

## **R52. Agriculture and Food, Horse Racing Commission (Utah).**

### **R52-7. Horse Racing.**

#### **R52-7-1. Authority.**

Promulgated under authority of Section 4-38-104.

#### **R52-7-2. Definitions.**

The following definitions shall apply in these rules unless otherwise indicated.

1. "Act" means the Utah Horse Regulation Act.
2. "Added money" means monies added to the fees paid by the horsemen into the purse for a race.
3. "Age" of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.
4. "Also Eligible" pertains to:
  - A. a number of eligible horses, properly entered, that were not drawn for inclusion in a race, but that become eligible according to preference or lot if an entry is scratched before scratch time deadline; or
  - B. the next preferred non-qualifier for the finals or consolation from a set of elimination trials that will become eligible in the event a finalist is scratched by the stewards for a rule violation or is otherwise eligible if written race conditions permit.
5. "Arrears" means money past due for entrance fees, jockey fees, or nomination or supplemental fees in nomination races, and therefore in default incidental to this rule or the conditions of a race.
6. "Authorized Agent" means a person appointed by a written instrument, signed and acknowledged before a notary public by the owner in whose behalf the agent will act. The instrument shall be on file with the Commission and its authorized representatives.
7. "Bleeder" means a horse which during or following exercise or the race is observed to be shedding blood from one or both nostrils, or the mouth, or hemorrhaging in the lumen of the respiratory tract.
8. "Breeder" of a horse is the owner or lessee of its dam at the time of breeding.
9. "Closing" means the time published by the organization after which nominations or entries will not be accepted for a race.
10. "Commission" means the Utah Horse Racing Commission.
11. "Commissioner" means a member of the Commission.
12. "Conditions of a race" are the qualifications that determine a horse's eligibility to enter.
13. "Day" is a period of 24 hours beginning at midnight.
14. "Race day" is a day during which horse races are conducted.
15. "Declaration" means the act of withdrawing an entered horse from a race before the closing of overnight entries.
16. "Drug or Medication" means a substance foreign to the normal physiology of the horse.
17. "Enclosure" means areas of the property of an organization licensee to which admission can be obtained only by payment of an admission fee or upon presentation of proper credentials and parking areas designed to serve the facility are owned or leased by the organization licensee.
18. "Entry" means a horse made eligible to run in a race.
19. "Family" means a husband, wife, and any dependent children.
20. "Field" means horses competing in a race.
21. "Financial Interest" means an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a business entity, or as a result of salary, gratuity, or other compensation or remuneration from any person.
22. "Foreign Substances" are any substances, except those that exist naturally in the untreated horse at normal physiological concentration, and shall include narcotics, stimulants, or depressants.
23. "Foul" means an action by any horse or jockey that hinders or interferes with another horse or jockey during the running of a race.
24. "Horse" means an equine of any breed and includes a stallion, gelding, mare, colt, filly, spayed mare or ridgeling.
25. "Horse Racing" means any type of horse racing, including Arabian, Appaloosa, Paint, Pinto, Quarter Horse, and Thoroughbred horse racing.
26. Horse Racing Types:
  - A. "Appaloosa Horse Racing" means the form of horse racing in which each participating horse is an Appaloosa horse registered with the Appaloosa Horse Club or any successor organization and mounted by a jockey.
  - B. "Arabian Horse Racing" means the form of horse racing in which each participating horse is an Arabian horse registered with the Arabian Horse Club Registry of America and approved by the Arabian Horse Racing Association of America or any successor organization, mounted by a jockey, and engaged in races on the flat over a distance of not less than one-quarter mile or more than four miles.
  - C. "Paint Horse Racing" means the form of horse racing in which each participating horse is a Paint horse registered with the American Paint Horse Association or any successor organization and mounted by a jockey.
  - D. "Pinto Horse Racing" means the form of horse racing in which each participating horse is a Pinto horse registered with the Pinto Horse Association of America, Inc., or any successor organization and mounted by a jockey.
  - E. "Quarter Horse Racing" means the form of horse racing in which each participating horse is a Quarter Horse registered with the American Quarter Horse Association or any successor organization, mounted by a jockey, and engaged in a race over a distance of less than one-half mile.

F. "Thoroughbred Horse Racing" means the form of horse racing in which each participating horse is a Thoroughbred horse registered with the Jockey Club or any successor organization, mounted by a Jockey, and engaged in races on the flat.

27. "Inquiry" means the stewards immediate investigation into the running of a race which may result in the disqualification of one or more horses.

28. "Jockey" means the rider licensed to race.

29. "Jockey Agent" means a licensed authorized representative of a jockey.

30. "Lessee" means a licensed owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the registration certificate and on file with the Commission.

31. "Lessor" means the owner of the horse that is leased.

32. "Maiden" means a horse that has never won a race recognized by the official race records of the particular horse's breed registry. A maiden which has been disqualified after finishing first is still a maiden.

33. "Minor" means any individual under 18 years of age.

34. "Nominator" means the person who nominated the horse as a possible contender in a race.

35. "Objection" means:

A. a written complaint made to the Stewards concerning a horse entered in a race and filed two hours before the scheduled post time for the first race on the day which the questioned horse is entered; or

B. a verbal claim of foul in a race lodged by the horse's jockey, trainer, owner, or the owners licensed Authorized Agent before the race is declared official.

36. "Occupation License" means a requirement for any person acting in any capacity within the enclosure during the race meeting.

37. "Occupation Licensee" means a person who has obtained an occupation license.

38. "Utah Bred Horse" means a horse that is sired by a stallion standing in Utah.

39. "Organization License" means a requirement of any person desiring to conduct a race meeting within Utah.

40. "Organization Licensee" means any person receiving an organization license.

41. "Owner" means any person who holds, in whole or in part, any rights, title, or interest in a horse, or any lessee of a horse who has been issued a currently valid owner's license as a person responsible for such horse.

42. "Person" means any individual, corporation, partnership, syndicate, another association or entity.

43. "Post Position" means the position in the starting gate assigned to the horse for the race.

44. "Post Time" means the advertised time for the arrival of the horses at the start of the race.

45. "Protest" means a written complaint, signed by the protester, against any horse which has started in a race and shall be made to the Stewards within 48 hours after the running of the race, except as noted in Subsection R52-7-10(8).

46. "Race Meeting" means the entire period not to exceed 20 calendar days separating any race days for which an organization license has been granted to a person by the Commission to hold horse racing.

47. "Allowance" means a race in which eligibility or the weight to be carried are based upon the horse's past performance over a specified time.

48. "Handicap" means a race in which the weights to be carried by the entered horses are assigned according to the Racing Secretary's evaluation of each horse's potential to equalize their respective chances of winning.

49. "Invitational" means a race in which the competing horses are selected by inviting their owners to enter specific horses.

50. "Match" means a race contest between two horses with earlier consent by the Commission under conditions agreed to by the owners.

51. "Nomination" means a race in which the subscription to a payment schedule nominates and sustains the eligibility of a particular horse. Nominations shall close at least 72 hours before the first post time of the day the race is originally scheduled to be run.

52. "Progeny" means a race restricted to the offspring of a specific stallion or stallions.

53. "Purse Race (Overnight)" means any race in which entries close less than 72 hours before its running.

54. "Schooling Race" means a preparatory race for entry qualification in official races that conform to requirements adopted by the Commission.

55. "Stakes" means a race which is eligible for stakes or "black-type" recognition by the particular breed registry.

56. "Trials" means a set of races in which eligible horses compete to determine the finalists for a purse in a nominated race.

57. "Restricted Area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include the barn area, paddock, test barn, Stewards Tower, race course, or any other area designated restricted by the organization licensee or the Commission. Signs giving notice of restricted access shall be prominently displayed at each entry point.

58. "Rules" means the rules herein prescribed and any amendments or additions.

59. "Scratch" means the act of withdrawing an entered horse from a race after the closing of overnight entries.

60. "Scratch Time" means the deadline set by the organization licensee for the withdrawing of entered horses.

61. "Starter" means the horse whose stall door of the starting gate opens in front of such horse when the starter dispatches the horses.

62. "Subscription" means the act of nominating a horse to a nomination race.

63. "Week" means a period of seven days beginning at 12:01 a.m., Monday during which races are conducted.

### **R52-7-3. Commission Powers and Jurisdiction.**

1. Description and Powers. The Utah Horse Racing Commission is an administrative body created by Section 4-38-103.

The Commission consists of five members that are appointed by the governor, and whose powers and duties are prescribed by the legislature. The Commission appoints an executive director who is the administrative head of the agency, and the Commission determines the duties of the executive director. The Commission shall have supervision of any sanctioned race meetings held in Utah, any occupation and organization licensees in the State, and any persons on the property of an organization licensee.

2. Jurisdiction. Without limitations by specific mention hereof, the stated purposes of the rules promulgated are:

- A. to encourage agriculture and breeding of horses in this state;
- B. to maintain race meetings held in the state of the highest quality and free of any horse racing practices that are corrupt, incompetent, dishonest or unprincipled;
- C. to maintain the appearance as well as the fact of complete honesty and integrity of horse racing in this state; and
- D. to generate public revenues.
- E. Commission jurisdiction of a race meet commences one hour before post time and ends one hour following the last posted race.

3. Controlling Authority. The law, the rules, and the orders of the Commission supersede the conditions of a race meeting and govern Thoroughbred, Quarter Horse, Appaloosa, Arabian, Paint and Pinto racing, except in the event they can have no application to a specific type of racing. In the latter case, the Stewards may enforce rules or conditions of The Jockey Club for Thoroughbred racing, the American Quarter Horse Association for Quarter Horse racing; the Appaloosa Horse Club for Appaloosa racing; the Arabian Horse Racing Association of America for Arabian racing; the American Paint Horse Association for Paint racing; and the Pinto Horse Association of America, Inc., for Pinto racing; if such rules or conditions are not inconsistent with the Laws of Utah and the Rules of the Commission.

4. Commission Meetings. The following provisions govern any meeting at which a voting majority of Commission members appear at the anchor location, by telephone, or electronically pursuant to Section 52-4-207:

A. If enough Commission members to constitute a voting majority intend to participate electronically or by telephone, public notices of the meeting shall be posted. In addition, the notice shall specify the anchor location where the members of the Commission not participating electronically or by telephone will be meeting and where interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

B. Notice of the meeting and the agenda shall be posted at the anchor location. Written or electronic notice shall also be posted on the Public Notice Website. These notices shall be provided at least 24 hours before the meetings.

C. Notice of the possibility of an electronic meeting shall be given to the Commission members at least 24 hours before the meeting. In addition, the notice shall describe how a Commission member may participate in the meeting electronically or by telephone.

D. When notice is given of the possibility of a member appearing electronically or by telephone, any Commission member may do so and shall be counted as present for purposes of a quorum and may fully participate and vote on any matter coming before the Commission. At the commencement of the meeting, or at such time as any Commission member initially appears electronically or by telephone, the chair shall identify for the record those who are appearing by telephone or electronically. Votes by members of the Commission who are not at the physical location of the meeting shall be confirmed by the chair.

E. The anchor location, unless otherwise designated in the notice, shall be at the offices of the Department of Agriculture and Food, 350 N Redwood Road, Salt Lake City, Utah. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. In addition, the anchor location shall have space and facilities so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

5. Punishment by The Commission. Violation of the act and rules promulgated by the Commission, whether or not a penalty is fixed therein, is punishable in the discretion of the Commission by denial, revocation or suspension of any license; by fine; by exclusion from racing enclosures under the jurisdiction of the Commission; or by any combination of these penalties. Fines imposed by the Commission shall not exceed \$10,000 against individuals for each violation of any rules promulgated by the Commission, any Order of the Commission, or for any other action which, in the discretion of the Commission, is a detriment or impediment to horse racing, according to Subsection 4-38-301(4).

6. Extension for Compliance. If a licensee fails to perform an act or obtain required action from the Commission within the time prescribed therefore by these rules, the Commission, at some subsequent time, may allow the performance of such act or may take the necessary action with the same effect as if the same were performed within the prescribed time.

7. Notice to Licensee. When notice is required to be given by the Commission or the Stewards, the notice shall be given in writing by personal delivery to the person to be notified or by mailing, to the last known address furnished to the Commission; or may be given as is provided for service of process in a civil proceeding in Utah and pursuant to Title 63G, Chapter 4, Administrative Procedures Act.

8. Location for Information or Filing with Commission. When information is requested or a notice in any matter is required to be filed with the Commission, such notice shall be delivered to an authorized representative of the Commission at an Office of the Commission on or before the filing deadline. Offices of the Commission are currently located at: Utah Department of Agriculture and Food, 350 North Redwood Road, Salt Lake City, UT 84116.

9. Public Inspection of Documents. Forms adopted by the Commission together with any rules and other written statements of policy or interpretation; and any final orders, decisions, and opinions, formulated, adopted, or used by the Commission in the discharge of its functions are available for public inspection at the office.

10. Forms and Instruction. The following forms and instructions for their use have been adopted by the Commission:

- A. Apprentice Jockey Certificate;
- B. Authorized Agent Agreement;

- C. Fingerprint Card;
- D. Identifier's Daily Report;
- E. Lease Agreement;
- F. Occupation License Application;
- G. Occupation License Renewal Application;
- H. Open Claim Certificate;
- I. Organization's Daily Report;
- J. Organization License Application;
- K. Petition for Declaratory Ruling;
- L. Petition for Promulgation, Amendment or Repeal of Rule;
- M. Petition in and before the Utah Horse Commission;
- N. Postmortem Examination Report;
- O. Stable Name, Corporation, Partnership or Syndicate Registration Form;
- P. Stewards' Daily Report;
- Q. Stewards' Hearing Notice;
- R. Stewards' Hearing Reports;
- S. Subpoena, Steward and Commission; and
- T. Test Barn Diuretic Approval Form.

11. Forms for substituting petitions for promulgating or repealing of rules, and for requests for declaratory ruling are available at the Utah Department of Agriculture and Food.

