

# **Agenda Item #12**

**Regulatory Analysis 71 IAC 3-1-9, 71 IAC 3.5-1-10, 71 IAC 4-3-9, 71 IAC 6-1-1, 71 IAC 6-1-3, 71 IAC 7-1-5, 71 IAC 7-1-15, 71 IAC 7-3-7, 71 IAC 7-3-38, 71 IAC 8-1-5, 71 IAC 8.5-1-4.2, 71 IAC 8.5-2-5, 71 IAC 8.5-3-1, 71 IAC 8.5-8-1.5, 71 IAC 9-2.2-4, 71 IAC 9-4-6, 71 IAC 13-1-1, 71 IAC 14-1-1, 71 IAC 14.5-2-3, 71 IAC 14.5-2-1.3**

TITLE 71 Indiana Horse Racing Commission  
LSA Document #25-XXXX

**I. Description of Rule**

**a. History and Background of the Rules** – Most of these amended rules have been in code for over a decade. Many go back to the initial rules’ adoption dates in 1994 and 1995. These rules have been readopted and updated as necessary via the emergency rulemaking process ability which was held by the IHRC until recently.

**b. Scope of the Rules** – These rules clarify equine medication requirements and medication threshold allowances, terminology as it pertains to track officials, and the brining in line of rules to abide within the parameters of the ARCI model rules. See details under “Statement of Need” below as to specific rule changes.

**c. Statement of Need** – 71 IAC 3-1-9 (Standardbred) and 3.5-1-10 (Thoroughbred/Quarter Horse) are amended to reflect that the Association of Racing Commissioners International (“ARCI”), the models which upon which most jurisdictions base their rules, have expanded their recommended qualifications beyond the Racing Officials Accreditation Programs currently designated in our rules. 71 IAC 4-3-9 adds requirements regarding warning lights and sirens to Standardbred track requirements, which the track already has in place, thus complying with the ARCI model rules. 71 IAC 6-1-1 and 6-1-3 amends rules regarding the claiming of horses during claiming races, bringing the rules in line with current drug testing (as opposed to limiting to cobalt testing) and circumstances resulting in a horse’s death. 71 IAC 7-1-5 puts into regulatory rule an informal rule that has been in place at the track regarding ownership changes after a horse has been entered into a race. 71 IAC 7-1-15 clarifies an ambiguous rule regarding exactly how a horse may qualify to race if they have not raced for over a 45-day period. 71 IAC 7-3-7 adds a sentence stating that violations may take place prior to the start of a race, which is not presently in rule, but needs to be in order to clarify for horsemen. 71 IAC 7-3-38 defines a “no contest” which is currently undefined in rule. This is needed to ensure the betting public has a reference point as to reasons a race may be cancelled. 71 IAC 8-1-5 clarifies the ambiguous reference to “proper time deadlines” to “designated scratch time” this setting a hard deadline as to when certain medication paperwork must be turned in to the judges. 71 IAC 8.5-1-4.2 removes the outdated reference to threshold levels of albuterol acceptable in horses. 71 IAC 8.5-2-5 updates the medication rule to the presently accepted levels of clenbuterol and albuterol present in horses. 71 IAC 8.5-

3-1 adds trainers or trainer designees to the list of individuals who may collect hair samples for testing, which is the commission's present procedure. 71 IAC 8.5-8-1.5 eliminates threshold levels for substances which are presently banned in horses, as reflected in the elimination of their presence by the revisions in 71 IAC 8.5-1-4.2, needed for a horse to be placed on the veterinarian's list. 71 IAC 9-2.2-4 puts into rule the present commission policy that SPMO's must also be licensed as a commission vendor, with their employees having contact with Indiana registered as well. 71 IAC 9-4-6 revises the present rule for Pick 3 races that come off the turf to reflect the model ARCI rules as well as most rules in other jurisdictions. 71 IAC 13-1-1 changes the number of hard copies horsemen associations must turn into the commission from three (3) to one (1), which is the current policy. 71 IAC 14.5-2-3 adds language to account for the use of frozen semen, which is becoming more and more popular. 71 IAC 14.5-2-1.3 adds a new rule regarding the use of frozen embryos, a topic which does not presently exist in our code.

**d. Statutory Authority for the Proposed Rules –** The statutory authority for passage of this rule can be found in IC 4-31-3-9; IC 4-31-12-15, and IC 4-31-12-16.

**e. Fees, Fines, and Civil Penalties –** The only fee contained in these rules which do not presently exist or are an increase in the present fees are the late fees outlined in 71 IAC 14-1-1(g)(2), allowing late registration of Indiana Bred foals after December 31 of the foal's weanling year of \$500.

## **II. Fiscal Impact Analysis**

**a. Anticipated Effective Date of the Rules –** These rules will go into effect when promulgated.

**b. Estimated Fiscal Impact on State and Local Government –** These rules do not have a financial impact on the state of Indiana.

**c. Sources of Expenditures or Revenues Affected by the Rules –** All late fees collected under 71 IAC 14-1-1(g)(2) will go into the Standardbred Redevelopment Fund.

## **III. Impacted Parties**

The impacted parties will include commission-employed judges and stewards, racetrack associations, racehorse owners, racehorse trainers, standardbred drivers, bettors, SPMOs and their employees, horsemen's associations, and horse breeders, depending on the particular rule.

## **IV. Changes in Proposed Rules**

71 IAC 3-1-9	Updated language to reflect current ARCI rules to ensure consistency between the state's rule and the model rules.
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71 IAC 3.5-1-10	Adds accreditation and examination requirements to meet ARCI standards. This will ensure consistency between the state's rules and the model rules.
71 IAC 4-3-9	Updates the lighting standards to match the ARCI standards. This will ensure consistency between the state's standards and the model rules as well as benefit the safety of those involved in the races.
71 IAC 6-1-1	Adds that a claim will be voided if a horse dies on track or suffers an injury that requires the horse to be euthanized. This will ensure fairness in the claims process by preventing ownership transfer of a deceased horse.
71 IAC 6-1-3	Lists substances that if found in a post-race biological sample will allow for the claimant to return the horse to the owner. Also requires that a claimant shall exercise due care in maintaining the horse while awaiting test results.
71 IAC 7-1-5	Establishes that no change in ownership of a horse is permitted after the horse has been entered and drawn to start. In the event of such a change, the horse will be scratched and the parties responsible shall be subject to penalties. This will ensure fairness to all parties involved at the track.
71 IAC 7-1-15	Makes technical, non-substantive changes to the language.
71 IAC 7-3-7	Adds that and violations and restrictions can occur at any time including before the start of the race and result in a penalty. This will ensure fairness for those racing, and wagering on the race.
71 IAC 7-3-38	Adds the requirements for a no contest to be declared, as well as a list of items for judges to consider before declaring a no contest. This ensures fairness in the races.
71 IAC 8-1-5	Inserted "designated scratch time" to clarify when the form must be received by the veterinarian.
71 IAC 8.5-1-4.2	Removes a provision pertaining to the use of albuterol in thoroughbreds. This will ensure fair racing.

