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**TITLE 71 INDIANA HORSE RACING
COMMISSION**

LSA Document #04-21(E)

DIGEST

Amends 71 IAC 1.5-1-19 concerning the definition of a breeder for thoroughbreds. Amends 71 IAC 3-2-9 concerning the judge's list. Amends 71 IAC 3-9-4 concerning error in reported time. Amends 71 IAC 4-3-15 concerning pylons. Amends 71 IAC 5-1-2 and 71 IAC 5.5-1-2 concerning fingerprinting and licensing reciprocity. Amends 71 IAC 5-1-3 and 71 IAC 5.5-1-3 concerning multi-state licensing information. Amends 71 IAC 5.5-3-3 concerning other responsibilities. Amends 71 IAC 5.5-4-2 concerning apprentice jockeys. Amends 71 IAC 6-1-3 concerning claiming procedure. Amends 71 IAC 6-3-1 concerning general provisions. Amends 71 IAC 7-1-11 concerning proof of identity. Amends 71 IAC 7-1-15 concerning horses ineligible to be entered. Amends 71 IAC 7-1-28 concerning qualifying races. Amends 71 IAC 7-2-8 concerning riding in gate, equipment, two tiers. Amends 71 IAC 7-3-11 concerning improper conduct in race. Amends 71 IAC 7-3-13 concerning whip restriction. Amends 71 IAC 7.5-1-2 concerning procedures. Adds 71 IAC 7.5-1-15 concerning no change permitted. Amends 71 IAC 7.5-6-1 concerning equipment. Amends 71 IAC 7.5-7-5 concerning designated races. Amends 71 IAC 8-6-2 concerning prohibited practices. Amends 71 IAC 8-11-3 concerning penalties. Amends 71 IAC 8.5-5-2 concerning prohibited practices. Amends 71 IAC 8.5-11-3 concerning penalties. Amends 71 IAC 13.5-3-1 concerning owner awards. Amends 71 IAC 13.5-3-2 concerning breeder awards. Amends 71 IAC 13.5-3-3 concerning out-of-state breeder's awards. Amends 71 IAC 13.5-3-4 concerning stallion owner awards. Repeals 71 IAC 7-1-22. Effective January 21, 2004.

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|-----------------|-----------------|
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SECTION 1. 71 IAC 1.5-1-19 IS AMENDED TO READ AS FOLLOWS:

71 IAC 1.5-1-19 "Breeder" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 19. "Breeder" means the owner of the horse's dam at the time of foaling for thoroughbreds. **In the case of thoroughbreds, the commission will recognize the breeder as the person designated as such on the Jockey Club's Certificate for a particular horse.** For quarter horses, appaloosas, arabians, and paint horses, "breeder" means the owner of the dam at the time of service. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-19; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995;*

readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911)

SECTION 2. 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) Failure to go in qualifying time previous or subsequent to a break line.**
- ~~(6)~~ (7) Making breaks in two (2) consecutive starts unless finishing 1st, 2nd, or 3rd in one (1) of the two (2).
- ~~(7)~~ (8) Being scratched sick or lame in two (2) consecutive programmings or scratched sick or lame from a race following a qualifying race.
- ~~(8)~~ (9) Scratched sick or lame, having failed to go in qualifying time in a previous or subsequent start to that scratch.
- ~~(9)~~ (10) Scratched ~~sick or lame~~ **sick/lame** in a race previous or subsequent to a break line.
- ~~(10)~~ (11) 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~~ **an Indiana** county fair **half mile** track, the **above** 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, 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; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911*)

SECTION 3. 71 IAC 3-9-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 3-9-4 Error in reported time

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. ~~(a)~~ In circumstances involving ~~an error in timing,~~ **a malfunction of the electronic timer**, no time shall be ~~announced,~~ ~~posted,~~ ~~or recorded for that heat.~~

~~(b)~~ In any case of alleged error regarding a horse's official time, the time in question shall not be changed to favor the horse or its owner, except upon the sworn statement of the judges and official timers who officiated in the race **unless the judges can verify**

the correct time with the aid of the official timer and/or track video equipment. (*Indiana Horse Racing Commission; 71 IAC 3-9-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1132; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1912*)

SECTION 4. 71 IAC 4-3-15 IS AMENDED TO READ AS FOLLOWS:

71 IAC 4-3-15 Pylons

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. (a) If, at a race track which has pylon demarcations, a horse or the horse's sulky leaves the course by brushing, running over, and/or going inside of the pylons, that horse may be penalized by a disqualification if: ~~in the opinion of the judges; the action:~~

- (1) ~~it~~ gave the horse an unfair advantage over other horses in the race;
- (2) ~~it~~ helped the horse improve its position in the race; ~~and or~~
- (3) ~~drivers going the driver goes~~ inside the pylons and ~~does~~ not immediately ~~correcting their correct~~ position.