#### **R52-7-4. Racing Organization.**

1. Allocation of Racing Dates. The Commission shall allocate racing dates for the conduct of horse race meetings within this State for such time periods and at such racing locations as the Commission determines will best serve the interests of the people of Utah in accordance with Title 4, Chapter 38, the Utah Horse Regulation Act. Upon a finding by the Commission that the allocation of racing dates for any year is completed, the racing dates allocated shall be subject to reconsideration or amendment only for conditions unforeseen at the time of allocation.

2. Application for License and Days to Conduct a Horse Race Meeting. Each person who intends to conduct a horse race meeting shall file an application with the Commission no later than August 1 of the preceding calendar year. Any prospective applicant for license and days to conduct a horse race meeting failing to timely file the application for license may be disqualified and its application for license refused summarily by the Commission.

3. Commission may Demand Information. The Commission may require any racing organization or prospective racing organization to furnish the Commission with a detailed proposal and disclosures as to its proposed racing program, purse, program, financial projections, racing officials, principals or shareholders, plants, premises, facility, finances, lease arrangements, agreements, contracts, and such other information as the Commission may require to determine the eligibility and qualification of the organization to conduct a race meeting, in addition to that required in the application form set forth in Subsection R52-7-4(4) and as required by Section 4-38-4.

4. Application for Organization License. Any person desiring to conduct a horse race meeting where the public is charged an admission fee shall apply to the Commission for an organization license. The application shall be made on a form prescribed and furnished by the Commission. The application shall contain the following information:

- A. the dates on which and location where the applicant intends to conduct the race meeting;
- B. the name and mailing address of the person making the application;
- C. if the applicant is a corporation, a certified copy of the Articles of Incorporation and Bylaws, the names and mailing addresses of any stockholders who own at least 3% of the total stock issued by the corporation, officers, and directors, and the number of shares of stock owned by each;
- D. if the applicant is a partnership, a copy of the partnership agreement, and the names and mailing addresses of general and limited partners with a statement of their respective interest in the partnership;
- E. a description of photographic equipment, video equipment, and copies of any proposed lease or purchase contract or service agreement;
- F. copies of any agreements with concessionaires or lessees, together with schedules of rates charged for performance of any service or for sale of any article within the enclosure, whether directly or through the concessionaire;
- G. schedule of admission prices to be charged;
- H. balance sheets and profit and loss statements for each of the three fiscal years immediately preceding the application, or for the period of organization if less than three years. If the applicant has not completed a full fiscal year since its organization, or if it acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year, the financial information shall be given for the current fiscal year. Financial information shall be accompanied by an unqualified opinion of a Certified Public Accountant, or if the opinion is given with qualifications, the reasons for the qualifications shall be stated;
- I. a schedule of stall rent, entry fees, or any other charges to be made to the horsemen or public not mentioned in this section; and
- J. any other information the Commission may require. For applicants requesting to conduct non pari-mutuel racing, the licensee fee shall not be less than \$25.

5. A separate application upon a form prescribed and furnished by the Commission shall be filed for each race meeting

which such person proposes to conduct. The application, if made by a person, shall be signed and verified under oath by the person; and if made by more than one person or by a partnership, shall be signed and verified under oath by at least two of the persons or members of the partnership; and if made by an association, a corporation, or any other entity, shall be signed by the President, attested to by the Secretary under the seal of such association or corporation, if it has a seal, and verified under oath by one of the signing officers.

6. No person shall own any silent or undisclosed interest in any entity requesting an organization license. No organization license shall be issued to any applicant that fails to comply with this rule. No incomplete license application shall be considered by the Commission.

7. In considering the granting or denying of an organization's application for a license to conduct horse racing with the non pari-mutuel system of wagering, the following criteria, standards, and guides should be considered by the Commission:

- A. public interest;
  - a. safety;
  - b. morals;
  - c. security;
  - d. municipal comments; and
  - e. state and local revenues;
- B. track location;
  - a. traffic flow;
  - b. support services such as hotels or restaurants;
  - c. labor supply;
  - d. public services such as police or fire; and
  - e. proximity to competition;
- C. number of tracks running or making application;
  - a. size;
  - b. type of racing; and
  - c. days;
- D. adequacy of track facilities;
- E. experience in racing of applicant and management;
  - a. length;
  - b. type; and
  - c. success or failure;
- F. financial qualifications of applicant, applicant's partners, officers, associates, and shareholders, including contract services;
  - a. financial history;
    - (1) records; and
    - (2) net worth;
  - G. qualifications of applicant, applicant's partners, officers, associates, and shareholders including contract services;
    - a. arrest record;
    - b. conviction record;
    - c. litigation record, civil or criminal; and
    - d. law enforcement intelligence;
  - H. official attitude of local government involved;
  - I. anticipated effect upon breeding and horse industry in Utah;
  - J. effect on saturation of non pari-mutuel market;
  - K. anticipated effect upon state's economy;
    - a. general economy;
      - (1) tourism;
      - (2) employment; and
      - (3) support industries;
    - b. government revenue;
      - (1) direct or indirect tax; and
      - (2) direct or indirect income;
  - L. attitude of local community involved;
  - M. the written attitude of horse industry associations;
  - N. experience and credibility of consultants, advisors, and professionals;
    - a. feasibility; and
    - b. credibility and integrity of feasibility study;
  - O. financial and economic integrity of financial plan;
    - a. equity;
      - (1) source;
      - (2) amount;
      - (3) position; and

- (4) type;
- b. debt;
- (1) source;
- (2) amount;
- (3) terms; and
- (4) repayment;
- c. equity to debt ratio;
- (1) integrity of financing plan;
- i. identity of participants;
- ii. role of participants;
- iii. history of participants; and
- iv. law enforcement intelligence; and
- P. apparent or non-apparent hope of financial success.

8. List of Shareholders. Each organization shall, if a corporation or partnership, maintain a current list of shareholders and the number of shares held by each. The list shall be available for inspection upon demand by the Commission or its representatives. The organization shall immediately inform the Commission of any change of corporate officers or directors, general or managing partners, or of any change in shareholders. If the organization is a publicly-held entity, it shall disclose the names and addresses of shareholders who own 3% of the outstanding shares of the organization. The organization shall immediately notify the Commission of any stock options, tender offers, and any anticipated stock offerings. The Commission may refuse to issue a license to, or suspend the license of, any organization that fails to disclose the real name of any shareholders.

9. Denial of License. The Commission may deny a license to conduct a horse racing meeting when in its judgment it determines the proposed meeting is not in the public interest, or fails to serve the purposes of Title 4, Chapter 38, the Utah Horse Regulation Act, or fails to meet any requirements of state law or the Commission's rules. The Commission shall refuse to issue a license to any applicant who fails to provide the Commission with evidence of its ability to meet its estimated financial obligations for the conduct of the meeting.

10. Duty of Licensed Organization. Each organization shall observe and enforce the rules of the Commission. The license is granted on the condition that the organization, its officials, its employees, and its concessionaires shall obey the decisions and orders of the Commission. The organization shall not allow any wagering within the enclosure of the racing facility that might be construed as being in violation of the laws of Utah.

11. Conditions of A Race Meeting. The organization may impose conditions for its race meeting as it may consider necessary; except that conditions may not conflict with any requirements of Utah State Law or the rules, regulations and orders of the Commission. Such conditions shall be published in the Condition Book or otherwise made available to licensees participating in its race meeting. A copy of the conditions and nomination race book shall be published no later than 45 days before the commencement of the race meeting. A proof of such conditions and nomination race book shall be filed with the Commission no later than 45 days before printing. The conditions and nomination race book is subject to the approval of the Commission. The organization may impose requirements, qualifications, requisites, and track rules for its race meeting as it may consider necessary; provided requirements, qualifications, and track rules do not conflict with Utah State Law or the rules, regulations, and orders of the Commission. Such information shall be published in the Condition Book, posted on the organization's bulletin boards, or otherwise made available to licensees participating at its race meeting. Any requirements, qualifications, requisites or track rules imposed by the organization require earlier review and approval by the Commission, that reserves the right of final decision in matters pertaining to the conditions of a race meeting.

12. Right of Commission to Information. The organization may be asked to furnish the Commission, on forms approved by the Commission, a daily itemized report of the receipts of attendance, parking, concessions, commissions, and any other requested information. The organization shall also provide a corrected official program, completed race results charts approved by the Commission, and any other information the Commission may require. Such daily reports shall be filed with the Commission within 72 hours of the race day.

13. Duty to Compile Official Program. The organization shall compile an official program for each racing day that shall contain the names of the horses that are to run in each race together with their respective post positions, post time for first race, age, color, sex, breeding, jockey, trainer, owners or stable name, racing colors, weight carried, conditions of the race, the order in which each race shall be run, the distance to be run, the value of each race, a list of Racing Officials and track management personnel, and any other information the Commission may require. The Commission may direct the organization to publish in the program any other information and notices to the public as it deems necessary.

14. Duty to Maintain Racing Records. The organization shall maintain a complete record of races of each authorized race meeting of the same type of racing being conducted by the organization, and such records shall be maintained and retained for a period of five years. This requirement may be met by race records of Triangle Publications, the American Quarter Horse Association, the Appaloosa Horse Club, the American Paint Horse Association, other breed registry associations' racing records department, or other racing publications approved by the Commission.

15. Horsemen's Bookkeeper. The organization shall employ a Horsemen's Bookkeeper who shall maintain records as the organization and Commission shall direct. The records shall include the name, address, social security or federal identification number, and the state or country of residence of each horse owner, trainer, or jockey participating at the race meeting who has funds due or on deposit in the horseman's account. The Horsemen's Bookkeeper shall keep the riding accounts of the jockeys and shall disburse the received fees to the proper claimants. It shall be the duty of the Horsemen's Bookkeeper to receive and disburse the purses

of each race and any stakes, entrance money, jockey fees, and other monies that properly come into their possession, and make disbursements within 48 hours of receipt of notification from the testing laboratory that drug tests have cleared unless an appeal or protest has been filed with the Stewards or the Commission. The Horsemen's Bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due. Upon written request, the Horsemen's Bookkeeper shall, within 30 days after the meeting, disburse any monies to the persons entitled to receive them. The Horsemen's Bookkeeper shall maintain a file of required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents. Records and monies of the Horsemen's Bookkeeper shall be kept separate and apart from any other of the organization and are subject to inspection by the Commission at any time.

16. Accounting Practices and Responsibility. The organization and its managing officers shall ensure that purse monies, disbursements, and appropriate nomination race monies are available to make timely distribution in accordance with the state law, the rules of the Commission, the organization rules, and race conditions. Copies of nomination payment race contracts, agreements, and conditions shall be submitted to the Commission and related reporting requirements fulfilled as specified by the Commission. Subject to approval of the Commission, the organization shall maintain on a current basis a bookkeeping and accounting program under the guidance of a Certified Public Accountant. The Commission may require periodic audits to determine that the organization has funds available to meet those distributions for the purposes required by state law, the rules of the Commission, the conditions and nomination race program of the race meeting, and the obligations incurred in the daily operation of the race meeting. Annually, the organization shall file a copy of tax returns, a balance sheet, and a profit and loss statement.

17. Electronic Photo Finish Device. Each organization shall install and maintain in good service an electronic photo finish device for photographing the finishes of races and recording the time of each horse in hundredths of a second, when applicable, to assist the placing judges and the Stewards in determining the finishing positions and time of the horses. Before first use, the electronic photo finish device must be approved by the Commission, and a calibration report shall be filed with the Commission by January 1 of each year. A photograph of each finish shall be promptly posted for public view in at least one conspicuous place in the public enclosure.

18. Videotape Recording of Races. Each organization shall install and operate a system to provide a videotape recording of each race so that such recording clearly shows the position and action of the horses and jockeys at close enough range to be easily discernible. A video monitor shall be located in the Stewards' Tower to assist in reviewing the running of the races. Before first use, the videotape recording system and location and placement of its equipment shall be approved by the Commission. Each race other than a race run solely on a straight course may be recorded by use of at least two cameras to provide panoramic and head-on views of the race. Races run solely on the straight course shall be recorded by the use of at least one camera to provide a head-on view. Except with earlier approval of the Commission, organizations shall maintain an auxiliary videotape recording camera and player in case of breakdown or malfunction of a primary videotape recording camera or player.

19. Identification of Photo Finish Photographs and Videotape Recordings. Photo finish photographs and videotape recordings required by these rules shall be identified by indicating thereon, the date, number of the race, and the name of the racetrack at which the race is held.

20. Altering Official Photographs or Recordings. No person shall cut, mutilate, alter, or change any photo finish photograph or videotape recording for deceit or fraud of any type.

21. Preservation of Official Photographs and Recordings. Organizations shall keep any photographic negatives and videotape recordings of races for at least 180 days after the close of their meeting. Upon request of the Commission, the organization shall furnish the Commission with a clear, positive print of any photograph of any race, or a kinescope print or copy of the videotape recording of any race.

22. Viewing Room Required. The organization shall maintain a viewing room for screening the videotape recording of the races for viewing by Racing Officials, jockeys, trainers, owners, and other interested persons authorized by the Stewards.

23. Office Space for The Commission. The organization shall provide within the enclosure adequate office space for use by the Commission and its authorized representatives, and shall provide such necessary office furniture and utilities as may be required for the conduct of the Commission's business and the collection of the public revenues at the organization's meetings.

24. Duty to Receive Complaints. The organization shall maintain a place where written complaints or claims of violations or objections of racetrack rules, regulations, and conditions; Commission rules; or Utah State Laws may be filed. A copy of any written complaint or claim filed with the organization shall be filed by the organization with the Commission or Commission representatives within 24 hours of receipt of the complaint or claim.

