

Agenda Item #12

TITLE 71 INDIANA HORSE RACING COMMISSION

Final rule

LSA Document #25-679

CONSOLIDATION OF FLAT AND STANDARD BRED RULES; TECHNICAL CHANGES; ENTRIES AND RACING; AWARDS.

The Indiana Horse Racing Commission (IHRC) adds and amends rules at 71 IAC 4-2-3, 71 IAC 4-2-6, 71 IAC 4-2-7, 71 IAC 4-2-8, 71 IAC 4-3-1, 71 IAC 4-3-2, 71 IAC 4-3-4, 71 IAC 4-3-5, 71 IAC 4-3-6, 71 IAC 4-3-6.5, 71 IAC 4-3-7, 71 IAC 4-3-7.5, 71 IAC 4-3-8, 71 IAC 4-3-8.5, 71 IAC 4-3-9, 71 IAC 4-4-9, 71 IAC 4.5, 71 IAC 5-1-1, 71 IAC 5-1-6, 71 IAC 5-1-12, 71 IAC 5-1-13, 71 IAC 5-1-14, 71 IAC 5-1-21, 71 IAC 5-1-22, 71 IAC 5-1-28, 71 IAC 5-1-30, 71 IAC 5-1-31, 71 IAC 5-1-32, 71 IAC 5-2-1, 71 IAC 5-2-4, 71 IAC 5-2-5, 71 IAC 5-2-6, 71 IAC 5-3-1, 71 IAC 5-3-2, 71 IAC 5-3-3, 71 IAC 5-3-3.1, 71 IAC 5-3-4, 71 IAC 5-3-6, 71 IAC 5-4-1, 71 IAC 5-4.5, 71 IAC 5-5-2, 71 IAC 5-5.5, 71 IAC 5-6, 71 IAC 5-7-1, 71 IAC 5-7-4, 71 IAC 5-7-5, 71 IAC 5.5, 71 IAC 6-3-1, 71 IAC 7-1-5, 71 IAC 7-1-7, 71 IAC 7-1-26, 71 IAC 7-1-29, 71 IAC 7-1-30, 71 IAC 7-2-2, 71 IAC 7-2-8, 71 IAC 7-3-20, 71 IAC 7-3-23, 71 IAC 7-3-37, 71 IAC 13.5-3-2, 71 IAC 13.5-3-4, 71 IAC 14-1-1, 71 IAC 14.5-3-1, 71 IAC 14.5-3-2, 71 IAC 14.5-3-3 concerning consolidation of flat and standardbred rules, technical changes, entries and racing, and awards. These rules will become effective upon approval.

HISTORY

Notice of First Public Comment Period Published: December 3, 2025; 20251203-IR-71250679FNA

Regulatory Analysis: December 3, 2025; 20251203-IR-71250679RAA

Notice of Public Hearing: March 26, 2025; 20251203-IR-71250679PHA

Date of First Hearing: January 6, 2026

SUMMARY/RESPONSE TO COMMENTS

There were no written comments submitted to the IHRC in addition to no verbal comments given at the public hearing.

71 IAC

71 IAC 4-2-3, 71 IAC 4-2-6, 71 IAC 4-2-7, 71 IAC 4-2-8, 71 IAC 4-3-1, 71 IAC 4-3-2, 71 IAC 4-3-4, 71 IAC 4-3-5, 71 IAC 4-3-6, 71 IAC 4-3-6.5, 71 IAC 4-3-7, 71 IAC 4-3-7.5, 71 IAC 4-3-8, 71 IAC 4-3-8.5, 71 IAC 4-3-9, 71 IAC 4-4-9, 71 IAC 4.5, 71 IAC 5-1-1, 71 IAC 5-1-6, 71 IAC 5-1-12, 71 IAC 5-1-13, 71 IAC 5-1-14, 71 IAC 5-1-21, 71 IAC 5-1-22, 71 IAC 5-1-28, 71 IAC 5-1-30, 71 IAC 5-1-31, 71 IAC 5-1-32, 71 IAC 5-2-1, 71 IAC 5-2-4, 71 IAC 5-2-5, 71 IAC 5-2-6, 71 IAC 5-3-1, 71 IAC 5-3-2, 71 IAC 5-3-3, 71 IAC 5-3-3.1, 71 IAC 5-3-4, 71 IAC 5-3-6, 71 IAC 5-4-1, 71 IAC 5-4.5, 71 IAC 5-5-2, 71 IAC 5-5.5, 71 IAC 5-6, 71 IAC 5-7-1, 71 IAC 5-7-4, 71 IAC 5-7-5, 71 IAC 5.5, 71 IAC 6-3-1, 71 IAC 7-1-5, 71 IAC 7-1-7, 71 IAC 7-1-26, 71 IAC 7-1-29, 71 IAC 7-1-30, 71 IAC 7-2-2, 71 IAC 7-2-8, 71 IAC 7-3-20, 71 IAC 7-3-23, 71 IAC 7-3-37, 71 IAC 13.5-3-2, 71 IAC 13.5-3-4, 71 IAC 14-1-1, 71 IAC 14.5-3-1, 71 IAC 14.5-3-2, 71 IAC 14.5-3-3

SECTION 1. 71 IAC 4-2-3 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Financial requirements

71 IAC 4-2-3 Financial reports

Authority: IC 4-31-3-9

Affected: IC 4-31-13-6; IC 4-35-7-12

Sec. 3. (a) The commission may require periodic audits to determine that the association has funds available to meet those distributions for the purposes required by the Act, IC 4-35-7-12, these rules, the conditions and nomination race program of the race meeting, and the obligations incurred in the daily operation of the race meeting. ~~Such audits are in addition to the state board of accounts annual audit required by IC 4-35-7-12(h).~~

(b) An association shall file the following:

- (1) A copy of all tax returns.
- (2) A balance sheet.
- (3) A profit and loss statement.

(c) An association shall file with the commission an unaudited balance sheet and profit and loss statement as required by the commission. Those submissions must be in a format which conforms with the requirements set out in the permit.

(d) An association shall file an annual consolidated financial statement, audited by independent certified public accountants, for the track and the simulcast operations, with the commission no later than March 31 after the close of its fiscal year, which reflects operations during the preceding calendar year. The audit must be in a format which conforms with the requirements set out in the permit application. The commission, upon good cause shown, may extend the time for filing.

(e) An association shall file with the commission a copy of any tax audit report received from the Internal Revenue Service, Indiana department of revenue, or any other federal or state agency auditing the association.

(Indiana Horse Racing Commission; 71 IAC 4-2-3; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1134; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2071; 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 Oct 29, 2009, 11:33 a.m.: 20091104-IR-071090870ERA, eff Oct 26, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-870(E) was filed with the Publisher October 29, 2009.]; emergency rule filed Oct 3, 2013, 2:08 p.m.: 20131009-IR- 071130452ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 2. 71 IAC 4-2-6 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Financial Requirements

71 IAC 4-2-6 Accounting, auditing, and internal control requirements

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. An association, its officers, directors, officials, and employees shall fully account for all receipts, disbursements, and balances of whatever kind and shall do the following:

- (1) Issue a proper receipt to the payer for all monies received detailing:
 - (A) the identity of the payer;
 - (B) whether paid by cash or check;
 - (C) the purpose of payment; and
 - (D) the date and time received.

The receipts shall be serially numbered in at least duplicates and on a form approved by the commission. This subsection does not apply to the sale of ~~a pari-mutuel~~ pari-mutuel tickets and admission, parking, programs, racing forms, and tip sheets.

- (2) Maintain a monthly reconciliation between association records and depository statements.
- (3) Direct their depository to provide account balance confirmations to the commission upon request.
- (4) File all required federal and state tax returns required on distributions, make required withholdings, and maintain a copy of the return on file for audit.
- (5) File all required Internal Revenue Service reports of cash payments and maintain a copy of the report on file for audit.
- (6) Make all distributions by check to the individual recipients. No distributions shall be made in cash unless the policy for such distribution has been approved by the executive director. This subsection does not apply to the payment of ~~a pari-mutuel~~ pari-mutuel tickets.

(Indiana Horse Racing Commission; 71 IAC 4-2-6; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2904;

emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2072; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 3. 71 IAC 4-2-7 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Financial Requirements

71 IAC 4-2-7 Purse monies

Authority: IC 4-31-3-9; IC 4-35-7-12

Affected: IC 4-31-5; IC 4-35

Sec. 7. (a) An association, its officers, director, officials, and employees shall ensure that distributions for purses mandated by IC 4- 31, IC 4-35, 71 IAC 12, and contracts with any horsemen's association are made as provided for by statute. With the exception of purse money that it may owe as a result of the sale (export) of its simulcast signal, the association shall insure that any purse monies that it is obligated by statute regulation or contract to pay are deposited, before the fifteenth day of each month, based upon wagering from the previous month at the association's race tracks and/or off-track betting facilities, into the appropriate horse industry trust purse account as set forth herein. With respect to purse monies that an association is contractually obligated to pay as a result of a contract with a horsemen's association for the sale (export) of its simulcast signal, the association shall deposit those funds into the appropriate account as set forth herein within five (5) days of receipt or settlement by the association.

(b) An association is required to deposit and maintain the funds referenced in subsection (a) ~~of this rule [subsection (a)]~~ in separate horse industry trust purse accounts for each of the three (3) breeds racing at Indiana pari-mutuel facilities (standardbred, thoroughbred, and quarter horse). The funds deposited and maintained in those three (3) separate horse industry trust purse accounts shall be held and maintained separate from each other and separate from all other funds held and maintained by the association. The comingling [*sic*] of these funds with any other funds held or maintained by the association is strictly prohibited. This provision notwithstanding, an association may advance funds to a horse industry trust purse account from an operational account in order to make payment of purses that have been earned, and then receive reimbursement as soon as there are available funds in that horse industry trust purse account.

(c) The association shall issue a purse fund activity report (for each of the three (3) breeds racing in Indiana) no later than the fifteenth day of each month. Each report shall include a summary of both the prior month's activity as well as the year-to-date amounts deposited and dispersed from each horse industry trust purse account. The report shall include an itemized statement of receipts and expenditures for the prior month and shall be electronically delivered both to the horsemen's association representing the owners and trainers of a particular breed and to the commission. The format of the report is subject to the approval of the commission or its executive director.

(d) The association shall also provide no later than the fifteenth day of each month a copy of the bank statement for each horse industry trust purse account referenced herein to the commission and the horsemen's association representing the owners and trainers of the breed that benefits from the monies contained in that horse industry trust purse account.

(e) Any breach of the obligations or requirements of this section or the requirements set forth in IC 4-35-7-12, including any misuse, misdirection, or misappropriation of funds specifically referenced in IC 4-35-7-12, may be considered a violation of this article and may subject the association and its officers, directors, and employees to penalties that may include, but are not limited to:

- (1) the issuance of a warning to the association;
- (2) the imposition of a civil penalty upon the association up to but not to exceed one million dollars (\$1,000,000);
- (3) the suspension of a permit issued under IC 4-31-5 to conduct a pari-mutuel wagering horse racing meeting in Indiana; or
- (4) any other sanction that may be imposed by the commission.

(f) Subject to the review and approval of the commission, any association and any horsemen's association may contract for additional provisions governing a horse industry trust purse account specified in this section, but only to the extent that such contractual provisions are consistent with, and do not conflict with, the rules set forth in this section and 71 IAC 11-1-12.

