

# 2019

## HORSE TRAINER STUDY GUIDE





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# **FLAT RACING DEFINITIONS**

# ARTICLE 1.5. FLAT RACING; DEFINITIONS

## Rule 1. Definitions

### 71 IAC 1.5-1-1 Applicability

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The definitions in this rule apply to articles 1.5, 2, 3.5, 4.5, 5.5, 6.5, 7.5, 8.5, 9, 10, 11, 12, 13, 13.5, and 14.5 of this title. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 5, 2012, 2:14 p.m.: 20120718-IR-071120402ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### 71 IAC 1.5-1-1.5 "Account wagering" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1.5. "Account wagering" means a form of pari-mutuel wagering in which an individual may deposit money in an account, in that person's name, with an association and then use the current balance in the account to place pari-mutuel wagers. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-1.5; emergency rule filed Nov 9, 2005, 8:00 a.m.: 29 IR 829, eff Aug 9, 2005 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Secretary of State. This document was filed with the Secretary of State on November 9, 2005.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### 71 IAC 1.5-1-2 "Act" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. "Act" means IC 4-31, which is the enabling legislation permitting pari-mutuel horse racing in this jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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*)

### 71 IAC 1.5-1-3 "Added money" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. "Added money" means the amount added into a stakes by the association, or by sponsors, state-bred programs, or other funds added to those monies gathered by nomination, entry, sustaining, and other fees coming from the horsemen. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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*)

### 71 IAC 1.5-1-4 "Age" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. "Age" of a horse foaled in North America shall be reckoned from the first day of January of the year of foaling. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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)

**71 IAC 1.5-1-5 "Allowance race" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. "Allowance race" means an overnight race for which eligibility and weight to be carried is determined according to specified conditions which include age, sex, earnings, and number of wins. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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*)

**71 IAC 1.5-1-6 "Also eligible" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. "Also eligible" means:

(1) a number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched prior to the scratch time deadline; or

(2) the next preferred nonqualifier for the finals or consolation from a set of elimination trials which will become eligible in the event a finalist is scratched by the stewards for a rule violation or is otherwise eligible if written race conditions permit.

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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*)

**71 IAC 1.5-1-7 "Appeal" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. "Appeal" means a request for the commission or its designee to investigate, consider, and review any decisions or rulings of stewards of a meeting. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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*)

**71 IAC 1.5-1-8 "Applicant" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. "Applicant" means the person or entity filing the application for the purpose of receiving a permit from the commission; the permit will be issued in this name. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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*)

**71 IAC 1.5-1-9 "ARCI" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. "ARCI" means the Association of Racing Commissioners International, Inc. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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)

**71 IAC 1.5-1-10 "Arrears" defined**

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

Sec. 10. "Arrears" means all monies owed by a licensee, including subscriptions, forfeitures, and any default incident to these rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, 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*)

**71 IAC 1.5-1-10.5 "Assistant executive director" defined**

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

Sec. 10.5. "Assistant executive director" means the assistant executive director of the commission as appointed by the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-10.5; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2415; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; 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*)

**71 IAC 1.5-1-11 "Association" or "permit holder" defined**

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

Sec. 11. "Association" or "permit holder" means a person or business entity holding a permit from the commission to conduct racing with pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-11; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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*)

**71 IAC 1.5-1-12 "Association grounds" or "enclosure" defined**

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

Sec. 12. "Association grounds" or "enclosure" means all real property utilized by the association in the conduct of its race meeting, including the race track, grandstand, concession stands, offices, barns, stable area, employee housing facilities, parking lots, and any other areas under the jurisdiction of the commission, including satellite facilities. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-12; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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*)

**71 IAC 1.5-1-13 "Authorized agent" defined**

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

Sec. 13. "Authorized agent" means a person licensed by the commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner on whose behalf the agent will act. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-13; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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)

**71 IAC 1.5-1-14 "Beneficial interest" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 14. "Beneficial interest" means profit, benefit, or advantage resulting from a contract or the ownership of an estate as distinct from legal ownership or control. When considered as a designation of the character of an estate, "beneficial interest" means such an interest as a devisee, legatee, or donee takes solely for his own use or benefit and not as a holder of title for the use and benefit of another. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-14; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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*)

**71 IAC 1.5-1-15 "Best efforts" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. "Best efforts" means an active and serious attempt, which is made in good faith and goes beyond due diligence, to provide the information required to be disclosed. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-15; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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*)

**71 IAC 1.5-1-16 "Betting interest" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 16. "Betting interest" means one (1) or more horses in a pari-mutuel contest which are identified by a single program number for wagering purposes. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-16; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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*)

**71 IAC 1.5-1-17 "Bleeder list" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 17. "Bleeder list" means a tabulation of all bleeders to be maintained by the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-17; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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*)

**71 IAC 1.5-1-18 "Breakage" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 18. "Breakage" means the odd cents of all redistributions to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten (10). (*Indiana Horse Racing Commission; 71 IAC 1.5-1-18; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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*)

**71 IAC 1.5-1-19 "Breeder" defined**

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

Sec. 19. "Breeder" means the owner of the horse's dam at the time of foaling for thoroughbreds. In the case of thoroughbreds, the commission will recognize the breeder as the person designated as such on the Jockey Club's Certificate for a particular horse. For Indiana registered quarter horses, "breeder" means the owner of the horse's dam at time of the dam's registration. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-19; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1911; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Apr 4, 2013, 1:05 p.m.: 20130410-IR-071130134ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-20 "Carryover" defined**

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

Sec. 20. "Carryover" means nondistributed pool monies which are retained and added to a corresponding pool in accordance with these rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-20; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2816, 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*)

**71 IAC 1.5-1-21 "Claiming race" defined**

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

Sec. 21. "Claiming race" means a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with these rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-21; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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*)

**71 IAC 1.5-1-22 "Commission" defined**

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

Sec. 22. "Commission" means the Indiana horse racing commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-22; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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*)

**71 IAC 1.5-1-23 "Complaint" defined**

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

Sec. 23. "Complaint" means a written statement:

- (1) on a form prescribed by the commission;
- (2) signed by the complainant; and
- (3) filed with the commission.

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-23; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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; emergency rule filed Dec 23, 2013, 1:43 p.m.: 20140108-IR-071130567ERA)*

**71 IAC 1.5-1-24 "Conditions" defined**

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

Sec. 24. "Conditions" means qualifications which determine a horse's eligibility to be entered in a race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-24; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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*)

**71 IAC 1.5-1-25 "Contest" defined**

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

Sec. 25. "Contest" means a competitive racing event on which pari-mutuel wagering is conducted. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-25; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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*)

**71 IAC 1.5-1-26 "Contestant" defined**

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

Sec. 26. "Contestant" means an individual participant in a contest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-26; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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*)

**71 IAC 1.5-1-26.5 "Controlled substance" defined**

Authority: IC 4-31-3-9; IC 35-48-1-9  
Affected: IC 4-31; IC 35-48-2

Sec. 26.5. "Controlled substance" means a drug, substance, or immediate precursor in Schedule I, II, III, IV, or V under:  
(1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or IC 35-48-2-12, if IC 35-48-2-14 does not apply; or  
(2) a rule adopted by the Indiana board of pharmacy, if IC 35-48-2-14 applies.  
(*Indiana Horse Racing Commission; 71 IAC 1.5-1-26.5; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-27 "Coupled entry" defined**

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

Sec. 27. "Coupled entry" means two (2) or more contestants in a contest. Also, see section 34 of this rule for the definition of entry. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-27; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, eff Jul 1, 1995; errata filed Feb 11, 1999, 2:52 p.m.: 22 IR 2273; 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 Aug 29, 2017, 3:21 p.m.: 20170906-IR-071170396ERA)*

**71 IAC 1.5-1-28 "Day" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 28. "Day" means a twenty-four (24) hour period beginning at 12:01 a.m., eff Jul 1, 1995, and ending at midnight. Also known as a calendar day. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-28; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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)*)

**71 IAC 1.5-1-29 "Dead heat" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 29. "Dead heat" means the finish of a race in which the noses of two (2) or more horses reach the finish line at the same time. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-29; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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)*)

**71 IAC 1.5-1-30 "Declaration" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 30. "Declaration" means the act of withdrawing an entered horse from a race prior to the closing of entries. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-30; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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)*)

**71 IAC 1.5-1-31 "Decoder" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 31. "Decoder" means a device or means to convert encrypted audio-visual signals or data into a form recognizable as the original content of the signals. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-31; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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)*)

**71 IAC 1.5-1-32 "Downlink" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 32. "Downlink" means a receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals or data emanating from an organization licensee, and includes the electronic transfer of received signals from the receiving antenna to television monitors within the satellite facility. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-32; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2817, 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)*)

**71 IAC 1.5-1-33 "Encryption", "encrypted", or "encoded" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 33. "Encryption", "encrypted", or "encoded" means the scrambling or other manipulation of the audio-visual signals to mask the original video content of the signal and so cause such signals to be indecipherable and unrecognizable to any person receiving such signals without a decoder. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-33; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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*)

**71 IAC 1.5-1-34 "Entry" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 34. "Entry" means:

(1) a horse made eligible to participate in a race; or

(2) two (2) or more horses, entered in the same race, which have common ties of ownership, leases, or training.

Also, see section 27 of this rule for the definition of coupled entry. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-34; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, eff Jul 1, 1995; errata filed Feb 11, 1999, 2:52 p.m.: 22 IR 2273; 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*)

**71 IAC 1.5-1-35 "Executive director" or "executive secretary" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 35. "Executive director" or "executive secretary" means the executive director of the commission as appointed by the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-35; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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*)

**71 IAC 1.5-1-36 "Exhibition race" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 36. "Exhibition race" means a race on which no wagering is permitted. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-36; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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*)

**71 IAC 1.5-1-37 "Expired ticket" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 37. "Expired ticket" means an outstanding ticket which was not presented for redemption within the required time period for which it was issued. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-37; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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*)

**71 IAC 1.5-1-37.5 "Extended race meet" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31; IC 4-33-12-6

Sec. 37.5. "Extended race meet" means the racing of a particular breed of horse, in a calendar year, of the following minimum number of race days:

- (1) Forty (40) days on dirt only.
- (2) Thirty (30) days on dirt and turf.
- (3) Forty (40) days on turf only.

For the purpose of this rule, the combination of thoroughbreds and quarter horses constitute a particular breed of horse. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-37.5; emergency rule filed Sep 27, 2002, 2:31 p.m.: 26 IR 394; errata, 26 IR 793; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-38 "Financial interest" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 38. "Financial interest" means an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of:

- (1) ownership or interest in a horse or business entity; or
- (2) as a result of salary, gratuity, or other compensation or remuneration from any person.

The lessee and lessor of a horse have a financial interest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-38; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 1.5-1-39 "Flat race" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 39. "Flat race" means a race which horses mounted by jockeys run over a course on which no jumps or other obstacles are placed. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-39; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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*)

**71 IAC 1.5-1-40 "Foreign substance" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 40. "Foreign substance" means all substances except those that exist naturally in an untreated horse at normal physiological concentration, and includes all narcotics, stimulants, depressants, or other drugs or medications of any type. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-40; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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*)

**71 IAC 1.5-1-41 "Forfeit" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 41. "Forfeit" means money due from an association or a licensee because of error, fault, neglect of duty, breach of contract, or penalty imposed by the stewards or the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-41; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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*)

**71 IAC 1.5-1-41.5 "Gambling game" defined**

Authority: IC 4-31-3-9; IC 4-35-2-5

Affected: IC 4-31; IC 4-35-1

Sec. 41.5. "Gambling game" means a game played on a slot machine approved for wagering under IC 4-35-1-1 et seq. by the Indiana gaming commission. (*Indiana Horse Racing Commission; 71 IAC 1-1-41.5; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-41.7 "Gaming commission" defined**

Authority: IC 4-31-3-9; IC 4-35-2-3; IC 4-33-3-1

Affected: IC 4-31

Sec. 41.7. "Gaming commission" refers to the Indiana gaming commission established by IC 4-33-3-1. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-41.7; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-42 "Guest association" or "receiving association" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 42. "Guest association" or "receiving association" means an association which offers licensed pari-mutuel wagering on simulcasted contests conducted by another association (the host) in either the same state or another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-42; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2818, 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*)

**71 IAC 1.5-1-43 "Handicap" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 43. "Handicap" means a race in which the weights to be carried by the horses are assigned by the racing secretary or handicapper for purposes of equalizing the chances of winning for all horses entered. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-43; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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*)

**71 IAC 1.5-1-44 "Handle" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 44. "Handle" means the aggregate of all pari-mutuel pools, excluding refundable wagers. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-44; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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)

**71 IAC 1.5-1-45 "Horse" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 45. "Horse" means any equine (including and designated as a mare, filly, stallion, colt, ridgeling, or gelding) registered for racing; specifically, an entire male five (5) years of age and older. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-45; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 1.5-1-45.1 "Horse industry trust account" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31; IC 5-13-9.5

Sec. 45.1. "Horse industry trust account" means an interest bearing account established by an association in a fiduciary capacity for the deposit and dispersal of funds that are the property of a horsemen's association representing the owners and trainers of a designated breed racing at Indiana pari-mutuel facilities at a financial institution that is qualified to receive public monies pursuant to IC 5-13-9.5. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-45.1; 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-46 "Host association" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 46. "Host association" means the association conducting a licensed pari-mutuel meeting from which authorized contests or entire performances are simulcast. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-46; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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*)

**71 IAC 1.5-1-47 "Inquiry" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 47. "Inquiry" means an investigation by the stewards of potential interference in a contest prior to declaring the result of the contest official. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-47; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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*)

**71 IAC 1.5-1-48 "Jockey" or "rider" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 48. "Jockey" or "rider" means a professional rider licensed to ride in races. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-48; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; 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)

**71 IAC 1.5-1-49 "Judge" or "steward" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 49. "Judge" or "steward" means a duly appointed racing official or judge with powers and duties specified by these rules. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-49; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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*)

**71 IAC 1.5-1-50 "Jurisdiction" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 50. "Jurisdiction" of the commission means the state of Indiana. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-50; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 1.5-1-51 "Licensee" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 51. "Licensee" means an individual who has received a license from the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-51; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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*)

**71 IAC 1.5-1-52 "Maiden" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 52. "Maiden" means a horse that has never won a race as defined in this rule. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-52; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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 Dec 23, 2014, 2:08 p.m.: 20141224-IR-071140512ERA*) NOTE: Expiration postponed by Executive Order #13-27, posted at 20140108-IR-GOV130576EOA.

**71 IAC 1.5-1-53 "Maiden race" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 53. "Maiden race" means a contest restricted to maidens. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-53; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 1.5-1-54 "Match race" defined**

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

Sec. 54. "Match race" means a race between two (2) or more horses under conditions agreed to by their owners. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-54; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2819, 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*)

**71 IAC 1.5-1-55 "Meeting" defined**

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

Sec. 55. "Meeting" means the period of time for which permission to conduct horse racing has been granted to an association by the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-55; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-56 "Minus pool" defined**

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

Sec. 56. "Minus pool" means when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-56; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-57 "Month" defined**

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

Sec. 57. "Month" means a calendar month. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-57; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-58 "Mutuel field" defined**

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

Sec. 58. "Mutuel field" means two (2) or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-58; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-59 "Net pool" defined**

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

Sec. 59. "Net pool" means the amount of gross ticket sales, less refundable wagers and statutory commissions. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-59; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-60 "Nomination" defined**

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

Sec. 60. "Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-60; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-61 "Nominator" defined**

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

Sec. 61. "Nominator" means the person or entity in whose name a horse is nominated for a race or series of races. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-61; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-62 "Objection" defined**

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

Sec. 62. "Objection" means a verbal claim of foul in a race lodged by the horse's jockey, trainer, or owner or the owner's authorized agent before the race is declared official. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-62; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-63 "Off time" defined**

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

Sec. 63. "Off time" means the moment at which, on the signal of the official starter, the starting gate is opened, officially dispatching the horses in each contest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-63; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-64 "Official order of finish" defined**

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

Sec. 64. "Official order of finish" means the order of finish of the horses in a contest as declared official by the stewards. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-64; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-65 "Official starter" defined**

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

Sec. 65. "Official starter" means the official responsible for dispatching the horses for a race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-65; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-66 "Official time" defined**

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

Sec. 66. "Official time" means the elapsed time from the moment the first horse crosses the timing beam until the first horse crosses the finish line. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-66; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2820, 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*)

**71 IAC 1.5-1-66.5 "Open race" defined**

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

Sec. 66.5. "Open race" means a contest whose starters are not comprised of exclusively Indiana Bred and/or Indiana Sired horses. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-66.5; emergency rule filed Jul 5, 2012, 2:14 p.m.: 20120718-IR-071120402ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-67 "Optional claiming race" defined**

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

Sec. 67. "Optional claiming race" means a contest restricted to horses entered to be claimed for a stated claiming price and to those which have started previously for that claiming price or less. In the case of horses entered to be claimed in such a race, the race shall be considered, for the purpose of these rules, a claiming race. In the case of horses not entered to be claimed in such a race, the race shall be considered an allowance race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-67; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-67.5 "Out of competition testing" defined**

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

Sec. 67.5. "Out of competition testing" means a test conducted by the commission on a horse located in Indiana as provided in 71 IAC 8.5-2-5. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-67.5; emergency rule filed Jul 5, 2012, 2:14 p.m.: 20120718-IR-071120402ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-68 "Outs" defined**

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

Sec. 68. "Outs" means all pari-mutuel tickets unrepresented or unclaimed as of sixty (60) days after the conclusion of the year in which the ticket was purchased; also known as outstanding tickets. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-68; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-69 "Overnight race" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 69. "Overnight race" means a contest for which entries close at a time set by the racing secretary; also known as a purse race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-69; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-70 "Owner" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 70. "Owner" includes part owner, lessee, or lessor, but an interest in the winnings of a horse does not of itself constitute ownership. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-70; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; 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*)

**71 IAC 1.5-1-71 "Paddock" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 71. "Paddock" means the area in which horses scheduled to compete in a contest are saddled prior to racing. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-71; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-71.5 "Pari-mutuel voucher" or "voucher" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 71.5. "Pari-mutuel voucher" or "voucher" means a bearer instrument, paper or plastic, issued by an association, and approved by the commission, acknowledging that a specified dollar amount is owned by a patron and held by an association, including winnings from pari-mutuel wagering. A pari-mutuel voucher or voucher is the same as cash and is not part of any pari-mutuel pool. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-71.5; emergency rule filed Nov 9, 2005, 8:00 a.m.: 29 IR 829, eff Aug 9, 2005 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Secretary of State. This document was filed with the Secretary of State on November 9, 2005.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-72 "Pari-mutuel wagering" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 72. "Pari-mutuel wagering" means a system of wagering in which those persons who wager on horses that finish in specified positions share the total amount wagered, minus deductions permitted by law. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-72; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-73 "Patron" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 73. "Patron" means a member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-73; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-74 "Payoff" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 74. "Payoff" means the amount of money payable to winning wagers. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-74; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-75 "Performance" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 75. "Performance" means a schedule of contests conducted on the same day as authorized by the commission. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-75; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-76 "Permit" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 76. "Permit" means an authorization by the commission to an association to conduct horse racing with pari-mutuel wagering at a specified location. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-76; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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*)

**71 IAC 1.5-1-77 "Person" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 77. "Person" means:

- (1) an individual;
- (2) a corporation;

- (3) a trust;
- (4) a partnership;
- (5) a limited partnership;
- (6) an association; or
- (7) a person or other entity.

*(Indiana Horse Racing Commission; 71 IAC 1.5-1-77; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2821, 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)*

**71 IAC 1.5-1-77.5 "Possession" or "in their possession" defined**

Authority: IC 4-31-2-17

Affected: IC 4-31

Sec. 77.5. "Possession" or "in their possession" means:

- (1) in, on, or about a licensee's person or a vehicle that the licensee owns, uses, or has access to; and
- (2) the entire area assigned to and occupied or used by a licensee, including barns, stables, stalls, tack rooms, or feed rooms.

*(Indiana Horse Racing Commission; 71 IAC 1.5-1-77.5; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

**71 IAC 1.5-1-78 "Post position" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 78. "Post position" means the preassigned position from which a horse will leave the starting gate. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-78; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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)*

**71 IAC 1.5-1-79 "Post time" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 79. "Post time" means the scheduled time for the horses to arrive at the starting gate. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-79; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; 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)*

**71 IAC 1.5-1-79.5 "Prescription drug" defined**

Authority: IC 4-31-3-9; IC 35-48-1-25

Affected: IC 4-31; IC 16-18-2-199

Sec. 79.5. "Prescription drug" means controlled substance or a legend drug (as defined in IC 16-18-2-199). *(Indiana Horse Racing Commission; 71 IAC 1.5-1-79.5; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

**71 IAC 1.5-1-80 "Prima facie evidence" defined**

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

Sec. 80. "Prima facie evidence" means evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-80; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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*)

**71 IAC 1.5-1-81 "Profit" defined**

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

Sec. 81. "Profit" means the net pool after deduction of the amount bet on the winners. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-81; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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*)

**71 IAC 1.5-1-82 "Profit split" defined**

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

Sec. 82. "Profit split" means a division of profit among separate winning betting interests or winning betting combinations resulting in two (2) or more payoff prices. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-82; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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*)

**71 IAC 1.5-1-83 "Program" defined**

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

Sec. 83. "Program" means the published listing of all contests and contestants for a specific performance. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-83; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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*)

**71 IAC 1.5-1-84 "Protest" defined**

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

Sec. 84. "Protest" means a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing any act of an owner, trainer, jockey, or official prohibited by rules, which, if true, shall exclude that horse or jockey from racing. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-84; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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*)

**71 IAC 1.5-1-85 "Purse" defined**

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

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Sec. 85. "Purse" means the total cash amount for which a race is contested, provided that the total cash amount for purses may be reduced by any direct remittance by an association to a horsemen's association, subject to the following:

- (1) The approval by the commission of the horsemen's contract pursuant to 71 IAC 11-1-12.
- (2) Any accounting and disbursement preapproval requirements which the commission may require of the horsemen's association.

*(Indiana Horse Racing Commission; 71 IAC 1.5-1-85; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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)*

**71 IAC 1.5-1-86 "Race" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 86. "Race" means a contest of speed among horses:

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

*(Indiana Horse Racing Commission; 71 IAC 1.5-1-86; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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)*

**71 IAC 1.5-1-87 "Restricted area" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 87. "Restricted area" means an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-87; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2822, 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)*

**71 IAC 1.5-1-88 "Result" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 88. "Result" means that part of the official order of finish used to determine the pari-mutuel payoff of pools for each individual contest. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-88; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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)*

**71 IAC 1.5-1-89 "Rules" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 89. "Rules" means the rules prescribed in this title and any amendments or additions thereto. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-89; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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)*

**71 IAC 1.5-1-90 "Satellite facility" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 90. "Satellite facility" means a location, other than a race track, authorized by the commission at which pari-mutuel wagering is conducted on horse racing conducted at distant locations and viewable by televised simulcasting. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-90; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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*)

**71 IAC 1.5-1-91 "Satellite transponder" or "transponder" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 91. "Satellite transponder" or "transponder" means leased space segment time of earth-orbit communication satellite. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-91; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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*)

**71 IAC 1.5-1-92 "Scratch" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 92. "Scratch" means the act of withdrawing an entered horse from a contest after the closing of entries. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-92; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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*)

**71 IAC 1.5-1-93 "Scratch time" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 93. "Scratch time" means the deadline set by the association and approved by the commission or stewards for withdrawal of entries from a scheduled performance. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-93; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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*)

**71 IAC 1.5-1-94 "Simulcast" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31; IC 35-45-5-1

Sec. 94. "Simulcast" means the communication by electronic device of a race at a recognized meeting and information related to the race, including:

- (1) a personal computer or other device which enables communication over the Internet;
- (2) a private network;
- (3) an interactive video display or television;
- (4) a wireless communication technology; or
- (5) an interactive computer service, as defined in IC 35-45-5-1(g).

This term includes the transmission of pari-mutuel wagering odds, amounts wagered, and payoffs on such events. (*Indiana Horse*

*Racing Commission; 71 IAC 1.5-1-94; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA)*

**71 IAC 1.5-1-94.1 "Sample" defined**

Authority: IC 4-31-2-23; IC 4-31-3-9  
Affected: IC 4-31-12

Sec. 94.1. "Sample", when used in the context of being removed from or collected from a horse, means any amount of urine, saliva, blood, hair, or other acceptable specimen derived from a horse. Any cleared samples may be used for research and/or investigative purposes by the commission. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-94.1; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA)*

**71 IAC 1.5-1-95 "Single price pool" defined**

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

Sec. 95. "Single price pool" means an equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-95; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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)*

**71 IAC 1.5-1-96 "Stable name" defined**

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

Sec. 96. "Stable name" means a name used other than the actual legal name of an owner or lessee and registered with the commission. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-96; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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)*

**71 IAC 1.5-1-97 "Stakes race" defined**

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

Sec. 97. "Stakes race" means a contest in which nomination, entry, or starting fees contribute to the purse. No overnight race shall be considered a stakes race. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-97; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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)*

**71 IAC 1.5-1-98 "Starter" defined**

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

Sec. 98. "Starter" means a horse which becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter. *(Indiana Horse Racing Commission; 71 IAC 1.5-1-98; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2823, 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)

**71 IAC 1.5-1-99 "Steeplechase race" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 99. "Steeplechase race" means a contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-99; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-100 "Substantial evidence" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 100. "Substantial evidence" means evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-100; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 1.5-1-101 "Takeout" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 101. "Takeout" means the total amount of money, excluding breakage, withheld from each pari-mutuel pool as authorized by statute or rule. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-101; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-101.1 "Televised" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31; IC 35-45-5-1

Sec. 101.1. "Televised" means to transmit by an electronic system simultaneous or past images of fixed or moving objects together with or without sound over a wire or through space by an apparatus that converts light and sound into electronic waves or signals and reconverts them into visible light rays and audible sounds that may be received and or displayed:

- (1) over a personal computer or other device which enables communication over the Internet;
- (2) a private network;
- (3) an interactive video display or television;
- (4) a wireless communication technology; or
- (5) an interactive computer service (as defined in IC 35-45-5-1(g)).

(*Indiana Horse Racing Commission; 71 IAC 1.5-1-101.1; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA*)

**71 IAC 1.5-1-102 "Totalizator" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 102. "Totalizator" means the system used for recording, calculating, and disseminating information about ticket sales, wagers, odds, and payoff prices to patrons at a pari-mutuel wagering facility. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-102; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-102.5 "Traction device" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 102.5. "Traction device" means modification or isolation device that extends below the ground bearing plane of the horseshoe (e.g., traction nails, toe grabs, turndowns, blocked heels, jar caulks, stickers, and Memphis bars) or restricts the natural forward slide of the hoof upon impact. (*Indiana Horse Racing Commission; 71 IAC 4-2-7; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 1.5-1-103 "Uplink" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 103. "Uplink" means an earth station broadcasting facility, whether mobile or fixed, which is used to transmit audio-visual signals or data on Federal Communications Commission-controlled frequencies, and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-103; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-104 "Walkover" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 104. "Walkover" means a race in which only one (1) horse starts or in which all the starters are owned by the same interest. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-104; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-105 "Week" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 105. "Week" means a calendar week. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-105; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-106 "Weigh in" defined (Expired)**

Sec. 106. (*Expired under IC 4-22-2.5, effective January 1, 2014.*)

**71 IAC 1.5-1-107 "Weigh out" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 107. "Weigh out" means the presentation of a jockey to the clerk of scales for weighing prior to a race. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-107; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-108 "Weight for age" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 108. "Weight for age" means a race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-108; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-109 "Winner" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 109. "Winner" means the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-109; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2824, 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*)

**71 IAC 1.5-1-110 "Year" defined**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 110. "Year" means a calendar year. (*Indiana Horse Racing Commission; 71 IAC 1.5-1-110; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2825, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

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# OFFICIALS

# ARTICLE 3.5. FLAT RACING; OFFICIALS

## Rule 1. General Provisions

### 71 IAC 3.5-1-1 Racing officials

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

*(Indiana Horse Racing Commission; 71 IAC 3.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

### 71 IAC 3.5-1-2 Eligibility

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. To qualify as a racing official or a designated association employee as listed in this article, the appointee must be licensed by the commission after a determination that he or she:

- (1) is of good moral character and reputation;
- (2) is experienced in or knowledgeable in racing;
- (3) is familiar with the duties to which he or she is appointed and with the commission's rules of racing;
- (4) possesses the mental and physical capacity to perform his or her duties;
- (5) is not under suspension or ejection by the USTA, the CTA, or any racing jurisdiction; and
- (6) meets the licensing criteria pursuant to 71 IAC 5.5-1-14.

*(Indiana Horse Racing Commission; 71 IAC 3.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2827, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2152; errata filed Jul 22, 1997, 10:46 a.m.: 20 IR 3376; 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)*

### 71 IAC 3.5-1-3 Approval of racing officials and designated association employees

Authority: IC 4-31-3-9

Affected: IC 4-31-5-5; IC 4-31-6

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FLAT RACING; OFFICIALS

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Sec. 3. (a) Each association shall submit to the commission for its approval or disapproval the names of all persons who the association has selected as racing officials. In addition to racing officials, this section shall apply to the association's mutuel manager, director of security, and facility managers at satellite facilities. This section shall also apply to the assistant mutuel manager, the assistant director of security, and assistant facility managers at satellite facilities.

(b) The association shall submit to the commission in writing a list of all racing officials and applicable employees at least sixty (60) days prior to the opening of a race meeting. The list shall:

- (1) indicate whether the nominee has been previously licensed by the commission and, if so, in what capacity; and
- (2) be accompanied by the filing of the following information on all individuals not previously licensed by the commission:
  - (A) A resume detailing experience and qualifications.
  - (B) A completed application on forms furnished by the commission and accompanied by the required fee pursuant to 71 IAC 5.5-1-1.
  - (C) A completed fingerprint card.

(c) Notwithstanding the time period required by subsection (b), the association shall submit to the commission at the earliest possible time the information required by this section on those racing officials and applicable employees whose duties commence substantially before the start of the race meeting. (*Indiana Horse Racing Commission; 71 IAC 3.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3401; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2153; 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*)

**71 IAC 3.5-1-4 Prohibited practices**

Authority: IC 4-31-3-9

Affected: IC 4-31-13-7

Sec. 4. (a) Racing officials and their assistants shall not engage in any of the following activities while serving in an official capacity at a race meeting:

- (1) Participate in the sale, purchase, or ownership of any horse racing at the meeting.
  - (2) Sell or solicit horse insurance on any horse racing at the meeting.
  - (3) Be licensed in any other capacity without permission of the commission.
  - (4) Directly or indirectly wager on the outcome of any live or simulcast race.
  - (5) Directly or indirectly wager on any gambling game located on association grounds.
  - (6) Refuse to take a breath analyzer test or submit a blood or urine sample when directed by the commission or its designee.
- (b) The prohibited practices in this section also apply to all employees in the racing secretary's office.

