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**TITLE 71 INDIANA HORSE RACING
COMMISSION**

LSA Document #03-52(E)

DIGEST

Amends 71 IAC 3-2-9 concerning placing a horse on the judge's list if there is a question as to the actual trainer of the horse. Amends 71 IAC 3.5-2-9 concerning placing a horse on the steward's list if there is a question as to the actual trainer of the horse. Amends 71 IAC 4-2-4 concerning reimbursement of judges' expenses. Amends 71 IAC 4-2-5 concerning reimbursement of test barn assistants' expenses. Amends 71 IAC 4-3-1 concerning an accident on the track. Amends 71 IAC 4.5-2-4 concerning reimbursement of stewards' expenses. Amends 71 IAC 4.5-2-5 concerning reimbursement of test barn assistants' expenses. Amends 71 IAC 4.5-3-1 concerning an accident on the track. Amends 71 IAC 5.5-4-4 concerning jockey responsibility in wearing colors. Amends 71 IAC 7-1-15 concerning horses ineligible to be entered. Amends 71 IAC 7-1-28 concerning qualifying races. Amends 71 IAC 7.5-1-4 to clarify the coupled entries. Adds 71 IAC 7.5-1-14 concerning current race lines. Amends 71 IAC 7.5-6-1 concerning equipment. Amends 71 IAC 8-1-1 concerning the use of dose syringes. Amends 71 IAC 8-4-1 concerning collection procedures. Adds 71 IAC 8-6-2 concerning the adding of three drugs to prohibited practices based upon the advice of the Association of Racing Commissioner's International. Amends 71 IAC 8.5-1-1 concerning the adding of three drugs to prohibited practices based upon the advice of the Association of Racing Commissioner's International. Amends 71 IAC 8.5-3-1 concerning collection procedures. Amends 71 IAC 8.5-5-2 concerning prohibited practices. Amends 71 IAC 10-2-9 concerning a clarification of the appeal process. Amends 71 IAC 12-2-15 concerning allocation of riverboat gambling admissions tax revenue. Amends 71 IAC 12-2-18 concerning allocation of interstate simulcasting revenue to purses. Repeals 71 IAC 7-1-37. Effective February 21, 2003.

71 IAC 3-2-9	71 IAC 7.5-1-4
71 IAC 3.5-2-9	71 IAC 7.5-1-14
71 IAC 4-2-4	71 IAC 7.5-6-1
71 IAC 4-2-5	71 IAC 8-1-1
71 IAC 4-3-1	71 IAC 8-4-1
71 IAC 4.5-2-4	71 IAC 8-6-2
71 IAC 4.5-2-5	71 IAC 8.5-1-1
71 IAC 4.5-3-1	71 IAC 8.5-3-1
71 IAC 5.5-4-4	71 IAC 8.5-5-2
71 IAC 7-1-15	71 IAC 10-2-9
71 IAC 7-1-28	71 IAC 12-2-15
71 IAC 7-1-37	71 IAC 12-2-18

SECTION 1. 71 IAC 3-2-9 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-2-9 Judge's list
Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 9. (a) The judges shall maintain a judge's list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of the participants and for the protection of the wagering public. The reasons for a horse to be placed on the judge's list and ordered to qualify shall include, but not be limited to, the following on a fast or good track:

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race unless finishing 1st, 2nd, or 3rd. Two (2) year old nonwagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.

- (3) Poor performance or failure to go in a qualifying time following a qualifying race.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Failing to go in qualifying time in two (2) consecutive starts.
- (6) Making breaks in two (2) consecutive starts unless finishing 1st, 2nd, or 3rd in one (1) of the two (2).
- (7) Being scratched sick or lame in two (2) consecutive programmings or scratched sick or lame from a race following a qualifying race.
- (8) Scratched sick or lame, having failed to go in qualifying time in a previous or subsequent start to that scratch.
- (9) Scratched sick or lame in a race previous or subsequent to a break line.
- (10) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing 1st, 2nd, or 3rd.