25. Bulletin Boards Required. The organization shall erect and maintain a glass enclosed bulletin board close to the Racing Secretary's Office in a place where access is granted to licensees, upon which official notices of the Commission shall be posted. The organization shall also erect and maintain a glass enclosed bulletin board in the grandstand area where access is granted to race day patrons, upon which official notices of the Commission shall be posted.

26. Communication Systems Required. The organization shall install and maintain in good service a telephonic communication system between the Stewards' stand, racing office, jockey room, paddock, testing barn, starting gate, video camera locations, and other designated places. The organization shall also install and maintain in good service a public address communication system for announcing the racing program, the running of the races, and any public service notices, as well as maintaining communications with the barn area for paddock calls and the paging of horsemen.

27. Ambulance Service. Subject to the approval of the Commission, the organization shall provide the services of an approved medical ambulance and its properly qualified attendants during the running of the race program at its meeting and, except with earlier permission of the Commission, during the hours the organization permits the use of its race course for training purposes. The organization shall also provide the service of a horse ambulance during the same hours. A means of communication shall be

provided by the organization between a staffed observation point such as the Stewards' Tower and Clocker's Stand for the race course and the place where the required ambulances and their attendants are posted for prompt response in the event of accident to any person or horse. In the event an emergency necessitates the departure of a required ambulance, the race course shall be closed until an approved ambulance is again available within the enclosure.

28. Safety of Race Course and Premises. The organization shall take cognizance of any complaint regarding the safety or uniformity of its race course or premises, and shall maintain in safe condition the race course and rails and other equipment required for the conduct of its races.

29. Starting Point Markers and Distance Poles. Permanent markers shall be located at each starting point to be utilized in the organization's racing program. The starting point markers and distance poles shall be of a size and in a position where they can be seen clearly from the Stewards' stand. The starting point markers and distance poles shall be marked with the appropriate distance and be the following colors:

TABLE

|                  |                                    |
|------------------|------------------------------------|
| 1/16 poles . . . | black and white horizontal stripes |
| 1/8 poles . . .  | green and white horizontal stripes |
| 1/4 poles . . .  | red and white horizontal stripes   |
| 220 yards . . .  | green and white horizontal stripes |
| 250 yards . . .  | blue                               |
| 300 yards . . .  | yellow                             |
| 330 yards . . .  | black and white horizontal stripes |
| 350 yards . . .  | red                                |
| 400 yards . . .  | black                              |
| 440 yards . . .  | red and white horizontal stripes   |
| 550 yards . . .  | black and white horizontal stripes |
| 660 yards . . .  | green and white horizontal stripes |
| 770 yards . . .  | black and white horizontal stripes |
| 870 yards . . .  | blue and white horizontal stripes  |

30. Grade and Distance Survey. A survey by a licensed surveyor of the race course, including starting chutes, indicating the grade and measurement of distances to be run shall be filed with the Commission before the first race meeting.

31. Physical Requirements for Non pari-Mutuel Racing Facility. In order for an organization to be granted a license to conduct non pari-mutuel racing, the facility shall meet the following physical requirements:

A. A regulation track shall be a straightaway course of 440 yards in length. The straightaway shall connect with an oval not less than one-half mile in circumference; except that the width may vary according to the number of horses started in a field, but a minimum of 20 feet shall be allowed for the first two horses with an additional five feet for each added starter.

B. The inner and outer rails shall extend the entire length of the straightaway and around the connecting oval; it shall be at least 30 inches and not more than 42 inches in height. A racetrack not approved by the Commission before January 1, 1993, shall otherwise have inner and outer rails of at least 38 inches and not more than 42 inches in height. It shall be constructed of metal not less than two inches in diameter, wood not less than two inches in thickness and six inches in width, or other construction material approved by the Commission. Whatever construction material is used must provide for the safety of both horse and rider. It shall be painted white and maintained at all times.

C. Stabling facilities should be adequate for the number of horses to be on hand for the meet. In no case will a track with less than 200 stalls be acceptable, without Utah Horse Commission approval.

D. Stands for Stewards and Timers shall be located exactly on the finish line and provide a commanding and uninterrupted view of the entire racing strip.

E. The paddock shall be spacious enough to provide adequate safety. The jockey's room shall be in or adjacent to the paddock enclosure and shall be equipped with separate but equal complete sanitation facilities including showers for both male and female riders. This area shall be fenced to keep out unauthorized persons and provide maximum security and safety. The fence shall be at least four feet high of chain link, v-mesh or similar construction.

F. A Test Barn with a minimum of two stalls shall be provided for purpose of collecting urine specimens. The Test Barn and a walking ring large enough to accommodate several horses cooling out at the same time shall be completely enclosed by a fence at least eight feet high of chain link, v-mesh or similar construction. There shall be only one entrance into the Test Barn enclosure that shall remain locked or guarded. Provisions shall be made in this area for an office to accommodate the needs of the Official Veterinarian and from which they can observe the stalls and the entrance into the Test Barn enclosure. The organization shall provide facilities for the immediate cooling and freezing of urine specimens, and shall make provisions for the specimens to be shipped to the laboratory packed in dry ice.

G. A grandstand or bleachers shall be provided for the spectators and shall provide for the comfort and safety of the spectators. Facilities shall include rest rooms and a public water supply.

32. Organization as the insurer of the Race Meeting. Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety or physical condition of the organization's facilities or purse of any race. The organization does thereby agree to indemnify, save and hold harmless the Utah Horse Commission from any liability arising from unsafe conditions of track facilities or grandstand and default in payment of purses. The organization shall provide the Commission with a certificate of adequate liability insurance.



#### **R52-7-5. Occupation Licensing and Registration.**

1. Occupation Licenses. No person required to be licensed shall participate in a race meeting without their holding a valid license authorizing participation. Licenses shall be obtained before the time persons engage in their vocations upon racetrack grounds at any time during the calendar year for which the organization license has been issued. Each applicant will be required to provide one form of photo identification.

A. A person whose occupation requires acting in any capacity within any area of an enclosure shall pay the required fee and procure the appropriate license or licenses.

B. A person acting in any of the following capacities shall pay the required fee and procure the appropriate license or licenses. A list of required fees shall be available at the Utah Department of Agriculture and Food.

- a. owner trainer combination;
- b. owner;
- c. trainer;
- d. assistant trainer;
- e. jockey;
- f. veterinarian;
- g. pony rider;
- h. valet; or
- i. groom;

C. A person whose license identification badge is lost or destroyed shall procure a replacement license identification badge and shall pay the required fee.

D. The date of payment of required fees, as recorded by the Commission, shall be the effective date of issuance of a continuous occupation license. A person may have the option of a one or three-year license. The license fee shall be the annual fee for each category in which the person is licensed, the fee for a three-year license shall be three times the annual fee for each category in which the person is licensed. The license shall expire on December 31.

E. Each license applicant may be required to provide two complete sets of fingerprints on forms provided by or acceptable to the Commission and pay the required fee for processing the fingerprint cards through state and federal law enforcement agencies. If the fingerprints are of a quality not acceptable for processing, the licensee may be required to be re-fingerprinted.

F. Applicants for occupation licenses must be a minimum of 16 years of age. However, this shall not preclude dependent children under the age of 16 from working for their parents or guardian if their parents or guardian are licensed as a trainer or assistant trainer and permission has been obtained from the organization licensee. A trainer or their authorized representative signing a Test Barn Sample Tag shall be licensed and a minimum of 18 years of age.

2. Employment of Unlicensed Person. No organization, owner, trainer, or other licensee acting as an employer within the enclosure at an authorized race meeting shall employ or harbor within the enclosure any person required to be licensed by the Commission until the organization, owner, trainer, or other employer determines that the person required to be licensed has been issued a valid license by the Commission. No organization shall permit any owner, trainer, or jockey to own, train, or ride on its premises during a recognized race meeting unless the owner, trainer, or jockey has received a license to do so from the Commission. The organization or prospective employer may demand for inspection the license of any person participating or attempting to participate at its meeting, and the organization may demand for inspection the documents relating to any horse on its grounds.

3. Notice of Termination. Any organization, owner, trainer, or other licensee acting as an employer within the enclosure at an authorized race meeting shall be responsible for the immediate notification to the Commission and the organization conducting the race meeting of a termination of employment of a licensee. The employer shall make every effort to obtain the license badge from the employee and deliver the license badge to the Commission.

4. Application for License. An applicant for license shall apply in writing on the application forms furnished by the Commission.

5. License Identification Badge Requirements. The license identification badge may consist of the following information concerning the licensee:

- A. full name;
- B. permanent address;
- C. license capacity;
- D. date of issue;
- E. passport-type color photograph; and
- F. date of birth.

G. License identification badges may be color coded as to capacity of occupation and eligibility for access to restricted areas. License holders, except jockeys riding in a race, shall wear a current identification badge while present in restricted areas of the enclosure or as otherwise specified in Subsection R52-7-5(1).

6. Honoring Official Credentials. Credentials issued by the Commission may be honored for admission at any gates and entrances and to any places within the enclosure. Automobiles with vehicle decals issued by the Commission to its members and employees shall be permitted ingress and egress at any point. Credentials issued by the National Association of State Racing Commissioners to its members, past members, and staff shall be honored by the organization for admission into the public enclosure when presented therefore by such persons.

7. License Subject to Conditions and Agreements.

A. Each license is subject to the conditions and agreements contained in the application and to state law.

- B. Each license issued to a licensee by the Commission remains the property of the Commission.
- C. Possession of a license does not confer any right upon the holder to employment at or participation in a race.
- D. The Commission may restrict, limit, place conditions on, or endorse for additional occupational classes, any license, pursuant to Subsection R52-7-5(9).
8. Changes in Application Information. Each licensee or applicant for license shall file with the Commission their permanent and current mailing address and shall report in writing to the Commission any changes in application information.
9. Grounds for Denial, Refusal, Suspension or Revocation of License. The Commission, in addition to any other valid ground or reason, may deny, refuse to issue, suspend or revoke an occupation license for any person:
- A. who has been convicted of a felony of this State, any other state, or the United States of America;
- B. who has been convicted of violating any law regarding gambling or controlled dangerous substance of this State, any other state, or of the United States of America;
- C. who is unqualified to perform the duties required of the applicant;
- D. who fails to disclose or states falsely any information required in the application;
- E. who has been found guilty of a violation of the Utah Horse Act or of the rules of the Commission;
- F. whose license for any racing occupation or activity requiring a license has been or is currently suspended, revoked, refused, or denied for just cause in any other competent racing jurisdiction; or
- G. who has been or is currently excluded from any racing enclosure by a competent racing jurisdiction.
10. Examinations. The Commission may require the applicant for any license to demonstrate their knowledge, qualifications, and proficiency for the license applied for by examination as the Commission may direct.
11. Refusal Without Prejudice. A refusal to issue a license, as distinguished from a denial of a license to an applicant by the Commission at any race meeting is without prejudice, and the applicant refused may reapply for a license at any subsequent or other race meeting, or they may appeal the refusal to the Commission for hearing upon their qualifications and fitness for the license.
12. Hearing After Denial of License. Any person who has had their license denied may petition the Commission to reopen the case and reconsider its decision upon a sufficient showing that there is now available evidence which could not, with the exercise of reasonable diligence, have been previously presented to the Commission. Any petition shall be filed with the Commission no later than 30 days after the effective date of the Commission's decision in the matter. Any person who has been denied a license by the Commission may not refile a similar application for license until one year from the effective date of the decision to deny the license.
13. Financial Responsibility of Applicants. Applicants for license as horse owner or trainer shall submit satisfactory evidence of their financial ability to care for and maintain the horses owned or trained by them when such evidence is requested by the Commission.
14. Physical Examination. The Commission or the Stewards may require that any jockey be examined at any time, and the Commission or the Stewards may refuse to allow any jockey to ride until they have successfully passed such examination.
15. Qualifications for Jockey. No person under 16 years of age shall be granted a jockey's license. A person who has never ridden in a race at a recognized meeting shall not be granted a license as jockey unless they have satisfactorily worked a horse from the starting gate in company, before the Stewards or their representatives. Upon the recommendation of the Stewards, the Commission may issue a jockey's license granting permission to a person to ride in not more than four races to establish the qualifications and ability of the person for the license. Subsequently, the Stewards may recommend the granting of a jockey's license.
16. Jockey Agent. A jockey agent is the authorized representative of a jockey if they are registered with the Stewards and licensed by the Commission as the Jockey's representative. No jockey agent shall represent more than two jockeys at the same time.
17. Workers' Compensation Act Compliance. No person may be licensed as a trainer, owner, or in any other capacity in which the person acts as the employer of any other licensee at any authorized race meeting, unless their liability for Workers' Compensation has been secured in accordance with Title 34A, Chapter 2, the Workers' Compensation Act of Utah and until evidence of security for liability is provided the Commission. Should any required security for liability for Workers' Compensation be canceled or terminated, any license held by such person shall be automatically suspended and shall be grounds for revocation of the license. If a license applicant certifies that they have no employees that would subject them to liability for Workers' Compensation, they may be licensed, but only for the period they have no employees.
18. Program Trainer Prohibited. No licensed trainer, to avoid their responsibilities or insurance requirements as set forth in these rules, shall place any horse in the care or attendance of any other trainer.
19. Qualifications for License as Horse Owner. No person may be licensed as a horse owner who is not the owner of record of a properly registered race horse that they intend to race in Utah and which is in the care of a licensed trainer, or who does not have an interest in such race horse as a part owner or lessee, or who is not the responsible managing owner of a corporation, syndicate, or partnership that is the legal owner of such horse.
20. Horse Ownership by Lease. Horses may be raced under lease provided a completed Commission, breed registry, approved pari-mutuel, or other lease form acceptable to the Commission, is attached to the Registration Certificate and on file with the Commission. The lessor and lessee shall be licensed as horse owners. No lessor shall execute a lease to avoid insurance requirements.
21. Statements of Corporation, Partnership, Syndicate or Other Association or Entity. Any organizational documents of a corporation, partnership, syndicate, or other association or entity, and the relative proportion of ownership interest, the terms of sales with contingencies, arrangements, or leases, shall be filed with the Horsemen's Bookkeeper of the organization and with the Commission. The documents shall declare to whom winnings are payable, in whose names the horses shall be run, and the name of the licensed person who assumes any responsibilities as the owner. The part owner of any horse shall not assign their share or any part of it without the written consent of the other partners, and consent shall be filed with the Horsemen's Bookkeeper and the Commission. A person conducting racing operations as a corporation, partnership, syndicate, or other association or entity shall register the

information required by this rule and pay the required fee for the appropriate entity.

