

TITLE 71 INDIANA HORSE RACING COMMISSION**Emergency Rule**

LSA Document #09-195(E)

DIGEST

Amends [71 IAC 3-2-9](#) concerning the judge's list. Amends [71 IAC 3.5-7-2](#) concerning assistant starters. Amends [71 IAC 4-3-1](#) concerning facilities for patrons and licensees. Amends [71 IAC 4.5-3-1](#) concerning facilities for patrons and licensees. Amends [71 IAC 5-3-2](#) concerning trainer responsibility. Amends [71 IAC 5-3-3](#) concerning other responsibilities. Amends [71 IAC 5-4-1](#) concerning drivers and licensing. Amends [71 IAC 5-5-1](#) concerning licenses required. Amends [71 IAC 5.5-1-25](#) concerning safety helmets. Amends [71 IAC 5.5-3-3](#) concerning other responsibilities. Amends [71 IAC 5.5-4-1](#) and [71 IAC 6-1-1](#) concerning general provisions. Amends [71 IAC 6-1-2](#) concerning prohibitions on claims. Amends [71 IAC 6-1-3](#) concerning claiming procedure. Amends [71 IAC 7-1-1](#) concerning taking entries and the draw. Amends [71 IAC 7-1-26](#) concerning notice in writing. Amends [71 IAC 7-1-29](#) concerning declaration to start and drawing horses. Amends [71 IAC 7-1-32](#) concerning report to track. Amends [71 IAC 7-1-36](#) concerning current race lines. Amends [71 IAC 7-3-7](#) concerning driving rules. Amends [71 IAC 7-3-13](#) concerning whip restriction. Amends [71 IAC 7-3-25](#) concerning disorderly conduct. Amends [71 IAC 7-4-2](#) concerning race objections. Amends [71 IAC 7.5-5-1](#) concerning horses ineligible. Amends [71 IAC 7.5-6-1](#) concerning equipment. Amends [71 IAC 7.5-6-3](#) concerning jockey requirements. Amends [71 IAC 7.5-6-5](#) concerning post to finish. Amends [71 IAC 8-3-5](#) concerning out of competition testing. Amends [71 IAC 8-6-2](#) concerning prohibited practices. Amends [71 IAC 8-9-1](#) concerning the veterinarian's list. Amends [71 IAC 8.5-2-5](#) concerning out of competition testing. Amends [71 IAC 8.5-5-2](#) concerning prohibited practices. Effective March 12, 2009. *NOTE: [IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. This document was filed with the Publisher March 19, 2009.*

[71 IAC 3-2-9](#); [71 IAC 3.5-7-2](#); [71 IAC 4-3-1](#); [71 IAC 4.5-3-1](#); [71 IAC 5-3-2](#); [71 IAC 5-3-3](#); [71 IAC 5-4-1](#); [71 IAC 5-5-1](#); [71 IAC 5.5-1-25](#); [71 IAC 5.5-3-3](#); [71 IAC 5.5-4-1](#); [71 IAC 6-1-1](#); [71 IAC 6-1-2](#); [71 IAC 6-1-3](#); [71 IAC 7-1-1](#); [71 IAC 7-1-26](#); [71 IAC 7-1-29](#); [71 IAC 7-1-32](#); [71 IAC 7-1-36](#); [71 IAC 7-3-7](#); [71 IAC 7-3-13](#); [71 IAC 7-3-25](#); [71 IAC 7-4-2](#); [71 IAC 7.5-5-1](#); [71 IAC 7.5-6-1](#); [71 IAC 7.5-6-3](#); [71 IAC 7.5-6-5](#); [71 IAC 8-3-5](#); [71 IAC 8-6-2](#); [71 IAC 8-9-1](#); [71 IAC 8.5-2-5](#); [71 IAC 8.5-5-2](#)

SECTION 1. [71 IAC 3-2-9](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3-2-9](#) Judge's list**Authority:** [IC 4-31-3-9](#)**Affected:** [IC 4-31](#)

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

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race unless finishing first, second, or third. Two (2) year old nonwagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time. ~~following a qualifying race.~~
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- ~~(5) Failure to go in qualifying time in two (2) consecutive starts.~~
- ~~(6) Failure to go in qualifying time previous or subsequent to a break line.~~
- ~~(7)~~ (5) Making breaks in two (2) consecutive starts unless finishing first, second, or third in one (1) of the two (2).
- ~~(8)~~ (6) Being scratched sick or lame in two (2) consecutive programmings or scratched sick or lame from a race following a qualifying race.
- ~~(9) Scratched sick or lame, having failed to go in qualifying time in a previous or subsequent start to that scratch.~~
- ~~(10)~~ (7) Scratched sick/lame in a race previous or subsequent to a break line.
- ~~(11)~~ (8) Numerous bad lines in its last six (6) starts regardless of being consecutive on finishing first, second, or third.

(b) An Indiana sired horse showing a satisfactory line in ~~one (1) of its last two (2) starts or its last start~~ at a pari-mutuel track prior to racing at a county fair half-mile, the aforementioned county fair lines will not be considered towards its eligibility to return to the pari-mutuel track. Notwithstanding the above satisfactory line, at the pari-mutuel track, must be within its last six (6) programmed lines but within thirty (30) days of the pari-mutuel start (race date to race date).

(c) A horse having not raced at a pari-mutuel track must show a satisfactory charted line in one (1) of its last two (2) county fair starts within the time standards set within the last thirty (30) days (race date to race date).

(d) A horse having not raced at a pari-mutuel track must show a satisfactory charted line in one (1) of its last two (2) county fair starts within the time standards set.

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

~~(f) A horse that has been the subject of a finding by a commission approved laboratory that the antibody of erythropoietin or darbepoietin was present in the sample taken from the horse shall be placed on the judge's list. Such horse shall not be released from the judge's list unless and until it has tested negative by a commission approved laboratory for the antibody of erythropoietin or darbepoietin.~~

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

~~(h)~~ (g) The judges may waive qualifying requirements of this rule for Hambletonian Society Stake races **and Indiana Sires Stakes Finals** if, in their sole discretion, such a waiver does not endanger the health and safety of the participants.

(Indiana Horse Racing Commission; [71 IAC 3-2-9](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2745; emergency rule filed Jan 25, 2006, 10:30 a.m.: 29 IR 1955; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 2. [71 IAC 3.5-7-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 3.5-7-2](#) Assistant starters

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. With respect to an official race, the assistant starters shall not:

- (1) handle or take charge of any horse in the starting gate without the expressed permission of the starter;
- (2) impede the start of a race;
- (3) apply a whip, **riding crop**, or other device, with the exception of steward-approved twitches, to assist in loading a horse into the starting gate;
- (4) slap, book, or otherwise dispatch a horse from the starting gate;
- (5) strike or use abusive language to a jockey; or
- (6) accept or solicit any gratuity or payment other than the assistant starter's regular salary, directly or indirectly, for services in starting a race.

(Indiana Horse Racing Commission; [71 IAC 3.5-7-2](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff

Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 3. [71 IAC 4-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 4-3-1](#) Facilities for patrons and licensees

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

(b) An association shall provide and maintain adequate restroom facilities for the patrons and licensees.

(c) An association shall provide an adequate supply of free drinking water.

(d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(e) During a race performance, the association shall provide the following:

(1) A first aid room equipped with appropriate equipment.

(2) The services of at least one (1) physician or certified emergency medical technician (EMT).

(f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for qualifying and racing. If the ambulance is being used to transport an individual, the association may not conduct a race, **or allow horses with riders on the racetrack**, until the ambulance is replaced.

(g) An association shall provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned as a result of a contract to the association grounds.