(c) Subsection (a) shall also apply to the spouse of the racing official and the racing official's assistants, and subdivision (1) of subsection (a) [*subsection (a)(1)*] shall also apply to the dependent children of the racing official and the racing official's assistants. (*Indiana Horse Racing Commission; 71 IAC 3.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, 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 May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 3.5-1-5 Report of violations**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. All licensees, including racing officials and their assistants, shall report immediately to the stewards every observed violation of these rules and of the laws of this jurisdiction governing racing. (*Indiana Horse Racing Commission; 71 IAC 3.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, 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*)

**71 IAC 3.5-1-6 Complaints against officials (Repealed)**

Sec. 6. (Repealed by Indiana Horse Racing Commission; emergency rule filed Dec 23, 2013, 1:43 p.m.: 20140108-IR-071130567ERA)

**71 IAC 3.5-1-7 Appointment**

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

Sec. 7. A person shall not be appointed to more than one (1) racing official position at a meeting unless specifically approved by the commission. (Indiana Horse Racing Commission; 71 IAC 3.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2828, 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)

**71 IAC 3.5-1-8 Appointment of substitute officials**

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

Sec. 8. Where a vacancy exists among the association's racing officials, the association shall fill the vacancy immediately. Such appointment shall be effective until the vacancy is filled in accordance with this article. In addition, the executive director or the stewards have the authority to approve temporary, emergency appointments. (Indiana Horse Racing Commission; 71 IAC 3.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, 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)

**71 IAC 3.5-1-9 Appointment of substitute steward**

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

Sec. 9. Should any steward be absent at race time, the remaining stewards shall appoint a deputy for the absent steward. If a deputy steward is appointed, the commission shall be notified immediately by the stewards. (Indiana Horse Racing Commission; 71 IAC 3.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, 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)

**71 IAC 3.5-1-10 Racing Officials Accreditation Program stewards accreditation**

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

Sec. 10. The commission shall appoint stewards, all of whom shall be employees of the commission. To qualify for appointment as a steward, the appointee shall be accredited as a racing official by the Racing Officials Accreditation Program administered by the Universities of Arizona and Louisville. Exceptions for emergencies may be permitted. (Indiana Horse Racing Commission 71 IAC 3.5-1-10; 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

**Rule 2. Stewards**

**71 IAC 3.5-2-1 General authority**

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

Sec. 1. (a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this jurisdiction and these rules.

- (b) The stewards shall enforce these rules and the racing laws of this jurisdiction.
- (c) The authority of the stewards includes supervision of all:
  - (1) racing officials;
  - (2) track management;
  - (3) licensed personnel;
  - (4) other persons responsible for the conduct of racing; and
  - (5) patrons;

as necessary to ensure compliance with these rules.

(d) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.

(e) The stewards shall have authority to issue rulings consistent with these rules on dates outside of the race meet calendar.

(f) The stewards have the authority to interpret these rules and to decide all questions of racing not specifically covered by these rules. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

**71 IAC 3.5-2-2 Period of authority**

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

Sec. 2. The period of authority of the stewards shall commence not more than thirty (30) days prior to the beginning of each race meeting and shall terminate with completion of their official business pertaining to the meeting. The stewards shall have authority to act on behalf of the commission for the entire year during which the race meet is scheduled. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

**71 IAC 3.5-2-3 Disciplinary action**

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

Sec. 3. (a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters.

- (b) The stewards shall have authority to do the following:
  - (1) Charge any licensee for a violation of these rules.
  - (2) Conduct hearings.
  - (3) Impose disciplinary action in accordance with these rules.

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.

(d) The stewards may at any time inspect license documents, registration papers, and other documents related to racing.

(e) The stewards have the power to administer oaths and examine witnesses.

(f) The stewards shall submit a written report to the commission of every inquiry and hearing.

(g) The stewards may impose, but are not limited to, any of the following penalties on a licensee for a violation of the Act

or these rules:

- (1) Issue a reprimand.
- (2) Assess a fine.
- (3) Require forfeiture or redistribution of purse or award, when specified by applicable rules.
- (4) Place a licensee on probation.
- (5) Suspend a license or racing privileges.
- (6) Exclude from grounds under the jurisdiction of the commission.
- (7) Any relief deemed appropriate.
- (h) The stewards may impose any penalty or take any appropriate action against any horse for a violation or attempted violation.

(i) The stewards may:

- (1) suspend a license for not more than one (1) year per violation;
- (2) impose a fine not to exceed five thousand dollars (\$5,000) for each violation;
- (3) suspend and fine; or
- (4) order that a person be ineligible for licensing.

(j) A ruling of the stewards shall not prevent the commission from imposing a more severe penalty.

(k) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter.

(l) Purses, prizes, awards, and trophies shall be redistributed if the stewards or commission order a change in the official order of finish.

(m) All fines imposed by the stewards shall be paid to the commission in accordance with 71 IAC 7.5-9. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2829, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3402; 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*)

#### **71 IAC 3.5-2-4 Protests, objections, and complaints**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The stewards shall investigate promptly and render a decision in every protest, objection, and complaint made to them. They shall maintain a record of all protests, objections, and complaints. The stewards shall file daily with the commission a copy of each protest, objection, or complaint and any related ruling. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, 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*)

#### **71 IAC 3.5-2-5 Presence of stewards**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. Three (3) stewards shall be present in the steward's stand during the contesting of each race. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, 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*)

#### **71 IAC 3.5-2-6 Order of finish for pari-mutuel wagering**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) The stewards shall determine the official order of finish for each race in accordance with 71 IAC 7.5.

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the contesting of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool.

(c) No protest may be made relating to the decision of the stewards as to the official order of finish, and no appeal is available to challenge such a determination. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 3.5-2-7 Cancel wagering**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 7. The stewards have the authority to:

(1) cancel wagering and order refunds where applicable on an individual betting interest or on an entire race; and

(2) cancel a pari-mutuel pool for a race or races;

if such action is necessary to protect the integrity of pari-mutuel wagering. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, 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*)

#### **71 IAC 3.5-2-7.1 Race for purse money only**

Authority: IC 4-31-3-9

Affected: IC 4-31-3; IC 4-31-13-7

Sec. 1. The stewards have the authority, for good cause, to disallow wagering on any starter in a race. (*Indiana Horse Racing Commission; 71 IAC 3.5-2-7.1; emergency rule filed May 16, 2012, 2:15 p.m.: 20120523-IR-071120267ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 3.5-2-8 Records and reports**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. (a) The stewards shall prepare a daily report, on a form approved by the commission, detailing their actions and observations made during each day's race program. The report shall contain the following:

(1) The name of the race track.

(2) The date.

(3) The weather and track conditions.

(4) Claims, inquiries, and objections.

(5) Any unusual circumstances or conditions.

The report shall be signed by each steward and be filed with the commission not later than twenty-four (24) hours after the end of each race day.

(b) The presiding steward shall maintain a detailed log of the official activities of the stewards. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the stewards and all interviews, investigations, and rulings made by the stewards. The log shall be available at all times for inspection by the commission or its designee.

(c) Not later than seven (7) days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

(1) The observations and comments of the stewards regarding the conduct of the race meeting, and the overall conditions

of the association grounds during the race meeting.

(2) Any recommendations for improvement by the association or action by the commission.

*(Indiana Horse Racing Commission; 71 IAC 3.5-2-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2830, 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)*

#### **71 IAC 3.5-2-9 Steward's list**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) The stewards shall maintain a steward's list of the horses that are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the race track that may endanger the health and safety of other participants in racing.

(b) Any horse on the veterinarian's list shall also be considered to be on the steward's list and ineligible to race until removed.

(c) Any horse that has tested positive for a foreign substance in violation of these rules that has not been cleared by the official veterinarian or stewards shall be considered to be on the steward's list and ineligible to race until removed.

(d) The stewards may place a horse on the steward's list when there exists a question as to the exact identification, ownership, or trainer of said horse.

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

(f) A horse may not be released from the steward's list without permission of the stewards. *(Indiana Horse Racing Commission; 71 IAC 3.5-2-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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 2380; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2754; 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 Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA)*

### **Rule 3. Racing Secretary**

#### **71 IAC 3.5-3-1 General authority**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The racing secretary is responsible for the following:

(1) Setting the conditions for each race of the race meeting.

(2) Regulating the nomination of entries.

(3) Determining the amounts of purses and to whom they are due.

*(Indiana Horse Racing Commission; 71 IAC 3.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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)*

#### **71 IAC 3.5-3-2 Registration certificates**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. The racing secretary is responsible for receiving and safeguarding the registration certificates of all horses competing at the track or stabled on association grounds. *(Indiana Horse Racing Commission; 71 IAC 3.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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)*

**71 IAC 3.5-3-3 Race information**

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

Sec. 3. The racing secretary shall be familiar with the age, class, and competitive ability of all horses racing at the meeting. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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*)

**71 IAC 3.5-3-4 Listing of horses**

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

Sec. 4. The racing secretary shall:

- (1) examine all entry blank forms and declarations to verify information as set forth therein;
- (2) select the horses to start and the horses which are also eligible horses from the declarations in accordance with these rules; and
- (3) provide the listing of horses in the daily program.

(*Indiana Horse Racing Commission; 71 IAC 3.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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*)

**71 IAC 3.5-3-5 Nominations and declarations**

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

Sec. 5. The racing secretary shall examine nominations and declarations and early closing events, late closing events, and stakes events to verify the eligibility of all declarations and nominations and compile lists thereof for publication. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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*)

**71 IAC 3.5-3-6 Conditions**

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

Sec. 6. The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published for owners, trainers, and the commission and to be posted in the racing secretary's office. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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*)

**71 IAC 3.5-3-7 Posting of entries**

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

Sec. 7. Upon completion of the draw each day, the racing secretary shall post a list of entries in a conspicuous location in his or her office and make the list available to the media. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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)

**71 IAC 3.5-3-8 Stakes and entrance money records**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 8. The racing secretary shall be caretaker of the permanent records of all stakes and shall verify that all entrance monies due are paid prior to entry for races conducted at the meeting. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2831, 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*)

**71 IAC 3.5-3-9 Winnings**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 9. (a) For the purpose of establishing conditions, winnings shall be considered to include all monies and prizes won up to the time of the start of a race, unless races establishing conditions for winnings as of a certain date may be permitted if approved by the commission or stewards.

(b) Winnings during the year shall be calculated by the racing secretary from the preceding January 1. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, 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*)

**71 IAC 3.5-3-10 Cancellation of a race**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 10. The commission shall post in the jockey's quarters a policy regarding the process of cancellation of races due to hazardous track conditions. All licensees shall be required to adhere to the posted policy. The policy shall not prevent the association management from cancelling the races due to track or weather conditions or other unavoidable causes without consultation with the stewards and the horsemen's representative. (*Indiana Horse Racing Commission; 71 IAC 3.5-3-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2153; 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*)

**71 IAC 3.5-3-11 Daily program**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

- (1) Sequence of races to be run and post time for the first race.
- (2) Purse, conditions, and distance for each race, and current track record for such distance.
- (3) The name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried.
- (4) The name of the trainer and the name of the jockey named for each horse together with the weight to be carried.
- (5) The post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation.

(6) Identification of each horse by name, color, sex, age, sire, and dam.

(7) A notice shall be included in the daily program that all jockeys will carry approximately three (3) pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, with the stewards' approval, jockeys may weigh in with an additional (3) pounds for inclement weather gear when approved by the stewards and such other information as may be requested by the association or the commission.

*(Indiana Horse Racing Commission; 71 IAC 3.5-3-11; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

## **Rule 4. Paddock Judge**

### **71 IAC 3.5-4-1 General authority**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The paddock judge shall:

(1) supervise the assembly of horses in the paddock no later than fifteen (15) minutes before the scheduled post time for each race;

(2) maintain a written record of all equipment, inspect all equipment of each horse saddled, and report any change thereof to the stewards;

(3) prohibit any change of equipment without the approval of the stewards;

(4) ensure that the saddling of all horses is orderly, open to public view, free from public interference, and that horses are mounted at the same time, and leave the paddock for post in the proper sequence;

(5) supervise paddock schooling of all horses approved by the stewards;

(6) report to the stewards any observed cruelty to a horse;

(7) ensure that only properly authorized persons are permitted in the paddock; and

(8) report to the stewards any unusual or illegal activities.

*(Indiana Horse Racing Commission; 71 IAC 3.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, 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)*

### **71 IAC 3.5-4-2 Paddock judge's list**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The paddock judge shall maintain a list of horses which shall not be entered in a race because of poor or inconsistent behavior in the paddock that endangers the health or safety of other participants in racing.

(b) At the end of each race day, the paddock judge shall provide a copy of the list to the stewards.

(c) To be removed from the paddock judge's list, a horse must be schooled in the paddock and demonstrate to the satisfaction of the paddock judge and the stewards that the horse is capable of performing safely in the paddock. *(Indiana Horse Racing Commission; 71 IAC 3.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, 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)*

### **71 IAC 3.5-4-3 Report to the stewards**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. The paddock judge shall:

(1) notify the stewards of anything that could in any way change, delay, or otherwise affect the racing program;

(2) report to the stewards any observed cruelty to a horse; and

(3) report any other violation of these rules.

*(Indiana Horse Racing Commission; 71 IAC 3.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2832, 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)*

## **Rule 5. Horse Identifier**

### **71 IAC 3.5-5-1 General authority**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-3

Sec. 1. The horse identifier shall:

(1) when required, ensure the safekeeping of registration certificates for horses stabled or racing on association grounds;

(2) inspect documents of ownership, eligibility, registration, or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;

(3) examine every starter in the paddock for sex, color, markings, and lip tattoo, or other identification method approved by the appropriate breed registry and the commission for comparison with its registration certificate to verify the horse's identity; and

(4) supervise the tattooing, branding, or other method of identification approved by the appropriate breed registry and the commission for identification of any horse located on association grounds.

*(Indiana Horse Racing Commission; 71 IAC 3.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3402; 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)*

### **71 IAC 3.5-5-2 Report violations**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-3

Sec. 2. The horse identifier shall report to the stewards any horse not properly identified in conformity with these rules.

*(Indiana Horse Racing Commission; 71 IAC 3.5-5-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, 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)*

## **Rule 6. Horsemen's Bookkeeper**

### **71 IAC 3.5-6-1 General authority**

Authority: IC 4-31-3-9

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

Sec. 1. The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described in this rule and maintain such other records and accounts and perform such other duties as the association and the commission may prescribe, including making records available if needed for state board of accounts annual audit in accordance with IC 4-35-7-12(h). *(Indiana Horse Racing Commission; 71 IAC 3.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA)*

**71 IAC 3.5-6-2 Records**

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

Sec. 2. (a) The records shall include the name, mailing address, Social Security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or jockey participating in the race meeting who has funds due or on deposit in the horsemen's account.

(b) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association.

(d) All records of the horsemen's bookkeeper, including records of accounts and monies and funds kept on deposit, are subject to the inspection by the commission at any time.

(e) All records of the horsemen's bookkeeper are subject to review by the state board of accounts in accordance with IC 4-35-7-12(h).

(f) The association licensee is subject to disciplinary action by the commission for any violation of or noncompliance with the provisions of this rule. (*Indiana Horse Racing Commission; 71 IAC 3.5-6-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

**71 IAC 3.5-6-3 Monies and funds on account**

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

Sec. 3. (a) All monies and funds on account with the horsemen's bookkeeper shall be maintained in an account insured by the Federal Deposit Insurance Corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations.

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was won. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 3.5-6-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, 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*)

**71 IAC 3.5-6-4 Payment of purses**

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

Sec. 4. (a) The horsemen's bookkeeper shall receive, maintain, and disburse the purses of each race and all stakes, entrance money, jockey fees, and purchase money in claiming races, along with all applicable taxes and other monies that properly come into the horsemen's bookkeeper's possession in accordance with the provisions of these rules and the commission's policies and procedures.

(b) The horsemen's bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.

(c) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money.

(d) The horsemen's bookkeeper shall disburse the purse of each race and all stakes, entrance money, jockey fees, and purchase money in claiming races, along with all applicable taxes, upon request, within a period of time determined by the association.

(e) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive them within fifteen (15) days after the last race day of the race meeting, including purses for official races, provided that no protest or appeal has been filed with the stewards or the commission.

(f) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within forty-eight (48) hours of receipt of dismissal or a final nonappealable order disposing of the protest or appeal. (*Indiana Horse Racing Commission; 71 IAC 3.5-6-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2833, 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*)

## **Rule 7. Starter**

### **71 IAC 3.5-7-1 General authority**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The starter shall:

- (1) have complete jurisdiction over the starting gate, the starting of horses, and the authority to give orders not in conflict with the rules as may be required to ensure all participants an equal opportunity to a fair start;
- (2) appoint and supervise assistant starters who have demonstrated they are adequately trained to handle horses in the starting gate. In emergency situations, the starter may appoint qualified individuals to act as substitute assistant starters;
- (3) employ an adequate number of assistant starters;
- (4) assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions more than ten (10) minutes before post time for the race;
- (5) assess the ability of each person applying for a jockey's license in breaking from the starting gate and working a horse in the company of other horses, and shall make such assessments known to the stewards; and
- (6) load horses into the gate in any order deemed necessary to ensure a safe and fair start.

(*Indiana Horse Racing Commission; 71 IAC 3.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### **71 IAC 3.5-7-2 Assistant starters**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

(*Indiana Horse Racing Commission; 71 IAC 3.5-7-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### **71 IAC 3.5-7-3 Starter's list**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. No horse shall be permitted to start in a race unless approval is given by the starter. The starter shall maintain a starter's list of all horses which are ineligible to be entered in any race because of poor or inconsistent behavior or performance in the starting gate. These horses shall be refused entry until they have demonstrated to the starter that they have been satisfactorily schooled in the gate and can be removed from the starter's list. Schooling shall be under the direct supervision of the starter. (*Indiana Horse Racing Commission; 71 IAC 3.5-7-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 3.5-7-4 Report violations**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. The starter and assistant starter shall report violations of these rules occurring at the start of a race to the stewards. (*Indiana Horse Racing Commission; 71 IAC 3.5-7-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### **Rule 8. Clerk of Scales**

#### **71 IAC 3.5-8-1 General authority**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The clerk of scales shall:

- (1) verify the presence of all jockeys in the jockeys' room at the appointed time;
- (2) verify that all jockeys have a current jockey's license issued by the commission;
- (3) verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;
- (4) oversee the security of the jockeys' room, including the conduct of jockeys and their attendants;
- (5) promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment, or conduct;
- (6) record all required data on the scale sheet and submit the data to the horsemen's bookkeeper at the end of each race;
- (7) maintain the record of applicable winning races on all apprentice certificates at the meeting;
- (8) release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; and
- (9) assume the duties of the jockey room custodian in the absence of such employee.

(*Indiana Horse Racing Commission; 71 IAC 3.5-8-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2834, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### **Rule 9. Jockey Room Custodian**

#### **71 IAC 3.5-9-1 General authority**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The jockey room custodian shall:

- (1) supervise the conduct of jockeys and their attendants while they are in the jockey room;
- (2) keep the jockey room clean and safe for all jockeys;
- (3) ensure all jockeys are in the correct colors before leaving the jockey room to prepare for mounting their horses;
- (4) keep a daily film list as dictated by the stewards and have it displayed in plain view for all jockeys;

(5) keep a daily program displayed in plain view for the jockeys so they may have ready access to mounts that may become available;

(6) keep unauthorized persons out of the jockey room; and

(7) report to the stewards any unusual occurrences in the jockey room.

*(Indiana Horse Racing Commission; 71 IAC 3.5-9-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, 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)*

## **Rule 10. Timer/Clocker**

### **71 IAC 3.5-10-1 General authority (timer)**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The timer shall accurately record the time elapsed between the start and finish of each race.

(b) The time shall be recorded from the instant that the first horse leaves the point from which the distance is measured until the first horse reaches the finish line.

(c) At the end of a race, the timer shall post the official running time on the infield totalizator board on instructions by the stewards.

(d) At a racetrack equipped with an appropriate infield totalizator board, the timer shall post the quarter times (splits) for thoroughbred races in fractions as a race is being run. For quarter horse races, the timer shall post the official times in hundredths (1/100) of a second.

(e) For back-up purposes, the timer shall also use a stopwatch to time all races. In time trials, the timer shall ensure that at least three (3) stopwatches are used by the stewards or their designees.

(f) The timer shall maintain a written record of fractional and finish times of each race and have the times available for inspection by the stewards or the commission on request. *(Indiana Horse Racing Commission; 71 IAC 3.5-10-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, 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)*

### **71 IAC 3.5-10-2 General authority (clocker)**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The clocker shall be present during training hours at each track on association grounds, which is open for training, to identify each horse working out and to accurately record the distances and times of each horse's workout.

(b) Each day the clocker shall prepare a list of workouts that describes the name of each horse which worked along with the distance and time of each horse's workout.

(c) At the conclusion of training hours, the clocker shall deliver a copy of the list of workouts to the stewards and the racing secretary. *(Indiana Horse Racing Commission; 71 IAC 3.5-10-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, 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)*

## **Rule 11. Patrol Judge**

### **71 IAC 3.5-11-1 General authority**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The patrol judge, when utilized, is responsible for observing the race and reporting information concerning the race

to the stewards. If the racetrack's video replay system is deemed adequate, use of patrol judges is optional. (*Indiana Horse Racing Commission; 71 IAC 3.5-11-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2835, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; 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*)

## **Rule 12. Placing Judge**

### **71 IAC 3.5-12-1 General authority**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The placing judges shall determine the order of finish in a race as the horses pass the finish line and display the results on the totalizator board.

(b) At the request of the association, the commission may assign the duties of the placing judges to the stewards. (*Indiana Horse Racing Commission; 71 IAC 3.5-12-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; 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*)

### **71 IAC 3.5-12-2 Photo finish**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) In the event the placing judges or the stewards request a photo of the finish, the photo finish sign shall be posted on the totalizator board.

(b) Following the review of the photo finish film strip, the placing judges shall, with the approval of the stewards, determine the exact order of finish for all horses participating in the race, and shall immediately post the numbers of the first four (4) finishers on the totalizator board.

(c) In the event a photo is requested, the placing judges shall cause a photographic print of the finish to be produced. The finish photograph shall, when needed, be used by the placing judge as an aid in determining the correct order of finish.

(d) Upon determination of the correct order of finish in which the placing judges have utilized a photographic print to determine the first four (4) finishers. The photographic print shall be displayed on the association closed circuit television system. The steward 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. (*Indiana Horse Racing Commission; 71 IAC 3.5-12-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, 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*)

### **71 IAC 3.5-12-3 Dead heats**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) In the event the placing judges determine that two (2) or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat shall be declared.

(b) In the event one (1) or more of the first four (4) finishers of a race are involved in a dead heat, the placing judges shall post the dead heat sign on the totalizator board and cause the numbers of the horse or horses involved to blink on the totalizator board. (*Indiana Horse Racing Commission; 71 IAC 3.5-12-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3403; 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*)

## Rule 13. Official Veterinarian

### 71 IAC 3.5-13-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The official veterinarian (equine medical director) shall:

- (1) be employed by the commission;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) recommend to the stewards:
  - (A) any horse deemed unsafe to be raced; or
  - (B) a horse that it would be inhumane to allow to race;
- (4) place horses on the veterinarian's list, when necessary, and remove from the list those horses which are, in the official veterinarian's opinion, able to satisfactorily compete in a race;
- (5) supervise the taking of all specimens for testing according to procedures approved by the commission;
- (6) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination;
- (7) have authority and jurisdiction over the racing veterinarian and the practicing veterinarians within the enclosure for the purpose of these rules;
- (8) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (9) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission, except in accordance with the commission policy on endoscopic examinations;
- (10) review and make recommendations regarding commission license applications of practicing veterinarians;
- (11) perform, in accordance with commission policy, endoscopic examinations at the request of a horse owner or trainer;
- (12) be available to the stewards each racing day at a time designated by the stewards to inspect any horse and report on their condition as may be requested by the stewards; and *[sic]*

(b) The official veterinarian or the executive director may delegate or assign duties to the racing veterinarian.

(c) At the discretion of the commission or the executive director, veterinary technicians certified by the state of Indiana board of veterinary medical examiners may be assigned to perform the duties and responsibilities of the official veterinarian under these rules except that no certified veterinary technician so assigned shall be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners, including, but not limited to, endoscopic examinations. (*Indiana Horse Racing Commission; 71 IAC 3.5-13-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2836, 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 Aug 21, 2007, 1:33 p.m.: 20070829-IR-071070543ERA; 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*)

## Rule 14. Racing Veterinarian

### 71 IAC 3.5-14-1 General authority

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) At the discretion of the commission, the racing veterinarian may be an employee of the commission or the association. At the discretion of the commission, the duties of the racing veterinarian may be assumed by the official veterinarian, except that any certified veterinary technician assigned to act as official veterinarian pursuant to 71 IAC 3.5-13-1(c) shall not be permitted or required to perform procedures that are outside the scope of their certification by the Indiana board of veterinary medical examiners. The association may employ an additional racing veterinarian in order to further ensure the safety of racing.

(b) The racing veterinarian shall:

- (1) be directly responsible to the official veterinarian;
- (2) be a graduate veterinarian and be licensed to practice in Indiana;
- (3) be present in the paddock on the race track during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (4) inspect any horse when there is a question as to the physical condition of such horse;
- (5) recommend scratching a horse to the stewards if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;
- (6) inspect any horse which appears in physical distress during the race or at the finish of the race and report such horse together with his or her opinion as to the cause of the distress to the stewards and the official veterinarian;
- (7) be available to the racing secretary or the stewards prior to scratch time each racing day, at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the stewards;
- (8) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident, or injury;
- (9) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interest of racing to so act;
- (10) with the approval of the official veterinarian, place horses on the bleeder list; and
- (11) any other duties assigned by the official veterinarian.

*(Indiana Horse Racing Commission; 71 IAC 3.5-14-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, 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 Aug 21, 2007, 1:33 p.m.: 20070829-IR-071070543ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

## **Rule 15. Any Other Person Designated by the Commission**

### **71 IAC 3.5-15-1 Any other person designated by the commission**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The commission may create additional racing official positions as needed. Persons selected for these positions shall be considered racing officials and shall be subject to the general eligibility requirements outlined in 71 IAC 3.5-1. *(Indiana Horse Racing Commission; 71 IAC 3.5-15-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2837, 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)*

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# LICENSES

# ARTICLE 5.5. FLAT RACING; LICENSEES

## Rule 1. General Provisions

### 71 IAC 5.5-1-1 Licenses required

Authority: IC 4-31

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, jockey, apprentice jockey, jockey agent, veterinary helper, farrier, stable employees, exercise rider, groom, pari-mutuel clerk, pony rider, track employee, track security, vendor employee, starting gate crew, farrier's assistant, valet, track management, practicing or racing veterinarian, or other).

(2) Racing officials as listed in 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 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 5.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2155; errata filed Apr 9, 1997, 2:15 p.m.: 20 IR 2116; 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; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-2 Fingerprinting and licensing reciprocity**

Authority: IC 4-31-6-2

Affected: IC 4-31-6-8

Sec. 2. (a) The commission may license persons holding valid permanent (not temporary) licenses issued by ARCI member racing jurisdictions in North America. Prior to being licensed, the person must:

- (1) be in good standing;
- (2) have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian Mounted Police (RCMP) fingerprint check within the previous five (5) years;
- (3) file an application or affidavit as may be required by the commission; and
- (4) pay the required applicable fees.

(b) The commission may recognize the issuance of racing licenses from ARCI member jurisdictions in North America or the National Racing Compact for purposes of issuance of licenses in this jurisdiction.

(c) Only permanent licenses in good standing shall be considered. Temporary or probationary licenses shall not be considered.

(d) Applicants must be in good standing in each jurisdiction where they hold or have held a racing license.

(e) Provided the above requirements have been met, the commission may issue either a license or a validation sticker. The validation sticker shall be affixed to either a license issued by this jurisdiction or a valid license issued by another ARCI member jurisdiction. The validation sticker shall measure a maximum of one-half (½) inch vertically, be one and one-half (1½) inches horizontally, and shall contain:

- (1) this jurisdiction's two (2) letter postal service abbreviation;
- (2) the year of validation; and
- (3) the audit trail code or serial number (where applicable).

The validation sticker shall be constructed of an approved tamper-resistant material. The affixing of the validation sticker shall constitute licensing. The commission shall determine the period of time that such license shall be valid in this jurisdiction.

(f) In the event the licensee is absent from this jurisdiction, and upon payment of the applicable fees, a receipt shall be mailed to the licensee's permanent address. The receipt may then be presented at the commission office so that a commission representative may affix the proper validation sticker to the racing license badge.

(g) Notwithstanding a person's purported eligibility for fingerprint reciprocity, the commission or its designee may require the fingerprinting of any applicant or licensee. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2849, eff Jul 1, 1995; emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1140; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2416; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1913; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-3 Multi-state licensing information**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. In lieu of a license application from this jurisdiction, the commission may accept an ARCI Multi-State License and Information Form and the National Racing Compact form and license. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1913; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-4 Age requirement**

Authority: IC 4-31-6-2

Affected: IC 4-31-6-5

Sec. 4. (a) Applicants for licensing shall be a minimum of sixteen (16) years of age unless otherwise specified in these rules. An applicant may be required to submit a certified copy of his or her birth certificate. Persons under the age of eighteen (18) may be required to show evidence of active participation in a certified educational program or have a high school diploma or equivalent.

(b) The commission may grant a license to a person less than sixteen (16) years of age who is working on the association grounds for a parent or legal guardian who is licensed by the commission. An application under this subsection must be signed by the applicant's parent or legal guardian in the presence of one (1) or more stewards. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, 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*)

**71 IAC 5.5-1-5 Consent to investigation**

Authority: IC 4-31-6-2

Affected: IC 4-31-13-4

Sec. 5. The filing of an application for license or engaging in activities that require a license by the commission shall authorize the commission to do the following:

- (1) Investigate criminal and employment records.
- (2) Engage in interviews to determine the applicant's character and qualifications.
- (3) Verify information provided by the applicant.

(*Indiana Horse Racing Commission; 71 IAC 5.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, 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 May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-6 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 8.5-3. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, 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 May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 5.5-1-7 Approval or recommendations by stewards**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 7. The commission may designate categories of licenses which shall require the prior approval or recommendation of the stewards. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, 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*)

**71 IAC 5.5-1-8 Employer responsibility**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 8. (a) The employment or harboring of any unlicensed person at facilities under the jurisdiction of the commission is prohibited.

(b) Every employer shall report, within twenty-four (24) hours, the discharge of any licensed employee in writing to the commission or its designee, including the person's name, occupation, and reason for the discharge and shall surrender to the commission the employee's photo I.D. badge. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2850, 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*)

**71 IAC 5.5-1-9 Employer endorsement of license applications**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 9. (a) The license application of an employee shall be signed by the employer.

