subparts 15 to 21, see Minnesota Rules]*

## **7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.**

*[For text of subparts 1 to 7a, see Minnesota Rules]*

### **Subp. 7b. Thyroid supplements.**

A. The use of a thyroid supplement is limited to a hypothyroid horse diagnosed with a thyroid releasing hormone (TRH) stimulation test.

B. Results of the TRH test must be submitted to the commission veterinarian and approved prior to the horse receiving a thyroid supplement.

C. If a horse is currently receiving a thyroid supplement, TRH test results must be provided to the commission veterinarian or thyroid supplement administration discontinued and TRH testing completed after a 30-day washout period.

**Subp. 7c. Clenbuterol.** Clenbuterol use is prohibited in the racing and training of a Quarter Horse and only permitted in the racing and training of other breeds if the following conditions are met:

A. Clenbuterol is prescribed by a licensed veterinarian for a specifically named horse, stating the diagnosis, the recommended dosage levels, and duration of clenbuterol treatment, not to exceed 30 days. The required information must be submitted to the commission veterinarian on a form and by a deadline established by the commission.

B. Trainers must notify a commission veterinarian daily of all horses in their custody having been administered clenbuterol. Notification shall be made on a form and by a deadline established by the commission.

C. A horse administered clenbuterol shall be placed on the official veterinarian's list and remains on the list until all conditions for removal have been met including an official timed workout with reports of negative clenbuterol blood and urine sampling.

D. A horse may not be entered to race until the horse has completed all requirements in item C.

*[For text of subpart 8, see Minnesota Rules]*

Subp. 8a. **Intra-articular injections.** The use of any intra-articular injection within seven days of the race in which the horse is entered is prohibited.

*[For text of subpart 9, see Minnesota Rules]*

Subp. 10. **Medications.** No medications other than those specifically permitted under this chapter shall be allowed in the post-race or out of competition test sample of a horse. Serum or urine thresholds on permitted controlled therapeutic medications shall not exceed those found in the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses, which is incorporated by reference.

Subp. 11. **Medical labeling.**

*[For text of item A, see Minnesota Rules]*

B. Any drug or medication that is used or kept on association grounds and that, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All allowable medications must be labeled in accordance with state and federal laws and shall have a prescription label that is securely attached and clearly ascribed to show the following:

(1) the prescription number that is recorded by the dispensing veterinarian or pharmacist and kept in the animal's medical record;

(2) the date the prescription was dispensed;

~~(1)~~ (3) the name, address, and telephone number of the company manufacturing the medication;

~~(2)~~ (4) the lot number and expiration date of the medication;

~~(3)~~ (5) the name, address, and telephone number of the veterinarian prescribing or dispensing the medication;

~~(4)~~ (6) the name of each patient (horse) for whom the medication is prescribed or dispensed;

~~(5)~~ (7) the name of the person (trainer) to whom the medication was dispensed;

~~(6)~~ (8) the name, active ingredient, and quantity of the medication prescribed;

~~(7)~~ (9) the dose, dosage, route of administration, and duration of treatment;  
and

~~(8)~~ (10) cautionary statements as needed.

Possession of an expired prescription medication is considered a violation of the rule.

*[For text of subparts 12 and 13, see Minnesota Rules]*

#### **7890.0120 REPORTING PROCEDURES.**

*[For text of subpart 1, see Minnesota Rules]*

Subp. 1a. **Animal chiropractors must keep records.** Animal chiropractors must submit daily to the commission veterinarian, in writing or electronically, on a prescribed form a report of all the horses treated at a licensed racetrack. The form shall contain the date and time, name of horse treated, trainer of horse, and procedures administered, for horses registered at a current race meeting, and any other information requested by the commission veterinarian. The form must be filed by the animal chiropractor not later than noon on the day following treatment. The form shall be signed by hand or digitally by the

animal chiropractor. The form is considered private and its content shall not be disclosed except in the course of an investigation of a possible violation of chapters 7869 to 7899, or in a proceeding before the stewards or commission, or to the trainer or owner of record at the time of treatment. A timely and accurate filing of the form that is consistent with the analytical results of a positive test is a mitigating factor in determining the nature and extent, if any, of a rules violation.

*[For text of subparts 2 and 3, see Minnesota Rules]*

#### **7890.0130 FINDINGS OF CHEMIST.**

Subpart 1. **Prima facie evidence.** A. A finding by a chemist of any positive test or overage in the test sample of a horse taken after a race, ~~or official timed workout, or an out-of-competition test~~ shall be considered prima facie evidence that the medication or metabolite, androgenic anabolic steroid, substance foreign to the natural horse, or endogenous, dietary, or environmental substance, NSAID, ~~or clenbuterol, venom, blood doping agent, or furosemide~~ was administered to the horse ~~prior to the race or official timed workout and carried in the body of the horse while participating in the race or official timed workout. A horse racing on furosemide must show a detectable concentration of the drug or metabolites in the post-race serum or plasma sample. A finding by a chemist of any venom or blood doping agent in the test sample of a horse shall be considered prima facie evidence that the venom or blood doping agent was administered to the horse prior to the race or official timed workout and carried in the body of the horse while participating in a race or official timed workout.~~

B. A finding by a chemist of a level of  $\text{TCO}_2$  greater than 37 millimoles per liter of blood in the test sample of a horse shall be considered prima facie evidence that an alkalizing agent was administered to the horse prior to the race or official timed workout after which the test sample was taken.



