MODEL RULES COMMITTEE
MEETING AGENDA (v.2.0)
Thursday, April 4, 2019 – 2:00pm – 4:30pm.
Embassy Suites, Arcadia, California, USA

(All Meeting Materials can be accessed online at http://www.arcimodelrules.online )

1. Call to Order – Denny Lee, Esq., Committee Chair and Chair, Nebraska Racing Commission.

2. Minutes from Previous Meeting.

3. Proposed Amendments to Chapter 6 – Flat Racing Officials as proposed by the Racing Officials Accreditation Program and the joint ARCI/ROAP Stewards Advisory Committee (Possible Action Items)
   A) Amendment to ARCI 006-015 Stewards, Section D Disciplinary Action – increase in fines and suspensions (Tabled at last meeting);
   B) Amendment to ARCI 006-015 Stewards I – Records and Reports;
   C) Amendment to ARCI 006-030 – Paddock Judge – clarification of responsibility for saddling a horse;
   D) Amendment to ARCI 006-050 – Starter – affects reporting requirement, Starters List, gate card requirement, and assistant starter actions;
   E) Amendment to ARCI 006-065 – Placing Judge – to clarify aspects of calling a “Dead Heat”.

4. Proposed Amendments to ARCI-001-010 Terms and ARCI-008-020 Trainers proposed by the Racing Medication and Testing Consortium pertaining to access to veterinary records by regulatory veterinarians for the fourteen days prior to a ship ins. (Possible Action Item).

5. Proposed amendment to ARCI-010-030 Horses Ineligible restricting entry by horses treated with bisphosphonate drugs prior to age 4. (Possible Action Item).

6. Proposed addition to ARCI-022-015-New Section (G) to affecting standardbred owners’ licenses.

7. Proposed clarification of testosterone threshold contained in ARCI-011-020 I. 3(c) (Possible Action Item).
8. Proposed amendments to unspecified sections of Chapters 22-24 of the Model Rules affecting Standardbred racing as proposed by the United States Trotting Association. Possible Action Item

9. Other Business.

A) Proposed Modifications to the Controlled Therapeutic Schedule affecting Standardbred racing as proposed by the Harness Racing Medication Collaborative. This matter was referred by several Standardbred regulatory agencies and is under review by the ARCI Scientific Advisory Group, Drug Testing Standards and Practices Committee, and Standardbred Racing Committee. (Possible Action Item pending committee recommendations.)

B) Proposed amendments to unspecified sections of Chapters 22-24 of the Model Rules affecting Standardbred racing as proposed by the United States Trotting Association in an effort to achieve consistency between USTA rulebook and the ARCI Model Harness Rules (Possible Action Items pending committee recommendations.)

10. Next Meeting dates: August 8-9, 2019 – Holiday Inn, Saratoga Springs, New York, USA.

(The Chair reserves the right to modify this agenda as well as the order in which items will be considered).
MODEL RULES COMMITTEE
AGENDA ITEM # 2

Minutes from Previous Meeting.
1. Call to Order & Roll Call – Chairman Eliason called the meeting to order at 1:33pm MST. Roll was called and the following committee members were present: Larry Eliason, South Dakota (Chair); Rick Goodell, New York (Vice-chair); Tom DiPasquale, Minnesota; Marc Guilfoil, Kentucky; Mike Hopkins, Maryland; Rick Baedeker, California; Duncan Patterson, Delaware (TB); Kelly Cathey, Oklahoma; Doug Moore, Washington; Charlie Gardiner, Louisiana; John Wayne, Delaware (TB); Dennis Lee, Nebraska; Dan Hartman, Colorado; Dave Lermond, Virginia; Tom Sage, Nebraska; and Ed Martin (ARCI President). Also present and participating were: Eric Smith (ARCI); Dan Fick (ROAP); Dr. Clara Fenger (NAARV); Frank Lamb (ROAP); Mindy Coleman (Jockeys’ Guild); Terry Meyocks (Jockeys’ Guild); Jeff Johnston (Jockeys’ Guild); Ben Haaland (NASDAQ and Longitude); Sean Pinsonneault (BlueSlate); Jeremy Rockman (Stronach Group); Janet VanBebber (AQHA); Patrick Cummings (Thoroughbred Idea Foundation); David Basler (National HBPA); and Susan Vescovo (New Mexico Horsemen’s Association).

Mr. Goodell informed the Chair that due to New York state government rules, he would abstain from voting on any motions before the committee.

2. Minutes from Previous Meeting – Motion to approve the minutes of the July 10, 2018 committee meeting in Omaha, NE, by Mr. Hopkins; second by Mr. Guilfoil. The motion was approved without objection.