71 IAC 8.5-2-5	Remove provisions about substances being in excess of set amounts and instead requires only a positive test to be placed on the veterinarian list.
71 IAC 8.5-3-1	Adds "the trainer or trainer designee assigned to the horse in the presence of a commission employee" to be consistent with other language throughout the rule.
71 IAC 8.5-8-1.5	Removes citations to certain IAC sections and replace with "present" or "not present" in the sample. This is to clarify that there is no specific amount necessary to show up in the sample.
71 IAC 9-2.2-4	Adds the fee for an Indiana commission vendor contractor license and after the initial licensing period, the Indiana commission vendor employee license shall be renewed after December 1 with the licensing office for the following year.
71 IAC 9-4-6	Makes grammatical changes. Adds "If the conditions on the turf course warrant a change of racing surface in any of the pick three contests, and the change has not been disclosed to the public prior to the close of wagering for the first contest of the pick three, the stewards shall declare each changed leg an "all-win" for the pick three wagering purposes only". This ensures fairness for those who wager on the races in the event the turf conditions unexpectedly change.
71 IAC 13-1-1	Reduces the requirement down to 1 paper copy of an application required from six. Make a grammar correction.
71 IAC 14-1-1	Updates the definition of "Indiana Bred" to clarify the foal is not considered "Indiana bred" until registration paperwork and applicable late fees are received by the commission.
71 IAC 14.5-2-3	Adds provisions regarding when semen must be used based on the age of the horse. This will ensure healthy practices for horse insemination.
71 IAC 14.5-2-1.3	Adds a new section regarding frozen embryo registration. This will ensure the

	consistent and healthy practices across the field.
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## V. Benefit Analysis

**a. Estimate of Primary and Direct Benefits of the Rules** – The direct benefit to the promulgation of these rules is to clarify some of the presently ambiguous terminology used in present rules, bring some of our present rules into line with ARCI model rules, as well as rules that are being used in neighboring jurisdictions, and conform our rules to present policies which are used at the tracks and in the regulatory environment. These changes will ensure fairness and consistency at the racetracks for those racing horses or wagering on horses.

**b. Estimate of Secondary or Indirect Benefits of the Rules** – There is an indirect benefit with this rule in that regulated parties will no longer have conflicting standards to look through which will reduce time spent researching the rules and the burden on regulated parties.

**c. Estimate of Any Cost Savings to Regulated Industries** – There are no cost savings to the recommended industry per se other than the cost savings incurred through the streamlining and clarification of present rules.

## VI. Cost Analysis

**a. Estimate of Compliance Costs for Regulated Entities** – There are costs for regulated entities including the late fees associated with Indiana Bred late registration and the time it takes regulated parties to learn to conform to the new rules.

**b. Estimate of Administrative Expenses Imposed by the Rules** – The only additional administrative costs will be to process late Indiana Bred registrations, which will be nominal.

**c. The fees, fines, and civil penalties analysis required by IC 4-22-2-19.6** – The late fees in these rules are limited to deadline registration of horses that were, before these revisions, not allowed. The late fees in these rules were determined by evaluating comparable fines in other jurisdictions and ARCI model rules.

## VII. Sources of Information

**a. Independent Verifications or Studies** – These rules have been circulated among horsemen, tracks, and other constituents informally to gather input. Changes have been made based upon discussions and informal input.

**b. Sources Relied Upon in Determining and Calculating Costs and Benefits** – Not applicable.

## VIII. Regulatory Analysis

There are no additional costs or revues associated with this rule.

### Additional Information for OMB and SBA Review

The following information is required for OMB and State Budget Agency (SBA) review but will not be published along with the regulatory analysis.

#### **IX. Contact Information of Staff to Answer Substantive Questions**

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#### **X. Proposed Rules**

##### **71 IAC 3-1-9 ~~Racing Officials Accreditation Program~~ judges Judges' accreditation**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. The ~~commission~~ **executive director** shall ~~appoint~~ **hire** judges, all of whom shall be employees of the commission. To qualify for ~~appointment~~ **employment** as a judge, the ~~appointee~~ **employee** shall be accredited as a racing official by the Racing Officials Accreditation Program administered by the Universities of Arizona and Louisville **or shall meet the experience, education and examination requirements necessary to be accredited by an entity designated by the ARCI**, or, in the case of harness racing, be licensed as a judge by the United States Trotting Association. Exceptions for emergencies may be permitted. (*Indiana Horse Racing Commission; 71 IAC 3-1-9; emergency rule filed Jun 10, 2009, 12:45 p.m.: 20090617-IR-071090464ERA, eff May 29, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA*)

##### **71 IAC 3.5-1-10 ~~Racing Officials Accreditation Program~~ stewards Stewards' accreditation**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. The ~~commission~~ **executive director** shall ~~appoint~~ **hire** stewards, all of whom shall be employees of the commission. To qualify for ~~appointment~~ **employment** as a steward, the ~~appointee~~ **employee** shall be accredited as a racing official by the Racing Officials Accreditation Program administered by the Universities of Arizona and Louisville **or shall meet the experience, education and examination requirements necessary to be accredited by an entity designated by the ARCI**. Exceptions for emergencies may be permitted. (*Indiana Horse Racing Commission 71 IAC 3.5-1-10; emergency rule filed Jun 10, 2009, 12:45 p.m.: 20090617-IR-071090464ERA,*

*eff May 29, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 28, 2019, 1:23 p.m.: 20131225-IR-071130345RFA; readopted filed Aug 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

## **71 IAC 4-3-9 Lighting**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) An association shall provide lighting for the ~~raee track~~ **racetrack** and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees, and horses. Lighting to ensure the proper operation of the videotape and photo finish equipment must be approved by the commission.

(b) An association shall provide adequate additional lighting in the stable area as required by the commission.

(c) If an association conducts racing at night, the association shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

(d) If the track goes dark during the running of a race, the race may be ruled no contest if in the judges' opinion the contest or finish was compromised.

(e) An association shall provide a three-light system of green, yellow and red beacon style warning lights and sirens for use in the event of an accident.

1. If at any point during the card the judges determine there is a condition on the racetrack requiring the drivers to proceed with caution, the judges will activate the yellow "caution" warning light.

2. The judges shall activate the red light and siren to declare a race a "no contest" due to safety issues. Upon the activation of the red light and siren, all drivers in a race will immediately cease racing and follow any instructions of the judges, starter, track announcer, or racing officials to get off the track as quickly and safely as they can. Drivers refusing to stop racing may be subject to a monetary penalty or suspension.

3. When the red "no contest" light is turned off, the judges will activate the green "all clear" light as a signal for warm-ups and live racing to resume.

*(Indiana Horse Racing Commission; 71 IAC 4-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1137; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

## **71 IAC 6-1-1 General provisions**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A registration certificate of current ownership, together with the application for transfer thereon duly endorsed by all registered owners, must be filed in the office of the racing



secretary for all horses claimed within a reasonable time after the race from which the horse was claimed.

(b) The price allowances that govern for claiming races must be approved by the commission. Claiming prices recorded on past performance lines in the daily race program shall not include allowances.

(c) The claiming price, including any allowances, of each horse shall be printed on the official program adjacent to the horse's program number and claims shall be for the amount designated, subject to correction if printed in error.

(d) In handicap claiming races, in the event of an also eligible horse moving into the race, the also eligible horse shall take the place of the horse that it replaces provided that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap, except when the horse that is scratched is a trailing horse, in which case the also eligible horse shall take the trailing position, regardless of its handicap. In handicap claiming races with one (1) trailer, the trailer shall be determined as the fourth best post position.

