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### **2010. Definitions**

When used in the Rule 2000 Series:

Act ~~means shall have the~~ Horsereading Integrity and Safety Act of 2020 ~~meaning set forth in Rule 1020.~~

Adverse Analytical Finding shall have the meaning set forth in Rule 1020.

Association Veterinarian ~~means a Veterinarian employed by a Racetrack~~ shall have the meaning set forth in Rule 1020.

Attending Veterinarian ~~means a Veterinarian hired by the Trainer or Owner.~~ shall have the meaning set forth in Rule 1020.

~~*Authority* means the Horseracing Integrity and Safety Authority shall have the meaning set forth in Rule 1020.~~

~~*Bled* means that blood from one or both nostrils of a Horse has been observed after exercise.~~

~~*Catastrophic Injury* means an Equine Injury that resulted in death or euthanasia of a Covered Horse within 72 hours of injury.~~

~~*Claim* means, in the context of a a Claiming Race, the purchase of a Covered Horses for a designated amount. shall have the meaning set forth in Rule 1020.;~~

~~*Claiming Race* means a Race in which a Horse after leaving the starting gate may be claimed in accordance with the rules and regulations of the applicable State Racing Commission shall have the meaning set forth in Rule 1020.~~

~~*Commission* shall have the meaning set forth in Rule 1020.~~

~~*Concussion* means an injury to the brain that results in temporary loss of normal brain function.~~

~~*Covered Horse* shall have the meaning set forth in Rule 1020. means any thoroughbred horse, or any other horse made subject to the Act by election of the applicable State Racing Commission or the breed governing organization for such horse, beginning on the earlier of:~~

~~the date of the Horse's first timed and reported workout at a Racetrack;~~

~~the date of the Horse's first timed and reported workout at a Training Facility;~~

~~the date of the Horse's entry in a Covered Horserace; or~~

~~the date of the Horse's nomination for a Covered Horserace, and ending on the date on which the Agency receives written notice that the Horse has been retired in accordance with the Protocol.~~

~~Unless the context otherwise requires, *Horse* and *Covered Horse* shall have correlative meanings for purposes of this Rule 2000 Series.~~

~~*Covered Horserace* or *Race* means any horserace involving Covered Horses that has a substantial relation to interstate commerce, including any Thoroughbred horserace that is the subject of interstate off-track or advance deposit wagers. shall have the meaning set forth in Rule 1020.~~

~~*Covered Persons* means all Trainers, Owners, breeders, Jockeys, Racetracks, Veterinarians, and Persons licensed by a State Racing Commission, and the agents, assigns, and employees of such persons and other Horse support personnel who are engaged in the care, training, or racing of Covered Horses. shall have the meaning set forth in Rule 1020.~~

~~*Designated Equine Facility* means an equine facility designated by a Racetrack in accordance with the procedures established in Rule 2144, whose biosecurity protocols are consistent with those of the Racetrack, and from which the Racetrack will accept horses onto its grounds with a valid health certificate issued within the last 30 days or in a shorter period of time if high risk situations dictate.~~

~~*Designated Owner* shall have the meaning set forth in Rule 1020.~~

~~*Epistaxis* means that blood from one or both nostrils of a Covered Horse has been observed after exercise, attributable to an episode of exercise induced pulmonary hemorrhage.~~

Equine Injury means an injury to a Covered Horse that occurred during racing or training for which intervention by the Regulatory Veterinarian or reporting by the Safety Director pursuant to Rule 2131 is required, and for which an injury report must be submitted pursuant to the Rule 2000 Series.

Equine Mortality means a fatality of a Covered Horse that is not attributable to a Catastrophic Injury.

Exercise Rider means a rider of a Covered Horse during a training activity that is not a Covered Horserace.

Farrier means a farrier (or horseshoer, plater or blacksmith) who provides all aspects of hoof care or orthotic services to Covered Horses, including trimming and/or the application of various orthotics to the hoof.

Groom ~~means a Covered Person who is not an Owner, Veterinarian, Trainer, or assistant Trainer but is involved in the care of a Covered Horse.~~ means a Covered Person who is engaged by a Responsible Person to assist in the daily physical care of Covered Horses.

Horseshoe Inspector means a person (for example, a paddock farrier) employed, contracted, or appointed by a State Racing Commission, Racetrack, or the Authority, who has been trained in, and is responsible for, inspecting horseshoes or other orthotics on hooves of Covered Horses.

Human Injury means an injury to a Covered Person that requires medical attention and, as a result, may restrict a Covered Person's current or future participation or employment in racing, and for which an injury report must be submitted.

Jockey means a rider licensed in any state and registered with the Authority to ride of a Covered Horse in a Covered Horserace.

Layoff Report means a report completed in a manner prescribed by the Authority and submitted by the Trainer or Trainer's designee for a Covered Horse that has not raced in a Covered Horserace for 150 consecutive days or more. The Layoff Report shall include, at a minimum, information regarding all examinations, medical treatments, surgical treatments, and exercise history of the Covered Horse during the layoff period.

Lead Veterinarian means any Veterinarian appointed pursuant to Rule 2134(c**b**).

Medical Director means an individual designated as Medical Director in accordance with the provisions of Rule 2132.

~~Out of Competition means any period which is not during race day.~~

Outrider means a rider employed or contracted by the Racetrack who oversees and assists with the safety of all Riders, Trainers, and horses on the Racetrack.

Owner ~~shall have the meaning set forth in Rule 1020.~~ means a Person or entity who holds an ownership or property interest in one or more Covered Horses.

Person ~~shall have the meaning set forth in Rule 1020.~~ means a natural person or an organization or other entity.

Pony Horse means a horse, including the Outrider's horse, that accompanies a Covered Horse(s) during training or racing activities.

Program Effective Date means July 1, 2022.

~~*Prohibited List* means the Equine Prohibited List identifying the Prohibited Substances and Prohibited Methods as set forth in the Rule 4000 Series shall have the meaning set forth in Rule 1020.~~

~~*Prohibited Methods* shall have the meaning set forth in Rule 1020.~~

~~*Prohibited Substance* means any substance, or class of substances, so described on the Prohibited List shall have the meaning set forth in Rule 1020.~~

~~*Protocol* means shall have the Equine Anti-Doping and Medication Control Protocol meaning set forth in the Rule 3000 Series 1020.~~

~~*Race Day* shall have the meaning set forth in Rule 1020.~~

~~*Race Meet* means the entire period granted by the State Racing Commission to a Racetrack for the conduct of Covered Horseraces on the Racetrack's premises.~~

~~*Racetrack* means an organization licensed by a State Racing Commission to conduct Covered Horseraces.~~

~~*Racetrack Risk Management Committee* means the committee established pursuant to Rule 2121.~~

~~*Racetrack Safety Accreditation* or *Accreditation* means the process for achieving, and the issuance of, safety Accreditation to a Racetrack in accordance with the Rule Rules 2100 Series through 2193.~~

~~*Racetrack Safety Committee* means the committee (or its delegate) established pursuant to 15 USC U.S.C. § 3052(c)(2).~~

~~*Racetrack Safety and Welfare Committee* means the committee established pursuant to Rule 2121.~~

~~*Regulatory Veterinarian* shall have the meaning set forth in Rule 1020. means a Veterinarian employed, contracted, or appointed by a State Racing Commission, Racetrack, or the Agency, who in addition to other duties, is responsible for monitoring the health and welfare of Covered Horses during Covered Horseraces.~~

~~*Responsible Person* shall have the meaning set forth in Rule 1020. means the individual designated in the registration with the Authority as the Responsible Person in accordance with the following:~~

- ~~(1) For a Covered Horse that has not yet performed its first Workout (or competed in a Race, whichever is earlier), the Responsible Person shall be the Owner of the Covered Horse unless the Horse is in training in another country.~~
- ~~(2) Once in training, the Responsible Person shall be the licensed Trainer for the Covered Horse. The licensed Trainer's designation as the Responsible Person shall be filed with the Authority. The Trainer designation must be kept current with the Authority. Designation transfers must be in writing and on record with the Authority prior to the effective date of the transfer, except for claiming Races in which transfers must be recorded the same day.~~
- ~~(3) If a Covered Horse ceases training for a period of time, the designation may be transferred to the Owner prior to the effective date.~~
- ~~(4) If the Owner is an entity, the managing Owner shall be named.~~

~~*Rider* means any person who is mounted on a Covered Horse or Pony Horse on the Racetrack, including a Jockey.~~

ROAP means the Racing Officials Accreditation Program.