3. Proposed Amendments to Chapter 6 – Flat Racing Officials (Possible Action Items)
   A) Language updates throughout Chapter 6 that include changing “Commission” to “Regulatory Authority” and “state” to “jurisdiction,” to include Canada and other countries; -- The Chair noted that these appeared to be “administrative” changes and could be handled by ARCI staff. Other, non-administrative, changes in the proposal (e.g. changes to Horsemen’s Bookkeeper rules, Stewards’
duties, Paddock Judge’s list, Starter’s and Assistant Starters’ authority
and duties, photo finish determinations, Racing Veterinarian employment
affiliation) did not receive a motion to approve and will be brought back to
the committee at a future meeting.

B) **Terminology updates to reflect technology being implemented or
currently in use in the industry;** -- The Chair noted that these, also,
could be considered “administrative” changes and could be made by ARCI
staff.

C) **Amendment to ARCI-006-077, “Outriders;”** – The proposal to designate
outriders as racing officials to outline their responsibilities and authority
was presented by Dan Fick and Frank Lamb from ROAP. Motion to adopt
as presented by Mr. Hopkins, second by Mr. Sage; motion was approved
without objection.

D) **Amendment to ARCI-006-020, “Racing Secretary,” creating new
section (G) “Eligibility;”** – Mr. Fick and Mr. Lamb presented the proposal
which addressed the future condition eligibility of the first and second
place finishers in a race when the first place finisher is subsequently
disqualified due to an adverse analytical laboratory finding in the post-race
sample. The proposal calls for the first-place finisher to carry the win in
past performances and for eligibility purposes until the Stewards order a
change in the order of finish and all appeals are either exhausted or
deprecated. Until such time as the Stewards issue a new order of finish and
all appeals are exhausted or declined, the second-place finisher shall not
carry the win in past performances or for purposes of condition eligibility.
Motion to approve by Mr. Lee; second by Mr. Patterson. The motion was
approved with Mr. Hopkins voting no.

E) **Amendment to ARCI 006-015 Stewards, Section D Disciplinary
Action – increase in fines and suspensions;** -- Mr. Fick and Mr. Lamb
presented the proposal which sought to increase the disciplinary powers
of the Stewards by increasing the maximum fine they may assess to
$10,000 and increasing the maximum license suspension they may order
to five years. The proposal also included provisions for the Stewards to
have authority to issue Multiple Medication Violation points. Ms. Coleman
and Mr. Basler expressed opposition to the changes. Mr. Sage noted that
it would violate state statute in Nebraska; Mr. Eliason, Mr. DiPasquale,
and Mr. Hartman expressed similar concerns. Motion to TABLE by Mr.
Hartman; second by Mr. Cathey. The tabling motion was approved
without objection.

F) **Amendment to ARCI-010-010 “Entries and Nominations,” Section (D)
“Coupled Entries;”** – Mr. Fick and Mr. Lamb presented the proposal
which changed the word “shall” to “may” in the coupled entries rule. Mr.
Hopkins offered an amendment to include “upon request of the trainer.”
The motion to amend did not receive a second. Motion to approve as
proposed by Mr. Hartman; second by Mr. DiPasquale. The motion was
approved with Mr. Lermond voting no.
4. **Proposed Amendment to ARCI-008-030 “Jockeys”** – Mr. Johnston presented the proposal for the Jockeys’ Guild which amended the jockey eligibility rule by requiring a jockey to provide proof of an annual baseline concussion test as a requirement for licensure. The proposal also required that the results of such baseline exams be “stored in a centralized database as designated by the commission.” Mr. Sage made a motion that the language requiring storage in a database be stricken from the proposal; second by Mr. Hartman. Motion to strike was approved without objection. Motion to adopt as amended by Mr. Hopkins; second by Mr. Hartman. The motion to adopt was approved without objection.

5. **Proposed Model Rule addition – ARCI 004-015 “Single Pool Methodology”** – The proposal was presented by the representatives from Blueslate, The Stronach Group, and Longitude. Single (or merged) pool methodology is a method of calculating pari-mutuel odds and payouts which combines several pools into one which reduces odds volatility sometimes seen in smaller pools. The presenters stated that the method does not alter the eventual payouts and is completely auditable, and they included several letters of support from various auditors. The Chair noted the past policy of not approving new wager types until they were actually in use in at least one jurisdiction. Mr. Martin stated that this was technically a wager, but rather a method for computing odds and it had been reviewed by the ARCI Pari-mutuel Auditors Committee. He further advised that if the committee was reluctant to grant its full approval for the measure as an addition to the Model Rules, perhaps they could approve it as an “interim recommended practice or guidelines for further development” for those jurisdictions which are considering applying the single pool method. Mr. Hartman made a motion to that effect; second by Mr. Hopkins. The motion was approved with Chairman Eliason voting no.

6. **Development of Uniform Policy regarding Regulatory Jurisdiction over a horse intended to race** – At Mr. Martin's recommendation, the Chair set this issue aside pending the formation of a work group.

7. **Proposed Modification to Penalty Guidelines for presence of Clenbuterol in Quarter Horses** – Ms. VanBebber presented the proposal on behalf of the AQHA. The proposal sought to assign an “A-level” penalty to clenbuterol when it was determined to be present in Quarter Horses. Dr. Scollay voiced an objection on behalf of the RMTC on the grounds that a drug which is approved for legitimate therapeutic use should not be assigned the maximum penalty level. Motion to adopt the penalty change was made by Mr. Gardiner; second by Mr. Cathey. The motion was approved without objection.