(b) Grooms coming in for a one-time stake race before the trainer arrives can file for a license without the trainer. However, when the trainer arrives, he or she must endorse or sign the groom's application. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, 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*)

**71 IAC 5.5-1-10 Workers' compensation (Expired)**

Sec. 10. (*Expired under IC 4-22-2.5, effective January 1, 2014.*)

**71 IAC 5.5-1-10.1 Workers' compensation**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 10.1. Licensed employers shall carry workers' compensation insurance covering their employees as required by Indiana statute. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-10.1; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 5.5-1-11 Financial responsibility**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 11. Applicants for a license may be required to submit evidence of financial responsibility and shall maintain financial responsibility during the period for which the license is issued. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-11; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, 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*)

**71 IAC 5.5-1-12 License refusal**

Authority: IC 4-31-6-2

Affected: IC 4-21.5; IC 4-31

Sec. 12. The commission, the stewards, 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. 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 stewards (or an administrative law judge if the stewards 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 stewards 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 5.5-1-12; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; 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*)

**71 IAC 5.5-1-13 License denial**

Authority: IC 4-31-6-2

Affected: IC 4-21.5; 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 judge shall conduct a hearing pursuant to the procedures provided for in 71 IAC 10 and IC 4-21.5. 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 that 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 5.5-1-13; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 118; 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 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 5.5-1-14 Grounds for sanctions**

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

Affected: IC 4-31-3-13; IC 4-31-6-6

Sec. 14. (a) The commission may refuse or deny a license application, revoke or suspend a license, or otherwise penalize a licensee, or other person, 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 or person.
- (b) The conditions referred to in subsection (a) include, but are not limited to, the following:
  - (1) The person 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 person has had a license of the legally constituted racing or gaming authority of a state, province, or country denied, suspended, or revoked for cause within the preceding five (5) years.
  - (3) The person is presently under suspension for cause of a license by the legally constituted racing authority of a state, province, or country.
  - (4) The person has violated or attempted to violate a provision of this article, these rules, or a law or rule with respect to horse racing in a jurisdiction.
  - (5) The person 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 person 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 person 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 person has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse.
  - (10) The person has engaged in conduct that is against the best interest of horse racing or compromises the integrity of

operations at a track or satellite facility.

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

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

(13) The person has failed to comply with a summons issued by the executive director or director of security pursuant to IC 4-31-3-13(c).

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

(15) The person 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.

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

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

(18) The person has pending criminal charges.

(19) The person has racing or gaming disciplinary charges pending in this state or other jurisdictions.

(20) The applicant or licensee is unqualified to perform the duties required.

(21) The person has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as an Indiana owned, Indiana bred, or Indiana sired.

(22) The applicant or licensee is an illegal alien.

(c) A license suspension or revocation shall be reported in writing to the applicant, the USTA, and the ARCI, whereby other racing jurisdictions shall be advised. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-14; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2851, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2891; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2416; 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 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

#### **71 IAC 5.5-1-15 Reciprocity**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 15. If a person is suspended, expelled, or ruled off, or if his or her license is revoked or his or her application for a license has been denied, or he or she is under any other current penalty pursuant to the rules of the racing authority of any other state or country or of the gaming commission, such person shall stand suspended, expelled, ruled off, or denied a license at all tracks and satellite facilities operating under the jurisdiction of the commission until the ruling has been withdrawn by the originating authority. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-15; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; 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; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 5.5-1-16 License restrictions, limitations, and conditions**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 16. The commission or its designee, for cause, may restrict, limit, or place conditions, including probationary status, on any license at the time of issuance. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-16; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

**71 IAC 5.5-1-17 Duration of license**

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

Sec. 17. A license is valid only under the condition that the licensee remains eligible to hold such license. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-17; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA*)

**71 IAC 5.5-1-18 Changes in application information**

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

Sec. 18. During the period for which a license has been issued, the licensee shall report to the commission changes in information provided on the license application, including the following:

- (1) Current legal name.
- (2) Marital status.
- (3) Permanent address.
- (4) Pending criminal complaints.
- (5) Criminal convictions.
- (6) License suspensions of ten (10) days or more.
- (7) License revocations or fines of five hundred dollars (\$500) or more in other jurisdictions.
- (8) Racing related disciplinary charges pending in other jurisdictions.

Such information shall be upon the appropriate commission form, signed by the licensee, and filed at the commission offices within ten (10) days of change. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-18; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2852, 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

**71 IAC 5.5-1-19 Temporary licenses (Repealed)**

Sec. 19. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA*)

**71 IAC 5.5-1-20 More than one license**

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

Sec. 20. More than one (1) license to participate in horse racing may be granted to a person except when prohibited by these rules due to a potential conflict of interest. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-20; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-21 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 stewards 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 or 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.

(e) Veterinary helpers shall not be licensed in any other capacity that allows access to the stable area. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-21; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-22 License presentation**

Authority: IC 4-31-6-2  
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 stewards 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 5.5-1-22; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-23 Visitor's pass**

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

Sec. 23. Track security may authorize unlicensed persons temporary access to restricted areas. Such persons shall be identified and their purpose and credentials verified and approved in writing by track security. A copy of the written approval shall be filed with the commission or its designee within forty-eight (48) hours. Such authorization or credential may only be used by the person to whom it is issued. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-23; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-24 Credentials property of commission**

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

Sec. 24. Licensee credentials (photo identification badge) are the property of the commission and must be surrendered to the executive director, stewards, commission director of security, or their designee upon request. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-24; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-25 Safety helmets**

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

Sec. 25. (a) All jockeys competing in a race must wear a safety helmet that meets one (1) of the following safety standards:  
(1) American Society for Testing and Materials (ASTM 1163).  
(2) UK Standards EN-1384 and PAS-015.  
(3) Australian/New Zealand Standards AS/NZS-3838.  
(b) Effective July 16, 2009, any licensee mounted on a horse or stable pony on association ground must wear at all times a properly secured safety helmet that meet one (1) of the standards in subsection (a).

(c) The licensee is responsible for providing sufficient evidence that his/her helmet meets a standard as listed in subsection (b). (*Indiana Horse Racing Commission; 71 IAC 5.5-1-25; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2853, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-26 Safety vest**

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

Sec. 26. Effective July 26, 2010, any person mounted on a horse or stable pony on the association's racing surface, all assistant starters, and anyone handling a horse in a starting gate must wear a safety vest at all times. The safety vest must comply with or exceed one (1) of the following minimum standards:

- (1) British Equestrian Trade Association (BETA): 2000 Level 1.
- (2) Euro Norm (EN) 12158: 2000 Level 1.
- (3) American Society for Testing and Materials (ASTM) F2681-08.
- (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 2.
- (5) Australian Racing Board (ARM) Standard 1. 1998.

(*Indiana Horse Racing Commission; 71 IAC 5.5-1-26; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 5.5-1-27 Knowledge of rules**

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

Sec. 27. (a) A licensee shall be knowledgeable of these rules and, by acceptance of the license, agrees to abide by these rules.

(b) A licensee shall report to track security or the stewards any knowledge the licensee has that a violation of these rules has occurred or may occur. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-27; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, 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; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 5.5-1-28 Cooperation with investigations**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 28. (a) All licensees shall cooperate fully with all investigations and inquiries made by commission representatives or association security, or both.

(b) All licensees shall obey instructions from commission representatives or association security, or both. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-28; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, 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*)

**71 IAC 5.5-1-29 Reporting known or suspected irregularities and rule violations**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 29. All licensees shall report any known or suspected irregularities, any violation of the rules of the commission, or any wrongdoings by any person immediately to the commission and cooperate in subsequent investigations. (*Indiana Horse Racing Commission; 71 IAC 5.5-1-29; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2417; 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*)

**71 IAC 5.5-1-30 Review of horse transfers**

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 30. The executive director or the stewards may refuse the license of an owner, require the horse(s) at issue to be stabled on the grounds of the association, and/or place a horse on the stewards list if the seller is suspended, barred, has had his or her license refused, or is otherwise unlicensable. In making such a determination, the executive director or stewards 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.

(*Indiana Horse Racing Commission; 71 IAC 5.5-1-30; 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*)

**71 IAC 5.5-1-31 Review of trainer transfers**

Authority: IC 4-31-3-9

Affected: IC 4-31-13

Sec. 31. The executive director or the stewards may refuse the license of a trainer, require the horse(s) at issue to be stabled

on the grounds of the association, and/or place a horse on the stewards list if the prior trainer has been suspended, barred, has had his or her license refused, or is otherwise unlicensable. In making such a determination, the executive director or stewards may consider any information that they deem relevant including, but not limited to, the following:

- (1) Whether the trainer is a spouse, member of the immediate family, assistant, employee, or member of the prior trainer's household.
- (2) Whether the prior trainer could have contact with or access to the horse(s) in question.
- (3) Whether the trainer transfer occurred within the previous sixty (60) days.

*(Indiana Horse Racing Commission; 71 IAC 5.5-1-31; 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)*

## Rule 2. Owners

### 71 IAC 5.5-2-1 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 that 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 stewards. 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 stewards. 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 stewards' 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 7.5-5-2. 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 5.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3404; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2213; 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)*

#### **71 IAC 5.5-2-2 Licensing requirements for multiple owners**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 2. (a) If the legal owner of any horse is:

- (1) a partnership;
- (2) a corporation;
- (3) a syndicate; or
- (4) any other association or entity;

each shareholder or partner shall be licensed as required in section 1 of this rule.

(b) Each partnership, corporation, syndicate, or other association or entity shall disclose to the commission all owners holding a five percent (5%) or greater beneficial interest, unless otherwise required by the commission.

(c) Each partnership, corporation, syndicate, or other association or entity which includes an owner with less than a five percent (5%) ownership or beneficial interest shall file with the commission an affidavit which attests that, to the best of their knowledge, every owner, regardless of their ownership or beneficial interest, is not presently ineligible for licensing or suspended in any racing jurisdiction.

(d) To obtain an owner's license, an owner with less than a five percent (5%) ownership or beneficial interest in a horse shall establish a bona fide need for the license and the issuance of such license shall be approved by the stewards.

(e) Application for joint ownership shall include a designation of a managing owner and a business address. Receipt of any correspondence, notice, or order at such address shall constitute official notice to all persons involved in the ownership of such horse.

(f) The written appointment of a managing owner or authorized agent shall be filed with the commission. (*Indiana Horse Racing Commission; 71 IAC 5.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2854, 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*)

#### **71 IAC 5.5-2-3 Lease agreements**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. A horse may be raced under lease provided a completed breed registry or other lease form acceptable to the commission is attached to the certificate of registration and on file with the commission. The lessor and lessee shall be licensed as horse owners. (*Indiana Horse Racing Commission; 71 IAC 5.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 5.5-2-4 Stable name registration**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 4. (a) Licensed owners and lessees may adopt a stable name subject to the approval of the commission.

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

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

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

(e) All persons using a stable name shall comply with all rules regarding licensing of owners.

(f) 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 5.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 5.5-2-5 Racing colors**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 5. (a) 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.

(b) The racing colors to be worn by each 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. (*Indiana Horse Racing Commission; 71 IAC 5.5-2-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 5.5-2-6 Owner – positive tests**

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

Affected: IC 4-31-6-6

Sec. 6. (a) Owner(s) of horses testing positive on more than one (1) occasion within 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 stewards, be required to stable all horses participating in a race meet upon the grounds of the association and/or be required to place all horses in the detention barn on the day before and/or the day of its scheduled race. A positive test under this section shall include violations in Indiana and in other jurisdictions.

(b) Special consideration shall be given to positive tests for Class 1, 2, or 3 drugs as listed in the Association of Racing Commissioners International's Uniform Classification Guidelines of Foreign Substances, as revised by the ARCI in 2014 and any other subsequent revision effective after said date, which are incorporated by reference herein, copies of which are available at the commission office. 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 5.5-2-6; 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*)

### **Rule 3. Trainers**

#### **71 IAC 5.5-3-1 Eligibility**

Authority: IC 4-31-6-2

Affected: IC 4-31

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

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

(2) be qualified, as determined by the stewards or other commission designee, by reason of experience, background, and

knowledge of racing.

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

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

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

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

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

(f) The commission may 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) 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) To the extent the commission or its designee obtains information that raises a reasonable suspicion that any other person may be serving as a substitute for a person ineligible to be licensed as a trainer, any horse that the substitute is training may be placed on the stewards' list. In such event, any horse involving an issue of the true and bona fide trainer is ineligible to race until such time that the issue is proven by the entrant of the horse by clear and convincing evidence in accordance with the provisions of 71 IAC 7.5-5-2. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; emergency rule filed Aug 20, 2013, 12:31 p.m.: 20130821-IR-071130404ERA; emergency rule filed Dec 23, 2013, 1:43 p.m.: 20140108-IR-071130567ERA; emergency rule filed Feb 25, 2014, 12:34 p.m.: 20140226-IR-071140063ERA; emergency rule filed Mar 16, 2015, 3:29 p.m.: 20150325-IR-071150071ERA*)

**71 IAC 5.5-3-2 Trainer responsibility**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

- (1) the condition of horses he or she trains entered in an official workout or race; and
- (2) the presence of any prohibited drug, medication, or other substance, including permitted medication in excess of the maximum allowable level, in horses he or she trains;

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.

(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 5.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2855, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### **71 IAC 5.5-3-3 Other responsibilities**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

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

- (5) The proper identity, custody, care, health, condition, and safety of horses in his or her charge, including that outlines *[sic]* in 71 IAC 8.
- (6) Disclosure of the true and entire ownership of each horse in his or her care, custody, or control. Any change in ownership shall be reported immediately to, and approved by, the stewards and recorded by the racing secretary.
- (7) Training all horses owned wholly or in part by him or her which are participating at the race meeting.
- (8) Registering with the racing secretary each horse in his or her charge within twenty-four (24) hours of the horse's arrival on association grounds.
- (9) Using the services of practicing veterinarians licensed by the commission to attend to horses that are on association grounds. No trainer shall permit a veterinarian whose license is suspended in any jurisdiction or who is excluded from the stable area of tracks under the jurisdiction of the commission to treat any horse, regardless of its location, that has or will be actively participating in racing in Indiana during a given calendar year.
- (10) Immediately reporting the alteration of the sex of a horse in his or her care to the horse identifier and the racing secretary, whose office shall note such alteration on the certificate of registration.
- (11) Promptly reporting to the racing secretary and the official veterinarian any horse on which a posterior digital neurectomy (heel denerving) has been performed and ensuring that such fact is designated on its certificate of registration.
- (12) Promptly reporting to the stewards and the official veterinarian the serious illness of any horse in his or her charge.
- (13) Promptly reporting the death of any horse in his or her care on association grounds to the stewards and the official veterinarian and compliance with 71 IAC 8.5 governing postmortem examinations.
- (14) Maintaining a knowledge of the medication record and status of all horses in his or her care.
- (15) Immediately reporting to the stewards and the official veterinarian if he or she knows, or has cause to believe, that a horse in his or her custody, care, or control has received any prohibited drugs or medication.
- (16) Representing an owner in making entries and scratches and in all other matters pertaining to racing.
- (17) Horses entered as to eligibility.
- (18) Ensuring the fitness of a horse to perform creditably.
- (19) Ensuring that his or her horses are properly shod, bandaged, and equipped.
- (20) Presenting his or her horse in the paddock at the appointed time before the race in which the horse is entered.
- (21) Personally attending to his or her horses in the paddock unless excused by the stewards.
- (22) Instructing the jockey to give his or her best effort during a race and that each horse shall be ridden to win.

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

(24) Promptly notifying the owner of a horse of a positive test performed on his or her horse indicating levels in violation of 71 IAC 8.5.

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

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

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

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

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

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

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

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

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

(e) No trainer shall practice his profession, except under his own name. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2856, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2778; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1914; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2214; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; 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)*)

#### **71 IAC 5.5-3-3.1 "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 licensed designee shall be available to assist with the identification of his or her 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 5.5-3-3.1; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2215; 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)*)

**71 IAC 5.5-3-4 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 horse or entries to win or finish first in combination with other horses. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, 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*)

**71 IAC 5.5-3-5 Assistant trainers**

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

Sec. 5. (a) Upon the demonstration of a valid need, a trainer may employ an assistant trainer as approved by the stewards. The assistant trainer shall be licensed prior to acting in such capacity on behalf of the trainer.

(b) Qualifications for obtaining an assistant trainer's license shall be prescribed by the stewards and the commission and may include those requirements prescribed in section 1 of this rule.

(c) An assistant trainer may substitute for and shall assume the same duties, responsibilities, and restrictions as imposed on the licensed trainer. In which case, the trainer shall be jointly responsible for the assistant trainer's compliance with these rules. (*Indiana Horse Racing Commission; 71 IAC 5.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, 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*)

**71 IAC 5.5-3-6 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 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 stewards.

(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 5.5-3-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3122, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with secretary of state June 8, 1999.]; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; 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*)

**Rule 4. Jockeys**

**71 IAC 5.5-4-1 Eligibility**

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

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

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

jockey to ride pending completion of such examination.

(c) An applicant shall show competence by prior licensing and the demonstration of a riding ability, 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 shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding. However, a licensed owner or licensed trainer, upon approval by the stewards, may be issued a provisional jockey's license to ride his own horse or a horse registered in his care as a trainer.

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

(f) A jockey shall fulfill all engagements except by permission of the stewards for good cause. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2779; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 5.5-4-2 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 have [*sic, 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 his or her fifth race, he or she shall ride with a seven (7) pound weight allowance for a period of one (1) year from the date of his or her fifth win. During the course of this year, if the apprentice jockey wins a total of forty (40) races, he or she will ride with a five (5) pound allowance until such time as that year is up. If apprentice does not win forty (40) races within the year, he or she shall retain their apprenticeship for additional year or until the fortieth win. After that time if apprentice 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 he or she is 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. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2857, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:09 p.m.: 21 IR 4233; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1915; 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 Jun 10, 2016, 11:11 a.m.: 20160615-IR-071160257ERA*)

#### **71 IAC 5.5-4-3 Foreign jockeys**

Authority: IC 4-31-6-2

Affected: IC 4-31

Sec. 3. Upon making an application 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 a declaration sheet in a language recognized in this jurisdiction to the commission. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, 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*)

#### **71 IAC 5.5-4-4 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. (*Indiana Horse Racing Commission; 71 IAC 5.5-4-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, 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 2382; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 5.5-4-5 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.

(*Indiana Horse Racing Commission; 71 IAC 5.5-4-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, eff Jul 1, 1995;*

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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)

71 IAC 5.5-4-6 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. (Indiana Horse Racing Commission; 71 IAC 5.5-4-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, 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)

71 IAC 5.5-4-7 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:

Table with 5 columns: Purse, Winning Mount, Second Place Mount, Third Place Mount, Losing Mount. Rows include purse ranges from \$5,000-\$9,999 to \$100,000 and up, with corresponding percentages and dollar amounts for each placement.

(Indiana Horse Racing Commission; 71 IAC 5.5-4-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2858, eff Jul 1, 1995; emergency rule filed Aug 21, 2000, 2:27 p.m.: 24 IR 49; 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 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.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

Rule 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;
(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. (Indiana Horse Racing Commission; 71 IAC 5.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2859, 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)*

**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. *(Indiana Horse Racing Commission; 71 IAC 5.5-5-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2859, 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)*

**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. *(Indiana Horse Racing Commission; 71 IAC 5.5-5-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2859, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 55; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

**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. *(Indiana Horse Racing Commission; 71 IAC 5.5-5-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; 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)*

**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. *(Indiana Horse Racing Commission; 71 IAC 5.5-5-5; emergency rule filed Jun 15, 1995, 5:00 p.m.:*

18 IR 2860, 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)

## **Rule 6. Owners' Authorized Agents**

### **71 IAC 5.5-6-1 Licenses required**

Authority: IC 4-31-6-2

Affected: IC 4-31

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

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

(c) A written instrument signed by the owner shall accompany the application and shall clearly set forth the delegated powers of the authorized agent. The owner's signature on the written instrument shall be acknowledged before a notary public.

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

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

(f) The authorized agent's appointment may be terminated by the owner, in writing, acknowledged before a notary public and filed with the commission whereupon the license shall not be valid. (*Indiana Horse Racing Commission; 71 IAC 5.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, 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*)

### **71 IAC 5.5-6-2 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 stewards. (*Indiana Horse Racing Commission; 71 IAC 5.5-6-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, 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*)

## **Rule 7. Horseshoers**

### **71 IAC 5.5-7-1 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; and

(2) be qualified, as determined by the stewards, by reason of experience, background, and knowledge of 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) 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 5.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2860, 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)*

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# CLAIMING

# ARTICLE 6.5. FLAT RACING; CLAIMING RACES

## Rule 1. Claiming Races

### 71 IAC 6.5-1-1 General provisions

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A person entering a horse in a claiming race warrants that the title to the horse is free and clear of any existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering the horse, the written consent of the holder of the claim or lien has been filed with the stewards and the racing secretary and its entry approved by the stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for the horse.

(b) Title to a claimed horse shall be vested in the successful claimant at the time the horse leaves the starting gate and is declared an official starter. The successful claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured at any time, during the race or after. However, the successful claimant may request on the claim blank at the time the successful claimant makes the claim that the horse be tested for the presence of equine infectious anemia via a Coggins test, or other test as approved by the official veterinarian. Should this test prove positive, it shall be cause for voiding the claim. The expense of the test and the maintenance of the horse during the period requested for the test shall be the responsibility of the successful claimant, unless the test proves positive, wherein the owner or owners of the horse at the time of entry shall be responsible.

(c) An in-foal filly or mare shall be eligible to be entered into a claiming race only if all of the following conditions are fulfilled:

(1) Full disclosure of such fact is on file with the racing secretary and such information is posted in the racing secretary's office.

(2) The stallion service certificate has been deposited with the racing secretary's office.

(3) All payments due for the service in question and for any live progeny resulting from that service are paid in full.

(4) The release of the stallion service certificate to the successful claimant at the time of claim is guaranteed.

(d) The stewards may set aside and order rescision of a claim for any horse from a claiming race run in this jurisdiction upon a showing that any party to the claim committed a prohibited action, as specified in section 4 of this rule, or that the owner of the horse at the time of entry in the claiming race failed to comply with any requirement of these rules. Should the stewards order a rescision of a claim, they may make a further order for the costs of maintenance and care of the horse as they may deem appropriate. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2861, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3405; 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*)

### 71 IAC 6.5-1-2 Claiming of horses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Any horse starting in a claiming race is subject to be claimed for its entered price by any:

(1) licensed owner; or

(2) holder of a valid open claiming certificate; or

(3) licensed authorized agent acting on behalf of an eligible claimant.

(b) Every horse claimed shall race for the account of the original owner, but title to the horse shall be transferred to the claimant at the time the horse leaves the starting gate. The successful claimant shall become the owner of the horse, regardless of whether it is alive or dead, sound or unsound, or injured prior to, during, or after the race. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Jun*

10, 2016, 11:11 a.m.: 20160615-IR-071160257ERA)

**71 IAC 6.5-1-3 Claim certificate**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) Any owner may claim any horse subject to be claimed in flat racing in Indiana provided the owner:

(1) has foal papers on file in the Indiana Grand racing office and has started a horse at the current race meeting; or  
(2) has been issued an open claiming certificate by the stewards.

(b) The stewards shall issue an open claiming certificate to any person who:

(1) makes application for an owner's license;

(2) meets all requirements for the issuance of an owner's license;

(3) has an agreement with a trainer licensed in Indiana to take charge of, care for, and train any horse claimed by the holder of the open claiming certificate; and

(4) has at a minimum, the amount of the claim and applicable taxes on deposit with the horsemen's bookkeeper.

(c) An open claiming certificate may not be issued to any person licensed as a trainer in any jurisdiction unless the trainer is a member of a partnership, limited liability company, corporation, or other entity that would otherwise be eligible for an open claiming certificate, and the claim is being made by that entity.

(d) The open claiming certificate shall be valid for the calendar year in which it is issued or until the person to whom the open claiming certificate is issued executes a claim and becomes an owner of a horse through the use of the open claiming certificate, whichever period is shorter.

(e) An open claiming certificate shall not be effective until the next racing day following the date of approval by the stewards.

(f) The open claiming certificate shall be enclosed in the envelope provided for the purpose of claiming by the racing office. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, 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; emergency rule filed Jun 10, 2016, 11:11 a.m.: 20160615-IR-071160257ERA; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA*)

**71 IAC 6.5-1-4 Prohibitions**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) A person shall not claim a horse in which the person has a financial or beneficial interest as an owner or trainer.

(b) A person shall not cause another person to claim a horse for the purpose of obtaining or retaining an undisclosed financial or beneficial interest in the horse.

(c) A person shall not enter into an agreement for the purpose of preventing another person from obtaining a horse in a claiming race.

(d) A person shall not claim a horse, or enter into any agreement to have a horse claimed, on behalf of an ineligible or undisclosed person.

(e) A person shall not file more than one (1) claim for the same horse. However, owners utilizing the same trainer may claim different horses from the same race.

(f) The association shall ensure the claim box is locked. The association shall unlock the claim box only after the deadline for claiming a horse has passed.

(g) For a period of thirty (30) days after a claim, a horse shall not start in a race in which the determining eligibility price is less than the price at which it was claimed. The day claimed shall not count for purposes of counting the applicable thirty (30) day period, and for this purpose the immediate following calendar day after the day claimed shall be the first day. The horse shall be entitled to enter whenever necessary so that the horse may start on the thirty-first calendar day following the claim for any claiming price. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed June 8, 1999, 9:30 a.m.: 22 IR 3121, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes*

*the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 55; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Apr 30, 2010, 1:34 p.m.: 20100505-IR-071100256ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Mar 30, 2016, 12:18 p.m.: 20160406-IR-071160138ERA; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA; emergency rule filed Apr 30, 2018, 3:54 p.m.: 20180502-IR-071180203ERA)*

#### **71 IAC 6.5-1-5 Procedures for claiming**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) To make a valid claim for a horse, an eligible person shall:

- (1) have on deposit with the horsemen's bookkeeper, prior to filing the claim, an amount equal to the amount of the claim, plus all transfer fees and applicable taxes;
- (2) complete a written claim on a form furnished by the association and approved by the commission;
- (3) identify the horse to be claimed by the spelling of its name on the certificate of registration or as spelled on the official program;
- (4) place the completed claim form inside a sealed envelope furnished by the association and approved by the commission;
- (5) have the time of day that the claim is entered recorded on the envelope; and
- (6) have the envelope deposited in the claim box no later than fifteen (15) minutes prior to post time of the race for which the claim is entered.

(b) After a claim has been deposited in the claim box, it is irrevocable by the claimant and shall not be withdrawn from the claim box until the time designated by the stewards.

(c) Officials and employees of the association shall not provide any information as to the filing of claims until after the race has been run, except as is necessary for processing of the claim.

(d) If more than one (1) claim is filed on a horse, the successful claim shall be determined by lot conducted by the stewards or their representatives.

(e) Notwithstanding any designation of sex or age appearing in the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any horse claimed. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2862, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; 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*)

#### **71 IAC 6.5-1-6 Transfer of claimed horse**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Upon successful claim, the stewards shall issue, upon forms approved by the commission, an authorization of transfer of the horse from the original owner to the claimant. Copies of the transfer authorization shall be forwarded to and maintained by the stewards and the racing secretary. Upon notification by the stewards, the horsemen's bookkeeper shall immediately debit the claimant's account for the claiming price, applicable taxes, and transfer fees. No claimed horse shall be delivered by the original owner to the successful claimant until authorized by the stewards.

(b) A person shall not refuse to deliver a properly claimed horse to the successful claimant.

(c) Transfer of possession of a claimed horse shall take place immediately after the race has been run. If the horse is required to be taken to the detention barn for post-race testing, the successful claimant or the successful claimant's representative shall maintain physical custody of the claimed horse. However, the original trainer or the original trainer's representative shall

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accompany the horse, observe the testing procedure, and sign the test sample tag.

(d) When a horse is claimed out of a claiming race, the horse's engagements are transferred with the horse to the claimant.

(e) Ownership interest in any horse claimed from a race shall not be resold or transferred back to the original owner for thirty (30) days after such horse was claimed, except by claim from a subsequent race.

(f) A claimed horse shall not remain in the same stable or under the control or management of its former owner.

(g) If the post-race serum or plasma sample of the horse contains cobalt in excess of the threshold established in 71 IAC 8.5-1-9, the claimant will be notified of the test result and he or she may, within forty-eight (48) hours of notification, at his or her option, return the horse to the owner of the horse at the time of the entry for the race from which the horse was claimed. (*Indiana Horse Racing Commission; 71 IAC 6.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2863, 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; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Sep 30, 2014*)

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# **RULES OF THE RACE**

# ARTICLE 7.5. FLAT RACING; RULES OF THE RACE

## Rule 1. Entries and Nominations

### 71 IAC 7.5-1-1 Entering

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. No horse shall be qualified to start unless it has been and continues to be properly entered. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; 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*)

### 71 IAC 7.5-1-2 Procedures

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Entries and nominations shall be made with the racing secretary and shall not be considered until received by the racing secretary, who shall maintain a record of time of receipt of them for a period of one (1) year.

(b) An entry shall be in the name of the horse's licensed owner and made by the owner, trainer, or a licensed designee of the owner or trainer.

(c) Races printed in the condition book shall have preference over substitute and extra races except for brought back Indiana extra races.

(d) An entry must be in writing, by telephone, or facsimile machine to the racing secretary. The entry must be confirmed in writing should the stewards or the racing secretary so request.

(e) The person making an entry shall clearly designate the horse so entered.

(f) No horse may be entered in more than one (1) race (with the exception of stakes races) to be run on the same day on which pari-mutuel wagering is conducted.

(g) Any permitted medication or approved change of equipment must be declared at time of entry.

(h) At the draw, a jockey is limited to being named on one (1) horse in the body of a race, except in an entry defined in 71 IAC 1.5-1-34(2), and one (1) horse on the "also eligible list", if applicable. A jockey may not ride any horse that he or she was taken off of at the draw by themselves or their agent. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; emergency rule filed Aug 4, 2004, 11:10 a.m.: 27 IR 4037; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### 71 IAC 7.5-1-2.1 Eligibility for racing and ownership status (Repealed)

Sec. 2.1. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Jul 22, 1997, 10:46 a.m.: 20 IR 3385*)

### 71 IAC 7.5-1-3 Limitation as to spouses

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. No entry in any race shall be accepted for a horse owned wholly or in part by, or leased or trained by, a person whose husband or wife is under license suspension at the time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, the stewards may waive this rule. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; 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*)

**71 IAC 7.5-1-4 Coupled entries**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race, except in races to be divided. No owner may start two (2) or more horses in a race to the exclusion of another owner's single entry except in stakes or stakes trials. Preference for horses with the same trainer, but having no common ties of ownership, will be determined by the conditions of the race and/or preference date and may exclude a single entry.

(b) A trainer may not train for another trainer licensed in the state of Indiana. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 205; 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 Jul 5, 2012, 2:14 p.m.: 20120718-IR-071120402ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA; emergency rule filed Aug 29, 2017, 3:21 p.m.: 20170906-IR-071170396ERA)*)

**71 IAC 7.5-1-5 Nominations**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) Any nominator to a stakes race may transfer or declare such nomination prior to closing.

(b) Joint nominations and entries may be made by any one (1) of the joint owners of a horse, and each joint owner shall be jointly and severally liable for all payments due.