*Safety Director* means an individual designated as, and having the responsibilities of, a Safety Director as set forth in Rule 2131.

*Safety Officer* means an individual designated as, and having the responsibilities of, a Safety Officer as set forth in Rule 2136.

*Safety Program Effective Date* means July 1, 2022.

*Shock Wave Therapy* means extracorporeal shock wave therapy or radial pulse wave therapy.

*Starting Gate Person* means any individual licensed as a starter,~~an~~ assistant starter, or any individual who handles Covered Horses in the starting gate.

~~*State Racing Commission* means the regulatory body established or recognized by a State or the Federal government with authority to regulate, approve, or license Covered Persons and Covered Horse shall have the meaning set forth in Rule 1020.~~

*Steward or Stewards* shall have the meaning set forth in Rule 2133.

*Timed and Reported Workout* shall have the meaning set forth in Rule 1020.

*Traction Device* means any device that extends beyond the ground surface of the horseshoe and includes but is not limited to inserts, wear plates, rims, toe grabs, bends, jar calks, stickers, ice nails, frost nails, and mud nails.

~~*Trainer* means a Person engaged in the training of Covered Horses shall have the meaning set forth in Rule 1020.~~

~~*Training Facility* means a location that is not a Racetrack that operates primarily to house Covered Horses and conduct workouts shall have the meaning set forth in Rule 1020.~~

~~*Veterinarian* means a licensed veterinarian who provides veterinarian services to Covered Horses and who, as a prerequisite to providing veterinarian services to Covered Horses, has registered with the Authority. shall have the meaning set forth in Rule 1020. Notwithstanding any provision set forth in the Rule 9000 Series (Registration Rules), a Veterinarian who provides veterinarian services to Covered Horses shall register with the Authority.~~

*Veterinarians' List* means a list maintained, or approved for use, by the Authority of all Covered Horses that are determined to be ineligible to compete in a Covered Horserace in any jurisdiction until released by a Regulatory Veterinarian.

*Vets' List Workout* shall have the meaning set forth in Rule 1020.

~~*Workout* means an official timed running of a Covered Horse over a predetermined distance not associated with a Race shall have the meaning set forth in Rule 1020.~~

#### 2015. Racehorse Epidemiology Database and Study

(a) The Authority, in consultation with the Commission, shall develop and maintain a nationwide database of Covered Horse safety, performance, health, and injury information.

(b) The database shall consist of information from the following sources:

(1) Post-inspection reports developed by the Racetrack Safety Committee pursuant to Rule 2112, and all information and documentation submitted by Racetracks and obtained from

other sources that relate to the post-inspection reports requested by the Authority pursuant to Rule 2112.

(2) Annual Racetrack Safety Accreditation Audits and any supporting documentation submitted by Racetracks to the Authority pursuant to Rule 2115(b).

(3) End of meet reports submitted by Racetracks to the Authority pursuant to Rule 2115(g).

(4) End of Race Meet Reports submitted by the Racetrack Risk Management Committees to the Authority pursuant to Rule 2121(c)(8).

(5) Risk management and injury prevention programs and protocols developed by the Racetrack Risk Management Committees and submitted to the Authority pursuant to Rule 2131.

(6) The names of all Covered Horses that suffer an injury requiring equine ambulance assistance, are euthanized, or which otherwise die, as submitted to the Racetrack's Risk Management Committee and the Authority by the Safety Director pursuant to Rule 2131(c)(8).

(7) The names of all Covered Horses euthanized, or which otherwise die at a race meeting, as submitted to the Authority by Regulatory Veterinarians pursuant to Rule 2135(a)(9).

(8) Reports summarizing the results of pre-Race inspection and submitted to the Authority by Regulatory Veterinarians pursuant to Rule 2142(c)(3).

(9) Post-race inspection findings documented to the Authority by Regulatory Veterinarians pursuant to Rule 2142(d)(1).

(10) Information documented to the Authority by Regulatory Veterinarians pursuant to Rule 2142(d)(2) concerning any observed skin lacerations, swellings, or welts resulting from crop use.

(11) Information reported to the Authority by Regulatory Veterinarians concerning Covered Horses observed during training pursuant to Rule 2142(e).

(12) Information concerning Racehorse Monitoring submitted by Racetracks to the Authority pursuant to Rule 2143.

(13) Racetrack design records, racing and training surface maintenance records, surface material tests, and daily tests data submitted by Racetracks to the Authority pursuant to Rule 2151(b).

(14) Racetrack surface monitoring logs and documentation required to be submitted by Racetracks to the Authority pursuant to Rule 2154.

(15) Information concerning infectious disease management submitted to the Authority pursuant to Rule 2165.

(16) Information concerning Rider injuries collected by Racetracks and submitted to the Authority pursuant to Rule 2167.

(17) Necropsies and any related information findings that are required to be submitted to the Authority pursuant to Rule 2170.

(18) Any information concerning Jockey concussion management required to be submitted to the Authority pursuant to Rule 2192.

(19) Covered Horse treatment records required to be submitted to the Authority pursuant to Rule 2251.

(20) Records submitted to the Authority by Responsible Persons pursuant to Rule 2252.

(21) Records, information, and data pertaining to Jockey Crop violations.

(22) Records, information, and data pertaining to the basis for the voiding of claims at Covered Racetracks.

(23) Any other records, information or data generated or obtained by the Authority that is relevant to Covered Horse safety, performance, health, and injury.

(c) Upon the written request of the Authority, a Racetrack shall provide historical equine injury and fatality data for the previous 10 years from the date of the request. Such information may be included in the national database at the discretion of the Authority.

(d) To the extent that records, information, or data are not specifically required to be submitted under the rules of the Authority, the Authority may require the production from Covered Persons of records, information and data that are relevant to Covered Horse safety, performance, health and injury.

(e) The Authority shall review the data received under this Rule to conduct an epidemiological study pertaining to racehorse safety, performance, health, and injury. Epidemiological studies may be conducted on a periodic basis as deemed appropriate by the Authority.

## **2100. Racetrack Accreditation**

### 2101. General

(a) The Racetrack Safety Committee and the Authority shall oversee Racetrack Safety Accreditation in accordance with ~~provisions of this Rule 2100 Series. The Racetrack Safety Committee may also adopt best practices and guidance in accordance with the Act and the rules and regulations promulgated thereunder to provide further guidance to the Racetracks in the Accreditation Process~~ the provisions of Rules 2100 through 2193.

(b) All Racetracks ~~are required to shall seek and~~ meet the requirements of Racetrack Safety Accreditation with the Racetrack Safety Committee in accordance with the provisions of ~~this Rule~~ Rules 2100 Series through 2193.

#### 2110. Accreditation Process

#### 2111. Interim and Provisional Accreditation:

##### (a) Interim Accreditation.

(1) A Racetrack that is accredited by the National Thoroughbred Racing Association as of the Safety Program Effective Date shall be granted interim Racetrack Safety Accreditation, which shall be effective until the later of:

(i) ~~s~~Such time as the Racetrack Safety Committee completes an Accreditation assessment under Rule 2112 with respect to such Racetrack; or

(ii) the time period established by the Authority under Rule 2114(a).

##### (b) Provisional Accreditation.

(1) A Racetrack that is not accredited by the National Thoroughbred Racing Association as of the Safety Program Effective Date shall be granted provisional Racetrack Safety Accreditation, which shall be effective until the later of:

(i) ~~s~~Such time as the Racetrack Safety Committee completes an Accreditation assessment under Rule 2112 with respect to such Racetrack; or

(ii) the time period established by the Authority under Rule 2114(b).