8. **Breakage** -- This item was presented by Mr. Cummings for informational purposes only. No committee action was sought or taken.
9. **Mandatory Rest Periods for Race Horses** – This item was intended to be “for discussion only,” however due to time limitations, the Chair exercised his prerogative to amend the agenda and move this topic to a future date.

10. **RMTC proposed amendments to the Uniform Classification Guidelines for Foreign Substances and Recommended Penalties** – Dr. Scollay presented the proposed changes on behalf of the RMTC. The substances were recommended by the RMTC SAC because they are all substances which are listed in the Model Rules prohibited substances section but not in the Uniform Classification Guidelines. The proposal reconciled those two documents. Additionally, there were three substances (CBD, THC, and Cardarine) which RMTC classified at the request of some racing jurisdictions. Mr. Basler expressed concern that because these substances are readily available for purchase, the possibility of environmental contamination was high and should be taken into consideration when assigning penalties. Dr. Fenger testified that hemp was likely to be approved as an agricultural commodity soon and this will cause an “explosion” of CBD positives. Motion to adopt as presented, by Mr. Patterson; second by Mr. Lermond. Mr. Moore commented that given that marijuana is legal in many states, he would like to see some guidance on what levels should be treated as likely/possible contamination in horses. Mr. DiPasquale noted that even in states where marijuana is legal, it is still prohibited on the backside of racetracks. Mr. Gardiner commented that it seemed inappropriate to be assigning the most severe penalties to a substance that is becoming increasingly more accepted in society at-large. The motion was approved with Mr. Gardiner, Mr. Moore, and Mr. Cathey voting no.

11. **Proposed amendment to ARCI-011-020 Sub. D, I, pertaining to Testosterone** – Dr. Scollay presented the proposal for the RMTC and stated that the organization was recommending a change in the threshold from 25pg/ml in serum to 100 pg/ml based on extensive research and to increase harmonization with accepted international standards. Motion to approve by Mr. Patterson, second by Mr. Hopkins. The motion was approved with no objections.

12. **Proposed amendment to the ARCI Endogenous, Dietary, or Environmental Substances Schedule; Morphine** – Dr. Scollay presented the proposal to establish a screening limit of 30ng/ml in urine for morphine. She stated that the limit was based on rigorous scientific studies and was in agreement with internationally accepted standards. Mr. Patterson commented that he has been advised that some individuals believe the 30ng/ml limit is too low. Dr. Scollay replied that the limit is actually in place in some countries where poppies are grown, and it has not been problematic anywhere. Dr. Fenger testified that NAARV believes the limit is too low to protect against environment contaminations that have no effect on performance. Mrs. Vescovo testified that she believed adopting this screening limit would be counter-productive with regard to having ARCI Model Rules adopted by reference. Mr. Martin emphasized that this discussion was about screening limits, which are very different from thresholds.
Motion to adopt as presented by Mr. Patterson, second by Mr. Sage. The motion was approved with Mr. Hartman and Mr. Gardiner voting no.

13. **Old Business: Interference** – Cathy O’Meara gave the committee a review of survey responses regarding public opinion about the two different standards for interference in a race. No committee action was necessary.

14. **New Business** – Mr. Sage requested that the committee establish a deadline of 7 days prior to a meeting for agenda item (and supporting documentation) submissions. Mr. Basler commented that he didn’t believe 7 days was enough time for other stakeholders to review. Mr. Martin replied that all submissions are posted on the ARCI website as soon as they are added to the agenda and are available for review by any interested party. Mr. Lee suggested a “soft” deadline of 30-days prior to the scheduled meeting for agenda item submissions, and 14-days for comments, and made a motion to that effect; second by Mr. Lermond. The motion was approved without objection.

Mr. Hopkins informed the committee that Denny Lee had agreed to serve as the new chairman of the Model Rules committee when Larry Eliason retires in January 2019; he also announced that Doug Moore would assume the vice-chairmanship.

Motion to adjourn by Mr. Moore, second by everyone.
MODEL RULES COMMITTEE
AGENDA ITEM # 3

Proposed Amendments to Chapter 6 – Flat Racing Officials as proposed by the Racing Officials Accreditation Program and the joint ARCI/ROAP Stewards Advisory Committee (Possible Action Items)

A) Amendment to ARCI 006-015 Stewards, Section D Disciplinary Action – increase in fines and suspensions (Tabled at last meeting);
B) Amendment to ARCI 006-015 Stewards I – Records and Reports;
C) Amendment to ARCI 006-030 – Paddock Judge – clarification of responsibility for saddling a horse;
D) Amendment to ARCI 006-050 – Starter – affects reporting requirement, Starters List, gate card requirement, and assistant starter actions;
E) Amendment to ARCI 006-065 – Placing Judge – to clarify aspects of calling a “Dead Heat”.