(b) Horses using the inside to pass must have complete clearance of the pylons.

(c) Drivers striking pylons but not gaining an unfair advantage may be fined.

(d) When an act of interference causes a horse or part of the horse's sulky to be in violation of these rules and the horse is disqualified, the offending horse shall be placed behind the horse with which it interfered. (*Indiana Horse Racing Commission; 71 IAC 4-3-15; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1912*)

SECTION 5. 71 IAC 5-1-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5-1-2 Fingerprinting and licensing reciprocity

Authority: IC 4-31-6-2

Affected: IC 4-31-6-8

Sec. 2. (a) The commission may license persons holding valid permanent (not temporary) licenses issued by ARCI member racing jurisdictions in North America. Prior to being licensed, the person must:

- (1) be in good standing;
- (2) have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous five (5) years;
- (3) file an application or affidavit as may be required by the commission; and
- (4) pay the required applicable fees.

(b) The commission may recognize the issuance of racing licenses from ARCI member jurisdictions in North America **or the National Racing Compact** for purposes of issuance of licenses in this jurisdiction.

(c) Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

(d) Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

(e) Provided the above requirements have been met, the commission may issue either a license or a validation sticker. The validation sticker shall be affixed to either a license issued by this jurisdiction or a valid license issued by another ARCI member jurisdiction. The validation sticker shall measure a maximum of one-half (½) inch vertically, be one and one-half (1½) inches horizontally, and shall contain:

- (1) this jurisdiction's two (2) letter postal service abbreviation;
- (2) the year of validation; and

(3) the audit trail code or serial number (where applicable).

The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that such license shall be valid in this jurisdiction.

(f) In the event the licensee is absent from this jurisdiction, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the commission office so that a commission representative may affix the proper validation sticker to the racing license badge.

(g) Notwithstanding a person's purported eligibility for fingerprint reciprocity, the commission or its designee may require the fingerprinting of any applicant or licensee. (*Indiana Horse Racing Commission; 71 IAC 5-1-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1912*)

SECTION 6. 71 IAC 5-1-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5-1-3 Multi-state licensing information

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. In lieu of a license application from this jurisdiction, the commission may accept an ARCI Multi-State License and Information Form **and the National Racing Compact form and license.** (*Indiana Horse Racing Commission; 71 IAC 5-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1913*)

SECTION 7. 71 IAC 5.5-1-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-1-2 Fingerprinting and licensing reciprocity

Authority: IC 4-31-6-2

Affected: IC 4-31-6-8

Sec. 2. (a) The commission may license persons holding valid permanent (not temporary) licenses issued by ARCI member racing jurisdictions in North America. Prior to being licensed, the person must:

- (1) be in good standing;
- (2) have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous five (5) years;
- (3) file an application or affidavit as may be required by the commission; and
- (4) pay the required applicable fees.

(b) The commission may recognize the issuance of racing licenses from ARCI member jurisdictions in North America **or the National Racing Compact** for purposes of issuance of licenses in this jurisdiction.

(c) Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

(d) Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

(e) Provided the above requirements have been met, the commission may issue either a license or a validation sticker. The validation sticker shall be affixed to either a license issued by this jurisdiction or a valid license issued by another ARCI member jurisdiction. The validation sticker shall measure a maximum of one-half (½) inch vertically, be one and one-half (1½) inches horizontally, and shall contain:

- (1) this jurisdiction's two (2) letter postal service abbreviation;
- (2) the year of validation; and
- (3) the audit trail code or serial number (where applicable).

The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that such license shall be valid in this jurisdiction.

(f) In the event the licensee is absent from this jurisdiction, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the commission office so that a commission representative may affix the proper validation sticker to the racing license badge.

