

Agenda Item #1

TITLE 71 INDIANA HORSE RACING COMMISSION

Emergency Rule

LSA Document #21-___(E)

DIGEST

Repeals 71 IAC 8-2-2, 71 IAC 8-2-4, 71 IAC 8.5-13-2, 71 IAC 8.5-13-4, 71 IAC 11-1-19, and 71 IAC 12-1-22. Amends 71 IAC 3-2-9 regarding judge's list. Amends 71 IAC 5.5-1-25 regarding safety helmets. Amends 71 IAC 5.5-1-26 regarding safety vests. Amends 71 IAC 6.5-1-6 regarding transfer of claimed horse. Amends 71 IAC 7-1-33 regarding reporting to paddock. Amends 71 IAC 7-3-7 regarding driving rules. Amends 71 IAC 7-3-13 regarding whip restriction. Amends 71 IAC 7-3-35 regarding bandages. Amends 71 IAC 7.5-3-4 regarding scale of weights. Amends 71 IAC 7.5-6-1 regarding equipment. Amends 71 IAC 7.5-6-5 regarding post to finish. Amends 71 IAC 8-1-4.1 regarding nonsteroidal anti-inflammatory drugs (NSAIDs). Amends 71 IAC 8-1-7.1 regarding multiple medical violations. Amends 71 IAC 8-2-1 regarding general provisions. Adds 71 IAC 8-2-2.5 regarding carbon dioxide testing. Amends 71 IAC 8-4-1 regarding collection procedures. Amends 71 IAC 8-6-2 regarding prohibited practices. Amends 71 IAC 8.5-3-1 regarding collection procedures. Amends 71 IAC 8.5-13-1 regarding general provisions. Adds 71 IAC 8.5-13-2.5 regarding carbon dioxide testing. Amends 71 IAC 9-1-1 regarding general. Amends 71 IAC 9-1-9 regarding display of betting information. Amends 71 IAC 9-1-13 regarding pools dependent on betting interests. Amends 71 IAC 9-4-5 regarding double pools. Amends 71 IAC 9-4-7 regarding pick (n) pools. Amends 71 IAC 9-4-8 regarding place pick (n) pools. Amends 71 IAC 9-4-12 regarding trifecta pools. Amends 71 IAC 9-4-14 regarding twin trifecta pools. Amends 71 IAC 9-4-15 regarding superfecta pools. Amends 71 IAC 9-4-17 regarding pentafecta wagering. Amends 71 IAC 13.5-7-1 regarding Indiana sired weight allowance. Amends 71 IAC 14.5-3-1 regarding owner award. Amends 71 IAC 14.5-3-2 regarding breeder award. Amends 71 IAC 14.5-3-3 regarding stallion owner award. Effective upon filing with the Publisher.

SECTION 1. THE FOLLOWING ARE REPEALED: 71 IAC 8-2-2, 71 IAC 8-2-4, 71 IAC 8.5-13-2, 71 IAC 8.5-13-4, 71 IAC 11-1-19; 71 IAC 12-1-22.

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

71 IAC 3-2-9 Judge's List

Authority: IC 4-31-3-9

Affected: IC 4-31

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

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race, if on the list for breaks, unless finishing first, second, or third. Two (2) year old nonwagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time.

- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Making breaks in two (2) consecutive starts unless finishing first, second, or third in one (1) of the two (2).

(6) Making breaks in three (3) consecutive starts regardless of finishing position or track condition.

- ~~(6)~~ (7) Being scratched sick or lame in two (2) consecutive programs.
- ~~(7)~~ (8) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.
- ~~(8)~~ (9) Poor performance while competing in a race followed by a break later in that race.
- ~~(9)~~ (10) Any horse making its first pari-mutuel start making a break unless finishing first, second, or third.
- ~~(10)~~ (11) Failing to finish a race for any reason except in the case of accident, broken equipment, or interference.

(b) Any horse on the veterinarian's list shall also be considered to be on the judge's list and ineligible to race until removed.

(c) Any horse that has tested positive for a foreign substance in violation of this title that has not been cleared by the official veterinarian or judges shall be considered to be on the judge's list and ineligible to race until removed.

(d) Horses racing at all county fair race tracks that return to pari-mutuel race tracks to compete must have a clean charted line in qualifying time within forty-five (45) days or they must requalify. Time allowances for half-mile tracks shall be set by the race secretary at the pari-mutuel track, except as indicated in the conditions of the Indiana sires stakes.

(e) Horses that are on the judge's list or are not eligible to compete due to the qualifying standards at the Indiana pari-mutuel race track may be allowed to compete in "paid in events" if they have a clean line in qualifying time in the last thirty (30) days (race date to race date) unless declared ineligible under subsection (h) or (i).

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

(g) A horse may not be released from the judge's list without permission of the judges.

(h) Qualifying standards shall not be waived for non-Indiana late closers, Indiana sire stakes finals, late closer finals, and all "paid in events" if there exists a compromise with the health and safety of the participants in those races.

(i) Horses that are placed on the veterinarian's or judge's list as sick, lame, or injured for a specified number of days, which includes the race date or are required to qualify before racing by the veterinarian or starter, shall not be eligible to race under subsection (e).

(Indiana Horse Racing Commission; 71 IAC 3-2-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2745; emergency rule filed Jan 25, 2006, 10:30 a.m.: 29 IR 1955; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; 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-IR-071160138ERA; emergency rule filed Jun 10, 2016, 11:11 a.m.: 20160615-IR-071160257ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Apr 30, 2018, 3:54 p.m.: 20180502-IR-071180203ERA; 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; 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)

SECTION 3. 71 IAC 5.5-1-25 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-1-25 Safety helmets

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 25. (a) ~~All jockeys competing in a race must wear a safety helmet that meets one (1) of the following safety standards:~~ **Any person mounted on a horse or stable pony on association grounds shall wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew shall adhere to this section at all times while performing their duties or handling a horse. For the purpose of this section, a member of the starting crew means any person licensed as an assistant starter or any person who handles a horse in the starting gate. The helmet shall comply with one (1) of the following minimum safety standards or later revisions:**

(1) American Society for Testing and Materials (ASTM 1163).

~~(2) UK Standards EN-1384 and PAS-015.~~ **European Standards (EN-1384 or PAS-015 or VG1).**

~~(3) Australian/New Zealand Standards AS/NZS-3838.~~ **(AS/NZ 3838 or ARB HS 2012).**

(4) Snell Equestrian Standard 2001.

~~(b) Effective July 16, 2009, any licensee mounted on a horse or stable pony on association ground must wear at all times a properly secured safety helmet that meet one (1) of the standards in subsection (a).~~

~~(e)~~**(b)** The licensee is responsible for providing sufficient evidence that his/her helmet meets a standard as listed in subsection ~~(b)~~**(a)**. **A safety helmet shall not be altered in any manner nor shall the product marking be removed or defaced.**

(Indiana Horse Racing Commission; 71 IAC 5.5-1-25; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)

SECTION 4. 71 IAC 5.5-1-26 IS AMENDED TO READ AS FOLLOWS:

71 IAC 5.5-1-26 Safety vest

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 26. ~~Effective July 26, 2010, any person mounted on a horse or stable pony on the association's racing surface, all assistant starters, and anyone handling a horse in a starting gate must wear a safety vest at all times. The safety vest must comply with or exceed one (1) of the following minimum standards:~~ **Any person mounted on a horse or stable pony on the association grounds shall wear a properly-secured safety vest at all times. Additionally, all members of the starting gate crew shall also adhere to this section at all times while performing their duties or handling a horse. For the purpose of this section, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The safety vest shall comply with one of the following minimum standards or later revisions:**

(1) British Equestrian Trade Association (BETA): 2000 Level 1.

(2) Euro Norm (EN) ~~12158:2000~~ **13158:2000** Level 1.

(3) American Society for Testing and Materials (ASTM) F2681-08 **or F1937**.

(4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue ~~2~~ **3**.

(5) Australian Racing Board (ARM ARB) Standard 1.1998.

A safety vest shall not be altered in any manner nor shall the product marking be removed or defaced. The licensee is responsible for providing sufficient evidence that his or her safety vest meets one (1) of the standards in this section.

(Indiana Horse Racing Commission; 71 IAC 5.5-1-26; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; 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 Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)

SECTION 5. 71 IAC 6.5-1-6 IS AMENDED TO READ AS FOLLOWS.

71 IAC 6.5-1-6 Transfer of claimed horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Upon successful claim, the stewards shall issue, upon forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the stewards and the racing secretary. Upon notification by the stewards, the horsemen's bookkeeper shall immediately debit the claimant's account for the claiming price, applicable taxes, and transfer fees. No claimed horse shall be delivered by the original owner to the successful claimant until authorized by the stewards.

(b) A person shall not refuse to deliver a properly claimed horse to the successful claimant.

(c) Transfer of possession of a claimed horse shall take place immediately after the race has been run **unless otherwise directed by the stewards**. If the horse is required to be taken to the detention barn for post-race testing, the ~~successful claimant~~ **original trainer** or the ~~successful~~

~~claimant's original trainer's~~ representative shall maintain physical custody of the claimed horse **and shall observe the testing procedure and sign the sample tag.** However, the ~~original trainer~~ **successful claimant** or the ~~original trainer's~~ **successful claimant's** representative shall **also** accompany the horse, ~~observe the testing procedure, and sign the test sample tag.~~ **to the detention barn.**

(d) When a horse is claimed out of a claiming race, the horse's engagements are transferred with the horse to the claimant.

(e) Ownership interest in any horse claimed from a race shall not be resold or transferred back to the original owner for thirty (30) days after such horse was claimed, except by claim for a subsequent race.

(f) A claimed horse shall not remain in the same stable or under the control or management of its former owner.