~~(g)~~ (h) The ambulance must be parked at a location approved by the commission.

~~(h)~~ (i) Any driver that falls or is involved in an accident on the track shall be examined by a certified paramedic or emergency medical technician (EMT) employed by or under contract with the association. The driver shall not be permitted to fulfill any future engagement until he or she is approved by said paramedic or EMT.

~~(i)~~ (j) An association shall provide adequate office space for the use of the judges and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be approved by the commission.

~~(j)~~ (k) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

~~(k)~~ (l) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees.

(Indiana Horse Racing Commission; [71 IAC 4-3-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135;

emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2381; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 4. [71 IAC 4.5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 4.5-3-1](#) Facilities for patrons and licensees

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) An association shall ensure that the public areas of the association grounds are designed and maintained for the comfort and safety of the patrons and licensees and are accessible to all persons with disabilities as required by federal law.

(b) An association shall provide and maintain adequate rest room facilities for the patrons and licensees.

(c) An association shall provide an adequate supply of free drinking water.

(d) An association shall maintain all facilities on association grounds to ensure the safety and cleanliness of the facilities at all times.

(e) During a race performance, the association shall provide the following:

(1) A first aid room equipped with appropriate equipment.

(2) The services of at least one (1) physician or certified emergency medical technician (EMT).

(f) An association shall provide a properly equipped ambulance, staffed with certified paramedics or EMTs, at any time the race track is open for training or racing. If the ambulance is being used to transport an individual, the association may not conduct a race, **or allow horses with riders on the racetrack**, until the ambulance is replaced.

(g) An association shall provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned as a result of a contract to the association grounds.

~~(g)~~ (h) The ambulance must be positioned at a location approved by the commission.

~~(h)~~ (i) Any jockey that falls or is involved in an accident on the track shall be examined by a certified paramedic or emergency medical technician (EMT) employed by or under contract with the association. The jockey shall not be permitted to fulfill any future engagement until he or she is approved by said paramedic or EMT.

~~(i)~~ (j) An association shall provide adequate office space for the use of the stewards and other commission personnel as required by the commission. The location and size of the office space, furnishings, and equipment required under this section must be approved by the commission.

~~(j)~~ (k) An association shall provide telephone and communication systems for the use of the commission staff for the performance of their duties within the enclosure. Such system shall be approved by the commission. The payment for all utilities in areas occupied by commission staff within the enclosure shall be the responsibility of the association.

~~(k)~~ (l) An association shall promptly post commission notices in places that can be easily viewed by patrons and licensees.

(Indiana Horse Racing Commission; [71 IAC 4.5-3-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2842, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2890; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2382; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 5. [71 IAC 5-3-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5-3-2](#) Trainer responsibility

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. (a) The trainer is responsible for:

(1) the condition of horses he or she trains entered in an official workout or race; ~~and~~

(2) the presence of any prohibited drug, medication, or other substance, including permitted medication in excess of the maximum allowable level, in horses he or she trains; **and**

regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(3) Ensuring that all persons employed by them are knowledgeable of and observe all commission rules and regulations.

(b) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(c) A trainer whose horse has been claimed remains responsible for the race in which the horse is claimed.

(Indiana Horse Racing Commission; [71 IAC 5-3-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 6. [71 IAC 5-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5-3-3](#) Other responsibilities

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

(1) The condition and contents of stalls, tack rooms, feed rooms, sleeping rooms, and other areas which have been assigned by the association.

(2) Maintaining the assigned stable area in a clean, neat, and sanitary condition at all times.

(3) Ensuring that fire prevention rules are strictly observed in the assigned stable area.

(4) Providing a list to the commission of the trainer's employees on association grounds and any other area under the jurisdiction of the commission. The list shall include each employee's:

(A) name;

(B) occupation;

(C) Social Security number; and

(D) occupational license number.

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

(5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.

(6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the judges and recorded by the racing secretary.

(7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.

(8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.

(9) Ensuring that ~~at the time of arrival at a licensed race track~~, each horse in his or her care **at the time of arriving from out of state at a licensed racetrack** is accompanied by a valid health certificate (**CVI**), which shall be filed with the racing secretary.

(10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.

(11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.

(12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the USTA electronic eligibility.

(13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) has been performed and ensuring that such fact is designated on the USTA electronic eligibility.

(14) Promptly reporting to the judges and the commission veterinarian the serious illness of any horse in his or her charge.

(15) Promptly reporting the death of any horse in his or her care on association grounds to the judges and the commission veterinarian and compliance with [71 IAC 8](#) governing postmortem examinations.

(16) Maintaining a knowledge of the medication record and status of all horses in his or her care.

(17) Immediately reporting to the judges and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.

(18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.

(19) Horses entered as to eligibility.

(20) Ensuring the fitness of a horse to perform creditably.

(21) Ensuring that his or her horses are properly shod, bandaged, and equipped.

(22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.

(23) Personally attending to his or her horses in the paddock or designating a licensee to attend to the horse in the paddock.

(24) Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.

(25) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.

(26) Promptly notifying the owner of a horse of a positive test or blood gas analysis report performed on his or her horse indicating levels in violation of [71 IAC 8](#).

(27) Notifying horse owners upon the revocation or suspension of his or her trainer's license.

(28) Guard and protect all horses in his or her care.

(29) Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.

(30) Determine the training regimen of all horses in his or her care.

(31) Reporting at time of entry if his or her horse will be racing with a nasal strip.

(32) Ensuring that electronic eligibility is registered with the USTA prior to entry in a race or qualifying race.

(33) Immediately notifying the judges, or in their absence commission or track security, of any contact a practicing veterinarian or his or her helper has with a horse within twenty-four (24) hours of its scheduled race except for the administration of furosemide in accordance with commission rules.

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

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

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

(e) No trainer shall practice his profession except under his or her own name.

(f) No trainer shall permit a veterinarian whose license is suspended in any jurisdiction or who is excluded from the stable area of tracks under the jurisdiction of the commission to treat any horse, regardless of its location, that has or will be actively participating in racing in Indiana during a given calendar year.

(Indiana Horse Racing Commission; [71 IAC 5-3-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1498; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3125, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2005; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2100; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2535; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2212; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 7. [71 IAC 5-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5-4-1 Drivers; licensing](#)

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A person who desires to drive a harness horse ~~at a race meeting~~ **horses in pari-mutuel races and/or qualifying races** shall be required to **first apply for and obtain a license from prior to driving in races and qualifying races at tracks licensed by** the commission, and ~~must receive~~ **along with** the recommendation of the judges.

(b) Every applicant for a driver's license shall satisfy the judges in a manner prescribed by the judges, that he or she meets all of the following qualifications:

- (1) Has had at least one (1) year's training experience and has demonstrated the ability to drive.
- (2) Is physically and mentally competent to drive.
- (3) Is knowledgeable of, and conversant in, the training and driving of harness horses.
- (4) Is familiar with the rules of racing.
- (5) Has a minimum of 20/40 corrected vision in both eyes or, if the individual is blind in one (1) eye, not less than 20/30 corrected vision in the other eye, as indicated on the USTA Drivers License Card.
- (6) Is not less than sixteen (16) years of age.
- (7) Is the holder of a currently valid "A" (full), "CD" (conditional/probationary), or "P" (provisional) license issued by the USTA, or comparable licensing issued by the CTA.

(c) Proper licensing notwithstanding, the judges at any race meeting may refuse to permit any driver to compete in a race if, in their judgment, he or she is unfit, unqualified, or too inexperienced to drive. Such driver may be required to submit to a physical examination under conditions specified by the judges.