(e) To be eligible to be claimed, a horse must start in the event in which it has been declared to race. For the purposes of this rule, a horse shall be deemed to have started if it is behind the gate when the field is released at the starting point by the starter. The racing secretary or his or her designee is responsible to process claims within three (3) business days from the date of which the claim occurred.

(f) Any:

(1) licensed owner;

(2) authorized agent of a licensed owner who holds a current valid commission license; or

(3) person who has properly applied for and been granted a claiming certificate;

shall be permitted to claim any horse. Any person or authorized agent eligible to claim a horse shall be allowed access to the grounds of the association, excluding the paddock, in order to effect a claim at the designated place of making claims and to take possession of the horse claimed.

(g) Claiming certificates expire at the end of the race meeting for which they are granted. These certificates may be applied for at the commission's licensing office no later than ninety (90) minutes prior to post time for the first race on any day of racing. To be eligible for a claiming certificate, a person must complete the licensing process as an owner under 71 IAC 5-2 and pay the appropriate fees. The photo identification badge shall be withheld until the person becomes a successful claimant.

(h) A person not previously licensed by the commission within the last two (2) years must apply for a claiming certificate via fax, mail, electronically, or in person.

**(i) A claim shall be voided, and ownership of the horse retained by the owner at the time of entry if a horse is a starter and the horse:**

**(1) Dies on the racetrack; or**

**(2) Suffers an injury which requires the euthanasia of the horse, as determined by an official racing veterinarian, while the horse is on the racetrack.** *(Indiana Horse Racing Commission; 71 IAC 6-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.:*

*20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; errata filed Mar 29, 2019, 10:12 a.m.: 20190403-IR-071190167ACA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; readopted filed Apr 20, 2023, 3:49 p.m.: 20230517-IR071230071RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

## **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 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 or her 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 or their designee 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. The judges shall have a public announcement made and information scrolled on the simulcast video stating there has been a claim made or, in the case of multiple claims, the number of claims made on a horse during the post parade. The successful claimant will be announced after the completion of the race.

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

(g) 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.

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

(i) 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 or their designee, 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.

(j) 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.

(k) 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. A horse entered in a claiming race cannot be sold or transferred until the completion of the race.

(l) A horse entered in a claiming race cannot be scratched from a claiming race for the purpose of being sold privately.

(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. The successful claimant/trainer shall have the right to measure the horse's hobbles and any other equipment that he or she deems necessary before the horse leaves the test barn. The claimant or his or her authorized designee shall be permitted access into the test barn. The equipment must remain on the claimed horse until the claimant or his or her designee has an opportunity to measure hobbles or any other equipment he or she deems necessary.

(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 sixty (60) days unless reclaimed out of another claiming race.

(p) The claiming price shall be paid to the owner at the time of entry for the race from which the horse was claimed only when the successful claimant is not in pending status by the USTA, the judges are satisfied that the claim is valid, and the successful claimant is recognized as the owner of record.

(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 that 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) If the post-race ~~serum or plasma~~ **biological** sample of the horse contains ~~cobalt in excess of the threshold established in 71 IAC 8-1-9,~~ **a foreign substance, NSAID, or therapeutic medication which exceeds established threshold levels as established in 71 IAC Article 8,** the claimant will be notified of the test result and he or she may, within forty-eight (48) hours of notification, 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. **While awaiting test results, a claimant shall exercise due care in maintaining and boarding a claimed horse and shall not materially alter the horse.**

(u) 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.

(v) A claimed horse may not race at any location except for the race track where it was claimed until the earlier of sixty (60) days after the date it was claimed or the end of the meeting at which it was claimed, except with written permission of the judges for stakes races.

(w) Notwithstanding the provisions of subsection (v), a claimed horse shall be allowed to compete in any stake, or early and late closer, if it is listed as being paid prior to the claim.

(x) A horse claimed in another state may not race at a track under the jurisdiction of the commission until the earlier of sixty (60) days after the date it was claimed or the end of the meeting at which it was claimed, except with written permission of the judges for stakes races. *(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; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2747; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326- IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Sep 30, 2014; emergency rule filed Apr 30, 2018, 3:54 p.m.: 20180502-IR-071180203ERA; emergency rule filed Jun 29, 2018, 1:04 p.m.: 20180704-IR-071180278ERA;*

*emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA)*

#### **71 IAC 7-1-5 No change permitted**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (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 judges.

(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 judges in condition races only. There shall be no change in ownership on a horse entered in a claiming race.~~ **No change in ownership of a horse is permitted after the horse has been entered and drawn to start. In the event of such a change, the horse will be scratched and the parties responsible shall be subject to penalties.**

(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 judges 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 7-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2077; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2006; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

#### **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 veterinarian's list;
- (2) is wearing a trachea tube or has a hole in its throat for a trachea tube;
- (3) has had any surgical neurectomy (been denerved) not in accordance with 71 IAC 5-3-3;
- (4) has impaired eyesight in both eyes;
- (5) is fifteen (15) years of age or older; or
- (6) whose race date is within ten (10) days of having extracorporeal shock wave or radial pulse wave therapy.

(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~~ **non-wagering** event without having ~~not raced in the last forty-five (45) days~~, a **satisfactory charted line in qualifying time in the last forty-five (45) 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; errata filed Mar 29, 2019, 10:12 a.m.: 20190403-IR-071190167ACA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*)

#### **71 IAC 7-3-7 Driving rules**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. (a) A leading horse is not to be more than four (4) feet from the inside rail/pylons except after selecting its position in the home stretch. Neither the driver of the first horse nor any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near that, in altering the position, the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.
- (2) Jostle, strike, hook wheels, or interfere with another horse or driver.
- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.
- (4) Swerve in or out or pull up quickly.
- (5) Crowd a horse or driver by putting a wheel under the horse or driver.
- (6) Carry a horse out.
- (7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (8) Let a horse pass inside or outside needlessly or otherwise help another horse to improve its position in the race.
- (9) Commit any act that shall impede the progress of another horse or cause it to break.
- (10) Change course after selecting a position in the homestretch, swerve in or out, or bear in or out in such a manner as to interfere with another horse or cause it to break.
- (11) Drive in a careless or reckless manner.
- (12) Maintaining a position of half in and half out or failing to make a reasonable effort to advance when pulling to the outside.

(13) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed when there is no strategic reason to do so.

(14) If any of the violations in this subsection are committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.

(15) Drivers must set and maintain a pace comparable to the class in which the driver is racing or the horse's abilities.

(16) Drivers at any point in the race after the start who use the outrider or starting gate to assist in getting control of their horse shall be placed last by the judges.

(17) Turn the horse abruptly after the finish of the race in order to return to the paddock or the barn area.

(b) All complaints by drivers of any foul driving or other misconduct during the heat must be made at the termination of the heat, unless the driver is prevented from doing so by an accident or injury. Any driver desiring to enter a claim of foul or other complaint of violation of this section must, before dismounting, indicate to the judges or patrol judge his or her desire to enter such claim or complaint and forthwith upon dismounting shall proceed to the telephone or judges' stand where and when such claim, objection, or complaint shall be immediately entered. The judges shall not cause the official sign to be displayed until such claim, objection, or complaint has been entered and considered.