(g) If the post-race serum or plasma sample of the horse contains cobalt in excess of the threshold established in 71 IAC 8.5-1-9, 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. *(Indiana Horse Racing Commission, 71 IAC 6.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; 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; emergency rule filed Sept 15, 2014; 12:44 p.m.: 20140924-IR-071140352ERA, eff Sep 30, 2014)*

SECTION 6. 71 IAC 7-1-33 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-33 Reporting to paddock

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 33. The time that horses scheduled to race must report to the paddock shall be determined by the commission. **Once a horse has been checked in and entered the paddock, it cannot leave except to warm up or until called to the post.**

(Indiana Horse Racing Commission; 71 IAC 7-1-33; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; 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)

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

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 ~~and~~ 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 and out, or bear in and 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 is 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 may 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), 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-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 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-IR-071160138ERA; 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)

SECTION 8. 71 IAC 7-3-13 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-13 Whip restriction

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) In all pari-mutuel and qualifying races drivers will be allowed whips not to exceed four (4) feet plus a snapper not longer than six (6) inches. Drivers must have control of their horses at all times and handholds must be adjusted so as to be taut with the elbows in front of the chest.

(b) Whipping action shall be limited to wrist action with minimal elbow movement. **Any exaggerated arm or body motion shall be considered a violation.**

(c) The whip may strike above and between the shafts only. Whipping below the shaft in the stifle area may result in disqualification.

(d) The following actions shall be considered as excessive and/or indiscriminate:

(1) Whipping of a horse during post parade or after the finish.

(2) Continuous use of the whip.

(3) Striking any part of the whip under the tail or between the legs.

(4) Whipping a horse not advancing through the field **or that is out of contention.**

(5) Causing visible injury.

(6) The use of any sharp object or stimulating device.

(7) Any part of the whip may not be used for jabbing.

(e) Drivers shall keep a line in each hand from the start of the race until the finish of the race.

(f) Violation of any of these rules may result in a fine and/or suspension or commission referral.

(Indiana Horse Racing Commission; 71 IAC 7-3-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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 May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)

SECTION 9. 71 IAC 7-3-35 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-35 Bandages

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 35. (a) The use of Gelocast and/or like materials as a racing bandage, or the use of Gelocast and/or like materials in conjunction with traditional materials to form a racing bandage is prohibited.

(b) Any nontraditional material **applied to a horse or** incorporated into a racing bandage must be approved by the official veterinarian, or his/her designee.

(Indiana Horse Racing Commission; 71 IAC 7-3-35; emergency rule filed Jun 22, 1998, 5:11 p.m.: 21 IR 4234; 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 3, 2011, 11:50 a.m.:

20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)

SECTION 10. 71 IAC 7.5-3-4 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-3-4 Scale of weights

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) With the exception of apprentice allowances, handicap races, Indiana breds, Indiana restricted races, ~~three (3) year old horses entered to run in races against horses four (4) years old and upwards,~~ and the allowance provided in subsection (b) of this section, no jockey shall be assigned a weight of less than one hundred eighteen (118) pounds. ~~For three (3) year old horses entered to run in races against horses four (4) years old and upwards from January 1 through August 31, no jockey shall be assigned a weight of less than one hundred sixteen (116) pounds.~~

(b) Except in handicaps, fillies two (2) years old shall be allowed three (3) pounds, and fillies and mares three (3) years old and upward shall be allowed five (5) pounds before September 1, and three (3) pounds thereafter in races where competing against horses of the opposite sex.

(c) Quarter horses, appaloosas, and paints minimum scale weights shall be one hundred ~~twenty (120)~~ **twenty-four (124)** pounds for two-year-olds, one hundred ~~twenty-two (122)~~ **twenty-six (126)** pounds for three-year-olds, and one hundred ~~twenty-four (124)~~ **twenty-eight (128)** pounds for four-year-olds and older.

(d) A notice shall be included in the daily program that all jockeys will carry approximately three (3) pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, jockeys may weigh in with an additional three (3) pounds for inclement weather gear when approved by the stewards.

(Indiana Horse Racing Commission; 71 IAC 7.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2868, eff Jul 1 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; 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 Jul 12, 2012, 3:31 p.m.: 20120718-IR-071120428ERA; filed Jul 18, 2013, 9:26 a.m.: 20130814-IR-071120549RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)

SECTION 11. 71 IAC 7.5-6-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-6-1 Equipment

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) All riding crops are subject to inspection and approval by the stewards and the clerk of scales.

(1) Riding crops shall have shaft and flap and will be allowed in flat racing including training, only as follows:

- (A) maximum weight of eight (8) ounces;
- (B) maximum length of thirty (30) inches;

(C) ~~shaft~~ maximum diameter of the shaft of ~~one-half (1/2)~~ **three-eighths (3/8)** inch; and

(D) shaft contact area must be smooth, with no protrusion or raised surface and covered by shock absorbing material that gives a compression factor of at least ~~one-quarter (1/4)~~ **one (1)** millimeter throughout its circumference.

(2) The flap is the only allowable attachment to the shaft and must meet these specifications:

(A) length beyond the end of the shaft a maximum of one (1) inch;

(B) width a minimum of eight-tenths (0.8) inch and a maximum of one and six-tenths (1.6) inches;

(C) no reinforcements or additions beyond the end of the shaft;

(D) no binding within seven (7) inches of the end of the shaft; and

(E) shock absorbing characteristics similar to those of the contact area of the shaft.

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

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

(d) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the starter and the stewards. Any request for such a change must be stated at entry. Blinkers and cheek pieces may not be used at the same time.

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

(f) Any nontraditional material incorporated into a racing bandage must be approved by the official veterinarian, or his or her designee.

(Indiana Horse Racing Commission; 71 IAC 7.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:13 p.m.: 21 IR 4234; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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; 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)

SECTION 12. 71 IAC 7.5-6-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 7.5-6-5 Post to finish

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The following shall apply to starting the race:

(1) The starter is responsible for assuring that each participant receives a fair start.

(2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare the horse a nonstarter.

- (3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a nonstarter by the stewards.
- (4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be nonstarters, exclude individual horses from one (1) or more 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 shall apply to interference, jostling, or striking during the race:
 - (1) A jockey shall not ride carelessly or willfully so as to permit the jockey's mount to interfere with, impede, or intimidate any other horse in the race.
 - (2) No jockey shall carelessly or willfully jostle, strike, or touch another jockey or another jockey's horse or equipment.
 - (3) No jockey shall unnecessarily cause the jockey's horse to shorten its stride so as to give the appearance of having suffered a foul.
 - (c) The following shall apply to maintaining a straight course during the race:
 - (1) When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it may be a foul.
 - (2) The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding.
 - (3) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible.
 - (4) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts, or swerves out of its lane in such a manner that it interferes with, impedes, or intimidates another horse, and it may result in the disqualification of the offending horse.
 - (d) The following shall apply to disqualifications during the race:
 - (1) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.
 - (2) If a horse is disqualified for a foul, any horse or horses with which it is coupled as an entry may also be disqualified.
 - (3) When a horse is disqualified for interference in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one one-hundredth (1/100) of one (1) second penalty, or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time.
 - (4) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer, or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse.
 - (5) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.
 - (e) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win.
 - (f) The following shall apply to use of riding crops during the race:

- (1) Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his/her best efforts to win.
- (2) In all races where a jockey will ride without a riding crop, an announcement of such fact shall be made over the public address system.
- (3) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone or applied by anyone to a horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.
- (4) Riding crops shall not be used on two-year-old horses ~~in races~~ before April 1 of each year.
- (5) The riding crop shall only be used for safety, correction, and encouragement **and be appropriate, proportionate, and professional, taking into account the rules of racing herein. However, stimulus provided by the use of the riding crop shall be monitored so as not to compromise the welfare of the horse.**
- (6) Use of the riding crop varies with each particular horse and the circumstances of the race.
- ~~(6)~~(7) **Except for extreme safety reasons**, all riders should comply with the following when using the riding crop:
 - (A) **initially showing the horse the riding crop and or tapping the horse with the riding crop down**, giving it time to respond before hitting it;
 - (B) having used the riding crop, giving the horse a chance to respond before using it again; and
 - (C) using the riding crop in rhythm with the horse's stride.
- (8) **Allowing the horse a chance to respond can be:**
 - (A) **pausing the use of the riding crop on the horse before resuming again; or**
 - (B) **pushing on the horse with a rein in each hand; or**
 - (C) **showing the horse the riding crop without making contact; or**
 - (D) **moving the riding crop from one hand to the other.**
- (9) **At the beginning of each race meet, the stewards shall establish a maximum number of successive strikes before the rider must give the horse a minimum number of successive strides.**
- ~~(7)~~(10) Prohibited use of the riding crop includes, but ~~are~~ **is** not limited to striking a horse:
 - (A) on the head, flanks, or any other part of its body other than the shoulders or hind quarters, except when necessary to control a horse;
 - (B) during the post parade or after the finish of the race, except when necessary to control the horse;
 - (C) ~~excessively or brutally causing welts, or breaks in the skin;~~
 - (D) when the horse is clearly out of the race or has obtained its maximum placing; ~~or~~
 - (E) persistently even though the horse is showing no response under the riding crop; ~~or~~
 - ~~(F) causing whip marks, welts, or breaks in the skin; or~~
 - (G) striking another person or horse.**
- (g) After the race, horses will be subject to inspection by ~~a racing or~~ an official veterinarian looking for cuts, welts, or bruises in the skin. Any adverse findings shall be reported to the stewards.
- (h) The giving of instructions by any licensee that if obeyed would lead to a violation of

this rule may result in disciplinary action also being taken against the licensee who gave such instructions.

(i) If a horse leaves the racecourse during a race, it shall be disqualified.

(j) The following shall apply to the order of finish:

(1) The official order of finish shall be decided by the stewards with the aid of the photo finish camera and, in the absence of the photo finish film strip, the video replay. The photo finish and video player are only aids in the stewards' decision. The decision of the stewards shall be final in all cases.

(2) The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.

(k) The following shall apply to returning after the finish:

(1) After a race has been run, the jockey shall ride promptly to the place designated by the stewards, dismount, and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.

(2) If a jockey is prevented from riding to the designated unsaddling area because of an accident or illness to the jockey or the horse, the jockey may walk or be transported to the scales, or may be excused from weighing in by the stewards.