22. Stable Name Registration. A person electing to conduct racing operations by use of a stable name shall register the stable name and shall pay the required fee.

A. The applicant shall disclose the identity or identities of persons comprising the stable name.

B. Changes in identities shall be reported to and approval shall be obtained from the Commission immediately.

C. No person shall register more than one stable name at the same time nor use their real name for racing purposes so long as they have a registered stable name.

D. Any person who has registered under a stable name may cancel the stable name after they have given written notice to the Commission.

E. A stable name may be changed by registering a new stable name and by paying the required Fee.

F. No person shall register a stable name that has been registered by any other person with any organization conducting a recognized race meeting.

G. A stable name shall be clearly distinguishable from that of another registered stable name.

H. The stable name, and the name of the owner or managing owner, shall be published in the official program. If the stable name consists of more than one person, the official program will list the name of the managing owner along with the phrase "et al."

I. If a partnership, corporation, syndicate, or other association or entity is involved in the identity comprising a stable name, the rules covering a partnership, corporation, syndicate or other association or entity shall be complied with and the usual fees paid therefore in addition to the fees for the registration of a stable name.

23. Ownership Licensing Required. The ownership licensing procedures required by the Commission shall be completed before the horse starting in a race and shall include any registrations, statements, and payment of fees.

24. Knowledge of Rules. Each licensee, to maintain their qualifications for any license held by them, shall be familiar with and knowledgeable of the rules, including any amendments. Each licensee is presumed to know the rules.

25. Certain Prohibited Licenses. Commission-licensed jockeys, veterinarians, organizations' security personnel, vendors, and other licensees designated by the Stewards with approval of the Commission, shall not hold any other license. The Commission may refuse to issue a license to a person whose spouse holds a license and which, in the opinion of the Commission, would create a conflict of interest.

#### **R52-7-6. Racing Officials and Commission Racing Personnel.**

1. Racing Officials. The racing officials of a race meeting, unless otherwise ordered by the Commission, are as follows:

A. the Stewards;

B. the associate judges;

C. the paddock judge;

D. the starter;

E. the identifier or tattooer; and

F. the racing secretary.

2. No racing official may serve in that capacity during a race in which is entered a horse owned by them or by a member of their family or in which they have any financial interest except for the identifier or tattooer, and the racing secretary. Being the lessee or lessor of a horse shall be construed as having a financial interest.

3. Responsibility to the Commission. The racing officials shall be strictly responsible to the Commission for the performance of their duties, and they shall promptly report to the Commission or its stewards any violation of the rules of the Commission coming to their attention or of which they have knowledge. Any racing official who fails to exercise due diligence in the performance of their duties shall be relieved of their duties by the Stewards and the matter referred to the Commission.

4. Racing Officials Subject to Approval. Each racing official is subject to earlier approval by the Commission before being eligible to act as a racing official at the meeting. At the time of making application for an organization license, the organization shall nominate the racing officials other than the racing officials appointed by the Commission. After issuance of license to the organization, there shall be no substitution of any racing official except with approval of the Stewards or the Commission.

5. Racing Officials Appointed by The Commission. The Commission shall appoint the following racing officials for a race meeting: The board of three Stewards and the identifier or tattooer. The Commission may appoint from the approved Stewards list one steward to serve as State Steward.

6. Racing Personnel Employed by the Commission. The Commission shall employ the services of the licensing person for a race meeting.

7. General Authority of Stewards. The Stewards have general authority and supervision over licensees and other persons attendant on horses, and also over the enclosures of any recognized meeting. Stewards have the power to interpret the rules and to decide questions not specifically covered by them. The Stewards may determine questions arising with reference to entries, eligibility, and racing; and entries, declarations, and scratches shall be under the supervision of the Stewards. The Stewards shall be strictly responsible to the Commission for the conduct of the race meeting in every particular.

8. Vacancy Among Racing Officials. Where a vacancy occurs among the racing officials, the Stewards shall fill the vacancy immediately. The appointment is effective until the vacancy is filled in accordance with the rules.

9. Jurisdiction of Stewards to Suspend or Fine. The Stewards' jurisdiction in any matter commences 72 hours before entries are taken for the first day of racing at the meeting and extends until 30 days after the close of such meeting. In the event a dispute or controversy arises during a race meeting that is not settled within the stewards' thirty-day jurisdiction, then the authority of the Stewards may be extended by authority of the Commission for the period necessary to resolve the matter, or until the matter is referred

or appealed to the Commission. The stewards may suspend for not more than one year per violation, the license of anyone whom they have the authority to supervise; or they may impose a fine not to exceed \$2,500 per violation; or they may exclude from enclosures in this state; or they may suspend and fine or exclude. Any suspensions, fines, or exclusions shall be reported immediately to the Commission. The Stewards may suspend a horse from participating in races if the horse has been involved in a violation of the rules of the Commission or Title 4, Chapter 38, the Utah Horse Act under the following circumstances:

A. a horse is a confirmed bleeder as determined by the Official Veterinarian, and the Official Veterinarian recommends to the Stewards that the horse be suspended from participation;

B. a horse is involved with:

a. any violation of medication laws and rules;

b. any suspension or revocation of an occupation license by the Stewards or the Commission or any racing jurisdiction recognized by the Commission; or

c. any violation of prohibited devices, laws, and rules.

10. Referral to the Commission. The Stewards may refer, with or without recommendation, any matter within their jurisdiction to the Commission.

11. Payment of Fines. Any fines imposed by the Stewards or Commission shall be due and payable to the Commission within 72 hours after imposition, except when the imposition of the fine is ordered stayed by the Stewards, the Commission, or a court having jurisdiction. However, when a fine and suspension is imposed by the Stewards or Commission, the fine shall be due and payable when the suspension expires. Nonpayment of the fine when due and payable may result in immediate suspension pending payment of the fine.

12. Stewards' Reports and Records. The Stewards shall maintain a record that shall contain a detailed, written account of questions, disputes, protests, complaints, and objections brought to the attention of the Stewards. The Stewards shall prepare a daily report concerning their race day activities which shall include fouls and disqualifications, disciplinary hearings, fines and suspensions, conduct of races, interruptions and delays, and condition of racing facility. The Stewards shall submit the signed original of their report and record to the executive director of the Commission within 72 hours of the race day.

13. Power to Order Examination of Horse. The Stewards may have tested, or cause to be examined by a qualified person, any horse entered in a race, that has run in a race, or that is stabled within the enclosure; and may order the examination of any ownership papers, certificates, documents of eligibility, contracts or leases pertaining to any horse.

14. Calling Off Race. When, in the opinion of the Stewards, a race cannot be conducted in accordance with the rules of the Commission, they shall cancel and call off the race. In the event of mechanical failure or interference during the running of a race that affects the horses in the race, the Stewards may declare the race a "no contest." A race shall be declared "no contest" if no horse covers the course.

15. Substitution of Jockey or Trainer.

A. In the event a jockey who is named to ride a mount in a race cannot fulfill their engagement and is excused by the Stewards, the trainer of the horse may select a substitute jockey; or, if no substitute jockey is available, the Stewards may scratch the horse from the race. However, the responsibility to provide a jockey for an entered horse remains with the trainer, and the scratching of the horse by the Stewards shall not be grounds for the refund of any nomination, sustaining, penalty payments, or entry fees.

B. In the absence of the trainer of the horse, the Stewards may place the horse in the temporary care of another trainer of their selection; however, the horse may not be entered or compete in a race without the approval of the owner and the substitute trainer. The substitute trainer shall sign the entry card.

16. Stewards' List. The Stewards may maintain a list of those horses that, in their opinion, are ineligible to be entered in any race because of poor or inconsistent performance due to the inability to maintain a straight course, or any other reason considered a hazard to the safety of the participants. The horse shall be refused entry until it has demonstrated to the Stewards or their representatives that it can race safely and can be removed from the list.

17. Duties of the Starter. The starter shall have complete jurisdiction over the starting gate, the starting of horses, and the authority to give orders not in conflict with the rules as may be required to ensure participants have an equal opportunity to a fair start. The starter shall appoint assistants; however, they shall not permit assistants to handle or take charge of any horse in the starting gate without their expressed permission. If organization starter assistants are unavailable to head a horse, the responsibility to provide qualified individuals to head or tail a horse in the starting gate shall rest with the trainer. The starter may establish qualification for and maintain a list of qualified individuals approved by the Stewards. No assistant starter or any individual handling a horse at the starting gate shall in any way impede, whether intentionally or otherwise, the start of the race; nor may an assistant starter or other individual, except the jockey handling the horse at the starting gate, apply a whip or other device in an attempt to load any horse in the starting gate. No one other than the jockey shall slap, boot, or otherwise try to dispatch a horse from the starting gate.

18. Starter's List. The starter may maintain a list of horses that, in their opinion, are ineligible to be entered in any race because of poor or inconsistent performance in the starting gate. Each horse shall be refused entry until it has demonstrated to the starter or their representatives that it has been satisfactorily schooled in the gates and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter or their representatives.

19. Duties of the Paddock Judge. The paddock judge shall supervise the assembling of the horses scheduled to race, the saddling of horses in the paddock, the saddling equipment and changes, the mounting of the jockeys, and their departure for the post. The paddock judge shall provide a report on saddling equipment to the Stewards at their request.

20. Duties of Patrol Judges. The patrol judges, when utilized, shall be subject to the orders of the Stewards and shall report to the Stewards any facts occurring under their observation during the running of a race.

21. Duties of Placing Judges and Timers. The placing judges, timers, or Stewards shall occupy the judges' stand when the

horses pass the finish line. Their duties shall be to hand time, place the horses in the correct order of finish, and report the results. In case of a dead heat or a disagreement as to the correct order of finish, the decision of the Stewards shall be final. In placing the horses at the finish, the position of the horses' noses only shall be considered the most forward point of progress.

22. Duties of The Clerk of Scales. The clerk of scales is responsible for the presence of jockeys in the jockey's room at the appointed time and to verify that jockeys have a current Utah jockey's license. The clerk of scales shall verify the correct weight of each jockey when weighing out and when weighing in, and shall report any discrepancies to the Stewards immediately. In addition, they shall be responsible for the security of the jockey's room and the conduct of the jockeys and their attendants. They shall promptly report to the Stewards any infraction of the rules with respect to weight, weighing, riding equipment, or conduct. They shall be responsible for accounting of data required on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day.

23. Duties of the Racing Secretary. The racing secretary shall write and publish conditions of races and distribute them to horsemen as far in advance of the closing of entries as possible. They shall be responsible for the safekeeping of registration certificates and the return of same to the trainers on request or at the conclusion of the race meeting. They shall record winning races on the form supplied by the breed registry, which shall remain attached to or part of the registration certificate. The racing secretary shall be responsible for the taking of entries, checking eligibility, closing of entries, selecting the races to be drawn, conducting the draw, posting the overnight sheet, compiling the official program, and discharging other duties of their office as required by the rules or as directed by the Stewards.

24. Duties of Associate Judge. An associate judge may perform any of the duties that are performed by any racing official at a meeting, provided the duties are assigned or delegated to them by the Commission or by the Stewards presiding at that meeting.

25. Duties of the Official Veterinarian. The Official Veterinarian shall be a graduate veterinarian and licensed to practice in Utah. They shall recommend to the Stewards any horse that is deemed unsafe to be raced, or a horse that it would be inhumane to allow to race. They shall supervise the taking of specimens for testing according to procedures approved by the Commission. They shall provide proper safeguards in the handling of laboratory specimens to prevent tampering, confusion, or contamination. Specimens collected shall be sent in locked and sealed cases to the laboratory. They shall have the authority and jurisdiction to supervise the practicing licensed veterinarians within the enclosure. The Official Veterinarian shall report to the Commission the names of horses humanely destroyed or that otherwise expire at the meeting, and the reasons therefore. The Official Veterinarian may place horses on a veterinarian's list, and may remove from the list those horses that, in their opinion, cannot satisfactorily compete in a race.

26. Veterinarian's List. The Official Veterinarian may maintain a list of horses who, in their opinion, are incapable of safely performing in a race and are, therefore, ineligible to be entered or started in a race. Horses may be removed from the list when, in the opinion of the Official Veterinarian, the horse has satisfactorily recovered the capability of performing in a race. The reasons for placing a horse on the veterinarian's list shall include the shedding of blood from one or both nostrils following exercise or the performance in a race and the running of a temperature unnatural to the horse.

27. Duties of the Identifier. The identifier shall identify horses starting in a race. The identifier shall inspect documents of ownership, eligibility, registration, or breeding as may be necessary to ensure proper identification of each horse eligible to compete at a race meeting provide assistance to the Stewards in that regard. The identifier shall immediately report to the paddock judge and the Stewards any horse that is not properly identified or any irregularities reflected in the official identification records. The identifier shall report to the Stewards and to the Commission on general racing practices observed, and perform other duties as the Commission may require. The identifier shall report to the racing secretary before the close of the race day business.

#### **R52-7-7. Entries and Declarations.**

1. Control Over Entries and Declarations. Entries and declarations are under the supervision of the Stewards or their designee; and they, without notice, may refuse the entries any person or the transfer of entries.

