

Emergency Rule
LSA Document #12-117(E)

DIGEST

Amends [71 IAC 1-1-90](#) regarding "race" defined. Amends [71 IAC 3-1-1](#) regarding racing officials. Amends [71 IAC 3-2-9](#) regarding judge's list. Amends [71 IAC 3.5-1-1](#) regarding racing officials. Amends [71 IAC 5-3-3](#) regarding other responsibilities. Adds [71 IAC 5-4-2](#) regarding drivers; presence in paddock. Amends [71 IAC 5.5-3-1](#) regarding continuing education. Amends [71 IAC 6-1-1](#) regarding general provisions. Amends [71 IAC 7-1-15](#) regarding horses ineligible to be entered. Amends [71 IAC 7-1-16](#) regarding engagement passed to new owner. Amends [71 IAC 7-1-18](#) regarding racing entries. Amends [71 IAC 7-1-28](#) regarding qualifying races. Amends [71 IAC 7-1-29](#) regarding declaration to start and drawing horses. Amends [71 IAC 7-1-30](#) regarding also eligible list. Amends [71 IAC 7-3-7](#) regarding driving rules. Amends [71 IAC 7-3-15](#) regarding hobbles, head pole, restrictions. Amends [71 IAC 7-3-25](#) regarding disorderly conduct. Amends [71 IAC 7.5-5-1](#) regarding horses ineligible. Amends [71 IAC 8-3-2](#) regarding pre-race testing. Amends [71 IAC 8-3-4](#) regarding the taking of samples. Amends [71 IAC 8-5-10](#) regarding predrawn injectables. Amends [71 IAC 8.5-2-4](#) regarding the taking of samples. Amends [71 IAC 8.5-4-10](#) regarding predrawn injectables. Effective March 8, 2012.

[71 IAC 1-1-90](#); [71 IAC 3-1-1](#); [71 IAC 3-2-9](#); [71 IAC 3.5-1-1](#); [71 IAC 5-3-3](#); [71 IAC 5-4-2](#); [71 IAC 5.5-3-1](#); [71 IAC 6-1-1](#); [71 IAC 7-1-15](#); [71 IAC 7-1-16](#); [71 IAC 7-1-18](#); [71 IAC 7-1-28](#); [71 IAC 7-1-29](#); [71 IAC 7-1-30](#); [71 IAC 7-3-7](#); [71 IAC 7-3-15](#); [71 IAC 7-3-25](#); [71 IAC 7.5-5-1](#); [71 IAC 8-3-2](#); [71 IAC 8-3-4](#); [71 IAC 8-5-10](#); [71 IAC 8.5-2-4](#); [71 IAC 8.5-4-10](#)

SECTION 1. [71 IAC 1-1-90](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 1-1-90 "Race" defined

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

Affected: [IC 4-31](#)

Sec. 90. "Race" means a contest of speed among horses:

- (1) for a purse, stakes, premiums, wager of money, or admission fees **and for qualifying**;
- (2) on a course; and
- (3) in the presence of a judge or judges.

Qualifying races are contests in which horses must meet standards set by the judges and the race secretary. They are bound by the same rules and regulations as a race.

(Indiana Horse Racing Commission; [71 IAC 1-1-90](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1121; 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 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))

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

71 IAC 3-1-1 Racing officials

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

Affected: [IC 4-31](#)

Sec. 1. Officials at a race meeting include the following:

- (1) Judges.
- (2) Racing secretary.
- (3) Paddock judge.
- (4) Horse identifier.
- (5) Clerk of the course.
- (6) Official starter.
- (7) Official charter.
- (8) Official timer.

- (9) Photo finish technician.
- (10) Patrol judges.
- (11) Program director.
- (12) Official (**state/commission**) veterinarian.
- (13) Racing veterinarian.
- (14) Integrity official/identifier.**
- (15) Judges stand tote assistant.**

(*Indiana Horse Racing Commission; [71 IAC 3-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1126; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#)*)

SECTION 3. [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.
- (9) Poor performance while competing in a race followed by a break later in that race.