(l) The following shall apply to unsaddling:

(1) Only persons authorized by the stewards may assist the jockey with unsaddling the horse after the race.

(2) No one shall place a covering over a horse before it is unsaddled.

(m) Weighing in:

(1) A jockey shall weigh in at no less than the same weight at which he/she weighed out and if under that weight, and after consideration of mitigating circumstances by the board of stewards, his/her mount may be disqualified from any portion of the purse money.

(2) In the event of a disqualification, all monies wagered on the horse shall be refunded unless the race has been declared official.

(3) A jockey's weight shall include clothing, boots, saddle, and its attachments and any other equipment except the bridle, bit, blinkers, number cloth, and over-girth, reins, and breast collar.

(4) Upon approval of the stewards, the jockeys may be allowed up to three (3) pounds more than published weights to account for inclement weather clothing and equipment.

(5) The post-race weight of jockeys includes any sweat, dirt, and mud that have accumulated on the jockey, jockey's clothing, jockey's safety equipment, and over-girth. This accounts for additional weight, depending on specific equipment, as well as weather, track, and racing conditions.

(n) The following shall apply to dead heats:

(1) When two (2) horses run a dead heat for first place, all purses or prizes to which the first and second horses would have been entitled shall be divided equally between them. This subdivision applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.

(2) In a dead heat for first place, each horse involved shall be deemed a winner and liable to penalty for the amount it shall receive.

(3) When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which ran a dead heat shall be deemed to have run a dead heat for first place.

(4) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards.

(o) The following shall apply to time trials:

- (1) Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten (10) horses.
- (2) The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten (10) fastest times shall qualify to participate in the finals. If the time trials are conducted on two (2) days, the horses with the first five (5) fastest times on the first day and the horses with the five (5) fastest times on the second day shall qualify to participate in the finals.
- (3) If the association's starting gate has less than ten (10) stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.
- (4) If only eleven (11) or twelve (12) horses are entered to run in time trials from a gate with twelve (12) or more stalls, the association may choose to run finals only. If eleven (11) or twelve (12) horses participate in the finals, only the first ten (10) finishers will receive purse money.
- (5) In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two (2) or more horses have the same time in the same trial heat, in which case the order of finish shall also determine the preference in qualifying for the finals. Should two (2) or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying positions, then a draw by public lot shall be conducted as directed by the stewards.
- (6) Except in the case of a disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.
- (7) Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one one-hundredth (1/100) of one (1) second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, or other conditions.
- (8) Should a malfunction occur with electronic times on any time trials, finalists from that time will then be determined by official hand timing operated by three (3) official and disinterested persons. The average of the three (3) hand times will be utilized for the winning time unless one (~~þ~~)(1) of the hand times is clearly incorrect. In such cases, the average of the two (2) accurate hand times will be utilized for the winning time.

(Indiana Horse Racing Commission; 71 IAC 7.5-6-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2872, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)

SECTION 13. 71 IAC 8-1-4.1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-4.1 Nonsteroidal anti-inflammatory drugs (NSAIDs)
Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4.1. (a) The use of **nonsteroidal anti-inflammatory drugs (NSAIDs)** shall be governed by the following conditions:

(1) NSAIDs included in the ARCI Controlled Therapeutic Medication Schedule ~~Version 2.2, for Horses, as revised by the ARCI in December 2019 and any other subsequent revision effective after said date, which are incorporated by reference herein, copies of which are available at the commission office,~~ are not to be used in a manner inconsistent with the restrictions contained therein. NSAIDs not included on the ARCI Controlled Therapeutic Medication Schedule ~~Version 2.2, for Horses,~~ are not **permitted** to be present in a racing horse biological sample at a **concentration that equals or exceeds the laboratory concentration commission's official laboratory's limit of detection.**

(2) **Biological samples may contain one (1) of the NSAIDs identified in the ARCI Controlled Therapeutic Medication Schedule for Horses at a concentration up to the primary threshold indicated therein.** The presence of more than one (1) NSAID ~~may in blood or urine, or both, shall constitute a~~ NSAID stacking violation ~~consistent with the following restrictions: (Penalty Class B) in addition to the violation associated with the detection of each additional NSAID that exceeds the primary threshold.~~

~~(A) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:~~

~~(i) two (2) nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:~~

~~(AA) Diclofenac—5 nanograms per milliliter of plasma or serum;~~

~~(BB) Firocoxib—20 nanograms per milliliter of plasma or serum;~~

~~(CC) Flunixin—20 nanograms per milliliter of plasma or serum;~~

~~(DD) Ketoprofen—2 nanograms per milliliter of plasma or serum;~~

~~(EE) Phenylbutazone—2 micrograms per milliliter of plasma or serum; or~~

~~(FF) all other nonsteroidal anti-inflammatory drugs—laboratory concentration of detection;~~

~~(ii) three (3) or more nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:~~

~~(AA) Diclofenac—5 nanograms per milliliter of plasma or serum;~~

~~(BB) Firocoxib—20 nanograms per milliliter of plasma or serum;~~

~~(CC) Flunixin—3 nanograms per milliliter of plasma or serum;~~

~~(DD) Ketoprofen—1 nanogram per milliliter of plasma or serum;~~

~~(EE) Phenylbutazone—0.3 micrograms per milliliter of plasma or serum; or~~

~~(FF) all other nonsteroidal anti-inflammatory drugs—laboratory concentration of detection.~~

~~(B) A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:~~

~~(i) any one (1) substance noted in subsection (A)(i) [clause (A)(i)] above is found in excess of the restrictions contained therein in combination with any one (1) of the following substances at levels below the restrictions so noted but in excess of the following levels:~~

~~(AA) Flunixin—3 nanograms per milliliter of plasma or serum;~~

~~(BB) Ketoprofen—1 nanogram per milliliter of plasma or serum;~~

~~or~~

~~(CC) Phenylbutazone—0.3 micrograms per milliliter of plasma or serum.~~

~~(C) A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:~~

~~(i) any combination of two (2) of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in subsection (A)(i)(a through e) [redesignated clause (A)(i)(AA) through (A)(i)(EE) by the Publisher] above but in excess of the noted restrictions:~~

~~(AA) Flunixin—3 nanograms per milliliter of plasma or serum;~~

~~(BB) Ketoprofen—1 nanogram per milliliter of plasma or serum;~~

~~or~~

~~(CC) Phenylbutazone—0.3 micrograms per milliliter of plasma or serum.~~

(b) NSAIDs shall not be administered to any horse that is entered to race within forty-eight (48) hours of the scheduled post-time of the race in which it is entered.

~~(b) (c)~~ Any horse to which a **an** NSAID has been administered shall be subject to having a blood ~~and/or or~~ urine, ~~sample(s) or both, sample~~ taken at the direction of the official veterinarian to determine the quantitative NSAID ~~level(s) and/or level~~ or the presence of other drugs, **or both**, which may be present in the blood or urine samples.

(Indiana Horse Racing Commission; 71 IAC 8-1-4.1; emergency rule filed Jul 28, 2006, 11:22 a.m.: 20060816-IR-071060279ERA, eff Sep 1, 2006; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; 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-071140251; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA)

SECTION 14. 71 IAC 8-1-7.1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-1-7.1 Multiple medication violations (MMV)

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7.1. (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign [sic, Substances] or similar state regulatory guidelines, may be assigned points as follows:

| Penalty Class | Points if Controlled Therapeutic Substance | Points if Noncontrolled Therapeutic Substance |
|---------------|--|---|
| Class A | N/A | 6 |
| Class B | 2 | 4 |
| Class C | ½ for first violation with an additional ½ point for each additional violation within 365 days.* | 1 for first violation with an additional ½ point for each additional violation within 365 days. |
| Class D | 0 | 0 |

~~*Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.~~

(b) The points assigned to a medication violation by the judges or commission ruling, shall be included in ARCI official database. The ARCI shall record points consistent with ~~section 7.1(a)~~

subsection (a) when appropriate, a designation that points have been suspended or the medication violation. Points assigned by such regulatory ruling shall reflect in the case of multiple positive tests as described in subsection (d), whether they constitute a single violation. The judges' or commission ruling may be posted on the official website of the commission and within the official database of the ARCI. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the judges or the commission in its determination to subject the trainer to the mandatory enhanced penalties by the judges or the commission as provided in this section.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the judges or commission may treat each substance as an individual violation for which points will be assigned, depending on the facts and circumstances of the case.

(e) The official ARCI record shall be used to advise the judges or commission of a trainer's past record of violations and cumulative points. Nothing in this section shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(f) The judges or commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements may be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

| Points | Suspension in Days |
|------------|--------------------|
| 5-5.5 | 15 to 30 |
| 6-8.5 | 30 to 60 |
| 9-10.5 | 90 to 180 |
| 11 or more | 180 to 360 |

Multiple medication violation (~~MMV~~) penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

- (1) has had more than one (1) medication violation for the relevant time period; and
- (2) exceeds the permissible number of points.

(h) The suspension periods in subsection (g) shall run consecutive to any suspension imposed for the underlying offense.

(i) The judges' or commission's ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon the judges' or commissions' review of a trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(j) Points shall expire as follows:

| Penalty Classification | Time to Expire |
|------------------------|----------------|
| A | 3 years |
| B | 2 years |
| C | 1 year |

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(Indiana Horse Racing Commission; 71 IAC 8-1-7.1; 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)

SECTION 15. 71 IAC 8-2-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-2-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. An excess level of ~~sodium (Na), bicarbonate (HCO₃), or pH~~ **total carbon dioxide (TCO₂)** shall be deemed to have an adverse effect on the horse by changing the normal physiological state of the horse. Excess levels of ~~sodium (Na), bicarbonate (HCO₃), or pH~~ **total carbon dioxide (TCO₂)** in the horse are deemed to be contrary to the best interests of standardbred racing and to the best interests of the welfare of the equine participants and shall be a violation of these rules. *(Indiana Horse Racing Commission; 71 IAC 8-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1170; 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)*

SECTION 16. 71 IAC 8-2-2.5 IS ADDED:

71 IAC 8-2-2.5 Carbon dioxide testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2.5. (a) A designated commission employee may draw whole blood, serum, or plasma samples from a horse for the purpose of obtaining a total carbon dioxide (TCO₂) level.