2. Racing Secretary to Establish Conditions. The racing secretary may establish the conditions for any race, the allowances or handicaps to be established for specific races, the procedures for the acceptance of entries and declarations, and other conditions as are necessary to provide and conduct the organization's race meeting. The racing secretary is responsible for the receipt of entries and declarations for races. The racing secretary, employees of their department, or racing officials shall not disclose any pertinent information concerning entries which have been submitted until all entries are closed. After an entry to a race for which conditions have been published has been accepted by the racing secretary or their delegate, no condition of the race shall be changed, amended or altered, nor shall any new condition for the race be imposed.

3. Entries. No horse shall be entered in more than one race on the same day. No person shall enter or try to enter a horse for a race unless such entry is a bona fide entry made with the intention that the horse is to compete in the race for which entry is made except, if racing conditions permit, for entry back in finals or consolations involving physically disabled or dead qualifiers for purse payment purposes. Entries shall be in writing on the entry card provided by the organization and shall be signed by the trainer or assistant trainer of the horse. Entries made by telephone are valid properly confirmed by the track when signing the entry card. No horse shall be allowed to start unless the entry card has been signed by the trainer or their assistant trainer.

4. Determining Eligibility. Determination of a horse's eligibility, penalty or penalties, and the right to allowance or allowances for races shall be from the date of the horse's last race unless the conditions specify otherwise. The trainer is responsible for the eligibility of their horse and to properly enter their horse in condition. In the event the records of the racing secretary or the appropriate breed registry do not reflect the horse's most recent starts, the trainer or owner shall accurately provide the information. If a horse is not eligible under the first condition of any race, they cannot be eligible under subsequent conditions. If the conditions specify nonwinners of a certain amount, it means that the horse has not won a race in which the winner's share was the specified amount or more. If the conditions specify nonearners of a stated amount, it means that the horse has not earned that stated amount in

any total number of races regardless of the horse's placing.

5. Entries Survive with Transfer. Entries and rights of entry are valid and survive when a horse is sold with their engagements transferred. If a partnership agreement is properly filed with the Horsemen's Bookkeeper, subscriptions, entries, and rights of entry survive in the remaining partners. Unless written notice to the contrary is filed with the Stewards, the entries, rights of entry, and engagements remain with the horse and are transferred to the new owner. No entry or right of entry shall become void on the death of the nominator unless the conditions of the race state otherwise.

6. Horses Ineligible to start in Race. In addition to any other valid ground or reason, a horse is ineligible to start any race if:

A. the horse is not registered by The Jockey Club if a Thoroughbred; the American Quarter Horse Association if a Quarter Horse; the Appaloosa Horse Club if an Appaloosa; the Arabian Horse Club Registry of America if an Arabian; the American Paint Horse Association if a Paint; the Pinto Horse Association of America, Inc., if a Pinto; or any successors to any of the foregoing or other registry recognized by the Commission;

B. the Certificate of Foal Registration, eligibility papers, or other registration issued by the official registry for the horse is not on file with the racing secretary one hour before post time for the race in which the horse is scheduled to race;

C. the horse has been entered or raced at any recognized race meeting under any name or designation other than the name or designation assigned by and registered with the official registry;

D. the Win Certificate, Certificate of Foal Registration, eligibility papers or other registration issued by the official registry has been materially altered, erased, removed, or forged;

E. the horse is ineligible to enter the race, is not entered for the race, or remains ineligible to time of starting;

F. the trainer of the horse has not completed the prescribed licensing procedures required by the Commission before entry and the ownership of the horse has not completed the prescribed licensing procedures before the horse starting or the horse is in the care of an unlicensed trainer;

G. the horse is owned in whole or in part or trained by any person who is suspended or ineligible for a license or ineligible to participate under the rules of any Turf Governing Authority or Stud Book Registry;

H. the horse is a suspended horse;

I. the horse is on the Stewards' list, starter's list, or the veterinarian's list;

J. except with permission of the Stewards and identifier, the identification markings of the horse do not agree with identification as set forth on the registration certificate to the extent that a correction is required from the appropriate breed registry;

K. a horse has not been lip tattooed by a commission-approved tattooer;

L. the entry of a horse is not in the name of their true owner;

M. the horse has drawn into the field or has started in a race on the same day; or

N. the horse's age as determined by an examination of its teeth by the Official Veterinarian does not correspond to the age shown on its registration certificate, such determination by tooth examination to be made in accordance with the current "Official Guide for Determining the Age of the Horse" as adopted by the American Association of Equine Practitioners.

7. Horses Ineligible to Enter or Start. Any horse ineligible to be entered for a race or ineligible to start in any race that is entered or competes in the race, may be scratched or disqualified, and the Stewards may discipline any person responsible.

8. Registration Certificate to Reflect Correct Ownership. Each certificate of registration, eligibility certificate, or lease agreement filed with the organization and its racing secretary to establish the eligibility of a horse to be entered for any race shall accurately reflect the correct and true ownership of the horse, and the name of the owner that is printed on the official program for the horse shall conform to the ownership as declared on the certificate of registration or eligibility certificate. A stable name may be registered for the owner or ownership with the Commission. In the event ownership is by syndicate, corporation, partnership, or other association or entity, the name of the owner that is printed on the official program for such shall be the responsible managing owner, officer, or partner who assumes responsibilities as the owner.

9. Alteration or Forgery of Certificate of Registration. No person shall alter or forge any win sheet, certificate of registration, certificate of eligibility, or any other document of ownership or registration, nor willfully forge or alter the signature of any person required on any such document or entry card.

10. Declarations and Scratches. Any trainer or assistant trainer of a horse that has been entered in a race who does not wish such horse to participate in the draw shall declare their horse from the race before the close of entries. Any trainer or assistant trainer of a horse that has been drawn into or is also eligible for a race who does not wish the horse to start in the race, shall scratch their horse from the race before the designated scratch time. The declaration or scratch of a horse from a race is irrevocable.

11. Deadline for Arrival of Entered Horses. Horses scheduled to compete in a race shall be present within the enclosure no later than 30 minutes before their scheduled race without Stewards' approval. Horses not within the enclosure by their deadline may be scratched and the trainer subject to fine or suspension.

12. Refund of Fees. If a horse is declared or scratched from a race, the owner of the horse shall not be entitled to a refund of any nomination, sustaining and penalty payments, entry fees, or organization charges paid or remaining due when of the declaration or scratch. In the event any race is not run, declared off, or canceled for any reason, the owners of such horses that remain eligible when the race is declared off or canceled shall be entitled to a complete refund of the payments and fees less monies specified in written race conditions for advertising and promotion.

13. Release of Certificates. Any certificate of registration or document of ownership filed with the racing secretary to establish eligibility to enter a race shall be released only to the trainer of record of the horse. However, the trainer may authorize in a form provided by the racing secretary the release of the certificate to the owner named on the certificate or their authorized agent. Any disputes concerning the rights to the registration certificates shall be decided by the Stewards.

14. Nomination Races. Before the closing of nominations, the organization shall file with the Commission a copy of the

nomination blank and any advertisements for races to be run during a race meeting. For races that nominations close no earlier than 72 hours before post time, the organization shall furnish the Commission and the owners of horses previously made eligible by compliance with the conditions of the race, with a list of horses nominated and which remain eligible. The list shall be distributed within 15 days after the due date of each payment and shall include the horse's name, the owner's name, and the total amount of payments and gross purse to date, including any added monies, applicable interest, supplementary payments, and deduction for advertising and administrative expenses. The organization shall deposit monies for a nomination race in an escrow account according to procedures approved by the Commission.

15. Limitations on Field and Number of Races. No race with less than two horses entered and run, shall be approved by the Commission. No more than 20 races may be run on a race day, except with permission of the Commission. A race day may be canceled if less than 75 horses have been entered on the day's program, with the exception of days on which trials or finals for a nomination race are scheduled.

16. Agreement Upon Entry. No entry shall be accepted in any race except upon the condition that any disputes, claims, and objections arising out of the racing or with respect to the interpretation of Commission and track rules or conditions of any race shall be decided by the Board of Stewards at the race meet, or, upon appeal, decided by the Commission.

17. Selection of Entered Horses. The manner of selecting post positions of horses shall be determined by the Stewards. The selection shall be by lot and shall be made by one of the Stewards or their designee and a horseman, in public, at the close of entries. If the number of entries to any race is in excess of the number of horses which may, because of track limitations, be permitted to start in any one race, the race may be split, or four horses not drawing into the field may be placed on an also eligible list.

18. Preferred List of Horses. The racing secretary may maintain a list of entered horses eliminated from starting by a surplus of entries, and these horses shall constitute a preferred list and have preference. The manner in which the preferred list shall be maintained and rules governing the list shall be the responsibility of the Racing Secretary. Rules shall be submitted to the Commission 30 days before the commencement of the meet and are subject to approval by the Commission.

#### **R52-7-8. Veterinarian Practices, Medication and Testing Procedures.**

1. Veterinarians Under the Authority of the Official Veterinarian. Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the Official Veterinarian and the stewards. The Official Veterinarian shall:

A. recommend to the stewards or the Commission, the discipline that may be imposed upon a veterinarian who violates the rules; and

B. sit with the Stewards in any hearing before the Stewards in any administrative process for discipline or violation against a veterinarian.

2. Physical Inspection and Assessment of Racing Condition. Any horse entered to participate in an official race shall be subjected to a veterinary inspection before starting in the race.

A. The inspection shall be conducted by the Official Veterinarian or the racing veterinarian.

B. The trainer of each horse or their representative shall present the horse for inspection as required by the examining veterinarian.

C. Each horse presented for examination shall have clean legs, including removal of any bandages.

D. Before examination, a horse may not be placed in ice, nor shall any device or substance be applied that impedes veterinary clinical assessment.

E. The Official Veterinarian or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.

F. The Official Veterinarian or the racing veterinarian are authorized access to any horses housed on association grounds regardless of entry status.

G. The veterinarian will recommend to the stewards the horse be scratched, if, before starting:

a. a horse is determined to be unfit for competition; or

b. if the veterinarian cannot make a determination of racing soundness.

H. Horses scratched upon the recommendation of the Official Veterinarian or the racing veterinarian are to be placed on a list maintained by the Official Veterinarian.

3. Appropriate Role of Veterinarians. The following limitations apply to drug treatments of horses that are engaged in activities, including training, related to competing in Commission sanctioned race meets.

A. No drug may be administered except in the context of a valid relationship between an attending veterinarian, the horse owner, who may be represented by the trainer or other agent, and the horse. No drug or prescription drug may be administered without a veterinarian having examined the horse and provided the treatment recommendation. The relationship requires the following:

a. the veterinarian, with the consent of the owner, has accepted responsibility for making medical judgments about the health of the horse;

b. after performing an examination, the veterinarian has:

(1) sufficient knowledge of the horse to make a preliminary diagnosis of its medical condition;

(2) is available, or has made arrangements to oversee treatment outcomes; and

(3) maintains the veterinarian-client relationship, and;

c. the judgment of the veterinarian is independent and not dictated by the trainer or owner of the horse.

B. The trainer and veterinarian are both responsible to ensure compliance with these limitations on drug treatments of

horses.

4. Treatment Restrictions. Only licensed trainers, licensed owners, or their designees shall be permitted to authorize veterinary medical treatment of horses under their care, custody, and control at locations under the jurisdiction of the Commission.

5. To administer a prescription or controlled medication, drug, chemical, or other substance, an individual shall be:

- A. licensed to practice veterinary medicine under the jurisdiction of the Commission; and
- B. licensed by the Commission.

C. Subsection R52-7-8(5) does not apply to the administration of an oral substance allowed by the Commission rules if the substance is not banned.

D. Subsection R52-7-8(5) does not apply to a recognized non-injectable nutritional supplement or other supplement approved by a licensed veterinarian or by the Official Veterinarian.

E. No individual shall have a hypodermic needle, syringe capable of accepting a needle, or injectable of any kind on association grounds, unless otherwise approved by the Commission.

F. At any location under the jurisdiction of the Commission, a veterinarian may use only a one-time disposable syringe and needle and shall dispose of both in a manner approved by the Commission.

G. If an individual has a medical condition that makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that individual shall:

- a. request permission of the Stewards and the Commission in writing;
- b. furnish a letter from a licensed physician explaining why it is necessary to have a syringe; and
- c. comply with any conditions and restrictions set by the stewards and the Commission.

6. Veterinary Practices. Private veterinarians shall not have contact with an entered horse 24 hours before the post time of the race in which the horse is scheduled to compete, unless licensed by the Commission and approved by the Official Veterinarian.

A. Any unauthorized contact may result in the horse being scratched from the scheduled race and further disciplinary action by the stewards.

B. Any horse entered for racing shall be present on the grounds four hours before the post time of the race they are entered in.

C. Administration of furosemide shall take place on the grounds four hours before the post time of the race they are entered in.

D. Furosemide shall be administered by the Official Veterinarian or a Track Veterinarian.

7. Veterinarians' Reports. A private veterinarian who treats a racehorse at a facility under the jurisdiction of the Commission shall submit a Veterinarian's Medication Report Form approved by the Commission to the Official Veterinarian or other racing authority designee.

A. The Veterinarian's Medication Report Form shall be signed by the private veterinarian or, when signed electronically, shall be submitted by the private veterinarian.

B. The Veterinarian's Medication Report Form shall be filed by the treating veterinarian immediately following administration or prescription of any medication, drug, substance, or procedure.

C. Disclosure of any report is governed by Title 63G, Chapter 2 Government Records Access and Management Act (GRAMA) and is non-public to the extent allowed by GRAMA. Access to a report is limited to the Official Veterinarian and the contents shall not be disclosed except:

- a. in the course of an investigation of a possible violation of these rules;
- b. in a proceeding before the stewards or the Commission exercising Commission authority; or
- c. to the horse trainer or owner of record at the time of treatment.

D. A timely and accurate filing of a Veterinarian's Medication Report Form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent of a rules violation.

8. Pre-race and post-race testing and reporting to the test barn. The official winning horse and any other horse ordered by the Commission or the Stewards shall be taken to the test barn to have hair, blood, or urine samples taken at the direction of the Official Veterinarian.