(2) The Authority may at any time upon reasonable notice require a Racetrack with provisional Racetrack Safety Accreditation to report on its progress ~~toward~~ achieving full Accreditation. The Authority may request any additional information from the Racetrack that the Authority deems necessary or relevant to ~~make its an Accreditation~~ determination and may conduct unannounced on-site inspections at any time.

#### 2112. Accreditation Assessment

(a) Upon the initiation of an Accreditation assessment by the Racetrack Safety Committee, the subject Racetrack shall submit or provide access to any relevant information and documentation requested by the Racetrack Safety Committee. The Racetrack Safety Committee may request ~~any~~ additional information and documentation ~~required for as~~ the assessment proceeds. ~~The Racetrack Safety Committee and~~ may at any time propound ~~additional~~ written questions or inquiries to the Racetrack, to which the ~~The~~ Racetrack shall respond in writing by the deadline established by the Racetrack Safety Committee. ~~to all additional questions and inquiries within sixty (60) days of receipt of any additional questions and inquiries.~~

(b) After review of all information submitted by the Racetrack under ~~paragraph Rule~~ 2112(a), the Racetrack Safety Committee shall conduct an on-site inspection of the Racetrack. The Racetrack Safety Committee shall then prepare a post-inspection report identifying any aspects of the Racetrack's operations that are not in compliance with the requirements of ~~this Rule~~ Rules 2100 Series through 2193.

(c) Within ~~sixty (360)~~ days of the Racetrack's receipt of the post-inspection report under ~~paragraph Rule~~ 2112(b), the Racetrack shall respond in writing to the Racetrack Safety Committee



setting forth all actions to be taken by the Racetrack to remedy the areas of non-compliance identified in the post-inspection report, and the timeframes necessary for implementation of such remedial actions.

(d) The Racetrack Safety Committee shall assess the Racetrack's response and make a written recommendation to the Authority whether to issue or deny Accreditation or provisional Accreditation of the Racetrack.- As a condition of Accreditation, the Racetrack Safety Committee may require a Racetrack to take any remedial or other action that is consistent with the Authority's safety rules and Accreditation standards established in the Rule 2100 Series and Rule 2200 Series.

#### 2113. Issuance of Accreditation

(a) The Authority shall determine whether a Racetrack is entitled to Accreditation by evaluating compliance with the requirements set forth in ~~this Rule~~Rules 2100 ~~Series.~~Series. ~~through 2193.~~

(b) In determining whether to grant, renew, or deny Accreditation to a Racetrack, the Authority shall review all information submitted by the Racetrack and the ~~Racing~~Racetrack Safety Committee's recommendation.

#### 2114. Effective Periods of Accreditation-

(a) Accreditation.

(1) Subject to Rule 2114(a)(2), Accreditation shall be effective for a period of ~~three~~ (3) years.

(2) The Authority may modify the Accreditation period to a period of ~~one~~ (1) to ~~seven~~ (7) years if the Authority determines that such modified period will be consistent with the requirements of Accreditation outlined in ~~this Rule~~Rules 2100 ~~Series.~~Series. ~~through 2193.~~

(b) Provisional Accreditation.

(1) Provisional Accreditation shall be effective for an initial period of ~~one~~ (1) year.

(2) Upon the expiration of the initial ~~one~~ (1) year period referenced in paragraph (1) above, provisional Accreditation may be extended for additional ~~one~~ (1) year periods if the Authority determines that the subject Racetrack is continuing to undertake good faith efforts to comply with the requirements of ~~this Rule~~Rules 2100 ~~series~~series ~~through 2193~~ through 2193 and achieve Accreditation.

#### 2115. ~~ANNUAL REPORTING.~~Racetrack Reporting

(a) All Racetracks ~~granted Accreditation~~ under these Rules shall participate in ongoing reporting and review to the ~~Racetrack Safety Committee~~ Authority.

(b) All ~~accredited~~ Racetracks shall, by December 31 of each calendar year, submit ~~satisfactory annual reports to the Racetrack Safety Committee demonstrating compliance with all Accreditation requirements to the Racetrack Safety Committee~~ a completed Racetrack Safety Accreditation Audit along with any supporting documentation required by the Authority demonstrating efforts to comply with all Accreditation requirements. The Audit shall be certified by an appropriate Racetrack official who can attest to the truth and accuracy of the information in the Audit.

(c) All Racetracks shall maintain on file with the Authority an accurate list of names and contact information for key personnel within their organization as designated by the Authority.

(d) All Racetracks shall authorize any third-party system provider who collects or returns data related to a Covered Person, Covered Horse, or Covered Horserace, to provide to the Authority, upon request, any data submitted by the Racetrack that relates to a Covered Person, Covered Horse, or Covered Horserace.

(e) All Racetracks shall authorize any video replay or video service provider of Covered Horseraces to make available to the Authority, upon request, unedited, high-resolution video replays of all Covered Horseraces taking place at the Racetrack.

(f) The Authority may request from the Racetrack any information and records that it deems necessary or relevant to an Accreditation determination or a suspected violation of the Accreditation rules and may conduct unannounced on-site inspections at any time.

(g) All Racetracks shall submit a report within 30 days of the end of each Race Meet in such form as the Authority may prescribe. The report shall be certified by an appropriate Racetrack official who can attest to the truth and accuracy of the information in the report.

#### 2116. Suspension and Revocation of Accreditation

(a) An accredited Racetrack that is in material noncompliance with the Accreditation requirements, after having received notice of the noncompliance and been given a reasonable opportunity to remedy the noncompliance, may have its Accreditation suspended or revoked by the Authority.

(b) In determining whether a Racetrack is in material noncompliance with the Accreditation requirements, the Authority shall consider all factors that it deems appropriate, including but not limited to the factors established in Rule 8360(e)(1)-(5).

(c) A ~~provisionally accredited~~ Racetrack that has been granted provisional or interim Accreditation and that is in material noncompliance with the ~~provisional~~ Accreditation requirements, after having received notice of the noncompliance and been given a reasonable opportunity to remedy the noncompliance, may have its provisional or interim Accreditation, as the case may be, suspended or revoked by the Authority.

(d) Notwithstanding Rule 8360(b), a Racetrack under suspension shall not conduct any Covered Horserace during the period of the suspension.

(e) A suspended Racetrack that fails to remedy the noncompliance in a reasonable time may have its Accreditation or provisional Accreditation revoked by the Authority.

#### 2117. Provisional Suspension of Racetrack Accreditation

##### (a) Provisional Suspension of Racetrack Accreditation

(1) If the Authority has reasonable grounds to believe that the conditions or operations of a Racetrack present an imminent danger to the health, safety, or welfare of Covered Horses or Riders arising from specific violations by the Racetrack of the Authority's racetrack safety or Accreditation rules, the Authority may issue to such Racetrack a written notice to show cause concerning a potential provisional suspension of the Racetrack's Accreditation, which notice shall include:

(i) an itemization of the specific Authority's safety and Accreditation rules which the Racetrack is believed to have violated, and a summary of the conditions, practices, facts, or circumstances which give rise to each apparent violation;

(ii) the corrective actions suggested to achieve compliance;

(iii) a request for a written response to the findings, including commitments to suggested corrective action or the presentation of mitigating or opposing facts and evidence; and

(iv) a statement that the Racetrack may within 3 days of receipt of the show-cause notice request a provisional hearing, which, absent exceptional circumstances necessitating a reasonable delay of the hearing, shall be conducted within 3 business days of receipt by the Authority of the Racetrack's request for a provisional hearing. If the Racetrack does not request a provisional hearing within 3 days of the Racetrack's receipt of the show-cause notice, the Authority shall conduct a provisional hearing in accordance with Rule 2117(b).

(2) Nothing in the Authority's Rules shall preempt or otherwise impair the authority of a State Racing Commission to suspend racing at a Racetrack in accordance with its provisions of licensure.