A. Brief Description of the Issue

The below rule proposals are carryover items which were not discussed or tabled during the 2018 ARCI Model Rules meeting in Tucson, AZ this past December. Each section has been separated out for ease of review.

B. Discussion of the Issue and Problem

The below rule proposals are mostly clean up with a few modifications to bring the rules more in line with actual practices and/or industry standards.

Proposal A: ARCI 006-015 Steward D.7
- This proposal was discussed and tabled at the ARCI December 2018 meeting

Proposals not previously discussed

Proposal B: ARCI 006-15 Stewards I. Records and Reports
- This proposal outlines the aspects to be included in the steward’s report and updates the steward’s list section to ‘start’ not ‘enter’

Proposal C: ARCI 006-030 Paddock Judge
- This proposal clarifies who is responsible for saddling a horse in the paddock and updates the paddock judge list to ‘start’ not ‘enter’
Proposal D: ARCI 006-050 Starter
- This proposal clarifies the reporting requirement and aspects of the starter’s list, gate card requirement and assistant starter actions.

Proposal E: ARCI 006-065 Placing Judge
- This proposal clarifies aspects of calling a dead heat.

C. Possible Solutions and Impact

Most of the proposals are clarifications to the existing rules.

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.)

The proposed changes are supported by the majority of regional representatives on the ROAP Stewards’ Advisory Committee.

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.

See below

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

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.

FILING THIS REQUEST WITH RCI DOES NOT GUARANTEE YOUR PROPOSAL WILL BE CONSIDERED BY THE MODEL RULES COMMITTEE. IF YOU HAVE OPPOSITION FROM AN INTERESTED PARTY, YOU ARE STRONGLY ENCOURAGED TO TRY TO REACH CONSENSUS PRIOR TO FILING THIS FORM.
D. Disciplinary Action

(7) The stewards may impose any of the following penalties on a licensee for a violation of these rules:

- issue a written reprimand or warning;
- assess a fine;
- assess Multiple Medication Violation points;
- require forfeiture or redistribution of purse or award, when specified by applicable rules;
- place a licensee on probation;
- suspend a license or racing privileges;
- revoke a license; or
- exclude from grounds under the jurisdiction of the Regulatory Authority.

(8) The stewards may suspend a license for not more than one year per violation; or they may impose a fine not to exceed $2,500 per violation; or they may suspend and fine; or they may or order that a person be ineligible for licensing unless specified in other sections of these rules.
FLAT RACING OFFICIALS - CHAPTER 6

ARCI-006-015 Stewards

I. Records and Reports

1. The stewards shall prepare a daily report, in a format approved by the Regulatory Authority, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, scratches, horses sent to the test barn, horses euthanized or died on association grounds, vanned off horses, program changes, claims, inquiries, and objections, and any unusual circumstances or conditions and any other information required by the Regulatory Authority. The report shall be signed by each steward, and be filed with the Regulatory Authority not later than 24-72 hours after the end of each race day and made available to the public including posting to the regulatory authority and/or association website(s).

2. The presiding steward shall maintain a detailed log of the stewards' official activities. 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 Regulatory Authority or its designee.

3. Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the Regulatory Authority a written report regarding the race meeting. The report shall contain:
   (a) the stewards' observations and comments regarding the conduct of the race meeting and the overall conditions of the association grounds during the race meeting; and
   (b) any recommendations for rule changes, and protocols for the regulation of the race meeting; and
   (c) any recommendations for improvement by the association or action by the Commission/Regulatory Authority.

J. Stewards' List

1. The stewards shall maintain a Stewards' List of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that endangers the health or safety of other participants in racing.

2. The stewards may place a horse on the Stewards' List when there exists a question as to the exact identification or ownership of said horse.

3. A horse which has been placed on the Stewards' List because of inconsistent performance or behavior, may be removed from the Stewards' List when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing.

4. A horse which has been placed on the Stewards' List because of questions as to the exact identification or ownership of said horse, may be removed from the Stewards' List when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.
Proposal B

Version 3.2 to 3.3 ARCI 12/7/05: Added and deleted rule language
FLAT RACING OFFICIALS - CHAPTER 6

ARCI-006-030 Paddock Judge

A. General Authority

The paddock judge shall:

(1) …

(5) ensure that the saddling of all horses is **done by or under the direct supervision of the trainer listed in the daily racing program or the trainer’s licensed assistant trainer, unless prior approval has been granted by the stewards; and is** orderly, open to public view, free from public interference, and that horses are mounted at the same time, and leave the paddock for the post in proper sequence;

(6) …

B. Paddock Judge’s List

a. The paddock judge shall maintain a list of horses which shall not be **entered allowed to start** 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.