(d) A person aspiring to become a driver may, after successfully completing a written examination administered by the USTA or CTA, apply for licensing to drive in qualifying races and non-betting races only. Persons granted "QF" (qualifying fair) licenses shall not be less than sixteen (16) years of age and have the approval of the judges. All such persons driving in such races shall do so under the scrutiny of the judges and, where instituted, a horseman's advisory committee, which shall present its observations to the judges in writing. To aid in making a determination on the ability and qualification of the holder of a "QF" (qualifying fair) license, the judges may require the driver to go a rated mile, with the times for the mile and the quarters thereof to be declared beforehand by the driver.

(e) A driver holding a provisional license shall not be considered for advancement to a full license by the judges until he or she has qualified pursuant to one of the following provisions:

- (1) Had at least one (1) year's driving experience while holding a "P" (provisional) license, plus twenty-five (25) satisfactory pari-mutuel starts in the calendar year before application.
- (2) Had at least one (1) year's driving experience while holding a "P" (provisional) license, but had not less than fifty (50) satisfactory pari-mutuel starts and the written approval from the judges at a recognized meeting.
- (3) Made twenty-five (25) satisfactory starts at pari-mutuel or grand circuit meetings in the two (2) calendar years preceding the date of application if he or she has had not less than fifty (50) satisfactory fair starts.

(f) A driver who presently holds a license and wishes to obtain a license in a higher category and who has not previously submitted to a written test may be required to take a written test before becoming eligible to obtain a license in a higher category.

(g) Repeated rule violations shall be considered grounds for refusal to grant, or grounds for revocation of, any driver's license.

(Indiana Horse Racing Commission; [71 IAC 5-4-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1147; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 8. [71 IAC 5-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5-5-1](#) Licenses required

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31](#)

Sec. 1. (a) An authorized agent shall obtain a license from the commission.

(b) Application for license shall be filed for each owner represented.

(c) A written instrument signed by the owner shall accompany the application and shall clearly set forth the delegated powers of the authorized agent. The owner's signature on the written instrument shall be acknowledged before a notary public **if the owner is not present at the track when the license is applied for.**

(d) If the written instrument is a power of attorney it shall be filed with the commission and attached to the regular application form.

(e) Any changes shall be made in writing and filed as provided in subsection (c).

(f) The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the commission whereupon the license shall not be valid.

(Indiana Horse Racing Commission; [71 IAC 5-5-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 9. [71 IAC 5.5-1-25](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-1-25](#) Safety helmets

~~Sec. 25. (a) Any person mounted on a horse or stable pony on association grounds must wear a safety helmet at all times.~~

~~(b) (a)~~ **(a)** All jockeys competing in a race must wear a safety helmet that meets one (1) of the following safety standards:

- (1) American Society for Testing and Materials (ASTM **1163**).
- (2) UK Standards EN-1384 and PAS-015.
- (3) Australian/New Zealand Standards AS/NZS-3838.

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

(c) The ~~jockey~~ **licensee** is responsible for providing sufficient evidence that his/her helmet meets a standard as listed in subsection (b).

(Indiana Horse Racing Commission; [71 IAC 5.5-1-25](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 10. [71 IAC 5.5-3-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-3-3](#) Other responsibilities

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

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

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

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge.
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Ensuring that ~~at the time of arrival at a licensed race track~~, each horse in his or her care **at the time of arriving from out of state at a licensed racetrack** is accompanied by a valid health certificate (**CVI**), which shall be filed with the racing secretary.

- (10) Having each horse in his or her care that is racing, or is stabled on association grounds, tested for equine infectious anemia (EIA) in accordance with state law and for filing evidence of such negative test results with the racing secretary.
- (11) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds.
- (12) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the certificate of registration.
- (13) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior designated neurectomy (heel nerving) has been performed and ensuring that such fact is designated on its certificate of registration.
- (14) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in his or her charge.
- (15) Promptly reporting the death of any horse in his or her care on association grounds to the stewards and the commission veterinarian and compliance with [71 IAC 8.5](#) governing postmortem examinations.
- (16) Maintaining a knowledge of the medication record and status of all horses in his or her care.
- (17) Immediately reporting to the stewards and the commission veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.
- (18) Representing an owner in making entries and scratches and in all other matters pertaining to racing.
- (19) Horses entered as to eligibility.
- (20) Ensuring the fitness of a horse to perform creditably.
- (21) Ensuring that his or her horses are properly shod, bandaged, and equipped.
- (22) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.
- (23) Personally attending to his or her horses in the paddock unless excused by the stewards.
- (24) Instructing the jockey to give his or her best effort during a race and that each horse shall be ridden to win.
- (25) Attending the collection of a urine or blood sample from the horse in his or her charge or delegating a licensed employee or the owner of the horse to do so.
- (26) Promptly notifying the owner of a horse of a positive test performed on his or her horse indicating levels in violation of [71 IAC 8.5](#).
- (27) Notifying horse owners upon the revocation or suspension of his or her trainer's license.
- (28) Guard and protect all horses in his/her care.
- (29) Account for fees and services rendered on behalf of any horse in his/her care to the appropriate owner or owners.
- (30) Determine the training regimen of all horses in his/her care.
- (31) The licensure of owners and employees prior to participating on race day.
- (32) Immediately notifying the stewards, or in their absence commission or track security, of any contact a practicing veterinarian or his or her helper has with a horse within twenty-four (24) hours of its scheduled race except for the administration of furosemide in accordance with commission rules.

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

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

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

(e) No trainer shall practice his profession, except under his own name.

(f) No trainer shall permit a veterinarian whose license is suspended in any jurisdiction or who is excluded from the stable area of tracks under the jurisdiction of the commission to treat any horse, regardless of its location, that has or will be actively participating in racing in Indiana during a given calendar year.

(Indiana Horse Racing Commission; [71 IAC 5.5-3-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2856, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: [IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23

IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1914; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2214; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 11. [71 IAC 5.5-4-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 5.5-4-1](#) Eligibility

Authority: [IC 4-31-6-2](#)

Affected: [IC 4-31](#)

Sec. 1. (a) No person under eighteen (18) years of age shall be licensed by the commission as a jockey or apprentice jockey. However, a jockey or apprentice jockey sixteen (16) years of age or older, who has previously been licensed in another jurisdiction, may be licensed by the commission.

(b) A jockey shall pass a physical examination given within the previous twelve (12) months by a licensed physician affirming fitness to participate as a jockey. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.

(c) An applicant shall show competence by prior licensing **and the** demonstration of a riding ability, ~~or temporary which may include participation in up to five (5) races~~ An applicant may be granted a provisional license to participate in a race or races, with the stewards' prior approval for each race, not to exceed five (5) races. **with the prior approval of the stewards with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track. The demonstration of riding ability is defined at a minimum of:**

- (1) breaking a horse in company from the starting gate;**
- (2) working a horse in company around the turn and down the stretch;**
- (3) switching the riding crop from one (1) hand to the other while maintaining control of the horse in a stretch drive; and**
- (4) causing a horse to switch leads coming out of a turn.**

(d) A jockey shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding. However, a licensed owner or licensed trainer, upon approval by the stewards, may be issued a provisional jockey's license to ride his own horse or a horse registered in his care as a trainer.

(e) A person whose weight exceeds one hundred **thirty** (130) pounds at the time of application shall not be licensed as a jockey.

(f) A jockey shall fulfill all engagements except by permission of the stewards for good cause.

(Indiana Horse Racing Commission; [71 IAC 5.5-4-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2779; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 12. [71 IAC 6-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 6-1-1](#) General provisions

Authority: [IC 4-31-3-9](#)

Sec. 1. (a) A registration certificate of current ownership, together with the application for transfer thereon duly endorsed by all registered owners, must be filed in the office of the racing secretary for all horses claimed within a reasonable time after the race from which the horse was claimed.