(c) Death of a horse, or a mistake in its entry when such horse is eligible, does not release the nominator or transferee from liability for all stakes fees due. No fees paid in connection with a nomination to a stakes race that is run shall be refunded, except as otherwise stated in the conditions of a stakes race.

(d) Death of a nominator to a stakes race shall not render void any subscription, entry, or right of entry. All rights, privileges, and obligations shall be attached to the legal heirs of the decedent or the successor owner of the horse.

(e) When a horse is sold privately or at public auction or claimed, stakes engagements shall be transferred automatically to its new owner; except when the horse is transferred to a person whose license is suspended or who is otherwise unqualified to race or enter the horse, then such nomination shall be void as of the date of such transfer.

(f) All stakes fees paid toward a stakes race shall be allocated to the winner unless otherwise provided by the conditions for the race. If a stake race is not run for any reason, all such nomination fees paid shall be refunded. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, 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*)

**71 IAC 7.5-1-6 Closings**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 6. (a) Entries for purse races and nominations to stakes races shall close at the time designated by the association in previously published conditions for such races. No entry, nomination, or declaration shall be accepted after such closing time; except in the event of an emergency or if an overnight race fails to fill, the racing secretary may, with the approval of a steward, extend such closing time.

(b) Except as otherwise provided in the conditions for a stakes race, the deadline for accepting nominations and declarations

is midnight of the day of closing; provided the nominations are received in time for compliance with every other condition of the race. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, 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*)

**71 IAC 7.5-1-7 Number of starters in a race**

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

Sec. 7. The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of starters may be further limited by the number of horses which, in the opinion of the stewards, can be afforded a safe, fair, and equal start. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, 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*)

**71 IAC 7.5-1-8 Split or divided races**

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

Sec. 8. (a) In the event a race is cancelled or declared off, the association may split any overnight race for which post positions have not been drawn.

(b) When an overnight race is split, forming two (2) or more separate races, the racing secretary shall give notice of not less than fifteen (15) minutes before such races are closed to grant time for making additional entries to the split races. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-8; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, 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*)

**71 IAC 7.5-1-9 Post positions**

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

Sec. 9. Post positions for all races shall be determined by lot and shall be publicly drawn in the presence of a steward or steward designee. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-9; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, 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*)

**71 IAC 7.5-1-10 Also eligible list**

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

Sec. 10. (a) If the number of entries for a race exceeds the number of horses permitted to start, the racing secretary may create and post an also eligible list.

(b) If any horse is scratched from a race for which an also eligible list was created, a replacement horse shall be drawn from the also eligible list into the race in order of preference. If none is preferred, a horse shall be drawn into the race from the also eligible list by public lot.

(c) Any owner or trainer of a horse on the also eligible list who does not wish to start the horse in such race shall so notify the racing secretary prior to scratch time for the race, thereby forfeiting any preference to which the horse may have been entitled.

(d) A horse which draws into a straightaway race from the also eligible list shall start from the post position vacated by the

scratched horse. In the event more than one (1) horse is scratched, post positions of horses drawing in from the also eligible list shall be determined by public lot.

(e) A horse which draws into a nonstraightaway race from the also eligible list shall start from the outermost post position. In the event more than one (1) horse is scratched, post positions of horses drawing in from the also eligible list shall be determined by public lot. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-10; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, 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*)

**71 IAC 7.5-1-11 Preferred list**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 11. The racing secretary shall maintain a list of entered horses eliminated from starting by a surplus of entries, and these horses shall constitute a preferred list and have preference. The manner in which the preferred list shall be maintained and all rules governing such list shall be the responsibility of the racing secretary. Such rules must be submitted to the commission thirty (30) days prior to the commencement of the race meeting and are subject to the approval of the commission. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-11; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2866, 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*)

**71 IAC 7.5-1-12 Double jock mounts**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. In the event an owner or trainer elects to remove a jockey from his or her mount once the overnight is published, the stewards may require a double jock mount to be paid. The fee to be paid for the double jock mount shall be equal to that earned by the jockey who rode the horse. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-12; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; 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*)

**71 IAC 7.5-1-13 Eligibility for racing and ownership status (Repealed)**

Sec. 13. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2787*)

**71 IAC 7.5-1-14 Current race lines**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 14. (a) Current race lines, including last start, must be available at scratch time or the horse will be scratched.

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

(c) Scratch time is established by the association.

(d) If, after scratch time, a horse drawn into race at an Indiana pari-mutuel track participates in any other race, that horse shall be scratched. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-14; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 7.5-1-15 No change permitted**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 15. (a) The conditions for eligibility to a race may not be changed once entries are taken except that an error may be corrected with the consent of the stewards.

(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. A change in ownership may be permitted with the approval of the stewards.

(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 stewards 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 7.5-1-15; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 7.5-1-16 Reporting to track**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 16. All horses shipping in to race must be in their assigned stalls where they are to race at least five (5) hours prior to the post time of their race. In the event of unavoidable delay, as determined by the stewards, the stewards may grant a reasonable grace period. (*Indiana Horse Racing Commission; 71 IAC 7.5-1-16; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2217; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**Rule 2. Declarations and Scratches**

**71 IAC 7.5-2-1 Declarations**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A declaration is the act of withdrawing an entered horse from a race prior to the closing of entries.

(b) The declaration of a horse before closing shall be made by the owner, trainer, or their licensed designee in the form and manner prescribed in these rules. (*Indiana Horse Racing Commission; 71 IAC 7.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, 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*)

**71 IAC 7.5-2-2 Scratches**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) A scratch is the act of withdrawing an entered horse from a contest after the closing of entries.

(b) The scratch of a horse after closing shall be made by the owner, trainer, or their licensed designee with permission from the stewards.

(c) A horse may be scratched from a stakes race for any reason at any time up until forty-five (45) minutes prior to that race.

(d) No horse may be scratched from an overnight race without approval of the stewards.

(e) In overnight races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horse representing more than ten (10) betting interests in the daily double or exotic wagering races, or horses representing more than

eight (8) betting interests in any other overnight race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum numbers for such races. This privilege shall be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(f) Entry of any horse which has been scratched or excused from starting by the stewards because of a physical disability or sickness shall not be accepted until the expiration of a minimum of five (5) calendar days after such horse was scratched or excused and the horse has been removed from the veterinarian's list by the official veterinarian. (*Indiana Horse Racing Commission; 71 IAC 7.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3407; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; errata filed Jun 20, 1996, 9:50 a.m.: 19 IR 3114; 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*)

### **Rule 3. Weights**

#### **71 IAC 7.5-3-1 Allowances**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Weight allowance must be claimed at time of entry and shall not be waived after the posting of entries, except by consent of the stewards.

(b) A horse shall start with only the allowance of weight to which it is entitled at time of starting, regardless of its allowance at time of entry.

(c) Horses not entitled to the first weight allowance in a race shall not be entitled to any subsequent allowance specified in the conditions.

(d) Claim of weight allowance to which a horse is not entitled shall not disqualify it unless an objection is made in writing and lodged with the stewards before post time for that race.

(e) A horse shall not be given a weight allowance for failure to finish second or lower in any race.

(f) No horse shall receive allowance of weight nor be relieved extra weight for having been beaten in one (1) or more races, but this rule shall not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or a race of a specified value.

(g) Except in handicap races which expressly provide otherwise, two-year-old fillies shall be allowed three (3) pounds, and fillies and mares, three-years-old and upward, shall be allowed five (5) pounds before September 1 and three (3) pounds thereafter in races where competing against male horses. (*Indiana Horse Racing Commission; 71 IAC 7.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3407; 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*)

#### **71 IAC 7.5-3-2 Penalties**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Weight penalties are obligatory.

(b) Horses incurring weight penalties for a race shall not be entitled to any weight allowance for that race.

(c) No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.

(d) Penalties incurred and allowances due in steeplechase or hurdle races shall not apply to races on the flat, and penalties incurred and allowances due in flat races shall not apply to steeplechase or hurdle races.

(e) The reports, records, and statistics as published by The Daily Racing Form, Equibase, the breed registry foal certificate, or other recognized publications shall be considered official in determining eligibility, allowances, and penalties, but may be

corrected. (*Indiana Horse Racing Commission; 71 IAC 7.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2867, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3407; 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*)

**71 IAC 7.5-3-3 Weight conversions**

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

Sec. 3. For the purpose of determining weight assignments or allowances for imported horses, the following weight conversions shall be used:

- (1) One (1) kilogram = two and one-fourth (2¼) pounds.
- (2) One (1) stone = fourteen (14) pounds.

(*Indiana Horse Racing Commission; 71 IAC 7.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2868, 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*)

**71 IAC 7.5-3-4 Scale of weights**

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

Sec. 4. (a) With the exception of apprentice allowances, handicap races, Indiana bred, Indiana restricted races, three (3) year old horses entered to run in races against horses four (4) years old and upwards, and the allowance provided in subsection (b) of this section, no jockey shall be assigned a weight of less than one hundred eighteen (118) pounds. For three (3) year old horses entered to run in races against horses four (4) years old and upwards from January 1 through August 31, no jockey shall be assigned a weight of less than one hundred sixteen (116) pounds.

(b) Except in handicaps, fillies two (2) years old shall be allowed three (3) pounds, and fillies and mares three (3) years old and upward shall be allowed five (5) pounds before September 1, and three (3) pounds thereafter in races where competing against horses of the opposite sex.

(c) Quarter horses, appaloosas, and paints minimum scale weights shall be one hundred twenty (120) pounds for two-year-olds, one hundred twenty-two (122) pounds for three-year-olds, and one hundred twenty-four (124) pounds for four-year-olds and older.

(d) A notice shall be included in the daily program that all jockeys will carry approximately three (3) pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, jockeys may weigh in with an additional three (3) pounds for inclement weather gear when approved by the stewards. (*Indiana Horse Racing Commission; 71 IAC 7.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2868, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 119; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 12, 2012, 3:31 p.m.: 20120718-IR-071120428ERA; filed Jul 18, 2013, 9:26 a.m.: 20130814-IR-071120549FRA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 7.5-3-5 Distance conversions**

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

Sec. 5. For the purpose of determining eligibility, weight assignments, or allowances for imported horses, the racing secretary shall convert metric distances to English measures by reference to the following scale:

**COMPARATIVE TABLE OF DISTANCES**

200 Meters = 1 Furlong

1,000 Meters = 5 Furlongs  
1,200 Meters = 6 Furlongs  
1,400 Meters = 7 Furlongs  
1,600 Meters = 1 Mile  
1,700 Meters = 1 1/16 Miles  
1,800 Meters = 1 1/8 Miles  
2,000 Meters = 1 1/4 Miles  
2,200 Meters = 1 3/8 Miles  
2,400 Meters = 1 1/2 Miles  
2,600 Meters = 1 5/8 Miles  
3,000 Meters = 1 7/8 Miles  
3,200 Meters = 2 Miles  
3,600 Meters = 2 1/4 Miles  
4,800 Meters = 3 Miles

*(Indiana Horse Racing Commission; 71 IAC 7.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, 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)*

## **Rule 4. Workouts**

### **71 IAC 7.5-4-1 Requirements**

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

Sec. 1. A horse which has not started for a period of sixty (60) days or more prior to race day must have an official timed workout within the previous forty-five (45) days prior to race day. First time starters must have two (2) or more official timed workouts, and at least one (1) such workout must be from the starting gate. The workout must have occurred at a pari-mutuel track or commission recognized training facility. The association may impose more stringent workout requirements. All workouts are subject to the approval of the commission. *(Indiana Horse Racing Commission; 71 IAC 7.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2156; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; 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)*

### **71 IAC 7.5-4-2 Identification**

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

Sec. 2. (a) Unless otherwise prescribed by the stewards or the commission, the official lip tattoo must have been affixed to a horse's upper lip or other identification method approved by the appropriate breed registry and the commission applied prior to its participation in workouts from the gate, schooling races, or workouts required for removal from the stewards' list, the starter's list, the veterinarian's list, or the bleeder/salix list.

(b) The trainer, exercise rider, or trainer's designee shall notify the clocker or their assistants of the horse's name, the trainer's name, and identify the distance the horse is to be worked and the point on the track where the workout will start. Any licensee failing to fully cooperate with the clocker or their assistants shall be reported to the stewards. *(Indiana Horse Racing Commission; 71 IAC 7.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3408; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2156; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 120; 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)*

**71 IAC 7.5-4-3 Information dissemination**

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

Sec. 3. Information regarding a horse's approved timed workouts shall be furnished to the public prior to the start of the race for which the horse has been entered. (*Indiana Horse Racing Commission; 71 IAC 7.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, 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*)

**71 IAC 7.5-4-4 Restrictions**

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

Sec. 4. A horse shall not be taken onto the track for training or a workout except during hours designated by the association. (*Indiana Horse Racing Commission; 71 IAC 7.5-4-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2869, 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*)

**Rule 5. Eligibility for Racing**

**71 IAC 7.5-5-1 Horses ineligible**

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

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

- (1) it is not stabled on the grounds of the association or present by the time established by the commission;
- (2) its breed registration certificate is not on file with the racing secretary or horse identifier, unless the racing secretary has submitted the certificate to the appropriate breed registry for correction, or the information contained on the registration certificate is available to the racing secretary, or his designee, through the electronic registration system:
  - (i) the stewards for good cause may waive this requirement if the horse is otherwise correctly identified to the satisfaction of the stewards and identifier;
  - (ii) upon claim, sale, or any other transfer of ownership and the foal certificate is not otherwise on file with the racing secretary, the previous owner shall present the foal certificate to the racing secretary within seventy-two (72) hours of the change of ownership so the ownership can be updated;
  - (iii) if the electronic registration system fails for any reason, the stewards may require presentation of a horse's registration certificate prior to a horse being entered or raced in Indiana;
  - (iv) the stewards may at any time require presentation of a horse's registration certificate; and
  - (v) a horse may not receive a preference date prior to entry unless the horse's registration paper is on file with the racing secretary;
- (3) it is not fully identified and tattooed is the inside of the upper lip or identified by any other method approved by the appropriate breed registry and the commission;
- (4) it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission;
- (5) it is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person;
- (6) it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted;
- (7) the stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;

- (8) its name appears on the starter's list, stewards' list, or veterinarian's list;
- (9) it is a first time starter and has not been approved to start by the starter;
- (10) it is owned in whole or in part by an undisclosed person or interest;
- (11) it lacks sufficient official published workouts or race past performances;
- (12) it has been entered in a stakes race and has subsequently been transferred with its engagements unless the racing secretary has been notified of such prior to the start;
- (13) it is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper;
- (14) it is subject to a lease not filed with the stewards;
- (15) it is not in sound racing condition;
- (16) it has had a posterior digital neurectomy (heel denerving), which has not been approved by the official veterinarian;
- (17) it has been trachea tubed to artificially assist breathing;
- (18) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;
- (19) it has impaired eyesight in both eyes;
- (20) it is barred or suspended in any recognized jurisdiction;
- (21) it does not meet the eligibility conditions of the race;
- (22) its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;
- (23) its owners, lessors, lessees, or trainer have not completed the licensing procedures required by the commission;
- (24) it is by an unknown sire or out of an unknown mare;
- (25) there is no negative test certificate for equine infectious anemia issued within the preceding twelve (12) months attached to its breed registration certificate;
- (26) if a quarter horse, it has shoes (racing plates) that have toe grabs with a height greater than four (4) millimeters (fifteen thousand seven hundred forty-eight hundred-thousandths (0.15748) inches), or any other traction device on the front hooves while racing or training on all racing surfaces;
- (27) if a thoroughbred, it has shoes (racing plates) which have toe grabs with a height greater than two (2) millimeters (seven thousand eight hundred seventy-four hundred-thousandths (0.07874) inches), bends, jar caulks, stickers, or any other traction device on the front hooves while racing or training on all racing surfaces;
- (28) it has reached the age of twelve (12); or
- (29) it is a maiden that has reached the age of six (6);
- (30) whose race date is within ten (10) days of having extracorporeal shock wave or radial pulse wave therapy.

(b) The stewards may consider extenuating circumstances in determining ineligibility of a horse with respect to subsection (a)(1) and subsection (a)(2) [*subsection (a)(1) and (a)(2)*]. (*Indiana Horse Racing Commission; 71 IAC 7.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3408; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; emergency rule filed Jul 5, 2012, 2:14 p.m.: 20120718-IR-071120402ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*)

**71 IAC 7.5-5-2 Eligibility for racing and ownership status**

Authority: IC 4-31-3-9; IC 4-31-11  
 Affected: IC 4-31

Sec. 2. (a) The commission, its executive director, the stewards, judges, and the commission's director of security

(collectively, the "commission or the commission's designee"), shall have the right to require an entrant of a horse to verify information contained within the entry blank forms and declarations as well as other eligibility requirements for a particular race. In addition, the commission, or the commission's designee, shall have the right to make a determination of whether a certain horse is or was eligible to participate in a race. The burden of proving eligibility, by clear and convincing evidence, in such a situation, will be on the entrant.

(b) The commission, or the commission's designee, may require sufficient evidence from an entrant of ownership status, residency, or other information required for eligibility prior to allowing a horse to compete in a restricted race or in any race at the meet.

(c) After a race, the commission, or the commission's designee, may, upon reasonable suspicion, conduct an inquiry and make a determination as to ownership status, residency, or other information required for eligibility of an entrant.

(d) In considering the matter of ownership status, the commission, or the commission's designee, may review any information which it deems relevant, including, but not limited to, the following:

(1) a bill of sale;

(2) a proof of funds transfer, including, but not limited to, a canceled check, a wire transfer, or other similar form of proof; and

(3) a completed ownership transfer on the USTA or Jockey Club registration certificate, whichever is applicable.

(e) Each owner and trainer, or the authorized agent of an owner or trainer, or the nominator (collectively, the "entrant"), is required to disclose the true and entire ownership and the true and bona fide trainer of each horse with the racing secretary, and to disclose any changes in the owners or trainer of each registered horse to both the racing secretary, the stewards, or judges. A licensee or racing official, including the racing secretary, shall immediately report any questions concerning the ownership status or the identity of the true and bona fide trainer of a horse to the stewards or judges, and the stewards or judges may place such a horse on the steward's or judge's list. A horse placed on the steward's or judge's list shall be ineligible to start in a race until questions concerning the ownership status or the identity of the true and bona fide trainer of the horse are answered to the satisfaction of the commission, or the commission's designee, and the horse is removed from the steward's or judge's list.

(f) If the commission, or the commission's designee, finds a lack of sufficient evidence of ownership status, residency, or other information required for eligibility, prior to a race, the commission, or the commission's designee, may order the entrant's horse scratched from the race or ineligible to participate.

(g) After a race, the commission, or the commission's designee, may, upon reasonable suspicion, withhold purse money pending an inquiry of ownership status, residency, or other information required for eligibility. If the purse money is ultimately forfeited, because of a determination of the commission, or the commission's designee, the purse money shall be redistributed per order of the commission or the commission's designee.

(h) If the purse money has been paid prior to reasonable suspicion, the commission, or the commission's designee, may conduct an inquiry and make a determination. If the commission, or the commission's designee, determines there has been a violation of ownership status, residency, or other information required for eligibility, it shall order the purse money returned and redistributed per order of the commission or the commission's designee.

(i) Any entrant, which is found to have violated the qualification for a race, including knowingly providing false information or refusing to provide or concealing information, is also subject to sanctions by the commission. (*Indiana Horse Racing Commission; 71 IAC 7.5-5-2; 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 Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

## **Rule 6. Running of the Race**

### **71 IAC 7.5-6-1 Equipment**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) All riding crops are subject to inspection and approval by the stewards and the clerk of scales.

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

- (A) maximum weight of eight (8) ounces;
  - (B) maximum length of thirty (30) inches;
  - (C) shaft maximum diameter of the shaft of one-half (1/2) inch; and
  - (D) shaft contact area must be smooth, with no protrusion or raised surface and covered by shock absorbing material that gives a compression factor of at least one-quarter (1/4) millimeter throughout its circumference.
- (2) The flap is the only allowable attachment to the shaft and must meet these specifications:
- (A) length beyond the end of the shaft a maximum of one (1) inch;
  - (B) width a minimum of eight-tenths (0.8) inch and a maximum of one and six-tenths (1.6) inches;
  - (C) no reinforcements or additions beyond the end of the shaft;
  - (D) no binding within seven (7) inches of the end of the shaft; and
  - (E) shock absorbing characteristics similar to those of the contact area of the shaft.
- (b) No bridle shall exceed two (2) pounds.
- (c) A horse's tongue may be tied down with clean bandages, gauze, or a tongue strap.
- (d) No licensee may add blinkers to a horse's equipment or discontinue their use without the prior approval of the starter.
- (e) The use of Gelocast and/or like materials as a racing bandage or the use of Gelocast and/or like materials in conjunction with traditional materials to form a racing bandage is prohibited.
- (f) Any nontraditional material incorporated into a racing bandage must be approved by the official veterinarian, or his/her designee.
- (g) Blinker cups must be a minimum of one and one-half (1 1/2) inches. *(Indiana Horse Racing Commission; 71 IAC 7.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Jun 22, 1998, 5:13 p.m.: 21 IR 4234; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2384; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1919; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; 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)*

**71 IAC 7.5-6-2 Racing numbers**

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

Sec. 2. Each horse shall carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program. *(Indiana Horse Racing Commission; 71 IAC 7.5-6-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, 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; emergency rule filed Aug 29, 2017, 3:21 p.m.: 20170906-IR-071170396ERA)*

**71 IAC 7.5-6-3 Jockey requirements**

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

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

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

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

- (1) commission personnel and officials;

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

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

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

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

(f) A jockey must wear a safety vest when riding in any official race. The safety vest shall meet one (1) of the standards for safety vests outlined in 71 IAC 5.5-1-26.

(g) Weighing out:

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

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

(h) Seven (7) pounds is the limit of overweight any horse is permitted to carry. If a jockey is more than two (2) pounds overweight, an owner or trainer may replace said jockey without penalty.

(i) Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be readmitted to the jockeys' quarters until after the entire racing program for that day has been completed, except with permission of the stewards. (*Indiana Horse Racing Commission; 71 IAC 7.5-6-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2871, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 206; emergency rule filed Feb 17, 2005, 11:48 a.m.: 28 IR 2154; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed Jun 10, 2016, 11:11 a.m.: 20160615-IR-071160257ERA*)

### **71 IAC 7.5-6-3.5 Jockey apparel advertising**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3.5. (a) A jockey shall not wear advertising or promotional material of any kind on clothing within one (1) hour of or during a race, unless the following criteria are met:

(1) Comply with the following size restrictions:

(A) A maximum of thirty-two (32) square inches on each thigh of the pants on the outer side between the hip and knee and ten (10) square inches on the rear of the pant at the waistline at the base of the spine.

(B) A maximum of twenty-four (24) square inches on boots and leggings on the outside of each nearest the top of the boot.

(C) A maximum of six (6) square inches on the front center of the neck area (on a turtleneck or other undergarment).

(2) The jockey is in compliance with the track rules regarding apparel advertising. Such track rules are subject to the approval of the commission.

(b) The stewards may disallow any advertising that is not in compliance with track rules or they deem to be inappropriate or in poor taste.

(c) Jockeys are permitted to place their name on their apparel in accordance with subsection (a)(1)(C) and wear The Jockey Guild emblem on their riding pants. (*Indiana Horse Racing Commission; 71 IAC 7.5-6-3.5; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; errata filed Aug 11, 2006, 11:15 a.m.: 20060830-IR-071060278ACA;*

*readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

**71 IAC 7.5-6-4 Paddock to post**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) Each horse shall carry the full weight assigned for that race from the paddock to the starting post and shall parade past the stewards' stand unless excused by the stewards. The post parade shall not exceed twelve (12) minutes unless otherwise ordered by the stewards. It shall be the duty of the stewards to ensure that the horses arrive at the starting gate as near to post time as possible.

(b) After the horses enter the track, no jockey may dismount or entrust the jockey's horse to the care of an attendant without the prior consent of the starter unless there is an accident involving the jockey, the horse, or the equipment. During any delay during which a jockey is permitted to dismount, all other jockeys may dismount and their horses may be attended by others. After the horses enter the track, only the jockey, an assistant starter, the official veterinarian, the racing veterinarian, or an outrider or pony rider may touch the horse before the start of the race.

(c) If a jockey is injured on the way to the post, the horse shall be returned to the paddock or any other area designated by the stewards, re-saddled with the appropriate weight, and remounted with a replacement jockey.

(d) After passing the stewards' stand in parade, the horses may break formation and proceed to the post in any manner unless otherwise directed by the stewards. Once at the post, the horses shall be started without unnecessary delay.

(e) Horses shall arrive at the starting post in post position order.

(f) In case of accident to a jockey or the jockey's mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay and may permit all jockeys to dismount and all horses to be attended to during the delay.

(g) If a horse throws its jockey on the way from the paddock to the post, the horse must be returned to the point where the jockey was thrown, where it shall be remounted and then proceed over the route of the parade to the post. The horse must carry its assigned weight from paddock to post and from post to finish.

(h) If a horse leaves the course while moving from paddock to post, the horse shall be returned to the course at the nearest practical point to that at which it left the course and shall complete its parade to the post from the point at which it left the course unless ordered scratched by the stewards.

(i) No person shall wilfully delay the arrival of a horse at the post.

(j) The starter shall load horses into the starting gate in any order deemed necessary to ensure a safe and fair start. Only the jockey, the racing veterinarian, the starter, or an assistant starter shall handle a horse at the post. (*Indiana Horse Racing Commission; 71 IAC 7.5-6-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2871, 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*)

**71 IAC 7.5-6-5 Post to finish**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

(1) The starter is responsible for assuring that each participant receives a fair start.

(2) If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare the horse a nonstarter.

(3) Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the field is dispatched by the starter, the horse shall be declared a nonstarter by the stewards.

(4) Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race

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or the safety of race participants, the stewards may declare individual horses to be nonstarters, exclude individual horses from one (1) or more pari-mutuel pools, or declare a no contest and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

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

(1) A jockey shall not ride carelessly or willfully so as to permit the jockey's mount to interfere with, impede, or intimidate any other horse in the race.

(2) No jockey shall carelessly or willfully jostle, strike, or touch another jockey or another jockey's horse or equipment.

(3) No jockey shall unnecessarily cause the jockey's horse to shorten its stride so as to give the appearance of having suffered a foul.

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

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

(2) The offending horse may be disqualified if, in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful, or the result of careless riding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or striking another person or horse.

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

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

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

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

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

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

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

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

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

(l) The following shall apply to unsaddling:

(1) Only persons authorized by the stewards may assist the jockey with unsaddling the horse after the race.

(2) No one shall place a covering over a horse before it is unsaddled.

(m) Weighing in:

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

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

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

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

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

(n) The following shall apply to dead heats:

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

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

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

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

(o) The following shall apply to time trials:

- (1) Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten (10) horses.
- (2) The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten (10) fastest times shall qualify to participate in the finals. If the time trials are conducted on two (2) days, the horses with the first five (5) fastest times on the first day and the horses with the five (5) fastest times on the second day shall qualify to participate in the finals.
- (3) If the association's starting gate has less than ten (10) stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.
- (4) If only eleven (11) or twelve (12) horses are entered to run in time trials from a gate with twelve (12) or more stalls, the association may choose to run finals only. If eleven (11) or twelve (12) horses participate in the finals, only the first ten (10) finishers will receive purse money.
- (5) In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two (2) or more horses have the same time in the same trial heat, in which case the order of finish shall also determine the preference in qualifying for the finals. Should two (2) or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying positions, then a draw by public lot shall be conducted as directed by the stewards.
- (6) Except in the case of a disqualification, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.
- (7) Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one one-hundredth (1/100) of one (1) second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, or other conditions.
- (8) Should a malfunction occur with electronic times on any time trials, finalists from that time will then be determined by official hand timing operated by three (3) official and disinterested persons. The average of the three (3) hand times will be utilized for the winning time unless one (p) [sic] of the hand times is clearly incorrect. In such cases, the average of the two (2) accurate hand times will be utilized for the winning time.

*(Indiana Horse Racing Commission; 71 IAC 7.5-6-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2872, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3409; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2781; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

## **Rule 7. Violations**

### **71 IAC 7.5-7-1 Horse also suspended**

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

Sec. 1. (a) If a person is suspended, ruled off, or expelled, every horse owned wholly or in part or leased or trained by that licensee may also be suspended, ruled off, or expelled for the same period of time as the owner or trainer.

(b) Under unusual circumstances or for justifiable reasons, the stewards or commission may shorten the period of suspension time for a horse.

(c) With the approval of the stewards, an owner whose horses are in the care of a suspended trainer may transfer such horses to another licensed trainer. *(Indiana Horse Racing Commission; 71 IAC 7.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2874, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3411; 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)*

**71 IAC 7.5-7-2 Return money; prizes**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. If any person or persons is suspended, ruled off, or expelled for fraudulent practice in relation to a horse or horses, wholly or in part their property, he or she shall return all money and prizes which such horse or horses has fraudulently won. (*Indiana Horse Racing Commission; 71 IAC 7.5-7-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2874, 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*)

**71 IAC 7.5-7-3 Fraudulent practices**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) No person shall do any of the following:

- (1) Corruptly give or offer money or share in a bet or other benefit to any person having official duties in relation to a race or to any jockey.
- (2) Having official duties in relation to a race or any jockey, corruptly accept or offer to accept money or share in a bet or any benefit.
- (3) Willfully enter or cause to be entered or start in any race a horse which they know to be disqualified.
- (4) Fraudulently offer or receive any amount of money for scratching a horse out of a race.
- (5) Without making it known to the officials, be a part owner or act as a trainer of any horse in which a jockey possesses any interest.
- (6) Make any bet with or on behalf of a jockey unless the bet is on a horse the jockey is riding.
- (7) Offer or give, except through his or her employer of the owner or trainer of the horse ridden, a jockey any present, money, or other reward in connection with riding in any race.
- (8) Accept a ticket or make a bet on any horse other than the one he or she rides.

(b) If any person is guilty of any corrupt or fraudulent practices, in this or any other jurisdiction, then such person or persons so offending shall be suspended and referred to the commission.

(c) No jockey may accept payment of any kind, directly or indirectly, from any person other than the owner or trainer of the horse the jockey rides for in a race.

(d) If any person is approached with:

- (1) any offer or promise of a bribe or a wager;
- (2) a request for suggestion for a bribe;
- (3) a request or suggestion for any improper, corrupt, or fraudulent act in relation to racing; or
- (4) a request that a race be conducted otherwise than fairly and honestly;

he or she shall report the details thereof immediately to the presiding steward. Persons failing to report such information to the stewards shall be suspended and referred to the commission. (*Indiana Horse Racing Commission; 71 IAC 7.5-7-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2874, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3411; 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*)

**71 IAC 7.5-7-4 Disqualification; purse redistribution**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) In the event any violation of these rules is determined after a race has been completed and the purse has been distributed, the following shall apply:

- (1) The permit holder shall be required to redistribute purses out of purse account within ten (10) days after the redistribution

is ordered.

(2) The purse shall be redistributed according to the final placings.

(3) In the event the purse has been paid, the owner or owners and the disqualified horse or horses shall stand suspended until all money, trophies, or awards have been returned to the permit holder who shall assume the responsibility of redistributing the purse.