#### (b) Provisional Hearing

(1) A Racetrack that has received a show cause notice pursuant to Rule 2117(a)(1)) is entitled to a provisional hearing to be conducted by the Authority. The provisional hearing shall be conducted within 3 business days of receipt by the Authority of the Racetrack's request for a provisional hearing. If the Racetrack does not request a provisional hearing, the Authority shall conduct the provisional hearing within 7 business days of the date the show-cause notice was issued to the track pursuant to Rule 2117(a)(1). The provisional hearing is not a full hearing on the merits, and the sole issue to be determined at the provisional hearing shall be whether the Racetrack's provisional suspension of Accreditation shall go into immediate effect following the provisional hearing, be stayed pending a final hearing under section (c) of this Rule 2117, or be withdrawn.

(2) The provisional hearing shall be conducted by a 3-person panel consisting of 1 industry member of the Board, 1 independent member of the Board, and 1 member of the Arbitral Body selected by the Chair of the Board. The hearing may be conducted in person, or by means of an audio-visual teleconferencing system or a telephone audio system. The panel may submit any findings and make any recommendation to the Board that the panel deems appropriate. The panel shall, as appropriate, submit to the Board a record of the proceedings conducted under this subsection (b)(2).

(3) At the provisional hearing, the burden is on the Authority to demonstrate good cause why the provisional suspension of the Racetrack's Accreditation should go into immediate effect, or be stayed pending a final adjudication. The panel shall consider all factors that it deems appropriate, including but not limited to the factors established in Rule 8360(e)(1)-(5). Within 7 days of the conclusion of the hearing, the panel shall issue a written decision determining whether the provisional suspension of the Racetrack's Accreditation shall go into immediate effect, be stayed pending a final adjudication, or be withdrawn. As a condition of issuing a stay of the provisional suspension, the panel may require the Racetrack to comply with additional safety standards or other requirements necessary to address the specific violations by the Racetrack of the Authority's safety or Accreditation rules.

#### (c) Final Hearing by the Board

(1) A final hearing on the matters giving rise to the provisional suspension shall be adjudicated by at least a quorum of the Board in accordance with the procedures set forth in Rule 8340(d) through (j). The 2 Board members that participated in the provisional hearing shall not participate in the final hearing. If the Racetrack has requested a final hearing, the final hearing shall be conducted by the Board within 14 days of the request by the Racetrack for a final hearing, absent exceptional circumstances which necessitate a reasonable delay of the hearing. If the Racetrack does not request a final hearing within 10 days of the date of the written decision referenced in subsection (b)(3), the Board shall schedule the final hearing. The Board in its discretion may adopt any portion of the record submitted to the Board by a panel under subsection (b)(2) of this Rule 2117.

(2) Within 7 business days of the conclusion of the final hearing, the Board may take one or more of the following actions:

(i) order that the Racetrack's Accreditation be reinstated, suspended, or revoked, upon a vote in favor of reinstatement, suspension, or revocation by two-thirds of a quorum of the members of the Board;

(ii) reinstate Accreditation subject to any requirements the Board deems necessary to address the specific violations by the Racetrack of the Authority's racetrack safety or Accreditation rules. The Board may also impose a fine upon reinstatement in an amount not to exceed \$50,000.00. The Board may require the Racetrack to report at reasonably prescribed intervals on the status of racetrack safety operations and remedial efforts to address specific violations by the Racetrack of the Authority's racetrack safety or Accreditation rules.

(3) The outcome of the final hearing shall be the final decision of the Authority as that term is used in Rule 8350 and Rule 8370, and shall constitute a final civil sanction subject to appeal and review in accordance with the provisions of 15 U.S.C. § 3058.

## 2120. Accreditation Requirements

## 2121. Racetrack ~~Safety and Welfare~~Risk Management Committee

(a) General. The Racetracks in each ~~state~~State shall form a Racetrack ~~Safety and Welfare~~Risk Management Committee to review the circumstances around fatalities, injuries, and racetrack safety issues with the goal of identifying possible contributing risk factors that can be mitigated.

(b) Composition. ~~The composition of the Racetrack Safety and Welfare Committee may vary among jurisdictions, provided that each Racetrack Safety and Welfare Committee shall include, at a minimum, the following:~~

~~(1) Regulatory Veterinarian;~~

~~(2) Association Veterinarian;~~

~~(3) Medical Director;~~

~~(4) Safety Officer or steward, subject to applicable State Racing Commission electing to enter into an agreement with the Authority if such individual is employed by the State Racing Commission;~~

~~(5) Horsemen's representative;~~

~~(5) Jockey;~~

~~(6) Trainer;~~

~~(7) racing secretary, and~~

~~(8) racetrack superintendent.~~

(1) Subject to Rule 2121(b)(4), the Racetrack Risk Management Committee shall include, at a minimum, the following:

- (i) Regulatory Veterinarian;
- (ii) Association Veterinarian;
- (iii) Medical Director;
- (iv) Safety Officer or Steward;
- (v) Jockeys' representative;
- (vi) Trainers' representative;
- (vii) Owners' representative;
- (viii) Racing secretary;
- (ix) Racetrack superintendent; and
- (x) Horseshoe Inspector.

~~(i) The Regulatory Veterinarian shall chair the Racetrack Safety and Welfare Committee.~~

~~(ii) If the Safety Director is not a committee member, the Safety Director shall be an ex officio member of the Racetrack Safety and Welfare Committee.~~

(2) In any jurisdiction where the applicable State Racing Commission enters into an agreement with the Authority to establish a Regulatory Veterinarian(s), the Regulatory Veterinarian(s) identified in the agreement shall chair the Racetrack Risk Management Committee. In any jurisdiction where the applicable State Racing Commission does not elect to enter into an agreement with the Authority to establish a Regulatory Veterinarian(s), the Lead Veterinarian(s) established pursuant to Rule 2134(c) shall chair the Racetrack Risk Management Committee. The Racetrack Safety Committee may approve the Association Veterinarian to serve as the chair of the Racetrack Risk Management Committee in place of the Regulatory Veterinarian or Lead Veterinarian if the Racetrack Safety Committee determines that the Association Veterinarian is capable of performing the duties of the chair of the Racetrack Risk Management Committee.

(3) If the Safety Director is not a committee member, the Safety Director shall be an ex officio member of the Racetrack Risk Management Committee.

(4) Subject to the written approval of the Racetrack Safety Committee, a Racetrack may alter the composition of the Racetrack Risk Management Committee.

~~-(5) No individual may concurrently occupy 2 or more of the positions established in Rule 2121(b)(1)(i)-(x) on the Racetrack Risk Management Committee absent prior written approval of the Racetrack Safety Committee.~~

(c) Responsibilities. The Racetrack ~~Safety and Welfare~~Risk Management Committee shall ~~be responsible for:~~

(1) Review ~~of all findings relative to equine catastrophic injuries~~Catastrophic Injuries and Equine Mortalities. ~~For each Catastrophic Injury and Equine Mortality, the Racetrack Risk Management Committee shall: the circumstances surrounding those injuries, including, at a minimum:~~

(i) ~~interviews with~~ Trainers, Jockeys, ~~Exercise R~~iders, and Attending Veterinarians, and, when appropriate, Racetrack personnel and a qualified human health provider;

(ii) ~~examination of~~ past performances, Workouts, pre-race inspection findings, necropsy examination findings, and Trainer and Veterinary treatment records;

(iii) review ~~of~~ Race or training video footage, if applicable available;

(iv) review ~~of~~ racetrack surface conditions and weather information;

(v) ~~convening~~ a meeting with the connections of the Covered Horse and other interested ~~p~~Persons who may have information relevant to the Catastrophic Injury or Equine Mortality, including, at a minimum, the Regulatory Veterinarian, Trainer, Jockey, Rider, and Attending Veterinarian, and others if applicable, ~~the Jockey, exercise rider, and racetrack superintendent~~ to:

(A) ~~c~~Convey the findings of the review;

(B) acquire additional information useful for developing strategies for injury prevention; and

(C) provide continuing education or continuing education recommendations related to the cause of equine injury, if available, to persons related to the applicable Covered ~~Horse~~;

(vi) ~~evaluation of~~ factors that may have contributed to injuries;

(vii) ~~evaluation of~~ the effectiveness of protocols and procedures for managing the equine injury scenario; and

(viii) ~~developing~~ strategies to mitigate identified factors that may have contributed to the injury.

