

Document: Emergency Rule, **Register Page Number:** 29 IR 3032

Source: June 1, 2006, Indiana Register, Volume 29, Number 9

Disclaimer: This document was created from the files used to produce the official CD-ROM Indiana Register.

**TITLE 71 INDIANA HORSE RACING
COMMISSION**

LSA Document #06-133(E)

DIGEST

Amends 71 IAC 4-4-10 and 71 IAC 4.5-4-10 concerning the "In Today" program. Amends 71 IAC 5-3-3.1 and 71 IAC 5.5-3-3.1 concerning "In Today" responsibilities. Amends 71 IAC 7.5-8-2 concerning race objections. Amends 71 IAC 8-5-12 and 71 IAC 8.5-4-12 concerning contact with entered horses. Amends 71 IAC 14.5-3-1 concerning owner awards. Amends 71 IAC 14.5-5-1 concerning Indiana bred, owned, or foaled preference. Repeals 71 IAC 14.5-1-3. Effective April 24, 2006.

71 IAC 4-4-10	71 IAC 8-5-12
71 IAC 4.5-4-10	71 IAC 8.5-4-12
71 IAC 5-3-3.1	71 IAC 14.5-1-3
71 IAC 5.5-3-3.1	71 IAC 14.5-3-1
71 IAC 7.5-8-2	71 IAC 14.5-5-1

SECTION 1. 71 IAC 4-4-10, AS ADDED AT 29 IR 2210, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

71 IAC 4-4-10 "In Today" program

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 10. (a) ~~The association shall post "In Today" signs in a visible location next to the entrance of the stall of each horse stabled at the track on the day the horse is scheduled to race.~~

~~(b)~~ (a) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse prior to posting the "In Today" sign.

~~(c)~~ The deadline for the posting of the "In Today" signs shall be 9:00 a.m. on the day of the scheduled race.

~~(d)~~ The "In Today" signs shall be a minimum of two (2) feet by two (2) feet and shall contain the words "In Today".

~~(e)~~ (b) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

~~(f)~~ (c) The association shall establish track rules for the implementation of the "In Today" program that shall be subject to the approval of the commission or its executive director. *(Indiana Horse Racing Commission; 71 IAC 4-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3032)*

SECTION 2. 71 IAC 4.5-4-10, AS ADDED AT 29 IR 2210, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

71 IAC 4.5-4-10 "In Today" program

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 10. (a) ~~The association shall post "In Today" signs in a visible location next to the entrance of the stall of each horse stabled at the track on the day the horse is scheduled to race.~~

~~(b)~~ (a) The association shall, along with the assistance of the trainer or his or her licensed designee, identify each horse prior to

posting the "In Today" sign.

(c) The deadline for the posting of the "In Today" signs shall be 9:00 a.m. on the day of the scheduled race.

(d) The "In Today" signs shall be a minimum of two (2) feet by two (2) feet and shall contain the words "In Today".

(e) (b) The association shall provide security personnel to patrol the stable area on race day in order to deter violations of commission rules, to protect the integrity of horse racing, to guard the health of the horse, and to safeguard the interests of the public.

(f) (c) The association shall establish track rules for the implementation of the "In Today" program that shall be subject to the approval of the commission or its executive director. *(Indiana Horse Racing Commission; 71 IAC 4.5-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2210; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033)*

SECTION 3. 71 IAC 5-3-3.1, AS ADDED AT 29 IR 2213, SECTION 8, IS AMENDED TO READ AS FOLLOWS:

71 IAC 5-3-3.1 "In Today" responsibilities

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 3.1. (a) A trainer or his or her licensed designee shall be available to assist with the identification of his or her horse on the day of its scheduled race during the time period set forth in the track rules established by the association and approved by the commission or its executive director.

(b) A horse may not be moved to any other stall after the association employee posts the "In Today" sign on its stall: **identifies the horse the morning of its scheduled race.**

(c) After the "In Today" sign is posted on association employee identifies a horse the morning of its stall; a scheduled race, the horse may not be removed from its stall with the exception of walking, bathing, shoeing, training, or emergency situations. *(Indiana Horse Racing Commission; 71 IAC 5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033)*

SECTION 4. 71 IAC 5.5-3-3.1, AS ADDED AT 29 IR 2215, SECTION 12, IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-3-3.1 "In Today" responsibilities

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 3.1. (a) A trainer or his or her licensed designee shall be available to assist with the identification of his or her horse on the day of its scheduled race during the time period set forth in the track rules established by the association and approved by the commission or its executive director.