**Proposal C**

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02
Version 4.0 to 4.1: New rule language added
**FLAT RACING OFFICIALS - CHAPTER 6**

**ARCI-006-050 Starter**

A. General Authority

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 safely handle horses in the starting gate. In emergency situations, the starter may appoint qualified licensed individuals to act as substitute assistant starters;

(3) ensure that at least one assistant starter is available for each horse in a race;

(4) assign the starting gate stall positions to assistant starters and notify the assistant starters of their respective stall positions not more than 10 minutes before post time for the race;

(5) assess the ability of each person applying for a jockey's or exercise rider's license in breaking from the starting gate and working a horse in the company of other horses, and shall make said assessment known to the stewards; and

(6) load horses into the gate in any order deemed necessary to ensure a safe and fair start.

(7) Immediately report to the stewards any false starts, impeded starts or unfair starts; and

(7)(8) Shall maintain and database detailed reports of the schooling and behavior at and in the starting gate of all horses coming under his supervision.

B. Assistant Starters

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;

(2)(3) ear a horse with anything other than a gloved hand;

(3)(4) apply a whip or other device, with the exception of steward-approved twitchers, to assist in loading a horse into the starting gate;

(4)(5) slap, boot or otherwise dispatch a horse from the starting gate;

(5)(6) strike or use abusive language to a jockey; or

(6)(7) accept or solicit any gratuity or payment other than his/her regular salary, directly or indirectly, for services in starting a race.

C. Starter's List

No horse starting for the first-time shall be permitted to start in a race unless prior written approval (gate card) is given by the an official starter certifying the proper schooling in and successful breaking from the starting gate. 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. Such horse shall not be permitted to start in a race refused entry until it has demonstrated to the starter that it has 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.

D. Report Violations

The starter and assistant starter shall report all unauthorized activities to the stewards.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02
Amended Version 4.8 to Version 4.9 ARCI Board 7/27/11 Notification of unfairness of start to Stewards
ARCI-006-065 Placing Judge

A. General Authority
The placing judges shall determine the order of finish in a race as each horse’s nose passes the finish line, and with the approval of the stewards, may display the results on the totalizator board.

B. Photo Finish
(1) 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.
(2) Following their review of the photo finish, 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 finishers on the totalizator board.
(3) In the event a photo was requested, the placing judges shall cause a photographic or digital print of said finish to be produced. The finish photograph or digital print shall, when needed, be used by the placing judges as an aid in determining the correct order of finish.
(4) Upon determination of the correct order of finish of a race in which the placing judges have utilized a photographic or digital print to determine the first four finishers, the placing judges shall cause prints of said photograph or digital print to be displayed publicly on the on-track television monitors and be provided to simulcast outlets.

C. Dead Heats
(1) In the event the placing judges determine that two or more horses finished the race simultaneously and cannot be separated as to their order of finish, a dead heat shall, with the approval of the stewards, be declared.
(2) In the event a hidden nose cannot be determined with confidence by the placing judges with the approval of the stewards, a dead heat shall be declared.
(2)(3) In the event one or more of the first four 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.
MODEL RULES COMMITTEE
AGENDA ITEM # 4

Proposed Amendments to
ARCI-001-010 Terms and ARCI-008-020 Trainers -
proposed by the Racing Medication and Testing Consortium pertaining to
access to veterinary records by regulatory veterinarians for the fourteen
days prior to a ship in. (Possible Action Item).
RCI Model Rules Committee
Petition for new rule or change to existing rule

Contact Information:
Dr. Dionne Benson, RMTC, 401 W. Main St., Ste. 222, Lexington KY 40507, 859-759-4081

A. Brief Description of the Issue
Regulatory veterinarian access to medical records for horses can be important in reviewing whether a horse is sound for racing. When horses ship into a track within days of a race, often that information is not available to veterinarians making decisions on race day. The existing rule was reviewed by an RMTC subcommittee including representatives of AAEP, HBPA, Regulatory Veterinarians, Jockeys’ Guild, NTRA, racetracks and regulators.

B. Discussion of the Issue and Problem
Provide background on the issue to build context. Address the following:
• What specific problems or concerns are involved in this issue?
  This involves the health and welfare of racehorses. By ensuring regulatory veterinarian access to health records for horses shipping into their jurisdiction, regulatory veterinarians are better equipped to determine the soundness of horses for racing or training.
• Who does the issue affect?
  Veterinarians, trainers, owners, and horses on commission regulated properties.
• What existing model rules relate to this issue?
  ARCI-001-010 Terms, ARCI-008-020 Trainers
• Provide relevant quantitative or statistical information if possible.

C. Possible Solutions and Impact
Provide possible recommendations to solve the problem. Include details on each proposed solution such as
• What solution does this proposal provide?
  Proposed rule language provides the regulatory veterinarian the ability to request information on horses that ship into the relevant racing jurisdiction allowing them to make better informed decisions on racing soundness.
• How will the solution fix the problem?
  Allowing Veterinary Medical Record access to regulatory veterinarians enables dialogue between the private practice veterinarian and the regulatory veterinarian and provides a greater picture of overall horse health.
• How will the change affect any entities or stakeholders?
  This will require private veterinarians and trainers to make these records available upon request of a regulatory veterinarian.
• How will you or your organization be affected by the proposed change?
RMTC will not benefit directly – but we believe this will enhance the health and welfare of the horse.