(4) If there are not enough nonoffending horses, the remaining part of the purse shall go to the declared winner.

(b) In the event a purse is paid in error or is ordered redistributed due to an order of the commission, the owner refusing to return the purse and the horse involved shall stand suspended until all purse monies, trophies, or awards have been returned to the permit holder who shall assume the responsibility for redistributing the purse.

(c) Nothing in this section shall be construed to require the permit holder to pay the purses or distribute the trophies or awards until they have been returned.

(d) Nothing in this section shall be construed to prevent the commission, in its discretion, from continuing any suspension or penalty made pursuant to these rules for such period of time the commission may determine.

(e) In the event any violation of these rules shall be determined after:

(1) a race has been completed;

(2) the purse has not been distributed; and

(3) an appeal has been filed staying the decision of the stewards;

the stewards shall notify the permit holder who shall distribute the portions of the purse money which were not affected by the decision or the appeal thereof. (*Indiana Horse Racing Commission; 71 IAC 7.5-7-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2875, 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 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

#### **71 IAC 7.5-7-5 Designated races**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) In the event a penalty for a riding violation is ten (10) days or less, the jockey may compete in a designated race or races provided the jockey must be named at the time of entry.

(b) For the purpose of this section, a designated race shall mean any stakes, futurity, or futurity trial in any state.

(c) Official rulings for riding infractions of ten (10) days or less shall state: "The term of this suspension shall not prohibit participation in designated races."

(d) On a day in which a jockey participates in a designated race or races, this day will not count as a suspension day. (*Indiana Horse Racing Commission; 71 IAC 7.5-7-5; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1920; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### **Rule 8. Protests, Objections, and Inquiries**

#### **71 IAC 7.5-8-1 Stewards to inquire**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The stewards shall take cognizance of foul riding and, upon their own motion or that of any racing official or person empowered by these rules to object or complain, shall make diligent inquiry or investigation into such objection or complaint when properly received.

(b) In determining the extent of disqualification, the stewards, in their discretion, may:

- (1) declare null and void a track record set or equalled by a disqualified horse, or any horses coupled with it as an entry;
- (2) affirm the placing judges' order of finish and hold the jockey responsible if, in the stewards' opinion, the foul riding did not affect the order of finish; or
- (3) disqualify the offending horse and hold the jockey blameless if, in the stewards' opinion, the interference of another horse in a race was not the result of an intentional foul or careless riding on the part of a jockey.

*(Indiana Horse Racing Commission; 71 IAC 7.5-8-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2875, 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)*

#### **71 IAC 7.5-8-2 Race objections**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) An objection to an incident alleged to have occurred during the running of a race shall be received only when lodged with the outrider, the stewards, or their designees by the owner, the authorized agent of the owner, the trainer, or the jockey of a horse engaged in the same race. Any objection by a jockey must be lodged with the outrider or the steward's designee before the jockey dismounts the horse.

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

(c) The stewards shall:

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

Such findings of fact and determinations shall be final.

(d) An outrider shall be equipped with a two-way radio for communication with the stewards and be stationed in the first turn. Jockeys wishing to file an objection for any reason will so communicate to the outrider. If for any reason the outrider is unable to communicate to the stewards, there will be no official for that race until jockeys have been weighed in. *(Indiana Horse Racing Commission; 71 IAC 7.5-8-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2875, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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)*

#### **71 IAC 7.5-8-3 Prior objections**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) Objections to the participation of a horse entered in any race shall be made to the stewards in writing, signed by the objector, and filed prior to post time for the first race on the day which the questioned horse is entered. Any such objection shall set forth the specific reason or grounds for the objection in such detail so as to establish probable cause for the objection. The stewards upon their own motion may consider an objection until such time as the horse becomes a starter.

(b) An objection to a horse which is entered in a race may be made on, but not limited to, the following grounds or reasons:

- (1) A misstatement, error, or omission in the entry under which a horse is to participate.
- (2) The horse which is entered to run is not the horse it is represented to be at the time of entry or the age was erroneously given.
- (3) The horse is not qualified to enter under the conditions specified for the race.
- (4) The horse is owned in whole or in part or leased or trained by a person ineligible to participate in racing or otherwise ineligible to own a race horse as provided in these rules.
- (5) The horse was entered without regard to a lien filed previously with the racing secretary.

(c) The stewards may scratch from the race any horse which is the subject of an objection if they have reasonable cause to believe that the objection is valid. *(Indiana Horse Racing Commission; 71 IAC 7.5-8-3; emergency rule filed Jun 15, 1995, 5:00*

*p.m.: 18 IR 2876, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3412; 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)*

#### **71 IAC 7.5-8-4 Protests**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. (a) A protest against any horse which has started in a race shall be made to the stewards in writing, signed by the protestor, within seventy-two (72) hours of the race exclusive of nonracing days. If the incident upon which the protest is based occurs within the last two (2) days of the meeting, such protest may be filed with the commission within seventy-two (72) hours exclusive of Saturdays, Sundays, or official holidays. Any such protest shall set forth the specific reason or reasons for the protest in such detail as to establish probable cause for the protest.

(b) A protest may be made on any of the following grounds:

(1) Any grounds for objection as set forth in section 3 of this rule.

(2) A jockey, owner, or lessor was ineligible to participate in racing as provided in this article.

(3) The horse carried less than the proper weight from post to finish.

(4) An unfair advantage was gained in violation of this article.

(c) Notwithstanding any other provision in this article, the time limitation on the filing of protests shall not apply in any case in which fraud or willful misconduct is alleged provided that the stewards are satisfied that the allegations are bona fide and verifiable.

(d) No person shall file any objection or protest knowing the same to be inaccurate, false, untruthful, or frivolous.

(e) The stewards shall exercise their sole discretion in making such investigation or inquiry that they deem to be appropriate relative to a timely filed protest. After the stewards have gathered the information that they determine necessary in order to render a decision on the protest, they shall make a determination as soon as reasonably possible and communicate that determination to the person lodging the protest and any other persons who may be impacted by that decision. No person has a right to have a hearing conducted on the protest, and no appeal of the stewards' decision on the protest may be taken.

(f) The stewards may order any purse, award, or prize for any race withheld from distribution pending the determination of any protest. In the event any purse, award, or prize has been distributed to an owner or for a horse which by reason of a protest or other reason is disqualified or determined to be not entitled to such purse, award, or prize, the stewards or the commission may order such purse, award, or prize returned and redistributed to the rightful owner or horse. Any person who fails to comply with an order to return any purse, award, or prize erroneously distributed shall be subject to fines and suspension. (*Indiana Horse Racing Commission; 71 IAC 7.5-8-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2876, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3412; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 20, 2007, 1:43 p.m.: 20070404-IR-071070198ERA, eff Mar 16, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*)

### **Rule 9. Violations and Fines**

#### **71 IAC 7.5-9-1 Disorderly conduct; all licensees**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The following shall constitute disorderly conduct and be reason for any penalty of any license as provided by these rules:

(1) Failure to obey the stewards' orders.

(2) Fighting.

(3) Assaults.

(4) Offensive and profane language.

(5) Disturbing the peace.

*(Indiana Horse Racing Commission; 71 IAC 7.5-9-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2876, 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)*

**71 IAC 7.5-9-2 Improper language**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. If any licensed person:

(1) uses improper language to the racing officials or member of the racing commission or threatens such officials;

(2) uses profane or indecent language;

(3) carries or exhibits a deadly weapon; or

(4) otherwise disturbs the peace of any race track enclosure;

he or she may be ejected, fined, suspended, or referred to the commission for any penalty provided by these rules. *(Indiana Horse Racing Commission; 71 IAC 7.5-9-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, 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)*

**71 IAC 7.5-9-3 Payment of fines**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. All fines imposed by the stewards or the commission shall be paid to the commission. Any person failing to pay a fine within seven (7) days may be summarily suspended pending the payment of the fine and may be excluded, their license may be revoked by the commission, or both, unless an appeal has been filed with the commission and is pending. However, when a fine and suspension is imposed by the stewards or commission, the fine shall be due and payable at the time the suspension expires unless otherwise ordered. *(Indiana Horse Racing Commission; 71 IAC 7.5-9-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2419; 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)*

**71 IAC 7.5-9-4 Must pay own fine**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. No person shall pay the fine of another. *(Indiana Horse Racing Commission; 71 IAC 7.5-9-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, 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)*

**71 IAC 7.5-9-5 Firearms**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. No person, except commission security, track security, and law enforcement officials while engaged in the performance of their official duties, shall possess or discharge any firearm within any race track property. *(Indiana Horse Racing Commission; 71 IAC 7.5-9-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2877, 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)

## **Rule 10. Quarter Horse Time Trials**

### **71 IAC 7.5-10-1 Time trials**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Recommended rules for time trials:

- (1) Except in cases where the starting gate physically restricts the number of horses starting, each time trial shall consist of no more than ten (10) horses.
- (2) The time trials shall be raced under the same conditions as the finals. If the time trials are conducted on the same day, the horses with the ten (10) fastest times shall qualify to participate in the finals. If the time trials are conducted on two (2) days, the horses with the five (5) fastest times on the first day and the horses with the five (5) fastest times on the second day shall qualify to participate in the finals. When time trials are conducted on two (2) days, the racing office should make every attempt to split owners with more than one (1) entry into separate days so that the owner's horses have a chance at all ten (10) qualifying positions. The racing secretary shall try to separate trainers and then jockeys from having more than one (1) horse in a time trial.
- (3) If the association's starting gate has less than ten (10) stalls, then the maximum number of qualifiers will correspond to the maximum number of starting gate post positions.
- (4) If only eleven (11) or twelve (12) horses are entered to run in time trials from a gate with twelve (12) or more stalls, the association may choose to run finals only. If eleven (11) or twelve (12) horses participate in the finals, only the first ten (10) finishers will receive purse money unless the conditions of the race specify otherwise. This provision shall not apply to two (2) year old races.
- (5) In the time trials, horses shall qualify on the basis of time and order of finish. The times of the horses in the time trial will be determined to the limit of the timer. The only exception is when two (2) or more horses have the same time in the same trial heat. Then the order of finish shall also determine the preference in qualifying for the finals. Should two or more horses in different time trials have the same qualifying time to the limit of the timer for the final qualifying position(s), then a draw by public lot shall be conducted as directed by the stewards. Under no circumstances should stewards or placing judges attempt to determine horses' qualifying times in separate trials beyond the limit of the timer by comparing and/or enlarging photo-finish pictures.
- (6) Except in the case of disqualifying, under no circumstances shall a horse qualify ahead of a horse that finished ahead of that horse in the official order of finish in a time trial.
- (7) Should a horse be disqualified for interference during the running of a time trial, it shall receive the time of the horse it is immediately placed behind plus one-hundredth (.01) of a second, or the maximum accuracy of the electronic timing device. No adjustments will be made in the times recorded in the time trials to account for head-wind, tail-wind, off-track, etc. In the case where a horse is disqualified for interference with another horse causing loss of rider or the horse not to finish the race, the disqualified horse may be given no time plus one-hundredth (.01) of a second, or the maximum accuracy of the electronic timing device.
- (8) Should a malfunction occur with electronic timer on any time trial, finalists from that time trial will then be determined by official hand times operated by three (3) official and disinterested persons. The average of the three (3) hand times will be utilized for the winning time, unless one (1) of the hand times is clearly incorrect. In such cases, the average of the two (2) accurate hand times will be utilized for the winning time. The other horses in that race will be given times according to the order and margins of finish with the aid of the photo-finish strip, if available.
- (9) When there is a malfunction of the timer during the time trials, but the timer operates correctly in other time trials, under no circumstances should the accurate electronic times be discarded and the average of the hand times used for all time trials. (The only exemption may be if the conditions of the stakes race so states, or states that in the case of a malfunction of the timer in trials, finalists will be selected by order finish in the trials.)
- (10) In the case where the accuracy of the electronic timer and/or the average of the hand times are questioned, the video

of a time trial may be used to estimate the winning time by counting the number video frames in the race from the moment the starting gate stall doors are fully open parallel to the racing track. This method is accurate to approximately three-hundredths (.03) seconds [*sic.*, *second*]. Should the case arise where the timer malfunctions and there are no hand times, the stewards should have the option to select qualifiers based on the video time.

(11) Should there be a malfunction of the starting gate, and one (1) or more stall doors not open or open after the exact moment when the starter dispatches the field, the stewards may declare the horses with malfunctioning stall doors nonstarters. The stewards should have the option, however, to allow any horse whose stall door opened late, but still ran a time fast enough to qualify to be declared a starter for qualifying purposes. In the case where a horse breaks through the stall door, or the stall door opens prior to the exact moment the starter dispatches the field, the horse must be declared a nonstarter, and all entry fees refunded. In the case where one (1) or more, but not all stall doors open at the exact moment the starter dispatches the field, these horses should be considered starters for qualifying purposes, and placed according to their electronic time. If the electronic timer malfunctions in this instance, the average of the hand times or, if not available, the video time should be utilized for the horses declared starters.

(12) There will be an also eligible list only in the case of a disqualification for a positive drug test report, ineligibility of the horse according to the conditions of the race or a disqualification by the stewards for a rule violation. Should a horse be disqualified for a positive drug test report, ineligibility of the horse according to the conditions of the race or a disqualification by the stewards for a rule violation, the next fastest qualifier shall assume the disqualified horse's position in the final.

(13) If a horse should be scratched from the time trials, the horse's owner will not be eligible for a refund of the fees paid. If a horse that qualified for the final should be unable to enter due to racing soundness, or scratched for any reason other than a positive drug test report or a rule violation, the horse shall be deemed to have earned and the owner will receive, last place purse money. If more than one (1) horse should be scratched from the final, for any reason other than a positive drug test report or a rule violation, then those purse monies shall be added together and divided equally among those owners.

*(Indiana Horse Racing Commission; 71 IAC 7.5-10-1; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 56; readopted filed Mar 20, 2008, 2:32 p.m.: 20080416-IR-071080063RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

\*

**ATTENTION HORSEMEN**  
**TOE GRABS**

**Thoroughbreds:** Toe grabs shall not be longer than 2 mm on front hooves. Bends, jar caulks, stickers or any other traction device on the front hooves while racing or training on all racing surfaces are prohibited.

- Queen Plates
- Outer Rims
- Queen Plates XLT
- Inner Rims
- Training Plates (Flats)

*Please contact your farrier or the Stewards with any questions.*  
**Quarter Horses:** Toe grabs shall not be longer than 4mm.

**TURF COURSE SHOE RULES**

Queens Plates, Queens Plates XT, and Inner Rim/Outer Rims are the only shoes that will be allowed on the Turf Course. Bends or Turn Downs are not permitted at any time.

**IN ANY MATTER OF DISCRETION, THE STEWARDS' RULING IS FINAL.**

### DISTANCE/MINIMUM STANDARD TIME CHART

The times listed below shall be used to compile speed index ratings at tracks where the average times are slower than the Minimum Standard Time.

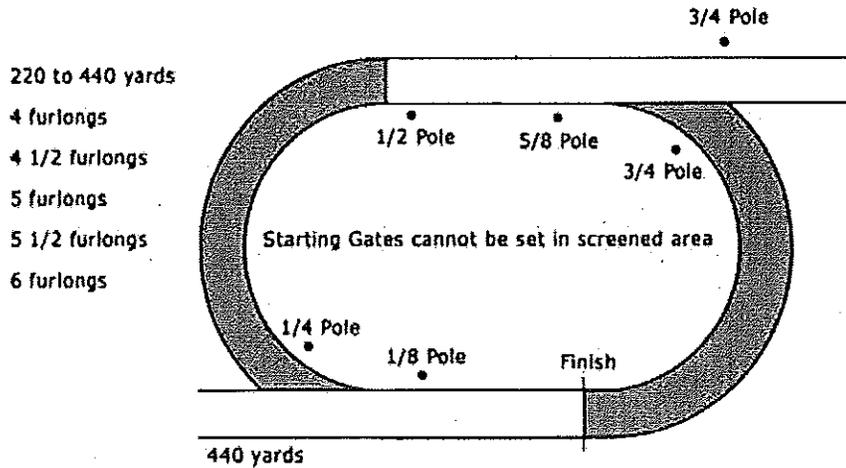
DISTANCE	MINIMUM STANDARD TIME (for 100 Speed Index Rating)
220 yards	11.95
250 yards	13.35
300 yards	15.55
330 yards	16.95
350 yards	17.85
400 yards	20.15
440 yards	22.05
550 yards	27.70
660 yards	34.60
770 yards	40.36
870 yards	45.60

### CONVERSION CHART

FURLONG	MILE	YARDS	METERS
		1	.9144
½ Fur	1/16	100	100.584
1 Fur	1/8	220	201.168
2 Fur	1/4	440	402.336
3 Fur	3/8	660	603.504
4 Fur	1/2	880	804.672

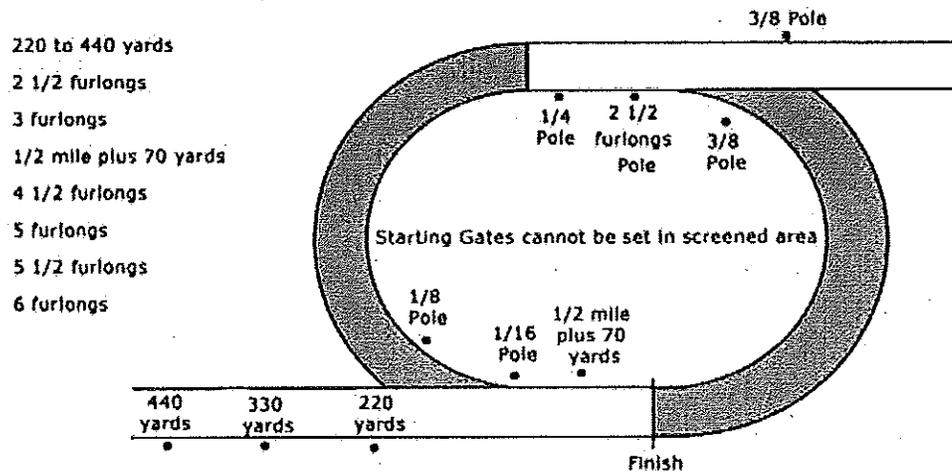
## STANDARD DISTANCES

(one mile track with a 440 yard chute)



## STANDARD DISTANCES

(1/2 mile track with a 440 yard chute)



## TRACK CONDITIONS

### DIRT

Fast (F)

Good (GD)

Slow (SL)

Heavy (HV)

Muddy (M)

Sloppy (SY)

### TURF

Hard (HD)

Firm (FM)

Good (GD)

Yielding (YD)

Soft (SF)

Heavy (HY)

9.) Match the picture with the type of bit. (4pt)

a.) Full cheek snaffle

b.) Egg butt snaffle

c.) Ring Bit

d.) D-Bit

e.) Houghton Bit

f.) Prong bit (half cheek mullen)

g.) Overcheck

h.) Serena's Song Bit

i.) Elevator bit



# **HUMAN & EQUINE HEALTH**

# ARTICLE 8.5. FLAT RACING; HUMAN AND EQUINE HEALTH

## Rule 1. Equine Health; Medication Rules

### 71 IAC 8.5-1-1 Medication (Repealed)

Sec. 1. (Repealed by Indiana Horse Racing Commission; emergency rule filed May 7, 2014, 2:24 p.m.: 20140514-IR-071140142ERA)

### 71 IAC 8.5-1-1.5 Medication

Authority: IC 4-31-3-9

Affected: IC 4-31-2; IC 4-31-12

Sec. 1.5. (a) No horse participating in a race or entered in a race shall carry in its body any foreign substance as defined in 71 IAC 1.5 or IC 4-31-2, except as provided for in this rule.

(b) No substance, foreign or otherwise, shall be administered to a horse entered to race by:

- (1) injection;
- (2) jugging;
- (3) oral administration;
- (4) tube;
- (5) rectal infusion or suppository;
- (6) inhalation; or
- (7) any other means;

within twenty-four (24) hours prior to the scheduled post time for the first race except furosemide as provided for in this rule. The prohibitions in this section include, but are not limited to, injection or jugging of vitamins, electrolyte solutions, and amino acid solutions. The prohibition also includes, but is not limited to, the topical, oral, or nasal administration of compounds, such as Traileze, Vapol, Vicks vapor-rub, wind-aid, exhale ease, or containing methylsalicylate, camphor, potassium iodide, or products containing "caine" derivatives or dimethylsulfoxide (DMSO).

(c) Substances or metabolites thereof which are contained in equine feed or feed supplements that do not contain pharmacodynamic or chemotherapeutic agents are not considered foreign substances if consumed in the course of normal dietary intake (eating and drinking).

(d) The prohibition in subsection (b) notwithstanding, the use of nebulizers are permitted on an entered horse within twenty-four (24) hours of the scheduled post time for the horse's race until the horse's arrival in the paddock provided their use is restricted to water and saline solutions only.

(e) Topical dressings such as leg paints, liniments, ointments, salves, hoof dressings, and antiseptics, which do not contain anesthetics or a pharmacodynamic or a chemotherapeutic agent, may be administered at any time prior to a horse's arrival in the paddock. (Indiana Horse Racing Commission; 71 IAC 8.5-1-1.5; emergency rule filed Apr 3, 2013, 10:37 a.m.: 20130410-IR-071130133ERA; emergency rule filed May 7, 2014, 2:24 p.m.: 20140514-IR-071140142ERA)

### 71 IAC 8.5-1-2 Foreign substances prohibited

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) No horse participating in a race shall carry in its body any foreign substance except as provided by these rules. A finding by the chemist or commission designee that a foreign substance is present in the test sample shall be prima facie evidence that such foreign substance was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse.

(b) Upon a finding of a violation of this section, the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and any trophy or award. However, forfeiture of any purse, trophy, or award for an overage of phenylbutazone, flunixin, ketoprofen, or furosemide in violation of these rules shall be consistent with Recommended Penalties

of the Association of Racing Commissioners, International, as revised by the ARCI in 2014 and any other subsequent revision effective after said date, which are incorporated by reference herein, copies of which are available at the commission office. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA*)

**71 IAC 8.5-1-2.1 Clenbuterol prohibited in quarter horses**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2.1. (a) No quarter horse participating in a race shall carry in its body clenbuterol in excess of the threshold provided in section 4.2(5) of this rule. A finding by the chemist or commission designee that clenbuterol in excess of the threshold is present in the test sample shall be prima facie evidence that clenbuterol was administered and carried in the body of the horse while participating in a race. Such a finding shall also be taken as prima facie evidence that the trainer and his or her agents responsible for the care or custody of the horse have been negligent in the handling or care of the horse.

(b) Upon a finding of a violation of this section, whether by pre-race testing or post-race testing, the owners or lessees of the horse from which the specimen was obtained shall forfeit any purse money and any trophy or award. If the purse money, trophy, or award is associated with a qualifying race, a positive test for clenbuterol shall render the horse ineligible for any subsequent related race.

(c) In the event a sample from a quarter horse results in clenbuterol in excess of the threshold, the quarter horse shall be placed on the veterinarian's list as provided in 71 IAC 8.5-8-1.5. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-2.1; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA*)

**71 IAC 8.5-1-3 Foreign substances allowed**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. Furosemide, when used in accordance with the test levels and guidelines set forth in sections [*sic, section*] 5 of this rule, is a permitted foreign substance for race day administration. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2420; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; 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 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; 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*)

**71 IAC 8.5-1-4 Phenylbutazone as a permitted foreign substance (Repealed)**

Sec. 4. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006*)

**71 IAC 8.5-1-4.1 Nonsteroidal anti-inflammatory drugs (NSAIDs)**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4.1. (a) The use of NSAIDs shall be governed by the following conditions:

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FLAT RACING; HUMAN AND EQUINE HEALTH

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(1) NSAIDs included in the ARCI Controlled Therapeutic Medication Schedule, Version 2.2, are not to be used in a manner inconsistent with the restrictions contained therein. NSAIDs not included on the ARCI Controlled Therapeutic Medication Schedule, Version 2.2, are not to be present in a racing horse biological sample at the laboratory concentration of detection.

(2) The presence of more than one (1) NSAID may constitute a NSAID stacking violation consistent with the following restrictions:

(A) A Class 1 NSAID Stacking Violation (Penalty Class B) occurs when:

(i) two (2) nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(AA) Diclofenac – 5 nanograms per milliliter of plasma or serum;

(BB) Firocoxib – 20 nanograms per milliliter of plasma or serum;

(CC) Flunixin – 20 nanograms per milliliter of plasma or serum;

(DD) Ketoprofen – 2 nanograms per milliliter of plasma or serum;

(EE) Phenylbutazone – 2 micrograms per milliliter of plasma or serum; or

(FF) all other nonsteroidal anti-inflammatory drugs – laboratory concentration of detection;

(ii) three (3) or more nonsteroidal anti-inflammatory drugs are found at individual levels determined to exceed the following restrictions:

(AA) Diclofenac – 5 nanograms per milliliter of plasma or serum;

(BB) Firocoxib – 20 nanograms per milliliter of plasma or serum;

(CC) Flunixin – 3 nanograms per milliliter of plasma or serum;

(DD) Ketoprofen – 1 nanogram per milliliter of plasma or serum;

(EE) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum; or

(FF) all other nonsteroidal anti-inflammatory drugs – laboratory concentration of detection.

(B) A Class 2 NSAID Stacking Violation (Penalty Class C) occurs when:

(i) any one (1) substance noted in subsection (A)(i) [*clause (A)(i)*] above is found in excess of the restrictions contained therein in combination with any one (1) of the following substances at levels below the restrictions so noted but in excess of the following levels:

(AA) Flunixin – 3 nanograms per milliliter of plasma or serum;

(BB) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or

(CC) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.

(C) A Class 3 NSAID Stacking Violation (Penalty Class C, fines only) occurs when:

(i) any combination of two (2) of the following nonsteroidal anti-inflammatory drugs are found at or below the restrictions in subsection (A)(i)(a through e) [*redesignated clause (A)(i)(AA) through (A)(i)(EE) by the Publisher*] above but in excess of the noted restrictions:

(AA) Flunixin – 3 nanograms per milliliter of plasma or serum;

(BB) Ketoprofen – 1 nanogram per milliliter of plasma or serum; or

(CC) Phenylbutazone – 0.3 micrograms per milliliter of plasma or serum.

(b) Any horse to which a NSAID has been administered shall be subject to having a blood and/or urine sample(s) taken at the direction of the official veterinarian to determine the quantitative NSAID level(s) and/or the presence of other drugs which may be present in the blood or urine sample(s). (*Indiana Horse Racing Commission; 71 IAC 8.5-1-4.1; emergency rule filed Jul 28, 2006, 11:22 a.m.: 20060816-IR-071060279ERA, eff Sep 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA*)

#### 71 IAC 8.5-1-4.2 Threshold levels

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4.2. The official blood (serum or plasma), hair, and urine samples may contain only the following therapeutic

medications, their metabolites or analogues, and shall not exceed the threshold concentrations specified in this rule:

- (1) The use of acepromazine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of the metabolite, 2-(1-hydroxyethyl) promazine sulfoxide (HEPS), in urine.
- (2) The use of albuterol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of total albuterol (albuterol plus conjugates) in urine.
- (3) The use of betamethasone shall be permitted under the following conditions: Not to exceed ten (10) picograms per milliliter of betamethasone in serum or plasma.
- (4) The use of butorphanol shall be permitted under the following conditions: Not to exceed three hundred (300) nanograms per milliliter of total (free and conjugated) butorphanol in urine or two (2) nanograms per milliliter of free butorphanol in serum or plasma.
- (5) The use of clenbuterol in thoroughbreds shall be permitted under the following conditions: Not to exceed one hundred forty (140) picograms per milliliter clenbuterol in urine or the limit of detection (LOD) in serum or plasma. The use of clenbuterol in quarter horses is not permitted. The presence of clenbuterol shall not exceed the limit of detection (LOD) in urine, serum, plasma, or hair.
- (6) The use of cetirizine shall be permitted under the following conditions: Not to exceed six (6) nanograms per milliliter of serum or plasma.
- (7) The use of cimetidine shall be permitted under the following conditions: Not to exceed four hundred (400) nanograms per milliliter of serum or plasma.
- (8) The use of dantrolene shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of 5-hydroxydantrolene in serum or plasma.
- (9) The use of detomidine shall be permitted under the following conditions: Not to exceed two (2) nanograms per milliliter of carboxydetomidine in urine or one (1) nanogram per milliliter detomidine in serum or plasma.
- (10) The use of dexamethasone shall be permitted under the following conditions: Not to exceed five (5) picograms per milliliter of dexamethasone in plasma or serum.
- (11) The use of diclofenac shall be permitted under the following conditions: Not to exceed five (5) nanograms per milliliter of diclofenac in plasma or serum.
- (12) The use of dimethylsulfoxide (DMSO) shall be permitted under the following conditions: Not to exceed ten (10) micrograms per milliliter of DMSO in serum or plasma.
- (13) The use of firocoxib shall be permitted under the following conditions: Not to exceed twenty (20) nanograms per milliliter of firocoxib in serum or plasma.
- (14) The use of glycopyrrolate shall be permitted under the following conditions: Not to exceed three (3) picograms per milliliter of glycopyrrolate in serum or plasma.
- (15) The use of guaifenesin shall be permitted under the following conditions: Not to exceed twelve (12) nanograms per milliliter of serum or plasma.
- (16) The use of isoflupredone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of isoflupredone in serum or plasma.
- (17) The use of lidocaine shall be permitted under the following conditions: Not to exceed twenty (20) picograms per milliliter of total 3-hydroxylidocaine (to include conjugates) in serum or plasma.
- (18) The use of mepivacaine shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of total 3-hydroxymepivacaine in urine or the LOD of mepivacaine in serum or plasma.
- (19) The use of methocarbamol shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of methocarbamol in serum or plasma.
- (20) The use of methylprednisolone shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of methylprednisolone in serum or plasma.
- (21) The use of omeprazole shall be permitted under the following conditions: Not to exceed ten (10) nanograms per milliliter of omeprazole sulfide in urine.
- (22) The use of prednisolone shall be permitted under the following conditions: Not to exceed one (1) nanogram per milliliter of prednisolone in serum or plasma.
- (23) The use of procaine penicillin shall be permitted under the following conditions:

- (A) Not to exceed twenty-five (25) nanograms per milliliter of procaine in serum or plasma, and
- (B) Administration of procaine penicillin must be reported to the official veterinarian at the time of administration, and
- (C) Procaine penicillin must not be administered after the horse is entered to race, and
- (D) Mandatory surveillance of the horse must occur for the six (6) hours immediately preceding the race for which the horse is entered by association security at the owner's expense.

(24) The use of ranitidine shall be permitted under the following conditions: Not to exceed forty (40) nanograms per milliliter of serum or plasma.

(25) The use of triamcinolone acetonide shall be permitted under the following conditions: Not to exceed one hundred (100) picograms per milliliter of triamcinolone acetonide in serum or plasma.

(26) The use of xylazine shall be permitted under the following conditions: Not to exceed two hundred (200) picograms per milliliter of xylazine in serum or plasma.