(b) A horse may not be moved to any other stall after the association employee posts the "In Today" sign on its stall: **identifies the horse the morning of its scheduled race.**

(c) After the "In Today" sign is posted on its stall; a association employee identifies a horse the morning of its scheduled race, the horse may not be removed from its stall with the exception of walking, bathing, shoeing, training, or emergency situations. *(Indiana Horse Racing Commission; 71 IAC 5.5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033)*

SECTION 5. 71 IAC 7.5-8-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-8-2 Race objections

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) An objection to an incident alleged to have occurred during the running of a race shall be received only when lodged with the ~~clerk of scales~~, **outrider**, the stewards, or their designees by the owner, the authorized agent of the owner, the trainer, or the jockey of a horse engaged in the same race. Any objection by a jockey must be lodged with the ~~clerk of scales~~ **outrider** or the steward's designee before the jockey dismounts the horse.

(b) An objection following the running of any race must be filed before the race is declared official.

(c) The stewards shall:

(1) make all findings of fact as to all matters occurring during and incident to the running of a race;

(2) determine all objections and inquiries; and

(3) determine the extent of disqualification, if any, of horses in the race.

Such findings of fact and determinations shall be final.

(d) An outrider shall be equipped with a two-way radio for communication with the stewards and be stationed in the first turn. Jockeys wishing to file an objection for any reason will so communicate to the outrider. If for any reason the outrider is unable to communicate to the stewards, there will be no official for that race until jockeys have been weighed in. *(Indiana Horse Racing Commission; 71 IAC 7.5-8-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2875, eff. Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033)*

SECTION 6. 71 IAC 8.5-12, AS ADDED AT 29 IR 2220, SECTION 23, IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-12 Contact with entered horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) Practicing veterinarians and their helpers are prohibited from having contact with a horse within twenty-four (24) hours of its scheduled race except during the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior approval has been given by the judges or by the official veterinarian.

~~(b) Practicing veterinarians and their helpers shall not enter a stall designated with an "In Today" sign prior to a horse's race except for the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior written approval has been given by the judges or by the official veterinarian.~~

~~(c)~~ **(b)** Notwithstanding provisions *[sic.]* (a) ~~and (b)~~ above *[subsection (a)]*, in the case of an emergency a practicing veterinarian may have contact with a horse within twenty-four (24) hours of its scheduled race. If this occurs, the practicing veterinarian shall immediately report such contact and the reasons necessitating the contact to the judges or in their absence to commission or track security. *(Indiana Horse Racing Commission; 71 IAC 8.5-12; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3034)*

SECTION 7. 71 IAC 8.5-4-12, AS ADDED AT 29 IR 2225, SECTION 37, IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-4-12 Contact with entered horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) Practicing veterinarians and their helpers are prohibited from having contact with a horse within twenty-four (24) hours of its scheduled race except during the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior approval has been given by the stewards or by the official veterinarian.

~~(b) Practicing veterinarians and their helpers shall not enter a stall designated with an "In Today" sign prior to a horse's race except for the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior written approval has been given by the stewards or by the official veterinarian.~~

~~(c)~~ **(b)** Notwithstanding provisions *[sic.]* (a) ~~and (b)~~ above *[subsection (a)]*, in the case of an emergency a practicing veterinarian may have contact with a horse within twenty-four (24) hours of its scheduled race. If this occurs, the practicing veterinarian shall

immediately report such contact and the reasons necessitating the contact to the stewards or in their absence to commission or track security. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-12; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3034*)

SECTION 8. 71 IAC 14.5-3-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 14.5-3-1 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 ~~owned~~, or foaled quarter horse which places first, second, or third in any race except claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel race track in Indiana. The amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:

- (1) fifty percent (50%) is awarded to the winner;
- (2) thirty percent (30%) is awarded to second place; and
- (3) twenty percent (20%) is awarded to third place.

Awards will be paid by the commission. The combination of owner/breeder/stallion awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission 71 IAC 14.5-3-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3034*)

SECTION 9. 71 IAC 14.5-5-1 IS AMENDED TO READ AS FOLLOWS:

Rule 5. Indiana Bred or Foaled Preference

71 IAC 14.5-5-1 Indiana bred or foaled preference

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. A registered Indiana bred ~~owned~~, or foaled that receives a R-date or an E-date will receive starter preference over a non-Indiana bred ~~owned~~, or foaled with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana bred ~~owned~~, or foaled stake races excepted. Indiana bred ~~owned~~, or foaled will not receive starter preference over non-Indiana bred ~~owned~~, or foaled with better R-dates, E-dates, or zero-dates. (*Indiana Horse Racing Commission; 71 IAC 14.5-5-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1038; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3035*)

SECTION 10. 71 IAC 14.5-1-3 IS REPEALED.

LSA Document #06-133(E)

Filed with Secretary of State: April 24, 2006, 11:11 a.m.