(b) Blood samples may be drawn prior to or after the race. For samples drawn prior to the race, the sample must be drawn prior to the warm-up of the horse. For samples drawn after the race, the sample must be drawn no sooner than ninety (90) minutes following the official post time for that race.

(c) The pre-race or post-race total carbon dioxide (TCO₂) level in blood shall not exceed 37 millimoles per liter of blood.

(d) The provisions of 71 IAC 8-4, pertaining to split samples, shall not apply to blood samples drawn for the purpose of total carbon dioxide (TCO₂) testing. Split sample analyses of total carbon dioxide (TCO₂) must be run in parallel with the official sample at the primary laboratory in order to avoid delays in testing that result in lower total carbon dioxide (TCO₂) values due to sample degradation. The trainer shall be responsible for the cost of split sample testing. The trainer or designee shall make arrangements for payment prior to or at the time of sampling. The split sample shall be sent to the commission primary laboratory as a separate blind sample. No other split sample testing shall be available for total carbon dioxide (TCO₂).

(Indiana Horse Racing Commission, 71 IAC 8-2-2.5)

SECTION 17. 71 IAC 8-4-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-4-1 Collection procedures

Authority: IC 4-31-3-9

Affected: IC 4-31-12

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

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

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

~~(h)~~ (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.

~~(i)~~ (h) Blood samples shall be centrifuged.

~~(i)~~ (i) The provisions of subsections (b), (c), and (d) do not apply to 71 IAC 8-3-5. *(Indiana Horse Racing Commission; 71 IAC 8-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1172; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1504; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; 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-IR-071180370ERA)*

SECTION 18. 71 IAC 8-6-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-6-2 Prohibited practices

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The possession ~~and/or~~ or use, **or both**, of a drug, substance, or medication, specified ~~below~~, **in subdivisions (1) through (12)**, on the premises of a facility under the jurisdiction of the commission is prohibited. ~~These~~ **The following** drugs or substances include those **for** which a recognized analytical method has not been developed to detect and confirm the administration of such substance, or the use of which may endanger the health and welfare of the horse or endanger the safety of the rider, or the use of which may adversely affect the integrity of racing:

- (1) Erythropoietin.
- (2) Darbepoetin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.
- (7) Ractopamine.
- (8) Zilpaterol.
- (9) Aminiomidazole carboxamide ribonucleotide (AICAR).
- (10) My-inositol trispyrophosphate (ITPP).
- (11) Equine growth hormone.
- (12) Thymosin beta.

(b) The use of extracorporeal shock wave therapy (**ESWT**) or radial pulse wave therapy (**RPWT**) shall not be permitted unless the following conditions are met:

(1) Any treated horse shall not be permitted to race for a minimum of ten (10) days following treatment **and will be placed on the veterinarian's list for ten (10) days.**

(2) A list of horses that have received ESWT treatment within the last ten (10) days shall be posted in the race office and be accessible to the drivers and horsemen during normal business hours and be made available to other regulatory jurisdictions.

~~(2)-(3)~~ The use of ~~extracorporeal shock therapy ESWT~~ or ~~radial pulse wave therapy RPWT~~ machines shall be limited to practicing veterinarians.

~~(3)-(4)~~ Any ~~extracorporeal shock therapy ESWT~~ or ~~radial pulse wave therapy RPWT~~ machines on the association grounds must be registered with and approved by the commission or its designee before use.

~~(4)-(5)~~ All ~~extracorporeal shock therapy ESWT~~ or ~~radial pulse wave therapy RPWT~~ treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

(6) A horse that receives any such treatment without full compliance with this section and similar rules in any other jurisdiction in which the horse was treated shall be placed on the judge's list.

(7) Any person participating in the use of ESWT or RPWT or the possession of ESWT or RPWT machines, or both, in violation of this rule shall be considered to have committed a prohibited practice and is subject to a Class A Penalty.

(c) The possession ~~and/or~~ or use, **or both**, of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term "drug" **is means**

any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease **and** any nonfood substance that is intended to affect the structure or function of the animal. ~~and~~ **The term** includes any substance administered by injection other than vaccines licensed by the **United States Department of Agriculture (USDA)**.

(d) While on the premises of a facility under the jurisdiction of the commission, veterinarians may only possess drugs, including compounds ~~as discussed below~~ **described** in subsection (e), in amounts commensurate with the needs of horses with which the veterinarian has a veterinarian-client-patient relationship as that term is defined ~~at~~ **in** 888 IAC 1.1-5-1(2).

(e) Notwithstanding subsection (c), veterinarians may possess compounded drugs with the restrictions listed ~~below~~ **in subdivisions (1) through (4)**. Compounding includes any manipulation of a drug beyond that stipulated on the drug label, including, but not limited to, mixing, diluting, concentrating, ~~and/or~~ **or** creating oral suspensions or injectable solutions **as follows**:

- (1) Compounds may only be prescribed to or prepared for horses with which the veterinarian has a veterinarian-client-patient relationship.
- (2) Compounded drugs may only be made from other FDA approved drugs.
- (3) Veterinarians may not possess compounds where there are FDA-approved, commercially available drugs that can appropriately treat the horse. ~~and~~
- (4) Compounded drugs must be in containers that meet the prescription labeling requirements in subsections (i) and (j).

Combining two (2) or more substances with pharmacologic effect constitutes the development of a new drug. This may only be done in accordance with state and local laws and must contain FDA approved medications, if available.

(f) The possession of any drug not approved by the FDA for distribution in the United States is prohibited, unless the veterinarian can show proof of prior authorization from the FDA Center for Veterinary Medicine that has been obtained on a single patient basis only. The authorization must be maintained in the animal health record. A copy of the authorization must be available for immediate inspection.

(g) Extra-label administration of drugs, including use for indication or at dosage levels, frequencies, or routes of administration other than those stated in the labeling, is permitted for FDA approved drugs only. Extra-label use must meet the prescription labeling requirements in subsections (i) and (j).

(h) A veterinarian shall not possess any drug that is not labeled pursuant to the requirements of subsection (i) or (j).

(i) Drugs possessed by practicing veterinarians on the premises of a facility under the jurisdiction of the commission ~~which~~ **that** have not yet been prescribed or dispensed to horses with which the veterinarian has a veterinarian-client-patient relationship must be affixed with the manufacturer's label, which must include:

- (1) recommended or usual dosage;
- (2) route for administration, if it is not for oral use;
- (3) quantity or proportion of each active ingredient;
- (4) names of inactive ingredients, if for other than oral use;
- (5) an identifying lot or control number;
- (6) manufacturer, packer, or distributor's name and address; and
- (7) net quantity contents.

If any information as described ~~herein~~ **in this subsection** is not included on the manufacturer's label, but instead is on the manufacturer's package insert, the package insert must be maintained on the veterinarian's truck.

(j) When issuing a prescription for or dispensing a drug to a horse with which the

veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label ~~which~~ **that** sets forth the following:

- (1) Name and address of the veterinarian.
- (2) Name and address of the client.
- (3) Name of the horse.
- (4) Date of prescription ~~and/or~~ **or** dispensing of drug, **or both**.
- (5) Directions for use, including dose and duration directions, and number of refills.
- (6) Name and quantity of the drug (or drug preparation, including compounds) prescribed or dispensed.
- (7) For compounded drugs, the established name of each active ingredient. ~~and~~
- (8) Any necessary cautionary statements.

(k) The practice, administration, or application of a treatment, procedure, therapy, or method identified ~~below~~, **in this subsection** which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and ~~which~~ **that** may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device.

(Indiana Horse Racing Commission; 71 IAC 8-6-2; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; 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 May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA)

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

71 IAC 8.5-3-1 Collection procedures

Authority: IC 4-31-3-9

Affected: IC 4-31-12

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

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

~~(g)~~ (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.

~~(h)~~ (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.

~~(i)~~ (h) Blood samples shall be centrifuged.

~~(j)~~ (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-IR-071180370ERA)*

SECTION 20. 71 IAC 8.5-13-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-13-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. An excess level of ~~sodium (Na), bicarbonate (HCO₃), or pH~~ **total carbon dioxide (TCO₂)** shall be deemed to have an adverse effect on the horse by changing the normal physiological state of the horse. Excess levels of ~~sodium (Na), bicarbonate (HCO₃), or pH~~ **total carbon dioxide (TCO₂)** in the horse are deemed to be contrary to the best interests of thoroughbred and quarter horse racing and to the best interests of the welfare of the equine participants and shall be a violation of these rules. *(Indiana Horse Racing Commission; 71 IAC 8.5-13-1; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3599; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA)*

SECTION 21. 71 IAC 8.5-13-2.5 IS ADDED:

71 IAC 8.5-13-2.5 Carbon dioxide testing

Authority: IC4-31-3-9

Affected: IC 4-31-12

Sec. 2.5. (a) A designated commission employee may draw whole blood, serum, or plasma samples from a horse for the purpose of obtaining a total carbon dioxide (TCO₂) level.

(b) Blood samples may be drawn prior to or after the race. For samples drawn after the race, the sample must be drawn no sooner than ninety (90) minutes following the official post time for that race.

(c) The pre-race or post-race total carbon dioxide (TCO₂) level in blood shall not exceed 37 millimoles per liter of blood.

(d) The provisions of 71 IAC 8.5-3-1, pertaining to split samples, shall not apply to blood samples drawn for the purpose of total carbon dioxide (TCO₂) testing. Split sample analyses of total carbon dioxide (TCO₂) must be run in parallel with the official sample at the primary laboratory in order to avoid delays in testing that result in lower total carbon dioxide (TCO₂) values due to sample degradation. The trainer shall be responsible for the cost of split sample testing. The trainer or designee shall make arrangements for payment prior to or at the time of sampling. The split sample shall be sent to the commission primary laboratory as a separate blind sample. No other split sample testing shall be available for total carbon dioxide (TCO₂).