(g) Notwithstanding a person's purported eligibility for fingerprint reciprocity, the commission or its designee may require the fingerprinting of any applicant or licensee. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2416; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1913*)

SECTION 8. 71 IAC 5.5-1-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-1-3 Multi-state licensing information

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. In lieu of a license application from this jurisdiction, the commission may accept an ARCI Multi-State License and Information Form **and the National Racing Compact form and license.** (*Indiana Horse Racing Commission; 71 IAC 5.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1913*)

SECTION 9. 71 IAC 5.5-3-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-3-3 Other responsibilities

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A trainer is responsible for the following:

- (1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.
- (2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.
- (3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.
- (4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:
 - (A) name;
 - (B) occupation;
 - (C) Social Security number; and
 - (D) occupational license number.

The commission shall be notified by the trainer, in writing, within twenty-four (24) hours of any change.

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Ensuring that, at the time of arrival at a licensed race track, each horse in his or her care is accompanied by a valid health certificate, which shall be filed with the racing secretary.
- (10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.
- (11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.
- (12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose once [*sic.*] shall note such alteration on the certificate of registration.
- (13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior designated neurectomy (heel nerving) has been performed and ensuring that such fact is designated on its certificate of registration.

- (14) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in his or her charge.
- (15) Promptly reporting the death of any horse in his or her care on association grounds to the stewards and the commission veterinarian and compliance with 71 IAC 8.5 governing postmortem examinations.
- (16) Maintaining a knowledge of the medication record and status of all horses in his or her care.
- (17) Immediately reporting to the stewards and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.
- (18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.
- (19) Horses entered as to eligibility.
- (20) Ensuring the fitness of a horse to perform creditably.
- (21) Ensuring that his or her horses are properly shod, bandaged, and equipped.
- (22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.
- (23) Personally attending to his or her horses in the paddock unless excused by the stewards.
- (24) Instructing the jockey to give his or her best effort during a race and that each horse shall be ridden to win.
- (25) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.
- (26) Promptly notifying the owner of a horse of a positive test performed on his or her horse indicating levels in violation of 71 IAC 8.5.
- (27) Notifying horse owners upon the revocation or suspension of his or her trainer's license.
- (28) Guard and protect all horses in his/her care.
- (29) Account for fees and services rendered on behalf of any horse in his/her care to the appropriate owner or owners.
- (30) Determine the training regimen of all horses in his/her care.
- ~~(31) Reporting at time of entry if his or her horse will be racing with a nasal strip.~~
- ~~(32)~~ **(31)** The licensure of owners and employees prior to participating on race day.

(b) Upon application by the owner, the stewards may approve the transfer of such horses to the care of another licensed trainer, and upon such approved transfer such horses may be entered to race.

(c) No trainer shall assign any of his/her duties or responsibility to any person that is disqualified or ineligible to participate in racing or is not appropriately licensed.

(d) No trainer shall assume any of the above responsibilities for a horse not under his/her active care, custody, and supervision.

(e) No trainer shall practice his profession, except under his own name. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2856, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1914*)

SECTION 10. 71 IAC 5.5-4-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-4-2 Apprentice jockeys

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. (a) An applicant may be prohibited from riding until the stewards or the commission have [*sic., has*] sufficient opportunity ~~(not to exceed fourteen (14) days)~~ to verify the applicant's previous riding experience.

(b) The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performance in quarter horse racing do [*sic., does*] not apply to the conditions of an apprentice jockey license.

(c) An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

(d) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one (1) apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where

it was issued.

(e) An apprentice jockey shall ride with a five (5) pound weight allowance beginning with the apprentice jockey's first mount and for one (1) full year from the date of the apprentice jockey's fifth winning mount. If after riding one (1) year from the date of the apprentice jockey's fifth winning mount, the apprentice jockey has failed to ride a total of forty (40) winners from the date of the apprentice jockey's first winning mount, the apprentice jockey shall continue to ride with a five (5) pound weight allowance for one (1) more year from the date of the apprentice jockey's fifth winning mount or until the apprentice jockey has ridden forty (40) winners, whichever comes first.