Subp. 2. **Distributed purse money.** The fact that purse money has been distributed prior to the issuance of the chemist's report shall not be deemed a finding that no medication or metabolites, androgenic anabolic steroids, substance foreign to the natural horse, or endogenous, dietary, or environmental substances, clenbuterol, NSAIDs or furosemide exceeding allowable levels was administered to the horse earning such purse money in violation of this chapter.

#### **7890.0140 BLEEDERS.**

*[For text of subparts 1 to 5, see Minnesota Rules]*

Subp. 6. **Furosemide may be permitted.** A horse three years of age and older is eligible to race with furosemide if the licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide. Once a horse has raced with furosemide, it must continue to race with furosemide in all subsequent races unless a request is made to discontinue the use. If the use of furosemide is discontinued, the horse shall be prohibited from again racing with furosemide unless it is later observed to be bleeding pursuant to subpart 1 or the horse is claimed or transferred to a different licensed trainer. A horse that is claimed or transferred to a different licensed trainer is eligible to race with furosemide if the new trainer and a licensed veterinarian employed by the new owner or trainer determine that it would be in the horse's best interest to race with furosemide. Requests for the use of or discontinuance of furosemide must be made to the commission veterinarian by the horse's current trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made.

*[For text of subparts 7 to 10, see Minnesota Rules]*

#### **7890.0160 RESPONSIBILITY OF VETERINARIAN.**

No veterinarian may administer a medication, alkalizing 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 13, or in the case of a medical emergency requiring immediate treatment, without the prior permission of the commission veterinarian. No veterinarian may place a nasogastric tube in a horse that is scheduled to race within 48 hours, except in the case of a medical emergency requiring immediate treatment. No veterinarian, veterinary assistant, equine masseuse, or animal chiropractor may enter the stall of or otherwise handle a horse ~~that is scheduled to race on race day at any time within 24 hours of the race in which the horse is entered,~~ except as permitted by part 7890.140, subpart 7a, or in the case of a medical emergency requiring immediate treatment without the prior permission of the commission veterinarian. In emergency cases it is the responsibility of the attending veterinarian to notify the commission veterinarian of the nature of the emergency and the exact treatment provided. The notification must be made as soon as practical (within one-half hour of an emergency that occurs during training or racing hours or by 8:00 a.m. on the morning following an emergency which occurred during evening or night hours) and on a form prescribed by the commission. At the request of the commission veterinarian, the veterinarian must provide radiographs, laboratory tests, and results of other diagnostic procedures within 24 hours.

#### **7892.0120 TAKING OF SAMPLES.**

##### **Subpart 1. Horses tested.**

*[For text of items A and B, see Minnesota Rules]*

C. Out-of-competition testing for prohibited substances, blood doping agents, gene doping agents, growth hormone, exogenous anabolic steroids, and clenbuterol may be performed at the request and under the direction of the stewards or the commission veterinarian on any horse present on the grounds of a racetrack licensed by the commission or nominated for stakes or specific racing series. Horses to be tested may be selected at random or as otherwise reasonably determined by the stewards or commission veterinarian. Split samples shall be collected in accordance with subpart 5. A positive test shall result in

the horse being placed on the commission veterinarian's list under part 7877.0175, subpart 8.

*[For text of items D to F, see Minnesota Rules]*

*[For text of subparts 2 to 6, see Minnesota Rules]*

#### **7897.0100 PROHIBITED ACTS.**

*[For text of subparts 1 to 20, see Minnesota Rules]*

Subp. 21. **Pregnant filly or mare.** No filly or mare over ~~150~~ 120 days gestation may be entered to race.

*[For text of subparts 22 and 23, see Minnesota Rules]*

Subp. 24. **Security and surveillance equipment.** No person shall tamper with or alter in any manner security or surveillance equipment used by the commission or an association without the prior approval of the commission.

#### **7897.0150 DISCIPLINARY PROCEDURES.**

*[For text of subpart 1, see Minnesota Rules]*

Subp. 2. **Penalties imposed by stewards.** The stewards may suspend a license up to ~~90 days~~ one year or impose a fine of up to ~~\$5,000~~ \$10,000 in accordance with the schedule of fines in part 7897.0130 or both; 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.

*[For text of subparts 3 to 10, see Minnesota Rules]*

**RENUMBERING INSTRUCTION.** Renumber Minnesota Rules, part 7890.0100, subparts 1 to 21, in alphabetical order and change reference numbers in Minnesota Rules, parts 7877.0170, 7890.0110, 7890.0120, and 7890.0160, to agree with renumbered subparts.