*(Indiana Horse Racing Commission; 71 IAC 8.5-1-4.2; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Feb 8, 2012, 12:01 p.m.: 20120215-IR-071120072ERA; emergency rule filed Apr 3, 2013, 10:37 a.m.: 20130410-IR-071130133ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Apr 18, 2017, 12:54 p.m.: 20170426-IR-071170215ERA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA)*

#### **71 IAC 8.5-1-5 Furosemide as a permitted foreign substance**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian or the racing veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list, the following process must be followed:

(1) After the horse's licensed trainer and practicing veterinarian determine that it would be in the horse's best interests to race with furosemide, they shall notify the official veterinarian or his/her designee, using the prescribed form, that they wish the horse to be put on the furosemide list.

(2) The form must be received by the official veterinarian or his/her designee by the proper time deadlines so as to ensure public notification.

(3) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and practicing veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his/her designee, on the proper form, no later than the time of entry.

(4) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of sixty (60) calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a three hundred sixty-five (365) day period, the horse may not be placed back on the list for a period of ninety (90) calendar days.

(5) Furosemide shall only be administered on association grounds.

(6) Upon the request of the regulatory agency designee, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

(7) Time of treatment. Horses qualified for medication and so indicated on the official bleeder list must be treated at least four (4) hours prior to post time.

(8) Medication administration. Bleeder medication shall be administered by a veterinarian licensed by the commission at an intravenous dose level not to exceed five hundred (500) milligrams and no less than one hundred fifty (150) milligrams. Administration of furosemide shall take place in the test barn or a specific location otherwise designated by the commission. An association employee shall be present and observe the drawing of furosemide into a syringe. The administering veterinarian shall provide a factory sealed bottle of furosemide from which the draws shall be made. The association shall

establish track rules for furosemide administrations that are consistent with these regulations.

(9) Out-of-state horses. A bleeder horse shipped into the state from another jurisdiction may be automatically eligible to receive furosemide provided that the jurisdiction from which it was shipped qualified it as a bleeder using criteria satisfactory to this state. The Daily Racing Form, Equibase, the breed registry foal certificate, or bleeder certificate may be utilized in determining a horse's eligibility to receive furosemide.

(10) The test level of furosemide under this rule shall not be in excess of one hundred (100) nanograms per milliliter of serum or plasma and shall not be below a urine specific gravity of one and ten one-thousandths (1.010). If an insufficient volume of urine is obtained, a positive test shall be based upon quantitative testing performed on blood serum or plasma only.

Split sample testing shall be quantitative and be performed on blood serum or plasma only.

*(Indiana Horse Racing Commission; 71 IAC 8.5-1-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2880, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3413; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2893; emergency rule filed Feb 13, 1998, 10:00 a.m.: 21 IR 2420; errata filed Oct 15, 1998, 12:39 p.m.: 22 IR 759; emergency rule filed Jun 8, 1999, 9:30 a.m.: 22 IR 3123, eff May 26, 1999 [NOTE: IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the secretary of state. LSA Document #99-107(E) was filed with the secretary of state June 8, 1999.]; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2223; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA)*

#### **71 IAC 8.5-1-5.5 Bleeding from nostrils**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5.5. A horse known to have bled from its nostrils for the first time within a three hundred sixty-five (365) day period during a race or workout may not be entered or raced during the next ten (10) days without prior approval for racing by the official veterinarian or his/her designee. If a horse bleeds from its nostrils a second time within a three hundred sixty-five (365) day period, the horse shall be placed on the veterinarian's list and prohibited from racing for thirty (30) days. If a horse bleeds from its nostrils a third time within a three hundred sixty-five (365) day period, the horse shall be placed on the veterinarian's list and prohibited from racing for at least thirty (30) days. A horse that bleeds from its nostrils, but upon endoscopic examination shows no sign of pulmonary hemorrhage, shall not be subject to the restrictions imposed by this section. The horse may be removed from the veterinarian's list by the official veterinarian after a satisfactory workout. If a horse bleeds from its nostrils a fourth time, the horse is prohibited from racing in Indiana. *(Indiana Horse Racing Commission; 71 IAC 8.5-1-5.5; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; 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 Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA)*

#### **71 IAC 8.5-1-5.6 Anti-ulcer medications (Repealed)**

Sec. 5.6. *(Repealed by Indiana Horse Racing Commission; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014)*

#### **71 IAC 8.5-1-6 Program information**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. In order to inform the race track patrons of those horses racing with medication, the permit holder shall indicate in the racing program that a horse is racing with permitted foreign substances for race day administration. *(Indiana Horse Racing Commission; 71 IAC 8.5-1-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2881, 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 Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA)

**71 IAC 8.5-1-7 Drug classification and penalties**

Authority: IC 4-31-3-9  
 Affected: IC 4-31-12

Sec. 7. (a) Except as provided in subsection (b), upon a finding of a violation of this rule, the stewards shall consider the classification level of the violation as currently established by the Uniform Classification Guidelines of Foreign Substances and Recommended Penalties and Model Rule as revised by the ARCI in August 1996 and any other subsequent revision effective after said date, which are incorporated by reference herein, and impose penalties and disciplinary measures consistent with the recommendations contained therein. Provided, however, that in the event a majority of the stewards determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the stewards wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

(b) Cobalt shall carry a category "B" penalty, as established by the Recommended Penalties and Model Rule, regardless of its presence in a post-race or out of competition sample. The stewards shall consider levels less than fifty (50) parts per billion a mitigating factor and levels of one hundred (100) parts per billion or more an aggravating factor when determining penalties. (Indiana Horse Racing Commission; 71 IAC 8.5-1-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2881, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; 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 Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Sep 30, 2014; emergency rule filed Mar 16, 2015, 3:29 p.m.: 20150325-IR-071150071ERA) NOTE: Expiration postponed by Executive Order #13-27, posted at 20140108-IR-GOV130576EOA.

**71 IAC 8.5-1-7.1 Multiple medication violations (MMV)**

Authority: IC 4-31-3-9  
 Affected: IC 4-31-12

Sec. 7.1. (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI Uniform Classification Guidelines for Foreign Substances or similar state regulatory guidelines, may be assigned points as follows:

Penalty Class	Points if Controlled Therapeutic Substance	Points if Noncontrolled Therapeutic Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days.*	1 for first violation with an additional ½ point for each additional violation within 365 days.
Class D	0	0

\*Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

(b) The points assigned to a medication violation by the stewards or commission ruling, shall be included in the ARCI official database. The ARCI shall record points consistent with section 7.1(a) [subsection (a)] including when appropriate, a designation that points have been suspended or the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in subsection (d), whether they constitute a single violation. The stewards' or commission ruling may be posted on the official website of the commission and within the official database of the ARCI. If an appeal is pending, that fact shall be noted in such ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered

by the commission in its determination to subject the trainer to the mandatory enhanced penalties by the stewards or commission as provided in this section.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the stewards may treat each substance as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

(e) The official ARCI record shall be used to advise the stewards or commission of a trainer's past record of violations and cumulative points. Nothing in this section shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(f) The stewards or commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements may be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11 or more	180 to 360

MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

- (1) has had more than one (1) medication violation for the relevant time period; and
- (2) exceeds the permissible number of points.

(h) The suspension periods in subsection (g) shall run consecutive to any suspension imposed for the underlying offense.

(i) The stewards' or commission's ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon the stewards' or commissions review of a trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(j) Points shall expire as follows:

Penalty Classification	Time to Expire
A	3 years
B	2 years
C	1 year

In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-7.1; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA*)

**71 IAC 8.5-1-8 Androgenic-anabolic steroids (AAS)**

Authority: IC 4-31-3-9  
 Affected: IC 4-31-12

Sec. 8. (a) No AAS (androgenic-anabolic steroid) shall be permitted in test samples collected from racing horses except for endogenous concentrations of the naturally occurring substances boldenone, nandrolone, and testosterone at concentrations less than the indicated thresholds.

(b) Concentrations of these AAS shall not exceed the following urine threshold concentrations for total (i.e., free drug or metabolite and drug or metabolite liberated from its conjugates) steroid:

- (1) Boldenone:
  - (A) In male horses other than geldings – fifteen (15) ng/mL of urine.
  - (B) In geldings, fillies, and mares – one (1) ng/mL of urine.

(2) Nandrolone:

(A) In geldings - one (1) ng/mL of urine.

(B) In fillies and mares – one (1) ng/mL of urine.

(C) In male horses other than geldings – forty-five (45) ng/mL of nandrolone metabolite, 5 $\alpha$ -estrane-3 $\beta$ ,17 $\alpha$ -diol of urine.

(3) Testosterone:

(A) In geldings – twenty (20) ng/mL of urine.

(B) In fillies and mares – fifty-five (55) ng/mL of urine, unless in foal.

(C) In male horses other than geldings minimum thresholds will not apply.

(c) Concentrations of these AAS shall not exceed the following free (i.e., not conjugated) steroid concentrations in plasma or serum:

(1) Boldenone: For all horses a confirmatory threshold not greater than 25 pg/mL shall apply.

(2) Nandrolone:

(A) In geldings, fillies, and mares – a confirmatory threshold not greater than 25 pg/mL shall apply.

(B) In male horses other than geldings – nandrolone shall be tested for in urine only.

(3) Testosterone:

(A) In geldings, fillies, and mares-- a confirmatory threshold not greater than 25 pg/mL.

(B) In male horses other than geldings minimum thresholds will not apply.

(d) All other AAS are prohibited in racing horses.

(e) The sex of the horse must be identified to the laboratory for all samples designated for AAS testing.

(f) A trainer may request that a horse be placed on the veterinarian's list due to medically necessary treatment with AAS.

The horse shall remain on the veterinarian's list:

(1) for 365 days;

(2) until the concentration of the drug or metabolite in urine or blood has fallen below the designated threshold for the administered AAS; or

(3) until the concentration of the drug or metabolite in urine or blood has fallen below the limit of detection for AAS that do not have a designated threshold, whichever is longer.

*(Indiana Horse Racing Commission; 71 IAC 8.5-1-8; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed May 12, 2008, 1:29 p.m.: 20080521-IR-071080353ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014)*

**71 IAC 8.5-1-9 Environmental contaminants and substances of human use**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 9. (a) Substances described in subsection (b) are recognized as either:

(1) environmental containments [*sic*] in that they are endogenous to the horse or that they can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during cultivation, processing, treatment, storage, or transportation phases; or

(2) substances of human use and addiction and which could be found in the horse due to its close association with humans.

(b) Regulatory thresholds have been set for the following substances:

(1) Arsenic – not to exceed three-tenths (0.3) micrograms per milliliter total arsenic in urine.

(2) Caffeine – not to exceed one hundred (100) nanograms per milliliter of caffeine in serum or plasma.

(3) Cobalt – not to exceed twenty-five (25) parts per billion of cobalt in serum or plasma. A sample from a horse tested and found by the commission's primary lab to have cobalt in excess of this threshold shall be placed and remain on the veterinarian's list until the concentration of cobalt in serum or plasma has fallen below the designated threshold, or until the conclusion of the race meet. However, horses testing at a concentration of one hundred (100) parts per billion shall be placed

on the veterinarian's list for a minimum of thirty (30) days.

(4) Estranediol – not to exceed forty-five one-thousandths (.045) micrograms per milliliter of free plus conjugated 5 $\alpha$ -estrane-3 $\beta$ ,17 $\alpha$ -diol, in the urine of male horses other than geldings.

(5) Gamma aminobutyric acid (GABA) – not to exceed one hundred and ten (110) nanograms per milliliter in serum or plasma.

(6) Hydrocortisone – not to exceed one (1) microgram per milliliter of hydrocortisone in urine.

(7) Methoxytyramine – not to exceed four (4) micrograms per milliliter of free plus conjugated methoxytyramine in urine.

(8) Salicylate and salicylate acid – not to exceed seven hundred fifty (750) micrograms per milliliter of salicylate and salicylate acid in urine or six and one-half (6.5) micrograms per milliliter of salicylate and salicylate acid in serum or plasma.

(9) Theobromine – not to exceed two (2) micrograms per milliliter of theobromine in urine or three-tenths (0.3) micrograms per milliliter in serum or plasma.

(c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination or inadvertent exposure due to human drug use it should be considered as a mitigating factor in any disciplinary action taken against the affected trainer. (*Indiana Horse Racing Commission; 71 IAC 8.5-1-9; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Jul 3, 2014, 11:57 a.m.: 20140709-IR-071140251ERA; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Sep 30, 2014; emergency rule filed Mar 16, 2015, 3:29 p.m.: 20150325-IR-071150071ERA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA*)

## Rule 2. Drug Testing

### 71 IAC 8.5-2-1 Laboratory reports

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. A finding by a chemist at a commission-approved equine drug testing laboratory that a test sample taken from a horse contains a drug or its metabolites or analogs, or any substance foreign to the natural horse, any drug found in excess of the commission-approved levels, substances present in the horse in excess of concentrations at which such substances could occur naturally, or substances foreign to a horse at concentrations that cause interference with testing procedures shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

(1) the sample of urine, saliva, blood, hair, or other acceptable specimen tested by the approved laboratory to which it is sent is taken from the horse in question, its integrity is preserved;

(2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and

(3) the report received from the laboratory pertains to the sample taken from the horse in question and correctly reflects the condition of the horse during the race in which it was entered or, in a case of out of competition testing, when the test sample was taken;

with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the stewards or the commission. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA*)

### 71 IAC 8.5-2-2 Pre-race testing

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. The stewards may require any horse entered to race to submit to a blood or other pre-race test, and no horse is eligible to start in a race until the owner or trainer complies with the required testing procedure. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 8.5-2-3 Selection of horses tested**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. (a) The stewards, the official veterinarian or his/her designee, a licensed veterinarian authorized by the commission, a member of the commission, or the executive director of the commission may order a blood test, hair test, or urine test, or all three (3), on a horse for the purpose of analysis.

(b) A blood specimen, hair specimen, or urine specimen, or all three (3), 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 stewards, the official veterinarian or his/her designee, a licensed veterinarian authorized by the commission, a member of the commission, or the executive director of the commission.

(c) The stewards and the official veterinarian or his/her designee shall designate for the taking of such a specimen a horse that races markedly contrary to form.

(d) The provisions of this section do not apply to section 5 of this rule. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA*)

**71 IAC 8.5-2-4 Taking of samples**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

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

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

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

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

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

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

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

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

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

(d) The association shall withhold payment of purse monies of horses that have been subject to testing pursuant to 71 IAC

8.5-2-3 [section 3 of this rule] on all stake races and races with a purse value of seventy-five thousand dollars (\$75,000) or more. Upon notification from the commission's primary laboratory, the stewards will communicate with the association horseman's bookkeeper regarding the release of the remaining purse monies.

(e) The provisions of subsection (a)(2) and (a)(3) do not apply to 71 IAC 8.5-2-5 [section 5 of this rule]. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2882, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; filed Nov 10, 2014, 2:07 p.m.: 20141210-IR-071140230FRA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA*)

### **71 IAC 8.5-2-5 Out of competition testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

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

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

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

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

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

any other expense relating to any order under this subsection to report to a track for out of competition testing.

(d) The official veterinarian, a licensed veterinarian authorized by the commission or a veterinary technician under the direct supervision of the official veterinarian, or a licensed veterinarian authorized by the commission may take a urine, blood, or hair sample from a horse for testing as provided for in this section.

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

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

(1) Blood doping agents including, but not limited to, erythropoietin (EPO), darbepoetin, Oxyglobin, Hemopure, Aranesp, or any substance that abnormally enhances the oxygenation of body tissues.

(2) Gene doping agents or the nontherapeutic use of genes, genetic elements, and/or cells that have the capacity to enhance athletic performance or produce analgesia.

(3) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms.

(4) Substances capable of producing a repartitioning effect that are not FDA-approved for use in horses, including, but not limited to, ractopamine, zilpaterol, or any similar agent.

(5) AAS (androgenic-anabolic steroids) other than endogenous concentrations of the naturally occurring substances as defined in 71 IAC 8.5-1-8 or AAS in a horse placed on the veterinarian's list in accordance with 71 IAC 8.5-1-8(f); and

(6) Cobalt in excess of the threshold provided in 71 IAC 8.5-1-9. In the event a sample from a horse results in cobalt in excess of the threshold, the horse shall be placed on the veterinarian's list until the concentration of cobalt in serum has fallen below the designated threshold, or until the conclusion of the race meet. However, horses testing at a concentration of one hundred (100) parts per billion shall be placed on the veterinarian's list for a minimum of thirty (30) days.

(7) Clenbuterol in excess of the threshold provided in 71 IAC 8.5-1-4.2(5) for a quarter horse. In the event a sample from a quarter horse results in clenbuterol in excess of the threshold, the quarter horse shall be placed on the veterinarian's list as provided in 71 IAC 8.5-8-1.5.

(8) The presence in a horse of any substance at any time listed in subdivision (1), (2), (3), (4), or (5) in an eligible as defined in subsections (a) and (b) above is prohibited and is a violation of this rule.

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

(1) assisting in the immediate location and identification of the eligible horse selected for out of competition testing; and

(2) providing a stall or safe location to collect the samples.

The executive director or stewards may summarily suspend, exclude, and/or otherwise penalize any trainer and/or other authorized representative or designee who does not fully cooperate with a commission employee or representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion. If any such person is summarily suspended, excluded, or otherwise penalized, she/he shall be entitled to a hearing in accordance with Indiana law and regulations. A summary

suspension, exclusion, or sanctions for failure to cooperate shall not issue, however, if a horseman meets his or her burden to establish the good cause defense set forth under subsection (e). This provision does not apply to an owner or trainer who timely provides written notice under subsection (a) or (b) that a horse sought to be tested is not intended to be raced in Indiana and thereby renders the horse ineligible pursuant to subsection (b).

(h) The collection of blood or urine samples under this rule shall be collected as provided by 71 IAC 8.5-3-1 and shall be analyzed as follows:

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

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

(i) The collection of hair samples under this rule shall be collected as provided by 71 IAC 8.5-3-1 and shall be analyzed as follows:

- (1) approved primary laboratory for screening; and
- (2) approved primary laboratory for confirmation.

The commission shall approve the primary laboratories for screening and confirmation. A hair sample shall be ineligible for split sample testing.

(j) In the absence of extraordinary mitigating circumstances, a minimum penalty of a ten (10) year suspension will be assessed for any violation of subsection (f)(1) and (f)(2). The Association of Racing Commissioners International, Inc. Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule will be considered for violations of (f)(3), (f)(4), and (f)(5) [subsection (f)(3), (f)(4), and (f)(5)] with additional penalties for any drug not FDA approved for use in horses. (*Indiana Horse Racing Commission; 71 IAC 8.5-2-5; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Sep 10, 2012, 2:01 p.m.: 20120912-IR-071120525ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Sep 15, 2014, 12:44 p.m.: 20140924-IR-071140352ERA, eff Jan 1, 2015; emergency rule filed Mar 16, 2015, 3:29 p.m.: 20150325-IR-071150071ERA; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA*)

### **Rule 3. Split Sample**

#### **71 IAC 8.5-3-1 Collection procedures**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. (a) All collection procedures shall be done in accordance with chain of custody guidelines.

(b) Before sending an equine sample to the primary testing laboratory, the official veterinarian or a designated commission employee shall divide the specimen into two (2) parts provided a sufficient amount is collected.

(c) The official veterinarian or a designated commission employee shall attempt to collect a minimum of fifty (50) milliliters of urine. A urine specimen shall not be split if less than fifty (50) milliliters is collected from the horse. In such instances, the commission is entitled to submit the entire urine specimen for testing or detain the horse an adequate amount of time until it can be obtained. If an insufficient volume of urine is obtained, the trainer and owner are not entitled to a split sample.

(d) The official veterinarian, a licensed veterinarian authorized by the commission, or a veterinary technician under the direct supervision of a commission authorized veterinarian shall collect a minimum of thirty (30) milliliters of blood, which shall be divided into two (2) portions, one (1) of which shall be forwarded to the primary laboratory.

(e) The official veterinarian, a licensed veterinarian authorized by the commission, or a designated commission employee shall collect a minimum of a hair sample that is at least the same size in diameter as a standard pencil. A hair sample shall be ineligible for split sample testing.

(f) If the split sample testing laboratory determines that there is insufficient sample volume to make a specific identification of the sample contents, or if an act of God, power failure, accident, labor strike, or any other event beyond the control of the commission or its representatives prevents the split sample from being tested, then the results of tests performed by the primary laboratory shall be considered prima facie evidence of the condition of the horse.

(g) The official veterinarian or his/her designee shall retain the part of the urine and/or blood specimen that is not sent to the primary laboratory.

(h) If the retained part of a specimen is sent for testing, the official veterinarian or designated commission employee shall arrange for the transportation of the specimen in a manner that ensures the integrity of the sample.

(i) Blood samples shall be centrifuged.

(j) The provisions of subsections (b), (c), and (d) do not apply to 71 IAC 8.5-2-5. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency rule filed Feb 21, 2018, 2:58 p.m.: 20180228-IR-071180112ERA; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA*)

#### **71 IAC 8.5-3-2 Storage and shipment of split samples**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) The official veterinarian or his/her designee shall store the retained part of a specimen in secure, limited access storage at a site approved by the commission for the period required by this section.

(b) If the results of the initial test on a specimen are negative, the official veterinarian, or his/her designee, or primary laboratory may discard the retained part of the specimen upon receipt of the negative result. If the result of the initial test on a specimen is positive, the official veterinarian, or his/her designee, or primary laboratory may discard the retained part of the specimen after the expiration of the period during which an owner or trainer may request the retained part be sent for split testing.

(c) The identity of the drug or drug metabolites shall be revealed to the split sample laboratory. Communication between the primary and split sample laboratory is limited to the exchange of the analytical method and the threshold level used to confirm the drug's identity. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA*)

#### **71 IAC 8.5-3-3 Administrative procedures prior to split sample testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. (a) The results of all tests performed by the primary laboratory or laboratories are confidential until such time a ruling is issued in that matter and shall only be communicated to the commission, commission staff, stewards, owner, and trainer. Notice of a positive test result may be communicated verbally to the trainer. The trainer shall be responsible for promptly notifying the owner of a horse of a positive test as reported by the primary laboratory.

(b) The trainer or owner of a horse for which a positive result on a drug test is returned may request that the stewards submit the retained part of the specimen for testing in accordance with this section. The specimen must be tested by a laboratory that is

identified on the list of approved laboratories maintained by the commission and acceptable to the following:

- (1) The commission.
- (2) The primary laboratory.

Laboratories providing split sample testing shall be ISO 17025 accredited unless otherwise approved by the commission. The request must be in writing, include the laboratory selection, and must be delivered to the stewards not later than ninety-six (96) hours after the trainer has received notice of a positive test result. Failure to request testing of a split sample and provide all necessary information within ninety-six (96) hours shall constitute a waiver of the right. The split sample laboratory shall be contacted by a representative of the commission to request acceptance of a split sample. The trainer or owner may choose any laboratory on the commission maintained applicable list to test the sample. However, the commission or executive director may limit the choice of laboratory for the detection of specific drugs.

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

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

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

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

(g) The presence of a drug or drug metabolite in any quantity, excluding phenylbutazone, flunixin, ketoprofen, furosemide, or as permitted in 71 IAC 8.5-1-4.2 and 71 IAC 8.5-1-9, is sufficient for a finding of a positive test. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2883, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2157; emergency rule filed Jun 22, 1998, 5:08 p.m.: 21 IR 4232; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: 20070829-IR-071070461ACA; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency rule filed Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA*)

#### **71 IAC 8.5-3-4 Administrative procedures subsequent to split sample testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. (a) The split sample laboratory shall send a confidential written report on the result of its tests to the commission staff which in turn shall send a confidential report to the trainer and owner forthwith.

(b) No action shall be taken against the trainer or owner if the results of split sample testing are negative.

(c) No hearing shall be held concerning the allegations against the trainer or owner, nor shall purse redistribution take place, until split sample testing has been completed and the results of the primary laboratory have been confirmed.

(d) The owner or trainer shall be notified in writing of the:

- (1) results of the primary and split sample laboratories in the case of confirmed positives; and
- (2) time and place of any administrative hearings resulting from the findings.

(e) If a positive test arises in a trial race, the horse is eligible for entry during the period the split sample is tested and reported to the commission. If the report confirms a positive test, the horse is disqualified from both the trial and the race for which the trial was conducted. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA*)

**71 IAC 8.5-3-5 Cost of split sample testing**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) In order for a split sample laboratory to be identified on the list of approved laboratories, it must establish reasonable fees for split sample testing based on their actual cost of testing. Fees for split sample testing shall include the cost of testing negative control samples if requested by the owner or trainer.

(b) The trainer or owner requesting split sample testing and negative control samples shall pay all costs of transporting and conducting tests on the split sample and negative control samples.

(c) The trainer or owner requesting split sample testing and negative control samples shall make full payment at the time laboratory selection occurs or in accordance with split laboratory requirements.

(d) The commission shall reimburse the trainer or owner for the cost of split sample testing if the results from the split sample laboratory do not confirm the presence of the drug at levels above the thresholds established in 71 IAC 8.5 [this article] et seq. (*Indiana Horse Racing Commission; 71 IAC 8.5-3-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, 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 Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA*)

**Rule 4. Practicing Veterinarians**

**71 IAC 8.5-4-1 Eligibility**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. Every veterinarian practicing on association premises must be:

- (1) licensed by the veterinary medical examining board;
- (2) recommended for licensure by the official veterinarian or his/her designee; and
- (3) licensed by the commission.

(*Indiana Horse Racing Commission; 71 IAC 8.5-4-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, 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*)

**71 IAC 8.5-4-2 Prohibited acts**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) A practicing veterinarian at any meeting is prohibited from possessing any ownership, directly or indirectly, in any horse racing during the meeting.

(b) Veterinarians licensed by the commission as practicing veterinarians are prohibited from placing any wager of money or other things of value directly or indirectly on the outcome of any race conducted at the meeting at which he or she is furnishing professional service.

(c) No veterinarian shall, within the association grounds, furnish, sell, or loan any hypodermic syringe, needle, or other injection device to any other person within the grounds of an association where race horses are stabled. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2884, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3414; 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*)

**71 IAC 8.5-4-3 Single use syringes**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. The use of other than single use, disposable syringes and infusion tubes on association premises is prohibited. Whenever a veterinarian has a hypodermic needle or syringe, he or she shall destroy the needle and syringe and remove it from the association premise. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, 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*)

**71 IAC 8.5-4-4 Drug use reports (Repealed)**

Sec. 4. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Jan 12, 2011, 11:46 a.m.: 20110119-IR-071110041ERA*)

**71 IAC 8.5-4-5 Records of treatment**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) Every veterinarian licensed by the commission who treats any horse or performs other professional services within the enclosure of an organization licensee during a race meeting, or treats horses off the grounds that are actively participating at a race meeting, shall be responsible for maintaining treatment records or a log book on all horses for which they prescribe, administer, or dispense medication or perform other professional services. The treatment records or log book information shall include, but not be limited to, the following:

- (1) The date and time of treatment service.
- (2) Name of race track.
- (3) The veterinarian's printed name and signature.
- (4) The registered name of horse.
- (5) The trainer's name.
- (6) The barn number or location of horse.
- (7) The race date and race number, if any.
- (8) The medication and dosage.
- (9) The reason for treatment or services.

These records shall be current at all times and available to the commission and the stewards upon request. These records shall be retained for at least one (1) year after the conclusion of the race meet and be made available to the commission and stewards upon request. Such records shall be delivered to the commission either upon demand or within twenty-four (24) hours of the request.

(b) Practicing veterinarians shall retain duplicate copies of bills or statements to trainers or owners which shall be retained for at least one (1) year and made available to the commission upon request. Such records shall be delivered to the commission within forty-eight (48) hours of the request.

(c) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription, must have been validly prescribed by a duly licensed veterinarian and be in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

- (1) The name of the product.
- (2) The name, address, and telephone number of the veterinarian prescribing or dispensing the product.
- (3) The name of each patient (horse) for whom the product is intended or prescribed.
- (4) The doses, dosage, duration of treatment, and expiration date of the prescribed or dispensed product.
- (5) The name of the person (trainer) to whom the product was dispensed.

(*Indiana Horse Racing Commission; 71 IAC 8.5-4-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, eff Jul 1, 1995;*)

emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2421; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 121; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2224; 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 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

**71 IAC 8.5-4-6 Report of illness**

Authority: IC 4-31-3-9  
Affected: IC 4-31-12

Sec. 6. Each veterinarian shall report immediately to the stewards and the official veterinarian any illness in a horse entrusted into his or her care presenting unusual or unknown symptoms or a contagious or communicable disease. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2885, 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*)

**71 IAC 8.5-4-7 Storage of supplies and drugs**

Authority: IC 4-31-3-9  
Affected: IC 4-31-12

Sec. 7. Storage areas for veterinarian supplies, equipment, hypodermic syringes, hypodermic needles, and foreign substances, including, but not limited to, narcotics, controlled substances, stimulants, depressants, or other drugs or medications of any type, shall be kept secured by lock and key when left unattended. This requirement specifically includes mobile veterinarian vehicles used on association grounds. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-7; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 8.5-4-8 Notice in writing**

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

Sec. 8. No horse shall be considered scratched from a race for lameness or sickness until a scratch slip, signed by a veterinarian, is presented to the stewards and approved. Veterinarians shall report medical scratches to the stewards immediately after diagnosis. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-8; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 57; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 8.5-4-9 Veterinarian vehicles**

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

Sec. 9. A practicing veterinarian is responsible to ensure that his or her vehicle is not occupied while in the stable area of an association by any person other than the practicing veterinarian, his or her licensed helper, or an authorized association or commission employee. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-9; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 8.5-4-10 Predrawn injectables**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

(b) Predrawn syringes and the labeled source container from which it is drawn are subject to confiscation by the commission or association security. The injectable substances are subject to testing by a laboratory approved by the commission or its executive director. The injectable substance must be clearly identified on each predrawn syringe. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-10; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Mar 8, 2012, 11:43 a.m.: 20120321-IR-071120117ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 8.5-4-11 Testing of confiscated drug, substance, or medication**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 11. Any suspect drug, substance, or medication confiscated from a practicing veterinarian or other person may be sent to the commission's primary laboratory or any other laboratory approved by the commission as designated by its executive director. The practicing veterinarian or other person shall be responsible for the cost of the testing of any unlabeled, mislabeled, incompletely labeled, or unauthorized drug, substance, or medication. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-11; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 8.5-4-12 Contact with entered horses**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 12. (a) Practicing veterinarians and their helpers are prohibited from having contact with a horse within twenty-four (24) hours of its scheduled race except during the administration of furosemide under the guidelines set forth in 71 IAC 8.5-1-5(6) and 71 IAC 8.5-1-5(7) or unless prior approval has been given by the stewards or by the official veterinarian.