(b) (1) A horse showing a satisfactory line in one (1) of its last two (2) starts or its last start at a pari-mutuel track prior to racing at a county fair track, the county fair lines will not be considered towards its eligibility to return to the pari-mutuel track. Notwithstanding the above satisfactory line, at the pari-mutuel track, must be within its last six (6) programmed lines but within thirty (30) days of the pari-mutuel start (race date to race date).

(2) A horse having not raced at a pari-mutuel track must show a satisfactory charted line in one (1) of its last two (2) county fair starts within the time standards set.

(c) The judges may place a horse on the judge's list when there exists a question as to the exact identification, ~~or~~ ownership, ~~or~~ **trainer** of a horse.

(d) A horse may not be released from the judge's list without permission of the judges. (*Indiana Horse Racing Commission; 71 IAC 3-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380*)

SECTION 2. 71 IAC 3.5-2-9 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3.5-2-9 Steward's list

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) The stewards shall maintain a steward's list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health or safety of other participants in racing.

(b) The stewards may place a horse on the steward's list when there exists a question as to the exact identification, ~~or~~ ownership, ~~or~~ **trainer** of said horse.

(c) A horse may not be released from the steward's list without permission of the stewards. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380*)

SECTION 3. 71 IAC 4-2-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 4-2-4 Reimbursement of judges' expenses

Authority: IC 4-31-3-9; IC 4-31-3-11.5

Affected: IC 4-31

Sec. 4. (a) An association shall reimburse the commission for the salaries and reasonable expenses of all judges who serve at the association's track. The reimbursement shall include, but not be limited to, the following:

- (1) All salaries, per diem, ~~and~~ fringe benefits, **and expenses, including, but not limited to, unemployment benefits.**
- (2) Travel expenses, including lodging for any premeet or postmeet duties as approved by the executive director.
- (3) All expenses relating to the recruitment and interviewing of prospective judges.
- (4) Other expenses related to subdivisions (1) through (3) as determined by the executive director.

(b) In the event of a meeting of less than sixty (60) days in duration, the association shall provide and pay directly for the reasonable lodging of any judge whose residence is greater than fifty (50) miles from the association's track. The association shall also pay for the lodging and travel expenses of any substitute judge. The location of lodging shall be subject to the approval of the executive director.

(c) The payment or reimbursement of reasonable travel expenses of judges shall be subject to the travel policies and procedures of the state of Indiana established by the department of administration and approved by the budget agency. (*Indiana Horse Racing Commission; 71 IAC 4-2-4; emergency rule filed May 16, 1994, 4:30 p.m.: 17 IR 2370; errata, 17 IR 2657; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2072; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380*)

SECTION 4. 71 IAC 4-2-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 4-2-5 Reimbursement of test barn assistants' expenses

Authority: IC 4-31-3-9; IC 4-31-12-6

Affected: IC 4-31

Sec. 5. An association shall reimburse the commission for the salaries, wages, per diem, fringe benefits, and expenses (**including, but not limited to, unemployment benefits**) of all test barn assistants who serve at the association's track. (*Indiana Horse Racing Commission; 71 IAC 4-2-5; emergency rule filed May 16, 1994, 4:30 p.m.: 17 IR 2370; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2381*)

SECTION 5. 71 IAC 4-3-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 4-3-1 Facilities for patrons and licensees

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

(b) An association shall provide and maintain adequate restroom facilities for the patrons and licensees.

(c) An association shall provide an adequate supply of free drinking water.

(d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(e) During a race performance, the association shall provide the following:

(1) A first aid room equipped with appropriate equipment.

(2) The services of at least one (1) physician or certified emergency medical technician (EMT).

(f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for qualifying and racing. If the ambulance is being used to transport an individual, the association may not conduct a race until the ambulance is replaced.

(g) The ambulance must be parked at a location approved by the commission.

(h) Any driver that falls or is involved in an accident on the track shall be examined by a certified paramedic or emergency medical technician (EMT) employed by or under contract with the association. The driver shall not be permitted to fulfill any future engagement until he or she is approved by said paramedic or EMT.

~~(h)~~ (i) An association shall provide adequate office space for the use of the judges and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be

approved by the commission.