A. The Stewards, Commission, or Official Veterinarian may require random testing on a horse at any time a horse is on the grounds under the jurisdiction of the Commission.

B. Unless otherwise directed by the stewards or Official Veterinarian, a horse that is selected for testing shall be taken directly to the test barn. An individual approved by the Commission or a track security guard shall monitor access to the test barn area during and immediately following each racing performance. Any individual entering the test barn area shall:

- a. be at least 18 years old;
- b. be currently licensed by the Commission;
- c. display their Commission identification badge; and
- d. have a legitimate reason for being in the test barn area.

C. Sample collection for blood and urine shall be done in accordance with the guidelines and instructions provided by the Official Veterinarian, including the determination of a minimum sample requirement for the primary testing laboratory.

a. If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory.

b. If a specimen obtained from a horse is greater than the minimum sample requirement but less than twice that



amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

c. If a specimen obtained from a horse is greater than twice the minimum sample requirement, a portion of the sample about equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

d. Blood samples shall be collected at a consistent time, preferably before one hour post-race.

D. Sample collection for hair testing shall be done in accordance with the guidelines and instructions provided by the Official Veterinarian to determine sample size. Hair testing is not subject a split sample.

9. Sampling or Testing. The Commission shall adopt standard operating procedures that include:

A. sampling procedures; and

B. personnel and notification processes.

10. If a sample taken pre-race is determined to be above the thresholds stated in this rule, the horse shall be scratched and enforcement action taken in accordance with this rule.

11. Any owner, trainer, or other licensed designee of the owner or trainer who fails to permit a horse to be tested when requested by an authorized Commission designee shall have that horse scratched.

12. Out-of-competition Testing Authorized. The Commission may take blood, urine, hair, or other biologic samples from a horse at a reasonable time on any date as authorized by Commission rules to enhance the ability of the Commission to enforce its medication rules.

13. Horses Eligible to be Tested. Any horse that has been engaging in activities related to competing in horse racing in the jurisdiction may be tested. This includes:

A. horses that are training outside the jurisdiction to participate in racing in the jurisdiction; and

B. horses that are training in the jurisdiction.

14. Weanlings, yearlings, and horses no longer engaged in horse racing, such as retired broodmares are not eligible to be tested.

15. A horse is presumed eligible for out-of-competition testing if:

A. it is on the grounds at a racetrack or training center under the jurisdiction of the Commission;

B. it is under the care or control of a trainer licensed by the Commission;

C. it is owned by an owner licensed by the Commission;

D. it is entered or nominated to race at a premise licensed by the Commission;

E. it has raced within the previous 12 months at a premise licensed by the Commission; or

F. it is nominated to a program based on racing in the jurisdiction.

16. Horses shall be selected for sampling by a Commission veterinarian, Executive Director, Equine Medical Director, Steward, Presiding Judge, or a designee of any of the foregoing.

17. Horses may be selected to be tested at random, for cause, or as otherwise determined, at the discretion of the Commission, and the Commission need not provide advance notice before arriving at any location, whether or not licensed by the Commission, to collect samples.

18. The trainer, owner, or their designee shall cooperate with the person who takes samples for the Commission, and shall:

A. assist in the immediate location and identification of the horse; and

B. make the horse available as soon as practical upon arrival of the person who is responsible for collecting the samples.

19. A trainer or owner of a horse that has been notified that a written report from a primary laboratory states that a prohibited substance was found in a specimen obtained under these rules, may request that a split sample for blood and urine, corresponding to the portion of the specimen tested by the primary laboratory, be sent to another laboratory approved by the Commission.

A. The request must be made in writing and delivered to the Stewards before three business days after the stewards receive written notice of the findings of the primary laboratory. Any split sample requested shall be shipped within an additional 48 hours. The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing.

B. Failure of the owner, trainer, or designee to appear when and place designated by the Official Veterinarian shall constitute a waiver of rights to split sample testing.

C. Before shipment, the Commission shall confirm the split sample laboratory's willingness to simultaneously:

a. provide the testing requested;

b. send results to both the person requesting the testing and the Commission, and;

c. make arrangements for payment satisfactory to the split sample laboratory.

D. If a reference laboratory will accept split samples, that laboratory shall be included among the laboratories approved for split sample testing.

20. Storage and Shipment of Split Samples. Split samples obtained in accordance with this rule shall be secured and available for further testing in accordance with the following procedures.

A. A split sample shall be secured in the test barn in the same manner as the portion of the specimen shipped to a primary laboratory until specimens are packed and secured for shipment to the primary laboratory. Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the Official Veterinarian or a designated Commission representative.

B. Split samples shall then be transferred to a freezer at a secure location approved by the Commission that shall meet the following requirements:

- a. the freezer shall have two hasps or other devices providing for use of two independent locks;
  - b. one lock shall be the property of the Commission; and
  - c. one lock shall be the property of a representative of the group representing a majority of the horsemen at a race meeting.
- C. The locks shall be closed and locked to prevent access, except as provided by these rules.
- D. A freezer for storage of split samples shall only be opened under the following circumstances:
- a. to deposit or remove split samples; or
  - b. to inventory, or check the condition of samples.
- E. When a freezer used for storage of split samples is opened, it shall be attended by both a representative of the Commission and the owner or trainer of the horse, or their designee.
- F. A chain of custody log shall be maintained and shall record each time a split sample freezer is opened to:
- a. specify each person in attendance;
  - b. specify the purpose for opening the freezer;
  - c. identify split samples deposited or removed;
  - d. specify the date and time the freezer was opened, the time the freezer was closed; and
  - e. verify that both locks were secured before and after opening the freezer.
- G. The Commission shall also provide a Split Sample Chain of Custody Verification Form. The form, including any additional information the Official Veterinarian may require, shall be completed during the retrieval, packaging, and shipment of the split sample, specifying:
- a. the date and time the sample is removed from the split sample freezer;
  - b. the sample number;
  - c. the address where the split sample is to be sent;
  - d. the name of the carrier and the address where the sample is to be taken for shipment;
  - e. verification of retrieval of the split sample from the freezer including packaging;
  - f. verification of the address of the laboratory on the sample package;
  - g. verification of the condition of the sample package immediately before transfer of custody to the carrier; and
  - h. the date and time custody of the sample is transferred to the carrier.
21. The owner, trainer, or designee shall pack the split sample for shipment in the presence of a representative of the Commission, in accordance with the packaging procedures recommended by the Commission.
22. Laboratory Minimum Standards. Laboratories conducting either primary or split post-race sample analysis shall meet at least the following minimum standards.
- A. The laboratory must be accredited by an accrediting body designated by the Association of Racing Commissioners International to standards set forth and required by the Commission
- B. A testing laboratory shall:
- a. have, or have access to, LC/MS instrumentation for screening or confirmation purposes; and
  - b. be able to meet minimum standards of detection, which are defined as the specific concentration at which a laboratory is expected to detect the presence of a particular substance or metabolite; or by the adoption of a regulatory threshold.
23. Postmortem Examinations.
- A. The Commission may require a postmortem examination of any horse that dies or is euthanized on association grounds.
- B. If a postmortem examination is to be conducted, the Commission or its representative shall take possession of the horse upon death for postmortem examination.
- C. Shoes and equipment on the horse's legs shall be left on the horse.
- D. If a postmortem examination is to be conducted, the Commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanasia.
- E. The Commission may submit blood, urine, bodily fluids, or other biologic specimens collected during a postmortem examination for analysis.
- F. The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.
- G. Licensees shall be required to comply with postmortem examination requirements as a condition of licensure.
- H. In proceeding with a postmortem examination, the Commission or its designee shall coordinate with the owner or the owner's agent to determine and address any insurance requirements.
- I. The owner of the deceased horse shall pay any charges due the Official Veterinarian or a licensed veterinarian employed to conduct the postmortem examination.
- J. If any licensed veterinarian other than the Official Veterinarian or their designee performs a postmortem examination, the veterinarian shall submit the record of the postmortem examination to the Official Veterinarian within 72 hours of the examination.

#### **R52-7-9. Running the Race.**

1. Jockeys to Report. Each jockey engaged to ride in a race shall report to the jockey room at least one hour before post time of the first race and shall weigh out at the appointed time unless excused by the Stewards. After reporting, a jockey shall not leave the jockey room until their riding engagements have been fulfilled or unless excused by the Stewards.

2. Entrance to Jockey Room Prohibited. Except with permission of the Stewards or the Commission, no person shall be permitted entrance into the jockey room from one hour before post time for the first race until after the last race other than jockeys, their attendants, racing officials and security officers on duty, and organization employees performing required duties.

3. Weighing Out. Each jockey taking part in a race shall be weighed out by the Clerk of Scales no more than one hour preceding the time designated for the race. Any overweight in excess of one pound shall be declared by the jockey to the Clerk of Scales, who shall report such overweight and any change in jockeys to the stewards for immediate public announcement. A jockey's weight includes the riding costume, racing saddle and pad; but shall not include the jockey's safety helmet, whip, the horse's bridle or other regularly approved racing tack. A jockey shall be neat in appearance and shall wear a conventional riding costume.

4. Unruly Horses in the Paddock. If a horse is so unruly in the saddling paddock that the identifier cannot read the tattoo number and properly identify the horse; or if the trainer or their assistant is uncooperative in the effort to identify the horse, then the horse may be scratched by order of the Stewards.

5. Use of Equipment. No bridle shall weigh more than two pounds, nor shall any whip weigh more than one pound or be more than 31 inches in length. No whip shall be used unless it shall have affixed to the end thereof a leather "popper." Whips are subject to inspection and approval by the Stewards. Blinkers are not to be placed on the horse until after the horse has been identified by the official identifier, except with permission of the Stewards.

6. Prohibited Use of Equipment. Jockeys are prohibited from whipping a horse excessively, brutally, or upon the head, except when necessary to control the horse. No mechanical or electrical devices or appliances other than the ordinary whip shall be possessed by any individual or used on any horse at any time a race meeting, whether in a race or otherwise.

7. Responsibility for Weight. The jockey, trainer and owner shall be responsible for the weight carried by the horse after the jockey has been weighed out for the race by the clerk of scales. The trainer or owner may substitute a jockey when the engaged jockey reports an overweight in excess of two pounds.

8. Safety Equipment Required. Each person, when mounted on a race horse within the enclosure or riding in a race, shall wear a properly fastened safety helmet and flak jacket. The Commission or the Stewards may require any other person to wear a helmet and jacket when mounted on a horse within the enclosure. Safety helmets and flak jackets required are subject to approval of the Stewards or Commission.

9. Display of Colors and Post Position Numbers. In a race, each horse shall carry a conspicuous saddle cloth number, and the jockey shall wear racing colors consisting of long sleeves and a numbered helmet cover corresponding to the number of the horse that are furnished by the organization licensee.

10. Deposit of Jockey Fee. The minimum jockey mount fee for a losing mount in the race shall be on deposit with the horsemen's bookkeeper, before the time for weighing out, and failure to have a minimum fee on deposit is cause for disciplinary action and cause for the stewards to scratch the horse for which the fee is to be deposited. The organization assumes the obligation to pay the jockey fee when earned by the engaged jockey. The jockey fee shall be considered earned when the jockey is weighed out by the clerk of scales, unless, in the opinion of the Stewards, the jockey capable of riding elects to take themselves off the mount without proper cause.

11. Requirements for Horse, Trainer, And Jockey. Each horse shall be in the paddock when appointed by the Stewards before post time for their race. Each horse shall be saddled in the paddock stall designated by the paddock judge unless special permission is granted by the Stewards to saddle elsewhere. Each trainer or their assistant trainer having the care and custody of a horse shall be present in the paddock to supervise the saddling of the horse and shall give instructions as may be necessary to assure the best performance of the horse. Each jockey participating in a race shall give their best effort to facilitate the best performance of their horse.

12. Failure to Fulfill Jockey Engagements. No jockey engaged for a certain race or for a specified time may fail or refuse to abide by their agreement unless excused by the stewards.

13. Control and Parade of Horses on the Track. The horses are under the control of the starter from the time they enter the track until dispatched at the start of the race. Horses with jockey mounted shall parade and warm up carrying their weight and wearing their equipment from the paddock to the starting gate, as well as to the finish line. Any horse failing to do so may be scratched by the Stewards. After passing the stands at least once, the horses may break formation and warm up until directed to proceed to the starting gate. In the event a jockey is injured during the parade to post or at the starting gate and must be replaced, the horse shall be returned to the paddock and resaddled with the replacement jockey's equipment. The horse shall carry the replacement jockey to the starting gate.

14. Start of The Race. When the horses have reached the starting gate, they shall be placed in their starting gate stalls in the order stipulated by the starter. Except in cases of emergency, each horse shall be started by the starter from a starting gate approved by the Commission. The starter shall see that the horses are placed in their proper positions without unnecessary delay. Causes for any delay in the start shall immediately be reported to the Stewards. If, when the starter dispatches the field, the doors at the front of the starting gate stall should not open properly due to a mechanical failure or malfunction of the starting gate, the Stewards may declare the horse to be a nonstarter. Should a horse that is not previously scratched not be in the starting gate stall, causing the horse to be left when the field is dispatched by the starter, the horse shall be declared a nonstarter by the Stewards.

15. Leaving the Race Course. Should a horse leave the course while moving from the paddock to starting gate, they shall return to the course at the nearest practical point to that at which they left the course, and shall complete their parade to the starting gate from the point at which they left the course. However, should the horse leave the course to the extent that they are out of the direct line of sight of the Stewards, or if the horse cannot be returned to the course within a reasonable amount of time, the Stewards shall scratch the horse. Any horse that leaves the course or loses its jockey during the running of a race shall be disqualified and may be placed last, or the horse may be unplaced.