(g) The association shall file an annual audit or review, prepared by an independent certified public accountant, for each horse industry trust purse account. The filing is due no later than March 31 after the close of the calendar year. The commission, upon showing of good cause, may extend the time for filing. The audit or review in a format and according to the standards approved by the commission. The cost of the audit or review, absent exceptional circumstances, shall be borne by the purse trust accounts, and the cost shall be allocated thirty-three and one-third percent (33 1/3%) to standardbred, thirty-three and one-third percent (33 1/3%) to thoroughbred, and thirty-three and one-third percent (33 1/3%) to quarter horse up to a total cost (per association) of ten thousand dollars (\$10,000) with any additional amounts to be paid by the association that is filing the audit or review.

~~(h) The effective date of this section will be November 15, 2009. To the extent that an unfunded liability of the association to the purse account of one (1) or more of the breeds identified in this section has accrued prior to the effective date, those monies are due to be paid by the association to a particular horse industry trust account on or before July 1, 2010.~~

(Indiana Horse Racing Commission; 71 IAC 4-2-7; emergency rule filed Oct 29, 2009, 11:33 a.m.: 20091104- IR-071090870ERA, eff Oct 26, 2009 [IC 4-22-2- 37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-870(E) was filed with the Publisher October 29, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 4. 71 IAC 4-2-8 IS ADDED TO READ AS FOLLOWS:

Rule 2. Financial Requirements

71 IAC 4-2-8 Records of employees

Authority: IC 4-31-5-5

Affected: IC 4-31

Sec. 8. An association shall file with the commission on the first day of each month a listing of employees currently on its payroll. Such list shall be in a format and from a source approved by the commission and shall include the employee's:

- (1) date of birth;**
- (2) date hired; and**
- (3) date terminated;**

if any.

SECTION 5. 71 IAC 4-3-1 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-1 Facilities for patrons and licensees

Authority: IC 4-31-3-9

Affected: IC 4-31

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

- (b) An association shall provide and maintain adequate restroom facilities for the patrons and licensees.
- (c) An association shall provide an adequate supply of free drinking water.

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

(e) During a race performance, the association shall provide a first aid room equipped with appropriate equipment.

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

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

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

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

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

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

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

(Indiana Horse Racing Commission; 71 IAC 4-3-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2381; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR- 071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 6. 71 IAC 4-3-2 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-2 Bulletin boards required

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The association shall erect and maintain glass enclosed bulletin boards close to the racing secretary's office and in the paddock **where applicable**, upon which all official notices of the commission shall be posted. The association shall also erect and maintain a glass enclosed bulletin board in the grandstand area where access is granted to all race day patrons, upon which all official notices of the commission may be posted.

(Indiana Horse Racing Commission; 71 IAC 4-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2838, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR- 071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 7. 71 IAC 4-3-4 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-4 Audio and visual equipment

Authority: IC 4-31-3-9

Affected: IC 4-31-7; IC 4-31-8-2

Sec. 4. (a) An association shall provide and maintain in good working order a communication system between the:

- (1) Judges stand;
- (2) racing office;
- (3) tote room;
- (4) **Jockey's room;**
- (5) ~~(4)~~ paddock;
- (6) ~~(5)~~ test barn;
- (7) ~~(6)~~ starting gate;
- (8) ~~(7)~~ video camera locations;
- (9) **clocker's stand;**
- (10) ~~(8)~~ racing veterinarian;
- (11) ~~(9)~~ track announcer;
- (12) ~~(10)~~ location of the ambulances (equine and human); and
- (13) ~~(11)~~ other locations and persons designated by the commission.

(b) An association shall provide and maintain a public address system capable of clearly transmitting announcements to the patrons and to the stable area.

(c) An association shall provide an electronic photo finish device to photograph the finish of each race and record the time of each horse in at least hundredths of a second. The location and operation of the photo finish devices must be approved by the commission before its first use in a race. The photographic print shall be displayed on the association closed circuit television system. The judge may also require the prints of the photograph to be displayed publicly on the bulletin boards in the grandstand and clubhouse areas of the racetrack. The association shall ensure that the photo finish devices are calibrated before the first day of each race meeting and at other times as required by the commission. On request by the commission, the association shall provide, without cost, a print from the negative of a photo finish to the commission. Photo finish negatives of each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the judges or the commission.

(d) An association shall provide a videotaping **transmitting and recording** system approved by the commission. Cameras must be located to provide clear panoramic and head-on views of each race. Separate monitors, which simultaneously display the images received from each camera and are capable of simultaneously displaying a synchronized view of the recordings of each race for review shall be provided in the judges stand. The location and construction of video towers must be approved by the commission.

(e) The judges may, at their discretion, direct the video camera operators to ~~videotape~~ **transmit and record** the activities of any horses or persons handling horses prior to, during, or following a race.

(f) Races must be recorded by at least three (3) video cameras.

(g) An association shall, upon request, provide to the commission, without cost, a copy of a videotape **recording** of a race.

(h) Videotapes recorded prior to, during, and following each race shall be maintained by the association for not less than six (6) months after the end of the race meeting, or such other period as may be requested by the judges or the commission.

(i) An association shall provide a viewing area in which, on approval by the judges, an owner, trainer, driver **or jockey**, or other interested individual may view a videotape recording of a race.

(j) Following any race in which there is an inquiry or objection, the association shall display to the public on designated monitors the videotaped replays of the incident in question ~~which~~ **that** were utilized by the judges in making

their decision.

(Indiana Horse Racing Commission; 71 IAC 4-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1135; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2839, 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 8. 71 IAC 4-3-5 IS AMMENDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-5 Race track

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The surface of a race track must be designed, constructed, and maintained to provide for the safety of the drivers **or jockeys** and **the safety of the** horses.

(b) Prior to the first race meeting at an association race track, a licensed surveyor shall provide to the commission a certified report of the grade and measurement of the distances to be run.

(c) Distances to be run shall be measured from the starting line at a distance three (3) feet out from the inside rail or other markings as approved by the commission.

(d) The surveyor's report must be approved by the commission prior to the first race day of the meeting.

(e) An association shall provide an adequate drainage system for the race track. An association shall provide adequate equipment and personnel to maintain the track surface in a safe training and racing condition. The association shall provide back-up equipment for maintaining the track surface.

(Indiana Horse Racing Commission; 71 IAC 4-3-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1136; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR- 071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830- IR-071230428RFA)

SECTION 9. 71 IAC 4-3-6 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-6 Rails for standardbred

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. The design and construction of rails, where used, must be approved by the commission prior to the first race meeting at the track. Where rails are not used, the placement and design of the markings of the inside of the track are subject to the approval of the commission.

(Indiana Horse Racing Commission; 71 IAC 4-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1136; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404- IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR- 071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830- IR-071230428RFA)

SECTION 10. 71 IAC 4-3-6.5 IS ADDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-6.5 Rails for flat racing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6.5. (a) Racetracks, including turf tracks, shall have an inside rail and an outside rail or barrier, including gap rails, designed, constructed, and maintained to provide for the safety of jockeys and horses. The design and construction of rails must be approved by the commission prior to the first racing meeting at the track.

(b) The top of the rail must be at least thirty-eight (38) inches but no more than forty-two (42) inches above the top of the cushion. The inside rail shall have no less than a fifteen (15) inch overhang with a continuous smooth cover.

(c) All rails must be constructed of materials designed to withstand the impact of a horse running at a gallop.

SECTION 11. 71 IAC 4-3-7 IS AMMENDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-7 Starting gates for standardbred

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. During racing hours, an association shall provide at least two (2) operable starting gates which have been approved by the commission.

(Indiana Horse Racing Commission; 71 IAC 4-3-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1136; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404- IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR- 071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830- IR-071230428RFA)

SECTION 12. 71 IAC 4-3-7.5 IS ADDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-7.5 Starting gates for flat racing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7.5. (a) During racing hours, an association shall provide at least two (2) operable padded starting gates which have been approved by the commission.

(b) An association shall make at least one (1) starting gate and qualified starting gate personnel available for schooling during designated training hours.

(c) An association shall ensure that an adequate number of assistant starters is available for each race.

(d) If a race is started at a place other than in a chute, the association shall provide and maintain in good operating condition back-up equipment for moving the starting gate. The back-up equipment must be immediately available to replace the primary moving equipment in the event of failure.

SECTION 13. 71 IAC 4-3-8 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-8 Distance markers for standardbred

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) An association shall provide starting point markers and distance poles in a size and position that is clearly seen from the judge's stand.

(b) The starting point markers and distance poles must be marked as follows:

3/4 pole	Red and white horizontal stripes
1/2 pole	Red and white horizontal stripes
1/4 pole	Red and white horizontal stripes
1/8 pole	Green and white horizontal stripes
1/16 pole	Black and white horizontal stripes

(Indiana Horse Racing Commission; 71 IAC 4-3-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1136; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1496; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR- 071230428RFA)

SECTION 14. 71 IAC 4-3-8.5 IS ADDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-8.5 Distance markers for flat racing

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8.5. (a) An association shall provide starting point markers and distance poles in a size and position that is clearly seen from the steward's stand.

(b) The starting point markers and distance poles must be marked as follows:

1/4 poles	Red and white horizontal stripes
1/8 poles	Green and white horizontal stripes
1/16 poles	Black and white horizontal stripes
220 yards	Green and white
250 yards	Blue
300 yards	Yellow
330 yards	Black and white

350 yards	Red
400 yards	Black
440 yards	Red and white
550 yards	Black and white horizontal stripes
660 yards	Green and white horizontal stripes
770 yards	Black and white horizontal stripes
870 yards	Blue and white horizontal stripes

SECTION 15. 71 IAC 4-3-9 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Facilities and Equipment

71 IAC 4-3-9 Lighting

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) An association shall provide lighting for the race track and the patron facilities that is adequate to ensure the safety and security of the patrons, licensees, and horses. Lighting to ensure the proper operation of the videotape recording and photo finish equipment must be approved by the commission.

(b) An association shall provide adequate additional lighting in the stable area as required by the commission.

(c) If an association conducts racing at night, the association shall maintain a back-up lighting system that is sufficient to ensure the safety of race participants and patrons.

(d) If the track goes dark during the running of a race, the race may be ruled no contest if in the judge's opinion the contest or finish was compromised.

(e) An association shall provide a three-light system of green, yellow and red beacon style warning lights and sirens for use in the event of an accident.

1. If at any point during the card the judges determine there is a condition on the racetrack requiring the drivers to proceed with caution, the judges will activate the yellow "caution" warning light.

2. The judges shall activate the red light and siren to declare a race a "no contest" due to safety issues. Upon the activation of the red light and siren, all drivers in a race will immediately cease racing and follow any instructions of the judges, starter, track announcer, or racing officials to get off the track as quickly and safely as they can. Drivers refusing to stop racing may be subject to a monetary penalty or suspension.

3. When the red "no contest" light is turned off, the judges will activate the green "all clear" light as a signal for warm-ups and live racing to resume.

(Indiana Horse Racing Commission; 71 IAC 4-3-9; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1137; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR- 071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 16. 71 IAC 4-4-9 IS REPEALED

SECTION 17. 71 IAC 4.5 IS REPEALED

SECTION 18. 71 IAC 5-1-1 IS AMENDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-1 Licenses required

Authority: IC 4-31-3-9; IC 4-31-6-2; IC 4-31-13-4

Affected: IC 4-31

Sec. 1. (a) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission. License categories shall include the following and others as may be established by the commission:

- (1) Racing participants and personnel (including owner, authorized agent, trainer, **assistant trainer**, driver, ~~assistant trainer~~, **jockey, apprentice jockey, jockey agent**, veterinary helper, farrier, stable employees, groom, **exercise rider, pony rider**, pari-mutuel clerk, track employee, track security, vendor employee, starting gate crew, farrier's assistant, valet, track management, practicing or racing veterinarian, equine dentist, or other).
- (2) Racing officials as listed in 71 IAC 3 and 71 IAC 3.5.
- (3) Persons employed by the association, or employed by a person or concern contracting with or approved by the association or commission to provide a pari-mutuel related service or commodity, with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.
- (4) Sole proprietors and all partners of a partnership contracting with or approved by the association or commission to provide a service or commodity.
- (5) Shareholders in a corporation, acting as a contractor or vendor, if required by the commission.
- (6) Commission employees with job duties which require their presence in a restricted area or which require their presence anywhere on association grounds.