(b) Horses racing at all county fair **race** tracks that return to pari-mutuel race tracks to compete shall be bound by the same qualifying and judge's list standards as horses racing at the Indiana pari-mutuel **pari mutual** [sic] tracks. Time allowances for half-mile tracks shall be set by the race secretary at the pari-mutuel track, **except as indicated in the conditions of the Indiana sires stakes.**

(c) Horses that are on the judge's list or are not eligible to compete due to the qualifying standards at the Indiana pari-mutuel race **tracks** **track** may be allowed to compete in "paid in events" if they have a clean line in qualifying time in the last thirty (30) days (race **due date** to race date) unless declared ineligible under [71 IAC 3-2-9\(g\)](#) or [71 IAC 3-2-9\(h\)](#) [subsections (g) and (h)].

(d) Horses allowed to race in a "paid in event" under [71 IAC 3-2-9\(c\)](#) [subsection (c)] that fail to show a clean line or go in qualifying time in that event shall be placed on the judge's list and **must requalify: show a successful qualifying race prior to competing in another "paid in event".**

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

(h) Horses that are placed on the ~~vet vets~~ or judge's list as sick, lame, or injured for a specified number of days, which includes the race date or are required to qualify before racing by the vet or starter, shall not be waived ~~eligible~~ to race under rule [71 IAC 3-2-9\(c\)](#) [subsection (c)]. This may include horses that are required to qualify before racing by the starter.

(*Indiana Horse Racing Commission; [71 IAC 3-2-9](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1129; emergency rule filed Apr 9, 1998, 1:18 p.m.: 21 IR 3377; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2097; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2534; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2380; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2745; emergency rule filed Jan 25, 2006, 10:30 a.m.: 29 IR 1955; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#)] establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#)] establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: [20100331-IR-071100170ERA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

SECTION 4. [71 IAC 3.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 3.5-1-1 Racing officials

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

Affected: [IC 4-31](#)

Sec. 1. Officials at a race meeting include the following:

- (1) Stewards.
- (2) Racing secretary.
- (3) Paddock judge.
- (4) Horse identifier.
- (5) Horsemen's bookkeeper.
- (6) Starter.
- (7) Clerk of scales.
- (8) Jockey room custodian.
- (9) Photo finish technician.
- (10) Patrol judges.
- (11) Timer/clocker.
- (12) Placing judge, if duty not performed by stewards.
- (13) Official veterinarian.
- (14) Racing veterinarian.
- (15) Integrity official/identifier.**
- (16) Any other official designated by the commission.**

(*Indiana Horse Racing Commission; [71 IAC 3.5-1-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

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

71 IAC 5-3-3 Other responsibilities

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

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

~~(G)~~ **(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) Using the services of ~~practicing 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.

(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.

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

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

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

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

(15) Immediately reporting to the judges and the ~~official~~ **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.

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

(17) Horses entered as to eligibility.

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

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

(20) Equipment used on a horse shall not affect the placement of or obstruct the visibility of the head number or saddle pad.

~~(20)~~ **(21)** Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.

~~(21)~~ **(22)** Personally attending to his or her horses in the paddock or designating a licensee to attend to the horse in the paddock.

~~(22)~~ **(23)** Instructing the driver to give his or her best effort during a race and that each horse shall be driven to win.

~~(23)~~ **(24)** 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.

~~(24)~~ **(25)** 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](#).

~~(25)~~ **(26)** Notifying horse owners upon the revocation or suspension of his or her trainer's license.

~~(26)~~ **(27)** Guard and protect all horses in his or her care.

~~(27)~~ **(28)** Account for fees and services rendered on behalf of any horse in his or her care to the appropriate owner or owners.

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

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

(30) (31) 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.

