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TITLE 71 INDIANA HORSE RACING COMMISSION

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Emergency Rule  
LSA Document #10-170(E)

## DIGEST

Adds [71 IAC 1.5-1-102.5](#) to define "traction device". Amends [71 IAC 3-2-9](#) concerning the judge's list. Amends [71 IAC 3-5-1](#) concerning general authority. Adds [71 IAC 3.5-3-11](#) concerning the daily program. Amends [71 IAC 5-3-1](#) concerning eligibility. Amends [71 IAC 5-3-3](#) concerning other responsibilities. Amends [71 IAC 5.5-3-1](#) concerning eligibility. Amends [71 IAC 5.5-3-3](#) concerning other responsibilities. Amends [71 IAC 6-3-2](#) concerning conditions. Amends [71 IAC 7-1-15](#) concerning horses ineligible to be entered. Amends [71 IAC 7-1-28](#) concerning qualifying races. Amends [71 IAC 7-2-6](#) concerning recall rules. Amends [71 IAC 7-3-7](#) concerning driving rules. Amends [71 IAC 7-3-13](#) concerning whip restrictions. Amends [71 IAC 7.5-4-1](#) concerning workout requirements. Amends [71 IAC 7.5-5-1](#) concerning horses ineligible. Amends [71 IAC 7.5-6-3](#) concerning jockey requirements. Amends [71 IAC 7.5-6-5](#) concerning post to finish. Amends [71 IAC 8-3-4](#) concerning the taking of samples. Amends [71 IAC 8-8-1](#) concerning postmortem, disposal of a dead horse. Adds [71 IAC 8-13](#) concerning equine health requirements. Amends [71 IAC 8.5-2-4](#) concerning the taking of samples. Amends [71 IAC 8.5-3-3](#) concerning administrative procedures prior to split sample testing. Amends [71 IAC 8.5-7-1](#) concerning postmortem, disposal of a dead horse. Adds [71 IAC 8.5-14](#) concerning equine health requirements. Repeals [71 IAC 5-1-19](#) and [71 IAC 5.5-1-19](#). Effective March 23, 2010.

[71 IAC 1.5-1-102.5](#); [71 IAC 3-2-9](#); [71 IAC 3-5-1](#); [71 IAC 3.5-3-11](#); [71 IAC 5-1-19](#); [71 IAC 5-3-1](#); [71 IAC 5-3-3](#); [71 IAC 5.5-1-19](#); [71 IAC 5.5-3-1](#); [71 IAC 5.5-3-3](#); [71 IAC 6-3-2](#); [71 IAC 7-1-15](#); [71 IAC 7-1-28](#); [71 IAC 7-2-6](#); [71 IAC 7-3-7](#); [71 IAC 7-3-13](#); [71 IAC 7.5-4-1](#); [71 IAC 7.5-5-1](#); [71 IAC 7.5-6-3](#); [71 IAC 7.5-6-5](#); [71 IAC 8-3-4](#); [71 IAC 8-8-1](#); [71 IAC 8-13](#); [71 IAC 8.5-2-4](#); [71 IAC 8.5-3-3](#); [71 IAC 8.5-7-1](#); [71 IAC 8.5-14](#)

SECTION 1. [71 IAC 1.5-1-102.5](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 1.5-1-102.5](#) "Traction device" defined**

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

Affected: [IC 4-31](#)

**Sec. 102.5. "Traction device" means modification or isolation device that extends below the ground bearing plane of the horseshoe (e.g., traction nails, toe grabs, turndowns, blocked heels, jar caulks, stickers, and Memphis bars) or restricts the natural forward slide of the hoof upon impact.**

*(Indiana Horse Racing Commission; [71 IAC 4-2-7](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

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

**[71 IAC 3-2-9](#) Judge's list**

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

Affected: [IC 4-31](#)

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

- (1) Making a break in a qualifying race.
- (2) Making a break in a race following a qualifying race unless finishing first, second, or third. Two (2) year old nonwagering purse races for three hundred dollars (\$300) or less shall be considered a qualifying race.
- (3) Poor performance or failure to go in a qualifying time.
- (4) Poor performance in a qualifying race regardless of going in qualifying time.
- (5) Making breaks in two (2) consecutive starts unless finishing first, second, or third in one (1) of the two (2).
- (6) Being scratched sick or lame in two (2) consecutive programmings or scratched sick or lame from a race

following a qualifying race.