(2) Review ~~of all environmental factors~~findings relative to Human Injuries. ~~For each Human Injury, the Racetrack Risk Management Committee shall: related to racing and training that may have contributed to human injury occurrences including:~~

(i) interview witnesses and other persons who may have information relevant to the Human Injury;

(ii) ~~e~~Evaluation of external factors that may have contributed to ~~injuries~~ the Human Injury;

(iii) ~~development of~~ strategies to mitigate ~~identified factors~~risks or safety hazards that may have contributed to the Human Injury; and

(ivii) ~~evaluation of~~ the effectiveness of protocols and procedures for managing ~~H~~human ~~I~~njury occurrences.;

(3) ~~Consideration of~~ Racetrack safety issues brought to the Racetrack ~~Safety and Welfare~~Risk Management Committee's attention;

(4) Summary review of all injuries and considerations to review existing practices;  
;

(5) Develop~~ment of~~ strategies to reduce or mitigate injury occurrences.;

(6) Enhancem~~ent of~~ the identification of Covered Horses or conditions for which intervention is warranted;~~and~~

(7) Enhancem~~ent of R~~acetrack safety for equine and human participants.;

~~and~~

(8) Prepar~~ation and submission of~~ a report in such form as the Authority may prescribe that summarizes the findings of the Racetrack ~~Safety and Welfare~~Risk Management Committee under this paragraph (c) to the Authority within ~~sixty (60) calendar~~ days of the end of ~~the applicable Race Meet~~Meets that are fewer than 60 calendar days in length or at least quarterly for Race Meets of 60 calendar days or more, unless the Racetrack Safety Committee requires earlier submission. The report shall be certified as true and accurate by the chair of the Racetrack Risk Management Committee. The minutes from the meeting(s) of the Racetrack Risk Management Committee shall be attached as an exhibit to the report.

#### 2130. Required Safety Personnel

#### 2131. Safety Director

(a) The Safety Director shall oversee equine safety, racetrack safety, and risk management and injury prevention at each Racetrack in accordance with the provisions of ~~this Rule~~these rules. The Safety Director may at the same time serve in the applicable jurisdiction as ~~a Regulatory Veterinarian or~~ Safety Officer. Subject to the approval of the Racetrack Safety Committee, the Safety Director may be shared within and among jurisdictions.

(b) If the applicable State Racing Commission does not enter into an agreement with the Authority, then the Racetracks in such jurisdiction shall implement the requirements set forth in this Rule, subject to the Racetrack Safety Committee's approval of the individual named as Safety Director.

(c) The Safety Director shall ~~be responsible for~~:

(1) Creat~~ing~~ a culture of safety for Covered Horses, ~~riders~~Riders, and Racetrack personnel;

(2) Oversee~~ing~~ all aspects of equine safety, racetrack safety, and safety of personnel working with Covered Horses by ensuring that all activities and practices involving the training and racing of Covered Horses at the track meet ~~required~~ safety standards required by the Authority;

(3) Implement~~ing~~ a risk management and injury prevention program under the oversight of the Racetrack Risk Management Committee;

(4) Establish a formal protocol by which health, safety, and welfare issues are reported, investigated, and resolved by the Racetrack. The protocol shall address coordination between racetrack management, Veterinarians, safety stewards, and Stewards, so that all persons

involved have a clear understanding of their roles and further action may be taken where appropriate;

(5) Provide~~ing~~ guidance to ~~Attending Veterinarians~~all Covered Persons on safety issues;

(6) Maintain~~ing~~ and annually review~~ing~~ standard operating procedures and protocols related to the safety of Covered Horses, Riders, and Racetrack personnel;

(7) Coordinat~~ing~~ and oversee~~ing~~ emergency drills ~~that include~~including equine injury, ~~and~~-starting gate malfunction, ~~and hazardous weather;~~

(8) Report~~ing~~ all equine injuries that required equine ambulance assistance and fatalities to the Racetrack's Risk Management Committee and the Authority within ~~seventy-two (72)~~ hours of an injury, and within 24 hours of a fatality; and

(9) Interact~~ing~~ with the Authority concerning Racetrack Safety Accreditation compliance.

#### 2132. Medical Director

(a) The Medical Director shall oversee the care and organization of the medical needs of Jockeys. The Medical Director shall be either a licensed physician, ~~or~~ a board-certified athletic trainer, or an individual qualified to perform the duties and responsibilities set forth in this Rule with the assistance of the Authority's National Medical Director. Subject to the approval of the Racetrack Safety Committee, the Medical Director may be shared within and among jurisdictions.

(b) In any jurisdiction where the applicable State Racing Commission does not elect to enter into an agreement with the Authority to establish a Medical Director consistent with this Rule, the Authority shall appoint and employ a Medical Director to serve as Medical Director in that jurisdiction. The Racetracks in the applicable jurisdiction shall reimburse the Authority for all costs associated with the employment of the Medical Director. Such reimbursement shall be shared by the Racetracks in such jurisdiction, ~~proportionally by total handle wagered in the applicable state in the prior calendar year.~~

(c) The Medical Director (or their designees) shall:

(1) ~~i~~Identify professional medical providers and referral networks that are licensed and certified to oversee racetrack emergency services, which may include, hospital affiliations, nursing staff, EMT service and paramedics, internists, surgeons, family practitioners, dentists, athletic trainers, or psychiatrists;

(2) ~~m~~Make medical provider contact information readily available for ease of communication and immediate coordination of care for any medical event;

(3) require notification of Human Injuries during racing or training to the Authority's National Medical Director within 1 hour of transport of the individual(s) from the scene of the injury;

~~(4) Report all~~require reporting of Hhuman ~~I~~injuries to the Racetrack's Racetrack Risk Management Committee and the Authority within ~~seventy-two (2472)~~ hours of injury;

~~(5) c~~Coordinate and oversee a plan for on-site medical care, including provisions for emergency medical facilities and staffing;

~~(6) i~~Implement an emergency drill for a ~~rider~~ Jockey injury;



~~(76) c~~Coordinate and oversee a comprehensive plan for transportation of an injured ~~rider~~Jockey to the nearest Trauma Level One or Two facility;

~~(87) c~~Coordinate and oversee a plan for transportation of an injured ~~rider~~Covered Persons to ~~the Racetrack's first aid facility~~medical care providers;

~~(98) e~~Ensure compliance with mandatory annual ~~rider~~Jockey physical examination requirements to indicate readiness to ride for Jockeys, ~~and document compliance to the Authority~~;

~~(109) e~~Exercise oversight of medical standards, including the minimum criteria for riding fitness;

~~(110) C~~ertify ~~develop and implement~~ a process for certifying a Jockey's rider's fitness to resume riding after any ~~on-track~~ incident at the Racetrack that may impair the ~~rider's~~ Jockey's reflexes, decision-making or ability to maintain control of ~~his or her a~~ Covered Horse in a race;:-

~~(124) i~~Implement the program for Concussion evaluation, ~~rider~~Jockey exclusion and clearance, and return to ride protocol;

~~(132) d~~Develop in writing, subject to annual review and revision as necessary, the Racetrack's Emergency Action Plan, which shall ~~include readiness for~~provide for rapid response to the -medical needs of ~~racetrack participants, and workers, Covered Persons and spectators; and at the Racetrack;~~

~~(143) w~~Work with local, ~~state~~State, and ~~federal~~Federal regulators to standardize the approach and response to pandemic-related issues among ~~riders, workers, Covered Persons and spectators; at the Racetrack;~~ and

(15) coordinate with the Authority's National Medical Director.