(c) If any horse loses a piece of equipment during a race and that equipment bothers another horse or horses, it may be considered interference by the horse responsible for the lost equipment pursuant to 71 IAC 5-3-3(a)(19).

(d) In case of interference, collision, or violation of any of the restrictions in subsections (a), (b), and (c), **at any time including before the start of the race**, the offending horse may be placed back one (1) or more positions in that heat or dash. In the event such collision or interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver shall be fined or suspended, or both. In the event a horse is set back under this subsection, it must be placed behind the horse with whom it interfered. An interference that occurs to a horse or horses not in contention that did not affect the outcome of a race to that horse or any other horse as it applies to purse money won may not be grounds for a disqualification. Although, the driver causing the interference may still be penalized.

(e) If there is any purse money for which horses have started but were unable to finish due to interference or an accident, or both, all unoffending horses who did not finish will share equally in such purse money.

(f) A driver shall not:

(1) fail to display competitive urging or cease driving while in contention in the home stretch;

(2) race in an inconsistent manner;

(3) drive in an unsatisfactory manner due to lack of effort;

(4) drive in an unsatisfactory manner due to carelessness; or

(5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

(g) If the judges determine that any of the actions in subsection (f) were such that they compromised the integrity of racing or were to aid or perpetrate a fraud, then the licensee may be summarily suspended pending a judges hearing.

(h) Anyone acting in concert with the driver to so effect the outcome of the race or races may be summarily suspended pending a judges hearing.

(i) A driver shall not fail to participate in the post parade at the prescribed time unless excused by the judges. (*Indiana Horse Racing Commission; 71 IAC 7-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, 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 2108; 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 May 10, 2005, 3:20 p.m.: 28 IR 2749; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR071160138ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; errata filed Mar 29, 2019, 10:12 a.m.: 20190403-IR-071190167ACA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA; emergency rule filed Dec 9, 2021, 2:22 p.m.: 20211215-IR-071210525ERA; emergency rule filed Apr 20, 2023, 3:09 p.m.: 20230426-IR-071230297ERA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

#### **71 IAC 7-3-38 No contest**

**Authority: IC 4-31-3-9**

**Affected: IC 4-31**

**Sec. 38. (a) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of the race participants, the judges may declare individual horses to be non-starters, exclude individual horses from all pari-mutuel pools or declare a “no contest” and refund all wagers except as otherwise provided in the rules involving multi-race wagers.**

**(b) The following items shall be considered before the judges can declare a heat or a race a “no contest”:**

- (1) In the event an accident occurs on the track during a heat or race and the field must pass the spot of the accident before the finish;**
- (2) If one or more driver or horse is down;**
- (3) If, in the opinion of the judges, the safety of the drivers and horses are in jeopardy due to an incident;**
- (4) If a horse is traveling clockwise; or**



**(5) In the event the racetrack is thrown into darkness during the progress of a race by failure of electricity.**

#### **71 IAC 8-1-5 Furosemide as a permitted foreign substance**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list, the following process must be followed:

- (1) After the horse's licensed trainer and practicing veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the official veterinarian or his or her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.
- (2) The form must be received by the official veterinarian or his or her designee by the ~~proper time deadlines~~ **designated scratch time** so as to ensure public notification.
- (3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and practicing veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.
- (4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.
- (5) Furosemide shall only be administered on association grounds.
- (6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.
- (7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.
- (8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed five hundred (500) milligrams and no less than one hundred fifty (150) milligrams. The executive director or judges may designate certain practicing veterinarians to administer furosemide under this rule. Such designation may be determined daily, weekly, or for any other appropriate time period. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The trainer of the horse receiving furosemide or his or her authorized representative or

employee shall be present during furosemide administration. The association shall establish track rules for furosemide administrations that are consistent with these regulations.

(9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The USTA, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of serum or plasma and shall not be below a urine specific gravity of one and ten-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood serum or plasma only.

Split sample testing shall be quantitative and be performed on blood serum or plasma only.

*(Indiana Horse Racing Commission; 71 IAC 8-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1169; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2914; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2079; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2411; errata filed Oct 15, 1998, 12:38 p.m.: 22 IR 759; 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 10, 2006, 11:00 a.m.: 29 IR 2218; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Dec 9, 2021, 2:22 p.m.: 20211215-IR-071210525ERA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

#### **71 IAC 8.5-1-4.2 Threshold levels**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4.2. The official blood (serum or plasma), hair, and urine samples may contain only the following therapeutic medications or their metabolites or analogues, and shall not exceed the threshold concentrations specified in this rule:

(1) The use of acepromazine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of the metabolite, 2-(1-hydroxyethyl) promazine sulfoxide (HEPS), in urine.

~~(2) The use of albuterol in thoroughbreds shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of total albuterol (albuterol plus conjugates) in urine. The use of albuterol in quarter horses is not permitted.~~ The presence of albuterol shall not exceed the limit of detection (LOD) in blood (serum or plasma), urine, or hair.

- (3) The use of betamethasone shall be permitted under the following conditions: Not to exceed ten (10) picograms per milliliter of betamethasone in serum or plasma.
- (4) The use of butorphanol shall be permitted under the following conditions: Not to exceed three hundred (300) nanograms per milliliter of total (free and conjugated) butorphanol in urine or two (2) nanograms per milliliter of free butorphanol in serum or plasma.
- (5) The use of cetirizine shall be permitted under the following conditions: Not to exceed six (6) nanograms per milliliter of serum or plasma.
- (6) The use of cimetidine shall be permitted under the following conditions: Not to exceed four hundred (400) nanograms per milliliter of serum or plasma.
- (7) The use of dantrolene shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of 5-hydroxydantrolene in serum or plasma.
- (8) The use of detomidine shall be permitted under the following conditions: Not to exceed two (2) nanograms per milliliter of carboxydetomidine in urine or one (1) nanogram per milliliter detomidine in serum or plasma.
- (9) The use of dexamethasone shall be permitted under the following conditions: Not to exceed five (5) picograms per milliliter of dexamethasone in plasma or serum.
- (10) The use of dimethylsulfoxide (DMSO) shall be permitted under the following conditions: Not to exceed ten (10) micrograms per milliliter of DMSO in serum or plasma.
- (11) The use of glycopyrrolate shall be permitted under the following conditions: Not to exceed three (3) picograms per milliliter of glycopyrrolate in serum or plasma.
- (12) The use of guaifenesin shall be permitted under the following conditions: Not to exceed twelve (12) nanograms per milliliter of serum or plasma.
- (13) The use of isoflupredone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of isoflupredone in serum or plasma.
- (14) The use of lidocaine shall be permitted under the following conditions: Not to exceed twenty (20) picograms per milliliter of total 3-hydroxylidocaine (to include conjugates) in serum or plasma.
- (15) The use of mepivacaine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of total 3-hydroxymepivacaine in urine or the LOD of mepivacaine in serum or plasma.
- (16) The use of methocarbamol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of methocarbamol in serum or plasma.
- (17) The use of methylprednisolone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of methylprednisolone in serum or plasma.
- (18) The use of omeprazole shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of omeprazole sulfide in serum or plasma.
- (19) The use of prednisolone shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of prednisolone in serum or plasma.
- (20) The use of procaine penicillin shall be permitted under the following conditions:
  - (A) Not to exceed twenty-five (25) nanograms per milliliter of procaine in serum or plasma.
  - (B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration.
  - (C) Procaine penicillin must not be administered after the horse is entered to race.