(7) Scratched sick/lame in a race previous or subsequent to a break line.

(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 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 track~~ **must, upon its return to the pari-mutuel track, Notwithstanding the above show a satisfactory line at within the time standards for half mile tracks or finishing first, second, or third with an unsatisfactory line and within one (1) second of the time standards established by 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). The Indiana state fairgrounds shall not be considered a county fair track for these qualification standards.

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

(g) The judges may waive qualifying requirements of this rule for ~~Hambletonian Society Stake races~~ **non-Indiana Marquee races** and Indiana Sires Stakes **and Late Closer** 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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

### SECTION 3. [71 IAC 3-5-1](#) IS AMENDED TO READ AS FOLLOWS:

#### [71 IAC 3-5-1](#) General authority

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

Affected: [IC 4-31-8-3](#)

Sec. 1. The horse identifier shall be present for each race. He or she shall inspect each horse prior to its departure from the paddock to the post to confirm the horse's proper identity by checking the horse's:

(1) **lip** tattoo number (2) **or** freeze brand; **and**

~~(3)~~ (2) color; and

~~(4)~~ (3) markings.

*(Indiana Horse Racing Commission; [71 IAC 3-5-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1131; 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 4. [71 IAC 3.5-3-11](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 3.5-3-11](#) Daily program**

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

Affected: [IC 4-31](#)

**Sec. 11. The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:**

- (1) Sequence of races to be run and post time for the first race.**
- (2) Purse, conditions, and distance for each race, and current track record for such distance.**
- (3) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried.**
- (4) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried.**
- (5) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation.**
- (6) Identification of each horse by name, color, sex, age, sire, and dam.**
- (7) A notice shall be included in the daily program that all jockeys will carry approximately three (3) pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, with the stewards' approval, jockeys may weigh in with an additional (3) pounds for inclement weather gear when approved by the stewards and such other information as may be requested by the association or the commission.**

*(Indiana Horse Racing Commission; [71 IAC 3.5-3-11](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 5. [71 IAC 5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 5-3-1](#) Eligibility**

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

Affected: [IC 4-31](#)

**Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:**

- (1) Be at least eighteen (18) years of age.**
- (2) Shall hold a currently valid trainer's license issued by the USTA or CTA. **Applicants holding CTA licenses only must provide a complete CTA ruling history from that organization to the Indiana horse racing commission judges prior to being licensed.****
- (3) Be qualified, as determined by the judges or other commission designee, by reason of experience, background, and knowledge of racing.**

**(b) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills administered by the USTA/CTA or their designee.**

**(c) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and bona fide trainer of each of his or her horses registered with the racing secretary. Any change in the trainer of a horse registered with the racing secretary shall be approved by the judges. Each trainer shall comply with all licensing requirements.**

**(d) The commission or its designee may refuse, deny, suspend, or revoke a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to a trainer who would circumvent the intent of a commission rule or ruling is prohibited.**

(e) To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as a trainer, any horse that the substitute is training may be placed on the judge's list. In such event, any horse involving an issue of the true and bona fide trainer is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of [71 IAC 7-1-35](#).

*(Indiana Horse Racing Commission; [71 IAC 5-3-1](#); 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; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2746; 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

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, **including that outlined in [71 IAC 8](#).**

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

~~(12) (10) 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) (11) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior digital neurectomy (heel nerving) **denervating** has been performed and ensuring that such fact is designated on the USTA electronic eligibility.~~

~~(14) (12) Promptly reporting to the judges and the commission veterinarian the serious illness of any horse in his or her charge.~~

~~(15) (13) 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)~~ **(14)** Maintaining a knowledge of the medication record and status of all horses in his or her care.
- ~~(17)~~ **(15)** 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)~~ **(16)** Representing an owner in making entries and scratches and in all other matters pertaining to racing.
- ~~(19)~~ **(17)** Horses entered as to eligibility.
- ~~(20)~~ **(18)** Ensuring the fitness of a horse to perform creditably.
- ~~(21)~~ **(19)** Ensuring that his or her horses are properly shod, bandaged, and equipped.
- ~~(22)~~ **(20)** Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.
- ~~(23)~~ **(21)** Personally attending to his or her horses in the paddock or designating a licensee to attend to the horse in the paddock.
- ~~(24)~~ **(22)** Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.
- ~~(25)~~ **(23)** 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)~~ **(24)** 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)~~ **(25)** Notifying horse owners upon the revocation or suspension of his or her trainer's license.
- ~~(28)~~ **(26)** Guard and protect all horses in his or her care.
- ~~(29)~~ **(27)** Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.
- ~~(30)~~ **(28)** 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)~~ **(29)** Ensuring that electronic eligibility is registered with the USTA prior to entry in a race or qualifying race.
- ~~(33)~~ **(30)** 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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*