(f) If an apprentice jockey is unable to ride for a period of seven (7) consecutive days or more after the date of the apprentice jockey's fifth winning mount because of service in national armed forces, enrollment in an institution of secondary or higher education, or because of physical disablement, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride. The apprentice jockey extension form approved by the commission shall be completed and provided to the commission. The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced on the approved form documentation verifying time lost as defined by this regulation. An apprentice may petition one (1) of the jurisdictions in which he or she is licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(g) The conditions set forth in section 1 of this rule shall also apply. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:09 p.m.: 21 IR 4233; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915*)

SECTION 11. 71 IAC 6-1-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 6-1-3 Claiming procedure

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A person desiring to claim a horse must have the required amount of money on deposit with the horsemen's bookkeeper or clerk of course at the time the completed claim form is deposited.

(b) The claimant shall provide all information required on the claim form provided by the association.

(c) The claim form shall be completed and signed by the claimant **or his authorized agent** prior to placing it **and the necessary transfer fees** in an envelope provided for this purpose by the association and approved by the commission. The claimant shall seal the envelope and identify on the outside the date, race number, and track name only.

(d) The envelope shall be delivered to the designated area or licensed delegate at least thirty (30) minutes before post time of the race from which the claim is being made. That person shall certify on the outside of the envelope the time it was received.

(e) The claim shall be examined by the judges prior to the start of the race. The association's designee shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. No official shall give any information on claims filed until after the race.

(f) It shall be the responsibility of the association to ensure that all such claim envelopes are delivered unopened or otherwise undisturbed to the judges prior to the race from which the claim is being made. The association shall provide for an agent who shall, immediately after closing, deliver the claim box to the judges' stand.

(g) The judges shall disallow any claim made on a form or in a manner which fails to comply with all requirements of this rule.

(h) Documentation supporting all claims for horses, whether successful or unsuccessful, shall include details of the method of payment either by way of:

(1) a photostatic copy of the check presented;

(2) written detailed information to include:

- (A) the name of the claimant;
- (B) the bank;
- (C) the branch;
- (D) the account number; and
- (E) the drawer of any checks; or

(3) details of any other method of payment.

This documentation is to be kept on file at race tracks for twelve (12) months and is to be produced to the commission for inspection at any time during the twelve (12) month period.

(i) When a claim has been submitted, it is irrevocable and is at the risk of the claimant.

(j) In the event more than one (1) claim is submitted for the same horse, the successful claimant shall be determined by lot by the judges, and all unsuccessful claims involved in the decision by lot shall, at that time, become null and void, notwithstanding any future disposition of such claim.

(k) Upon determining that a claim is valid, the judges shall notify the paddock judge of:

- (1) the name of the horse claimed;
- (2) the name of the claimant; and
- (3) the name of the person to whom the horse is to be delivered.

Also, the judges shall cause a public announcement to be made.

(l) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race.

(m) A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation.

(n) Any person who refuses to deliver a horse legally claimed out of a claiming race shall be suspended, together with the horse, until delivery is made.

(o) A claimed horse shall not:

- (1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;
- (2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or
- (3) be sold or transferred to anyone;

for a period of thirty (30) days unless reclaimed out of another claiming race.

(p) The claiming price shall be paid to the owner of the horse at the time entry for the race from which the horse was claimed only when the judges are satisfied that the successful claim is valid and the registration has been received by the racing secretary for transfer to the new owner.

(q) The judges, at the option of the claimant, shall rule a claim invalid if the horse has been found ineligible to the race from which it was claimed.

(r) Mares and fillies who are in foal are ineligible for claiming races. Upon receipt of the horse, if a claimant determines within forty-eight (48) hours that a claimed filly or mare is in foal, he or she may, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed.

(s) If a claimant demonstrates that the sex of the horse is other than reported in the official racing program, he or she may, within forty-eight (48) hours of the claim, at his or her option, return the horse to the owner of the horse at the time of entry for the race from which the horse was claimed. The judge shall rule the claim of the returned horse invalid.

(t) When the judges rule that a claim is invalid and the horse is returned to the owner of the horse at the time of entry for the race in which the invalid claim was made:

- (1) the amount of the claiming price and any other required fees and taxes shall be repaid to the claimant;
- (2) any purse monies earned subsequent to the date of the claim and before the date on which the claim is ruled invalid shall be the property of the claimant; and
- (3) the claimant shall be responsible for any reasonable costs incurred through the care, training, or racing of the horse while it was in his or her possession.