(b) Notwithstanding provisions [*sic.*] (a) above [*subsection (a)*], in the case of an emergency a practicing veterinarian may have contact with a horse within twenty-four (24) hours of its scheduled race. If this occurs, the practicing veterinarian shall immediately report such contact and the reasons necessitating the contact to the stewards or in their absence to commission or track security. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-12; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3034; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 8.5-4-12.1 Stable area access**

Authority: IC 4-31-3-9

Affected: IC 4-31-3; IC 4-31-13-7

Sec. 12.1. (a) Practicing veterinarians and their licensed helpers shall not be present in the stable area without an association escort from five (5) hours before the first race post time until four (4) hours before post time of the last race.

(b) Practicing veterinarians and their licensed helpers shall sign in and out at the stable gate each time they enter and leave the stable area. The association shall maintain daily logs of such access and agrees to provide copies of logs to commission security on a daily basis.

(c) Practicing veterinarians and their licensed helpers shall cooperate fully with their designated association escort at all times. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-12.1; emergency rule filed Jan 25, 2012, 12:20 p.m.: 20120201-IR-*

071120056ERA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)

**71 IAC 8.5-4-13 Veterinary helpers**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 13. Practicing veterinarians may employ persons licensed as veterinary helpers to work under their direct supervision. The veterinary helper shall not be permitted in the stable area unless accompanied by his or her employer. Veterinary helpers shall not inject, directly treat, or diagnose any animal. The practicing veterinarian must be present on the grounds if a veterinary helper has access to injection devices or injectable substances. The practicing veterinarian shall assume all financial and regulatory responsibility for the actions of their licensed veterinary helper. (*Indiana Horse Racing Commission; 71 IAC 8.5-4-13; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2225; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**Rule 5. Ban on Possession of Drugs**

**71 IAC 8.5-5-1 Ban on possession of drugs**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. Except as provided in 71 IAC 8.5-10, a licensee may not possess a foreign substance that is considered a prescription drug or prescription medication unless it is for an existing condition and is prescribed by a veterinarian. When prescribed by a licensed veterinarian, the supply of such a foreign substance shall be limited:

- (1) by ethical practice consistent with the purposes of this article; and
- (2) to topically or orally administered drugs.

(*Indiana Horse Racing Commission; 71 IAC 8.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

**71 IAC 8.5-5-2 Prohibited practices**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

- (1) Erythropoietin.
- (2) Darbepoetin.
- (3) Oxyglobin.
- (4) Hemopure.
- (5) Snake venom.
- (6) Snail venom.
- (7) Ractopamine.
- (8) Zilpaterol.
- (9) Aminimidazole carboxamide ribonucleotide (AICAR).
- (10) My-inositol trispyrophosphate (ITPP).
- (11) Equine growth hormone.
- (12) Thymosin beta.

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

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

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

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

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

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

Combining two (2) or more substances with pharmacologic effect constitutes the development of a new drug. This may only be done in accordance with state and local laws and must contain FDA approved medications, if available.

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

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

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

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

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

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

(j) When issuing a prescription for or dispensing a drug to a horse with which the veterinarian has a veterinarian-client-

patient relationship, the veterinarian must affix or cause to be affixed a label that sets forth the following:

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

(k) The practice, administration, or application of a treatment, procedure, therapy, or method identified below, which is performed on the premises of a facility under jurisdiction of the commission or in any horse scheduled to compete in a race under the jurisdiction of the commission and which may endanger the health and welfare of the horse or endanger the safety of the rider or driver, or the use of which may adversely affect the integrity of racing is prohibited: Intermittent hypoxic treatment by external device. (*Indiana Horse Racing Commission; 71 IAC 8.5-5-2; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 57; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2386; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2226; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 12, 2008, 1:53 p.m.: 20080326-IR-071080191ERA, eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: 20090401-IR-071090195ERA, eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed May 7, 2014, 2:27 p.m.: 20140514-IR-071140143ERA, eff May 15, 2014; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA)*)

## **Rule 6. Contraband**

### **71 IAC 8.5-6-1 Contraband**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. No person other than a licensed veterinarian shall have in his or her possession within the association grounds any injectable substance or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection. No such person may possess a tube or any other device used as a drench or any device that may be used to administer a drug or medication to a horse. (*Indiana Horse Racing Commission; 71 IAC 8.5-6-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

## **Rule 7. Postmortem; Disposal of a Dead Horse**

### **71 IAC 8.5-7-1 Postmortem; disposal of a dead horse**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) The official veterinarian, or his/her designee, or stewards shall order a postmortem examination of:

- (1) each horse that:
  - (A) suffers a breakdown on the racetrack, in training, or in competition; and
  - (B) is destroyed; and

(2) each horse that expires while stabled on a racetrack under the jurisdiction of the commission; to determine the injury or sickness that resulted in euthanasia or natural death.

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

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

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

(e) The commission shall pay all costs involved in a postmortem examination ordered by the commission or the official veterinarian or his/her designee.

(f) A written record shall be filed with the official veterinarian or his/her designee at the completion of each postmortem examination. The record must contain all information normally contained in a postmortem report, as well as any other information specifically requested by the official veterinarian. (*Indiana Horse Racing Commission; 71 IAC 8.5-7-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

### **71 IAC 8.5-7-2 Report of horse death**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) The death of any horse on association grounds at any time shall be immediately reported to the stewards, the official veterinarian, or the executive director by the practicing veterinarian tending the horse.

(b) The practicing veterinarian tending to a horse that dies on association grounds shall complete the IHRC Death and Euthanasia Report. Such report shall be filed with the stewards within twenty-four (24) hours of the death or euthanasia of the horse.

(c) Absent a practicing veterinarian tending to the death or euthanasia of a horse the stewards, the official veterinarian, or the executive director shall designate a licensed veterinarian to complete the IHRC Death and Euthanasia Report.

(d) A horse that dies on association grounds shall not be removed without permission of the stewards, the official veterinarian, or the executive director. (*Indiana Horse Racing Commission; 71 IAC 8.5-7-2; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227; errata filed Apr 10, 2006, 2:00 p.m.: 29 IR 2546; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

## **Rule 8. Veterinarian's List**

### **71 IAC 8.5-8-1 Veterinarian's list**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

(b) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse has satisfactorily recovered the capability of performing in a race.

(c) A horse working to be released from the veterinarian's list may be subjected to post-work biologic sample collection and testing for prohibited foreign substances as per 71 IAC 8.5-1-2 in accordance with commission sample collection and testing procedures. (*Indiana Horse Racing Commission; 71 IAC 8.5-8-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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 Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**71 IAC 8.5-8-1.5 Veterinarian's list for quarter horse clenbuterol positive**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1.5. (a) The official veterinarian shall maintain a list of all quarter horses with clenbuterol in excess of the threshold provided in 71 IAC 8.5-1-4.2(5).

(b) A quarter horse shall not be removed from the veterinarian's list until a biological sample of hair tested by a commission approved laboratory determines clenbuterol is not in excess of the threshold limit provided in 71 IAC 8.5-1-4.2(5).

(c) Hair samples shall be collected as provided in 71 IAC 8.5-3-1 for collection procedures or 71 IAC 8.5-2-5 for out of competition testing.

(d) The trainer or owner requesting hair sample testing shall pay all costs.

(e) The trainer or owner requesting hair sample testing shall make full payment prior to hair sample collection.

(f) The quarter horse may be removed from the veterinarian's list once a commission approved laboratory determines clenbuterol in hair is below the threshold limit provided in 71 IAC 8.5-1-4.2(5).

(g) If the hair test results determine a quarter horse is above the threshold limit, the trainer or owner may request another hair sample test in accordance with this section at a later date. (*Indiana Horse Racing Commission; 71 IAC 8.5-8-1.5; emergency rule filed Aug 29, 2018, 11:12 a.m.: 20180905-IR-071180370ERA*)

**71 IAC 8.5-8-2 Physical inspection of horses**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. (a) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race in which it is entered.

(b) The inspection shall be conducted by the official veterinarian or the racing veterinarian.

(c) For purposes of carrying out this rule, the agency or the association employing the examining veterinarian(s) shall provide no fewer than two (2) racing veterinarians on association grounds each day that racing is scheduled.

(d) Either the trainer of each horse or a representative of the trainer must present the horse for inspection as directed by the racing veterinarian.

(e) Horses presented for examination must have:

(1) bandages removed; and

(2) legs clean.

(f) Prior to examination, horses may not:

(1) be placed in ice; or

(2) have any device or substance applied that impedes veterinary clinical assessment.

(g) The assessment of a horse's racing condition shall include:

(1) proper identification of each horse inspected;

(2) observation of each horse in motion;

(3) manual palpation and passive flexion of both forelimbs;

(4) visual inspection of the entire horse and assessment of overall condition;

(5) clinical observation:

(A) in the paddock and saddling area;

(B) during the post parade;

(C) at the starting gate;

(D) during the running of the race; and

(E) following the race until the horse has exited the race track;

(6) any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian.

(h) The official veterinarian and/or the racing veterinarian shall maintain all scratch slips and prerace examination records for each horse during the race meet. Upon completion of the meet, scratch slips and examination records will be maintained in

accordance with commission record retention policies.

(i) The official veterinarian and/or the racing veterinarian are authorized access to any and all horses housed on association grounds, regardless of entry status.

(j) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian will recommend to the stewards the horse be scratched.

(k) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the veterinarian's list. (*Indiana Horse Racing Commission; 71 IAC 8.5-8-2; emergency rule filed Dec 23, 2013, 1:43 p.m.: 20140108-IR-071130567ERA*)

## **Rule 9. Accident on Track**

### **71 IAC 8.5-9-1 Accident on track**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Any horse that falls or is involved in an accident on the track shall report to the test barn for an examination and emergency treatment by the official veterinarian, a licensed veterinarian authorized by the commission, or racing veterinarian. Such horse may be placed on the veterinarian's list at the discretion of the official or racing veterinarian. (*Indiana Horse Racing Commission; 71 IAC 8.5-9-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; 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 Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

## **Rule 10. Human Substance Abuse Testing**

### **71 IAC 8.5-10-1 Use or possession of controlled substance or prescription drugs**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) No person holding a license issued by the commission or applying for such license shall have present within his or her body, have in his or her possession, or be under the influence of any controlled substance within the enclosure of any race track or other facility under the control of the commission. Furthermore, no person holding a license issued by the commission or applying for such license shall have in his or her possession any prescription drug within the enclosure of any race track under the control of the commission, except as provided for in subsection (c).

(b) Except as set forth in subsection (c), the fact that any person charged with a violation of this rule is or has been lawfully entitled to use alcohol or a controlled substance or prescription drugs shall not constitute a defense against any charge of violating this rule.

(c) A licensee at a race track may possess a prescription drug for use on the licensee's own person if:

(1) it is prohibited from being dispensed by Indiana or federal law without a prescription; and

(2) the licensee is in possession of documentary evidence that a valid prescription for the substance has been issued to the licensee; and

(3) the licensee has filed with the presiding steward a sworn statement clearly describing the prescription drug and its intended use.

(*Indiana Horse Racing Commission; 71 IAC 8.5-10-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2886, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2783; 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*)

### **71 IAC 8.5-10-2 Applicant and licensee subject to testing**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Each licensee at a race track or other facility under the control of the commission or applicant for a license may be subject to a urine or saliva test, or both, at any time while within the enclosure of any race track or other facility under the control of the commission at the direction of the executive director, the stewards, or commission security if there is reasonable suspicion to believe that such licensee is possessing or using any controlled substance or any drug in violation of any federal or state law. This provision notwithstanding, licensees are subject to random urine or saliva testing pursuant to policies approved by the commission. Failure to submit to or complete a urine or saliva test, at the time, location, and manner directed by commission personnel shall constitute a refusal to be tested. Any licensee who fails to submit to or complete such a test shall be immediately suspended for sixty (60) days and shall not be allowed to participate at any race track under the control of the commission until a negative test result is achieved. Any applicant who fails to submit to such a test when requested to do so shall be refused or denied a license. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2422; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2783; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Mar 10, 2006, 11:00 a.m.: 29 IR 2227; 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 Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA*)

**71 IAC 8.5-10-3 Reasonable suspicion selection**

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

Sec. 3. (a) Applicants for a license or a licensee may be selected at any time while within the enclosure for testing on a reasonable suspicion basis.

(b) Reasonable suspicion. When determining whether there is reasonable suspicion to require testing, the stewards may consider, but are not limited to, any of the following factors:

- (1) Unexplained or continued rule violations which have a detrimental effect on racing.
- (2) Involvement in any accident which causes injury to person or animal at the track as well as any near accident which created a clear danger of accident or injury to person or animal at the track.
- (3) Willful conduct detrimental to horse racing as evidenced by continued rule violations, other disciplinary problems, behavioral problems, disturbances, or other similar conduct at the track.
- (4) Observable physical or emotional impairment at the track.
- (5) Involvement in a race of questionable outcome or circumstance as determined by the stewards in the exercise of their expertise.
- (6) Willful abuse of animal or person who is engaged in a race, work, or exercise at the track.
- (7) Prior positive test or tests in this or other jurisdictions, excluding those where a valid legal prescription has been revealed.
- (8) Performance of prescribed duties in a manner which indicates a best effort to win is not present at the track.
- (9) Information supplied by:
  - (A) a law enforcement agency;
  - (B) the ARCI; or
  - (C) the horse racing commission of any state or country;which is verified in writing relating to drug or alcohol abuse, or both.
- (10) Any other physical conduct at the track which can be documented which would indicate reasonable grounds to believe the existence of, dependence on, possession of, or usage of:
  - (A) a controlled substance; or
  - (B) an alcohol violation.
- (11) Refusal to provide a urine or saliva sample when requested to do so within this section.
- (12) Recent arrest or pending criminal charges regarding the sale, possession, manufacture, cultivation, or use of illegal drugs.

(*Indiana Horse Racing Commission; 71 IAC 8.5-10-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2894; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2422; 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 Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA)

**71 IAC 8.5-10-4 Taking of samples**

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

Sec. 4. Any applicant or licensee selected by direction of the stewards, commission personnel, or their designee, who is requested to submit to a urine or saliva test shall, without undue delay, at a location and in the manner prescribed by the commission provide the urine or saliva sample, or both. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2887, 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA; emergency rule filed Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA*)

**71 IAC 8.5-10-5 Positive sample results**

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

Sec. 5. (a) A positive test result attained shall be reported in writing to the commission director of security or his or her designee from the laboratory performing the test analysis. A positive test result confirming the presence of any controlled substance or prescription drugs shall be prima facie evidence that there has been a violation of section 1 of this rule. In the event of such a positive test, it is presumed that:

- (1) the sample of urine or saliva tested by the laboratory to which it is sent is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the laboratory, and analysis of the sample are correct and accurate; and
- (3) the report received from the laboratory pertains to the sample taken from the person in question and correctly reflects the condition of the person at the time that the sample was given.

With respect to the presumptions set forth in this subsection, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter which is conducted by the stewards or by the commission.

(b) Upon receipt of written notice from the testing laboratory that a specimen has been found positive for a controlled substance or a prescription drug, the commission director of security or his or her designee shall, as quickly as possible, notify the licensed person by:

- (1) public service;
- (2) in person; or
- (3) by certified mail, return receipt requested;

of the positive test.

(c) An association that has obtained a positive test result confirming the presence of any controlled substance in an association employee, who is a licensee or an applicant for a license, shall notify the commission director of security or his or her designee and the affected employee as quickly as possible. (*Indiana Horse Racing Commission; 71 IAC 8.5-10-5; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2784; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; 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 Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA*)

**71 IAC 8.5-10-6 Penalties**

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

Sec. 6. (a) Upon a finding of a positive test, the stewards or commission shall, to the extent of its regulatory authority, impose the following sanctions:

(1) For a licensee's first violation, he or she shall be suspended for thirty (30) days and shall be subject to a mandatory drug retest after thirty (30) days from the first violation of this article. Such additional drug test shall be done by the commission testing laboratory at the licensee's expense. Until such retest achieves negative results, the licensee shall remain suspended.

(2) For a second violation, the licensee shall be suspended for a minimum of sixty (60) days and shall be required to enroll in a substance abuse treatment program approved by the commission. It shall be the licensee's responsibility to provide the commission with written notice of his or her enrollment, weekly status reports, and written notice that he or she has successfully completed the program and has been discharged. The licensee shall remain suspended until the requirements have been fulfilled. The requirements shall include an additional drug test with negative results. Such test shall be under the supervision or approval of the commission.

(3) For a third violation, the licensee shall be suspended for a minimum of sixty (60) days and shall be required to enroll in a substance abuse treatment program approved by the commission. It shall be the licensee's responsibility to provide the commission with written notice of his or her enrollment, weekly status reports, and written notice that he or she has successfully completed the program and has been discharged. The licensee shall remain suspended until the requirements have been fulfilled. The person shall not be eligible to reapply for his or her license until the applicant pays for and submits to two (2) urine or saliva samples, or both, thirty (30) days apart with both samples failing to show any trace of a controlled substance or prescription drug. All such samples shall be obtained and tested by the commission or approved by the commission at a location and in a manner prescribed by the commission and at the expense of the licensee. After the licensee has received two (2) negative tests, he or she may reapply for a license unless his or her continuing participation at a race meeting shall be deemed by the commission director of security or his or her designee to be detrimental to the best interest of horse racing.

(b) Prior human controlled substance or prescription drug violations reflected on a person's racing record from any jurisdiction recognized by the commission, including Indiana, shall be counted as violations when determining appropriate penalties as set forth in subsections (a) [*subsection (a)*].

(c) In determining the penalty to impose for an offense covered by this rule, the stewards or the commission may consider any mitigating or exacerbating circumstances and make an appropriate adjustment to the penalties which are set forth in subsection (a). (*Indiana Horse Racing Commission; 71 IAC 8.5-10-6; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Mar 25, 1997, 10:00 a.m.: 20 IR 2158; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2784; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Aug 20, 2002, 3:00 p.m.: 26 IR 58; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA; emergency rule filed Apr 17, 2015, 3:15 p.m.: 20150422-IR-071150105ERA*)

## **Rule 11. Prohibition of Alcohol**

### **71 IAC 8.5-11-1 Prohibited use or presence of alcohol within the enclosure**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 1. (a) No racing official or jockey during or prior to the performance of his or her duties shall consume any alcoholic beverage within the enclosure of any race track under the control of the commission.

(b) No racing official, jockey, trainer, groom, or other licensee attending to horses or within a restricted area of any race track under the control of the commission shall have present within his or her body any amount of alcohol in excess of five-hundredths of one percent (.05%) by weight in grams in one hundred (100) milliliters of the person's blood, or in two hundred ten (210) liters of the person's breath.

(c) The fact that any person charged with a violation of this rule is or has been otherwise lawfully entitled to use or consume an alcoholic beverage shall not constitute a defense against any charge of violating this rule. (*Indiana Horse Racing Commission; 71 IAC 8.5-11-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Feb 13, 1998 10:00 a.m.: 21 IR 2423; errata filed Mar 5, 1998, 1:46 p.m.: 21 IR 2392; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR*

2785; 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)

**71 IAC 8.5-11-2 Licensee subject to testing; positive sample results**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 2. 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. All jockeys, stewards, starters, assistant starters, valets, pony riders, outriders, the paddock judge, horse identifier, clerk of scales, jockey room custodian, photo finish technician, placing judges, test barn veterinarian, and racing veterinarians shall submit to a breath test prior to beginning their duties at each program in which they participate. Any licensee on the track surface during training hours is subject to testing at the discretion of the stewards. In addition, the stewards, the commission director of security, 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. A positive test result as defined by section 1(b) of this rule shall be prima facie evidence that there has been a violation of section 1 of this rule. In the event of such positive test, it is presumed that:

- (1) the breath sample tested is taken from the person and its integrity has been preserved;
- (2) all accompanying procedures of collection and analysis of this sample are correct and accurate; and
- (3) the report issued by the commission pertains to the sample taken from the person in question correctly reflects the condition of the person at the time of the sample was given.

With respect to the presumptions set forth in this section, the burden is on the person against whom the test is offered to prove otherwise at any hearing in regard to the matter, which is conducted by the stewards or by the commission. (*Indiana Horse Racing Commission; 71 IAC 8.5-11-2; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2785; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jul 28, 2006, 11:17 a.m.: 20060809-IR-071060278ERA, eff Aug 1, 2006; errata filed Aug 11, 2006, 11:15 a.m.: 20060830-IR-071060278ACA; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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*)

**71 IAC 8.5-11-3 Penalties**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4; IC 4-31-13

Sec. 3. (a) A person whose breath test shows a reading of more than five-hundredths of one percent (0.05%) by weight of alcohol in the person's breath or blood shall be summarily suspended under the rules of the commission and subject to any other sanction available to the commission pursuant to the provisions of IC 4-31-13.

(b) The stewards may relieve a licensee, except an owner, owner/trainer, or trainer, of any duties for that day should that person show a reading between one-hundredth of one percent (0.01%) and five-hundredths of one percent (0.05%) by weight of alcohol in a person's blood.

(c) The permit holder's security department shall immediately inform the stewards of any reading of one-hundredth of one percent (0.01%) or above. (*Indiana Horse Racing Commission; 71 IAC 8.5-11-3; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2888, eff Jul 1, 1995; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2894; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2785; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1921; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; emergency rule filed Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

**71 IAC 8.5-11-4 Refusal or failure to be tested**

Authority: IC 4-31-3-9

Affected: IC 4-31-8-4

Sec. 4. The stewards may, on behalf of the commission, impose the following sanctions against a licensee who refuses or fails to submit to or complete a breath test:

- (1) For the first refusal or failure, a civil penalty of one hundred dollars (\$100) and a seven (7) day suspension.
- (2) For a second refusal or failure, a civil penalty of two hundred fifty dollars (\$250) and a thirty (30) day suspension.
- (3) For any additional refusals or failures 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.

*(Indiana Horse Racing Commission; 71 IAC 8.5-11-4; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2889, eff Jul 1, 1995; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; 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 Jun 29, 2018, 1:04 p.m.: 20180704-IR-071180278ERA)*

### **Rule 12. Erythropoietin and Darbepoietin (Repealed)**

*(Repealed by Indiana Horse Racing Commission; emergency rule filed Jul 23, 2007, 9:16 a.m.: 20070808-IR-071070461ERA, eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]*

### **Rule 13. Excess Levels of Sodium, Bicarbonate, or pH**

#### **71 IAC 8.5-13-1 General provisions**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 1. An excess level of sodium (Na), bicarbonate (HCO<sub>3</sub>), or pH shall be deemed to have an adverse effect on the horse by changing the normal physiological state of the horse. Excess levels of sodium (Na), bicarbonate (HCO<sub>3</sub>), or pH in the horse are deemed to be contrary to the best interests of thoroughbred and quarter horse racing and to the best interests of the welfare of the equine participants and shall be a violation of these rules. *(Indiana Horse Racing Commission; 71 IAC 8.5-13-1; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3599; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA)*

#### **71 IAC 8.5-13-2 Specific levels requiring scratch**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 2. (a) The stewards shall order scratched or disqualified:

- (1) any horse that races or is scheduled to race that registers readings of:
  - (A) bicarbonate (HCO<sub>3</sub>) at thirty-six (36) mmol/L or higher; and
  - (B) a pH level at seven and four hundred forty-five thousandths (7.445) or higher; and
- (2) any horse on the bleeder's list that races or is scheduled to race that registers readings of:
  - (A) bicarbonate (HCO<sub>3</sub>) at thirty-eight (38) mmol/L or higher; and
  - (B) a pH level at seven and four hundred seventy-thousandths (7.470) or higher;

and on each of the two (2) tests from a blood gas analyzer when such tests have been conducted. No horse shall be ordered scratched or disqualified in accordance with the provisions of this section unless both readings for bicarbonate (HCO<sub>3</sub>), and pH are equal to or exceed the levels established in this section.

(b) In its discretion, the commission or commission designated track employees may retest a horse whose first test results are within allowable limits. Should a retest under this situation indicate high levels as provided in subsection (a), the retest shall be considered an initial screening. High levels on a subsequent test as provided in subsection (a) shall be considered a violation of this rule and the horse shall be scratched or disqualified.

(c) The provisions of subsection (a) notwithstanding, the stewards shall not order the disqualification of a horse selecting

quarantine under these rules if the commission is satisfied on the basis of clear and cogent evidence derived from the testing of the horse's blood during quarantine that such levels are physiologically normal for that specific horse. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-2; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; emergency rule filed Mar 17, 2017, 1:04 p.m.: 20170322-IR-071170167ERA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**71 IAC 8.5-13-3 Refusal to test**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 3. Any owner, trainer, or other licensed delegate of any owner or trainer who refuses or fails to permit any horse or horses to be tested when a demand or demands for such testing has been made by an [*sic., a*] track employee or commission employee shall have the applicable horse or horses scratched or disqualified by the stewards. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-3; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**71 IAC 8.5-13-4 Blood gas analyzer report**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4. A finding by the technician licensed by the commission operating the blood gas analyzer that a test sample taken from a horse contains any substance foreign to the natural horse, including the levels of substance in excess of those established in this rule, shall be prima facie evidence that such foreign substance has been administered to the horse either internally or externally in violation of this rule. It is presumed that:

- (1) the sample of blood or other acceptable specimen tested by the blood gas analyzer to which it is sent is taken from the horse in question, its integrity is preserved;
- (2) all accompanying procedures of collection, preservation, transfer to the blood gas analyzer, and analyses of the sample are correct and accurate; and
- (3) the report received from the blood gas analyzer pertains to the sample taken from the horse in question and correctly reflects the condition of the horse at the time the sample was done;

with the burden on the trainer, assistant trainer, or other responsible person to prove otherwise at any hearing in regard to the matter conducted by the stewards or the commission. The trainer shall be responsible for promptly notifying the owner of a horse with a blood gas analysis report indicating levels in violation of this rule. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-4; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**71 IAC 8.5-13-4.1 Finding of normal levels**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 4.1. For any horse whose levels equal or exceed the levels set forth in section 2 of this rule, it is presumed that the levels are not physiologically normal for that specific horse if the horse:

- (1) has been tested by the commission at least twice in the past sixty (60) days; and
- (2) has been found to have levels beneath the levels established in section 2 of this rule.

The prior results shall constitute a finding that excessive levels are not physiologically normal for that horse. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-4.1; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**71 IAC 8.5-13-5 Option to determine normal level**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 5. (a) The quarantine provisions of this section shall apply only to horses who have not been found under section 4.1 of this rule to have physiologically normal levels beneath the levels established in section 2 of this rule.

(b) If a test sample from a horse contains levels of substance equal to or in excess of the levels in section 2 of this rule, the owner or trainer of that horse contending that such levels are physiologically normal for that specific horse may request the horse be held in approved quarantine on the grounds of the association. Such quarantine shall be in accordance with policies and procedures adopted by the commission and shall be for a period determined by the executive director or the stewards, but not greater than five (5) days, and is at the sole expense of the owner or trainer requesting the quarantine. Quarantine security shall be provided by the association per the instruction of the stewards. During the quarantine, the horse shall be retested periodically, but it shall not be permitted to race. In addition, during the period of the quarantine the horse may be exercised and trained at times prescribed by the commission. Removal of a horse from quarantine without the permission of the stewards shall constitute a waiver of any claim of normally high levels for that specific horse. A request for quarantine shall be made within seventy-two (72) hours of notification of a violation of this rule.

(c) Subsequent to the horse being quarantined and retested, if the commission is satisfied on the basis of clear and cogent evidence derived from the testing of the horse's blood that such levels are physiologically normal for that specific horse, the stewards may waive the provisions of this rule and permit the horse to race. Notwithstanding the provisions of subsection (b), the stewards shall assess the expense of quarantine to the association if they determine that high blood levels are physiologically normal for that specific horse. In addition, no disciplinary action will be pursued by the stewards or the commission against the trainer of any horse found, after quarantine, to have physiologically normal levels in excess of the levels established in section 2 of this rule.

(d) For purposes of this section, clear and cogent evidence shall mean continued and repeated levels in excess of the levels established in section 2 of this rule during the period of quarantine. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-5; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3600; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**71 IAC 8.5-13-6 Penalties**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 6. (a) The trainer or responsible party shall receive a warning for the first violation of this rule. No ruling shall be issued for the first violation of this rule.

(b) The stewards shall consider 71 IAC 2-11-1 when determining the penalty for a licensee who commits a second or subsequent violation of this rule or a comparable rule in another jurisdiction. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-6; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3601; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**71 IAC 8.5-13-7 Presence of horse in ship-in barn**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 7. The trainer is responsible for having any horse shipping to the track on race day to go directly to its assigned stall in the ship-in barn. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-7; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3601; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**71 IAC 8.5-13-8 Presence of caretaker with horse**

Authority: IC 4-31-3-9

Affected: IC 4-31-12

Sec. 8. The trainer is responsible for having a licensed person present with the horse until the horse leaves for the paddock. (*Indiana Horse Racing Commission; 71 IAC 8.5-13-8; emergency rule filed Aug 10, 2005, 1:00 p.m.: 28 IR 3601; readopted filed Nov 29, 2011, 12:51 p.m.: 20111228-IR-071110264RFA; readopted filed Oct 13, 2017, 2:49 p.m.: 20171108-IR-071170171RFA*)

**Rule 14. Equine Health; Requirements**

**71 IAC 8.5-14-1 Equine health; requirements**

Authority: IC 4-31-3-9

Affected: IC 4-31

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

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

(c) A copy of all documents described in Section 1(a) and Section 1(b) above [*subsections (a) and (b)*] and any additional documentation required by the association shall be kept with the horse at all times and presented to security personnel upon entering association premises. (*Indiana Horse Racing Commission; 71 IAC 8.5-14-1; emergency rule filed Mar 23, 2010, 1:27 p.m.: 20100331-IR-071100170ERA; readopted filed Sep 21, 2016, 11:02 a.m.: 20161019-IR-071160203RFA*)

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**THOROUGHBRED  
BREED  
DEVELOPMENT**

# ARTICLE 13.5. THOROUGHBRED DEVELOPMENT PROGRAM

## Rule 1. Indiana Bred

### 71 IAC 13.5-1-1 "Indiana bred" defined

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) "Indiana bred" means any properly registered thoroughbred, foaled in Indiana and whose dam was registered with the commission.

(b) The mare must:

(1) have entered Indiana by November 1 in the year prior to foaling; or

(2) have been purchased at an advertised public sale prior to December 31 in the year prior to foaling. Said mare must be in the state of Indiana within fourteen (14) days of purchase; and

(3) remain in Indiana continuously until foaling.

The resulting foal will then be eligible to be registered as an Indiana bred.

(c) Mares registered for 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.

(d) Appeal of the fourteen (14) day return requirement must be forwarded to the commission for the review and recommendation of the breed development advisory committee. 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 appropriate forms available from the commission.

(e) In the event a mare entered Indiana and was registered with the commission after November 1 in the year prior to foaling, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred if the mare:

(1) is registered within ten (10) days of foaling; and

(2) is bred back to a registered Indiana stallion in the year of foaling. Mares registered under Sec.1 (b)(2) [subsection (b)(2)] are not required to breed back to a registered Indiana stallion.

(3) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian.

(f) If the mare does not conceive, it must:

(1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and

(2) remain in Indiana for a period of thirty (30) days from the foaling date and the mare and foal must be inspected by a commission representative prior to leaving the state.

(g) The commission must be notified in writing and provide proper documentation for any mare and/or foal leaving the state for medical treatment.