⊕ (j) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

⊕ (k) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees. *(Indiana Horse Racing Commission; 71 IAC 4-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2381)*

SECTION 6. 71 IAC 4.5-2-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 4.5-2-4 Reimbursement of stewards' expenses

Authority: IC 4-31-3-9; IC 4-31-3-11.5

Affected: IC 4-31

Sec. 4. (a) An association shall reimburse the commission for the salaries and reasonable expenses of all stewards who serve at the association's track. The reimbursement shall include, but not be limited to, the following:

- (1) All salaries, per diem, ~~and~~ fringe benefits, **and expenses, including, but not limited to, unemployment benefits.**
- (2) Travel expenses, including lodging for any premeet or postmeet duties as approved by the executive director.
- (3) All expenses relating to the recruitment and interviewing of prospective stewards.
- (4) Other expenses related to subdivisions (1) through (3) as determined by the executive director.

(b) In the event of a meeting of less than sixty (60) days in duration, the association shall provide and pay directly for the reasonable lodging of any steward whose residence is greater than fifty (50) miles from the association's track. The association shall also pay for the lodging and travel expenses of any substitute steward. The location of lodging shall be subject to the approval of the executive director.

(c) The payment or reimbursement of reasonable travel expenses of stewards shall be subject to the travel policies and procedures of the state of Indiana established by the department of administration and approved by the budget agency. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2841, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2381)*

SECTION 7. 71 IAC 4.5-2-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 4.5-2-5 Reimbursement of test barn assistants' expenses

Authority: IC 4-31-3-9; IC 4-31-12-6

Affected: IC 4-31

Sec. 5. An association shall reimburse the commission for the salaries, wages, per diem, fringe benefits, and expenses (**including, but not limited to, unemployment benefits**) of all test barn assistants who serve at the association's track. *(Indiana Horse Racing Commission; 71 IAC 4.5-2-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2841, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2382)*

SECTION 8. 71 IAC 4.5-3-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 4.5-3-1 Facilities for patrons and licensees

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

- (b) An association shall provide and maintain adequate rest room facilities for the patrons and licensees.
- (c) An association shall provide an adequate supply of free drinking water.
- (d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.
- (e) During a race performance, the association shall provide the following:
 - (1) A first aid room equipped with appropriate equipment.
 - (2) The services of at least one (1) physician or certified emergency medical technician (EMT).
- (f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for training or racing. If the ambulance is being used to transport an individual, the association may not conduct a race until the ambulance is replaced.
- (g) The ambulance must be positioned at a location approved by the commission.

(h) Any jockey that falls or is involved in an accident on the track shall be examined by a certified paramedic or emergency medical technician (EMT) employed by or under contract with the association. The jockey shall not be permitted to fulfill any future engagement until he or she is approved by said paramedic or EMT.

~~(h)~~ (i) An association shall provide adequate office space for the use of the stewards and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be approved by the commission.

~~(i)~~ (j) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

~~(j)~~ (k) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees. *(Indiana Horse Racing Commission; 71 IAC 4.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2890; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2382)*

SECTION 9. 71 IAC 5.5-4-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-4-4 Jockey responsibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 4. (a) A jockey shall give a best effort during a race, and each horse shall be ridden to win. A jockey shall not ease up on or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money.

(b) A jockey shall not have a valet attendant except one provided and compensated by the association.

(c) No person other than the licensed contract employer or a licensed jockey agent, may make riding arrangements for a rider, except that a jockey not represented by a jockey agent may make the jockey's own riding engagements.

(d) A jockey shall have no more than one (1) jockey agent.

(e) No revocation of a jockey agent's authority is effective until the jockey notifies the stewards in writing of the revocation of the jockey agent's authority.

(f) A jockey is required to have their colors (silks) and rain jackets tucked into their pants at all times while visible to the

public. *(Indiana Horse Racing Commission; 71 IAC 5.5-4-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2382)*

SECTION 10. 71 IAC 7-1-15 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-15 Horses ineligible to be entered

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. **(a)** An owner or trainer shall not enter or start a horse that:

- (1) has not been qualified or is on the judge's **or vet's** list;
- (2) is wearing a trachea tube or has a hole in its throat for a trachea tube;
- (3) has been nerved; or
- (4) has impaired eyesight in both eyes.

