

**RCI MODEL RULES COMMITTEE**  
*PETITION FOR NEW RULE OR CHANGE TO EXISTING RULE*

Please submit this petition via email to [rules@arci.com](mailto:rules@arci.com) . Submission of a petition begins a review process within the ARCI and is not a representation that the matter will be acted upon at the next ARCI Model Rules Committee meeting. Other committees may need to review the matter and make a recommendation. Printed petitions should be sent to:

Racing Commissioners International  
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Lexington, KY 40511  
Phone: 859/224-7070

Your Contact Information:

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Organization:	Racing Commissioners International (ARCI) – Note: This proposal is being offered by Mr. Martin individually to commence the discussion and NOT on behalf of the organization.
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**A. Brief Description of the Issue**

This proposal addresses a void in the Model Rules as to when a racing commission actually has jurisdiction over the horse. Currently the point at which a racing commission authority has jurisdiction over the horse varies greatly.

**B. Discussion of the Issue and Problem.**

The issue of when a racing commission should actually have jurisdiction over the horse has been raised in a number of contexts. Most recently, the concern about the use of bisphosphonates on young horses, despite in the US a government warning that these drugs may not be safe for young horses, has underscored the need to address matters pertaining to the jurisdictional limitations of racing commission authorities. This issue was the subject of a panel discussion at the 2018 ARCI annual Conference in Hot Springs, Arkansas.

Current regulatory policy varies widely, with some jurisdictions having no authority over the horse until it is on the grounds of a licensed facility or actually entered into a race. With catastrophic breakdown problems persisting there needs to be a way for equine suitability exams to be performed, primarily to safeguard against practices which may be jeopardizing the long term health and welfare of the racing horse as well as rider should a breakdown occur. The issue will affect practicing veterinarians, trainers and owners in that it will clarify and, in

some cases, expand the regulatory authority of commissions over horses enabling the option for commissions to conduct equine suitability examinations including the review of veterinary records as well as the expansion of authority of regulatory veterinarians to place horses in question on the Veterinarian's List.

Addressing this gap in the current regulatory scheme should become a priority for anyone concerning about protecting horses.

This proposal is being offered in the absence of any others being put forward by any industry organization, individual, or ARCI Committee, despite the identification of this gap at the December, 2017 RCI Board Meeting as one that should be closed.

The clarification of commission jurisdiction will also strengthen efforts to insulate out of competition testing programs from legal challenges in jurisdictions where the actual jurisdiction over a horse is limited while removing an obstacle for some commissions to adopt the model rule in this area or expand their efforts in this area.

In January, 2018, the ARCI surveyed regulatory jurisdictions on this questions and the following table of responses underscores the need to address this matter:

NAME OF RACING COMMISSION.	At what point does a horse come under the regulatory authority of your commission?
Maryland	B. Horses Eligible for Testing. (1) Any horse that has been engaging in activities related to competing in horse racing in the State may be tested. This includes, without limitation, any horses that are training outside the State to participate in racing
West Virginia Racing Commission	If a horse is registered for eligibility for the WV Thoroughbred Development Fund, then the WV Racing Commission has regulatory authority to conduct inspections to ensure that the horse meets eligibility criteria.
New Jersey Racing Commission	at the time of entry for first time starters. All race horses stabled on the grounds of a racetrack or licensed off-track stabling facility are under the jurisdiction and authority of the Commission.
Minnesota Racing Commission	When on the grounds of a licensed racetrack. Stewards have very limited authority to approve ownership transfers.
South Dakota Commission on Gaming	when stabled on the grounds of a race track
Pennsylvania	Harness no, T bred yes for above answer
Delaware Thoroughbred Racing Commission	When it is on the grounds of the race track or has raced at that same race track.

Louisiana racing commission	At the stewards level
Ontario	A horse is deemed a race horse when it is within 60 days of racing and/or working/qualifying. Once a horse is considered a race horse then we have regulatory authority over it.
Kentucky Horse Racing Commission	(a) It is under the care, custody, or control of a trainer licensed by the commission; (b) It is owned by an owner licensed by the commission; (c) It is nominated to a race at an association licensed pursuant to KRS 230.300; (d) It
Texas Racing Commission	When it is entered in a race
Michigan Gaming Control Board	Either when on the grounds, with a valid charted line or timed work or under the care of a licensed trainer.
Virginia Racing Commission	When a horse is entered to race at a licensed facility
Oklahoma Horse Racing Commission	within the enclosure
Massachusetts Gaming Commission	When it is stabled on the grounds of one of our tracks, and/or when it races in MA
Indiana Horse Racing Commission	While participating in our race meet, intent to participate, or under custody of lic trainer (for OOC)
Nebraska Racing Commission	Only if papers are in the racing office
TRINIDAD & TOBAGO RACING AUTHORITY	Upon registration.
Gaming Policy & Enforcement Division, British Columbia	When racing.
Iowa Racing and Gaming Commission	At the time the horse's registration certificate is on file in the race office.