### 2133. Stewards

(a) In ~~states~~States where the applicable State Racing Commission elects to enter into an agreement with the Authority, the ~~stewards~~Stewards, in addition to their duties under ~~state~~State law, shall enforce the safety regulations set forth in ~~the Rule~~Rules 2200 ~~Series~~through 2293.

(b) Unless the Authority determines that the applicable individual is otherwise qualified, to qualify for appointment as a ~~steward~~Steward, the appointee shall meet the experience, education, and examination requirements necessary to be accredited by ~~the~~ ROAP ~~and be in good standing with all racing jurisdictions.~~

(c) The requirements of ~~this~~ Rule 2133 for any ~~steward~~Steward employed by or contracted with a State Racing Commission are subject to the applicable State Racing Commission electing to enter into an agreement with the Authority. If the applicable State Racing Commission does not enter into such an agreement, the Racetracks in the jurisdiction shall implement the requirements set forth in ~~this~~ Rule 2133, subject to the Racetrack Safety Committee's approval of the individual(s) named as ~~stewards~~Steward(s) by the Racetracks. The ~~stewards~~Steward(s) named by the Racetracks shall enforce only the safety regulations set forth in ~~the Rule~~Rules 2200 ~~Series through 2293. The Racetracks in the applicable jurisdiction shall reimburse the Authority for any costs incurred by the Authority associated with the Steward(s).~~

### 2134. Regulatory Veterinarian

(a) A Racetrack shall ensure that no fewer than 2 Regulatory Veterinarians (as defined in Rule 1020) (excluding test barn veterinarians) are present at the Racetrack during all live racing. Upon a request and a showing of undue hardship by the Racetrack, the Racetrack Safety Committee may permit a Racetrack to have 1 Regulatory Veterinarian present at the Racetrack during all live racing.

(b) The Regulatory Veterinarian shall:

(1) Subject to the provisions of Rule 2134(c), be employed, contracted, or appointed by a State Racing Commission or the Authority, who, in addition to other duties, is responsible for monitoring the health and welfare of Covered Horses during Covered Horseraces; by the State Racing Commission or similar agency having jurisdictional authority;

(2) be licensed to practice in the state in which the Regulatory Veterinarian is performing the duties established under this Rule, if such licensing is required in the applicable jurisdiction;

(3) refuse employment or payment, directly or indirectly, while employed as a Regulatory Veterinarian, from any Owner or Trainer of a Covered Horse racing or intending to race in the jurisdiction while employed as a Regulatory Veterinarian;

(4) refrain from directly treating or prescribing medications for any Covered Horse within the applicable jurisdiction except in cases of emergency, accident, or injury; and

(5) Regulatory Veterinarians must be trained, and their proficiency verified, in be knowledgeable about identifying and stabilizing common musculoskeletal injuries.

(c) In any jurisdiction where the applicable State Racing Commission does not elect to enter into an agreement with the Authority to establish a Regulatory Veterinarian(s) consistent with this Rule 2134, the Authority shall employ Racetrack shall appoint a Veterinarian(s) to serve as the Lead Veterinarian(s) in such jurisdiction or Racetrack, as the case may be. In any jurisdiction where the applicable State Racing Commission does elect to enter into an agreement with the Authority to establish a Regulatory Veterinarian(s) consistent with Rule 2134, the Racetrack may appoint a Veterinarian(s) to serve as the Lead Veterinarian(s) to supplement the duties of the Regulatory Veterinarian(s) and to comply with the requirements in Rule 2134(a). The appointment of the Lead Veterinarian(s) is subject to the Racetrack Safety Committee's approval. The Lead Veterinarian(s) shall perform all of the duties, obligations and responsibilities of the Regulatory Veterinarian(s) as specified in these regulationsRules. The Racetracks in the applicable jurisdiction shall reimburse the Authority for anyH costs incurred by the Authority associated with the employment of the Lead Veterinarian(s). The reimbursement shall be shared by the Racetracks in the jurisdiction proportionally by total handle wagered in the applicable state in the prior calendar year.

#### 2135. Responsibilities and Duties of Regulatory Veterinarian

(a) The Regulatory Veterinarian(s) shall have the following responsibilities and duties:

(1) notify the stewards of any Horse deemed unsafe to be raced, or a Horse that it would be inhumane to allow to race;

(2) conduct pre-race inspections on all potential starters on Race Day;

(3) inspect any Covered Horse when there is a question as to the physical condition of such Covered Horse independent of the Covered Horse's entry status;

~~(3)~~ be present in the paddock during saddling, ~~on~~ at the racetrack during the post parade, and ~~present~~ at the starting gate until the Covered Horses are dispatched from the starting gate for the Race;

(4) perform post-Race observations;

(5) notify the Stewards of the scratch of any Covered Horse that is, in the opinion of the Regulatory Veterinarian, injured, ill, ~~or~~ otherwise unable to compete due to a medical or health-related condition or that poses a hazard to other horses or racing participants. The Stewards shall then scratch the Covered Horse from the Race;

(6) inspect any Covered Horse which appears to be in physical distress during the Race or at the finish upon completion of the Race;

(7) notwithstanding Rule 2220(a), provide emergency medical care to Covered Horses injured while racing or training and effect case transfer to the Attending Veterinarian;

(8) be authorized to euthanize, consistent with the current version of the American Veterinary Medical Association AVMA Guidelines for the Euthanasia of Animals, any Covered Horse deemed to be so seriously injured that it is in the best interests of the Covered Horse to so act;

(9) report to the Safety Director and the Authority within 24 hours the names of all Covered Horses who are euthanized or which otherwise die at the meeting and the reasons therefor;

~~(10) maintain the Veterinarians' List of Horses ineligible to race and notify the stewards of the identities of all Horses placed on the Veterinarians' List; and~~

~~(10)~~ collaborate with the Safety Director, Chief Veterinarian of the State Department of Agriculture (or comparable State government official), Equine Disease Communication Center (EDCC), and other regulatory agencies to take measures to control communicable or reportable equine diseases; and;

~~(11) remove a Covered Horse from the Veterinarians' List in accordance with Rules 2241 and 2242.~~

(b) Regulatory Veterinarian(s) may:

(1) access any and all Covered Horses housed on Racetrack grounds regardless of entry status;

(2) perform inspections of any Covered Horse at any time;

(3) observe Covered Horses during training activities and Workouts; and

(4) place a Covered Horse on the Veterinarians' List.

(c) If the Regulatory Veterinarian and his or her the Regulatory Veterinarian's staff are unable to fulfill any of the duties described in paragraph (a) of this Rule, 2135(a) and (b), such duties may, at the request of the Regulatory Veterinarian, be performed by an Association Veterinarian. In such case, the Association Veterinarian shall be responsible for adhering to and upholding the rules and regulations of the Authority and the State Racing Commission. Notwithstanding anything contained in the Rules of the Authority to the contrary, if after consultation with the Regulatory Veterinarian, the Authority determines that the Regulatory Veterinarian requires additional assistance to perform the duties of the Regulatory Veterinarian as established in the Authority's rules, the Authority may retain additional Veterinarians to assist the

Regulatory Veterinarian. The applicable Racetracks in the applicable jurisdiction shall reimburse the Authority for all costs associated with the employment of any additional Veterinarians retained under this paragraph.

~~(a) The Regulatory Veterinarian, and any Association Veterinarian exercising duties of the Regulatory Veterinarian as provided in paragraph (b) above, are authorized to:~~

- ~~(1) access any and all Horses housed on Racetrack grounds regardless of entry status;~~
- ~~(2) perform inspections of any Horse at any time;~~
- ~~(3) observe Horses during training activities and Workouts;~~
- ~~(4) perform pre-Race veterinary inspections and post-Race observations; and~~
- ~~(5) Place a Horse on the Veterinarians' List.~~

(d) In any jurisdiction where the applicable State Racing Commission enters into an agreement with the Authority to establish a Regulatory Veterinarian(s), the Regulatory Veterinarian(s) identified in the agreement shall have authority over all Veterinarians within the grounds of the Racetrack. In any jurisdiction where the applicable State Racing Commission does not elect to enter into an agreement with the Authority to establish a Regulatory Veterinarian(s), the Lead Veterinarian(s) established pursuant to Rule 2134(c) shall have authority over all Veterinarians within the grounds of the Racetrack. The Regulatory Veterinarian(s) identified in the agreement shall have jurisdiction over the Attending Veterinarians within the grounds of the Racetrack and shall review and consult with the stewards, Stewards and State Racing Commission regarding the State Racing Commission license applications of Attending Veterinarians, veterinary technicians or assistants, vendors of medical supplies and equipment, and non-Veterinarian equine health care providers. The authority and responsibilities of the Regulatory Veterinarian to review and consult with the Stewards and State Racing Commission regarding license applications under this paragraph (d) shall not be performed/exercised by an Association Veterinarian or Lead Veterinarian, pursuant to paragraph (b) of this Rule. 2135(b).