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

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

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

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

(f) Any:

(1) licensed owner;

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

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

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

(g) Claiming certificates are valid on the day of issue and expire at the end of the race meeting for which they are granted. These certificates may be applied for at the commission's licensing office **no later than thirty (30) minutes** prior to post time **for the first race** on any day of racing. To be eligible for a claiming certificate, a person must complete the licensing process as an owner under [71 IAC 5](#) and pay the appropriate fees. The photo identification badge shall be withheld until the person becomes a successful claimant.

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

(Indiana Horse Racing Commission; [71 IAC 6-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 13. [71 IAC 6-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 6-1-2](#) Prohibitions on claims

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. (a) A person shall not:

- (1) claim, directly or indirectly, his or her own horse or a horse trained or driven by him or her; or
- (2) cause such horse to be claimed directly or indirectly for his or her own account.

(b) A person shall not directly or indirectly:

- (1) offer to claim or not to claim;
- (2) enter into an agreement to claim or not to claim;
- (3) attempt to prevent another person from claiming; any horse in a claiming race;
- (4) claim a horse for an unlicensed and/or ineligible person; or
- (5) claim a horse with funds loaned by an individual without prior approval of the judges.

(c) A person shall not have more than one (1) claim on any one (1) horse in any claiming race. However, owners utilizing the same trainer may claim different horses from the same race.

~~(d) A person shall not claim more than one (1) horse in a race. However, owners utilizing the same trainer may claim different horses from the same race.~~

~~(e)~~ **(d)** A person shall not directly or indirectly conspire to protect a horse from being claimed by arranging another person to lodge claims, a procedure known as protection claims.

(Indiana Horse Racing Commission; [71 IAC 6-1-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; readopted filed Mar 20, 2008, 2:32 p.m.: [20080416-IR-071080063RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.])

SECTION 14. [71 IAC 6-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 6-1-3](#) Claiming procedure

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

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

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

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

(e) The claim shall be examined by the judges or their designee prior to the start of the race. The association's designee shall be prepared to state whether sufficient funds are on deposit in the amount equivalent to the specified claiming price and any other required fees and taxes. The judges shall have a public announcement made and information scrolled on the simulcast video stating there has been a claim made or, in the case of

multiple claims, the number of claims made on a horse during the post parade. The successful claimant will be announced after the completion of the race.

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

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

(1) a photostatic copy of the check presented;

(2) written detailed information to include:

(A) the name of the claimant;

(B) the bank;

(C) the branch;

(D) the account number; and

(E) the drawer of any checks; or

(3) details of any other method of payment.

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

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

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

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

(1) the name of the horse claimed;

(2) the name of the claimant; and

(3) the name of the person to whom the horse is to be delivered.

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

(k) Every horse entered in a claiming race shall race for the account of the owner who declared it in the event, but title to a claimed horse shall be vested in the successful claimant from the time the horse is deemed to have started, and the successful claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound, or injured during or after the race. A horse entered in a claiming race cannot be sold or transferred until the completion of the race.

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

(m) A post-race test may be taken from any horse claimed out of a claiming race. The trainer of the horse at the time of entry for the race from which the horse was claimed shall be responsible for the claimed horse until the post-race sample is collected. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation. The successful claimant/trainer shall have the right to measure the horse's hobbles and any other equipment that he deems necessary before the horse leaves the test barn. The claimant or his/her authorized designee shall be permitted access into the test barn. The equipment must remain on the claimed horse until the claimant or his/her designee has an opportunity to measure hobbles or any other equipment he deems necessary.

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

(o) A claimed horse shall not:

(1) be eligible to start in any race in the name or interest of the owner of the horse at the time of entry for the race from which the horse was claimed;

(2) remain in or be returned to the same stable or to the care or management of the first owner or trainer; or

(3) be sold or transferred to anyone; for a period of sixty (60) days unless reclaimed out of another claiming race.

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

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

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

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

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

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

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

- (1) a period of sixty (60) days; or
- (2) the conclusion of the last standardbred race meet under the jurisdiction of the Indiana horse racing commission in that year.

(v) Notwithstanding the provisions of subsection (u), a claimed horse shall be allowed to compete out of state while on the sixty (60) day hold period in any stake, or early and late closer, it is listed as being paid prior to the claim.

(Indiana Horse Racing Commission; [71 IAC 6-1-3](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1149; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2907; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2400; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2747; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 15. [71 IAC 7-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-1](#) Taking entries and the draw

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) It is the trainer's responsibility to verify at the time of declaration to start if the information given by phone to the race office is correct. There shall be no redraw for incorrect declarations if by

phone or filled out by the licensee.

(b) The racing secretary shall prepare the books or sheets of conditions for the races to be conducted during the meeting and he or she and his or her assistants shall take entries for all races. The racing secretary shall assign preference for each entry and prepare the races for the drawing of post positions. Post positions shall be drawn by lot by the judges or their designee. The number drawn shall be the post position for the race.

(Indiana Horse Racing Commission; [71 IAC 7-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 16. [71 IAC 7-1-26](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-26](#) Notice in writing

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 26. (a) No horse shall be considered scratched from a race for lameness or sickness a medical reason until the judges are notified by a scratch slip signed by or fax from a veterinarian is presented to the judges and approved or, by phone from the trainer if an emergency traffic situation exists. Notification of scratches to anyone other than the judges will not be recognized. When scratching a horse, the following information must be given:

- (1) name of the horse;
- (2) date of the race;
- (3) race number; and
- (4) the reason for the scratch.

~~Veterinarians shall report medical scratches to the judges immediately after diagnosis.~~

(b) Time of notification will be considered the date the horse was scratched in accordance with [71 IAC 8-9-1](#) (a) and (b) [[71 IAC 8-9-1\(a\)](#) and [71 IAC 8-9-1\(b\)](#)]. If a horse is scratched on an off day, a fax must be sent to the licensing office and the date of the fax will be considered the scratch date.

(c) Any horse scratched and not reported before scratch time, depriving an also eligible horse from participating in the race at issue, may result in the sanctioning or penalization of that trainer/veterinarian.

(Indiana Horse Racing Commission; [71 IAC 7-1-26](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 17. [71 IAC 7-1-29](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-29](#) Declaration to start and drawing horses

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 29. (a) The permit holder shall provide a locked box with an aperture through which declarations shall be deposited. With the approval of the judges, the racing secretary or his designee may open the entry box.

(b) No owner, trainer, or agent for a horse with a declaration in the entry box shall be denied the privilege of being present when the box is open.

(c) The racing secretary responsibilities shall include:

- (1) all entries shall be listed;
- (2) the eligibility verified;
- (3) preference ascertained; and
- (4) starters selected.

(d) If it is necessary to reopen any race, public announcement shall be made at least twice.

(e) The judges shall conduct the draw for post positions along with a representative of the horsemen.

(f) Declarations by mail, telegraph, or telephone actually received and evidence of which is deposited in the box before the time specified to declare in shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone, and telegraph declarations must contain all information required by the racing secretary. It shall be the responsibility of the racing secretary to see that such entries are signed by the person receiving such entries.

(g) When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(h) After declarations to start have been made, no horse shall be withdrawn from the race except by permission of the judges. A fine or suspension, or both, shall be imposed for drawing a horse without permission, and the penalty shall apply to both the horse and the party who violates this rule.