(Indiana Horse Racing Commission, 71 IAC 8.5-13-2.5)

SECTION 22. 71 IAC 9-1-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-1-1 General

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Each association shall conduct wagering in accordance with applicable laws and these rules. Such wagering shall employ a pari-mutuel system approved by the commission, and which meets the technical standards set forth in the Association of Racing Commissioners International Totalizator Technical Standards, as revised by the ARCI in July 2012, and any revision effective after said date, which are incorporated herein by reference, copies of which are available at the commission office. The totalizator system shall be tested prior to and during the meeting as required by the commission.

(b) The commission may enter into multi-jurisdiction agreements with other regulatory authorities to facilitate certification of compliance with requirements by, and licensing of, wagering, secondary pari-mutuel organizations, and advance deposit account wagering systems. *(Indiana Horse Racing Commission; 71 IAC 9-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1178; 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)*

SECTION 23. 71 IAC 9-1-9 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-1-9 Display of betting information

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) Approximate odds for win pool betting shall be posted on display devices within view of the wagering public and updated at intervals of not more than ~~ninety (90)~~ **sixty (60)** seconds.

(b) The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the commission.

(c) Official results and payoffs must be displayed upon each contest being declared official. (*Indiana Horse Racing Commission; 71 IAC 9-1-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1180; 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*)

SECTION 24. 71 IAC 9-1-13 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-1-13 Pools dependent on betting interests

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. (a) Unless the commission otherwise provides, one-half (½) hour prior to post time for the first race, the association:

(1) may offer win, place, and show wagering on all contests with six (6) or more betting interests;

(2) may ~~be allowed to~~ prohibit show wagering on any contest with five (5) or fewer betting interests scheduled to start;

(3) may ~~be allowed to~~ prohibit place wagering on any contest with four (4) or fewer betting interests scheduled to start;

(4) may ~~be allowed to~~ prohibit quinella wagering on any contest with three (3) or fewer betting interests scheduled to start;

(5) may ~~be allowed to~~ prohibit quinella double wagering on any contests with three (3) or fewer betting interests ~~schedule~~ **scheduled** to start;

(6) may ~~be allowed to~~ prohibit exacta wagering on any contest with three (3) or fewer betting interests scheduled to start;

(7) shall prohibit trifecta wagering on any contest with four (4) or fewer betting interests scheduled to start;

(8) may ~~be allowed to~~ prohibit twin quinella wagering on any contests with three (3) or fewer betting interests scheduled to start;

(9) shall prohibit twin trifecta wagering on any contests with four (4) or fewer betting interests scheduled to start;

(10) shall prohibit superfecta wagering on any contest with five (5) or fewer betting interests to start;

(11) shall prohibit pentafecta wagering on any contest with six (6) or fewer betting interests; and

(12) may ~~be allowed to~~ prohibit odd-even wagering on any contest with four (4) or fewer betting interests.

(b) Notwithstanding subsection (a), the timing of advance performance wagering shall be governed by section 5 of this rule.

(*Indiana Horse Racing Commission; 71 IAC 9-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1180; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2082; emergency rule*

filed Mar 25, 1997, 10:00 a.m.: 20 IR 2160; emergency rule filed Mar 18, 1998, 1:40 p.m.: 21 IR 3022; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)

SECTION 25. 71 IAC 9-4-5 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-4-5 Double pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The double requires selection of the first place finisher in each of two (2) specified contests.

(b) The net double 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 two (2) contests; but if there are no such wagers, to subdivision (2).

(2) As a profit split to those who selected the first place finisher in either of the two (2) contests; but if there are no such wagers, to subdivision (3).

(3) As a single price pool to those who selected the one (1) covered first place finisher in either contest; but if there are no such wagers, to subdivision (4).

(4) As a single price pool to those whose selection finished second in each of the two (2) contests; but if there are no such wagers, to subdivision (5).

(5) The entire pool shall be refunded on double wagers for those contests.

(c) If there is a dead heat for first in either of the two (2) contests involving:

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

(2) contestants representing two (2) or more betting interests, the double pool shall be distributed as a profit split if there is more than one (1) covered winning combination.

(d) Should a betting interest in the first half of the double be scratched prior to the first double contest being declared official, all money wagered on combinations, including the scratched betting interest, shall be deducted from the double pool and refunded.

(e) Should a betting interest in the second half of the double be scratched prior to the close of wagering on the first double contest, all money wagered on combinations, including the scratched betting interest, shall be deducted from the double pool and refunded.

(f) Should a betting interest in the second half of the double be scratched after the close of wagering on the first double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff, the net double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The unbroken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net double pool before calculation and distribution of the winning double payoff. Dead heats, ~~including~~ **involving**

separate betting interests in the first contest; shall result in a consolation payoff calculated as a profit split.

(g) If either of the double contests are canceled prior to the first double contest, or the first double contest is declared no contest, the entire double pool shall be refunded on double wagers for those contests.

(h) If the second double contest is canceled or declared no contest after the conclusion of the first double contest, the net double pool shall be distributed as a single price pool to wagers selecting the winner of the first double contest. In the event of a dead heat involving separate betting interests, the net double pool shall be distributed as a profit split. (*Indiana Horse Racing Commission; 71 IAC 9-4-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1186; 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*)

SECTION 26. 71 IAC 9-4-7 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-4-7 Pick (n) pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. (a) The pick (n) requires selection of the first place finisher in each of a designated number of contests. The association must obtain written approval from the commission concerning the following:

- (1) The scheduling of pick (n) contests.
- (2) The designation of one (1) of the methods prescribed in subsection (b).
- (3) The amount of any cap to be set on the carryover.

Any changes to the approved pick (n) format require prior approval from the commission.

(b) The pick (n) pool shall be apportioned under one (1) of the following methods:

(1) **Method 1. ~~For~~ Pick (n) with carryover**, the net pick (n) pool and land carryover, if any, shall be distributed as a single price pool to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. The remainder shall be added to the carryover. **If there are no wagers that include at least one correct selection in any of the Pick (n) contests, based upon the official order of finish, the day's entire pool shall be refunded and the previous carryover pool amount, if any, shall be carried over to a corresponding pool on the next scheduled performance.**

(2) **Method 2. Pick (n) with 100% carryover: The next pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the pick (n) contests, based upon the official order of finish. If there are no such wagers, 100% of that day's net pool shall be added to the carryover for a corresponding pool on the next scheduled performance. If there are no wagers that include at least one correct selection in any of the pick (n) contests, based on the official order of finish, the day's entire pool shall be refunded and the previous carryover pool, if any, shall be carried over to a corresponding pool on the next scheduled performance.**

~~(2)~~(3) **Method 3. ~~For~~ Pick (n) with minor pool and carryover**: The major share of the net pick (n) pool and the carryover, if any, shall be distributed to those who selected the

first place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher of all pick (n) contests, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests, **and** the major share shall be added to the carryover. **If there are no wagers that include at least one correct selection in any of the pick (n) contests, based on the official order of finish, the day's entire pick (n) pool shall be refunded and the previous carryover pool, if any, shall be carried over to a corresponding pool on the next scheduled performance.**

~~(3)~~**(4) Method 4.** For pick (n) with no minor pool and no carryover; the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool ~~is~~ **shall be** refunded.

~~(4)~~**(5) Method 5.** For pick (n) with minor pool and no carryover; the major share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. If the greatest number of first place finishers selected is one (1), the major and minor shares ~~are~~ **shall be** combined ~~for~~ **and distributed** as a single price pool. If there are no winning wagers, the ~~entire pool is~~ **shall be** refunded.

~~(5)~~**(6) Method 6.** For pick (n) with minor pool and no carryover; ~~†~~The major share of net pick (n) pool shall be distributed to those who selected the first place finisher in each of the pick (n) contests, based upon the official order of finish. The minor share of the net pick (n) pool shall be distributed to those who selected the first place finisher in the second greatest number of pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place finisher in all pick (n) contests, the entire net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests. If there are no wagers selecting the first place finisher in a second greatest number of pick (n) contests, the minor share of the net pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place finisher in ~~each~~ **the greatest number** of the pick (n) contests. If there are no winning wagers, the pool ~~is~~ **shall be** refunded.

~~(6)~~**Method 7.** For pick (n) with minor pool and carryover with a unique **winning** wager **provision;** ~~†~~The entire net pick (n) pool and carryover, if any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected pick (n) contests, based upon the official order of finish. If there is no unique **winning** wager selecting the first place finisher in ~~all~~ **each of the** pick (n) contests, the minor share of the net pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests, and the major share shall be added to the carryover. **Associations may suspend previously approved unique winning ticket wagering with the prior approval of the Commission. Any carryover shall be held until the suspended unique winning ticket wagering is reinstated. If**

there are not wagers that include at least one correct selection in any of the pick (n) contests, based on the official order of finish, the day's entire pick (n) pool shall be refunded and the previous carryover pool, if any, shall be carried over to the next scheduled corresponding pool. In obtaining authorization for operating a pick (n) pool with a unique winning wager provision, associations must clearly identify which definition under (p)(3)(A)(B) of this section will be relied upon for determining the existence of a unique winning wager.

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

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

(2) contestants representing two (2) or more betting interests, the pick (n) 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 pick (n) contests be scratched, or is designated to run for purse money only, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest 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.

Notwithstanding the provisions of this

subsection, an association may also obtain authorization from the commission to allow patrons to select an alternate wagering interest

in any of the pick (n) contests.

(e) If the conditions on the turf course warrant a change of racing surface in any of the legs of the pick (n) races, and the change has not been disclosed to the public prior to the close of wagering for the first race of the pick (n), the stewards shall declare each changed leg an "all-win" for the pick (n) wagering purposes only. An "all-win" race shall assign the winner of that race to each pick (n) 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 (n) being distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous performances, except in circumstances to be determined by the stewards.