SECTION 7. [71 IAC 5.5-3-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 5.5-3-1](#) Eligibility**

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

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

Sec. 1. (a) An applicant for a license as trainer or assistant trainer shall:

- (1) be at least eighteen (18) years of age; and
- (2) be qualified, as determined by the stewards or other commission designee, by reason of experience, background, and knowledge of racing.

(b) A trainer's license from another jurisdiction, having been issued within a prior period as determined by the commission, may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or more of the following:

- (1) A written examination.
- (2) An interview or oral examination.
- (3) A demonstration of practical skills in a barn test.

(c) An applicant not previously licensed as a trainer shall be required to pass a written or oral examination and a demonstration of practical skills, administered by the stewards, prior to being licensed as a trainer.

(d) Each licensed trainer is responsible for disclosure to the commission or its designee of the true and entire ownership of each of his or her horses registered with the racing secretary. Any change in ownership of a horse registered with the racing secretary shall be approved by the stewards. Each owner shall comply with all licensing requirements.

(e) Each licensed owner and trainer is responsible for disclosure to the commission or its designee of the true and bona fide trainer of each of his or her horses registered with the racing secretary. Any change in the trainer of a horse registered with the racing secretary shall be approved by the stewards. Each trainer shall comply with all licensing requirements.

(f) The commission or its designee may refuse, deny, suspend, or revoke a trainer's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as a trainer, unless there is a showing, by clear and convincing evidence, on the part of the licensed trainer, applicant, or licensed owner (and the commission determines) that participation in racing will not permit a person to serve as a substitute for an ineligible person. The transfer of a horse to a trainer who would circumvent the intent of a commission rule or ruling is prohibited.

(g) To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as a trainer, any horse that the substitute is training may be placed on the stewards' list. In such event, any horse involving an issue of the true and bona fide trainer is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of [71 IAC 7.5-5-2](#).

**(h) Beginning no later than January 1, 2012, in order to maintain a current license, trainers must complete at least four (4) hours per calendar year of continuing education courses approved by the commission.**

*(Indiana Horse Racing Commission; [71 IAC 5.5-3-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

**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, **including that outlines *[sic]* in 71 IAC 8.**

- (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 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)~~ **(9) Using the services of those veterinarians licensed by the commission to attend horses that are on association grounds. 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.**

- ~~(12)~~ **(10) 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)~~ **(11) Promptly reporting to the racing secretary and the commission veterinarian any horse on which a posterior designated digital neurectomy (heel ~~nerve~~ denervating) has been performed and ensuring that such fact is designated on its certificate of registration.**

- ~~(14)~~ **(12) Promptly reporting to the stewards and the commission veterinarian the serious illness of any horse in his or her charge.**

- ~~(15)~~ **(13) 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)~~ **(14) Maintaining a knowledge of the medication record and status of all horses in his or her care.**

- ~~(17)~~ **(15) 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)~~ **(16) Representing an owner in making entries and scratches and in all other matters pertaining to racing.**

- ~~(19)~~ **(17) Horses entered as to eligibility.**

- ~~(20)~~ **(18) Ensuring the fitness of a horse to perform creditably.**

- ~~(21)~~ **(19) Ensuring that his or her horses are properly shod, bandaged, and equipped.**

- ~~(22)~~ **(20) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.**

- ~~(23)~~ **(21) Personally attending to his or her horses in the paddock unless excused by the stewards.**

- ~~(24)~~ **(22) Instructing the jockey to give his or her best effort during a race and that each horse shall be ridden to win.**

- ~~(25)~~ **(23) 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)~~ **(24)** 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)~~ **(25)** Notifying horse owners upon the revocation or suspension of his or her trainer's license.

~~(28)~~ **(26)** Guard and protect all horses in his/her care.

~~(29)~~ **(27)** Account for fees and services rendered on behalf of any horse in his/her care to the appropriate owner or owners.

~~(30)~~ **(28)** Determine the training regimen of all horses in his/her care.

~~(31)~~ **(29)** The licensure of owners and employees prior to participating on race day.