(b) The commission may require a person working at a training center outside the enclosure, with horses competing at a track under the commission's jurisdiction, to obtain a valid license issued by the commission. A requirement for licensure under this section shall be made upon reasonable suspicion that such person's activities or reputation are inconsistent with maintaining racing with the highest standards and the greatest level of integrity. The executive director **or** judges may refuse entry or scratch any horse involving any such person who, after requested to obtain a valid license, fails to or is unable to obtain a license.

(c) Any person employed by an association solely to assist with the conduct of gambling games, or employed by a person or concern contracting with or approved by the association to provide a gambling game related service or commodity that requires their presence on association grounds, if in good standing and the holder of a current license issued by the gaming commission is considered a licensee of the commission, or must obtain a commission license if not in good standing and the holder of a current license issued by the gaming commission. Any licensee under this subsection is responsible for any and all obligations imposed upon a commission licensee under these rules and is subject to any sanctions, penalties, and/or fines for any violation of commission rules.

(d) Persons required to be separately licensed by the commission shall submit a completed application on forms furnished by the commission and accompanied by the required fee.

(e) License applicants may be required to furnish to the commission a set of fingerprints and a recent photograph and may be required to be ~~refingerprinted~~ **fingerprinted again** or rephotographed periodically as determined by the commission.

(f) The determination whether to issue a license may be placed in a pending status awaiting information requested and deemed necessary by the commission or its designee.

(Indiana Horse Racing Commission; 71 IAC 5-1-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1139; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2905; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2154; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2398; 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 May 12, 2008, 1:29 p.m.: 20080521-IR- 071080353ERA; emergency rule filed Sep 16, 2010, 12:19 p.m.: 20100922-IR-071100607ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR- 071230428RFA)

SECTION 19. 71 IAC 5-1-6 IS AMENDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-6 Consent to search and seizure

Authority: IC 4-31-6-2; IC 4-31-13-4

Affected: IC 4-31-13-4

Sec. 6. By acceptance of a license or by engaging in activities that require a license by the commission, a licensee consents to search and inspection by the commission or its agents and to the seizure of any prohibited medication, controlled substances, paraphernalia, or devices in violation of state or federal law or these rules. Any seized drugs, medication, or other materials may be forwarded by the commission or its agents to the official chemist for analysis. The analysis of materials seized under the provisions of this section is not subject to 71 IAC 8-4 or **71 IAC 8.5-3**.

(Indiana Horse Racing Commission; 71 IAC 5-1-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1497; 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 May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR- 071230428RFA)

SECTION 20. 71 IAC 5-1-12 IS AMENDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-12 License refusal

Authority: IC 4-31-6-2

Affected: IC 4-21.5; IC 4-31

Sec. 12. The commission, the judges or the executive director as the commission's designee may refuse to issue a license. The decision to refuse a license is treated as a withdrawal of the license application without prejudice and is not reported to the ARCI or USTA. If an applicant is refused, the applicant may reapply for a license. An applicant may contest a refusal within fifteen (15) days of notice of the refusal. If an applicant contests a license refusal, the judges ~~(or an administrative law judge if the judges are unavailable)~~ shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10 and IC 4-21.5. Nonetheless, the hearing on a license refusal is not considered to be a disciplinary action. If the judges affirm the decision to refuse a license application, the refusal shall be treated as the denial of the application, consistent with these rules.

(Indiana Horse Racing Commission; 71 IAC 5-1-12; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2098; 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925- IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR- 071230428RFA)

SECTION 21. 71 IAC 5-1-13 IS AMENDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-13 License denial

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 13. ~~If an applicant contests the basis of the denial of a license application not later than fifteen (15) days after notice is served, an administrative law shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10. Nonetheless, a hearing challenging the denial of a license application is not considered to be a disciplinary action.~~

The commission may formally deny an application in accordance with these rules. An application which is denied shall **be reported**:

- (1) in writing to the applicant stating the reasons for denial and the date when a reapplication may be submitted; and
- (2) to the USTA and the ARCI, which shall then advise other racing jurisdictions.

(Indiana Horse Racing Commission; 71 IAC 5-1-13; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1141; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; 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 Dec 23, 2013, 1:43 p.m.: 20140108-IR-071130567ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 22. 71 IAC 5-1-14 IS REPEALED

SECTION 23. 71 IAC 5-1-21 IS AMENDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-21 Conflict of interest

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 21. (a) The commission or its designee shall refuse, deny, suspend, or revoke the license of a person whose spouse holds a license and which the commission **or** judges find to be a conflict of interest.

(b) A commissioner, commission employee, or racing official shall not be an owner of a horse and shall not accept breeder awards at a race meeting where they have jurisdiction.

(c) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official with respect to that race.

(d) A person who is licensed as an owner, trainer, or assistant trainer, or has any financial interest in a horse registered for racing at a race meeting in this jurisdiction, shall not be employed or licensed at that race meeting as any of the following:

- (1) Racing official.
- (2) Assistant starter.
- (3) Practicing veterinarian.
- (4) Veterinary helper.
- (5) Officer or managing employee.
- (6) Track maintenance supervisor or employee.
- (7) Outrider.
- (8) Race track security employee.
- (9) Horseshoer.
- (10) Photo finish operator.
- (11) Horsemen's bookkeeper.
- (12) Racing chemist.
- (13) Testing laboratory employee.
- (14) Massage therapist.
- (15) **Valet.**
- (16) **Teeth floater.**

(e) Veterinary helpers shall not be licensed in any other capacity that allows access to the stable area.

(Indiana Horse Racing Commission; 71 IAC 5-1-21; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, 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 2211; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted

filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Mar 3, 2022, 3:55 p.m.: 20220316-IR-071220070ERA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR- 071230371RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 24. 71 IAC 5-1-22 IS AMENDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-22 License presentation

Authority: IC4-31-6-2 Affected: IC 4-31

Sec. 22. (a) All licensees shall carry on their person at all times within the enclosure their assigned commission license (photo identification badge).

(b) A person shall present an appropriate license to enter a restricted area.

(c) The **judges, the commission's director of security or other another representative of the commission, or track security** may require visible display of a license in a restricted area.

(d) A license may only be used by the person to whom it is issued.

(Indiana Horse Racing Commission; 71 IAC 5-1-22; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1143; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR- 071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830- IR-071230428RFA)

SECTION 25. 71 IAC 5-1-28 IS AMENDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-28 Review of horse transfers

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 28. (a) The executive director or the judges may refuse the license of an owner, declare the horse(s) at issue ineligible to race, require the horse(s) at issue to be stabled on the grounds of the association, and/or place a horse on the judge's list if the seller is suspended, barred, has had his or her license refused, or is otherwise **unable to be licensed**. In making such a determination, the executive director or judges may consider any information that they deem relevant including, but not limited to, the following:

(1) Whether the buyer is a spouse, member of the immediate family, assistant, employee, business associate, or member of the seller's household.

(2) Whether the seller could have contact with or access to the horse(s) in question after transfer.

(3) Whether the sale occurred within the previous sixty (60) days.

(b) For flat racing, upon claim, sale, or any transfer of ownership, if the foal certificate is not otherwise on file with the racing office, the previous owner shall present the foal certificate to the racing secretary within seventy-two (72) hours of the change of ownership.

(Indiana Horse Racing Commission; 71 IAC 5-1-28; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR- 071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 26. 71 IAC 5-1-30 IS ADDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-30 Flat racing licensees mounted on a horse

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 30. No person, unless currently licensed and in good standing as a jockey, exercise rider, pony person, trainer, assistant trainer, or outrider, may be mounted on horseback while on association grounds. The stewards, with good cause and in consultation with the outrider, may grant temporary and limited exemptions to this subsection for specific individuals. Such an exemption shall be in writing and clearly identify the individual and the dates and times during which the exemption is valid.

SECTION 27. 71 IAC 5-1-31 IS ADDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-31 Flat racing safety helmets

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 31. (a) Any person mounted on a horse or stable pony on the association grounds shall wear a properly-secured safety helmet at all times. Additionally, all members of the starting gate crew shall also adhere to this section at all times while performing their duties or handling a horse. For the purpose of this section, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate.

(b) The safety helmet shall comply with the Horseracing Integrity and Safety Authority's Rule 2293(a)(6). The licensee is responsible for providing sufficient evidence that his or her safety helmet meets this standard.

(c) A safety helmet shall not be altered in any manner nor shall the product marking be removed or defaced.

SECTION 28. 71 IAC 5-1-32 IS ADDED TO READ AS FOLLOWS:

Rule 1. General Provisions

71 IAC 5-1-32 Flat racing safety vest

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 32. (a) Any person mounted on a horse or stable pony on the association grounds shall wear a properly-secured safety vest at all times. Additionally, all members of the starting gate crew shall also adhere to this section at all times while performing their duties or handling a horse. For the purpose of this section, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate.

(b) The safety vest shall comply with the Horseracing Integrity and Safety Authority's Rule 2293(b)(6). The licensee is responsible for providing sufficient evidence that his or her safety vest meets this standard.

(c) A safety vest shall not be altered in any manner, nor shall the product marking be removed or defaced.

SECTION 29. 71 IAC 5-2-1 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Owners

71 IAC 5-2-1 Licensing requirements for owners

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) Each person who has a five percent (5%) or more ownership or beneficial interest in a horse is required to be licensed. An applicant for an owner's license can be of any age.

(b) An applicant for an owner's license shall own or lease a horse which is:

- (1) eligible to race; and
- (2) registered with the racing secretary.

(c) If younger than eighteen (18) years of age, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. In addition, the parents or legal guardians of an applicant for an owner's license under the age of eighteen (18) must be licensed as an owner.

(d) If the commission or its designee has reason to doubt the financial responsibility of an applicant for an owner's license, the applicant may be required to complete a verified financial statement.

(e) Each licensed owner and 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 judges. Each owner shall comply with all licensing requirements.

(f) Each licensed owner is responsible for disclosure to the commission or its designee of the identity 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.

(g) The commission or its designee may refuse, deny, suspend, or revoke an owner's license for the spouse, member of the immediate family, or household of a person ineligible to be licensed as an owner, unless there is a showing by clear and convincing evidence on the part of the 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. 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 an owner, any horse whose ownership is in question may be placed on the judge's list. In such event, any horse whose bona fide ownership is at issue 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 or 71 IAC 7.5-5-2. The transfer of a horse to circumvent the intent of a commission rule or ruling is prohibited.

(h) Each person licensed as an owner consents to the release of records or information required by these rules relating to the medication, care, and/or treatment of a horse by a veterinarian. Additionally, each owner waives and releases any claim that he or she might have against any veterinarian resulting from or in any way relating to the release of records or information to the commission pertaining to the medication, care, and/or treatment of a horse. This provision also serves as and provides a corresponding consent and waiver by and on behalf of the trainer of each of the owner's horses.

(Indiana Horse Racing Commission; 71 IAC 5-2-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1144; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2848, eff Jul 1, 1995; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2075; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2211; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22- 2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.:

20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 30. 71 IAC 5-2-4 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Owners

71 IAC 5-2-4 Stable name registration

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 4. (a) ~~All~~ **For standardbred racing, all** current year registrations of stable names by the USTA shall be recognized in Indiana upon payment of the appropriate fees.