(u) No horse claimed out of a claiming race shall race outside the state of Indiana for the earlier to occur of:

- (1) a period of thirty (30) days; or
- (2) the conclusion of the race meeting from which it was claimed;

without the permission of the judges. (*Indiana Horse Racing Commission; 71 IAC 6-1-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915*)

SECTION 12. 71 IAC 6-3-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 6-3-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) For the purpose of this rule, overnight events shall include:

- (1) conditioned;
- (2) claiming;
- (3) preferred;
- (4) invitational;
- (5) handicap;
- (6) open;
- (7) free-for-all;
- (8) schooling; or
- (9) matinee races;

or a combination thereof.

(b) At extended meetings, condition sheets must be available to participants at least twenty-four (24) hours prior to closing declarations to any race program contained therein. At other meetings, conditions must be posted and available to participants at least eighteen (18) hours prior to closing declarations.

(c) A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race.

(d) Substitute races may be provided for each race program and shall be so designated in condition books sheets. A substitute race may be used when a regularly scheduled race fails to fill.

(e) Regularly scheduled races or substitute races may be divided where necessary to fill a program of racing or may be divided and carried over to a subsequent racing program subject to the following:

- (1) No such divisions shall be used in the place of regularly scheduled races which fill.
- (2) Where races are divided in order to fill a program, starters for each division must be determined by lot after preference has been applied unless the conditions provide for divisions based upon age, performance, earnings, or sex.
- (3) Where necessary to fill a card, not more than one (1) race per day may be divided into not more than two (2) divisions after preference has been applied. The divisions may be selected by the racing secretary. For all other overnight races that are divided, the division must be by lot unless the conditions provide for a division based on performance, earnings, or sex.

(f) Amateur races shall not be used as pari-mutuel betting events. (*Indiana Horse Racing Commission; 71 IAC 6-3-1;*

emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2908; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1917)

SECTION 13. 71 IAC 7-1-11 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-11 Proof of identity

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. (a) No horse may start in any race unless it is fully identified. The burden of proving identity rests with the person or persons having charge of the horse at the meeting, and the judges may suspend and refer to the commission such persons in case of fraud or attempted fraud. The judges also may suspend and refer to the commission any other person who aids in any way in the perpetration of a fraud or who participates in any attempt at fraud.

(b) No horse shall be allowed to race in a race or in a qualifying race unless it has been lip-tattooed or freeze brand recognized by the USTA.

(c) No horse shall be allowed to race in a pari-mutuel event or a qualifying race unless its lip tattoo and/or freeze brand and markings are recognized and identified to the satisfaction of the Indiana horse racing commission licensed identifier. *(Indiana Horse Racing Commission; 71 IAC 7-1-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1917)*

SECTION 14. 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.

(c) A horse shall not start at an Indiana pari-mutuel track in a wagering or nonwagering event having not raced in the last thirty (30) days, race date to race date. *(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; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1917)*

SECTION 15. 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 meeting qualifying standards in ~~one (1)~~ of its last two (2) consecutive starts on a good

or fast track must qualify.

(4) Horses racing with or without **pacing or trotting** 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; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918)

SECTION 16. 71 IAC 7-2-8 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Starter and the Start of the Race

71 IAC 7-2-8 Riding in gate; equipment; two tiers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) No persons shall be allowed to ride in the starting gate except the starter and his or her driver or operator and a patrol judge unless permission has been granted by the commission.

(b) Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

~~(c)~~ (c) Horses may be held on the backstretch not to exceed two (2) minutes awaiting post time, except when delayed by an emergency.

~~(d)~~ (c) In the event there are two (2) tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill the vacancy. Where a horse has drawn a post position in the second tier, the driver of such horse may elect to score out behind any horse in the first tier so long as he or she does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position. *(Indiana Horse Racing Commission; 71 IAC 7-2-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1159; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918)*

SECTION 17. 71 IAC 7-3-11 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-11 Improper conduct in race

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. (a) Loud shouting or other improper conduct is forbidden in a race. Unless otherwise provided in this rule, drivers shall keep both feet in the stirrups at all times while on the track and during a race.

(b) Drivers are not allowed to lay back in the sulky, and handholds are to be adjusted accordingly.

(c) Drivers laying back in the sulky taking racing room away from a trailing horse may be considered an act of interference. *(Indiana Horse Racing Commission; 71 IAC 7-3-11; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918)*

SECTION 18. 71 IAC 7-3-13 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-13 Whip restriction

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) Drivers will be allowed whips not to exceed three (3) feet, nine (9) inches, plus a snapper not longer than six (6) inches.