~~(32)~~ **(30)** 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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 9. [71 IAC 6-3-2](#) IS AMENDED TO READ AS FOLLOWS:

### **[71 IAC 6-3-2](#) Conditions**

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

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

Sec. 2. (a) Conditions may be based only on any one (1) or more combinations of the following qualifications:

(1) A horse's money winnings in a specified number of previous races or during a specified previous time.

(2) A horse's finishing position in a specified number of previous races or during a specified period of time.

(3) Age.

(4) Sex.

(5) The number of starts during a specified period of time.

(6) Special qualifications for foreign horses that do not have a representative number of starts in the United States or Canada.

(7) The exclusion of schooling races.



(b) **With the exception of Indiana Sired, and/or Indiana Sired preferred**, conditions shall not be written in such a way that any horse is deprived of an opportunity to race in a normal preference cycle. Where the word preference is used in a condition, it shall not supersede date preference as provided in these rules. Not more than three (3) also eligible conditions shall be used in writing the conditions for overnight events.

(c) The commission may, upon application from the racing secretary, approve conditions other than those listed in this section for special events.

(d) In the event there are conflicting published conditions and neither one nor the other is withdrawn by the association, the one more favorable to the declarer shall govern.

(e) For the purpose of eligibility, a racing season or racing year shall be the calendar year. All races based on winnings will be programmed nonwinners of a specified dollar amount or winners over a specified dollar amount. Additional conditions may be added. When recording winnings, gross winnings shall be used and cents shall be disregarded.

(f) Records and time bars shall not be used as a condition of eligibility.

(g) Horses must be eligible when declarations close subject to the following provisions:

(1) Wins and winnings on or after the closing date of declarations shall not be considered.

(2) Age allowances shall be given according to the age of the horse on the date the race is contested.

(3) In mixed races, trotting, and pacing, a horse must be eligible under the conditions for the gait at which it is stated in the declaration the horse will perform.

(h) When conditions refer to previous performances, those performances shall only include those in a purse race. Each dash or heat shall be considered as a separate performance for the purpose of condition races.

(i) No more than four (4) trailers shall be permitted, regardless of the size of the track, except with the approval of the commission. At least eight (8) feet per horse must be provided the starters in the front tier.

(j) The racing secretary may reject the declaration to an overnight event of any horse whose past performance indicates that it would be below the competitive level of other horses declared to that particular event.

*(Indiana Horse Racing Commission; [71 IAC 6-3-2](#); emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2909; emergency rule filed Feb 24, 2000, 2:32 p.m.: 23 IR 1669, eff Feb 24, 2000; errata filed Mar 2, 2000, 4:06 p.m.: 23 IR 1656; 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 10. [71 IAC 7-1-15](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 7-1-15](#) Horses ineligible to be entered**

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

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

Sec. 15. (a) An owner or trainer shall not enter or start a horse that:

(1) has not been qualified or is on the judge's or vet's list;

(2) is wearing a trachea tube or has a hole in its throat for a trachea tube;

(3) has **had any surgical neurectomy** (been ~~nerved~~; or **denerved**) **not in accordance with [71 IAC 5](#)**;

(4) has impaired eyesight in both eyes; **or**

(5) is fifteen (15) years of age or older.

(b) A horse drawn into a race that is on the judge's or vet's list shall be scratched.

(c) A horse shall not start at an Indiana pari-mutuel track in a wagering or nonwagering event having not raced in the last thirty (30) days, race date to race date.

(Indiana Horse Racing Commission; [71 IAC 7-1-15](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1917; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))

SECTION 11. [71 IAC 7-1-28](#) IS AMENDED TO READ AS FOLLOWS:

### [71 IAC 7-1-28](#) Qualifying races

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

Affected: [IC 4-31](#)

Sec. 28. Declarations for qualifying races shall be governed by the following:

- (1) A horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of the judges and acquire at least one (1) charted line within the qualifying standards of the track.
- (2) A horse that does not show a charted line within its last six (6) starts must go a qualifying race within the time standards of the track.
- (3) A horse not meeting qualifying standards in its last two (2) consecutive starts on a good or fast track must qualify.
- (4) Horses racing with or without pacing or trotting hoppers for the first time must qualify.
- (5) When a horse is used for the sole purpose of qualifying a driver, that horse must go in qualifying time or be placed on the list to requalify, and the race must be charted.
- (6) If a horse takes a win record in a qualifying race, that record must be prefaced with a "Q". The record will not be considered official unless the horse is post-race tested (urine and blood).
- ~~(7) The judges may permit free for all or invitational class horses to go a timed workout consistent with the time it will race in competition in place of a qualifying race.~~
- ~~(8)~~ (7) If a qualified horse is entered in a qualifier, that qualifier will not be considered if the horse fails to qualify. Only one (1) such failed qualifier will be permitted.