### **C. Possible Solutions and Impact**

The proposed Model Rules additions and modifications are but one way to begin to address this matter. This proposal is based upon existing policy in the State of Kentucky.

Other options may be considered. One proposal made at the RCI Panel discussion in April 2018 was to place horses under the jurisdiction of the commission after a first published work.

It is important to note that the Out-Of-Competition Model Rule does articulate when a horse may be under the jurisdiction of a commission. That rule does not address the equine welfare concern contained in this proposal nor does it permit equine welfare reviews of veterinary records. Likewise, this proposal does nothing to affect the current model out of competition testing rule.

### **D. Please identify any affected stakeholder groups that expressed support or opposition. (These stakeholders may include the racetracks, breed registries, owners, trainers, jockeys, veterinarians, or others.)**

No statements of position on this proposal have been received at the time of submission from any group involved with racing. This issue has been discussed generally at the 2018 annual RCI conference in Hot Springs, Arkansas. No formal proposal was discussed at that meeting.

**E. Attach the model rule language you are proposing. Please show new language with underlined text. If you are proposing that current model rule language be eliminated, please strikeout the language to be deleted.**

***ARCI-001-010 Terms***

- (1) **Act** is the enabling legislation permitting pari-mutuel racing and wagering in this jurisdiction
- (2) **Added Money** is the amount exclusive of trophy 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 owners of racing animals.
- (3) **Administer or Administration** is the introduction of a substance into the body of a horse or greyhound.
- (4) **Appeal** is a request for the Commission or its designee to investigate, consider and review any decisions or rulings of stewards/judges of a meeting.
- (5) **Associated person** is the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person would give the appearance that such other person or entity would care for or train a racing animal or perform veterinarian service on a racing animal for the benefit, credit, reputation, or satisfaction of the inactive person.
- (6) **Association** is a person or business entity holding a license from the commission to conduct racing and/or pari-mutuel wagering.
- (7) **Authorized Agent** is a person licensed by the Commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner in whose behalf the agent will act.
- (8) **Beneficial Interest** is profit, benefit or advantage resulting from a contract or the ownership of an estate as distinct from the legal ownership or control. When considered as designation of character of an estate, is such an interest as a devisee, legatee or donee takes solely for his own use or benefit and not as holder of title for use and benefit of another.
- (9) **Breakage** is the net pool minus payout.
- (10) **Business Day** is a day other than Saturday or Sunday or legal holiday.
- (11) **Carryover** is non-distributed pool monies which are retained and added to a corresponding pool in accordance with these rules.
- (12) **Cheek Piece** is two stripes of sheepskin or any other similar material that is attached to the cheek pieces of the bridle.
- (13) **Commission** is the regulatory agency with the authority to regulate racing and/or pari-mutuel wagering.
- (14) **Complaint** is a written allegation of a violation of these rules.
- (15) **Contest** is a competitive racing event on which pari-mutuel wagering is conducted.
- (16) **Contestant** is an individual participant in a contest.
- (17) **Controlled Substance** is any substance included in the five classification schedules of the (U.S.) Controlled Substance Act of 1970.

- (18) **Controlled Therapeutic Medication** is any medication approved by the Association of Racing Commissioners International for which the regulatory analyte concentration in the sample(s) may not exceed specified regulatory limits published herein.
- (19) **Course** is the track over which contestants race.
- (20) **Day** is a 24-hour period ending at midnight.
- (21) **Dark Day** - A day during a live or a simulcast race meeting when no pari-mutuel wagering is conducted.
- (22) **Eligible Horse - A horse is presumed eligible and subject the the jurisdiction of the commission if:**
  - a. **It is under the care, custody, or control of a trainer licensed by the commission;**
  - b. **It is owned by an owner licensed by the commission;**

### **ARCI-002-010      *General Authority***

- (1) The Commission shall regulate each race meeting and the persons who participate in each race meeting.
- (2) **The Commission shall enact policies designed to ensure that eligible horses are suitable and safe to race.**
- (3) Pursuant to the authority granted in the Act the Commission may delegate to the executive director and the stewards/judges all powers and duties necessary to fully implement the purposes of the Act.