(b) A horse drawn into a race that is on the judge's or vet's list shall be scratched. *(Indiana Horse Racing Commission; 71 IAC 7-1-15; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383)*

SECTION 11. 71 IAC 7-1-28 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-28 Qualifying races

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 28. Declarations for qualifying races shall be governed by the following:

- (1) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the judges and acquire at least one (1) charted line within the qualifying standards of the track.
- (2) A horse that does not show a charted line within its last six (6) starts must go a qualifying race within the time standards of the track.
- (3) A horse that does not meet the time qualifying standards in one (1) of its last two (2) starts must qualify.
- (4) Horses racing with or without hobbles for the first time must qualify.
- (5) When a horse is used for the sole purpose of qualifying a driver, that horse must go in qualifying time or be placed on the list to requalify, and the race must be charted.
- (6) If a horse takes a win record in a qualifying race, that record must be prefaced with a "Q". The record will not be considered official unless the horse is post race tested (urine and blood).
- (7) The judges may permit free-for-all or invitational class horses to go a timed workout consistent with the time it will race in competition in place of a qualifying race.
- (8) If a qualified horse is entered in a qualifier, that qualifier will not be considered if the horse fails to qualify. Only one (1) such failed qualifier will be permitted.**

(Indiana Horse Racing Commission; 71 IAC 7-1-28; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383)

SECTION 12. 71 IAC 7.5-1-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-1-4 Coupled entries

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) Two (2) or more horses which are entered in a race shall be joined as a mutuel and single betting interest if they are owned or leased in whole or in part by the same owner. ~~or are trained by a trainer who owns or leases any interest in any of the other horses in the race.~~ The association, with the permission of the stewards, may uncouple horses trained by the same trainer but owned entirely by different owners. ~~provided that the trainer does not hold an ownership interest in either horse.~~ The uncoupling of such

horses shall be prohibited in trifecta races.

(b) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race. Under no circumstances may two (2) horses having common ties of ownership start to the exclusion of a single entry. Preference for horses with the same trainer, but having no common ties of ownership, will be determined by the conditions of the race and/or preference date and may exclude a single entry.

(c) A trainer may not train for another trainer licensed in the state of Indiana. *(Indiana Horse Racing Commission; 71 IAC 7.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383)*

SECTION 13. 71 IAC 7.5-1-14 IS ADDED TO READ AS FOLLOWS:

71 IAC 7.5-1-14 Current race lines

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 14. (a) Current race lines, including last start, must be available at scratch time or the horse will be scratched.

(b) It shall be the trainer's responsibility to inform the racing office at entry time of a possible missing line. Also, the trainer shall be responsible to supply the same information to the judges at scratch time.

(c) Scratch time is established by the association.

(d) If, after scratch time, a horse drawn into race at an Indiana pari-mutuel track participates in any other race, that horse shall be scratched. *(Indiana Horse Racing Commission; 71 IAC 7.5-1-14; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384)*

SECTION 14. 71 IAC 7.5-6-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-6-1 Equipment

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) No whip shall be used unless it has affixed to the end of it a looped leather popper not less than one and one-quarter (1 1/4) [sic.] inches in width, and not over three (3) inches in length, and be feathered above the popper with not less than three (3) rows of leather feathers, each feather not less than one (1) inch in length. No whip shall exceed thirty-one (31) inches in length. All whips are subject to inspection and approval by the stewards.

(b) No bridle shall exceed two (2) pounds.

(c) A horse's tongue may be tied down with clean bandages, gauze, or a tongue strap.

(d) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the starter.

(e) The use of Gelocast and/or like materials as a racing bandage, or the use of Gelocast and/or like materials in conjunction with traditional materials to form a racing bandage is prohibited.

(f) Any nontraditional material incorporated into a racing bandage must be approved by the commission veterinarian.