(b) Licensed owners and lessees may adopt a stable name subject to the approval of the USTA **for standardbred racing and the commission for flat racing.**

(c) The applicant shall identify all persons using the stable name. Changes shall be reported immediately to the commission.

(d) A person who has registered a stable name may cancel it upon written notice to the commission.

(e) The stable name and the name of the owner shall be published in the program.

(f) ~~All persons~~ **people** using a stable name shall comply with all rules regarding licensing of owners.

(g) In the event one (1) of the owners or persons listed in a registered stable is suspended, all horses shall be included.

(Indiana Horse Racing Commission; 71 IAC 5-2-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 31. 71 IAC 5-2-5 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Owners

71 IAC 5-2-5 Racing colors

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 5. (a) The racing colors to be worn by each driver **or jockey** in a race shall be described in the program, and any change shall be announced to the public prior to the commencement of the race.

(b) **For flat racing, owners or trainers shall provide racing colors which may be subject to the approval of the commission except at race tracks where colors are furnished by the association. Racing colors shall be registered with the racing secretary. The stewards may authorize a temporary substitution of racing colors when necessary.**

(Indiana Horse Racing Commission; 71 IAC 5-2-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; emergency rule filed Feb 20, 2001, 10:08 a.m.: 24 IR 2099; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 32. 71 IAC 5-2-6 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Owners

71 IAC 5-2-6 Owner – positive tests

Authority: IC 4-31-6-2; IC 4-31-13-1

Affected: IC 4-31-6-6

Sec. 6. (a) The owner or owners of horses testing positive more than one (1) time during the preceding five (5) years for a prohibited substance other than phenylbutazone, flunixin, or ketoprofen, may, at the discretion of the executive director **or** the judges, be required to stable all horses participating in a race meet on the grounds of the association or place all horses in the detention barn, or both, the day before or the day of the scheduled race, or both. A positive test under this section includes violations in Indiana and other jurisdictions.

(b) Special consideration shall be given to positive tests for Class 1, 2, or 3 drugs as listed the **most recent version of the** ARCI Uniform Classification Guidelines for Foreign Substances and Recommended Penalties Model Rules ~~Version 18.0~~. Special consideration shall also be given to TC0₂ violations, blood gas violations, and to findings of any drug, medication, or foreign substance administered within twenty-four (24) hours of a horse's scheduled race.

(Indiana Horse Racing Commission; 71 IAC 5-2-6; 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA; filed Oct 15, 2024, 2:44 p.m.: 20241113-IR-071240253FRA)

SECTION 33. 71 IAC 5-3-1 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Trainers

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) **For standardbred racing, an applicant shall hold a currently valid trainer's license issued by the USTA or Standardbred Canada. Applicants holding Standardbred Canada licenses only must provide a complete Standardbred Canada ruling history from that organization to the judges prior to being licensed.**

(c) **For flat racing, 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.**

(d) ~~(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.~~

(1) **For standardbred racing, the USTA/Standardbred Canada or their designee; or**

(2) **For flat racing, the stewards;**

prior to being licensed as a trainer.

(e) ~~(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 judges **or stewards**. Each trainer shall comply with all licensing requirements.

(f) ~~(f)~~ The commission 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) ~~(g)~~ The commission's designee may refuse 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.

(h) ~~(h)~~ 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 **or 71 IAC 7.5-5-2**.

(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; emergency rule filed Dec 23, 2013, 1:43 p.m.: 20140108-IR-071130567ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 34. 71 IAC 5-3-2 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Trainers

71 IAC 5-3-2 Trainer responsibility

Authority: IC 4-31-3-9

Affected: IC 4-31

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

- (1) the condition of horses he or she trains entered in an official workout or race;
- (2) the presence of any prohibited drug, medication, or other substance, including permitted medication in excess of the maximum allowable level, in horses he or she trains; ~~and~~ regardless of the acts of third parties. A positive test for a prohibited drug, medication, or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible; ~~and-~~
- (3) ensuring that all ~~persons~~ people employed by them are knowledgeable of and observe all commission rules and regulations.

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

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

(Indiana Horse Racing Commission; 71 IAC 5-3-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1145; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-

SECTION 35. 71 IAC 5-3-3 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Trainers

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; and
 - (C) 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~~ **the trainer's care, custody, or control**, including that outlined in 71 IAC 8 **or 71 IAC 8.5**.
- (6) Disclosure of the true and entire ownership of each horse in ~~his or her~~ **the trainer's** care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the judges **or stewards** and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by ~~him or her~~ **the trainer** which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in ~~his or her~~ **the trainer's** charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Using the services of ~~those practicing~~ 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~~ **the trainer's** care to the horse identifier and the racing secretary, whose office shall note such alteration on the USTA electronic eligibility **or its certificate of registration**.
- (11) Promptly reporting to the racing secretary and the ~~commission official~~ 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 **or its certificate of registration**.
- (12) Promptly reporting to the judges and the ~~commission official~~ veterinarian the serious illness of any horse in ~~his or her~~ **the trainer's** charge.
- (13) Promptly reporting the death of any horse in ~~his or her~~ **the trainer's** care on association grounds to the judges and the ~~commission official~~ veterinarian and compliance with 71 IAC 8 **or 71 IAC 8.5** governing postmortem examinations.
- (14) Maintaining a knowledge of the medication record and status of all horses in ~~his or her~~ **the trainer's** care.
- (15) Immediately reporting to the judges and the ~~commission official~~ veterinarian if ~~he or she~~ **the trainer** knows, or has cause to believe, that a horse in ~~his or her~~ **the trainer's** 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~~ **the trainer's** 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.
 - (21) Presenting ~~his or her~~ **the trainer's** horse in the paddock at the appointed time before the race in which the horse is entered.
 - (22) Personally attending to ~~his or her~~ **the trainer's** horses in the paddock or designating a licensee to attend to the horse in the paddock, **unless excused by the judges.**
 - (23) Instructing the driver **or jockey** to give ~~his or her~~ **their** best effort during a race and that each horse shall be driven **or ridden** to win.
 - (24) Attending the collection of a urine or blood sample from the horse in ~~his or her~~ **the trainer's** charge or delegating a licensed employee or the owner of the horse to do so.
 - (25) Promptly notifying the owner of a horse of a positive test or blood gas analysis report performed on ~~his or her~~ **the trainer's** horse indicating levels in violation of 71 IAC 8 **or 71 IAC 8.5.**
 - (26) Notifying horse owners upon the revocation or suspension of ~~his or her~~ **the trainer's** license.
 - (27) Guard and protect all horses in ~~his or her~~ **the trainer's** care.
 - (28) Account for fees and services rendered on behalf of any horse in ~~his or her~~ **the trainer's** care to the appropriate owner or owners.
 - (29) Determine the training regimen of all horses in ~~his or her~~ **the trainer's** care.
 - (30) **For standardbred racing,** Ensuring that electronic eligibility is registered with the USTA prior to entry in a race or qualifying race.
 - (31) Immediately notifying the judges or in their absence commission or track security, of any contact a practicing veterinarian or their 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.
 - (32) **Ensuring that owners and employees are properly licensed prior to participating on race day.**
- (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~~ **the trainer's** 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~~ **the trainer's** active care, custody, and supervision.
- (e) No trainer shall practice ~~his~~ **the trainer's** profession except under ~~his or her~~ **their** own name.
- (f) **No trainer shall train for another trainer licensed by the commission.**

(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; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR- 071230428RFA)

SECTION 36. 71 IAC 5-3-3.1 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Trainers

71 IAC 5-3-3.1 "In Today" responsibilities

Authority: IC 4-31-3-9; IC 4-31-12-1; IC 4-31-13-4

Affected: IC 4-31

Sec. 3.1. (a) A trainer or ~~his or her~~ **their** licensed designee shall be available to assist with the identification of ~~his or her~~ **the trainer's** horse on the day of its scheduled race during the time period set forth in the track rules established by the association and approved by the commission or its executive director.

(b) A horse may not be moved to any other stall after the association employee identifies the horse the morning of its scheduled race.

(c) After the association employee identifies a horse the morning of its scheduled race, the horse may not be removed from its stall with the exception of walking, bathing, shoeing, training, or emergency situations.

(Indiana Horse Racing Commission; 71 IAC 5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3033; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR- 071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 37. 71 IAC 5-3-4 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Trainers

71 IAC 5-3-4 Restrictions on wagering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. A trainer shall only be allowed to wager on ~~his or her~~ **the trainer's** horse or entries to win or finish first in combination with other horses.

(Indiana Horse Racing Commission; 71 IAC 5-3-4; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1146; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404- IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR- 071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830- IR-071230428RFA)

SECTION 38. 71 IAC 5-3-6 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Trainers

71 IAC 5-3-6 Substitute trainers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) A trainer, absent for more than five (5) days from ~~his or her~~ **the trainer's** responsibility as a licensed trainer, shall obtain another licensed trainer to substitute.

(b) A substitute trainer shall accept responsibility for the horses and be approved by the judges.

(c) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official race pursuant to this section.

(Indiana Horse Racing Commission; 71 IAC 5-3-6; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1147; emergency rule filed Jun 8, 1999, 9:31 a.m.: 22 IR 3126, 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 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR- 071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830- IR-071230428RFA)

SECTION 39. 71 IAC 5-4-1 IS AMENDED TO READ AS FOLLOWS:

Rule 4. Drivers

71 IAC 5-4-1 Drivers; licensing

Authority: IC 4-31-6-2

Affected: IC 4-31

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

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

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

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

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

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

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

preceding the date of application if ~~he or she~~ **the driver** has had not less than fifty (50) satisfactory fair starts.

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

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

(Indiana Horse Racing Commission; 71 IAC 5-4-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1147; emergency rule filed Jan 27, 1995, 3:30 p.m.: 18 IR 1499; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09- 195(E) was filed with the Publisher March 19, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR- 071230428RFA)

SECTION 40. 71 IAC 5-4.5-1 IS ADDED TO READ AS FOLLOWS:

Rule 4.5 Jockeys

Rule 4.5. Jockeys

71 IAC 5-4.5-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

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

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

(c) An applicant shall show competence by prior licensing and the demonstration of a riding ability, which may include participation in up to five (5) races with the prior approval of the stewards with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track. The demonstration of riding ability is defined at a minimum of:

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

(d) A jockey may be licensed as an owner and/or trainer, however the jockey may not accept an engagement to ride any horse not owned or trained by the jockey in a race in which a horse that is owned or trained by the jockey is also entered.

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

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

71 IAC 5-4.5-2 Apprentice jockeys

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. (a) An applicant may be prohibited from riding until the stewards or the commission has sufficient opportunity to verify the applicant's previous riding experience.

(b) The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performance in quarter horse racing does not apply to the conditions of an apprentice jockey license.

(c) An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

(d) An apprentice certificate may be obtained from the stewards on a form provided by the commission. A person shall not receive more than one (1) apprentice certificate. In case of emergencies, a copy of the original may be obtained from the commission where it was issued.

(e) An apprentice jockey shall ride with a ten (10) pound weight allowance beginning with the apprentice jockey's first mount until the apprentice wins five (5) races. Once the apprentice jockey wins their fifth race, they shall ride with a seven (7) pound weight allowance for a period of one (1) year from the date of their fifth win. During the course of this year, if the apprentice jockey wins a total of forty (40) races, they will ride with a five (5) pound allowance until such time as that year is up. If the apprentice jockey does not win forty (40) races within the year, they shall retain their apprenticeship for additional year or until the fortieth win. After that time if the apprentice jockey does not win forty (40) races the second year, they will no longer be considered an apprentice jockey; they will become a journeyman jockey.