(D) Mandatory surveillance of the horse must occur for the six (6) hours immediately preceding the race for which the horse is entered by association security at the owner's expense.

(21) The use of ranitidine shall be permitted under the following conditions: Not to exceed forty (40) nanograms per milliliter in serum or plasma.

(22) The use of triamcinolone acetonide shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of triamcinolone acetonide in serum or plasma.

(23) The use of xylazine shall be permitted under the following conditions: Not to exceed two hundred (200) picograms per milliliter of xylazine in serum or plasma.

*(Indiana Horse Racing Commission; 71 IAC 8.5-1-4.2; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR071120056ERA; emergency rule filed Feb 8, 2012, 12:01 p.m.: 20120215-IR-071120072ERA; emergency rule filed Apr 3, 2013, 10:37 a.m.: 20130410-IR-071130133ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR071190167ERA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; emergency rule filed Dec 11, 2020, 4:14 p.m.: 20201223-IR-071200625ERA; readopted filed Apr 20, 2023, 3:49 p.m.: 20230517-IR-071230071RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

## **71 IAC 8.5-2-5 Out of competition testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) Any horse eligible to race in Indiana under this subsection is subject to testing without advance notice for prohibited substances, practices, and procedures as specified in subsection (f), while the horse is located on the grounds of a racetrack under the jurisdiction of the commission, or stabled off association grounds while under the care or control of a trainer or owner licensed by the commission under the restrictions listed in subsection (e). A horse is eligible to race in Indiana if it is listed:

- (1) on an owner's or trainer's license application;
- (2) on a stall application or nomination list; or
- (3) on the horse sign-in sheet at any time during the meet;

or has raced at any Indiana race meet during the preceding three hundred sixty-five (365) days. A horse shall be presumed eligible if it is a racing breed, at least two (2) years old, and an Indiana bred or sired horse. The owner of such an Indiana bred or sired horse may render the horse ineligible for the testing as described in this rule by indicating in writing the Indiana bred or sired horse is not intended to race in Indiana under subsection (b), provided that the owner of such an Indiana bred or sired horse provides written notice to the office of the commission thirty (30) days before the horse turns two (2) years old or within thirty (30) days after the owner acquires the horse. In this event, the horse shall be deemed ineligible for racing in Indiana as provided for in subsection (b).

(b) If a horse selected to be tested is not covered under subsection (a), the executive director or stewards may nevertheless test any such horse as eligible to race in Indiana for prohibited substances, practices, and procedures specified in subsection (f), unless the owner or trainer or other authorized representative or designee of such horse immediately represents in writing that the horse is not intended to be, and will not be, raced in Indiana for a minimum of three hundred sixty-five (365) days. If the owner, trainer, or other authorized representative or designee so represents, the horse shall be deemed ineligible for racing in Indiana for no less than three hundred sixty-five (365) days from that date. This three hundred sixty-five (365) day ineligibility to race in Indiana shall follow the horse even if sold or transferred to another owner or trainer. An owner or trainer may, however, consent to the collection of a sample from a horse selected for testing under this rule, even if the horse is not presently intended to be raced in Indiana, and if such horse tests negative, it will remain eligible to race in Indiana.

(c) The executive director or stewards may order any horse of a licensed trainer or owner to report to a track under the jurisdiction of the commission for out of competition testing. The trainer or owner is responsible to have the horse or horses available at the designated time and location. In the event that a horse is ordered to report to a track pursuant to the authority granted by this subsection, a licensed trainer or owner is entitled to reimbursement by the commission for mileage (at the current rate paid by the state of Indiana as specified in the current Indiana financial management circular) to and from the location where the horse was stabled when the horse was ordered to report to the track. Under no circumstances will a trainer or owner be entitled to reimbursement for mileage in excess of the actual mileage to the track from the place where the horse was stabled when ordered to report and from the track to the place where the horse is first stabled following the testing. The trainer or owner is not entitled to receive reimbursement from the commission for any other expense relating to any order under this subsection to report to a track for out of competition testing.

(d) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of the official veterinarian or a licensed veterinarian authorized by the commission may take a urine, blood, or hair sample from a horse for testing as provided for in this section.

(e) Unless sample collection occurs on the grounds of a racetrack or other location within Indiana under the commission's jurisdiction, the commission's representatives may arrive at a reasonable time for the taking of blood, urine, or hair samples from an eligible horse, as defined in subsection (a) or (b), after announcing their presence at the premises where the horse or horses to be tested are located and showing their credentials to collect samples from the horse or horses selected for testing for prohibited substances, practices, and procedures as specified in subsection (f). The commission's representatives or designees will request to meet with the trainer or owner of the selected horse or horses. If neither is available, the collection will be deferred until the trainer or owner, or both, or their representative or designee, becomes reasonably available, but the collection must occur not later than one (1) hour after the commission's designee arrives at the premises in the case of an eligible horse under subsection (a), and not later than two (2) hours in the case of an eligible horse under subsection (b). If the collection does not occur within the time provided for in this subsection, any horse that would have been subject to testing and eligible to race in Indiana will be deemed to be ineligible for racing in Indiana pursuant to the provisions of subsections (a) and (b). In addition, the owner or trainer, or both, of the horses may be subject to any other sanctions allowed by Indiana law and regulations, including, but not limited to, a fine, suspension, or summary suspension. It is a defense to any action brought against an

owner or trainer, or both, for sanctions or as a result of any declaration a horse is ineligible because the sample collection did not occur within the time provided for by this subsection that good cause existed that prohibited the owner or trainer or their representative or designee from complying with the time limits set forth in this subsection. The owner or trainer or their representative or designee has the burden of proving the good cause defense by a preponderance of the evidence.

(f) Prohibited substances, practices, methods, and procedures are defined as the following:

(1) Blood doping agents, including, but not limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues.

(2) Gene doping agents or the nontherapeutic use of genes, genetic elements, or cells, or all, that have the capacity to enhance athletic performance or produce analgesia.

(3) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms.

(4) Substances capable of producing a repartitioning effect that are not FDA-approved for use in horses, including, but not limited to, ractopamine, zilpaterol, or any similar agent.

(5) Androgenic-anabolic steroids (AAS) other than endogenous concentrations of the naturally occurring substances as defined in 71 IAC 8.5-1-8 or AAS in a horse placed on the veterinarian's list in accordance with 71 IAC 8.5-1-8(f).

(6) Cobalt in excess of the threshold provided in 71 IAC 8.5-1-9. In the event a sample from a horse results in cobalt in excess of the threshold, the horse shall be placed on the veterinarian's list until the concentration of cobalt in serum has fallen below the designated threshold, or until the conclusion of the race meet. However, horses testing at a concentration of one hundred (100) parts per billion shall be placed on the veterinarian's list for a minimum of thirty (30) days.

~~(7) Clenbuterol in excess of the threshold provided in 71 IAC 8.5-1-4.2(5) for a quarter horse.~~ In the event a sample from a quarter horse results in a clenbuterol **positive** ~~in excess of the threshold~~, the quarter horse shall be placed on the veterinarian's list as provided in 71 IAC 8.5-8-1.5.