(g) The association shall designate in the official program all horses that are to be racing with a nasal strip. It shall be the responsibility of the trainer to report at time of entry if his or her horse will be racing with a nasal strip. *(Indiana Horse Racing Commission; 71 IAC 7.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Jun*

22, 1998, 5:13 p.m.: 21 IR 4234; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384)

SECTION 15. 71 IAC 8-1-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-1 Medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

(1) injection;

(2) jugging;

~~(3) dose syringing;~~

~~(4) (3) oral administration;~~

~~(5) (4) tube;~~

~~(6) (5) rectal infusion or suppository;~~

~~(7) (6) inhalation; or~~

~~(8) (7) any other means;~~

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions.

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent may be administered at any time prior to a horse's arrival in the paddock. Products containing "caine" derivatives or dimethylsulfoxide (DMSO) are foreign substances and are prohibited. (*Indiana Horse Racing Commission; 71 IAC 8-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1168; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2078; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384*)

SECTION 16. 71 IAC 8-4-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-4-1 Collection procedures

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) Before sending a sample from a horse to a testing laboratory, the commission veterinarian or a designated employee shall divide the specimen into two (2) parts.

(c) The commission veterinarian shall **attempt to** collect a minimum of fifty (50) milliliters of urine. ~~which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory.~~ The primary testing laboratory shall receive a minimum of fifty (50) milliliters of urine. The commission veterinarian shall collect a minimum of thirty (30) milliliters of blood

which shall be divided into two (2) portions, ~~both one (1)~~ of which shall be forwarded to the primary laboratory. A urine specimen shall not be split if less than fifty (50) milliliters is collected from horses. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) If the split sample testing laboratory determines that there is insufficient sample volume to make a specific identification of the sample contents, or if an act of God, power failure, accident, labor strike, or any other event beyond the control of the commission or its representatives prevents the split sample from being tested, then the results of tests performed by the primary laboratory shall be considered prima facie evidence of the condition of the horse.

(e) The commission veterinarian shall retain the part of the urine specimen **and the part of the blood specimen** that is not sent to the primary laboratory. ~~The primary laboratory shall retain a portion of the blood specimen on all positive tests.~~

(f) If the retained part of a specimen is sent for testing, the commission veterinarian ~~or primary laboratory~~ shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(g) ~~Upon a finding by the primary laboratory of a positive test on a blood sample, the primary laboratory shall handle the split sample in such a manner that hemolysis is minimized.~~ Blood samples shall be mixed and centrifuged and the plasma separated and stored frozen. (*Indiana Horse Racing Commission; 71 IAC 8-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385*)

SECTION 17. 71 IAC 8-6-2 IS ADDED TO READ AS FOLLOWS:

71 IAC 8-6-2 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The possession and/or use of a drug, substance, or medication, specified below, on the premises of a facility under the jurisdiction of the commission is prohibited. These drugs or substances include those which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.**
- (2) Darbepoietin.**
- (3) Oxyglobin.**
- (4) Hemopure.**

(b) The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States is prohibited. (*Indiana Horse Racing Commission; 71 IAC 8-6-2; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385*)

SECTION 18. 71 IAC 8.5-1-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-1-1 Medication

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1.5, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;**
- (2) jugging;**

- (3) dose syringing;
- (4) (3) oral administration;
- (5) (4) tube;
- (6) (5) rectal infusion or suppository;
- (7) (6) inhalation; or
- (8) (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions.

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics, which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent, may be administered at any time prior to a horse's arrival in the paddock. Products containing "caine" derivatives or dimethylsulfoxide (DMSO) are foreign substances and are prohibited. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2419; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385*)

SECTION 19. 71 IAC 8.5-3-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-3-1 Collection procedures

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) Before sending a sample from a horse to a testing laboratory, the commission veterinarian or a designated employee shall divide the specimen into two (2) parts.

(c) The commission veterinarian shall **attempt to** collect a minimum of fifty (50) milliliters of urine. ~~which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory.~~ The primary testing laboratory shall receive a minimum of fifty (50) milliliters of urine. The commission veterinarian shall collect a minimum of thirty (30) milliliters of blood which shall be divided into two (2) portions, ~~both one (1) of which shall be forwarded to the primary laboratory.~~ A urine specimen shall not be split if less than fifty (50) milliliters is collected from horses. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) If the split sample testing laboratory determines that there is insufficient sample volume to make a specific identification of the sample contents, or if an act of God, power failure, accident, labor strike, or any other event beyond the control of the commission or its representatives prevents the split sample from being tested, then the results of tests performed by the primary laboratory shall be considered prima facie evidence of the condition of the horse.