(f) If an apprentice jockey is unable to ride for a period of seven (7) consecutive days or more after the date of the apprentice jockey's fifth winning mount because of service in national armed forces, enrollment in an institution of secondary or higher education, or because of physical disablement, the commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the apprentice jockey was unable to ride. The apprentice jockey extension form approved by the commission shall be completed and provided to the commission. The commission currently licensing the apprentice jockey shall have the authority to grant an extension to an eligible applicant, but only after the apprentice has produced on the approved form documentation verifying time lost as defined by this regulation. An apprentice may petition one (1) of the jurisdictions in which they are licensed and riding for an extension of the time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.

(g) The conditions set forth in section 1 of this rule shall also apply.

71 IAC 5-4.5-3 Foreign jockeys

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. Upon applying for a license in this jurisdiction, a jockey from a foreign country shall declare that the jockey is a holder of a valid license in the jockey's country and currently not under suspension. To facilitate this process, the jockey shall present this information in a language recognized in this jurisdiction to the commission.

71 IAC 5-4.5-4 Jockey responsibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 4. (a) A jockey shall give a best effort during a race, and each horse shall be ridden to win. A jockey shall not ease up on or coast to the finish, without reasonable cause, even if the horse has no apparent chance to win prize money.

(b) A jockey shall not have a valet attendant except one provided and compensated by the association.

(c) No person other than the licensed contract employer or a licensed jockey agent, may make riding arrangements for a rider, except that a jockey not represented by a jockey agent may make the jockey's own riding engagements.

(d) A jockey shall have no more than one (1) jockey agent.

(e) No revocation of a jockey agent's authority is effective until the jockey notifies the stewards in writing of the revocation of the jockey agent's authority.

(f) A jockey is required to have their colors (silks) and rain jackets tucked into their pants at all times while visible to the public. However, during inclement weather, the stewards may permit jockeys to not tuck their rain jacket into their pants provided their silks are appropriately tied at or above the waist ensuring a uniform and tidy appearance. All rain jackets must be white.

71 IAC 5-4.5-5 Jockey betting

Authority: IC 4-31-6-2 Affected: IC 4-31

Sec. 5. A jockey shall only be allowed to wager on a race in which the jockey is riding. A jockey shall only be allowed to wager if:

- (1) the owner or trainer of the horse which the jockey is riding makes the wager for the jockey;
- (2) the jockey only wagers on the jockey's own mount to win or finish first in combination with other horses in multiple type wagers; and
- (3) records of such wagers are kept and available for presentation upon request by the stewards.

71 IAC 5-4.5-6 Jockey's spouse

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 6. A jockey shall not compete in any race against a horse which is owned or trained by the jockey's spouse.

71 IAC 5-4.5-7 Jockey mount fees

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 7. In the absence of a contract or special agreement, jockey mount fees shall be as follows:

Purse	Winning Mount	Second Place Mount	Third Place Mount	Losing Mount
\$5,000-\$9,999	10% of Win Purse	\$90	\$75	\$65
\$10,000-\$14,999	10% of Win Purse	5% of Place Purse	\$85	\$75
\$15,000-\$24,999	10% of Win Purse	5% of Place Purse	\$100	\$80
\$25,000-\$49,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$90
\$50,000-\$99,999	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$100
\$100,000 and Up	10% of Win Purse	5% of Place Purse	5% of Show Purse	\$125

SECTION 41. 71 IAC 5-5-2 IS AMENDED TO READ AS FOLLOWS:

Rule 5. Owners' Authorized Agents

71 IAC 5-5-2 Powers and duties

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A licensed authorized agent may perform on behalf of the licensed owner-principal all acts as relate to racing, as specified in the agency appointment, that could be performed by the principal if such principal were present.

(b) In executing any document on behalf of the principal, the authorized agent shall clearly identify the authorized agent and the owner- principal.

(c) When an authorized agent enters a claim for the account of a principal, the name of the licensed owner for whom the claim is ~~being~~ made and the name of the authorized agent shall appear on the claim slip or card.

(d) Authorized agents are responsible for disclosure of the true and entire ownership of each horse for which they have authority. Any change in ownership shall be reported immediately to, and approved by, the judges and **for standardbred racing**, reported to the USTA for recording.

(Indiana Horse Racing Commission; 71 IAC 5-5-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2906; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR- 071230428RFA)

SECTION 42. 71 IAC 5-5.5 IS ADDED TO READ AS FOLLOWS:

Rule 5.5 Jockey Agents

Rule 5.5. Jockey Agents

71 IAC 5-5.5-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An applicant for a license as a jockey agent shall:

- (1) provide written proof of agency with at least one (1) jockey licensed by the commission;**
- (2) demonstrate to the stewards that the applicant has a contract for agency with at least one (1) jockey who has been licensed by the commission; and**
- (3) be qualified, as determined by the stewards or other commission designee, by reason of experience, background, and knowledge.**

(b) A jockey agent's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one (1) or both of the following:

- (1) A written examination.**
- (2) An interview or oral examination.**

(c) Applicants not previously licensed as jockey agents shall be required to pass a written and oral examination.

71 IAC 5-5.5-2 Limit on contracts

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. A jockey agent may serve as agent for no more than two (2) jockeys and one (1) apprentice jockey.

71 IAC 5-5.5-3 Responsibilities

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. (a) A jockey agent shall not make or assist in making engagements for a jockey other than the jockeys the agent is licensed to represent.

(b) A jockey agent shall have completed the appointment of jockey agent form provided by the commission for all jockeys he represents. Furthermore, the agent shall complete the revocation of appointment when the agent withdraws or is discharged from representation. Such form shall be filed with the stewards prior to the first draw in which a jockey is listed to ride.

(c) A jockey agent shall notify the stewards, in writing, prior to withdrawing from representation of a jockey and shall submit to the stewards a list of any unfulfilled engagements made for the jockey.

(d) All persons permitted to make riding engagements shall maintain current and accurate records of all engagements made, such records being subject to examination by the stewards at any time.

(e) The stewards may require a jockey agent located outside Indiana, whose jockey is licensed and riding in Indiana, to secure an Indiana license and file any applicable forms.

71 IAC 5-5.5-4 Prohibited areas

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 4. A jockey agent is prohibited from entering the winner's circle, racing strip, paddock, or saddling enclosure during the hours of racing, unless permitted by the stewards.

71 IAC 5-5.5-5 Agent withdrawal

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 5. (a) When a jockey agent withdraws from representation of a jockey, the jockey agent shall immediately notify the stewards and shall submit to the stewards a list of any unfulfilled engagements for the jockey.

(b) A jockey agent shall not be permitted to withdraw from the representation of any jockey unless written notice to the stewards has been provided.

SECTION 43. 71 IAC 5-6-1 IS AMENDED TO READ AS FOLLOWS:

Rule 6. Horseshoers

71 IAC 5-6-1 Eligibility

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 1. (a) An applicant for a license as horseshoer shall:

(1) be at least eighteen (18) years of age;

(2) be qualified, as determined by the judges, by reason of experience, background, and knowledge of horseshoeing. A horseshoer'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:

(A) A written examination.

(B) An interview or oral examination.

(C) A demonstration of practical skills in horseshoeing.

(b) A horseshoer'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 horseshoeing.**

(c) ~~(b)~~ Applicants not previously licensed as a horseshoer shall be required to:

- (1) pass a written or oral examination;
- (2) demonstrate practical skills; and
- (3) submit at least two (2) written statements as to the character and qualifications of the applicant.

(Indiana Horse Racing Commission; 71 IAC 5-6-1; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1148; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925- IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR- 071230428RFA)

SECTION 44. 71 IAC 5-7-1 IS AMENDED TO READ AS FOLLOWS:

Rule 7. License Fee Schedule

71 IAC 5-7-1 Assessment of fees

Authority: IC 4-31-3-8; IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Fees not specified elsewhere under IC 4-31 or this title ~~for standardbred racing~~ are specified under this rule.

(Indiana Horse Racing Commission; 71 IAC 5-7-1; filed Oct 15, 2024, 2:08 p.m.: 20241113-IR- 071240252FRA)

SECTION 45. 71 IAC 5-7-4 IS AMENDED TO READ AS FOLLOWS:

Rule 7. License Fee Schedule

71 IAC 5-7-4 Individual licensing fees

Authority: IC 4-31-3-8; IC 4-31-3-9

Affected: IC 4-31

Sec. 4. Licensing fees for individuals licensed by the commission for ~~standardbred~~ **pari-mutuel** racing are as follows:

Licensee Title	General Description of Licensee	Fee
Groom/Exercise Rider/ Hotwalker	Hired to engage in daily care of horses on backside of tracks	\$15
HBPA Employee	Employee of the Horsemen's Benevolent and Protective Association	\$15
ISA Employee	Employee of the Indiana Standardbred Association	\$15
Pari- Mutuel Clerk	Track employee designated to accept and pay out wagers from the general public	\$15
Pony Rider	Parades thoroughbred and quarter horses before loading them into starting gate	\$15
Track Employee	Employee of either Harrah's Hoosier Park or Horseshoe Indianapolis racetracks	\$15
Transporter	Transports horses from track to track or training facility	\$15

Vendor Employee	Employee of vendor licensed at Harrah's Hoosier Park or Horseshoe Indianapolis	\$15
Apprentice Jockey	Individual training to become a licensed jockey	\$35
Assistant Trainer	Individual who assists trainer of horses	\$35
Authorized Agent	Individual authorized to claim a horse on another individual's behalf as defined in 71 IAC 1-1-12	\$35
Claiming	Individual authorized to claim a horse on their own in a claiming race as defined in 71 IAC 1-1- 20	\$35
Driver	Individual licensed to drive a cart in a standardbred race as defined in 71 IAC 1-1-35	\$35
Farrier	Craftsperson who trims and shoes horses' hooves as qualified under 71 IAC 5-6-1	\$35
Assistant Farrier	Individual who assists farrier	\$35
Horsemen's Bookkeeper	Track employee who manages purse payments to horsemen	\$35
Jockey	Individual who rides a horse in thoroughbred or quarter horse race	\$35
Massage Therapist Helper	Assistant to massage therapist for horses	\$35
Outrider	Track employee who maintains safety during race	\$35
Owner	Individual who owns at least 5% of a horse as defined in 71 IAC 1-1-74	\$35
QF Driver	Qualifying/fair drivers apprenticing to get their driver's permit	\$35
Racing Officials	Commission or track officials listed in 71 IAC 3-1-1	\$35
Starting Gate Crew	Track employees responsible for operating the starting gate	\$35
Trainer	Individual responsible for duties listed in 71 IAC 5-3 and 71 IAC 5.5-1	\$35
Valet	Individuals who assist jockeys in jockeys' quarters	\$35
Veterinarian's Assistant	Individual who assists veterinarians on backside of track	\$35
Track Management	Members of the Harrah's Hoosier Park and Horseshoe Indianapolis track management staff	\$60
Equine Dentist	Individual providing dental care to horses at Harrah's Hoosier Park and Horseshoe Indianapolis	\$100
Jockey Agent	Manager of jockeys who assists in securing jockeys for horses	\$100
Massage Therapist	Individual providing massage therapy for horses at Harrah's Hoosier Park and Horseshoe Indianapolis	\$100
Teeth Floater	Individual providing teeth floating services pursuant to I.C. 4-31-6-12	\$100
Veterinarian – Practicing	Veterinarian providing services for hire at Harrah's Hoosier Park and Horseshoe Indianapolis	\$100
Veterinarian – Track	Veterinarian employed by Harrah's Hoosier Park or Horseshoe Indianapolis to provide certain services	\$100
Vendor/Contractor	Owner of a business tangentially connected to horse racing	\$100

(Indiana Horse Racing Commission; 71 IAC 5-7-4; filed Oct 15, 2024, 2:08 p.m.: 20241113-IR- 071240252FRA)

SECTION 46. 71 IAC 5-7-5 IS AMENDED TO READ AS FOLLOWS:

Rule 7. License Fee Schedule

71 IAC 5-7-5 Badge fees

Authority: IC 4-31-3-8; IC 4-31-3-9
Affected: IC 4-31

Sec. 5. Badge fees for individuals licensed by the commission for ~~standardbred~~ **pari-mutuel** racing are as follows:

Fingerprint Fee	Fee for fingerprints required under 71 IAC 3-1-2.1, 71 IAC 3.5-1-3 , and 71 IAC 5-1	\$27
Change of Badge	Change of personal information on badge	\$5
Additional Badge	Additional badge furnished on request	\$5
License Change	Change of license type on badge	\$5
Lost Badge Replacement	Replacement badge for individual who lost their badge	\$5

(Indiana Horse Racing Commission; 71 IAC 5-7-5; filed Oct 15, 2024, 2:08 p.m.: 20241113-IR- 071240252F)

SECTION 47. 71 IAC 5.5 IS REPEALED

SECTION 48. 71 IAC 6-3-1 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Overnight Events

71 IAC 6-3-1 General provisions

Authority: IC 4-31-3-9
Affected: IC 4-31

Sec. 1. (a) For the purpose of this rule, overnight events shall include:

- (1) conditioned;
- (2) claiming;
- (3) preferred;
- (4) invitational;
- (5) handicap;
- (6) open;
- (7) free-for-all;
- (8) schooling; or
- (9) matinee races;

or a combination thereof.