(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](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))

SECTION 6. [71 IAC 5-4-2](#) IS ADDED TO READ AS FOLLOWS:

71 IAC 5-4-2 Drivers; presence in paddock

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

Affected: [IC 4-31](#)

Sec. 2. Drivers leaving the paddock area for good cause prior to completing their drives must first obtain a signed and dated permit from the paddock judge or security designee. These permits must be returned to the paddock judge. Returning drivers must retest on the breathalyzer prior to driving.

(Indiana Horse Racing Commission; [71 IAC 5-4-2](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))

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:

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(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, ~~2013~~, trainers must complete at least demonstrate, prior to licensure, that they have attended a four (4) hours per calendar year of hour continuing education courses course approved by the commission within the past two (2) calendar years. Trainers completing an approved continuing education course in 2011 or 2012 will have met this requirement through the 2014 racing season. The continuing education requirement does not apply to trainers who have started horses six (6) or fewer times in Indiana the previous year. Such trainers may start up to six (6) horses in a year before he or she must fulfill the continuing education requirement.

(*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](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

SECTION 8. [71 IAC 6-1-1](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 6-1-1 General provisions

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

Affected: [IC 4-31](#)

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

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

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

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

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

(f) Any:

- (1) licensed owner;
- (2) authorized agent of a licensed owner who holds a current valid commission license; or
- (3) person who has properly applied for and been granted a claiming certificate;

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

(g) Claiming certificates are valid on the day of issue and expire at the end of the race meeting for which they are granted. These certificates may be applied for at the commission's licensing office no later than thirty (30) minutes prior to post time for the first race on any day of racing. To be eligible for a claiming certificate, a person must complete the licensing process as an owner under [71 IAC 5](#) [71 IAC 5-2](#) and pay the appropriate fees. The photo identification badge shall be withheld until the person becomes a successful claimant.

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

(Indiana Horse Racing Commission; [71 IAC 6-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; errata filed Feb 9, 1995, 2:00 p.m.: 18 IR 1481; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2399; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2101; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))

SECTION 9. [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 ~~veterinarian's 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 denerved) not in accordance with [71 IAC 5](#); [71 IAC 5-3-3](#);
- (4) has impaired eyesight in both eyes; or
- (5) is fifteen (15) years of age or older.

(6) whose race date is within ten (10) days of having extracorporeal shock wave or radial pulse wave therapy.

(b) A horse drawn into a race that is on the judge's or ~~veterinarian's 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](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

SECTION 10. [71 IAC 7-1-16](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-16 Engagement passed to new owner

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

Affected: [IC 4-31](#)

Sec. 16. (a) When a horse is sold, its engagements pass to the new owner unless otherwise specified in the terms of the sale. When a horse is claimed out of a claiming or optional claiming race, its engagements pass to the claimant. In no case, however, shall the engagements pass with the horse to a person not in good standing.

(b) No horse owned in whole or in part by a non-Indiana resident shall race in a restricted race as Indiana owned, regardless of its status at the time of registration, nomination, or entry.

(c) Except in cases of horses claimed out of claiming races, no sale of a horse by private agreement or public auction will be recognized if such sale is not evidenced by a bill of sale **and not recorded by the United States Trotting Association**.

(*Indiana Horse Racing Commission; [71 IAC 7-1-16](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2404; 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 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

SECTION 11. [71 IAC 7-1-18](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-18 Racing entries

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

Affected: [IC 4-31](#)

Sec. 18. (a) The racing secretary shall receive entries and declarations for all races. In the absence of notice to the contrary, nominations to any stakes closing on the eve of or during a meeting shall be received by the racing secretary.

- (b) All entries must:
- (1) be made in writing;
 - (2) be signed by the owner or his or her authorized agent except as provided in section 29(e) 29(f) of this rule;
 - (3) give the name and address of both the bona fide owner and agent or registered stable name or lessee;
 - (4) give the name, age, color, sex, sire, and dam of horse; and
 - (5) comply with the provisions of section 10 of this rule and, for claiming events, the current registration certificate must be on file with the racing secretary. A separate claiming authorization form, signed by the registered owner or owners indicating the minimum amount for which the horse may be entered to be claimed shall be filed with the racing secretary.