~~(e)~~(f) The pick (n) pool shall be canceled and all pick (n) wagers for the individual performance shall be refunded if:

(1) at least two (2) contests included as part of a pick 3 are canceled or declared no contest;

(2) at least three (3) contests included as part of a pick 4, pick 5, or pick 6 are canceled or declared no contest;

(3) at least four (4) contests included as part of a pick 7, pick 8, or pick 9 are canceled or declared no contest; or

(4) at least five (5) contests included as part of a pick 10 are canceled or declared no contest.

~~(f)~~(g) If at least one (1) contest included as part of a pick (n) is canceled or declared no contest, but not more than the number specified in subsection ~~(e)~~(f), the net pool shall be distributed as a single price pool to those ~~whose selection finished first in~~ **who selected the**

greatest number of **first place finishers in the pick (n) contests** for that performance, **based on the official order of finish**. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from previous performances.

~~(g)~~**(h)** The pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the pick (n) carryover equals or exceeds the designated cap, the pick (n) carryover will be frozen until it is won or distributed under this rule. After the pick (n) carryover is frozen, one hundred percent (100%) of the net pool, part of which ordinarily would be added to the pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of pick (n) contests for that performance.

~~(h)~~**(i)** A written request for permission to distribute the pick (n) carryover on a specific performance may be submitted to the commission. The request must contain the following:

- (1) Justification for the distribution.
- (2) An explanation of the benefit to be derived.
- (3) The intended date and performance for the distribution.

(j) Unless otherwise stated in writing by the Commission under subsection (j), on the final pick (n) of the meeting, the net pool, including any applicable carryover, shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests, based upon the official order of finish.

~~(i)~~**(k)** Should the pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first place finisher in each of the pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of pick (n) contests. The pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (1) Upon written approval from the commission as provided in subsection (h).
- (2) Upon written approval from the commission when:
 - (A) there is a change in the carryover cap;
 - (B) there is a change from one (1) type of pick (n) wagering to another; or
 - (C) the pick (n) is discontinued.
- (3) On the closing performance of the meet or split meet.

~~(j)~~**(l)** If, for any reason, the pick (n) carryover must be held over to the corresponding pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The pick (n) carryover plus accrued interest shall then be added to the net pick (n) pool of the following meet on a date and performance so designated by the commission.

~~(k)~~**(m)** With the written approval of the commission, the association may contribute to the pick (n) carryover a sum of money up to the amount of any designated cap.

~~(l)~~**(n)** Providing information to any person regarding:

- (1) covered combinations; (2) amounts wagered on specific combinations;
- (3) number of tickets sold; or
- (4) number of live tickets remaining;

is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

~~(m)~~**(o)** The association may suspend previously approved pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick (n) wagering is reinstated. An association may request approval of a pick (n) wager or separate wagering pool for specific performances.

(p) As it relates to any distribution method under subsection (b) which contains a unique winning wager provision:

(1) A written request for permission to distribute the pick (n) unique winning wager carryover on a specific performance may be submitted to the commission. The request must contain the following:

(A) Justification for the distribution.

(B) An explanation of the benefit to be derived.

(C) The intended date and performance for the distribution.

(D) A description of the methods by which the pool host will present the information to the public that identifies the intended date and performance of the distribution.

(2) Should the pick (n) unique winning wager net pool and any applicable carryover be designated for distribution on a specified date and performance and there is no unique winning wager, the entire pool and any applicable carryover shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of pick (n) contests.

(3) The association must clearly identify which method under subparts (A) and (B) below, will be relied upon for determining the existence of a unique winning ticket.

(A) There is one, and only one, wager that correctly selected the first place finisher in each of the pick (n) contests, based upon the official order of finish, to be verified by the unique number or code assigned to by the tote company that issued the ticket that includes the winning wager.

(B) The total amount wagered on one, and only one, winning combination selected the first place finisher in each of the pick (n) contests, based upon the official order of finish, is equal to the minimum allowable wager.

(Indiana Horse Racing Commission; 71 IAC 9-4-7; emergency rule filed Feb10, 1994, 9:20 a.m.: 17 IR 1188; 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; emergency rule filed Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Jul 13, 2020, 4:21 p.m.: 20200715-IR 071200402ERA)

SECTION 27. 71 IAC 9-4-8 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-4-8 Place pick (n) pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) The place pick (n) requires selection of the first place or second place finisher in each of a designated number of contests. The association must obtain written approval from the commission concerning the following:

(1) The scheduling of place pick (n) contests.

(2) The designation of one (1) of the methods prescribed in subsection (b).

(3) The distinctive name identifying the pool.

(4) The amount of any cap to be set on the carryover.

Any changes to the approved place pick (n) format require prior approval from the commission.

(b) The place pick (n) pool shall be apportioned under one (1) of the following methods:

(1) For place pick (n) with carryover, the net place pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first place or second

place finisher in each of the place pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests; the remainder shall be added to the carryover.

(2) For place pick (n) with minor pool and carryover, the major share of the net place pick (n) pool and the carryover, if any, shall be distributed to those who selected the first place or second place finisher in each of the place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place or second place finisher of all place pick (n) contests, the minor share of the net place pick (n) pool shall be distributed as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests; the major share shall be added to the carryover.

(3) For place pick (n) with no minor pool and no carryover, the net place pick (n) pool shall be distributed as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) For place pick (n) with minor pool and no carryover, the major share of the net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in the greatest number of place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place or second place finisher in a second greatest number of place pick (n) contests, the minor share of the net place pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests. If the greatest number of first place or second place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) For place pick (n) with minor pool and no carryover, the major share of net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in each of the place pick (n) contests, based upon the official order of finish. The minor share of the net place pick (n) pool shall be distributed to those who selected the first place or second place finisher in the second greatest number of place pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first place or second place finisher in all place pick (n) contests, the entire net place pick (n) pool shall be distributed as a single price pool to those who selected the first place or second place finisher in the greatest number of place pick (n) contests. If there are no wagers selecting the first place or second place finisher in a second greatest number of place pick (n) contests, the minor share of the net place pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first place or second place finisher in each of the place pick (n) contests. If there are no winning wagers, the pool is refunded.

(c) If there is a dead heat for first in any of the place pick (n) contests involving:

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

(2) contestants representing two (2) or more betting interests, the place pick (n) pool shall be distributed as a single price pool with a winning wager, including each betting interest participating in the dead heat.

(d) If there is a dead heat for second in any of the place pick (n) contests involving:

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

(2) contestants representing two (2) or more betting interests, the place pick (n) pool shall be distributed as a single price pool with a winning wager, including the betting interest which finished first or any betting interest involved in the dead heat for second.

(e) If the conditions on the turf course warrant a change of racing surface in any of the legs of the pick (n) races, and the change has not been disclosed to the public prior to the close of wagering for the first race of the place pick (n), the stewards shall declare each changed leg an “all-win” and an “all-place” for place pick (n) wagering purposes only. An “all-win, all-place” race shall assign the winner and the second place finisher of that race as correct selections for each place pick (n) ticket holder as their selections for that race. Any surface change as defined in this subsection shall result in the net pool for the place pick (n) being distributed as a single price pool to those whose selection finished first or second in the greatest number of place pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the pick (n) carryover but not the carryover from the previous performance, except in circumstances to be determined by the stewards.

~~(e)~~**(f)** Should a betting interest in any of the place pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the host association for the contest 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.

~~(f)~~**(g)** The place pick (n) pool shall be canceled and all place pick (n) wagers for the individual performance shall be refunded if:

(1) at least two (2) contests included as part of a place pick 3 are canceled or declared no contest.

(2) at least three (3) contests included as part of a place pick 4, place pick 5, or place pick 6 are canceled or declared no contest.

(3) at least four (4) contests included as part of a place pick 7, place pick 8, or place pick 9 are canceled or declared no contest.

(4) at least five (5) contests included as part of a place pick 10 are canceled or declared no contest.

~~(g)~~**(h)** If at least one (1) contest included as part of a place pick (n) is canceled or declared no contest, but not more than the number specified in subsection (f), the net pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of place pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the place pick (n) carryover but not the carryover from previous performances.

~~(h)~~**(i)** The place pick (n) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the place pick (n) carryover equals or exceeds the designated cap, the place pick (n) carryover will be frozen until it is won or distributed under this rule. After the place pick (n) carryover is frozen, one hundred percent (100%) of the net pool, part of which ordinarily would be added to the place pick (n) carryover,

shall be distributed to those whose selection finished first or second in the greatest number of place pick (n) contests for that performance.

~~(j)~~(j) A written request for permission to distribute the place pick (n) carryover on a specific performance may be submitted to the commission. The request must contain the following:

- (1) Justification for the distribution.
- (2) An explanation of the benefit to be derived.
- (3) The intended date and performance for the distribution.

~~(k)~~(k) Should the place pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first place or second place finisher in each of the place pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of place pick (n) contests. The place pick (n) carryover shall be designated for distribution on a specified date and performance under any of the following circumstances:

- (1) Upon written approval from the commission as provided in subsection (i).
- (2) Upon written approval from the commission when:
 - (A) there is a change in the carryover cap;
 - (B) there is a change from one (1) type of place pick (n) wagering to another; or
 - (C) the place pick (n) is discontinued.
- (3) On the closing performance of the meet or split meet.

~~(l)~~(l) If, for any reason, the place pick (n) carryover must be held over to the corresponding place pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The place pick (n) carryover plus accrued interest shall then be added to the net place pick (n) pool of the following meet on a date and performance so designated by the commission.

~~(m)~~(m) With the written approval of the commission, the association may contribute to the place pick (n) carryover a sum of money up to the amount of any designated cap.

~~(n)~~(n) Providing information to any person regarding:

- (1) covered combinations;
- (2) amounts wagered on specific combinations;
- (3) number of tickets sold; or
- (4) number of live tickets remaining;

is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

~~(o)~~(o) The association may suspend previously approved place pick (n) wagering with the prior approval of the commission. Any carryover shall be held until the suspended place pick (n) wagering is reinstated. An association may request approval of a place pick (n) wager or separate wagering pool for specific performances.

(Indiana Horse Racing Commission; 71 IAC 9-4-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1189; 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)

SECTION 28. 71 IAC 9-4-12 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-4-12 Trifecta pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) The trifecta requires selection of the first three (3) finishers, in their exact order, for a single contest.