• *What are the benefits of the proposed change?*
  By having additional information about the health of a horse, regulatory veterinarians are better able to evaluate horses for racing and training soundness.

• *What are the possible drawbacks of the proposed change?*
  It may require management of paper records by the veterinarians and regulatory authorities. The paper records process may soon be relieved by a pilot electronic records program currently being developed by The Jockey Club in conjunction with the California Horse Racing Board.

• *Identify possible fiscal impact of the recommended change.***
  The main fiscal impact will be in regulatory veterinarian time resources.

D. **Industry Support**

*Please identify any affected stakeholder groups that expressed support or opposition.*

The RMTC board passed the proposed model rule for ARCI submission with a supermajority of 18, 1 abstention (The Hambletonian Society), and 1 opposed (HBPA). The Arabian Jockey Club member voted in the affirmative stating “This is fair and necessary.” The ARCI member voted in favor stating “I am voting in the affirmative to advance this to RCI.”

E. **Proposed Model Rule language**

*Attach the model rule language you are proposing.*

**ARCI-001-010 Terms:**

**Relevant Regulatory Authority:** The Relevant Regulatory Authority is the Regulatory Authority under which the horse is entered to race or scheduled to work off the Veterinarian’s List.

**14-day Record:** The 14-day Record shall include the following information regarding veterinary treatments:

- i. the name of the horse treated;
- ii. any medication, drug, substance, or procedure administered or prescribed by a veterinarian within 14 days prior to working off the vets list or racing
- iii. the date and time of treatment; and

The 14-day Record is confidential to the extent allowed by law.

**ARCI-008-020 Trainers**

C. **Other Responsibilities**

18) **Records for Horses Shipping to the Track:**

If a horse is not stabled at a facility under the jurisdiction of the Relevant Racing Authority for the full 14 days prior to a race or working off the Veterinarian’s List, the trainer must make available to the official veterinarian or other Regulatory Authority designee, upon request, the 14-Day Record.
Failure to provide accurate and complete records as requested shall result in disciplinary action.

F. Similar State Rules
   Do any racing jurisdictions currently have a version of this rule in effect?
   None that we are aware of

G. Review and Identification of affected Model Rules
   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.
   None known
Proposed amendment to ARCI-010-030 Horses Ineligible restricting entry by horses treated with bisphosphonate drugs prior to age 4. (Possible Action Item).
RCI MODEL RULES COMMITTEE
PETITION FOR NEW RULE OR CHANGE TO EXISTING RULE

Please submit this petition via email to 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
1510 Newtown Pike, Suite 210
Lexington, KY 40511
Phone: 859/224-7070

Your Contact Information:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Edward Martin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organization:</td>
<td>Individual Proposal to be considered</td>
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<td>Address:</td>
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<td>Phone(s):</td>
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<td>E-mail Address:</td>
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A. Brief Description of the Issue: The use of bisphosphonates on young horses is not known to be safe and may adversely affect proper bone development, leading to stress fractures which are a precursor to catastrophic breakdowns in some horses. Bisphosphonates are already banned in the racing environment, but because a considerable portion of the horse industry is beyond the regulatory reach of a racing regulatory authority, these drugs continue to be used on young horses in preparation of sale despite warnings that not enough is known to determine if they are safe for young horses. While US federal law and statutes give veterinarians the authority to use any drug on a horse intended to race, the racing commissions do have the authority to determine and limit horses eligible to be entered into a race.

B. Discussion of the Issue and Problem

*Despite warnings against using this class of medication in young horses, these drugs are reportedly in common use to help horses. Given the as yet unexplained instances of equine breakdowns, regulators should exclude horses who have been treated at a young age with bisphosphonates until such time as scientific assurances indicate that such restrictions might not be necessary.*

*This proposal will affect the owners of horses who have been treated with bisphosphonate drugs before age 4 who may have their horses excluded from competition. This proposal does not limit the practice of veterinary medicine in any way as veterinarians may still utilize their federally granted off-label authority to treat horse as their judgement dictates, even though young horses treated with bisphosphonates may be excluded from entry in a race.*
Model Rule section ARCI-010-030 governs what horses are ineligible to race.

Despite the current limitations on testing for these drugs, enforcement could be through a representation made to the commission as well a veterinary and billing record audits to ascertain that mis-representations are not being made as to their use.

C. Possible Solutions and Impact

*What solution does this proposal provide?* Ultimately the exclusion of horses that have been treated with bisphosphonate drugs prior to age 4 from racing;

*How will you or your organization be affected by the proposed change?* The racing regulatory authorities will have found a way to utilize existing authority to address a situation where drugs not yet known to be safe in young horses are being given in ways that may be putting them at risk when racing;

*What are the benefits of the proposed change?* It is a “Better Safe than Sorry” policy while additional research is conducted;
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.)