~~(8) Albuterol in excess of the threshold provided in 71 IAC 8.5-1-4.2(2) for a quarter horse.~~ In the event a sample from a quarter horse results in an albuterol **positive** ~~in excess of the threshold~~, the quarter horse shall be placed on the veterinarian's list as provided in 71 IAC 8.5-8-1.5.

(9) Any substance or method not otherwise referenced in this rule, which is present in the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule.

(10) The presence of any substance at any time listed in subdivision (1), (2), (3), (4), (5), or (9) in an eligible horse, as defined in subsections (a) and (b), is prohibited and is a violation of this rule.

(11) The use of a prohibited method, as defined in the ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rule, on an eligible horse, as defined in subsections (a) and (b), is prohibited and is a violation of this rule.

(g) The trainer or owner or his or her designees shall cooperate with the official veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, or any commission employee by:

(1) assisting in the immediate location and identification of the eligible horse selected for out of competition testing; and

(2) providing a stall or safe location to collect the samples.

The executive director or stewards may summarily suspend, exclude, or otherwise penalize any trainer or other authorized representative or designee who does not fully cooperate with a commission employee or representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion. If any such person is summarily suspended, excluded, or otherwise penalized, she or he shall be entitled to a hearing in accordance with Indiana law and regulations. A summary suspension, exclusion, or sanctions for failure to cooperate shall not issue, however, if a horseman meets his or her burden to establish the good cause defense set forth under subsection (e). This provision does not apply to an owner or trainer who timely provides written notice under subsection (a) or (b) that a horse sought to be tested is not intended to be raced in Indiana and thereby renders the horse ineligible pursuant to subsection (b).

(h) The collection of blood or urine samples under this rule shall be collected as provided by 71 IAC 8.5-3-1 and shall be analyzed as follows:

- (1) Approved primary laboratory for screening.
- (2) Approved primary laboratory for confirmation.
- (3) Approved laboratory for split sample testing as chosen by the owner or trainer.

The commission shall approve the laboratories for screening, confirmation, and split sample testing.

(i) The collection of hair samples under this rule shall be collected as provided by 71 IAC 8.5-3-1 and shall be analyzed as follows:

- (1) Approved primary laboratory for screening.
- (2) Approved primary laboratory for confirmation.

The commission shall approve the primary laboratories for screening and confirmation. A hair sample shall be ineligible for split sample testing.

(j) The licensed trainer of the horse is responsible for the condition of the horse sampled for an out of competition test while on the grounds of a licensed training facility or racetrack as follows:

- (1) If the horse is sampled while not on the grounds of a licensed training facility or racetrack, then the licensed owner shall be presumed to be the responsible person unless the owner can establish by substantial evidence that another licensed person had accepted the responsibility for the care, custody, and control of the horse, making such person the responsible person.
- (2) If a horse sampled for an out of competition test was claimed, sold, or otherwise transferred during the time the substance giving rise to the positive test may have been administered, then the commission shall investigate to determine, by a preponderance of the evidence, the identity of the responsible person at the time such substance may have been administered.
- (3) If the commission cannot determine a responsible person, then the commission may deem the owner responsible and place the horse on the veterinarian's list for such time as is necessary to protect the integrity of racing.
- (4) A claimed horse is ineligible to be subjected to out of competition testing in the forty-eight (48) hours post claim unless the horse was subjected to post-race testing.

(k) In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection (f)(1) and (f)(2). The Association of Racing Commissioners International, Inc. Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule will be considered for violations

of subsection (f)(3), (f)(4), and (f)(5) with additional penalties for any drug not FDA approved for use in horses. (*Indiana Horse Racing Commission*; 71 IAC 8.5-2-5; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Sep 10, 2012, 2:01 p.m.: 20120912-IR071120525ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Jan 1, 2015; emergency rule filed Mar 16, 2015, 3:29 p.m.: 20150325-IR-071150071ERA; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; errata filed Mar 29, 2019, 10:12 a.m.: 20190403-IR-071190167ACA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA; emergency rule filed Oct 6, 2022, 3:34 p.m.: 20221012-IR-071220305ERA; readopted filed Apr 20, 2023, 3:49 p.m.: 20230517-IR-071230071RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

## **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 an equine sample to the primary testing laboratory, the official veterinarian or a designated commission employee shall divide the specimen into two (2) parts provided a sufficient amount is collected.

(c) The official veterinarian or a designated commission employee shall attempt to collect a minimum of fifty (50) milliliters of urine. A urine specimen shall not be split if less than fifty (50) milliliters is collected from the horse. 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) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian shall collect a minimum of thirty (30) milliliters of blood, which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory.

(e) The official veterinarian, a licensed veterinarian authorized by the commission, **the trainer or trainer designee assigned to the horse in the presence of a commission employee,**



or a designated commission employee shall collect a minimum of a hair sample that is at least the same size in diameter as a standard pencil. A hair sample shall be ineligible for split sample testing.

(f) The official veterinarian or his/her designee shall retain the part of the urine and/or blood specimen that is not sent to the primary laboratory.

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

(h) Blood samples shall be centrifuged.

(i) The provisions of subsections (b), (c), and (d) do not apply to 71 IAC 8.5-2-5. (*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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR071180370ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA; readopted filed Apr 20, 2023, 3:49 p.m.: 20230517-IR-071230071RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA*)

#### **71 IAC 8.5-8-1.5 Veterinarian's list for quarter horse albuterol and clenbuterol positive**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1.5. (a) The official veterinarian shall maintain a list of all quarter horses with albuterol ~~in excess of the threshold provided in 71 IAC 8.5-1-4.2(2)~~ **positive test results.**

(b) A quarter horse shall not be removed from the veterinarian's list until a biological sample of hair tested by a commission approved laboratory determines albuterol is not ~~in excess of the threshold limit provided in 71 IAC 8.5-1-4.2(2)~~ **present in the sample.**

(c) The official veterinarian shall maintain a list of all quarter horses with clenbuterol ~~in excess of the threshold provided in 71 IAC 8.5-1-4.2(5)~~ **positive test results.**

(d) A quarter horse shall not be removed from the veterinarian's list until a biological sample of hair tested by a commission approved laboratory determines clenbuterol is not ~~in excess of the threshold limit provided in 71 IAC 8.5-1-4.2(5)~~ **present in the sample.**

(e) Hair samples shall be collected as provided in 71 IAC 8.5-3-1 for collection procedures or 71 IAC 8.5-2-5 for out of competition testing.

(f) The trainer or owner requesting hair sample testing shall pay all costs.

(g) The trainer or owner requesting hair sample testing shall make full payment prior to hair sample collection.

(h) The quarter horse may be removed from the veterinarian's list once a commission approved laboratory determines albuterol in hair is ~~below the threshold limit provided in 71 IAC 8.5-1-4.2(2)~~ **not present.**

(i) The quarter horse may be removed from the veterinarian's list once a commission approved laboratory determines clenbuterol in hair is ~~below the threshold limit provided in 71 IAC 8.5-1-4.2(5)~~ **not present**.