(i) In all races, drawings shall be final unless there is conclusive evidence that an entry was timely received by the racing office and was omitted from the race through the error of the association, ~~the commission, or its agents or employees in which event the race shall be redrawn, provided the error is discovered prior to scratch time.~~ **and is found prior to scratch time. Notwithstanding, any redraws must be preapproved by the judges.**

(j) If a redraw is approved under subsection (i), and the race in question is two (2) or more divisions, the redraw will involve placing the horse in the division with fewer horses and redrawing, or drawing by lot the division to be redrawn.

(Indiana Horse Racing Commission; [71 IAC 7-1-29](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1156; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3129, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2106; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2748; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 18. [71 IAC 7-1-32](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-32](#) Reporting to track

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 32. **(a)** All horses shipping in to race must be at the track where they are to race at a time appointed by the commission. In the event of unavoidable delay, as determined by the judges, the judges may grant a reasonable grace period.

(b) When the association requires horses to be on track and in a secured area at a specified time for stake races or any other reason, it is the responsibility of the association to recommend to the judges whether any horse not meeting track requirements should be scratched.

(Indiana Horse Racing Commission; [71 IAC 7-1-32](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1157; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 19. [71 IAC 7-1-36](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-1-36](#) Current race lines

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 36. (a) Current race lines, including last start, must be available at scratch time or the horse will be scratched.

(b) It shall be the trainer's responsibility to inform the racing office at entry time of a possible missing line. Also, the trainer shall be responsible to supply the same information to the judges at scratch time.

(c) Scratch time is established by the association.

(d) If, after scratch time, a horse drawn into race at an Indiana pari-mutuel track participates in any other race, that horse shall be scratched.

(e) No horse may start in a ~~qualifying any race until approved or~~ **qualifier if it has not been issued an electronic eligibility** by the USTA. ~~for electronic eligibility.~~

(f) Missing program lines may result in the horse or horses being scratched or the race being contested as a nonwagering event.

(Indiana Horse Racing Commission; [71 IAC 7-1-36](#); emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2107; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 20. [71 IAC 7-3-7](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-7](#) Driving rules

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 7. (a) Although a leading horse is entitled to any part of the track, neither the driver of the first horse or any other driver in the race shall do any of the following, which shall be considered a violation of driving rules:

- (1) Change either to the right or left during any part of the race when another horse is so near that in altering the position the horse behind is compelled to shorten its stride or the driver of the horse behind is forced to pull the horse out of its stride.
- (2) Jostle, strike, hook wheels, or interfere with another horse or driver.

- (3) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers.
- (4) Swerve in and out or pull up quickly.
- (5) Crowd a horse or driver by putting a wheel under the horse or driver.
- (6) Carry a horse out.
- (7) Sit down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.
- (8) Let a horse pass inside needlessly or otherwise help another horse to improve its position in the race.
- (9) Commit any act which shall impede the progress of another horse or cause it to break.
- (10) Change course after selecting a position in the homestretch, swerve in and out, or bear in and out in such a manner as to interfere with another horse or cause it to break.
- (11) Drive in a careless or reckless manner.
- ~~(12) Whip under the arch of the sulky.~~
- ~~(13) Kick the horse or brush hindquarters or legs with the foot.~~
- (12) Maintaining a position of half in and half out.**
- ~~(14)~~ **(13)** Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed.
- ~~(15)~~ **(14)** Cross the inside limits of the course.
- ~~(16)~~ **(15)** If any of the violations in this subsection is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.

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

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

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

- (e) A driver shall not:
- (1) fail to drive to the finish if the horse in contention to place 1st, 2nd, 3rd or 4th;
 - (2) race in an inconsistent manner;
 - (3) drive in an unsatisfactory manner due to lack of effort;
 - (4) drive in an unsatisfactory manner due to carelessness; or
 - (5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

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

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

(Indiana Horse Racing Commission; [71 IAC 7-3-7](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1161; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2913; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3130, eff May 26, 1999 [\[IC 4-22-2-37.1\]](#) establishes the effectiveness of an emergency rule upon filing with the

secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2108; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2749; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 21. [71 IAC 7-3-13](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-13](#) Whip restriction

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

~~(b) The whip, including the snapper, may make contact only above and between the shafts. Any marks including welts and cuts below the shaft shall result in a more severe penalty.~~

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

(b) Whipping action shall be limited to wrist action with minimal elbow and/or shoulder movement.

~~(d) Drivers are not allowed to lay back in the sulky to gain more leverage with~~ **(c) The whip may strike above and between the shafts only. Whipping below the shaft in the stifle area may result in disqualification.**

~~(e) Provided further that~~ **(d) The following actions may shall be considered as excessive or and/or indiscriminate: use of the whip:**

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

~~(2) Whipping a horse after a race.~~

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

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

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

(2) Continuous use of the whip.

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

(4) Whipping a horse not advancing through the field.

(5) Causing visible injury.

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

~~(f) Drivers shall keep a line in each hand from the start of the race until the top of the homestretch finishing the race.~~

~~(g) Sticking any part of the whip including the butt end under the tail or between the legs is prohibited.~~

~~(h) Any marks including cuts, scratches, infection, or those resembling whip marks must be reported to and inspected by the track veterinarian prior to competing in a race.~~

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

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

(Indiana Horse Racing Commission; [71 IAC 7-3-13](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1162; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2409; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3132, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2750; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed May 12, 2008, 1:29 p.m.: [20080521-IR-071080353ERA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 22. [71 IAC 7-3-25](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-3-25](#) Disorderly conduct

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 25. The following shall constitute disorderly conduct and be reason for any penalty of a ~~driver or trainer~~ **licensee** as provided by these rules:

- (1) Failure to obey the judges' orders that are expressly authorized by these rules.
- (2) Appearing in the paddock in an unfit condition to drive.
- (3) Fighting.
- (4) Assaults.
- (5) Offensive and profane language.
- (6) Smoking on the track in silks during actual racing hours.
- (7) Warming up a horse prior to racing without silks.
- (8) Disturbing the peace.
- (9) Refusal or failure to take a breath test when directed to do so under to ~~[71 IAC 8-11-12](#)~~ [71 IAC 8-11-2](#).

(Indiana Horse Racing Commission; [71 IAC 7-3-25](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 23. [71 IAC 7-4-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7-4-2](#) Race objections

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 2. (a) An objection to an incident alleged to have occurred during the running of a race shall be received only when lodged with the judges or their designees by the owner, the authorized agent of the owner, the trainer, or the driver of a horse engaged in the same race. Any objection by a driver must be lodged with the ~~patrol judge before the driver dismounts the sulky.~~ **starter in the starting gate immediately upon finishing the race while pulling up to return to the paddock.**

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

(c) The judges shall:

- (1) make all findings of fact as to all matters occurring during and incident to the running of a race;
- (2) determine all objections and inquiries; and
- (3) determine the extent of disqualification, if any, of horses in the race.

Such findings of fact and determinations shall be final.