(b) At extended meetings, condition sheets must be available to participants at least ~~twenty-four (24)~~ **ninety-six (96)** hours prior to closing declarations to any race program contained therein. ~~At other meetings, conditions must be posted and available to participants at least eighteen (18) hours prior to closing declarations.~~

(c) A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion from those available and qualified to race.

(d) Substitute races may be provided for each race program and shall be so designated in condition books sheets. A substitute race may be used when a regularly scheduled race fails to fill.

(e) Regularly scheduled races or substitute races may be divided where necessary to fill a program of racing or may be divided and carried over to a subsequent racing program subject to the following:

- (1) No such divisions shall be used in the place of regularly scheduled races which fill.
- (2) Where races are divided in order to fill a program, starters for each division must be determined by lot after preference has been applied unless the conditions provide for divisions based upon age, performance, earnings, or sex.
- (3) Where necessary to fill a card, not more than one (1) race per day may be divided into not more than two (2)

divisions after preference has been applied. The divisions may be selected by the racing secretary. For all other overnight races that are divided, the division must be by lot unless the conditions provide for a division based on performance, earnings, or sex.

(Indiana Horse Racing Commission; 71 IAC 6-3-1; emergency rule filed Aug 10, 1994, 3:30 p.m.: 17 IR 2908; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1917; readopted filed Nov 29, 2011, 12:52 p.m.: 20111228-IR-071100776RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR- 071230371RFA)

SECTION 49. 71 IAC 7-1-5 IS AMENDED TO READ AS FOLLOWS:

Rule 1. Entries and Scratches

71 IAC 7-1-5 No change permitted

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) The conditions for eligibility to a race may not be changed once entries are taken except that, with the consent of the judges **under circumstances that may include:**

(1) an error may be corrected ~~with the consent of the judges;~~ or

(2) if a race has fewer than eight (8) horses entered, a condition for eligibility may be changed, provided that the racing secretary gives at least a one (1) hour notice to the public before the published time of closing listed on the condition sheet.

(b) No change in trainers of a horse, entered and drawn to start, will be permitted. In the event of such change, the horse will be scratched and the parties responsible therefore shall be subject to fine or suspension. No change in ownership of a horse is permitted after the horse has been entered and drawn to start. In the event of such a change, the horse will be scratched and the parties responsible shall be subject to penalties.

(c) No owner shall list as the trainer of a horse a person who is not in fact the trainer of such horse, and no trainer shall allow his or her name to be shown on the declaration form nor the official program as trainer of a horse which he or she does not in fact have under his or her care and supervision as trainer of the horse. The judges may require proof that a person listed as the trainer of a horse is in fact the actual trainer of that horse.

(Indiana Horse Racing Commission; 71 IAC 7-1-5; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1151; emergency rule filed Mar 25, 1996, 10:15 a.m.: 19 IR 2077; emergency rule filed Mar 27, 2000, 8:20 a.m.: 23 IR 2006; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 50. 71 IAC 7-1-7 IS AMENDED TO READ AS FOLLOWS:

Rule 1. Entries and Scratches

71 IAC 7-1-7 Entries refused

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. The entries of any person or the transfer of any entry may be refused without notice by the judges **or the association** with good cause.

(Indiana Horse Racing Commission; 71 IAC 7-1-7; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1152; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-

071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR- 071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 51. 71 IAC 7-1-26 IS AMENDED TO READ AS FOLLOWS:

Rule 1. Entries and Scratches

71 IAC 7-1-26 Notice in writing

Authority: IC 4-31-3-9
Affected: IC 4-31

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

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

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

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

(Indiana Horse Racing Commission; 71 IAC 7-1- 26; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1155; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:25 a.m.: 25 IR 2536; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 52. 71 IAC 7-1-29 IS AMENDED TO READ AS FOLLOWS:

Rule 1. Entries and Scratches

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)~~ (a) 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~~ **for the draw**.

~~(c)~~ (b) The racing secretary responsibilities shall include:

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

~~(d)~~ (c) If it is necessary to reopen any race, public announcement **and announcement over text** shall be made ~~at least twice within one (1) hour of the closing of entries.~~

~~(e)~~ (d) 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)~~ (e) 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)~~ (f) 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)~~ (g) In all races, drawings shall be final unless:

(1) 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; **or**

(2) **the judges find conclusive evidence of any other error of the association.**

Notwithstanding, any redraws must be preapproved by the judges.

~~(j)~~ (h) If a redraw is approved under subsection ~~(i)~~(g), 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 53. 71 IAC 7-1-30 IS AMENDED TO READ AS FOLLOWS:

Rule 1. Entries and Scratches

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:~~

~~(4)~~ When a horse is racing for the first time in the current year, the date of 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 subsequently declared, irrespective of the actual preference 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR- 071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 54. 71 IAC 7-2-2 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Starter and the Start of the Race

71 IAC 7-2-2 In hands of starter

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Horses shall be in the hands of the starter **and judges** from the time they arrive on the track until the ~~start is effected~~ **starter calls**.

(b) Horses shall be in the hands of the starter from the time the starter calls until the start is effected.

~~(b)~~ (c) After entering the track, not more than twelve (12) minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay.

(Indiana Horse Racing Commission; 71 IAC 7-2-2; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1158; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 55. 71 IAC 7-2-8 IS AMENDED TO READ AS FOLLOWS:

Rule 2. Start and the Start of the Race

71 IAC 7-2-8 Riding in gate; equipment; two tiers

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) No persons shall be allowed to ride in the starting gate except the starter and his or her driver or operator and a patrol judge unless permission has been granted by the commission **or the association**.

(b) Use of a mechanical loudspeaker for any purpose other than to give instructions to drivers is prohibited. The volume shall be no higher than necessary to carry the voice of the starter to the drivers.

(c) In the event there are two (2) tiers of horses, the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier. Whenever a horse is drawn from any tier, horses on the outside move in to fill the vacancy. In a race with a single trailer, the driver may select any position in the second tier. In a race with multiple trailers, the driver of the first horse in the second tier may elect to score out behind the first or second horse in the first tier. The horse drawing the second post in the second tier shall score behind the third or fourth horse in the first tier. The horse drawing the third post in the second tier shall score behind the fifth or sixth horse.

(Indiana Horse Racing Commission; 71 IAC 7-2-8; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1159; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; emergency rule filed Dec 5, 2019, 1:56 p.m.: 20191211-IR-071190646ERA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 56. 71 IAC 7-3-20 IS REPEALED

SECTION 57. 71 IAC 7-3-23 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Driving Rules and Violations

71 IAC 7-3-23 Wheel disk; mud fenders and aprons

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 23. It shall be the responsibility of the owner, trainer, or driver to provide every sulky used in a race with wheel disks on the inside and outside of the wheel of a type approved by the commission. In his or her discretion, the ~~presiding~~ **paddock** judge may order the use of mud fenders and mud aprons which shall be provided by the owners, trainers, or drivers.

(Indiana Horse Racing Commission; 71 IAC 7-3-23; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Mar 15, 2019, 2:42 p.m.: 20190320-IR-071190167ERA; readopted filed Aug 28, 2019, 1:23 p.m.: 20190925-IR-071190319RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 58. 71 IAC 7-3-37 IS REPEALED

SECTION 59. 71 IAC 13.5-3-2 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Awards

71 IAC 13.5-3-2 Breeder's awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A breeder award means the award is paid to the breeder of a registered Indiana bred which ~~wins any race~~ **meets the eligibility criteria outlined in the Thoroughbred Breed Development Program approved by the commission pursuant to IC 4-31-11-9. Breeder awards may be paid for any race specified in subsection (c) contested** at a licensed pari- mutuel track located in Indiana.

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

(c) The amount of the award(s) in races at a licensed pari-mutuel track in Indiana ~~is~~ **shall be a minimum of** twenty percent (20%) of the purse, including supplements, for all stake, allowance (including Maiden Special Weight, Starter Allowance for ten thousand (10,000) or more, Optional Claiming for ten thousand (10,000) or more & Maiden Optional Claiming for ten thousand (10,000) or more), and claiming races when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000).

(d) The distribution of the award(s) will be paid as approved by the commission after reviewing annual recommendations by the Thoroughbred Breed Development Advisory Committee pursuant to IC 4-31-11-9.

~~(d)~~ (e) The total purse supplement available shall be included in calculating breeder's awards.

~~(e)~~ (f) Awards will be paid by the commission.

(Indiana Horse Racing Commission; 71 IAC 13.5-3-2; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jun 10, 2009, 12:45 p.m.: 20090617-IR-071090464ERA, eff May 29, 2009 [IC 4-22-2- 37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; emergency rule filed Sep 16, 2010, 12:19 p.m.: 20100922-IR-071100607ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 15, 2018, 2:46 p.m.: 20181212-IR-071180363RFA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA)

SECTION 60. 71 IAC 13.5-3-4 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Awards

71 IAC 13.5-3-4 Stallion owner's awards

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) A stallion owner award is ~~the an~~ award is paid to the owner or lessee of a registered Indiana stallion whose registered progeny **meets the eligibility criteria outlined in the Thoroughbred Breed Development Program approved by the commission pursuant to IC 4-31-11-19. Stallion awards may be paid for any race specified in subsection c have won any race contested** at a licensed pari-mutuel track located in Indiana.

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

(c) The amount of the award(s) in races at a licensed pari-mutuel track in Indiana ~~is~~ **shall be a minimum of** ten percent (10%) of the gross purse including supplements, for all stake, allowance (including Maiden Special Weight, Starter Allowance for ten thousand (10,000) or more, Optional Claiming for ten thousand (10,000) or more & Maiden Optional Claiming for ten thousand (10,000) or more), and claiming races when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000).

(d) The distribution of the award(s) will be paid as approved by the commission after reviewing annual recommendations by the Thoroughbred Breed Development Advisory Committee pursuant to IC 4-31-11-19.

~~(d)~~(e) The total purse supplement available shall be included in calculating stallion owner's awards.

~~(e)~~(f) Awards will be paid by the commission.