16. Riding Rules. In a straightaway race, each horse shall maintain position as nearly as possible in the lane in which they start. If a horse is ridden, drifts, or swerves out of their lane in a manner that they interfere with or impede another horse, it is a foul. Each jockey shall be responsible for making their best effort to control and guide their mount in a way as not to cause a foul. The stewards shall take cognizance of riding that results in a foul, irrespective of whether an objection is lodged. If in the opinion of the Stewards, a foul is committed as a result of a jockey not making their best effort to control and guide their mount to avoid a foul, whether intentionally or through carelessness or incompetence, the jockey may be penalized at the discretion of the stewards.

17. Stewards to determine Fouls and Extent of Disqualification. The Stewards shall determine the extent of interference in cases of fouls or riding infractions. They may disqualify the offending horse and place it behind other horses as in their judgment it interfered with, or they may place it last. The Stewards may determine that a horse shall be unplaced.

18. Careless Riding. A jockey shall not ride carelessly or willfully so as to permit their mount to interfere with or impede any other horse in the race. A jockey shall not willfully strike at another horse or jockey so as to impede, interfere with, or injure the other horse or jockey. If a jockey rides in a manner contrary to this rule, the horse may be disqualified or the jockey may be fined or suspended, or otherwise disciplined.

19. Ramifications of a Disqualification. When a horse is disqualified by the Stewards, each horse in the race owned wholly or in part by the same owner, or trained by the same trainer, may be disqualified. When a horse is disqualified for interference in a time trial race, it shall receive the time of the horse it is placed behind plus 0.01 of a second penalty, or a 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.

20. Dead Heat. When a race results in a dead heat, the heat shall not be run off. The purse distribution due the horses involved in the dead heat shall be divided equally between them. Prizes or trophies for which a duplicate is not awardable shall be drawn for by lot.

21. Returning to the Finish After the Race. After the race, the jockey shall return their horse to the finish and before dismounting, salute the stewards. No person shall assist a jockey in removing from their horse the equipment that is to be included in the jockey's weight except by permission of the Stewards. No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in their weight.

22. Objection - Inquiry Concerning Interference. Before the race has been declared official, a jockey, trainer or their assistant trainer, owner or their authorized agent of the horse, who has reasonable grounds to believe that their horse was interfered with or impeded or otherwise hindered during the running of a race, or that any riding rule was violated by any jockey or horse during the running of the race, may immediately make a claim of interference or foul with the Stewards or their delegate. The Stewards shall thereupon hold an inquiry into the running of the race; however, may, upon their own motion, conduct an inquiry into the running of a race. Any claim of foul, objection, or inquiry shall be immediately announced to the public.

23. Official Order of Finish. When satisfied that the order of finish is correct, that each jockey unless excused have been properly weighed in, and that the race has been properly run, in accordance with the rules of the Commission, the stewards shall declare that the order of finish is official, and it shall be announced to the public, confirmed, and the official order of finish posted for the race.

24. Time Trial Qualifiers. When two or more time trial contestants have the same qualifying time, to a degree of .001 of a second, or a more exact measurement if photo finish equipment permits, for fewer positions in the finals or consolation necessary for contestants, then a draw by lot will be conducted in accordance with Subsection R52-7-7(17). However, no contestant may draw into a finals or consolation instead of a contestant that out finished such contestant. When scheduled races are trial heats for futurities or stakes races electronically timed from the starting gates, no organization licensee shall move the starting gates or allow the starting gates to be moved until trial heats are complete, except in an emergency as determined by the Stewards.

#### **R52-7-10. Objections and Protests; Hearing and Appeals.**

1. Stewards to Make Inquiry or Investigation. The Stewards shall make diligent inquiry or investigation into any complaint, objection, or protest made either upon their own motion, by any racing official, or by any other person empowered by this rule to make such complaint, protest, or objection.

2. Objections. Objections to the participation of a horse entered an any race shall be made to the Stewards in writing and signed by the objector. Except for claim of foul or interference, an objection to a horse entered in a race shall be made two hours before the scheduled post time for the first race on the day which the questioned horse is entered. Any objection shall set forth the specific reason or grounds for the objection in such detail so as to establish probable cause for the objection. The Stewards, upon their own motion, may consider an objection until the horse becomes a starter. An objection concerning claim of foul in a race may be lodged verbally to the stewards before the race results are declared official.

3. Grounds for Objections. An objection to a horse that is entered in a race shall be made on the following grounds or reasons:

- A. a misstatement, error or omission in the entry under which a horse is to run;
- B. the horse that is entered to run is not the horse it is represented to be at the time of entry, or that the age is erroneously given;
- C. the horse is not qualified to enter under the conditions specified for the race, that the allowances are improperly claimed or not entitled the horse, or that the weight to be carried is incorrect under the conditions of the race;
- D. the horse is owned in whole or in part, or leased by a person ineligible to participate in racing or otherwise ineligible to run a race as provided in these rules; or
- E. that reasonable grounds exist whereby a horse was interfered with or impeded or otherwise hindered by another horse or

jockey during the running of a race.

4. Horse Subject to Objection. The Stewards may scratch from the race any horse that is the subject of an objection if they have reasonable cause to believe that the objection is valid.

5. Protests. A protest against any horse that has started in a race shall be made to the Stewards in writing, signed by the protester, within 48 hours of the race, except as noted in Subsection R52-7-10(8). Any protest shall set forth the specific reasons for the protest in such detail as to establish probable cause for protest. The Stewards upon their own motion may consider a protest at any time.

6. Grounds for Protest. A protest may be made upon the following grounds:

A. any ground for objection set forth in Subsection R52-1-10(3);

B. that the order of finish as officially determined by the Stewards was incorrect due to oversight or errors in the numbers designated to the horses that started in the race;

C. that a jockey, trainer, or owner of a horse that started in the race was ineligible to participate in racing as provided in these rules;

D. that the weight carried by a horse was improper by reason of fraud or willful misconduct; or

E. that an unfair advantage was gained in violation of the rules.

7. Persons Empowered to File Objection or Protest. A jockey, trainer, owner or authorized agent of the horse that is entered or is a starter in a race may file an objection or protest against any other horse in the race upon the grounds set forth in this rule for objections and protests.

8. No Limitation on Time to File When Fraud Alleged. Notwithstanding any other provision in this rule, the time limitation on the filing of protests shall not apply in any case in which fraud or willful misconduct is alleged, provided that the Stewards are satisfied that the allegations are bona fide and susceptible to verification.

9. Frivolous or Inaccurate Objection or Protest. No person shall knowingly file a frivolous, inaccurate, false, or untruthful objection or protest; nor shall any person present their objection or protest to the stewards in a disrespectful or undignified manner.

10. Horse to be disqualified on Valid Protest. If a protest against a horse that has run in a race is declared valid, that horse may be disqualified. A horse disqualified that was a starter in the race, may be placed last in the order of finish or may be unplaced. The Stewards or the Commission may order any purse, award or prize for any race withheld from distribution pending the determination of the protest. In the event any purse, award or prize has been distributed to a person on behalf of a horse that by protest or other reason is disqualified or determined not to be entitled to the purse, award or prize, the stewards or the Commission may order the purse, award or prize returned and redistributed to the rightful person. Any person who fails to comply with an order to return any purse, award, or prize previously distributed shall be suspended until its return.

11. Notification of and Representation at Hearing. Adequate notice of hearing shall be given to every summoned person in accordance with the procedures set forth in Subsection R52-7-3(6). Each person alleged to have committed a rule violation or who is called to testify before the Stewards is entitled at the persons expense to have counsel present evidence and witnesses on their behalf and to cross-examine other witnesses at the hearing.

12. Testimony and Evidence at Hearing. Each person called to a hearing before the Stewards for a rule violation shall be allowed to present testimony, produce witnesses, cross-examine witnesses, and present documentary evidence in accordance with the rules of privilege recognized by law.

13. Duty of Disclosure. It is the duty and obligation of each licensee to make full disclosure at a hearing before the Commission or before the Stewards of any knowledge they have of a violation of any racing law or of the rules of the Commission. No person may refuse to testify at any hearing on any relevant matter except in the proper exercise of a legal privilege, nor shall any person testify falsely.

14. Failure to Appear. Any licensee or summoned person who fails to appear before the Stewards or the Commission after they have been ordered personally or in writing to do so, may be suspended pending appearance before the Stewards or the Commission. Nonappearance of a summoned person after adequate notice may be construed as a waiver of right to be present at a hearing.

15. Record of Hearing. Hearings before the Stewards or Commission shall be recorded. The portion of a hearing that includes deliberations in executive session need not be recorded. A written transcript or a copy of the tape recording shall be made available to any person alleged to have committed a violation of the law upon written request and payment of appropriate reimbursement cost for transcription or reproduction.

16. Vote on Steward's Decision. A majority vote shall decide any question to which the authority of the Stewards extends. If a vote is not unanimous, the dissent steward shall provide a written record to the Commission of the reasons for such dissent within 72 hours of the vote.

17. Rulings by The Stewards. Any ruling or order issued by the Stewards shall specify the full name of the licensee or person subject to the ruling or order, most recent address on file with the Commission, date of birth, social security number, statement of the offense charged including any rule number; date of ruling; fine or suspension imposed or other action taken, changes in the order of finish and purse distribution in a race, when appropriate, and any other information deemed necessary by the Stewards or the Commission. Any member of a Board of Stewards may, after consultation with and by mutual agreement of the other Stewards, issue an Order or Notice signed by one steward on behalf of the Board of Stewards. Subsequently, an Order containing all three stewards' signatures shall be made part of the official record.

18. Summary Suspension of Occupation Licensee. If the Stewards or the Commission find that the public health, safety, or welfare require emergency action and incorporates a finding to that effect in any Order, summary suspension may be ordered pending proceedings for revocation or other action, which proceedings shall be promptly initiated and held as provided in Subsection R52-7-

10(19).

19. Duration of Suspension or Revocation. Unless execution of an order of suspension or revocation is stayed by the Commission or a court of competent jurisdiction, a person's occupation license, suspended or revoked, shall remain suspended or revoked until the final determination has been made pursuant to Section R52-7-5.

20. Grounds for Appeal From Decision of The Stewards. Any decision of the Stewards, except decisions regarding disqualifications for interference during the running of a race, may be appealed to the Commission. The decision may be overruled if it is found by a preponderance of evidence that:

A. the Stewards mistakenly interpreted the law; or

B. the appellant produces new evidence of a convincing nature that, if found to be true, would require the overruling of the decision; or

C. the best interests of racing and the state may be better served.

21. Appeal from Decision of The Stewards. The Commission shall review hearings of any case referred to the Commission by the Stewards or appealed to the Commission from the decisions of the Stewards except as otherwise provided in this rule. Upon every appealable decision of the Stewards, the person subject to the decision or Order shall be made aware of their right to an appeal before the Commission and the necessary procedures thereof. Appeals shall be made no later than 72 hours or the third calendar day from the date of the rendering of the decision of the Stewards unless the Commission extends the time for filing for good cause. Any extension should not exceed 30 days from the rendering date. The appeal shall be in writing, signed by the appellant, and shall contain their full name, present mailing address, and present phone number; and shall set forth the facts and any new evidence the appellant believes to be grounds for an appeal before the Commission. Action on a hearing request must begin by the Commission within 30 days of the filing of the appeal. An appeal shall not affect a decision of the Stewards until the appeal has been sustained or dismissed or a stay order issued.

22. Appointment of Hearing Examiners. When directed by the Commission, any qualified person may sit as a hearing examiner for the taking of evidence in any matter pending before the Commission. Any hearing examiner shall report to the Commission Findings of Fact and Conclusions of Law, and the Commission shall determine the matter as if the evidence had been presented to the full Commission.

23. Hearings on Agreement. Persons aggrieved as of the result of a Stewards' ruling in a preliminary or trial race may request a hearing before the executive director of the Commission to review the ruling. If interested parties waive the right to receive ten-day notice of hearing, such a hearing may be heard on a day certain within seven days after the preliminary or trial race in question. Any appeals shall be heard on days set by the executive director of the Commission or anyone acting in their stead.

24. Temporary Stay Order. The Executive Director may, upon consultation with the direction of a minimum of three Commissioners, issue or deny a temporary stay order to stay execution of any ruling, order or decision of the Stewards except stewards' decisions regarding disqualifications for interference during the running of a race. Any application for a temporary stay shall be in writing, signed by the appellant; shall contain their full name, present mailing address, and present phone number; shall set forth the facts and any evidence to justify the issuance of the stay; and shall be filed with the Office of the Commission as specified in Subsection R52-7-3(7). The granting of a temporary stay order shall carry no presumption that the stayed decision of the Stewards is or may be invalid, and a temporary stay order may be dissolved at any time by further order of the executive director upon consultation with and the direction of a minimum of three Commissioners.

25. Appearance at Hearing Upon Appeal. The Commission shall notify the appellant and the Stewards of the date, time, and location of its hearing in the matter upon appeal. The burden shall be on the appellant to provide the facts necessary to sustain the appeal.

26. Complaints Against Officials. Any complaint against a racing official other than a steward shall be made to the Stewards in writing and signed by the complainant. Any complaints shall be reported to the Commission by the stewards, together with a report of the action taken or the recommendation of the Stewards. Complaints against any Stewards shall be made in writing to the executive director of the Commission and signed by the complainant.

27. Rulings on Admissibility and Evidence. In hearings, the chairperson, chief steward, or other person as may be designated, shall make rulings on admissibility and introduction of evidence. A ruling shall prevail, except when a Commission member or a steward requests a poll of the panel, and the ruling is overturned by majority vote.

#### **R52-7-11. General Conduct.**

1. Conditions of Meeting Binding Upon Licensees. The Commission, recognizing the necessity for an organization to comply with the requirements of its license and to fulfill its obligation to the public and the state with the best possible uninterrupted services in the comparatively short licensed period, provides that organizations, officials, horsemen, owners, trainers, jockeys, grooms, farriers, organization employees, and licensees who have accepted, directly or indirectly, with reasonable advance notice, the conditions defined by these rules under which an organization engages and plans to conduct a race meeting, shall be bound thereby.