The Thoroughbred Horseman's Association and the National HBPA have advocated restrictions on bisphosphonates in young horses; various sales companies are not adopting restrictions.

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.

F. Do any racing jurisdictions currently have a version of this rule in effect? No.

**ARCI-010-030 Horses Ineligible**

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. (i) 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 (ii) in the case of Thoroughbred horses foaled in 2018 or thereafter, the horse does not have a Digital Tattoo; the stewards may waive these requirements if the information contained on the registration certificate is otherwise available and the horse is otherwise correctly identified to the stewards’ satisfaction
3. it is not fully identified and is tattooed on the inside of the upper lip, is microchipped with a unique microchip (ISO 11784), freeze brand 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, microchip ISO 11784, freeze brand or other identification method approved by the appropriate breed registry and the Commission;
5. it is wholly or partially owned by or is under the direct or indirect training or management of a person who for any reason is ineligible to be licensed to participate in this jurisdiction;
6. it is wholly or partially owned by or is under the direct or indirect management of the spouse of a person who for any reason is ineligible to be licensed or participate in this jurisdiction; in such cases, it being presumed that the person who for any reason is ineligible to be licensed or participate in this jurisdiction 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. the losing jockey mount fee is not on deposit with the horsemen's bookkeeper;
9. its name appears on the Starter's List, Stewards' List or Veterinarian's List except when an unforeseen administrative issue occurs in removing the horse from the Veterinarian's List of
another racing jurisdiction, however the horse is eligible to be entered while on the
Veterinarian’s List subject to section ARCI-010-030(B) as long as no other horse is excluded
from the race;
(10) it has not raced in 12 months since its previous start, until the horse has been subjected to
the protocols within ARCI-011-030(B)(4)
(11) it is a first-time starter four (4) years of age or older, until the horse has been subjected to
the protocols within ARCI-011-030(B)(4)
(12) it is a first-time starter and has not been approved to start by the starter;
(13) it is owned in whole or in part by an undisclosed person or interest;
(14) it lacks sufficient official published workouts or race past performance(s);
(15) 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;
(16) it is subject to a lien which has not been approved by the stewards and filed with the
horsemens’s bookkeeper;
(17) it is subject to a lease not filed with the stewards;
(18) it is not in sound racing condition;

(19) it has had a surgical neurectomy performed on a heel nerve, which has not been approved
by the official veterinarian;
(20) it has been trachea tubed to artificially assist breathing;
(21) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize
the nerves above the ankle;
(22) it has impaired eyesight in both eyes;
(23) it is barred or suspended in any recognized jurisdiction;
(24) it does not meet the eligibility conditions of the race;
(25) its owner or lessor is in arrears for any stakes fees, except with approval of the racing
secretary;
(26) its owner(s), lessor(s) and/or trainer have not completed the licensing procedures required
by the Commission;
(27) it is by an unknown sire or out of an unknown mare; or
(28) there is no current negative test certificate for Equine Infectious Anemia attached to its
breed registration certificate or proof of a negative test certificate is not otherwise available if
the stewards have waived the requirement of a registration certificate, as required by statute.
(29) If a thoroughbred, it has shoes (racing plates) which have toe grabs with a height greater
than two millimeters (0.07874 inches), bends, jars, caulk, stickers or any other traction device
on the front hooves while racing or training on all racing surface.
(30) In the case of Thoroughbred horses foaled in 2019 or thereafter, the horse has been
administered a bisphosphonate medication prior to four years of age. In the case of
thoroughbred horses foaled prior to 2019, any administration of a bisphosphonate
medication at any time must be disclosed to the official veterinarian and may be cause to
exclude that horse from competition pending further medical review.
MODEL RULES COMMITTEE
AGENDA ITEM # 6

Proposed addition to ARCI-022-015-New Section (G) affecting standardbred owners licenses.
RCI MODEL RULES COMMITTEE
PETITION FOR NEW RULE OR CHANGE TO EXISTING RULE

Please submit this petition via email to 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
1510 Newtown Pike, Suite 210
Lexington, KY 40511
Phone: 859/224-7070

Your Contact Information:

<table>
<thead>
<tr>
<th>Name:</th>
<th>T.C. Lane</th>
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</thead>
<tbody>
<tr>
<td>Organization:</td>
<td>United States Trotting Association</td>
</tr>
<tr>
<td>Address:</td>
<td>Columbus, Ohio</td>
</tr>
<tr>
<td>Phone(s):</td>
<td></td>
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<td>Fax #:</td>
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A. Brief Description of the Issue: The USTA Board has recognized a need to crack down on “Beard Trainers” in standardbred racing. Making this a licensing issue for owners has been identified as an effective strategy to do this.

B. Discussion of the Issue and Problem
   Provide background on the issue to build context. Address the following:
   - What specific problems or concerns are involved in this issue?
   - Who does the issue affect?
   - What existing model rules relate to this issue?
   - Provide relevant quantitative or statistical information if possible.