(e) The commission veterinarian shall retain the part of the urine and blood specimen that is not sent to the primary laboratory.

(f) If the retained part of a specimen is sent for testing, the commission veterinarian shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(g) Blood samples shall be centrifuged and stored frozen. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386*)

SECTION 20. 71 IAC 8.5-5-2, AS ADDED AT 26 IR 57, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-5-2 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The possession and/or use of a drug, substance, or medication, specified below, on the premises of a facility under the jurisdiction of the commission is prohibited. These drugs or substances include those which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

(1) Erythropoietin.

(2) Darbepoietin.

(3) Oxyglobin.

(4) Hemopure.

(b) The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for use in the United States is prohibited. (*Indiana Horse Racing Commission; 71 IAC 8.5-5-2; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 57; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386*)

SECTION 21. 71 IAC 10-2-9 IS AMENDED TO READ AS FOLLOWS:

71 IAC 10-2-9 Appeals

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 9. (a) A person who has been aggrieved or adversely affected by a ruling ~~or decision~~ of the judges may appeal to the commission. A person who fails to file an appeal by the deadline and in the form required by this section waives the right to appeal the ruling.

(b) An appeal under this section must be filed not later than fifteen (15) days after the ruling or decision is served upon the person. The appeal must be filed with the commission. The appeal must be accompanied by a deposit of five hundred dollars (\$500) in the form of a cashier's check or money order to defray the costs of appeal. The costs of appeal shall consist of the cost of the court reporter, the cost of the transcript required for the appeal, and the cost of the administrative law judge. If a person is wholly or partially successful in prosecuting an appeal and a final order is entered on their behalf, the costs of appeal will be assessed against the commission. In all other instances, the costs of appeal will be assessed against the person bringing the appeal. The deposit provided for by this subsection will be applied toward any such assessment. To the extent that such an assessment is less than the amount of the deposit, that difference shall be refunded to the person initiating the appeal. To the extent that the assessment exceeds the amount of the deposit, the person initiating the appeal is responsible for remitting the balance to the commission within ten (10) days of such a request after the issuance of a final order.

(c) An appeal must be in writing on a form prescribed by the commission. The appeal must include:

(1) the name, address, telephone number, and signature of the person making the appeal; and

(2) a statement of the basis for the appeal, identified with reasonable particularity.

(d) On notification by the commission that an appeal has been filed, the judges shall forward to the commission the record of the proceeding on which the appeal is based.

(e) If a person against whom a fine has been assessed files an appeal of the ruling that assesses the fine, payment of the fine is not due until seven (7) days after a final determination or order has been entered which supports the imposition of such a sanction.

(f) A decision by the judges regarding a **disqualification involving** the running of the race **that does not result in a ruling** is final and may not be appealed. (*Indiana Horse Racing Commission; 71 IAC 10-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1200; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3415; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2427; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2110; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2387*)

SECTION 22. 71 IAC 12-2-15, AS AMENDED AT 26 IR 394, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

71 IAC 12-2-15 Allocation of riverboat gambling admissions tax revenue

Authority: IC 4-31-3-9; IC 4-33-12-6

Affected: IC 4-31-11-10

Sec. 15. (a) An association must be racing live in order to be eligible to receive distributions of riverboat gambling admissions tax revenue pursuant to this section.

(b) The commission shall allocate the riverboat gambling admissions tax revenue distributed to the commission by the treasurer of state pursuant to IC 4-33-12-6 as follows:

(1) Twenty percent (20%) divided between the standardbred breed development fund, thoroughbred breed development fund, and quarter horse breed development fund as established by the commission under IC 4-31-11-10 as follows:

(A) Forty-eight (48%) to standardbred breed development.

(B) Forty-eight (48%) to thoroughbred breed development; and

(C) Four (4%) to quarter horse breed development.