(b) The whip, including the snapper, may make contact only above and between the shafts.

(c) The whip hand shall not pass behind the shoulder.

(d) Drivers are not allowed to lay back in the sulky to gain more leverage with the whip.

~~(e)~~ (e) Provided further that the following actions may be considered as excessive or indiscriminate use of the whip:

(1) Causing visible injury, including bleeding and/or welts.

(2) Whipping a horse after a race.

(3) Whipping a horse that is exhausted or not in contention.

~~(4) Allowing the whip hand to pass behind the shoulder.~~

~~(5)~~ (4) Excessive use of the whip.

~~(d)~~ (f) Drivers shall keep a line in each hand from the start of the race until the top of the homestretch finishing the race. (*Indiana Horse Racing Commission; 71 IAC 7-3-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919*)

SECTION 19. 71 IAC 7.5-1-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-1-2 Procedures

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Entries and nominations shall be made with the racing secretary and shall not be considered until received by the racing secretary, who shall maintain a record of time of receipt of them for a period of one (1) year.

(b) An entry shall be in the name of the horse's licensed owner and made by the owner, trainer, or a licensed designee of the owner or trainer.

(c) Races printed in the condition book shall have preference over substitute and extra races **except for brought back Indiana extra races.**

(d) An entry must be in writing, by telephone, or facsimile machine to the racing secretary. The entry must be confirmed in writing should the stewards or the racing secretary so request.

(e) The person making an entry shall clearly designate the horse so entered.

(f) No horse may be entered in more than one (1) race (with the exception of stakes races) to be run on the same day on which pari-mutuel wagering is conducted.

(g) Any permitted medication or approved change of equipment must be declared at time of entry. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; readopted filed Oct 30,*

2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919)

SECTION 20. 71 IAC 7.5-1-15 IS ADDED TO READ AS FOLLOWS:

71 IAC 7.5-1-15 No change permitted

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. (a) The conditions for eligibility to a race may not be changed once entries are taken except that an error may be corrected with the consent of the stewards.

(b) No change in trainers of a horse, entered and drawn to start, will be permitted. In the event of such change, the horse will be scratched and the parties responsible therefore shall be subject to fine or suspension. A change in ownership may be permitted with the approval of the stewards.

(c) No owner shall list as the trainer of a horse a person who is not in fact the trainer of such horse, and no trainer shall allow his or her name to be shown on the declaration form nor the official program as trainer of a horse which he or she does not in fact have under his or her care and supervision as trainer of the horse. The stewards may require proof that a person listed as the trainer of a horse is in fact the actual trainer of that horse. (Indiana Horse Racing Commission; 71 IAC 7.5-1-15; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919)

SECTION 21. 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) Blinker cups must be a minimum of one and one-half (1 1/2) inches. (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; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919)

SECTION 22. 71 IAC 7.5-7-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-7-5 Designated races

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) In the event a penalty for a riding violation is ten (10) days or less, the jockey may compete in a designated race or races provided the jockey must be named at the time of entry.

(b) For the purpose of this section, a designated race shall mean any stakes, futurity, or futurity trial in any state.

(c) Official rulings for riding infractions of ten (10) days or less shall state: "The term of this suspension shall not prohibit participation in designated races."

(d) On a day in which a jockey participates in a designated race or races, this day will not count as a suspension day. *(Indiana Horse Racing Commission; 71 IAC 7.5-7-5; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920)*

SECTION 23. 71 IAC 8-6-2 IS AMENDED 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.

(c) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device. *(Indiana Horse Racing Commission; 71 IAC 8-6-2; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920)*

SECTION 24. 71 IAC 8-11-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-11-3 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. (a) A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood shall be summarily suspended under the rules of the commission and subject to any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(b) The judges may relieve a licensee, **except an owner, owner/trainer, or trainer**, of any duties for that day should that person show a reading between one-hundredths [*sic.*] of one percent (0.01%) and five-hundredths of one percent (0.05%) by weight of alcohol in a person's blood.

(c) The permit holder's security department shall immediately inform the judges of any reading of one-hundredths [*sic.*, *one-hundredth*] of one percent (0.01%) or and [*sic.*] above. (*Indiana Horse Racing Commission; 71 IAC 8-11-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1177; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2082; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1671, eff Feb 24, 2000; errata filed Mar 13, 2000, 7:36 a.m.: 23 IR 1656; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2538; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920*)

SECTION 25. 71 IAC 8.5-5-2 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.