(Indiana Horse Racing Commission; [71 IAC 7-1-18](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1153; errata filed Mar 9, 1994, 2:50 p.m.: 17 IR 1622; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2105; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; 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 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))

SECTION 12. [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) Horses racing with or without pacing or trotting hopples for the first time must qualify.
- (4) 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.
- (5) 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).
- (6) 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.
- (7) In a qualifying race, if a horse has verifiable interference that results in a break or failure to go in qualifying time, the horse shall be qualified if it races within two (2) seconds of the allowable time.
- (8) Under [71 IAC 7-1-28\(7\)](#) [subdivision (7)], no consideration will be given for drivers not finishing the qualifier in competitive fractions, carelessness, or for broken equipment.

(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](#); emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))

SECTION 13. [71 IAC 7-1-29](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-29 Declaration to start and drawing horses

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

Affected: [IC 4-31](#)

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

opening the entry box, it must be declared empty by a race office official and judge or their designee prior to being relocked for the next race date entries. Race entries placed in the qualifying box in error shall not be considered as entered for pari-mutuel races.

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

(c) The racing secretary responsibilities shall include:

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

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

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

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

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

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

(i) In all races, drawings shall be final unless there is conclusive evidence that an entry was timely received by the racing office and was omitted from the race through the error of the association, and is found prior to scratch time. Notwithstanding, any redraws must be preapproved by the judges.

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

(*Indiana Horse Racing Commission; [71 IAC 7-1-29](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1156; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, eff Jul 1, 1995; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2406; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3129, eff May 26, 1999 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-108(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2106; errata filed Jun 21, 2001, 3:21 p.m.: 24 IR 3652; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2748; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

SECTION 14. [71 IAC 7-1-30](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-1-30 Also eligible list

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

Affected: [IC 4-31](#)

Sec. 30. (a) Not more than two (2) horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one (1) or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races, the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. In races with one (1) trailer, the trailing position shall be the fourth best post position. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list can only be withdrawn for good cause by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the racing secretary's office. All horses on the also eligible list and not moved in to race by the time prescribed by the judges on the day before the race shall be released.

(b) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and had been scratched is the date of the race from which he was scratched. Preference dates shall also be determined as follows:

(1) When a horse is racing for the first time in the current year, the date of **the first declaration that horse's first successful qualifying race** shall be considered its last race date, and preference applied accordingly; provided however, that where an overnight race has been reopened because it did not fill, all eligible horses declared in to the race prior to the reopening shall receive preference over horses subsequently declared, irrespective of the actual preference dates. **date or being Indiana sired preferred.**

(2) All horses granted stalls and eligible must be given the opportunity to compete at the meeting.

(*Indiana Horse Racing Commission; [71 IAC 7-1-30](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1157; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2407; 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 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#)*)

SECTION 15. [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) (14) If any of the violations in this subsection is committed by a person driving a horse coupled as an entry in the betting, the judges shall set both horses back if, in their opinion, the violation helped improve the entry's finishing position. Otherwise, penalties may be applied individually to the drivers of any entry.

(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 display competitive urging or cease driving while in contention in the home stretch;
- (2) race in an inconsistent manner;
- (3) drive in an unsatisfactory manner due to lack of effort;
- (4) drive in an unsatisfactory manner due to carelessness; or
- (5) drive in such a manner as to have the horse remain classified or eligible to the same or easier conditions.