(Indiana Horse Racing Commission; [71 IAC 7-4-2](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1166; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1501; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 24. [71 IAC 7.5-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-5-1](#) Horses ineligible

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) A horse is ineligible to start in a race when:

- (1) it is not stabled on the grounds of the association or present by the time established by the commission;
- (2) its breed registration certificate is not on file with the racing secretary or horse identifier, unless the racing secretary has submitted the certificate to the appropriate breed registry for correction;
- (3) it is not fully identified and tattooed on the inside of the upper lip or identified by any other method approved by the appropriate breed registry and the commission;
- (4) it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission;
- (5) it is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person;
- (6) it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted;
- (7) the stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;
- (8) its name appears on the starter's list, stewards' list, or veterinarian's list;
- (9) it is a first time starter and has not been approved to start by the starter;
- (10) it is owned in whole or in part by an undisclosed person or interest;
- (11) it lacks sufficient official published workouts or race past performances;
- (12) it has been entered in a stakes race and has subsequently been transferred with its engagements unless the racing secretary has been notified of such prior to the start;
- (13) it is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper;
- (14) it is subject to a lease not filed with the stewards;
- (15) it is not in sound racing condition;
- (16) it has had a surgical neurectomy performed on a heel nerve, which has not been approved by the official veterinarian;
- (17) it has been trachea tubed to artificially assist breathing;
- (18) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;
- (19) it has impaired eyesight in both eyes;
- (20) it is barred or suspended in any recognized jurisdiction;
- (21) it does not meet the eligibility conditions of the race;
- (22) its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;
- (23) its owners, lessors, lessees, or trainer have not completed the licensing procedures required by the commission;
- (24) it is by an unknown sire or out of an unknown mare;

(25) there is no negative test certificate for equine infectious anemia issued within the preceding twelve (12) months attached to its breed registration certificate;

(26) if a **quarter horse**, it has shoes (racing plates) that have toe grabs with a height greater than four (4) millimeters (fifteen thousand seven hundred forty-eight hundred-thousandths (0.15748) inches) on the front hooves;

(27) if a thoroughbred, it has shoes (racing plates) which have toe grabs with a height greater than two (2) millimeters (seven thousand eight hundred seventy-four hundred-thousandths (0.07874) inches), bends, jar caulks, stickers, or any other traction device on the front hooves while racing or training on all racing surfaces;

~~(27)~~ **(28)** it has reached the age of twelve (12); or

~~(28)~~ **(29)** it is a maiden that has reached the age of six (6).

(b) The stewards may consider extenuating circumstances in determining ineligibility of a horse with respect to subsection (a)(1) and subsection (a)(2) [subsection (a)(1) and (a)(2)].

(Indiana Horse Racing Commission; [71 IAC 7.5-5-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3408; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 25. [71 IAC 7.5-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-6-1](#) Equipment

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) No whip shall be used unless it has affixed to the end of it a looped leather popper not less than one and one-quarter (1 1/4) inches in width, and not over three (3) inches in length, and be feathered above the popper with not less than three (3) rows of leather feathers, each feather not less than one (1) inch in length. No whip shall exceed thirty-one (31) inches in length. All whips **riding crops** are subject to inspection and approval by the stewards **and the clerk of scales**.

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

(A) maximum weight of eight (8) ounces;

(B) maximum length of thirty (30) inches;

(C) shaft maximum diameter of the shaft of one-half (1/2) inch; and

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

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

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

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

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

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

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

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

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

(d) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the starter.

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

(f) Any nontraditional material incorporated into a racing bandage must be approved by the commission veterinarian.

(g) Blinker cups must be a minimum of one and one-half (1½) inches.

(Indiana Horse Racing Commission; [71 IAC 7.5-6-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:13 p.m.: 21 IR 4234; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 26. [71 IAC 7.5-6-3](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-6-3](#) Jockey requirements

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 3. (a) Jockeys shall report to the jockeys' quarters at the time designated by the association. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled, except as approved by the stewards.

(b) A jockey who has not fulfilled all riding engagements, who desires to leave the jockeys' quarters, must first receive the permission of the stewards and must be accompanied by an association security guard.

(c) While in the jockeys' quarters, jockeys shall have no contact or communication with any person outside the jockeys' quarters other than:

- (1) commission personnel and officials;
- (2) an owner or trainer for whom the jockey is riding;
- (3) the jockey's agent; or
- (4) a representative of the regular news media;

except with the permission of the stewards. Any communication permitted by the stewards may be conducted only in the presence of the clerk of scales or other person designated by the stewards. Such communication may include the use of personal cell phones in a restricted area approved by the commission or its designee.

(d) Jockeys shall be weighed out for their respective mounts by the clerk of scales not more than thirty (30) minutes before post time for each race.

(e) Only valets employed by the association shall assist jockeys in weighing out.

(f) A jockey must wear a safety vest when riding in any official race. The safety vest shall:

- (1) weigh no more than two (2) pounds; and
- (2) be designed to provide shock absorbing protecting to the upper body of at least a rating of five (5) as defined by the British Equestrian Trade Association (BETA).

(g) A jockey's weight shall include ~~the~~ **his/her** jockey's clothing, boots, saddle and its attachments, and any

other equipment except the:

- ~~(1) whip;~~
- (1) riding crop;**
- (2) bridle;
- (3) bit or reins;
- (4) safety helmet;
- (5) safety vest;
- (6) blinkers;
- (7) goggles; ~~and~~
- (8) overgirth; and**
- ~~(8) (9) number cloth.~~

(h) Seven (7) pounds is the limit of overweight any horse is permitted to carry.

(i) Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be readmitted to the jockeys' quarters until after the entire racing program for that day has been completed, except with permission of the stewards.

(Indiana Horse Racing Commission; [71 IAC 7.5-6-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2871, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 206; emergency rule filed Feb 17, 2005, 11:48 a.m.: 28 IR 2154; emergency rule filed Jul 28, 2006, 11:17 a.m.: [20060809-IR-071060278ERA](#), eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 27. [71 IAC 7.5-6-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 7.5-6-5](#) Post to finish

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

- (1) The starter is responsible for assuring that each participant receives a fair start.
- (2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare the horse a nonstarter.
- (3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a nonstarter by the stewards.
- (4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be nonstarters, exclude individual horses from one (1) or more pari-mutuel pools, or declare a no contest and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

(b) The following shall apply to interference, jostling, or striking during the race:

- (1) A jockey shall not ride carelessly or willfully so as to permit the jockey's mount to interfere with, impede, or intimidate any other horse in the race.
- (2) No jockey shall carelessly or willfully jostle, strike, or touch another jockey or another jockey's horse or equipment.
- (3) No jockey shall unnecessarily cause the jockey's horse to shorten its stride so as to give the appearance of having suffered a foul.

(c) The following shall apply to maintaining a straight course during the race:

- (1) When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it may be a foul.
- (2) The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the

race, regardless of whether the foul was accidental, willful, or the result of careless riding.

(3) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible.

(4) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts, or swerves out of its lane in such a manner that it interferes with, impedes, or intimidates another horse, and it may result in the disqualification of the offending horse.

(d) The following shall apply to disqualifications during the race:

(1) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(2) If a horse is disqualified for a foul, any horse or horses with which it is coupled as an entry may also be disqualified.

(3) When a horse is disqualified for interference in a time trial race, for the purposes of qualifying only, it shall receive the time of the horse it is placed behind plus one one-hundredth (1/100) of one (1) second penalty, or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for the finals or consolations of the race on the basis of the assigned time.

(4) Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer, or other person authorized to handle or attend to a horse shall be prima facie evidence of a violation of these rules and is sufficient grounds for the stewards to scratch or disqualify the horse.

(5) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.

(e) All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race, and each horse shall be ridden to win.

(f) The following shall apply to use of ~~whips~~ **riding crops** during the race:

(1) **Although** the use of a ~~whip~~ **riding crop** is **not** required, ~~All jockeys shall use the whip~~ **any jockey who uses a riding crop during a race shall do so** only in a manner consistent with exerting ~~the jockey's~~ his/her best efforts to win.

(2) In all races where a jockey will ride without a riding crop, an announcement of such fact shall be made over the public address system.

~~(2)~~ **(3) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the ~~whip~~ riding crop approved by the stewards, shall be possessed by anyone or applied by anyone to a horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.**

~~(3) Whips~~ **(4) Riding crops** shall not be used on two-year-old horses in races before April 1 of each year.

(5) The riding crop shall only be used for safety, correction, and encouragement.