(Indiana Horse Racing Commission; [71 IAC 7-1-28](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; 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 Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1918; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))

SECTION 12. [71 IAC 7-2-6](#) IS AMENDED TO READ AS FOLLOWS:

### [71 IAC 7-2-6](#) Recall rules

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

Affected: [IC 4-31](#)

Sec. 6. (a) In the case of a recall, a light which is plainly visible to the drivers shall be flashed and a recall sounded, but the starting gate shall proceed out of the path of the horses. At pari-mutuel tracks, in the case of a recall, wherever possible, the starter shall leave the wings of the gate extended and gradually slow the speed of the gate to assist in stopping the field of horses. In an emergency, however, the starter shall use his or her discretion to close the wings of the gate. There shall be no recall after the word "go" has been given unless there is a mechanical failure of the starting gate. Any horse, regardless of its position or an accident, shall be deemed a starter from the time it entered into to starter's control unless dismissed by the starter, **or declared a nonstarter by the judges.**

(b) In the event a horse causes two (2) recalls, it shall be an automatic ruling of the judges that the offending

horse be scratched and a mutuel refund ordered.

(c) The starter may sound a recall only for the following reasons:

- (1) A horse scores ahead of the gate.
- (2) There is interference.
- (3) A horse has broken equipment.
- (4) A horse falls before the word "go" is given.
- (5) A mechanical failure of the starting gate.
- (6) The starter determines, in his or her discretion, that ~~there cannot be a fair start~~: **a horse has never been within a fair distance to the starting gate whether off stride or not.**

*(Indiana Horse Racing Commission; [71 IAC 7-2-6](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1500; 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.]; 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 13. [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 **or outside** 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) Maintaining a position of half in and half out.
- (13) Lay off a normal place and leave a hole when it is well within a horse's capacity to keep the hole closed **when there is no strategic reason to do so.**
- (14) Cross the inside limits of the course.
- (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 **display competitive urging or cease driving while** in contention to place 1st, 2nd, 3rd or 4th; **in the home stretch**;
- (2) race in an inconsistent manner;
- (3) drive in an unsatisfactory manner due to lack of effort;
- (4) drive in an unsatisfactory manner due to carelessness; or
- (5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

(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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 14. [71 IAC 7-3-13](#) IS AMENDED TO READ AS FOLLOWS:

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

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

Affected: [IC 4-31](#)

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

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

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

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

- (1) Whipping of a horse during post parade or after the finish.
- (2) Continuous use of the whip.
- (3) Striking any part of the whip under the tail or between the legs.
- (4) Whipping a horse not advancing through the field.
- (5) Causing visible injury.
- (6) The use of any sharp object or stimulating device.
- (7) Any part of the whip may not be used for jabbing.**

(e) Drivers shall keep a line in each hand from the start of the race until the 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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 15. [71 IAC 7.5-4-1](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 7.5-4-1](#) Requirements**

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

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

Sec. 1. A horse which has not started for a period of sixty (60) days or more prior to race day must have an official timed workout within the previous thirty (30) days prior to race day. First time starters must have two (2) or more official timed workouts, and at least one (1) such workout must be **from the starting gate** within the previous thirty (30) days prior to race day. The workout must have occurred at a pari-mutuel track or commission recognized training facility. The association may impose more stringent workout requirements. **All workouts are subject to the approval of the commission.**

*(Indiana Horse Racing Commission; [71 IAC 7.5-4-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2156; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 16. [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~~ **is** 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~~ **posterior digital** neurectomy ~~performed on a~~ (heel nerve, **denervng**), 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), **or any other traction device** on the front hooves **while racing or training on all racing surfaces**;
- (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;
- (28) it has reached the age of twelve (12); or
- (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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))

SECTION 17. [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~~ **weight** 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 **meet one (1) of the standards for safety vests outlined in [71 IAC 5.5-1-26](#).**

- ~~(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) Weighing Out**

**(1) A jockey's weight shall include his/her jockey's clothing, boots, saddle and its attachments, and any other equipment except the ~~bridle, bit, blinkers, goggles, number cloth, and safety equipment including helmet, vest, over-girth, reins, and breast collar.~~**