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

(Indiana Horse Racing Commission; 71 IAC 13.5-3-4; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Jun 10, 2009, 12:45 p.m.: 20090617-IR-071090464ERA, eff May 29, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; emergency rule filed Sep 16, 2010, 12:19 p.m.: 20100922-IR-071100607ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 15, 2018, 2:46 p.m.: 20181212-IR-071180363RFA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA)

SECTION 61. 71 IAC 14-1-1 IS AMENDED TO READ AS FOLLOWS:

Rule 1. Foal eligibility

71 IAC 14-1-1 "Indiana bred" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) "Indiana bred" means a foal from a mare who resides in the state continuously from August 1 of the breeding year through the time of foaling and is properly registered with the commission.

(b) In order to be registered as an Indiana bred foal, the mare of the foal must:

- (1) have entered Indiana by August 1 in the year prior to foaling; and
- (2) remain in Indiana continuously until foaling.

(c) Mares which have not been bred by the August 1 deadline may be registered late but must reside in Indiana and be registered prior to being bred.

(d) Mares registered for the current breeding year may leave the state to be entered in an advertised public sale and may leave the state for the interval of the sale but must return to Indiana within fourteen (14) days of her sale if the residency requirements for foal registration are to be fulfilled. Notification to the commission must be made in writing for mares leaving the state prior to participating in an advertised public sale. Upon return to the state, the mare must be reregistered with the commission. Reregistration must occur within the fourteen (14) day period following the sale.

(e) The commission must be notified in writing by e-mail, fax, or mail and provide proper documentation for any registered mare leaving the state for medical treatment. Notification must be made within seventy-two (72) hours of date which the mare left the state.

(f) The Indiana bred foal must:

- (1) Be registered with the commission within thirty (30) days of foaling.
- (2) Be inspected after foaling prior to leaving the state.

(g) Foals not registered within thirty (30) days of foaling date may be registered ~~with a two hundred dollar (\$200) late fee up and until December 31 of the foal's weaning year.~~ **as follows:**

- (1) with a two hundred dollar (\$200) late fee up and until December 31 of the foal's weaning year.**
- (2) with a five hundred dollar (\$500) late fee after December 31 of the foal's weaning year.**

~~(h) If the foal is not registered by January 1 of its yearling year, the foal is not eligible to be registered. For eligibility purposes, the foal is not considered "Indiana bred" until registration paperwork and applicable late fees are received by the commission.~~

(i) For foals of 2009 and prior, Indiana bred is defined as a horse whose breeder(s) as listed with the USTA are residents of Indiana. Any partnership or corporation registered by the USTA and listed as breeder must be entirely composed of Indiana residents.

(Indiana Horse Racing Commission; 71 IAC 14-1-1; emergency rule filed Jun 10, 2009, 12:45 p.m.: 20090617-IR071090464ERA, eff May 29, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Dec 8, 2010, 11:46 a.m.: 20101215-IR-071100735ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-

071120056ERA; emergency rule filed May 16, 2012, 2:15 p.m.: 20120523-IR-071120267ERA; readopted filed Nov 15, 2018, 2:46 p.m.: 20181212-IR-071180363RFA; readopted filed Jul 6, 2023, 1:50 p.m.: 20230802-IR-071230371RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 62. 71 IAC 14.5-3-1 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Awards

71 IAC 14.5-3-1 Owner award

Authority: IC 4-31-3-9
Affected: IC 4-31

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

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

(c) The amount of the award in races at a licensed parimutuel track in Indiana shall be determined annually by the commission after reviewing recommendations by the Quarter Horse Breed Development Committee. For Indiana bred races, the amount of the award is twelve and one half percent (12.5%) of the gross purse, and distribution is:

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

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

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

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

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

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

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

~~(e)(d) Awards will be paid by the commission.~~

(Indiana Horse Racing Commission; 71 IAC 14.5-3-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3034; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Apr 4, 2013, 1:05 p.m.: 20130410-IR-071130134ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA; emergency rule filed Mar 3, 2022, 3:55 p.m.: 20220316-IR-071220070ERA; readopted filed Apr 20, 2023, 3:49 p.m.: 20230517-IR-071230071RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 63. 71 IAC 14.5-3-2 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Awards

71 IAC 14.5-3-2 Breeder award

Authority: IC 4-31-3-9
Affected: IC 4-31

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

(b) In the event of multiple breeders, the award will be paid to the individual designated as the recipient on the

foal application. It is the responsibility of the designated recipient to distribute these monies to the remaining breeders.

(c) The amount of the award in races at a licensed parimutuel track in Indiana shall be determined annually by the commission after reviewing recommendations by the Quarter Horse Breed Development Committee. For Indiana bred races, the amount of the award is seventeen and one-half percent (17.5%) of the gross purse, and distribution is:

- (1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);
- (2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and
- (3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

~~(d) For open overnight races and open stakes, the amount of the award is seventeen and one-half percent (17.5%) of the gross purse, and distribution is:~~

- ~~(1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);~~
- ~~(2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and~~
- ~~(3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).~~

~~(e)(d) Awards will be paid by the commission.~~

~~(f) (e) For breeder awards earned January 1, 2013, and thereafter, the recipient is the owner of the dam at the time of the dam's registration with the breed development program.~~

(Indiana Horse Racing Commission; 71 IAC 14.5-3-2; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; errata filed Feb 9, 2001, 3:38 p.m.: 24 IR 2091; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; errata filed Feb 18, 2008, 2:03 p.m.: 20080305-IR-071080056ACA; emergency rule filed Apr 4, 2013, 1:05 p.m.: 20130410-IR-071130134ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA; emergency rule filed Mar 3, 2022, 3:55 p.m.: 20220316-IR-071220070ERA; emergency rule filed Apr 20, 2023, 3:09 p.m.: 20230426-IR-071230297ERA; readopted filed Apr 20, 2023, 3:49 p.m.: 20230517-IR-071230071RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

SECTION 64. 71 IAC 14.5-3-3 IS AMENDED TO READ AS FOLLOWS:

Rule 3. Awards

71 IAC 14.5-3-3 Stallion owner award

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

(c) The amount of the award in races at a licensed parimutuel track in Indiana shall be determined annually by the commission after reviewing recommendations by the Quarter Horse Breed Development Committee. For Indiana bred races, the amount of the award is twelve and one-half percent (12.5%) of the gross purse, and distribution is:

- (1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);
- (2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and
- (3) twenty percent (20%) awarded to third place, not to exceed two thousand dollars (\$2,000).

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

- ~~(1) fifty percent (50%) awarded to the winner, not to exceed five thousand dollars (\$5,000);~~
- ~~(2) thirty percent (30%) awarded to second place, not to exceed three thousand dollars (\$3,000); and~~

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

~~(e)~~(d) Awards will be paid by the commission.

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

~~(g)~~(f) No stallion standing outside Indiana and shipping semen into the state will be eligible to participate in any stallion breed development awards.

(Indiana Horse Racing Commission; 71 IAC 14.5-3-3; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1037; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 27, 2002, 10:27 a.m.: 25 IR 2539; emergency rule filed Jan 24, 2008, 10:58 a.m.: 20080206-IR-071080056ERA, eff Jan 23, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-56(E) was filed with the Publisher January 24, 2008.]; emergency rule filed Apr 4, 2013, 1:05 p.m.: 20130410-IR-071130134ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA; emergency rule filed Jun 1, 2020, 1:57 p.m.: 20200610-IR-071200295ERA; emergency rule filed Mar 2, 2021, 3:10 p.m.: 20210310-IR-071210076ERA; emergency rule filed Mar 3, 2022, 3:55 p.m.: 20220316-IR-071220070ERA; readopted filed Apr 20, 2023, 3:49 p.m.: 20230517-IR-071230071RFA; readopted filed Aug 3, 2023, 12:49 p.m.: 20230830-IR-071230428RFA)

Agenda Item #13

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1052

AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-31-2.1-5, AS ADDED BY P.L.105-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. "Breeder" means any of the following:

- (1) The owner or lessee of a standardbred horse's dam at the time of ~~registration with the commission:~~ **breeding.**
- (2) The owner or lessee of a thoroughbred horse's dam at the time of ~~registration with the commission:~~ **foaling for thoroughbreds. The commission shall recognize the breeder of a horse as the person designated as such on the Jockey Club Certificate of Registration for the horse.**
- (3) The owner or lessee of a quarter horse's dam at the time of ~~the dam's~~ registration with the commission.

SECTION 2. IC 4-31-2.1-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 16.5. "Judge" means an individual who:**

- (1) is licensed by the commission; and**
- (2) serves as a judge or steward at a licensed facility.**

SECTION 3. IC 4-31-3-11.5, AS AMENDED BY P.L.152-2025, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.5. The commission shall employ or contract for judges ~~and stewards~~ to attend each recognized meeting held under a

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permit issued under this article. A contracted judge or steward shall be considered an employee of the commission for the purpose of IC 4-6-2-1.5(a). The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the judges and stewards who serve at the permit holder's racetrack.

SECTION 4. IC 4-31-6-6, AS AMENDED BY P.L.172-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, if:

- (1) the refusal, denial, revocation, suspension, or other penalty is in the public interest for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering; and
- (2) any of the conditions listed in subsection (b) apply to the applicant or licensee.

(b) The conditions referred to in subsection (a) are as follows:

- (1) The applicant or licensee has been convicted of a felony or misdemeanor that could compromise the integrity of racing by the applicant's or licensee's participation in racing.
- (2) The applicant or licensee has had a license of the legally constituted racing authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.
- (3) The applicant or licensee is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.
- (4) The applicant or licensee has violated or attempted to violate a provision of this article, a rule adopted by the commission, or a law or rule with respect to horse racing in a jurisdiction.
- (5) The applicant or licensee has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of horses or pari-mutuel wagering.
- (6) The applicant or licensee has demonstrated financial irresponsibility by accumulating unpaid obligations, defaulting on obligations, or issuing drafts or checks that are dishonored or not paid.
- (7) The applicant or licensee has made a material misrepresentation in an application for a license.
- (8) The applicant or licensee has been convicted of a crime involving bookmaking, touting, or similar pursuits or has consorted with a person convicted of such an offense.



(9) The applicant or licensee has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.

(10) The applicant or licensee has engaged in conduct that is against the best interest of horse racing **or compromises the integrity of operations at a licensed facility.**

(11) The applicant or licensee has failed to comply with a written order or ruling of the commission or judges pertaining to a racing matter.

(12) The applicant or licensee has failed to answer correctly under oath, to the best of the applicant's or licensee's knowledge, all questions asked by the commission or its representatives pertaining to a racing matter.

(13) The applicant or licensee has failed to return to a permit holder any purse money, trophies, or awards paid in error or ordered redistributed by the commission.

(14) The applicant or licensee has had possession of an alcoholic beverage on a permit holder's premises, other than a beverage legally sold through the permit holder's concession operation.

(15) The applicant or licensee has interfered with or obstructed a member of the commission, a commission employee, or a racing official while performing official duties.

(16) The name of the applicant or licensee appears on the department of state revenue's most recent tax warrant list, and the person's tax warrant has not been satisfied.

(17) The applicant or licensee has pending criminal charges.

(18) The applicant or licensee has racing disciplinary charges pending in Indiana or another jurisdiction.

(19) The applicant or licensee is unqualified to perform the duties required under this article or the rules of the commission.

(20) The applicant or licensee made a material misrepresentation when registering, nominating, entering, or racing a horse as an Indiana owned horse, Indiana sired horse, or Indiana bred horse.