(6) All riders should comply with the following when using the riding crop:

(A) showing the horse the riding crop and giving it time to respond before hitting it;

(B) having used the riding crop, giving the horse a chance to respond before using it again; and

(C) using the riding crop in rhythm with the horse's stride.

~~(4)~~ **(7) Prohibited use of the ~~whip~~ riding crop includes, ~~whipping~~ but are [sic, is] not limited to striking a horse:**

(A) on the head, flanks, or any other part of its body other than the shoulders or hind quarters, except when necessary to control a horse;

(B) during the post parade or after the finish of the race, except when necessary to control the horse;

(C) excessively or brutally causing welts or breaks in the skin;

(D) when the horse is clearly out of the race or has obtained its maximum placing; or

(E) persistently even though the horse is showing no response under the ~~whip~~; riding crop;

or striking another ~~rider~~ **person** or horse.

(g) After the race, horses will be subject to inspection by a racing or official veterinarian looking for cuts, welts, or bruises in the skin. Any adverse findings shall be reported to the stewards.

(h) The giving of instructions by any licensee that if obeyed would lead to a violation of this rule may result in disciplinary action also being taken against the licensee who gave such instructions.

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

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

- (1) The official order of finish shall be decided by the stewards with the aid of the photo finish camera and, in the absence of the photo finish film strip, the video replay. The photo finish and video player are only aids in the stewards' decision. The decision of the stewards shall be final in all cases.
- (2) The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.

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

- (1) After a race has been run, the jockey shall ride promptly to the place designated by the stewards, dismount, and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.
- (2) If a jockey is prevented from riding to the designated unsaddling area because of an accident or illness to the jockey or the horse, the jockey may walk or be transported to the scales, or may be excused from weighing in by the stewards.

~~(j)~~ **(l)** The following shall apply to unsaddling:

- (1) Only persons authorized by the stewards may assist the jockey with unsaddling the horse after the race.
- (2) No one shall place a covering over a horse before it is unsaddled.

~~(k)~~ **(m)** The following shall apply to weighing in:

- (1) A jockey shall weigh in at least at the same weight at which the jockey weighed out and, if the jockey is under that weight by more than two (2) pounds, the jockey's mount shall be disqualified from any portion of the purse money.
- (2) In the event of a disqualification, all monies wagered on the horse shall be refunded unless the race has been declared official.
- (3) No jockey shall weigh in at more than two (2) pounds over the proper or declared weight, excluding the weight of health and safety equipment approved by the stewards. The stewards may make allowances for inclement weather.

~~(l)~~ **(n)** The following shall apply to dead heats:

- (1) When two (2) horses run a dead heat for first place, all purses or prizes to which the first and second horses would have been entitled shall be divided equally between them. This subdivision applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.
- (2) In a dead heat for first place, each horse involved shall be deemed a winner and liable to penalty for the amount it shall receive.
- (3) When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses which ran a dead heat shall be deemed to have run a dead heat for first place.
- (4) If the dividing owners cannot agree as to which of them is to have a cup or other prize which cannot be divided, the question shall be determined by lot by the stewards.

~~(m)~~ **(o)** The following shall apply to time trials:

- (1) Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten (10) horses.
- (2) The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten (10) fastest times shall qualify to participate in the finals. If the time trials are conducted on two (2) days, the horses with the first five (5) fastest times on the first day and the horses with the five (5) fastest times on the second day shall qualify to participate in the finals.
- (3) If the association's starting gate has less than ten (10) stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.
- (4) If only eleven (11) or twelve (12) horses are entered to run in time trials from a gate with twelve (12) or more stalls, the association may choose to run finals only. If eleven (11) or twelve (12) horses participate in the finals, only the first ten (10) finishers will receive purse money.
- (5) In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two (2) or more horses have the same time in the same trial heat, in which case the order of finish shall also determine the preference in

qualifying for the finals. Should two (2) or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying positions, then a draw by public lot shall be conducted as directed by the stewards.

(6) Except in the case of a disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.

(7) Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one one-hundredth (1/100) of one (1) second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, or other conditions.

(8) Should a malfunction occur with electronic times on any time trials, finalists from that time will then be determined by official hand timing operated by three (3) official and disinterested persons. The average of the three (3) hand times will be utilized for the winning time unless one (1) (p) [sic] of the hand times is clearly incorrect. In such cases, the average of the two (2) accurate hand times will be utilized for the winning time.

(Indiana Horse Racing Commission; 71 IAC 7.5-6-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2872, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 28. [71 IAC 8-3-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-3-5](#) Out of competition testing

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

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

- (1) on an owner's or trainer's license application; or
- (2) a stall application, nomination list; or
- (3) on the horse sign-in sheet at any time during the meet; or
- (4) has raced at any Indiana race meet during the calendar year.

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

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

(c) The executive director or judges may order any horse of a licensed trainer to report to a track under the

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

(d) A commission veterinarian, ~~or any a licensed veterinarian or licensed~~ **authorized by the commission, a veterinary technician authorized by under the direct supervision of a commission veterinarian, or a licensed veterinarian authorized by the commission** may at any time, take a urine, blood, or hair sample from a horse for out-of-competition testing **as provided for in this section.**

(e) **Unless sample collection occurs on the grounds of a racetrack or other location within Indiana under the commission's jurisdiction, the commission's representatives (or its designees, in the case of out-of-state collections) must arrive for the taking of blood, urine, or hair samples from an eligible horse as defined in subsections [subsection] (a) or (b), only between the hours of 7:00 a.m. and noon, after announcing their presence at the premises where the horse(s) to be tested is (are) located and showing their credentials to collect samples from the horse(s) selected for testing for prohibited substances, practices, and procedures as specified in subsection (f). The commission's representatives or designees will request to meet with the trainer or owner of the selected horse(s). If neither is available, the collection will be deferred until the trainer and/or owner, or their representative or designee, becomes reasonably available, but the collection must occur not later than one (1) hour after the commission's designee arrives at the premises in the case of an eligible horse under subsection (a), and not later than two (2) hours in the case of an eligible horse under subsection (b). If the collection does not occur within the time provided for in this subsection, any horse that would have been subject to testing and eligible to race in Indiana will be deemed to be ineligible for racing in Indiana pursuant to the provisions of subsections (a) and (b). In addition, the owner and/or trainer of the horses may be subject to any other sanctions allowed by Indiana law and regulations, including, but not limited to, a fine, suspension, and/or summary suspension. It is a defense to any action brought against an owner and/or trainer for sanctions or as a result of any declaration a horse is ineligible because the sample collection did not occur within the time provided for by this subsection that good cause existed that prohibited the owner, trainer, and/or their representative or designee from complying with the time limits set forth in this subsection. The owner, trainer, and/or their representative or designee has the burden of proving the good cause defense by a preponderance of the evidence.**

~~(e)~~ (f) Prohibited substances, practices, and procedures are defined as **the following:**

- (1) blood doping agents including, but not limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues;
- (2) gene doping agents or the nontherapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia; and
- (3) the presence **in a horse** of any substance at anytime ~~described listed~~ **listed in subsection (1) or (2) subdivision (1) or (2) in an eligible as defined in subsections (a) and (b) above** is prohibited and is a violation of this rule.