C. Possible Solutions and Impact
   Provide possible recommendations to solve the problem. Include details on each proposed solution such as:
   - What solution does this proposal provide? Puts the racing license of a horse owner at risk for utilizing a “beard trainer”.
   - What are the possible drawbacks of the proposed change? None.
   - Identify possible fiscal impact of the recommended change. None.
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.)

United States Trotting Association Board of Directors.

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.

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

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.

PROPOSAL:

Suggested addition: ARCI-022-015-New Section (G)

§ Standards of Conduct - Any person who, as the registered owner(s) of a horse that is currently racing, is found to be paying, either directly or indirectly, for training services on that horse an individual (i.e. payee) who is ineligible to be programmed as a trainer and is not stayed or under appeal shall be suspended for a minimum of sixty (60) days, with the possible exception that the payee is the spouse; parent; sibling; domestic, contractual, or otherwise legal partner, and a currently licensed trainer who is in good standing with the racing authority.

An individual shall be considered ineligible because of, but not limited to, denial, revocation, or suspension of thirty (30) days or more by the Association, or as may be mandated by the state racing authority.
Proposed clarification of ARCI-011-020 I. 3(c) regarding the confirmatory threshold of testosterone in fillies, mares, and geldings. (Possible Action Item).
Please submit this petition via email to rules@arci.com. Submissions received within 45 days of the next committee meeting will only be considered at that meeting at the discretion of the President or Chair of the Model Rules Committee. Printed petitions should be sent to:

Racing Commissioners International
1510 Newtown Pike, Suite 210
Lexington, KY 40511
Phone: 859/224-7070

Your Contact Information:

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<thead>
<tr>
<th>Name</th>
<th>Staff</th>
</tr>
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<tbody>
<tr>
<td>Organization</td>
<td>ARCI</td>
</tr>
<tr>
<td>Address</td>
<td>2365 Harrodsburg Rd, Ste B-450; Lexington, KY 40504</td>
</tr>
<tr>
<td>Phone(s)</td>
<td>(859) 224-7070</td>
</tr>
<tr>
<td>Fax #:</td>
<td></td>
</tr>
<tr>
<td>E-mail Address</td>
<td><a href="mailto:esmith@arci.com">esmith@arci.com</a></td>
</tr>
</tbody>
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A. Brief Description of the Issue – A potential error in ARCI-011-020 I. 3(c) was recently brought to our attention regarding the confirmatory threshold of testosterone in fillies, mares, and geldings.

As far as can be determined, the rule has been published in its current form since being adopted in December 2013; the issue arises from the use of the terms “not greater than” and “not less than,” and raises the question of whether the rule is intended to establish minimum/maximum confirmatory thresholds or establish a concentration which constitutes a violation.

B. Discussion of the Issue and Problem

Provide background on the issue to build context. Address the following:

- What specific problems or concerns are involved in this issue? – Existing rule language is confusing and, possibly, incorrect.
- Who does the issue affect? – Horsemen and regulators
- What existing model rules relate to this issue? – ARCI-011-020 I. 3(c)
- Provide relevant quantitative or statistical information if possible. – N/A

C. Possible Solutions and Impact

Provide possible recommendations to solve the problem. Include details on each proposed solution such as

- What solution does this proposal provide? – Seeking a consensus from the Committee
and the input of expert witnesses to (a) confirm that the rule, as written, is either correct or incorrect, and (b), recommendations for clearer, more concise language to better express the intent of the rule.

- How will the solution fix the problem?
- How will the change affect any entities or stakeholders?
- How will you or your organization be affected by the proposed change?
- What are the benefits of the proposed change?
- What are the possible drawbacks of the proposed change?
- Identify possible fiscal impact of the recommended change.

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.)

- For those stakeholder groups that have expressed an opinion, please list the points on which they agree or disagree, and the arguments they have expressed.
- Are there any affected stakeholder groups that have not been consulted on this proposal?
- Please submit any formal letters of support or opposition by stakeholder groups.

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. – The current rule is copied below, with the sections in question highlighted:

**ARCI-011-020, I.**

*(3)* Total concentrations of these AAS shall not exceed the following total concentrations in urine after hydrolysis of conjugates:

- (a) Boldenone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 15 nanograms/milliliter in male horses other than geldings;
- (b) Nandrolone - A confirmatory threshold not greater than 1 nanogram/milliliter for fillies, mares, and geldings; a confirmatory threshold not greater than 45 nanograms/milliliter (as 5α-estrane-3β,17α-diol) of urine in male horses other than geldings;
- (c) Testosterone – A confirmatory threshold of **not greater than** 55 nanograms/milliliter of urine in fillies and mares (unless in foal); a confirmatory threshold of **not less than** 20 nanograms/milliliter in geldings

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

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.
MODEL RULES COMMITTEE
AGENDA ITEM # 8 & 9.

These items are place holders should the Standardbred Racing and/or Drug Testing Standards and Practices Committee advance specific changes to the Model Rules at their committee meetings prior to the Model Rules Committee meeting.

Should matters be advanced, materials will be circulated via email prior to the meeting.