(2) Forty percent (40%) to purses for the benefit of horsemen, which shall be divided ~~equally between the forty-nine percent (49%) to standardbred purse account and the purses, forty-nine percent (49%) to thoroughbred purse account after the first two hundred thousand dollars (\$200,000) is allocated to purses for races for quarter horses: purses, and two percent (2%) to quarter horse purses.~~ **If more than one (1) track races a [sic.] specific breed, standardbreds or thoroughbreds, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live race dates for that breed. If more than one (1) track races quarter horses, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live races for that breed.** To the extent practical, the revenue received under this subsection shall be distributed as purses for the benefit of horsemen in the year in which the revenue is received.

(3) In a year in which only one (1) association conducts live pari-mutuel racing, forty percent (40%) shall go to the association after the first five hundred thousand (\$500,000) is distributed as follows:

(A) Two hundred thousand (\$200,000) to the thoroughbred development fund.

(B) Two hundred thousand (\$200,000) to the standardbred development fund.

(C) One hundred thousand (\$100,000) to the quarter horse development fund.

Such revenue may be used by the association for purses, promotions, and routine operations of the race track. Provided, however, that such monies shall not be used for long term capital investment or construction.

(4) In a year in which more than one (1) association conducts live pari-mutuel racing, forty percent (40%) to the associations, which shall be divided proportionally based on the total purses, irrespective of any breed considerations, generated by each association's track and satellite facilities from the following sources:

(A) Live handle at track.

(B) Live handle at satellite facilities.

(C) Interstate simulcasting receiving handle.

(D) Interstate simulcasting sending handle.

Notwithstanding the above formula, in calendar year 2003, the forty percent (40%) shall be divided equally between associations if each association races a minimum of twenty (20) days each of both thoroughbred and standardbred. In calendar year 2004, one-half (½) of the forty percent (40%) shall be divided equally between associations if each association races an extended race meet of both thoroughbred and standardbred. The other half of the forty percent (40%) shall be divided proportionally based on total purses as described above.

(c) Subdivision [Subsection] (b)(4) expires on December 31, 2004. (*Indiana Horse Racing Commission; 71 IAC 12-2-15; emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1629; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2090; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2423; emergency rule filed Dec 22, 1999, 4:13 p.m.: 23 IR 1113, eff Dec 15, 1999 [IC*

4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-269(E) was filed with the secretary of state on December 22, 1999]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1189; emergency rule filed Sep 27, 2002, 2:31 p.m.: 26 IR 394; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2387)

SECTION 23. 71 IAC 12-2-18 IS AMENDED TO READ AS FOLLOWS:

71 IAC 12-2-18 Allocation of interstate simulcasting revenue to purses

Authority: IC 4-31-3-9

Affected: IC 4-31-9-2

Sec. 18. **(a)** Revenue for purses generated from the simulcasting of out-of-state signals into the state shall be divided and applied **equally forty-nine percent (49%) to standardbred purses, and forty-nine percent (49%) to thoroughbred purses, and two percent (2%) to quarter horse purses** statewide. This division shall apply irrespective of the number of tracks, the breed of the incoming signal, and the number of live race dates conducted for either breed. If more than one (1) track races a specific breed, purses for that breed shall be divided to the purse accounts of the tracks in question proportionally based upon the number of live race dates for that breed. **The utilization of all monies transferred between tracks pursuant to this rule shall be in accordance with guidelines approved by the commission.**

(b) Effective July 1, 2003, interstate simulcasting revenue generated for purses from simulcasting of out-of-state signals into the state by an association that races more than one (1) breed of horse shall be allocated to the purse accounts at that association as follows:

(1) Forty-nine percent (49%) to standardbreds.

(2) Forty-nine percent (49%) to thoroughbreds.

(3) Two percent (2%) to quarter horses.

(Indiana Horse Racing Commission; 71 IAC 12-2-18; emergency rule filed Mar 9, 1994, 2:50 p.m.: 17 IR 1630; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2423; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:20 p.m.: 25 IR 1190; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2388)

SECTION 24. 71 IAC 7-1-37 IS REPEALED.

LSA Document #03-52(E)

Filed with Secretary of State: February 21, 2003, 4:15 p.m.