~~(f)~~ (g) The trainer ~~owner, and/or their~~ **his/her** designees shall cooperate with the commission veterinarian or any licensed veterinarian or licensed veterinary technician authorized by the commission or any commission employee by:

- (1) assisting in the immediate location and identification of the **eligible** horse selected for out of competition testing; **and**
- (2) providing a stall or safe location to collect the samples.
- ~~(3) assisting in properly procuring the samples; and~~
- ~~(4) obeying any instruction necessary to accomplish the provision of this rule.~~

The executive director or judges may summarily suspend, exclude, and/or otherwise penalize any ~~licensee or~~ **trainer and/or other person authorized representative or designee** who does not fully cooperate with a

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

~~(g)~~ **(h)** The collection of blood, ~~or~~ urine, **or hair** samples under this rule shall be divided in three (3) parts to be analyzed as follows:

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

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

~~(h)~~ **(i)** In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection ~~(e)~~ **(f) of this rule.**

~~(i) Unless otherwise noted, the other provisions of this article apply to out of competition testing.~~

(Indiana Horse Racing Commission; [71 IAC 8-3-5](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.])

SECTION 29. [71 IAC 8-6-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-6-2](#) Prohibited practices

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

- (1) Erythropoietin.
- (2) Darbepoietin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.

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

- (1) any treated horse shall not be permitted to race for a minimum of ten (10) days following treatment;**
- (2) the use of extracorporeal shock therapy or radial pulse wave therapy machines shall be limited to veterinarians licensed to practice by the commission;**
- (3) any extracorporeal shock therapy or radial pulse therapy machines on the association grounds must be registered with and approved by the commission or its designee before use;**
- (4) all extracorporeal shock therapy or radial pulse therapy treatments must be reported to the official**

veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.

~~(b)~~ **(c)** The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term "drug" is any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease, any nonfood substance that is intended to affect the structure or function of the animal, and includes any substance administered by injection.

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

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

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

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

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

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

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

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

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

~~(i)~~ **(j)** When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label which sets forth the following:

- (1) Name and address of the veterinarian;
- (2) Name and address of the client;
- (3) Name of the horse;

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

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

(Indiana Horse Racing Commission; [71 IAC 8-6-2](#); emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2385; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 30. [71 IAC 8-9-1](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8-9-1](#) Veterinarian's list

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. (a) The official veterinarian shall maintain a list of all horses that are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity, or medical condition.

(b) Any horse scratched under **subsection (a)** shall not be eligible to race for a minimum of ~~seven (7)~~ **eight (8) days following the scratch or, when in the opinion of after the scratch is reported to the judges. Thereafter, the horse shall be eligible to race only after the official veterinarian following the seven (7) days, designates that the horse** has satisfactorily recovered the capabilities to perform in a race.

(Indiana Horse Racing Commission; [71 IAC 8-9-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1175; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2222; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 31. [71 IAC 8.5-2-5](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-2-5](#) Out of competition testing

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31-12](#)

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

- (1) on an owner's or trainer's license application; or
- (2) a stall application, nomination list; or
- (3) on the horse sign-in sheet at any time during the meet; or
- (4) has raced at any Indiana race meet during the calendar year.

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

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

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

(d) A commission veterinarian, ~~or any a licensed veterinarian authorized by the commission or licensed a veterinary technician authorized by the~~ **under the direct supervision of a commission veterinarian, or a licensed veterinarian authorized by the commission** may ~~at any time~~ take a urine, blood, or hair sample from a horse for out-of-competition testing **as provided for in this section.**

(e) **Unless sample collection occurs on the grounds of a racetrack or other location within Indiana under the commission's jurisdiction, the commission's representatives (or its designees, in the case of out-of-state collections) must arrive for the taking of blood, urine, or hair samples from an eligible horse as defined in subsections [subsection] (a) or (b), only between the hours of 7:00 a.m. and noon, after announcing their presence at the premises where the horse(s) to be tested is (are) located and showing their credentials to collect samples from the horse(s) selected for testing for prohibited substances, practices, and procedures as specified in subsection (f). The commission's representatives or designees will request to meet with the trainer or owner of the selected horse(s). If neither is available, the collection will be deferred until the trainer and/or owner, or their representative or designee, becomes reasonably available, but the collection must occur not later than one (1) hour after the commission's designee arrives at the premises in the case of an eligible horse under subsection (a), and not later than two (2) hours in the case of an eligible horse under subsection (b). If the collection does not occur within the time provided for in this subsection, any horse that would have been subject to testing and eligible to race in Indiana will be deemed to be ineligible for racing in Indiana pursuant to the provisions of subsections (a) and (b). In addition, the owner and/or trainer of the horses may be subject to any other sanctions allowed by Indiana law and regulations, including, but not limited to, a fine, suspension, and/or summary suspension. It is a defense to any action brought against an owner and/or trainer for sanctions or as a result of any declaration a horse is ineligible because the sample collection did not occur within the time provided for by this subsection that good cause existed that prohibited the owner, trainer, and/or their representative or designee from complying with the time limits set forth in this subsection. The**

owner, trainer, and/or their representative or designee has the burden of proving the good cause defense by a preponderance of the evidence.

~~(e)~~ **(f)** Prohibited substances, practices, and procedures are defined as **the following:**

- (1) blood doping agents including, but not limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues;
- (2) gene doping agents or the nontherapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia; and
- (3) the presence **in a horse** of any substance at anytime described **listed** in subsection ~~(1) or (2)~~ **subdivision (f) (1) or (f) (2) [subdivision (1) or (2)] in an eligible as defined in subsections (a) and (b) above** is prohibited and is a violation of this rule.

~~(f)~~ **(g)** The ~~trainer owner,~~ and/or ~~their~~ **his/her** designees shall cooperate with the commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, or any commission employee by:

- (1) assisting in the immediate location and identification of the **eligible** horse selected for out of competition testing; **and**
- (2) providing a stall or safe location to collect the samples.
- ~~(3) assisting in properly procuring the samples; and~~
- ~~(4) obeying any instruction necessary to accomplish the provision of this rule.~~

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

~~(g)~~ **(h)** The collection of blood, ~~or~~ urine, **or hair** samples under this rule shall be divided in three (3) parts to be analyzed as follows:

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

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

~~(h)~~ **(i)** In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection ~~(e)~~ **(f) of this rule.**

~~(i) Unless otherwise noted, the other provisions of this article apply to out of competition testing.~~

(Indiana Horse Racing Commission; [71 IAC 8.5-2-5](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

SECTION 32. [71 IAC 8.5-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[71 IAC 8.5-5-2](#) Prohibited practices

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

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

- (1) Erythropoietin.
- (2) Darbepoietin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.

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

- (1) any treated horse shall not be permitted to race for a minimum of ten (10) days following treatment;**
- (2) the use of extracorporeal shock therapy or radial pulse wave therapy machines shall be limited to veterinarians licensed to practice by the commission;**
- (3) any extracorporeal shock therapy or radial pulse therapy machines on the association grounds must be registered with and approved by the commission or its designee before use;**
- (4) all extracorporeal shock therapy or radial pulse therapy treatments must be reported to the official veterinarian on the prescribed form not later than the time prescribed by the official veterinarian.**

~~(b)~~ **(c)** The possession and/or use of a drug, substance, or medication on the premises of a facility under the jurisdiction of the commission that has not been approved by the United States Food and Drug Administration (FDA) for any use (human or animal) is forbidden without prior permission of the commission. For purposes of this rule, the term "drug" is any substance, food or nonfood, that is used to treat, cure, mitigate, or prevent a disease, is any nonfood substance that is intended to affect the structure or function of the animal, and includes any substance administered by injection.

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

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

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

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

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

~~(g)~~ **(h)** A veterinarian shall not possess any drug that is not labeled pursuant to the requirements of subsection

~~(h)~~ (i) or ~~(i)~~ (j).

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

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

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

~~(i)~~ (j) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-patient relationship, the veterinarian must affix or cause to be affixed a label that sets forth the following:

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

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

(Indiana Horse Racing Commission; [71 IAC 8.5-5-2](#); emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 57; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2226; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]

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