### **ARCI-011-030 *Physical Inspection of Horses***

#### **A.      Assessment of Racing Condition and Suitability**

- (1) **Every eligible horse may be subjected to a veterinary suitability inspection or review performed by a commission veterinarian that may include physical inspection of the horse, analysis of biological samples and review of veterinary records as requested by the commission.**
  - (a) **Horses determined to be of questionable suitability are to be placed on the Veterinarian's List until such time as a subsequent review permits their removal;**
  - (b) **Horses found to have been administered medications subject to government warnings concerning their safety and effect on eligible horses may be permanently placed on the Veterinarian's List and excluded from racing activity until such time as further scientific review results in a removal of such warnings.**
- (2) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.
- (3) The inspection shall be conducted by the official veterinarian or the racing veterinarian.
- (4) The agency or the association employing the examining veterinarian(s) should provide a staffing level of not less than 2 veterinarians.
- (5) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian. Horses presented for examination must have bandages removed; the legs must be clean. Prior to examination horses may not be placed in ice nor shall any device or substance be applied that impedes veterinary clinical assessment.
- (6) The assessment of a horse's racing condition shall include:

- (a) Proper identification of each horse inspected;
  - (b) Observation of each horse in motion;
  - (c) Manual palpation and passive flexion of both forelimbs;
  - (d) Visual inspection of the entire horse and assessment of overall condition;
  - (e) Clinical observation in the paddock and saddling area, during the parade to post and at the starting gate, during the running of the race, and following the race until the horse has exited the race track; and,
  - (f) Any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian.
- (7) The official veterinarian and/or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.
  - (8) The official veterinarian and/or the racing veterinarian are authorized access to any ~~and all horses housed on association grounds~~ eligible horse regardless of entry status.
  - (9) 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.
  - (10) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the Veterinarian's List.

F. Do any racing jurisdictions currently have a version of this rule in effect? If yes, please attach copies of those rules.

Kentucky has similar language pertaining to jurisdiction over horses for out of competition testing.

### **810 KAR 1:110. Out-of-competition testing.**

Section 3. Out-of-Competition Testing. (1) Any horse eligible to race in Kentucky shall be subject to testing without advance notice for the substances specified in Section 2 of this administrative regulation. A horse is presumed eligible to race in Kentucky if:

- (a) It is under the care, custody, or control of a trainer licensed by the commission;
- (b) It is owned by an owner licensed by the commission;
- (c) It is nominated to a race at an association licensed pursuant to KRS 230.300;
- (d) It has raced at an association licensed pursuant to KRS 230.300 within the previous

twelve (12) calendar months;

- (e) It is stabled on the grounds of an association licensed pursuant to KRS 230.300 or a

training facility subject to the jurisdiction of the commission; or

- (f) It is nominated to participate in the Kentucky Thoroughbred Development Fund.

(2) A horse subject to testing under subsection (1) of this section may be designated for

testing by the executive director, the chief state steward, or their respective designee.  
(3) A horse designated for testing under this section shall be subject to testing for the sub-

stances described in Section 2 of this administrative regulation.

(4) An owner, trainer, or any authorized designee shall fully cooperate with the commission

veterinarian, or his or her designee, by:

(a) Locating and identifying any horse designated for out-of-competition testing;

(b) Making the horse available for the collection of the specimen at an agreed upon stall or

other safe location; and

(c) Observing the collection of the specimen.

1. If the owner, trainer or their authorized designee, is not available to observe the collection

of the specimen, the collection shall be deferred until the trainer, owner, or their authorized designee, becomes reasonably available, but the collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received.

2. If the collection does not occur within the time provided for in this subsection, any horse that is designated for testing may be barred from racing in Kentucky and placed on the veterinarian's list, 810 KAR 1:018, Section 18, and the steward's list, for a period of 180 days and the owner and trainer of the horse may be subject to the penalties described in Section 8 of this administrative regulation.

G. Review the RCI Model Rules and identify any other Model Rules this change would affect and submit proposed amendments to those rules to comply with changes that would be made by this proposal.

Should the Committee wish to adopt the proposal as submitted or modified, then the following section pertaining to Standardbred racing would also need modification: ***ARCI-025-030 Physical Inspection of Horses.***