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

**(2) Upon steward's approval, jockeys may be allowed up to three (3) pounds more than published weights to account for inclement weather, clothing, and equipment.**

(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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 18. [71 IAC 7.5-6-5](#) IS AMENDED TO READ AS FOLLOWS:

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

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

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

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

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

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

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

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

- (1) When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it may be a foul.
- (2) The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding.
- (3) If the stewards determine the foul was intentional, or due to careless riding, the jockey may be held responsible.
- (4) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts, or swerves out of its lane in such a manner that it interferes with, impedes, or intimidates another horse, and it may result in the disqualification of the offending horse.

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

- (1) When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.
- (2) If a horse is disqualified for a foul, any horse or horses with which it is coupled as an entry may also be disqualified.

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

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

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

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

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

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

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

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

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

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

(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.

(7) Prohibited use of the riding crop includes, 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 riding crop;

or striking another 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.

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

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

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

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

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

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

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

weighing in by the stewards.

(l) The following shall apply to unsaddling:

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

(m) ~~The following shall apply to Weighing in:~~

(1) A jockey shall weigh in at least at **no less than** the same weight at which the jockey **he/she** weighed out and if the jockey is under that weight, ~~by more than two (2) pounds, the jockey's~~ **and after consideration of mitigating circumstances by the board of stewards, his/her** mount ~~shall~~ **may** be disqualified from any portion of the purse money.

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

~~(3) 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.~~

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

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

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

(n) The following shall apply to dead heats:

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

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

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

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

(o) The following shall apply to time trials:

(1) Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten (10) horses.

(2) The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten (10) fastest times shall qualify to participate in the finals. If the time trials are conducted on two (2) days, the horses with the first five (5) fastest times on the first day and the horses with the five (5) fastest times on the second day shall qualify to participate in the finals.

(3) If the association's starting gate has less than ten (10) stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.

(4) If only eleven (11) or twelve (12) horses are entered to run in time trials from a gate with twelve (12) or more stalls, the association may choose to run finals only. If eleven (11) or twelve (12) horses participate in the finals, only the first ten (10) finishers will receive purse money.

(5) In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two (2) or more horses have the same time in the same trial heat, in which case the order of finish shall also determine the preference in qualifying for the finals. Should two (2) or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying positions, then a draw by public lot shall be conducted as directed by the stewards.

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

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



account for head-wind, tail-wind, off-track, or other conditions.

(8) Should a malfunction occur with electronic times on any time trials, finalists from that time will then be determined by official hand timing operated by three (3) official and disinterested persons. The average of the three (3) hand times will be utilized for the winning time unless one (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.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))

SECTION 19. [71 IAC 8-3-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[71 IAC 8-3-4](#) Taking of samples**

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

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

Sec. 4. (a) Blood, urine, saliva, or other samples shall be:

(1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;

(2) taken in a detention area approved by the commission, unless the official veterinarian or judges approves otherwise;

(3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee, and may be witnessed by the owner, trainer, or other licensed person designated by them;

(4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and

(5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the executive director or the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission-approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money.

**(d) The association shall withhold payment of purse monies on all stake races and races with a purse value of fifty thousand dollars (\$50,000) or more. Upon notification from the commission's primary laboratory, the judges will communicate with the association horseman's bookkeeper regarding the release of purse monies.**

~~(d)~~ **(e)** The provisions of subsection (a)(2) and (a)(3) do not apply to section 5 of this rule.

(Indiana Horse Racing Commission; [71 IAC 8-3-4](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1171; 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))

SECTION 20. [71 IAC 8-8-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8-8-1](#) Postmortem; disposal of a dead horse**

Authority: [IC 4-31-3-9](#); [IC 4-31-12-10](#)

Affected: [IC 4-31](#)

Sec. 1. (a) The commission veterinarian or judges shall order a postmortem examination of:

(1) each horse that:

(A) suffers a breakdown on the racetrack, in training, or in competition; and

(B) is destroyed; and

(2) each horse that expires ~~under suspicious or unusual circumstances~~ while stabled on a racetrack under the jurisdiction of the commission;

to determine the injury or sickness that resulted in euthanasia or natural death.