#### 2136. Racetrack Safety Officer

(a) Each Racetrack shall have a Safety Officer to ensure that all activities and practices involving the training and racing of Covered Horses at the Racetrack meet required safety standards and regulatory guidelines. The Safety Officer may also be a ~~steward~~ Steward.

(b) The Safety Officer or the Safety Officer's designee shall:

- (1) ~~m~~Monitor daily stable area activities and practices in the barn area and on the racetrack for compliance with the applicable State Racing Commission safety regulations and the Rules of the Authority;
- (2) ~~c~~Conduct pre-Race Meet racetrack safety inspections;
- (3) ~~m~~Monitor Outrider compliance with Racetrack rules during training ~~morning~~ workouts;
- (4) ~~m~~Monitor starting gate procedures;

(5) ~~m~~Monitor ambulance and medical personnel protocols for Covered Horses and Jockeys riders in cooperation with the Medical Director;

(6) ~~a~~Assist Regulatory Veterinarians with follow-up on Covered Horses barred from training or vanned off during training and racing;

(7) ~~r~~Review ship-in and ship-out lists and undertake appropriate investigations;

(8) ~~c~~Conduct random ~~license~~-HISA registration checks for Covered Persons in the stable area;

(9) ~~c~~Conduct random barn inspections to monitor safety and regulatory compliance, including fire safety regulations;

(10) ~~c~~Conduct random inspections to verify acceptable management, equine husbandry, and veterinary practices;

~~(11) Advise stewards of all planned and random inspections;~~

~~(12) e~~Enforce fire safety rules in the stable area;

~~(13) s~~Serve as a member or ~~ad hoc~~ex officio member of the Racetrack Safety and Welfare Risk Management Committee; and

~~(14) m~~Make recommendations to Racetrack management and racing officials to ensure the safety and welfare of Covered Horses and ~~riders Jockeys, the integrity of racing,~~ and compliance with applicable horse racing laws and regulations.

#### 2137. Horseshoe Inspector

(a) Racetracks, or State Racing Commissions where the applicable State Racing Commission elects to enter into an agreement with the Authority, shall employ or contract with a Horseshoe Inspector to perform the duties and responsibilities established in Rule 2138.

(b) The Horseshoe Inspector shall:

(1) be licensed by the State Racing Commission if required in the applicable jurisdiction;

(2) be knowledgeable of matters pertaining to hooves, horseshoes and the rules of the Authority pertaining to Covered Horses and horseshoes; and

(3) annually complete continuing education as required by Rule 2182(b)(15).

#### 2138. Responsibilities and -Duties of Horseshoe Inspector

(a) The Horseshoe Inspector shall have the following responsibilities and duties:

(1) conduct inspections of horseshoes and other orthotics on all Covered Horses entered in a Covered Race on Race Day; and

(2) notify the Stewards of any Covered Horse that is shod with horseshoes that are not compliant with the Authority's rules.

(b) The Horseshoe Inspector, or -any Farrier exercising the duties of the Horseshoe Inspector as provided in Rule 2138(a), are authorized to perform other inspections of horseshoes or other orthotics of any Covered Horse by direction of a Steward.

### 2139. Horseshoe Inspections

(a) Pre-race Horseshoe inspection. Every Covered Horse entered to participate in a Covered Horserace shall be inspected on Race Day by a Horseshoe Inspector prior to starting in the Race.

(1) the Trainer of each Covered Horse or a representative of the Trainer who is knowledgeable about the Covered Horse and able to communicate with the Horseshoe Inspector must present the Covered Horse for inspection.

(2) the Horseshoe Inspector's inspection of each Covered Horse prior to participating in a Race shall include, at a minimum, the following:

(i) identification of the Covered Horse; and

(ii) examination of the horseshoe or other orthotics and documentation of any features relating to a violation of horseshoe rules of the Authority.

(b) If, prior to starting a Race, the Horseshoe Inspector is unable to make a determination, or determines that a Covered Horse is wearing non-compliant horseshoes, the Horseshoe Inspector shall notify the Stewards prior to the Covered Horse leaving the paddock.

### 2140. Racehorse Inspections and Monitoring

### 2141. Veterinary Inspections

(a) Veterinary inspections shall be performed by the Regulatory Veterinarians on all Covered Horses entered in a Race. Such inspections shall include the items listed in Rule 2142.

(b) If, prior to starting a Race, a Covered Horse is determined to be ~~unfit-unsound~~ for competition, or if the Regulatory Veterinarian is unable to make a determination of racing soundness, the Regulatory Veterinarian shall notify the ~~stewards~~ Stewards that the Covered Horse ~~shall be~~ scratched. ~~Regulatory Veterinarians shall have the unconditional authority to scratch a Covered Horse from a Race.~~ The Stewards shall then scratch the Covered Horse from the Race.

### 2142. Assessment of Racing Soundness

(a) Post-layoff report. The Trainer or Trainer's designee of any Covered Horse that has not raced for 150 or more days shall complete a Layoff Report and submit it to the Authority prior to entry. Nothing in this rule shall alter any state law requiring a post-layoff examination of a Covered Horse.

(ba) Post-entry screening. The Regulatory Veterinarian shall perform post-entry screenings of previous pre-Race inspection findings of entered Covered Horses to identify Covered Horses that may be at increased risk for injury. The Regulatory Veterinarian shall review past performances, lay-ups (more than 60 days without a Timed and Reported Workout or Race), lay-up reports, last 30 days medical history, previous injury and lameness diagnostics, intra-articular corticosteroid injections, previous surgery, and individual Covered Horse risk factors. Additional physical inspection and observation in motion may be performed by the Regulatory Veterinarian.

(cb) ~~Pre-race~~ Race Day veterinary inspection. Every Covered Horse entered to participate in a Covered Horserace shall be ~~subjected to inspection~~ inspected by a Regulatory Veterinarian prior to starting in the Race for which it is entered on Race Day, ~~not later than one (1) hour prior to scratch time for the Race in which the Horse is to compete.~~

(1) The Trainer of each Covered Horse or a representative of the Trainer who is knowledgeable about the Covered Horse and able to communicate with ~~the~~ Regulatory Veterinarian(s) must present the Covered Horse for inspection. Covered Horses presented for inspection must have bandages removed, and the legs must be clean and dry. ~~Prior to inspection,~~ Covered Horses may not be placed in ice until the Regulatory Veterinarian has completed the veterinary inspection and no device or substance shall be applied to the Covered Horse that impedes veterinary clinical assessment on Race Day.

(2) The Regulatory Veterinarian's inspection of each Covered Horse prior to participating in a Race shall include, at a minimum, the following:

- (i) ~~i~~Identification of the Covered Horse-;
- (ii) ~~a~~Ascertainment of the sex of the Covered Horse-;
- (iii) ~~p~~Performance of an overall inspection of the entire Covered Horse, assessing general appearance, behavior, disposition, posture, and body condition-;
- (iv) ~~o~~Observation of the Covered Horse jogging in hand, moving towards and away from the Veterinarian so that both hind-end and front-end motion can be evaluated-;
- (v) ~~p~~Performance of a digital palpation on both distal forelimbs-;
- (vi) ~~p~~Placement of the Covered Horse on the Veterinarians' List if the Covered Horse does not jog sound or warm up to the Regulatory Veterinarian's satisfaction;
- (vii) ~~y~~Visual observation in the paddock and saddling area, during the parade to post, and at the starting gate-; and
- (viii) ~~a~~Any other inspection deemed necessary by ~~the~~ Regulatory Veterinarian(s), including Jockey consultation for the Jockey's mount.