SECTION 5. IC 4-31-7-9, AS AMENDED BY P.L.32-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) ~~After December 31, 2013, the following individuals may not wager on horse racing at a licensed facility:~~

~~(1) A member of the commission.~~

~~(2) An employee of the commission.~~

~~(3) A racing official.~~

~~(4) The spouse of any individual listed in subdivisions (1) through~~

~~(3).~~



~~(b)~~ **(a)** ~~After December 31, 2017,~~ The following individuals may not wager on gambling games **or horse racing** at a facility licensed under IC 4-35:

- (1) A member of the commission.
- (2) The following individuals employed by the commission:
 - (A) The executive director.
 - (B) The assistant executive director.
 - (C) The director of security.
 - (D) The general counsel.
 - (E) The deputy general counsel.
 - ~~(F) A steward.~~
 - ~~(G)~~ **(F)** A judge.
- (3) The spouse of an individual described in subdivision (1) or (2).

~~(e)~~ **(b)** A person who knowingly or intentionally violates this section commits a Class C infraction. However, the violation is a Class A misdemeanor if the person has a prior unrelated adjudication or conviction for a violation of this section within the previous five (5) years.

SECTION 6. IC 4-31-8-4, AS AMENDED BY P.L.168-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A permit holder shall provide an alcohol breath-testing device that is approved by the commission and operated by a person certified to use such a device. **The necessary qualifications for an individual administering a breath-testing device and the policies and procedures of the breath-testing program are subject to the approval of either the executive director of the commission or the director of security of the commission.** All drivers, jockeys, judges, starters, assistant starters, and drivers of starting gates shall submit to a breath test at each racing program in which they participate. In addition, the executive director of the commission, a member of the commission, a commission investigator, the ~~stewards,~~ **judges,** or the track chief of security may order a licensee to submit to a breath test at any time there is reason to believe the licensee may have consumed sufficient alcohol to cause the licensee to fail a breath test.

(b) A person whose breath test shows a reading of an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to more than five-hundredths (0.05) gram of alcohol per two hundred ten (210) liters of the person's breath, is subject to the following sanctions:

- (1) A driver or jockey may not be permitted to drive or ride and shall be suspended under the rules of the commission.



(2) A judge, a starter, an assistant starter, or a driver of the starting gate shall be relieved of all duties for that program, and a report shall be made to the commission for appropriate action.

(3) Any other licensee shall be suspended, beginning that day, under the rules of the commission.

(c) The ~~stewards and~~ judges may, on behalf of the commission, impose the following sanctions against a licensee who refuses to submit to a breath test:

(1) For the first refusal, a civil penalty of one hundred dollars (\$100) and a seven (7) day suspension.

(2) For a second refusal, a civil penalty of two hundred fifty dollars (\$250) and a thirty (30) day suspension.

(3) For any additional refusals to submit to a breath test, a civil penalty of two hundred fifty dollars (\$250), a sixty (60) day suspension, and referral of the case to the commission for any further action that the commission considers necessary.

(d) A sanction under subsection (c) may be appealed to the ~~commission~~ **office of administrative law proceedings under IC 4-15-10.5. IC 4-21.5 applies to an appeal under this section. The commission has the burden of proving an alleged violation by a preponderance of the evidence.** An appeal stays the sanction until further action by the commission. The appeal must be heard by the ~~commission~~ **office of administrative law proceedings** within thirty (30) days after the date of the appeal.

SECTION 7. IC 4-31-12-5, AS AMENDED BY P.L.168-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) The judges, ~~the stewards~~, a commission veterinarian, a member of the commission, or the executive director of the commission may order a test of a biological sample on a horse for the purpose of analysis.

(b) A biological sample shall be taken from the following horses after the running of each race:

(1) The horse that finishes first in each race.

(2) Any other horses designated by the judges, ~~the stewards~~, a commission veterinarian, a member of the commission, or the executive director of the commission. The judges and veterinarian shall designate for the taking of a biological sample a horse that races markedly contrary to form.

SECTION 8. IC 4-31-12-6, AS AMENDED BY P.L.111-2022, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) The commission:

(1) shall ~~appoint, at its cost~~, **approve** a veterinarian to take or



supervise the taking of biological samples under section 5 of this chapter;

(2) shall approve a laboratory for the analysis of a biological sample taken under section 5 of this chapter; and

(3) may require that a biological sample taken under section 5 of this chapter be analyzed.

(b) The cost of analyzing the biological samples shall be borne by the commission.

(c) The commission may appoint, at its cost, veterinarians or other persons to supervise all activities in the state testing barn area and to supervise the practice of veterinary medicine at all racetracks in Indiana.

(d) The commission shall employ or contract for ~~assistants veterinarians, veterinarian technicians, and testing barn personnel~~ to aid in securing biological samples at each racetrack. These ~~assistants veterinarians, veterinarian technicians, and testing barn personnel~~ shall have free access, under the supervision of the commission's veterinarian, to the state testing barn area. The permit holder shall, in the manner prescribed by the rules of the commission, reimburse the commission for the salaries and other expenses of the ~~assistants veterinarians, veterinarian technicians, and testing barn personnel~~ who serve at the permit holder's racetrack **testing barn**.

SECTION 9. IC 4-31-12-7, AS AMENDED BY P.L.168-2019, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) A veterinarian appointed by the commission or employed by a permit holder may not, during the period of the veterinarian's employment, do the following with respect to a breed of horse registered with the commission for racing at the track of the veterinarian's employment:

(1) Treat or issue prescriptions for a horse, except in case of emergency.

(2) Perform an endoscopic examination on a horse the day the horse is scheduled to race.

A full and complete record of an emergency treatment or a prescription authorized by subdivision (1) shall be filed with the ~~stewards or judges~~.

(b) Except as provided in subsection (c), an owner or trainer may not directly or indirectly employ or pay compensation to a veterinarian with respect to the care of a horse belonging to a breed of horse registered with the commission for racing at the track of the veterinarian's employment.

(c) An owner or trainer may pay a veterinarian employed by the commission or a permit holder for an endoscopic examination



permitted under subsection (a).

SECTION 10. IC 4-31-12-15, AS AMENDED BY P.L.210-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. (a) The commission may adopt rules under IC 4-22-2 to delegate to the ~~stewards and~~ judges of racing meetings the authority to conduct disciplinary hearings on behalf of the commission. The ~~stewards and~~ judges shall give at least twelve (12) hours notice of any such hearing. The ~~stewards and~~ judges, on behalf of the commission, may impose one (1) or more of the following sanctions against a licensee who violates sections 2 through 13 of this chapter:

- (1) A civil penalty not to exceed five thousand dollars (\$5,000).
- (2) A temporary order or other immediate action in the nature of a summary suspension where a licensee's actions constitute an immediate danger to the public health, safety, or welfare.
- (3) Suspension of a license held by the licensee for up to one (1) year. The suspension of a license under this subdivision is:
 - (A) valid even though the suspension extends beyond the period of the racing meeting for which the ~~stewards and~~ judges have been appointed; and
 - (B) effective at all other racing meetings under the jurisdiction of the commission.
- (4) A rule that a person must stay off the premises of one (1) or more permit holders if necessary in the public interest to maintain proper control over recognized meetings.
- (5) Referral of the matter to the commission for its consideration.

However, at least two (2) of the ~~stewards or~~ judges must concur in a sanction.

(b) Unless a suspension of a license or the imposition of a civil penalty under this section is appealed by the person sanctioned not more than fifteen (15) days after being sanctioned, the suspension of a license or the imposition of a civil penalty under this section must occur within one hundred eighty (180) days of the date of the violation.

(c) A sanction under this section may be appealed to the commission. Judges ~~and stewards~~ imposing sanctions under this section must prove the person's violation by a preponderance of the evidence. The commission shall adopt rules establishing procedures for appeals and stays of appeals. The commission shall conduct a hearing on an appeal filed under this section as provided in IC 4-21.5.

SECTION 11. IC 4-31-13-1, AS AMENDED BY P.L.210-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. (a) The commission may issue orders under IC 4-21.5 to:

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(1) deny, suspend, diminish, or revoke permits and licenses as authorized by this article; and

(2) impose civil penalties, in addition to any other penalty imposed by the commission on a person who violates this article or a rule or an order of the commission.

(b) The commission or the commission's designee, as determined under the rules of the commission, on its own motion or in addition to a penalty assessed by the ~~stewards and~~ judges, may issue orders under IC 4-21.5 to rule a person off one (1) or more permit holders' premises, if necessary in the public interest to maintain proper control over recognized meetings.

(c) A civil penalty imposed against a licensee under subsection (a)(2) may not exceed five thousand dollars (\$5,000). For purposes of subsection (a)(2), each day during which a violation of this article or a rule or an order of the commission continues to occur constitutes a separate offense.

(d) Civil penalties imposed under this article shall be deposited in the state general fund.

SECTION 12. IC 4-31-13-2, AS AMENDED BY P.L.152-2025, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) The commission may adopt rules under IC 4-22-2 to delegate to the ~~stewards and~~ judges of racing meetings under the jurisdiction of the commission the power to conduct disciplinary hearings on behalf of the commission. The ~~stewards and~~ judges shall give at least twelve (12) hours notice of any such hearing. The ~~stewards and~~ judges, on behalf of the commission, may impose one (1) or more of the following sanctions against a licensee who violates this article or the rules or orders of the commission:

(1) A civil penalty not to exceed five thousand dollars (\$5,000).

(2) A temporary order or other immediate action in the nature of a summary suspension if a licensee's actions constitute an immediate danger to the public health, safety, or welfare.

(3) Suspension of a license held by the licensee for not more than three (3) years. The suspension of a license under this subdivision is:

(A) valid even though the suspension extends beyond the period of the racing meeting for which the ~~stewards and~~ judges have been appointed; and

(B) effective at all other racing meetings under the jurisdiction of the commission.

(4) A rule that a person must stay off the premises of one (1) or more permit holders if necessary in the public interest to maintain



proper control over recognized meetings.

(5) Referral of the matter to the commission for its consideration. However, at least two (2) of the ~~stewards or judges~~ at a racing meeting must concur in a suspension or civil penalty.

(b) Unless a suspension of a license or the imposition of a civil penalty under this section is appealed by the person sanctioned not more than fifteen (15) days after being sanctioned, the suspension of a license or the imposition of a civil penalty under this section must occur within three hundred sixty-five (365) days after the date of the violation.

(c) ~~A suspension or civil penalty under this section may be appealed to the commission. Judges and stewards imposing sanctions under this section must prove the person's violation by a preponderance of the evidence. The commission shall adopt rules establishing procedures for appeals and stays of appeals. The commission shall conduct a hearing on an appeal filed under this section as provided in IC 4-21.5: office of administrative law proceedings under IC 4-15-10.5. IC 4-21.5 applies to an appeal under this section. The commission has the burden of proving an alleged violation by a preponderance of the evidence.~~

SECTION 13. IC 4-32.3-5-8, AS ADDED BY P.L.58-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) Except as provided in subsection (b) or (c), an operator, a worker, or a volunteer ticket agent who is not a full-time employee may ~~not~~ receive remuneration **of not more than fifty dollars (\$50)** for:

- (1) conducting; or
- (2) assisting in conducting;

an allowable activity.

(b) **In addition to the remuneration permitted under subsection (a)**, a qualified organization that conducts an allowable activity may:

- (1) provide meals for the operators and workers during the allowable event; and
- (2) provide recognition dinners and social events for the operators and workers;

if the value of the meals and social events does not constitute ~~a significant inducement to participate~~ **an unreasonable expense** in the conduct of the allowable activity.

(c) In the case of a qualified organization selling pull tabs, punchboards, or tip boards under an annual activity license, any employee of the qualified organization may:

- (1) participate in the sale and redemption of pull tabs,



Agenda Item #14

HISA Update

(No Materials)

Agenda Item #15

Delegation of Authority to conduct racing business to
Executive Director

(No Materials)