2. Trainer Responsibility. The trainer is presumed to know the "Rules of Racing" and is responsible for the condition, soundness, and eligibility of the horses they enter in a race. Should the chemical analysis, urine or otherwise, taken from a horse under their supervision show the presence of any drug or medication of any kind or substance, whether drug or otherwise, regardless of the time it may have been administered, it shall be taken as prima facie evidence that the drug was administered by or with the knowledge of the trainer or persons under their supervision having care or custody of the horse. At the discretion of the Stewards or Commission, the trainer and any other persons shown to have had care or custody of the horse may be fined or suspended or both. Under this rule, the trainer is also responsible for any puncture mark on any horse they enter in a race, found by the Stewards upon recommendation of the Official Veterinarian to evidence injection by syringe. If the trainer cannot be present on race day, they shall designate an assistant

trainer. Designation shall be made before time of entry, unless otherwise approved by the stewards. Failure to fully disclose the actual trainer of a horse participating in an approved race shall be grounds to disqualify the horse, and subject the actual trainer to possible disciplinary action by the stewards or the Commission. Designation of an assistant trainer shall not relieve the trainer's absolute responsibility for the conditions and eligibility of the horse, but shall place the assistant trainer under absolute responsibility also. Willful failure by the trainer to be present at, or refusal to allow the taking of any specimen, or any act or threat to prevent or otherwise interfere shall be cause for disqualification of the horse involved; and the matter shall be referred to the Stewards for further action.

3. Altering Sex of Horse. Any alteration to the sex of a horse from the sex as recorded on the Certificate of Foal Registration or other official registration Certificate of the horse shall be immediately reported by the trainer to the racing secretary and the official horse identifier if the horse is registered to race at any race meeting.

4. Official Workouts and Schooling Races. No trainer shall permit a horse in their charge to be taken on to the track for training or a workout except during hours designated by the organization. A trainer desiring to engage a horse in a workout or schooling race shall, before the workout or race, identify the horse by registered name and tattoo number when requested to do so by the Stewards or their authorized representative.

5. Intoxication. No licensee, employee of the organization or its concessionaires, shall be under the influence of intoxicating liquor, the combined influence of intoxicating liquor and any controlled dangerous substance, or under the influence of any narcotic or other drug while within the enclosure. No person shall in any manner or at any time disturb the peace or make themselves obnoxious on the enclosure of an organization.

6. Firearms. No person shall have any firearm within the enclosure unless they are a fully qualified peace officer as defined in the laws of Utah, or is acting in accordance with Title 53, Chapter 5, Part 7, Concealed Weapons Act and Title 76, Chapter 10, Part 5, Weapons. A person carrying a concealed weapon may be asked to show a valid, current concealed weapons permit before being allowed to enter the facility.

7. Financial Responsibility. No licensee shall willfully and deliberately fail or refuse to pay any monies when due for any service, supplies or fees connected with their operations as a licensee, nor shall they falsely deny any amount due or the validity of the complaint with the purpose of hindering or delaying or defrauding the person to whom such indebtedness is due. A Commission authorized license may be suspended pending settlement of the financial obligation. Any financial responsibility complaint against a licensee shall be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to be due, or by a judgment from a court.

8. Checks. No licensee shall write, issue, make, or present a bad check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies. The fact that a check is returned to the payee by the bank as refused is a ground for suspension pending satisfactory redemption of the returned check.

9. Gratuity to Starter or Assistant Starter. No person shall offer or give money or other gratuity to any starter or assistant starter, nor shall any starter or assistant starter receive money or other compensation, gratuity or reward, in connection with the running of any race or races except compensation received from an organization for official duties.

10. Possession of Contraband. No person other than a veterinarian or an animal technician licensed by the Commission shall have in their possession within the enclosure during sanctioned meetings any prohibited substance, or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection except as provided in Subsection R52-7-8(1). No person shall have in their possession within the enclosure during any recognized meeting any device other than the ordinary whip which can be used to stimulating or depressing the horse or affecting its speed at any time. The stewards may permit the possession of drugs or appliances by a licensee for personal medical needs under such conditions as the stewards may impose.

11. Bribes. No person shall give, or offer or promise to give, or try to give or offer any money, bribe, or thing of value to any owner, trainer, jockey, agent, or any other person participating in the conduct of a race meeting in any capacity, with the intention, understanding, or agreement that the owner, trainer, jockey, agent or other person shall not use their best efforts to win a race or so conduct themselves in a race that any other participant in a race shall be assisted or enabled to win a race; nor shall any trainer, jockey, owner, agent, or other person participating at any race meeting accept, offer to accept, or agree to accept any money, bribe, or thing of value with the intention, understanding, or agreement that they will not use their best efforts to win a race or to so conduct themselves so that any other horse or horses entered in a race shall be assisted or enabled to win the race.

12. Trainer's Duty to Ensure Licensed Participation. No trainer shall have in their custody within the enclosure of any race meeting any horse owned in whole or in part by any person who is not licensed as a horse owner by the Commission unless the owner has filed an application for license as a horse owner with the Commission and the same is pending before the Commission; nor shall any trainer have in their employ within the enclosure any groom, stable employee, stable agent, or other person required to be licensed, unless such person has a valid license. Any changes of commissioned licensed personnel shall be reported immediately to the Commission.

13. Conduct Detrimental to Horse Racing. No licensee shall engage in any conduct prohibited by law and by the rules of the Commission, nor shall any licensee engage in any conduct which by its nature is unsportsmanlike or detrimental to the best interest of horse racing.

14. Denial of Access to Private Property. Nothing contained in these rules shall be deemed, expressly or implicitly, to prevent an organization from exercising the right to deny access to or to remove any person from the organization's premises or property for just cause.

15. Tricks or Schemes. No person shall falsify, conceal, or cover up by trick, scheme, or device a material fact; or make any false, fictitious, or fraudulent statements or representations; or make or use any false writing or document knowing they contain any false, fictitious, or fraudulent statement or entry regarding the earlier racing record, pedigree, identity, or ownership of a registered animal in any matter related to the breeding, buying, selling, or racing of the animal.

16. Prearranging the Outcome of a Race. No licensed or unlicensed person may try or conspire to prearrange the outcome of a race.

**R52-7-12. Fire Prevention and Security.**

1. Security Control. Each organization conducting a race meeting shall maintain security controls over its premises, and security controls are subject to the approval of the Commission.

2. Identification Required. No person shall be admitted to a restricted area within the enclosure without a license, visitor's pass, or other identification issued by the Commission or the organization on their person. When deemed advisable, the Stewards or the organization may require the visible display of the identification as a badge. No person shall use the license or credential issued to another, nor shall any person give or loan their license or credential to any other person.

3. Organization Credentials. The racing organization shall establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its meeting are licensed as required by this rule; except that no system or methods may exclude any investigator or employee of the Commission or any peace officer when on duty; nor shall any person be excluded solely on the basis of sex, color, creed, or national origin or ancestry.

4. Organization to Prevent Unauthorized Access to Restricted Areas. Unless granted exemption by the Commission, each organization shall prevent access to and shall remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in the restricted area is unauthorized. Nothing herein shall be construed to exclude members of the Commission and any staff members of the Commission in the conduct of official duties.

5. Examination of Personal Effects. The Commission, its authorized officers or agents may enter the stables, rooms, or other places within the premises of a recognized meeting to inspect and examine the personal effects and property of any licensee or other person in or about or permitted access to any restricted area; and each licensee in accepting their license, and each person entering such restricted area, does thereby consent thereto.

6. Obedience to Security Officers and Public Safety Officers. No licensee shall willfully ignore or refuse to obey any order issued by the stewards; the Commission; any security officer of the organization; any public officer of any police, fire, or law enforcement agency when an order is issued or given in the performance of duty to control any hazardous situation or occurrence. No person shall interfere with public safety officers, security officers, or any racing official in the performance of their duties.

**R52-7-13. Prohibited Practices.**

1. No person may have or use a drug, substance, or medication on the premises of a facility under the jurisdiction of the Commission if:

- A. a recognized analytical method has not been developed to detect and confirm the administration of the substance;
- B. the use of the substance may endanger the health or welfare of the horse or endanger the safety of the rider;
- C. the use of the substance may adversely affect the integrity of racing; or
- D. no generally accepted use of the substance in equine care exists.

2. Prohibited Substances and Methods. The Commission incorporates by reference, a list of prohibited substances and methods of administration contained in the following matrices maintained by the department: Prohibited Substances and Controlled Therapeutic Medication Schedule for Horses.

A. The substances and methods listed in the Prohibited List may not be used, and may not be possessed on the premises of a racing or training facility under the jurisdiction of the Commission, except as a restricted therapeutic use.

B. The equipment and supplies necessary for official testing, shall be provided by the organization.

3. Restricted Therapeutic Use. A limited number of medications on the Prohibited List may be exempted when administration occurs in compliance with required conditions for restricted therapeutic use found in the Utah Horse Racing Commission Controlled Therapeutic Medication Schedule for Horses incorporated by reference and maintained by the department.

4. The possession or use of the following substances or of blood doping agents, including those listed in this section, on the premises of a facility under the jurisdiction of the Commission is forbidden:

- A. Aminoimidazole carboxamide ribonucleotide (AICAR);
- B. Darbepoetin;
- C. Equine Growth Hormone;
- D. Erythropoietin;
- E. Hemopure, registered trademark;
- F. Myo-Inositol Trispyrophosphate (ITPP);
- G. Oxyglobin, registered trademark;
- H. Thymosin beta;
- I. Venoms or its derivatives; or
- J. Thymosin beta.

5. Other Prohibited Substances. Substances in the categories in this section shall be strictly prohibited unless otherwise provided in accordance with state law or Commission rule including:

A. a pharmacologic substance that is not approved by any governmental regulatory health authority for human or veterinary use within the jurisdiction, including:

- a. a drug under pre-clinical or clinical development;
- b. a discontinued drug; or



- c. a designer drug.
  - (1) A designer drug is a synthetic analog of a drug that has been altered in a manner that may reduce its detection.
  - (2) Designer drugs do not include:
    - i. vitamins, herbs, and supplements used for nutritional purposes that do not contain any other prohibited substance; or
    - ii. the administration of a substance with the earlier approval of the Commission in a clinical trial for which an FDA or similar exemption has been obtained;
      - B. anabolic agents and Anabolic Androgenic Steroids (AAS);
      - C. peptide hormones, growth factors, and related substances including any substance with similar chemical structure or similar biological effects;
      - D. beta-2 agonists, including optical isomers, including d- and l-, where relevant;
      - E. hormone and metabolic modulators; or
      - F. diuretics and other masking agents, including substances with similar chemical structure or similar biological effects.
- 6. Prohibited methods of manipulation of blood and blood components include:
  - A. the administration or reintroduction of any quantity of autologous, allogenic, or heterologous blood or red blood cell products of any origin into the circulatory system;
  - B. artificially enhancing the uptake, transport, or delivery of oxygen, including perfluorochemicals, efaproxiral (RSR13), and modified hemoglobin products, hemoglobin-based blood substitutes, microencapsulated hemoglobin products, excluding supplemental oxygen; or
  - C. tampering, or attempting to tamper, to alter the integrity and validity of samples collected by authority of the Commission. Tampering methods include blood serum or urine substitution or adulteration, such as proteases.
- 7. Any reference to substances in Section R52-7-13 does not alter the requirements for testing concentrations in race day samples or the requirements of post-race testing.
  - A. If laboratory testing detects any prohibited substance identified by this rule, the finding shall be reported as a violation. Upon a finding of violation, the horse shall be disqualified, and the owner of the horse shall not participate in any portion of the purse, stakes, trophy, or any other award.
  - B. Any purse, stakes, trophy, or award shall be returned if it was presented to the owner of the horse, upon the finding of a violation of this section.
  - C. Any positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable concentration, as reported by a Commission-approved laboratory, is prima facie evidence of a violation of this rule.
  - D. It is presumed that any sample or accepted specimen tested by an approved laboratory is from the horse in question. With regard to an accepted sample, it is also presumed that:
    - a. the integrity of the sample is preserved;
    - b. any procedures, collection, preservation, and analysis of the sample are correct and accurate; and
    - c. it is the burden of the owner, trainer, assistant trainer, or other responsible party to prove by substantial evidence to the contrary in the matter to the administrative stewards or at the Commission hearing.
- 8. Penalties. Upon finding a violation of these medications and prohibited substances rules, the Stewards shall:
  - A. consider the classification level of the violation as listed when in the Uniform Classification Guidelines of Foreign Substances, as promulgated in the following penalty matrices maintained by the department that are incorporated by reference: Recommended Penalties for Doping or Equine Endangerment Violations, and 2019-08 Recommended Penalties by Substances;
  - B. impose penalties and disciplinary measures consistent with the recommendations contained therein; and
  - C. consult with the Official Veterinarian to determine if the violation was a result of the administration of a therapeutic medication as documented in a veterinarian's Medication Report Form received, pursuant to Subsection R52-7-8(7).
- 9. The Stewards may also consult with the laboratory director or other individuals to determine the seriousness of the laboratory finding or the medication violation. Penalties for medication and drug violations shall be investigated and reviewed on a case-by-case basis. Extenuating factors the Stewards may consider in determining penalties include:
  - a. the past record of the trainer, veterinarian and owner in drug cases;
  - b. the potential of the drug to influence a horse's racing performance;
  - c. the legal availability of the drug;
  - d. whether the responsible party knew or should have known of the administration of the drug, or intentionally administered the drug;
  - e. the steps taken by the trainer to safeguard the horse;
  - f. the purse of the race; and
  - g. whether the licensed trainer was acting on the advice of a licensed veterinarian.
- 10. As a result of an investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee, or aggravating factors that may increase the penalty beyond the minimum.

**KEY: horses, horse racing**

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