(b) The net trifecta 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 combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (2).

(2) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (3).

(3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (4).

(4) The entire pool shall be refunded on trifecta wagers for that contest.

(c) If less than three (3) betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving:

(1) contestants representing three (3) or more betting interests, all of the wagering combinations selecting three (3) betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split; or

(2) contestants representing two (2) betting interests, both of the wagering combinations selecting the two (2) dead-heated betting interests, irrespective of order, along with the third place betting interest shall share in a profit split.

(e) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(f) If there is a dead heat for third, all wagering combinations correctly selecting the first two (2) finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

~~(g) Uncoupled entries and mutuel fields shall be prohibited in trifecta contests. (Indiana Horse Racing Commission; 71 IAC 9-4-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1194; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2083; 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)~~

SECTION 29. 71 IAC 9-4-14 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-4-14 Twin trifecta pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 14. (a) The twin trifecta requires selection of the first three (3) finishers, in their exact order, in each of two (2) designated contests. Each winning ticket for the first twin trifecta contest must be exchanged for a free ticket on the second twin trifecta contest in order to remain eligible for the second half twin trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second twin trifecta contest. Winning first half twin trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta contests shall be included in only one (1) twin trifecta pool.

(b) After wagering closes for the first half of the twin trifecta and commissions have been deducted from the pool, the net pool shall then be divided into separate pools:

- (1) the first half twin trifecta pool; and
- (2) the second half twin trifecta pool.

(c) In the first twin trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta contest:

- (1) As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (2).
- (2) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (3).
- (3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (4).
- (4) The entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest and the second half shall be canceled.

(d) If no first half twin trifecta ticket selects the first three (3) finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second half twin trifecta pool. In such case, the second half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.

(e) Winning tickets from the first half of the twin trifecta shall be exchanged for tickets selecting the first three (3) finishers of the second half of the twin trifecta. The second half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta contest:

- (1) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such tickets, to subdivision (2).
- (2) The entire second half twin trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second half twin trifecta pool of the next consecutive performance.

(f) If a winning first half twin trifecta ticket is not presented for cashing and exchange prior to the second half twin trifecta contest, the ticket holder may still collect the monetary value associated with the first half twin trifecta pool but forfeits all rights to any distribution of the second half twin trifecta pool.

~~(g) Uncoupled entries and mutuel fields shall be prohibited in twin trifecta contests.~~

~~(h)~~(g) Should a betting interest in the first half of the twin trifecta be scratched, those twin trifecta wagers, including the scratched betting interest, shall be refunded.

~~(i)~~(h) Should a betting interest in the second half of the twin trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin trifecta contest, the ticket holder forfeits all rights to the second half twin trifecta pool.

~~(j)~~(i) If, due to a late scratch, the number of betting interests in the second half of the twin trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning tickets shall be entitled to the second half twin trifecta pool for that contest as a single price pool, but not the twin trifecta carryover.

~~(k)~~(j) If there is a dead heat or multiple dead heats in either the first half or second half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

- (1) the first half of the twin trifecta, the payoff shall be calculated as a profit split; and

(2) the second half of the twin trifecta, the payoff shall be calculated as a single price pool.

~~(k)~~**(k)** If either of the twin trifecta contests are canceled prior to the first twin trifecta contest, or the first twin trifecta contest is declared no contest, the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest and the second half shall be canceled.

~~(l)~~**(l)** If the second half twin trifecta contest is canceled or declared no contest, all exchange tickets and outstanding first half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that contest as a single price pool, but not twin trifecta carryover. If there are no such tickets, the second half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool as described in subsection (d).

~~(m)~~**(m)** The twin trifecta carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the twin trifecta carryover equals or exceeds the designated cap, the twin trifecta carryover will be frozen until it is won or distributed under this rule. After the twin trifecta carryover is frozen, one hundred percent (100%) of the net twin trifecta pool for each individual contest shall be distributed to winners of the first half of the twin trifecta pool.

~~(n)~~**(n)** A written request for permission to distribute the twin trifecta carryover on a specific performance may be submitted to the commission. The request must contain the following:

- (1) Justification for the distribution.
- (2) An explanation of the benefit to be derived.
- (3) The intended date and performance for the distribution.

~~(o)~~**(o)** Should the twin trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second half of the twin trifecta after completion of the first half of the twin trifecta:

- (1) As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (2).
- (2) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (3).
- (3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (4).
- (4) As a single price pool to holders of valid exchange tickets; but if there are not such holders, to subdivision (5).
- (5) As a single price pool to holders of outstanding first half winning tickets.

~~(p)~~**(p)** Contrary to subsection (b), during a performance designated to distribute the twin trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first half of the twin trifecta. If there are no wagers correctly selecting the first place, second place, and third place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first place and second place betting interests. If there are no wagers correctly selecting the first place and second place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first place betting interest only. If there are no wagers selecting the first place betting interest only in the first half of the twin trifecta, all first half tickets will become winners and will receive one hundred percent (100%) of that day's net twin trifecta pool and any existing twin trifecta carryover as a single price pool.

~~(q)~~**(q)** The twin trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (1) Upon written approval from the commission as provided in subsection (o).

(2) Upon written approval from the commission when there is a change in the carryover cap or when the twin trifecta is discontinued.

(3) On the closing performance of the meet or split meet.

~~(s)~~(r) If, for any reason, the twin trifecta carryover must be held over to the corresponding twin trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover plus accrued interest shall then be added to the second half twin trifecta pool of the following meet on a date and performance so designated by the commission.

~~(s)~~(s) Providing information to any person regarding:

- (1) covered combinations;
- (2) amounts wagered on specific combinations;
- (3) number of tickets sold; or
- (4) number of valid exchange tickets;

is strictly prohibited. This shall not prohibit necessary communication between totalizator and pari-mutuel department employees for processing of pool data.

~~(t)~~(t) The association must obtain written approval from the commission concerning:

- (1) the scheduling of twin trifecta contests;
- (2) the percentages of the net pool added to the first half pool and second half pool; and
- (3) the amount of any cap to be set on the carryover. Any changes to the approved twin trifecta format require prior approval from the commission.

~~(u)~~(u) Nonwinning second half twin trifecta tickets have no monetary value, and no refunds or exchanges will be made after the start of the second twin trifecta race. (*Indiana Horse Racing Commission; 71 IAC 9-4-14; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1196; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2084; 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*)

SECTION 30. 71 IAC 9-4-15 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-4-15 Superfecta pools

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. (a) The superfecta requires selection of the first four (4) finishers, in their exact order, for a single contest.

(b) **For all contests offering superfecta wagering, except for the final contest of the meet which offers superfecta wagering, The the net superfecta 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 combination finished in correct sequence as the first four (4) betting interests; but if there are no such wagers, to subdivision (2).
- (2) As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (3).
- (3) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (4).
- (4) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (5).
- (5) The entire pool ~~shall~~**may** be refunded on superfecta wagers for that contest.

(6) Subject to the approval of the commission, the pool may be carried over in the event that there are no winning wagers that satisfy subdivision (1). Requests to carry over the superfecta pools that do not satisfy subdivision (1) must be made in writing by the association.

(c) For the final contest of the meet which offers superfecta wagering, the net superfecta 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 combination finished in correct sequence as the first four (4) betting interests; but if there are no such wagers, to subdivision (2).

(2) As a single price pool to those whose combination finished in correct sequence as the first three (3) betting interests; but if there are no such wagers, to subdivision (3).

(3) As a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests; but if there are no such wagers, to subdivision (4).

(4) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, to subdivision (5).

(5) The entire pool may be refunded on superfecta wagers for that contest.

(6) Subject to the approval of the commission, the pool may be carried over to the first contest of the next meet which offers superfecta wagering. A pool that meets subdivision (1) may not carry over. Requests to carry over the superfecta pools that do not satisfy subdivision (1) must be made in writing by the association.

(ed) If less than four (4) betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(de) If there is a dead heat for first involving:

(1) contestants representing four (4) or more betting interests, all of the wagering combinations selecting four (4) betting interests, which correspond with any of the betting interests involved in the dead heat, shall share in a profit split;

(2) contestants representing three (3) betting interests, all of the wagering combinations selecting the three (3) dead-heated betting interests, irrespective of order, along with the fourth place betting interest, shall share in a profit split; or

(3) contestants representing two (2) betting interests, both of the wagering combinations selecting the two (2) dead-heated betting interests, irrespective of order, along with the third place betting interest, shall share in a profit split.

(ef) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(fg) If there is a dead heat for third, all wagering combinations correctly selecting the first two (2) finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third, shall share in a profit split.

~~**(g) Uncoupled entries and mutuel fields shall be prohibited in superfecta contests.**~~
(Indiana Horse Racing Commission; 71 IAC 9-4-15; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2160; 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)

SECTION 31. 71 IAC 9-4-17 IS AMENDED TO READ AS FOLLOWS:

71 IAC 9-4-17 Pentafecta wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 17. (a) The pentafecta wager requires selection of the first five (5) finishers, in their exact order, for a single contest.

(b) Winnings shall be distributed as follows:

(1) The net pentafecta pool shall be distributed to winning wagers in the following order, based on the official order of finish:

(A) As a single price pool, including any applicable carryover, to those whose combination finished in correct sequence as the first five (5) betting interests.

(B) If there are no wagers as outlined in **clause (A)** ~~clause (A)~~, then the entire net pool shall be ~~retained and added~~ **carried over to a the next** corresponding ~~carryover~~ **pentafecta pool. into the next designated pentafecta race.**

(C) If the contest race is cancelled, declared no contest, or the pentafecta is cancelled, all pentafecta wagers will be refunded for that contest and any carryover from previous contests will be carried over to the next ~~contest.~~ **corresponding pentafecta pool.**

(D) If any betting interest is scratched or officially withdrawn, all pentafecta wagers with the scratched betting interest shall be refunded and deducted from the pentafecta pool.