**(b) All shoes shall be left on the horse.**

~~(b)~~ **(c)** A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian, **in accordance with the most recent addition [sic] of the Association of Equine Practitioners Guidelines for the Necropsy of a Racehorse.**

~~(c)~~ **(d)** Test samples specified by the commission veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical. **The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.**

~~(d)~~ **(e)** The commission shall pay all costs involved in a postmortem examination ordered by the commission or the commission veterinarian.

~~(e)~~ **(f)** A written record shall be filed with the commission veterinarian at the completion of each postmortem examination. ~~The record must contain all information normally contained in a postmortem examination.~~ The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the commission veterinarian.

*(Indiana Horse Racing Commission; [71 IAC 8-8-1](#); 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 2221; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 21. [71 IAC 8-13](#) IS ADDED TO READ AS FOLLOWS:

**Rule 13. Equine Health; Requirements**

**[71 IAC 8-13-1](#) Equine health; requirements**

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

Affected: [IC 4-31](#)

Sec. 1. (a) Any horse stabled on the grounds, participating in a race, or entered in a race shall have on file with the association prior to entering the association premises a negative test result for equine infectious anemia (coggins test) within the last twelve (12) months, in accordance with state law.

**(b) Any horse entering association grounds that is arriving from out of state, and entering association**

grounds for the first time after racing or residing in a state other than Indiana for any period of time, shall have on file with the racing secretary prior to entering the association premises a certificate of veterinary inspection (CVI or health certificate) completed within the last thirty (30) days by a licensed veterinarian, in accordance with state law.

**(c) A copy of all documents described in Section 1(a) and Section 1(b) above [subsections (a) and (b)] and any additional documentation required by the association shall be kept with the horse at all times and presented to security personnel upon entering association premises.**

*(Indiana Horse Racing Commission; [71 IAC 8-13-1](#); emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 22. [71 IAC 8.5-2-4](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8.5-2-4](#) Taking of samples**

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

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

Sec. 4. (a) Blood, urine, saliva, or other samples shall be:

- (1) taken under the direction of the official veterinarian or persons appointed or assigned by the official veterinarian for such purposes;
- (2) taken in a detention area approved by the commission unless the official veterinarian or stewards approves otherwise;
- (3) witnessed, confirmed, or acknowledged by the trainer of the horse being tested or his or her authorized representative or employee and may be witnessed by the owner, trainer, or other licensed person designated by them;
- (4) sent to racing laboratories approved and designated by the commission in such manner as the commission or its designee may direct; and
- (5) in the custody of the official veterinarian, his or her assistants, or other persons approved by the executive director or the official veterinarian from the time they are taken until they are delivered for shipment to the testing laboratory.

No person shall tamper with, adulterate, add to, break the seal of, remove, or otherwise attempt to so alter or violate any sample required to be collected by this rule, except for the addition of preservatives or substances necessarily added by the commission-approved laboratory for preservation of the sample or in the process of analysis.

(b) The commission has the authority to direct the approved laboratory to retain and preserve samples for future analysis.

(c) The fact that purse money has been distributed shall not be deemed a finding that no chemical substance has been administered in violation of the provisions of this rule to the horse earning such purse money.

**(d) The association shall withhold payment of purse monies on all stake races and races with a purse value of fifty thousand dollars (\$50,000) or more. Upon notification from the commission's primary laboratory, the stewards will communicate with the association horseman's bookkeeper regarding the release of purse monies.**

~~(d)~~ **(e)** The provisions of subsection (a)(2) and (a)(3) do not apply to [71 IAC 8.5-2-5](#) [section 5 of this rule].

*(Indiana Horse Racing Commission; [71 IAC 8.5-2-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 23. [71 IAC 8.5-3-3](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8.5-3-3](#) Administrative procedures prior to split sample testing**

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

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

Sec. 3. (a) The results of all tests performed by the primary laboratory or laboratories are confidential and shall only be communicated to the commission, stewards, owner, and trainer. The trainer shall be responsible for promptly notifying the owner of a horse of a positive test as reported by the primary laboratory.

(b) The trainer or owner of a horse for which a positive result on a drug test is returned may request that the stewards submit the retained part of the specimen for testing in accordance with this section. The specimen must be tested by a laboratory that is identified on the list of approved laboratories maintained by the commission and acceptable to the following:

(1) The commission.

(2) The primary laboratory.