(j) If the hair test results determine a quarter horse is ~~above the threshold limit~~ **has albuterol or clenbuterol present**, the trainer or owner may request another hair sample test in accordance with this section at a later date. (*Indiana Horse Racing Commission; 71 IAC 8.5-8-1.5; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211 IR071190646ERA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA*)

#### **71 IAC 9-2.2-4 SPMO license criteria and commission action**

Authority: IC 4-31-7.5-11

Affected: IC 4-31-7.5

Sec. 4. (a) The commission may issue a license under IC 4-31-7.5 if the commission determines that the applicant meets all of the requirements under IC 4-31-7.5 and this article and, that on the basis of all the facts before it, the following is shown:

- (1) The applicant is qualified and financially able to operate advance deposit wagering in the state of Indiana.
- (2) Advance deposit wagering in Indiana will be operated in accordance with all applicable laws and rules.
- (3) The issuance of a license will ensure that advance deposit wagering will be conducted with the highest of standards and the greatest level of integrity and ensure the protection of the public interest.

(b) In reviewing an application, the commission may consider any information, data, reports, findings, factors, or indices available that it considers important or relevant to its determination of whether an applicant is qualified to hold an SPMO license under IC 4-31-7.5, including, without limitation, the following:

- (1) The integrity of the applicant, its partners, directors, officers, policymakers, and affiliates, including, but not limited to, the following:
  - (A) Criminal record.
  - (B) Whether a party to litigation over business practices, disciplinary actions over a business license or permit, or refusal to renew a license or permit.
  - (C) Proceedings in which unfair labor practices, discrimination, or government regulation of advance deposit wagering was an issue or bankruptcy proceedings.
  - (D) Failure to satisfy judgments, orders, or decrees.
  - (E) Delinquency in filing of tax reports or remitting taxes.
  - (F) Any other indices related to the integrity of the applicant that the commission considers important or relevant to its determination.
- (2) The financial strength of the applicant.
- (3) The management ability of the applicant.

(4) The experience of the applicant.

(5) Compliance with applicable statutes and regulations.

(6) Whether licensing the SPMO would be in the best interest of the public health, safety, and welfare in the state.

(7) The potential effect on revenue to the state and Indiana horse racing constituents.

(c) The commission may grant or deny an SPMO license subject to conditions specified by the commission and agreed to by the applicant.

(d) The commission may require changes in the proposed plan of operations or advance deposit wagering terms and agreement, or both, as a condition of granting a license. A licensed SPMO shall not make subsequent material changes in the plan of operations or advance deposit wagering terms and agreement, or both, unless ordered by the commission or until approved by the commission after receiving a written request.

(e) A licensed SPMO shall file a license renewal request for the upcoming calendar year by November 1 of the preceding year. The license renewal request must be accompanied by a cashier's check or certified check payable to the commission in the amount of one thousand dollars (\$1,000) as a nonrefundable annual license fee. In addition, the licensed SPMO must submit a letter detailing any requested changes in the commission approved plan of operations or advance deposit wagering terms and agreement, or both.

(f) A license issued under this article is neither transferable nor assignable, including by operation of law, without the prior written consent of the commission.

(g) Any action that suspends or otherwise prohibits a licensed SPMO from operating in another state may be used as grounds for a suspension of its Indiana SPMO license.

**(h) A licensed SPMO must also hold an Indiana commission vendor contractor license. After the initial licensing period, the vendor contractor commission license shall be renewed after December 1 with the licensing office for the upcoming year. The fee is one hundred dollars (\$100).**

**(h) (i) All employees working on behalf of a licensed SPMO that are officers, directors, and managers who are involved in Indiana advance deposit wagering must hold an Indiana vendor employee commission license. All other employees working on behalf of a licensed SPMO who are involved in Indiana advance deposit wagering must hold an Indiana commission license. After the initial licensing period, the Indiana commission vendor employee license shall be renewed after December 1 with the licensing office for the following year.** However, the commission or commission's designee may, at their discretion, allow a licensed SPMO to forgo licensing of some individuals involved in advance deposit wagering in Indiana provided that:

(1) those individuals are licensed and in good standing with appropriate regulatory authorities in the jurisdiction from which they are operating; and

(2) an individual that is the direct supervisor of the unlicensed individuals holds an Indiana commission license.

*(Indiana Horse Racing Commission; 71 IAC 9-2.2-4; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA; emergency rule filed Jul 22, 2022, 11:47 a.m.: 20220727-IR-071220238ERA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA) NOTE: Agency cited as 71 IAC 9-2.1-4, which was renumbered by the Publisher as 71 IAC 9-2.2-4.*

## 71 IAC 9-4-6 Pick three pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) The pick three requires selection of the ~~first place~~ **first-place** finisher in each of three (3) specified contests.

(b) The net pick three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose selection finished first in each of the three (3) contests; but if there are no such wagers, to subdivision (2).

(2) As a single price pool to those who selected the ~~first place~~ **first-place** finisher in any two (2) of the three (3) contests; but if there are no such wagers, to subdivision (3).

(3) As a single price pool to those who selected the ~~first place~~ **first-place** finisher in any one (1) of the three (3) contests; but if there are no such wagers, to subdivision (4).

(4) The entire pool shall be refunded on pick three wagers for those contests.

(c) If there is a dead heat for first in any of the three (3) contests involving:

(1) contestants representing the same betting interest, the pick three pool shall be distributed as if no dead heat occurred;

or

(2) contestants representing two (2) or more betting interests, the pick three pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(d) Should a betting interest in any of the three (3) pick three contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two (2) or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(e) If all three (3) pick three contests are canceled or declared no contest, the entire pool shall be refunded on pick three wagers for those contests.

(f) If one (1) or two (2) of the pick three contests are canceled or declared no contest, the pick three pool will remain valid and shall be distributed in accordance with subsection (b).

**(e) If the conditions on the turf course warrant a change of racing surface in any of the pick three contests, and the change has not been disclosed to the public prior to the close of wagering for the first contest of the pick three, the stewards shall declare each changed leg an "all-win" for the pick three wagering purposes only. An "all-win" contest shall assign the winner of that contest to each pick three ticket holder as their selection for that race. Any surface change as defined in this subsection shall result in the net pool for the pick three being distributed as a single price pool to those whose selection finished first in the greatest number of pick three contests for that performance.**

*(Indiana Horse Racing Commission; 71 IAC 9-4-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1187; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28,*

2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

## 71 IAC 13-1-1 Registration of horsemen's associations

Authority: IC 4-31-3-9; IC 4-35-7-12

Affected: IC 4-31; IC 4-35

Sec. 1. (a) A horsemen's association must register with the commission annually in order to be eligible to receive monies from permit holders pursuant to the provisions of IC 4-35-7-12. Unless otherwise directed by the commission, and except as provided in subsection (c), a horsemen's association shall file its registration (accompanied by all supporting materials required by this article) with the commission not later than September 1 of the year preceding the calendar year for which the funds are to be paid. One (1) electronic copy, and ~~six (6)~~ **one (1)** paper ~~copies~~ **copy**, of each application shall be provided. Except as provided in subsection (c), the commission shall approve or deny a registration not later than December 31 of the year preceding the calendar year for which the funds are to be paid. The registration for an upcoming calendar year must be approved by the commission before a horsemen's association is entitled to receive any funds from permit holders as provided for by IC 4-35-7-12 and before permit holders may make payment to a particular horsemen's association. The registration of a horsemen's association for a calendar year becomes effective upon the approval of the commission, not upon the filing of the registration.