(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](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

SECTION 16. [71 IAC 7-3-15](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 7-3-15 Hobbles; head pole, restrictions

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

Sec. 15. Any person found guilty of removing or altering a horse's hopples for the purpose of fraud shall be suspended. Any horse habitually wearing hopples shall not be permitted to start in a race without hopples unless for good cause the judges permit it. Any horse habitually racing free legged shall not be permitted to wear hopples in a race unless for good cause the judges permit it. **going on/off hobbles for the first time from the last start must requalify. Subsequent changes may be approved by the judges with good cause.** No horse shall be permitted to wear a head pole protruding beyond its nose.

(Indiana Horse Racing Commission; [71 IAC 7-3-15](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1163; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2410; 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 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))

SECTION 17. [71 IAC 7-3-25](#) IS AMENDED TO READ AS FOLLOWS:

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

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

Affected: [IC 4-31](#)

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

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

(Indiana Horse Racing Commission; [71 IAC 7-3-25](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1164; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2537; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))

SECTION 18. [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 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 posterior digital neurectomy (heel denerving), 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).

(30) whose race date is within ten (10) days of having extracorporeal shock wave or radial pulse wave therapy.

(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](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

SECTION 19. [71 IAC 8-3-2](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-3-2 Pre-race testing

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

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

Sec. 2. The judges may require any horse entered to race **or qualify** to submit to a blood or other pre-race test, and no horse is eligible to start in a race **or qualify** until the owner or trainer complies with the required testing procedure.

(*Indiana Horse Racing Commission; [71 IAC 8-3-2](#); 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 Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#)*)

SECTION 20. [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 ~~unless the sample is being taken pursuant to [71 IAC 8-8-1](#)(c) or [71 IAC 8-8-1](#)(d); 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 **of horses that have been subject to testing pursuant to [71 IAC 8-3-3](#) [section 3 of this rule]** on all stake races and races with a purse value of **fifty seventy-five thousand dollars (\$50,000) (\$75,000)** or more. Upon notification from the commission's primary laboratory, the judges will communicate with the association horseman's bookkeeper regarding the release of **the remaining** purse monies.

(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 21. [71 IAC 8-5-10](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 8-5-10 Predrawn injectables

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

Affected: [IC 4-31](#)

Sec. 10. (a) Practicing veterinarians who possess any predrawn injectable syringes containing any substance must also possess the partially filled **bottle or empty labeled source container** from which the injectable substance was drawn.

(b) Predrawn syringes and the labeled source container from which it is drawn are subject to confiscation by the commission or association security. The injectable substances are subject to testing by a laboratory approved by the commission or its executive director. The injectable substance must be clearly identified on each predrawn syringe.

(*Indiana Horse Racing Commission; [71 IAC 8-5-10](#); emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2220; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#)*)

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 ~~unless the sample is being taken pursuant to~~ [71 IAC 8.5-7-1\(c\)](#) or [71 IAC 8.5-7-1\(d\)](#); **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 **of horses that have been subject to testing pursuant to [71 IAC 8.5-2-3](#) [section 3 of this rule]** on all stake races and races with a purse value of fifty

seventy-five thousand dollars (\$50,000) (\$75,000) or more. Upon notification from the commission's primary laboratory, the stewards will communicate with the association horseman's bookkeeper regarding the release of the **remaining** purse monies.

(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](#); emergency rule filed Jan 25, 2012, 12:20 p.m.: [20120201-IR-071120056ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

SECTION 23. [71 IAC 8.5-4-10](#) IS AMENDED TO READ AS FOLLOWS:

71 IAC 8.5-4-10 Predrawn injectables

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

Affected: [IC 4-31](#)

Sec. 10. (a) Practicing veterinarians who possess any predrawn injectable syringes containing any substance must also possess the partially filled **bottle or empty labeled source container** from which the injectable substance was drawn.

(b) Predrawn syringes and the labeled source container from which it is drawn are subject to confiscation by the commission or association security. The injectable substances are subject to testing by a laboratory approved by the commission or its executive director. The injectable substance must be clearly identified on each predrawn syringe.

(*Indiana Horse Racing Commission; [71 IAC 8.5-4-10](#); emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#))*

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