(2) On the last pentafecta race on the final day of the meeting, the net pool, including any applicable carryover, shall be distributed to winning wagers in the following order, based upon the official order of finish:

(A) As a single price pool to those whose combination finished in correct sequence as the first five (5) betting interests.

(B) If there are no wagers as described in **clause (A)** ~~clause (A)~~, then as a single price pool to those whose combination finished in correct sequence as the first four (4) betting interests.

(C) If there are no wagers as described in **clause (A)** or (B) ~~clause (A) or (B)~~, then as a single price pool to those whose combination included, in correct sequence, the first three (3) betting interests.

(D) If there are no wagers as described in **clause (A)**, (B), or (C) ~~clause (A), (B), or (C)~~, then as a single price pool to those whose combination included, in correct sequence, the first two (2) betting interests.

(E) If there are no wagers as described in **clause (A)**, (B), (C), or (D) ~~clause (A), (B), (C), or (D)~~, then as a single price pool to those whose combination correctly selected the first-place betting interest only.

(F) If there are no wagers as described in **clause (A)**, (B), (C), (D), or (E) ~~clause (A), (B), (C), (D) or (E)~~, then the entire pool shall be refunded on pentafecta wagers for that contest and any carryover from previous contests will be carried over to the ~~next contest~~ **first corresponding pool** of the subsequent race meet.

(c) If for any reason the pentafecta carryover must be held over to the corresponding pentafecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the commission and maintained by the permit holder. The pentafecta carryover plus accrued interest shall then be added to the net pentafecta pool of the following meet on a date and performance so designated by the commission.

(d) If fewer than five (5) betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection on any ticket beyond the number of betting

interests completing the contest shall be ignored. If the pools are being distributed under subsection (b)(1)(A), any previous pentafecta contest's carryover will not be included in the payoff and will be retained for the next contest's carryover. This contest's net pentafecta pool will be distributed using the method described in subsection (b)(1)(A).

(e) If there is a dead heat in any finishing position, all wagers selecting either of the dead heated positions with the correct nondead heated positions shall be winners and share in the single prize.

(f) In the event that more than one (1) component of a coupled entry or mutuel field finishes within the first five (5) positions, the first member of the coupled entry or mutuel field to finish shall determine the position of the single betting interest. The net pool shall be distributed to those whose selection included the coupled entry or mutuel field and each of the other four (4) betting interests.

(Indiana Horse Racing Commission; 71 IAC 9-4-17; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA)

SECTION 32. 71 IAC 13.5-7-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 13.5-7-1 Indiana sired weight allowance

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. In Indiana restricted races, registered Indiana sired horses shall receive a weight allowance of three (3) ~~lbs. pounds. when running less than seven and one half (7 1/2) furlongs and five (5) lbs. when running seven and one half (7 1/2) furlongs or greater.~~ *(Indiana Horse Racing Commission; 71 IAC 13.5-7-1; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 15, 2018, 2:46 p.m.: 20181212-IR-071180363RFA)*

SECTION 33. 71 IAC 14.5-3-1 IS AMENDED TO READ AS FOLLOWS:

71 IAC 14.5-3-1 Owner award

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) An owner award is the award paid to the owner of a registered Indiana bred quarter horse that places first, second, or third in any race except trials and claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel racetrack in Indiana.

(b) In the event of multiple owners, the award will be paid to the individual listed first on the Equibase result chart. It is the responsibility of the individual who receives the owner award to distribute these monies to the remaining owners.

(c) For Indiana bred races the amount of the award is twelve and one-half percent (12.5%) of the gross purse, and distribution is:

(1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);

(2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and

(3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

(d) For open overnight races **and open stakes** the amount of the award is twelve and one-half percent (12.5%) of the gross purse, and distribution is:

(1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);

(2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and

(3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

~~(e) For open stakes races the amount of the award is six and one-quarter percent (6.25%) of the gross purse, and distribution is:~~

~~(1) fifty percent (50%) awarded to the winner, not to exceed two thousand five hundred dollars (\$2,500);~~

~~(2) thirty percent (30%) awarded to second place, not to exceed one thousand five hundred dollars (\$1,500); and~~

~~(3) twenty percent (20%) awarded to third place, not to exceed one thousand dollars (\$1,000).~~

(f) Awards will be paid by the commission. (*Indiana Horse Racing Commission 71 IAC 14.5-3-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3034; 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 Apr 4, 2013, 1:05 p.m.: 20130410-IR-071130134ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR 071200295ERA*)

SECTION 34. 71 IAC 14.5-3-2 IS AMENDED TO READ AS FOLLOWS:

71 IAC 14.5-3-2 Breeder award

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A breeder award is the award paid to the breeder of a registered Indiana bred quarter horse that places first, second, or third in any race except trials and claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel racetrack located in Indiana.

(b) In the event of multiple breeders, the award will be paid to the individual designated as the recipient on the foal application. It is the responsibility of the designated recipient to distribute these monies to the remaining breeders.

(c) For Indiana bred races the amount of the award is twelve and one-half percent (12.5%) of the gross purse, and distribution is:

(1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);

(2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and

(3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

(d) For open overnight races **and open stakes** the amount of the award is twelve and one-half percent (12.5%) of the gross purse, and distribution is:

(1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);

(2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and

(3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

~~(e) For open stakes races the amount of the award is six and one-quarter percent (6.25%) of the gross purse, and distribution is:~~

~~(1) fifty percent (50%) awarded to the winner, not to exceed two thousand five hundred dollars (\$2,500);~~

~~(2) thirty percent (30%) awarded to second place, not to exceed one thousand five hundred dollars (\$1,500); and~~

~~(3) twenty percent (20%) awarded to third place, not to exceed one thousand dollars (\$1,000).~~

(f) Awards will be paid by the commission.

(g) For breeder awards earned January 1, 2013, and thereafter, the recipient is the owner of the dam at the time of the dam's registration with the breed development program. *(Indiana Horse Racing Commission; 71 IAC 14.5-3-2; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; errata filed Feb 9, 2001, 3:38 p.m.: 24 IR 2091; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539; 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.]; errata filed Feb 18, 2008, 2:03 p.m.: 20080305-IR- 071080056ACA; emergency rule filed Apr 4, 2013, 1:05 p.m.: 20130410-IR-071130134ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA)*

SECTION 35. 71 IAC 14.5-3-3 IS AMENDED TO READ AS FOLLOWS:

71 IAC 14.5-3-3 Stallion owner award

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) A stallion owner award is the award paid to the owner or lessee of a registered Indiana stallion whose registered progeny places first, second, or third in any race except trials and claiming races when entered for a claiming price of less than five thousand dollars (\$5,000) or any speed index race, at a licensed pari-mutuel racetrack located in Indiana.

(b) In the event of multiple stallion owners, the award will be paid to the individual designated as the recipient on the stallion application. It is the responsibility of the designated recipient to distribute these monies to the remaining stallion owners.

(c) For Indiana bred races the amount of the award is twelve and one-half percent (12.5%) of the gross purse, and distribution is:

(1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);

(2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and

(3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

(d) For open overnight races **and open stakes** the amount of the award is twelve and one-half percent (12.5%) of the gross purse, and distribution is:

(1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);

(2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and

(3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

~~(e) For open stakes races the amount of the award is six and one-quarter percent (6.25%) of the gross purse, and distribution is:~~

~~(1) fifty percent (50%) awarded to the winner, not to exceed two thousand five hundred dollars (\$2,500);~~

~~(2) thirty percent (30%) awarded to second place, not to exceed one thousand five hundred dollars (\$1,500); and~~

~~(3) twenty percent (20%) awarded to third place, not to exceed one thousand dollars (\$1,000).~~

(f) Awards will be paid by the commission.

(g) The award will be paid to the owner or lessee of the registered stallion at time of conception.

(h) No stallion standing outside Indiana and shipping semen into the state will be eligible to participate in any stallion breed development awards. *(Indiana Horse Racing Commission; 71 IAC 14.5-3-3; 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; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539; 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 Apr 4, 2013, 1:05 p.m.: 20130410-IR-071130134ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208- IR-071170051ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA)*

Agenda Item #2



INDIANA HORSE RACING COMMISSION

Ruling Log

Rulings Issued From 12/3/2020 to 2/22/2021

| Ruling Number | Ruling Date | Name | Breed | Violation Date | Violation | Fine | Suspended From | Suspended To | Days Suspended |
|---------------|-------------|--------------------|-------|----------------|------------------------------------|---------|----------------|--------------|----------------|
| IG-2020-2185 | 10/24/20 | SHELLEY L. DILLMAN | | 10/22/20 | Conduct/Behavior | \$0 | 10/24/20 | 12/31/20 | 69 |
| IG-2020-2190 | 10/26/20 | ISIDRO I. BANUELOS | QH | 10/24/20 | Whip Violation | \$250 | 11/23/20 | | |
| HP-2020-2235 | 12/9/20 | MICHAEL A. BARRETT | SB | 11/5/20 | Medication/Drug Violation (Equine) | \$1,000 | | | |
| IG-2020-2236 | 12/7/20 | THOMAS D. FOLEY | TB | 11/10/20 | Medication/Drug Violation (Equine) | \$1,500 | 12/8/20 | 12/22/20 | 15 |
| IG-2020-2237 | 12/29/20 | LONNIE C. HINDS | TB | 11/19/20 | Medication/Drug Violation (Equine) | \$1,000 | | | |

Agenda Item #3

Agenda Item 3

- Approval of all laboratories that are ISO 17025 accredited *(see attached RMTC list)* for 2021 and beyond pursuant to 71 IAC 8-4-3 and 8.5-3-3 as split laboratories. *
- Approval of University of Kentucky Veterinary Diagnostic Lab as Primary Cobalt lab.

AND

- Waiver for 2021 Cobalt laboratory pursuant to 71 IAC 8-4-3 and 8.5-3-3.

Cobalt Split lab –

- University of California, Davis – California Animal Health & Food Safety Laboratory

() Excludes Industrial Laboratory who is currently serving as the Indiana Horse Racing Commission's primary laboratory and therefore cannot serve as a split lab.*