(c) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device. (*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; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921*)

SECTION 26. 71 IAC 8.5-11-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-11-3 Penalties

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. (a) A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood is **shall be summarily suspended under the rules of the commission and** subject to the following sanctions:

- (1) A jockey shall not be permitted to ride and shall be suspended under the rules of the commission.
- (2) A steward, a starter, or an assistant starter shall be relieved of all duties for that program, and a report shall be made to the commission for appropriate action.
- (3) Any other licensee shall be suspended, beginning that day, under the rules of the commission.
- (4) any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(b) The stewards may relieve a licensee, except an owner, owner/trainer, or trainer, of any duties for that day should that person show a reading between one-hundredths [*sic.*] of one percent (0.01%) and five-hundredths of one percent (0.05%) by weight of alcohol in a person's blood.

(c) The permit holder's security department shall immediately inform the stewards of any reading of one-hundredths

[sic.] of one percent (0.01%) or and [sic.] above. (Indiana Horse Racing Commission; 71 IAC 8.5-11-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2894; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2785; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921)

SECTION 27. 71 IAC 13.5-3-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 13.5-3-1 Owner awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. An owner award is the award paid to the owner of a registered Indiana bred which wins any race at a licensed pari-mutuel track located in Indiana. The amount of the award is:

(1) ~~twenty-five~~ **twenty** percent (~~25%~~) (**20%**) of the ~~gross base~~ purse for all allowance and stakes (including Maiden Special Weights); and

(2) fifteen percent (15%) of the ~~gross base~~ purse for all claiming races ~~except~~ when entered for a claiming price of ~~less~~ **greater** than ~~seven thousand five thousand hundred~~ dollars (~~\$5,000~~): (**\$7,500**).

Awards will be paid by the commission. Owner awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission 71 IAC 13.5-3-1; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921*)

SECTION 28. 71 IAC 13.5-3-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 13.5-3-2 Breeder awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. A breeder award means the award is paid to the breeder of a registered Indiana bred which wins any race at a licensed pari-mutuel track located in Indiana. The amount of the award is twenty percent (20%) of the ~~gross base~~ purse for all stake, allowance (including Maiden Special Weight), and claiming races ~~except~~ when entered for a claiming price of ~~less~~ **greater** than ~~seven thousand five thousand hundred~~ dollars (~~\$5,000~~): (**\$7,500**). Awards will be paid by the commission. Breeder awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission; 71 IAC 13.5-3-2; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922*)

SECTION 29. 71 IAC 13.5-3-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 13.5-3-3 Out-of-state breeder's awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An out-of-state breeder's award is the award paid to the breeder of a registered Indiana bred which wins a race in another state or Canada. The amount of the award is ten percent (10%) of the winner's share of the purse for any race ~~except~~ when entered for a claiming price of ~~less~~ **greater** than ~~seven thousand five thousand hundred~~ dollars (~~\$5,000~~): (**\$7,500**). This award is applicable only when there is no live thoroughbred race meet in progress in Indiana (except for stake races). Awards will be paid by the commission. Out-of-state breeder's awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission; 71 IAC 13.5-3-3; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 28, 2003, 2:20 p.m.: 26 IR 1952; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922*)

SECTION 30. 71 IAC 13.5-3-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 13.5-3-4 Stallion owner awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. A stallion owner award is the award is paid to the owner or lessee of a registered Indiana stallion whose registered progeny have won any race at a licensed pari-mutuel track located in Indiana. The amount of the award is five percent (5%) of the ~~gross base~~ purse for all stake, allowance, and claiming races ~~except~~ when entered for a claiming price of ~~less~~ **greater than seven thousand five thousand hundred** dollars ~~(\$5,000)~~. **(\$7,500)**. Awards will be paid by the commission. Stallion awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). The award will be paid to the owner or lessee of the registered stallion at time of conception. The stallion must have been registered at time of conception. (*Indiana Horse Racing Commission; 71 IAC 13.5-3-4; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922*)

SECTION 31. 71 IAC 7-1-22 IS REPEALED.

LSA Document #04-21(E)

Filed with Secretary of State: January 21, 2004, 2:30 p.m.