(h) Appeals for the waiver of the thirty (30) day residency requirement of the mare and/or foal must be forwarded to the commission for the review of the breed development committee.

(i) The horse must be registered with the commission prior to being entered in an Indiana bred conditioned race. (*Indiana Horse Racing Commission; 71 IAC 13.5-1-1; emergency rule filed Jun 22, 2000; 3:05 p.m.: 23 IR 2786; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; 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 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

## Rule 2. Registration

**71 IAC 13.5-2-1 Mare registration**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) In order to be eligible to register a thoroughbred foal as Indiana bred, such foal must be:

- (1) foaled in Indiana and its dam must be registered with the commission;
- (2) have entered Indiana by November 1; or
- (3) have been purchased at an advertised public sale prior to December 31 in the year prior to foaling. Said mare must be in the state of Indiana within fourteen (14) days of purchase; and
- (4) must remain in Indiana continuously until foaling.

(b) A current copy of the front and back of the mare's Jockey Club papers along with lease agreements are to be included with the registration.

(c) Mares registered for 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.

(d) Appeal of the fourteen (14) day return requirement must be forwarded to the commission for the review and recommendation of the breed development advisory committee. 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 appropriate forms available from the commission.

(e) In the event a mare entered Indiana or is registered with the commission after November 1, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred. To be eligible, the mare must be:

- (1) registered within ten (10) days of foaling; and
- (2) bred back to a registered Indiana stallion in the year of foaling (Mares registered under Sec. 1(b)(2) [*sic*] are not required to breed back to a registered Indiana stallion); and
- (3) the stallion must be registered with the commission in the year the foal was conceived.

(f) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian.

(g) If the mare does not conceive, she must:

- (1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and
- (2) remain in Indiana for a period of thirty (30) days from the foaling date and the mare and foal must be inspected by a commission representative prior to leaving the state.

(h) The commission must be notified in writing and provide proper documentation for any mare and/or foal leaving the state for medical treatment.

(i) Appeals for the waiver of the thirty (30) day residency requirement of the mare and/or foal must be forwarded to the commission for the review and recommendation of the breed development advisory committee.

(j) Mares in foal must be reregistered every year. (*Indiana Horse Racing Commission; 71 IAC 13.5-2-1; emergency rule filed Jun 22, 2000; 3:05 p.m.: 23 IR 786; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 122; 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 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 Oct 3, 2013, 2:08 p.m.: 20131009-IR-071130452ERA*)

**71 IAC 13.5-2-2 Foal registration**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. In order to register a thoroughbred foal as an Indiana bred with the commission, a completed application must be filed with the commission within twelve (12) months of the horse's foaling date. If the horse is not registered by the required date,

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a late fee will be assessed in accordance with the following schedule:

- (1) Twelve (12) months plus one (1) day to December 31 of yearling year, two hundred dollars (\$200).
- (2) Two (2) year old year, four hundred dollars (\$400).
- (3) Three (3) year old year, one thousand dollars (\$1,000).

*(Indiana Horse Racing Commission; 71 IAC 13.5-2-2; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; 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)*

### **71 IAC 13.5-2-3 Stallion registration**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) In order to register a stallion with the commission, a completed application must be:

- (1) filed with the commission on or before October 15 of each year; and
- (2) a current copy of the front and back of the stallion's Jockey Club papers along with lease agreements are to be included with the registration.

(b) Each registered stallion must remain in Indiana the entire breeding season (February 1 through July 1). A stallion may arrive in Indiana after the February 1 deadline, but may only be registered if the stallion has not covered any mares during the same year. The stallion must remain in Indiana for the remainder of the breeding season.

(c) An application must be filed every year.

(d) There will be a two hundred fifty dollar (\$250) late fee for all applications filed after the deadline. The late fee will be waived for new stallions which are standing for the first time in Indiana.

(e) Stallions registering after the October 15 deadline must be registered prior to covering any mares for that year.

(f) Only those stallions standing in Indiana and properly registered with the Indiana horse racing commission are eligible for stallion breed development awards.

(g) A mare's bred report must be on file with the commission by August 1 of each year. *(Indiana Horse Racing Commission; 71 IAC 13.5-2-3; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2786; 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 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 Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; readopted filed Sep 21, 2016, 11:02 a.m.: 20161019-IR-071160203RFA)*

## **Rule 3. Awards**

### **71 IAC 13.5-3-1 Owner's awards (Repealed)**

Sec. 1. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA)*

### **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 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 in races at a licensed pari-mutuel track in Indiana is twenty percent (20%) of the purse, including supplements, for all stake, allowance (including Maiden Special Weight, Starter Allowance for ten thousand (10,000)

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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 total purse supplement available shall be included in calculating breeder's awards.

(e) 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*)

### **71 IAC 13.5-3-3 Out-of-state breeder's awards**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. An out-of-state breeder's award is an award paid to the breeder of a registered Indiana bred which wins a flat race in another state, Puerto Rico, or Canada. The amount of the award is ten percent (10%) of the winner's share of the purse for any race when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000). This award is applicable only when there is no live thoroughbred race meet in progress in Indiana (except for stake races and for two-year-olds winning out of state prior to July 1 of the race meet). Awards will be paid by the commission. Out-of-state breeder's awards shall be limited to a single race award not to exceed ten thousand dollars (\$10,000). (*Indiana Horse Racing Commission; 71 IAC 13.5-3-3; 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 28, 2003, 2:20 p.m.: 26 IR 1952; emergency rule filed Jan 21, 2004, 2:30 p.m.: 27 IR 1922; emergency rule filed May 10, 2005, 3:20 p.m.: 28 IR 2751; 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 Apr 5, 2013, 3:50 p.m.: 20130410-IR-071130135ERA; emergency rule filed Mar 24, 2014, 9:17 a.m.: 20140326-IR-071140100ERA*)

### **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 award is paid to the owner or lessee of a registered Indiana stallion whose registered progeny have won any race 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 in races at a licensed pari-mutuel track in Indiana is 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 total purse supplement available shall be included in calculating stallion owner's awards.

(e) Awards will be paid by the commission.

(f) 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*

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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)

**71 IAC 13.5-3-5 Purse supplement in open races**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 5. (a) A purse supplement is to be paid to the owner of an Indiana bred that places first, second, or third in the following races:

(1) All open allowance, including:

(A) maiden special weights;

(B) starter allowance for ten thousand dollars (\$10,000) or more;

(C) optional claiming for ten thousand dollars (\$10,000) or more; or

(D) maiden optional claiming for ten thousand dollars (\$10,000) or more.

(2) Open stakes.

(3) Open claiming, when entered for a claiming price of greater than or equal to ten thousand dollars (\$10,000).

(b) The award shall be 40% of the purse earned and paid by the association (race track) with track purse funds generated from pari-mutuel handle. The association may, with the approval of the commission, elect to increase the purse supplement. (*Indiana Horse Racing Commission; 71 IAC 13.5-3-5; emergency rule filed Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; emergency rule filed Jul 5, 2012, 2:14 p.m.: 20120718-IR-071120402ERA; emergency rule filed Mar 24, 2014, 9:17 a.m.: 20140326-IR-071140100ERA*)

**Rule 4. Restricted Races**

**71 IAC 13.5-4-1 Restricted races**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. The commission, acting upon advice of the thoroughbred development advisory committee, shall approve each year a schedule of overnight races and stake races restricted to Indiana bred. Such schedule shall include monies distributed from the thoroughbred development fund as purse supplements. (*Indiana Horse Racing Commission; 71 IAC 13.5-4-1; 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; readopted filed Mar 20, 2008, 2:33 p.m.: 20080416-IR-071080064RFA; readopted filed Nov 21, 2014, 2:25 p.m.: 20141217-IR-071140403RFA*)

**Rule 5. Indiana Bred Preference**

**71 IAC 13.5-5-1 Indiana bred preference**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) A registered Indiana bred that receives an R-date or an E-date will receive starter preference over a non-Indiana bred with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana bred, stake races excepted. Indiana bred will not receive starter preference over non-Indiana bred with better R-dates, E-dates, or zero-dates.

(b) A registered Indiana bred that enters or races in an open race will retain their previous Indiana bred preference date when returning to a restricted Indiana bred race. (*Indiana Horse Racing Commission; 71 IAC 13.5-5-1; 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; readopted filed Mar 20, 2008, 2:33 p.m.:*

20080416-IR-071080064RFA; emergency rule filed Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; emergency rule filed May 16, 2012, 2:15 p.m.: 20120523-IR-071120267ERA; emergency rule filed Feb 3, 2017, 2:24 p.m.: 20170208-IR-071170051ERA)

**Rule 6. Indiana Bred Weight Allowance**

**71 IAC 13.5-6-1 Indiana bred weight allowance**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. Registered Indiana bred shall receive a three (3) lb. [pound] weight allowance when competing in races not restricted to Indiana bred, stake races excepted. (*Indiana Horse Racing Commission; 71 IAC 13.5-5-1; 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; readopted filed Mar 20, 2008, 2:33 p.m.: 20080416-IR-071080064RFA; readopted filed Nov 21, 2014, 2:25 p.m.: 20141217-IR-071140403RFA*)

**Rule 7. Indiana Sired Weight Allowance**

**71 IAC 13.5-7-1 Indiana sired weight allowance**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. In Indiana restricted races, registered Indiana sired horses shall receive a weight allowance of three (3) lbs. when running less than seven and one-half (7 1/2) furlongs and five (5) lbs. when running seven and one-half (7 1/2) furlongs or greater. (*Indiana Horse Racing Commission; 71 IAC 13.5-7-1; 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*)

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**QUARTER HORSE  
BREED  
DEVELOPMENT**

# ARTICLE 14.5. QUARTER HORSE DEVELOPMENT PROGRAM

## Rule 1. Indiana Bred Quarter Horse Breed Development Program

### 71 IAC 14.5-1-1 Indiana bred quarter horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) Indiana bred quarter horse means any properly registered quarter horse foaled in Indiana and whose dam was registered with the commission.

(b) The mare must:

(1) Have entered Indiana by November 1, 2008, and by July 1, 2009, and each year thereafter in the year prior to foaling.

(2) Remain in Indiana continuously until foaling.

The resulting foal will then be eligible to be registered as an Indiana bred.

(c) In the event a mare entered Indiana and was registered with the commission after November 1, 2008, and by July 1, 2009, and each year thereafter in the year prior to foaling, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred.

(d) The mare must be bred back to a registered Indiana stallion in the year of foaling for the foal to qualify as an Indiana bred.

(e) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed Indiana veterinarian.

(f) If the mare does not conceive, it must:

(1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred;

(2) remain in Indiana for a period of thirty (30) days from the foaling date; and

(3) the mare and foal must be inspected by a commission representative prior to leaving the state.

(g) An Indiana bred quarter horse foaled prior to the year 2002 will require that the breeder must be a resident of Indiana as noted on the American Quarter Horse Association registration certificate. These horses must be registered with the commission by September 1, 2002, or will not be eligible for the Indiana bred program.

(h) The horse must be registered with the commission prior to being entered in an Indiana bred conditioned race.

(i) The breeder of a registered Indiana bred shall be the owner of the dam at the time of the dam's registration with the breed development program. (*Indiana Horse Racing Commission; 71 IAC 14.5-1-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 123; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:23 p.m.: 25 IR 1190; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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*)

### 71 IAC 14.5-1-2 Indiana foaled quarter horse

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. Indiana foaled quarter horse means a horse whose American Quarter Horse Association registration certificate indicates Indiana as the state where the horse was foaled prior to the year 2002. A horse must be registered with the commission and a certificate issued prior to entry into an Indiana foaled conditioned race. These horses must be registered with the commission by September 1, 2002, or will not be eligible for the Indiana bred program. (*Indiana Horse Racing Commission; 71 IAC 14.5-1-2; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Nov 29, 2001, 1:23 p.m.: 25 IR 1191; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA*)

### 71 IAC 14.5-1-3 Indiana owned quarter horse (Repealed)

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Sec. 3. *(Repealed by Indiana Horse Racing Commission; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3035)*

**71 IAC 14.5-1-4 Indiana sired quarter horse**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 4. "Indiana sired" means a foal sired by a registered Indiana stallion properly registered with the Indiana horse racing commission as outlined in 71 IAC 14.5-2-3 and whose mare must fulfill the requirements of 71 IAC 14.5-1-1 [section 1 of this rule]. *(Indiana Horse Racing Commission; 71 IAC 14.5-1-4; 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)*

**Rule 2. Registration**

**71 IAC 14.5-2-1 Mare registration**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1. (a) In order to be eligible to register a quarter horse foal as Indiana bred, such foal must be:

- (1) foaled in Indiana and its dam must be registered with the commission;
- (2) registered and have entered Indiana by November 1, 2008, by July 1, 2009, and each year thereafter; and
- (3) remain in Indiana continuously until foaling.

(b) A current copy of the mare's American Quarter Horse Association registration certificate or front and back of the mare's Jockey Club papers along with lease agreements are to be included with the registration.

(c) In the event a mare entered Indiana or is registered with the commission after November 1, 2008, by July 1, 2009, and each year thereafter, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred. To be eligible, the mare must be:

- (1) bred back to a registered Indiana stallion in the year of foaling for the foal to qualify as an Indiana bred; and
- (2) the stallion must be registered with the commission in the year the foal was conceived.

(d) If the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian.

(e) If the mare does not conceive, she must:

- (1) remain open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and
- (2) remain in Indiana for a period of thirty (30) days from the foaling date and the mare and foal must be inspected by a commission representative prior to leaving the state.

(f) The commission must be notified in writing and provide proper documentation for any mare and/or foal leaving the state for medical treatment.

(g) Mares in foal must be reregistered every year. *(Indiana Horse Racing Commission; 71 IAC 14.5-2-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1036; emergency rule filed Aug 23, 2001, 9:58 a.m.: 25 IR 123; 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 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; readopted filed Nov 21, 2014, 2:25 p.m.: 20141217-IR-071140403RFA)*

**71 IAC 14.5-2-1.5 Embryo transfer registration**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 1.5. (a) In order to be eligible to register the following quarter horse embryo transfer foals as Indiana bred:

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- (1) The foals must be foaled in Indiana.
- (2) The donor mare and recipient mare must:
  - (A) be registered with the commission; and
  - (B) have entered Indiana by July 1 of each year prior to foaling.
- (3) All mares must remain in Indiana continuously until foaling except if the donor mare and recipient mare or mares are registered and reside in the state by July 1, in which case the donor mare may leave the state to flush embryos. The commission must be notified in writing prior to the time the mare leaves.
  - (b) In the event a mare entered Indiana or is registered with the commission after July 1, the foal (which must be foaled in Indiana) may be eligible to be registered as an Indiana bred. To be eligible:
    - (1) the donor mare may only be bred back or flushed to a registered Indiana stallion in the year of foaling for the foal or foals to qualify as an Indiana bred;
    - (2) the stallion must be registered with the commission in the year the foal was conceived. If the donor mare and recipient mare or mares arrive after July 1, the donor mare and recipient mare or mares must reside in the state until June 30th of the foaling year;
    - (3) if the mare fails to conceive when bred or is unfit to breed due to health reasons, a veterinarian certificate is required from a licensed veterinarian and must be submitted to the commission; and
    - (4) if the mare or recipient mare does not conceive, she must remain:
      - (A) open for that breeding season in order for the mare's current foal to be eligible to be registered as an Indiana bred; and
      - (B) in Indiana until June 30th of the foaling year.
  - (c) In the event there is more than one (1) recipient mare, each recipient mare and foal must be properly registered.
  - (d) A copy of the donor mare registration papers and all lease agreements must accompany the application for identification and ownership purposes.
    - (e) The recipient mare must be able to be identified by the following:
      - (1) Indiana breed development identification form.
      - (2) American Quarter Horse Association certificate of registration.
    - (f) The donor mare may leave the state to participate in:
      - (1) stakes;
      - (2) medical care; or
      - (3) an advertised public sale.

A mare leaving the state for an advertised public sale may be gone for the interval of the sale, but must return to Indiana within fifteen (15) days of her sale. Written documentation of the sale is required. The director of breed development must be notified in writing within fifteen (15) days of the departure and return of the advertised public sale.

(g) The director of breed development may approve requests for a donor mare to leave the state for any reason not provided in subsection (f). A request made to the director of breed development must be made in writing and include the following:

- (1) The requested departure date of the donor mare.
- (2) The reason or reasons that the donor mare must leave the state.
- (3) The anticipated date of return of the donor mare to the state.

All written requests shall be made at least fifteen (15) days prior to the requested departure date. Approval is granted at the discretion of the director of breed development, or another commission designee. Conditional approval of a request may be granted subject to any conditions deemed appropriate. The party requesting to leave the state may be required to provide additional information regarding the reason or reasons for the donor mare to leave the state prior to approval of any request. A response will be issued no later than five (5) days prior to the requested departure date. A request is deemed denied if no formal approval is provided prior to the requested departure date.

(h) All mares in foal must be registered every year. (*Indiana Horse Racing Commission; 71 IAC 14.5-2-1.5; 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 Jan 25, 2012, 12:20 p.m.: 20120201-IR-071120056ERA; emergency rule filed Feb 25, 2015, 2:55 p.m.: 20150304-IR-071150055ERA; emergency rule filed Nov 15, 2018,*

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2:47 p.m.: 20181121-IR-071180512ERA; emergency rule filed Dec 7, 2018, 1:21 p.m.: 20181212-IR-071180521ERA)

**71 IAC 14.5-2-2 Foal registration**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 2. In order to be eligible to register a foal of 2002 and future as an Indiana bred with the commission, a completed application must be on file with the commission within twelve (12) months of the horse's foaling date. If the foal is not registered by the required date, a late fee will be assessed in accordance with the following schedule:

(1) Twelve (12) months plus one (1) day to December 31 of yearling year, two hundred dollars (\$200).

(2) Two (2) year old year, four hundred dollars (\$400).

(3) Three (3) year old year, one thousand dollars (\$1,000) and beyond.

*(Indiana Horse Racing Commission; 71 IAC 14.5-2-2; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; readopted filed Nov 26, 2013, 11:25 a.m.: 20131225-IR-071130345RFA)*

**71 IAC 14.5-2-3 Stallion registration**

Authority: IC 4-31-3-9

Affected: IC 4-31

Sec. 3. (a) In order to be eligible to register a stallion with the commission, a completed application must be on file with the commission on or before November 1 of each year.

(b) Each registered stallion must remain in Indiana the entire breeding season (February 1 through July 1).

(c) New stallions arriving late cannot have covered any mares in another state during the same year.

(d) Quarter horse stallions may breed both quarter horse and thoroughbred mares.

(e) Thoroughbred stallions may breed quarter horse mares. Thoroughbred stallions breeding quarter horse mares must be registered in the quarter horse registry.

(f) A stallion must be registered with the commission the year of the foal's conception to be eligible for sire races and stallion awards.

(g) Stallions must be registered each year. Any living or deceased stallion having sired foals while standing in the state of Indiana prior to the year 2001 must have on file with the commission an application covering the years it stood in the state to be eligible for sire races and stallion awards.

(h) Mare's bred reports must be on file with the commission by December 1 of each year.

(i) A copy of lease agreements must accompany the application.

(j) There will be a one hundred dollar (\$100) late fee for all applications filed after the deadline.

(k) This rule in no way restricts the shipment and use of cooled semen.

(l) Only those stallions standing in Indiana and properly registered with the Indiana horse racing commission are eligible for stallion breed development awards. *(Indiana Horse Racing Commission; 71 IAC 14.5-2-3; 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; readopted filed Mar 23, 2007, 11:31 a.m.: 20070404-IR-071070030RFA; 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 Jul 19, 2010, 12:22 p.m.: 20100728-IR-071100480ERA; readopted filed Sep 21, 2016, 11:02 a.m.: 20161019-IR-071160203RFA)*

**Rule 3. Awards**

**71 IAC 14.5-3-1 Owner awards**

Authority: IC 4-31-3-9

Affected: IC 4-31

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QUARTER HORSE DEVELOPMENT PROGRAM

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Sec. 1. (a) An owner award is the award paid to the owner of a registered Indiana bred quarter horse which places first, second, or third in any race except trials and 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) For Indiana bred races the amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:

- (1) fifty percent (50%) is awarded to the winner, not to exceed five thousand dollars (\$5,000);
  - (2) thirty percent (30%) is awarded to second place, not to exceed three thousand dollars (\$3,000); and
  - (3) twenty percent (20%) is awarded to third place, not to exceed two thousand dollars (\$2,000).
- (d) For open races the amount of the award is six and one-quarter percent (6.25%) of the gross purse, distribution is:
- (1) fifty percent (50%) is awarded to the winner, not to exceed two thousand five hundred dollars (\$2,500);
  - (2) thirty percent (30%) is awarded to second place, not to exceed one thousand five hundred dollars (\$1,500);
  - (3) twenty percent (20%) is awarded to third place, not to exceed one thousand dollars (\$1,000).

(e) 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*)

#### **71 IAC 14.5-3-2 Breeder awards**

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 which places first, second, or third in any race except trials and 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) For Indiana bred races the amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:

- (1) fifty percent (50%) is awarded to the winner, not to exceed five thousand dollars (\$5,000);
  - (2) thirty percent (30%) is awarded to second place, not to exceed three thousand dollars (\$3,000); and
  - (3) twenty percent (20%) is awarded to third place, not to exceed two thousand dollars (\$2,000).
- (d) For open races the amount of the award is six and one-quarter percent (6.25%) of the gross purse, distribution is:
- (1) fifty percent (50%) is awarded to the winner, not to exceed two thousand five hundred dollars (\$2,500);
  - (2) thirty percent (30%) is awarded to second place, not to exceed one thousand five hundred dollars (\$1,500);
  - (3) twenty percent (20%) is awarded to third place, not to exceed one thousand dollars (\$1,000).

(e) Awards will be paid by the commission.

(f) 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*)

**71 IAC 14.5-3-3 Stallion owner awards**

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 trials and 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) For Indiana bred races the amount of the award is twelve and one-half percent (12.5%) of the gross purse, distribution is:

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

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

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

(d) For open races the amount of the award is six and one-quarter percent (6.25%) of the gross purse, distribution is:

(1) fifty percent (50%) is awarded to the winner, not to exceed two thousand five hundred dollars (\$2,500);

(2) thirty percent (30%) is awarded to second place, not to exceed one thousand five hundred dollars (\$1,500);

(3) twenty percent (20%) is awarded to third place, not to exceed one thousand dollars (\$1,000).

(e) Awards will be paid by the commission.

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

(g) 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*)

**71 IAC 14.5-3-4 Purse supplement in open races (Repealed)**

Sec. 4. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 25, 2015, 2:55 p.m.: 20150304-IR-071150055ERA*)

**71 IAC 14.5-3-5 Open stakes bonus (Repealed)**

Sec. 5. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Apr 4, 2013, 1:05 p.m.: 20130410-IR-071130134ERA*)

**71 IAC 14.5-3-6 Sired purse supplement (Repealed)**

Sec. 6. (*Repealed by Indiana Horse Racing Commission; emergency rule filed Feb 25, 2015, 2:55 p.m.: 20150304-IR-071150055ERA*)

**Rule 4. Restricted Races**

**71 IAC 14.5-4-1 Restricted races**

Authority: IC 4-31-3-9

Affected: IC 4-31

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QUARTER HORSE DEVELOPMENT PROGRAM

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Sec. 1. The commission, acting upon advice of the quarter horse development advisory committee, shall approve each year a schedule of overnight races and stake races restricted to Indiana bred or foaled. Such schedule shall include monies distributed from the quarter horse development fund as purse supplements. (*Indiana Horse Racing Commission; 71 IAC 14.5-4-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1038; 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 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.]; readopted filed Nov 21, 2014, 2:25 p.m.: 20141217-IR-071140403RFA*)

**Rule 5. Indiana Bred or Foaled Preference**

**71 IAC 14.5-5-1 Indiana bred or foaled preference**

Authority: IC 4-31-3-9

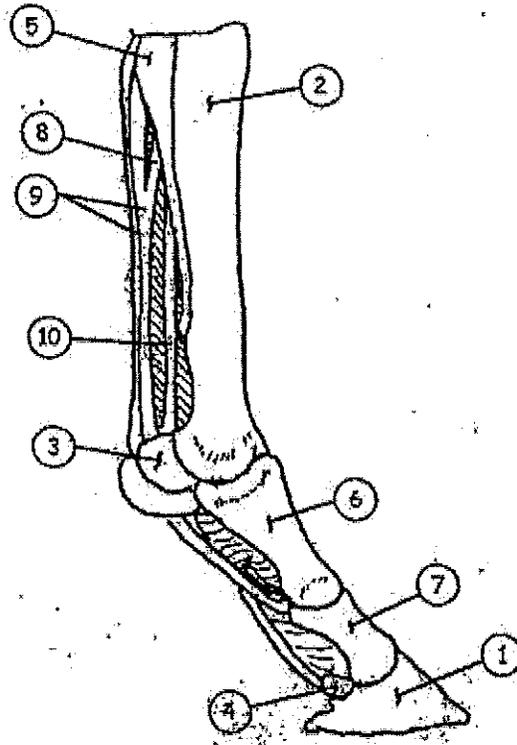
Affected: IC 4-31

Sec. 1. A registered Indiana bred or foaled that receives a R-date or an E-date will receive starter preference over a non-Indiana bred or foaled with an equal R-date or E-date. Such preference shall apply in all races not restricted to Indiana bred or foaled stake races excepted. Indiana bred or foaled will not receive starter preference over non-Indiana bred or foaled with better R-dates, E-dates, or zero-dates. (*Indiana Horse Racing Commission; 71 IAC 14.5-5-1; emergency rule filed Nov 15, 2000, 11:40 a.m.: 24 IR 1038; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 24, 2006, 11:11 a.m.: 29 IR 3035; emergency rule filed Mar 3, 2011, 11:50 a.m.: 20110309-IR-071110100ERA; emergency rule filed May 16, 2012, 2:15 p.m.: 20120523-IR-071120267ERA; emergency rule filed Apr 30, 2018, 3:54 p.m.: 20180502-IR-071180203ERA*)

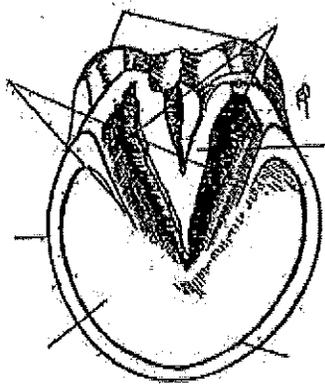
\*

# **ANATOMY OF THE HORSE**

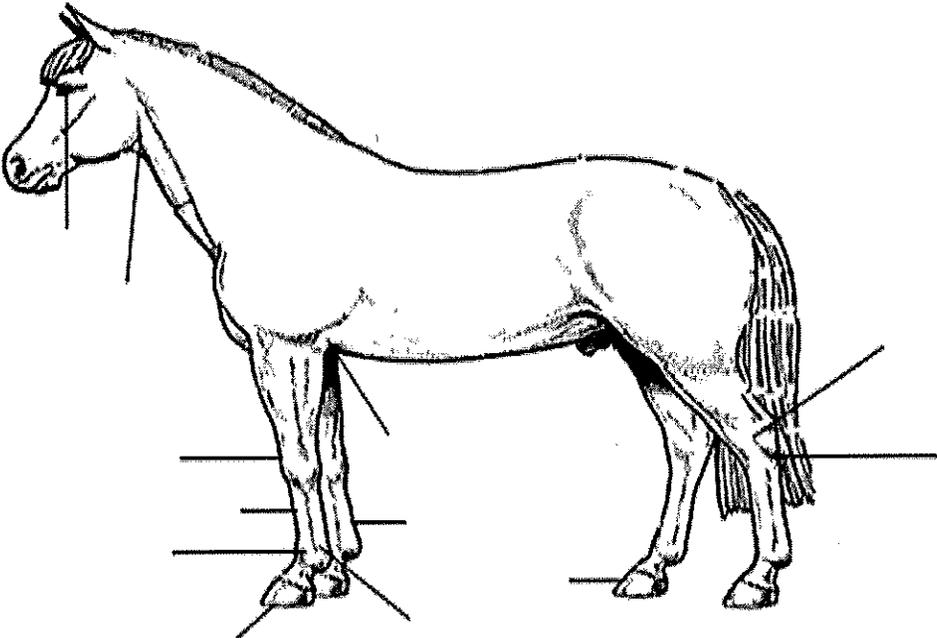
Using the numbers in the diagram below, match the following bones and tendons/ligaments:



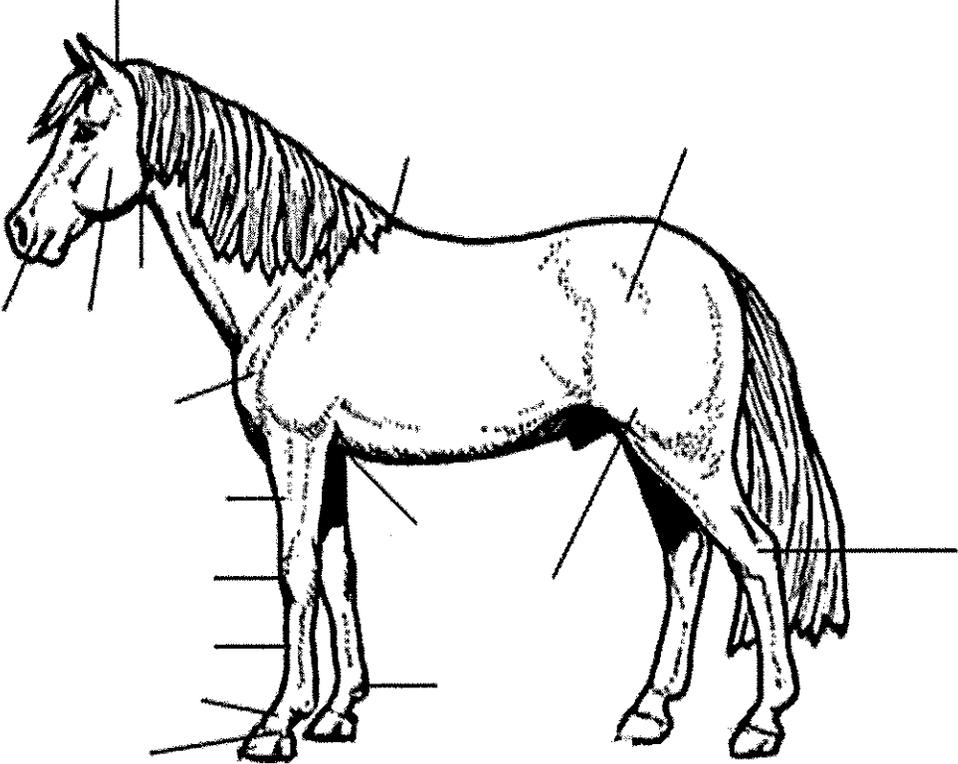
Label the following parts of the hoof:



Using the diagram below, label the following parts of the horse where the particular injury/affliction is found:



Using the diagram below, label the following parts of the horse:



Be sure to contact the  
Racing Office to get a  
current **condition book** for  
additional study material