(b) The deadlines set forth in subsections (a) and (c) for the commission to approve or deny a registration shall not apply when more than one (1) horsemen's association registers to be eligible to receive the same source of funds specified in IC 4-35-7-12.

In that event, the commission shall approve or deny the registrations as expeditiously as possible, but not later than February 28 of the calendar year in which the funds are to be paid.

(c) If, at the time a permit holder is required to make a payment of funds to a horsemen's association pursuant to IC 4-35-7-12, either:

(1) the commission has not approved the registration of a horsemen's association otherwise eligible to receive the permit holder's payment; or

(2) for any other reason, no horsemen's association is eligible to receive the permit holder's payment;

then the permit holder shall pay the funds required to be paid under IC 4-35-7-12 into one (1) or more ~~interest-bearing~~ **interest-bearing** escrow accounts established and maintained by the permit holder solely for the purpose of holding and distributing those funds as may be directed by the commission. When a horsemen's association becomes eligible to receive payments from a permit holder pursuant to IC 4-35-7-12 and this article, the commission shall immediately direct the release of the escrowed funds and all interest earned on those funds to the eligible horsemen's association, and the permit holder shall thereafter make payments to that horsemen's association in the manner provided by IC 4-35-7-12 and this article.

*(Indiana Horse Racing Commission; 71 IAC 13-1-1; emergency rule filed Jul 11, 2008, 2:13 p.m.: 20080723-IR-071080595ERA; emergency rule filed Aug 15, 2008, 9:17 a.m.: 20080827-IR-071080675ERA; emergency rule filed Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; readopted filed Jul 6, 2023, 1:50 p.m.:*

## 71 IAC 14-1-1 "Indiana bred" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) "Indiana bred" means a foal from a mare who resides in the state continuously from August 1 of the breeding year through the time of foaling and is properly registered with the commission.

(b) In order to be registered as an Indiana bred foal, the mare of the foal must:

(1) have entered Indiana by August 1 in the year prior to foaling; and

(2) remain in Indiana continuously until foaling.

(c) Mares which have not been bred by the August 1 deadline may be registered late but must reside in Indiana and be registered prior to being bred.

(d) Mares registered for the current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the commission. Reregistration must occur with the fourteen (14) day period following the sale.

(e) The commission must be notified in writing by e-mail, fax, or mail and provide proper documentation for any registered mare leaving the state for medical treatment. Notification must be made within seventy-two (72) hours of date which the mare left the state.

(f) The Indiana bred foal must:

(1) Be registered with the commission within thirty (30) days of foaling.

(2) Be inspected after foaling prior to leaving the state.

(g) Foals not registered within thirty (30) days of foaling date may be registered with a two hundred dollar (\$200) late fee up and until December 31 of the foal's weanling year.

~~(h) If the foal is not registered by January 1 of its yearling year, the foal is not eligible to be registered.~~ **For eligibility purposes, the foal is not considered "Indiana bred" until registration paperwork and applicable late fees are received by the commission.**

(i) For foals of 2009 and prior, Indiana bred is defined as a horse whose breeder(s) as listed with the USTA are residents of Indiana. Any partnership or corporation registered by the USTA and listed as breeder must be entirely composed of Indiana residents. *(Indiana Horse Racing Commission; 71 IAC 14-1-1; emergency rule filed Jun 10, 2009, 12:45 p.m.: 20090617-IR071090464ERA, eff May 29, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Dec 8, 2010, 11:46 a.m.: 20101215-IR-071100735ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed May 16, 2012, 2:15 p.m.: 20120523-IR-071120267ERA; readopted filed Nov 15, 2018, 2:46 p.m.: 20181212-IR-071180363RFA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

### **71 IAC 14.5-2-3 Stallion registration**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) In order to be eligible to register a stallion with the commission, a completed application must be on file with the commission on or before November 1 of each year.

(b) Each registered stallion must remain in Indiana the entire breeding season (February 1 through July 1).

(c) New stallions arriving late cannot have covered any mares in another state during the same year.

(d) Quarter horse stallions may breed both quarter horse and thoroughbred mares.

(e) Thoroughbred stallions may breed quarter horse mares. Thoroughbred stallions breeding quarter horse mares must be registered in the quarter horse registry.

(f) A stallion must be registered with the commission the year of the foal's conception to be eligible for sire races and stallion awards.

(g) Stallions must be registered each year. Any living or deceased stallion having sired foals while standing in the state of Indiana prior to the year 2001 must have on file with the commission an application covering the years it stood in the state to be eligible for sire races and stallion awards.

(h) Mare's bred reports must be on file with the commission by December 1 of each year.

(i) A copy of lease agreements must accompany the application.

(j) There will be a one hundred dollar (\$100) late fee for all applications filed after the deadline.

(k) This rule in no way restricts the shipment and use of cooled semen.

(l) Only those stallions standing in Indiana and properly registered with the Indiana horse racing commission are eligible for stallion breed development awards.

**(m) For any stallion properly registered and in good standing with the commission in the year of his death or gelding, frozen semen may be utilized if the deceased or gelded stallion is properly registered in the year in which the semen will be used.**

**(n) The semen from stallions born in 2015 or later must be used within two (2) calendar years following the year of his death or gelding.**

**(o) Stallions born prior to 2015 are exempt from the requirement under 71 IAC 14.5-2-3(n).**

**(p) Foals sired from the use of frozen semen shall be eligible for Indiana sired status and Indiana stallion awards if the requirements of 71 IAC 14.5-2-2 are met, in addition to the requirements of this section.**

**(q) In cases where the stallion is deceased, only semen collected and frozen while the stallion was properly registered in Indiana may be utilized.**

**(r) Frozen semen from collected from non-deceased or gelded stallions properly registered may be utilized regardless of the location of collection.** *(Indiana Horse Racing Commission; 71 IAC 14.5-2-3; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January*

*24, 2008.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; readopted filed Sep 21, 2016, 11:02 a.m.: 20161019-IR-071160203RFA; readopted filed Oct 6, 2022, 3:33 p.m.: 20221102-IR-071220265RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)*

**71 IAC 14.5-2-1.3 Frozen embryo registration**

**Authority:** IC 4-31-3-9

**Authority:** IC 4-31

**Sec. 1.3 (a) In order to be eligible to register a quarter horse frozen embryo foal as Indiana bred, the donor mare must be registered with the commission pursuant to 71 IAC 14.5-2-1 for the calendar year in which the embryo is produced. Additionally, the following must occur:**

**(1) the recipient mare must have entered Indiana and be registered with the commission by July 1 in the year prior to foaling;**

**(2) remain in Indiana continuously until foaling; and**

**(3) the foal must be registered pursuant to 71 IAC 14.5-2-2.**

**(b) For any mare registered after July 1 in the year in which the embryo is produced the, embryo must be utilized to produce an Indiana sired foal.**

**(c) For any donor mare foaled in 2015 or later, embryos produced by the mare are not eligible for registration under this section more than two (2) calendar years following:**

**(1) the year of the mare's death; or**

**(2) the year the mare is spayed.**

**(d) Donor mares foaled prior to 2015 are exempt from the requirement under 71 IAC 14.5-2-1.3(c).**





# **Agenda Item #13**

HISA Update  
(No Materials)

# **Agenda Item #14**

Delegation of Authority  
(No Materials)