**Laboratories providing split sample testing shall be ISO 17025 accredited unless otherwise approved by the commission.** The request must be in writing and must be delivered to the stewards not later than seventy-two (72) hours after the trainer has received notice of a positive test result. Notice of a positive test result may be communicated verbally to the trainer. Failure to request testing of a split sample within seventy-two (72) hours shall constitute a waiver of the right. The split sample laboratory shall be contacted by a representative of the commission to request acceptance of a split sample. The trainer or owner may choose any laboratory on the commission maintained applicable list to test the sample. However, the commission or executive director may limit the choice of laboratory for the detection of specific drugs.

(c) The trainer or owner may elect to waive his or her right to testing of a split sample.

(d) The owner or trainer of a horse who submits a specimen for drug testing is entitled to be present or have a representative present at any time that the retained part of the specimen is prepared for storage or is tested.

(e) The owner or trainer of a horse who submits a specimen for testing to a split sample laboratory must execute a hold harmless agreement for the split sample laboratory and an agreement that the results of the split sample laboratory can be introduced as evidence in any hearing. The agreements shall remain in the hands of the stewards of the state in which the positive was reported.

(f) The trainer or owner may request that negative control samples be tested with the split sample. The identities of the negative control samples and the split sample shall be known only to the commission.

(g) The presence of a drug or drug metabolite in any quantity, excluding phenylbutazone, flunixin, ketoprofen, and furosemide, is sufficient for a finding of a positive test.

*(Indiana Horse Racing Commission; [71 IAC 8.5-3-3](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2157; emergency rule filed Jun 22, 1998, 5:08 p.m.: 21 IR 4232; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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 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 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 24. [71 IAC 8.5-7-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 8.5-7-1](#) Postmortem; disposal of a dead horse**

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

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

Sec. 1. (a) The commission veterinarian or stewards shall order a postmortem examination of:

(1) each horse that:

(A) suffers a breakdown on the racetrack, in training, or in competition; and

(B) is destroyed; and

(2) each horse that expires ~~under suspicious or unusual circumstances~~ while stabled on a racetrack under the jurisdiction of the commission;

to determine the injury or sickness that resulted in euthanasia or natural death.

**(b) All shoes shall be left on the horse.**

~~(b)~~ **(c)** A postmortem examination under this section shall be conducted by a veterinarian approved by the commission, at a time and place acceptable to the commission veterinarian, **in accordance with the most recent addition [sic] of the Association of Equine Practitioners Guidelines for the Necropsy of a Racehorse.**

~~(c)~~ **(d)** Test samples specified by the commission veterinarian shall be obtained from the carcass upon which the postmortem examination is conducted and shall be sent to a laboratory approved by the commission for testing for foreign substances and natural substances at abnormal levels. However, blood and urine test samples shall be procured before euthanasia when practical. **The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation.**

~~(d)~~ **(e)** The commission shall pay all costs involved in a postmortem examination ordered by the commission or the commission veterinarian.

~~(e)~~ **(f)** A written record shall be filed with the commission veterinarian at the completion of each postmortem examination. ~~The record must contain all information normally contained in a postmortem examination.~~ The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the commission veterinarian.

*(Indiana Horse Racing Commission; [71 IAC 8.5-7-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#))*

SECTION 25. [71 IAC 8.5-14](#) IS ADDED TO READ AS FOLLOWS:

#### Rule 14. Equine Health; Requirements

##### [71 IAC 8.5-14-1](#) Equine health; requirements

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

Affected: [IC 4-31](#)

Sec. 1. (a) Any horse stabled on the grounds, participating in a race, or entered in a race shall have on file with the association prior to entering the association premises a negative test result for equine infectious anemia (coggins test) within the last twelve (12) months, in accordance with state law.

(b) Any horse entering association grounds that is arriving from out of state, and entering association grounds for the first time after racing or residing in a state other than Indiana for any period of time, shall have on file with the racing secretary prior to entering the association premises a certificate of veterinary inspection (CVI or health certificate) completed within the last thirty (30) days by a licensed veterinarian, in accordance with state law.

(c) A copy of all documents described in Section 1(a) and Section 1(b) above *[subsections (a) and (b)]* and any additional documentation required by the association shall be kept with the horse at all times



**and presented to security personnel upon entering association premises.**

*(Indiana Horse Racing Commission; [71 IAC 8.5-14-1](#); emergency rule filed Mar 23, 2010, 1:27 p.m.:  
[20100331-IR-071100170ERA](#))*

SECTION 26. THE FOLLOWING ARE REPEALED: [71 IAC 5-1-19](#); [71 IAC 5.5-1-19](#).

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