(3) A report summarizing the results of ~~a pre-Race~~ the Race Day inspection under ~~this~~ paragraph (a) shall be submitted to the Authority on the day of the inspection.

(d) Post-race assessment. Post-Race visual observations shall be performed by a Regulatory Veterinarian on all Covered Horses leaving the Rracetrack at the conclusion of every Race.

(1) If a Covered Horse is determined to have ~~Bled-Epistaxis~~ or to be physically distressed, medically compromised, injured, or unsound at any time before exiting the racetrack or leaving the ~~T~~est ~~B~~arn, the Covered Horse shall be placed on the Veterinarians' List and the Regulatory Veterinarian shall document post-race inspection findings to the Authority.

(2) If a Covered Horse is determined to have skin lacerations, swellings, or welts that resulted from crop use, the ~~stewards~~ Stewards and Attending Veterinarian shall be notified, and the information documented to the Authority.

(e-d) Training. Regulatory Veterinarians may observe Covered Horses during training activities. Covered Horses deemed physically distressed, medically compromised, injured, or unsound ~~shall~~ may be placed on the Veterinarians' List and reported to the Authority.

#### 2143. Racehorse Monitoring

(a) All Covered Horses and Pony Horses; including stable ponies, entering the Racetrack grounds directly from any location or facility other than a Designated Equine Facility or licensed racing facility within the same state as the receiving Racetrack must have ~~proof of a~~ current health

certificate or other health documentation sufficient for importation to the United States and approved by the USDA-APHIS representatives. ~~and required.~~ Required vaccinations, which shall be current and recorded in the Covered Horse's or Pony Horse's health record. These shall include:

(1) Certificate of veterinary inspection within the prior ~~five (5)~~ days, or fewer days if high risk situations dictate;

(2) ~~Verification of~~ EEE/WEE/, WNV (encephalitides), rabies, and tetanus vaccinations within the ~~prior twelve (12) months~~ last 365 days;

(3) ~~Verification of~~ Influenza and Rhinopneumonitis vaccinations within the prior 180 days, or fewer days if high risk situations dictate; and

(4) ~~Verification of~~ Negative Equine Infectious Anemia equine infectious anemia (Coggins) ~~Test~~ test within the ~~calendar year~~ last 365 days or in a shorter period of time if high risk situations dictate.

(b) The applicable Racetrack shall maintain records that document that the requirements of Rule 2143(a) have been satisfied for each Covered Horse entering racetrack grounds. Such records shall be subject to inspection and audit by the Authority.

(c) Exemption for vaccination requirements. Covered Horses that are imported to the United States to participate in a specific race or races or to enter race training in the United States may, upon application to the Authority, be exempted from the vaccination requirements, with the exception of requirements for Influenza and Rhinopneumonitis, for the following periods:

(1) if the Covered Horse is leaving the United States immediately following the specific race or races, then for the period of USDA temporary importation or transit to an approved USDA location, or

(2) if the Covered Horse is remaining in the United States, then for the period of 14 days following the specific race or races, or from arrival at a Racetrack, whichever is longer.

(d) Each Racetrack shall, upon request by the Authority, submit the following information to the Authority with respect to each Covered Horse on its grounds:

(1) Covered Horse identification;

(2) ~~o~~ Origin of Covered Horse;

(3) ~~d~~ Date of entry;

(4) ~~v~~ Verification of certificate of veterinary inspection; and

(5) ~~v~~ Verification of vaccinations.

(e) Each Racetrack shall, upon request by the Authority, submit the following information to the Authority with respect to each Covered Horse leaving its grounds:

(1) Covered Horse identification;

(2) ~~i~~ Intended destination;

(3) ~~r~~ Reason for departure;

(4) ~~d~~ Date of exit;

(5) ~~v~~ Vehicle license plate; and



(6) ~~t~~Transporter.

(~~f~~) Covered Horses moving interstate must also meet the entry requirements of the destination ~~state~~State, the State Racing Commission in the destination ~~state~~State, and the individual Racetracks or Training Facilities to which the Covered Hhorse is being shipped in the destination ~~state~~State.

#### 2144. Designated Equine Facility

(a) To qualify an equine facility as a Designated Equine Facility, the applicable Racetrack shall certify to the Authority in such form as the Authority may prescribe that it has reviewed and determined that the biosecurity protocols and procedures of the Designated Equine Facility are consistent with the biosecurity protocols and procedures of the Racetrack.

(b) The applicable Racetrack shall maintain records that document that the requirements of Rule 2144(a) have been satisfied for each Designated Equine Facility, including but not limited to the written biosecurity protocols and procedures of the Designated Equine Facility. Such records shall be subject to inspection and audit by the Authority.

#### 2150. Racetrack and Racing Surface Monitoring and Maintenance

##### 2151. Data Collection, Recordkeeping and Submission

(a) Racetracks shall have data collection protocols in place to assist in the proper and consistent maintenance of all racing and training surfaces. Racing and training surface testing and maintenance should be performed based on the Racetrack's written standard operating procedures which are reviewed annually and updated as needed. The Racetrack Safety Committee, or its designees, shall develop and annually update a Racetrack Surface Standard Practices Document.

(b) All Racetrack design records, racing and training surface maintenance records, surface material tests, and daily tests data shall be recorded in a format acceptable to the Authority and shall be submitted to the Authority. Any test results shall be submitted to the Authority within ~~one~~ (1) week of receipt of the test results.

##### 2152. Testing Methods

Surface test methods and surface material test methods must be documented and consistent with testing standards from internationally recognized standards organizations including ASTM International, American Society of Agricultural and Biological Engineers, or other relevant international standards, and when possible for unpublished standards, methods consistent with those documented by the Racing Surfaces Testing Laboratory.

##### 2153. Racetrack Facilities

(a) The Racetrack facilities must be designed, constructed, and maintained as ~~provided~~described in this Rule to provide for the safety of Covered Persons and Covered Horses.

(b) Rails.

(1) Racetracks shall have inside, outside, and gap rails designed, constructed, and maintained to provide for the safety of ~~Joekeys~~Riders and Covered Horses.

(2) The top of the inner and outer rails on dirt and turf courses must be at least 40 inches but not more than 50 inches above the top of the race surface.

(32) Objects within 10 feet of the inside rail shall be flexible enough to collapse upon impact of a Covered Horse or ~~rider~~Rider, or sufficiently padded as to prevent injury.

(43) Rails shall be inspected prior to each Race Meet and daily during training and racing events.

(cb) Gaps.

(1) All gaps must be clearly marked, must have protective padding covering any sharp edges or unique angles, and have proper mechanisms to allow for secure closure when needed.

(2) Main gaps and on-gaps should include signage with safety rules, Racetrack hours, and other applicable rules.

(3) For Races breaking from a chute there should be sufficient temporary rail extension to prevent Covered Horses from ducking in or out.

(de) Starting gate.

(1) All gates, and the vehicle that moves the gates, must be inspected pre-Race Meet and documented to be in proper working condition.

(2) All gates must have protective padding to ensure the safety of the Covered Horse, ~~JockeyRiders and Starting Gate Persons and gate personnel~~. Protective padding shall protect the ~~ridersRiders~~ and ~~Starting Gate Personsgate personnel~~ from contact with sharp edges and help to distribute impact loads. All padding shall be designed to ensure durability for outdoor use and shall be capable of maintaining safety and physical integrity during all weather conditions.

(3) Gates and the vehicle that moves the gates shall be inspected and tested each ~~Race Day~~ before the Races and each morning before schooling to ensure proper functioning.

(4) No personnel, other than those required for steering the gate, shall ride on the gate while the gate is in motion or being transported.

(5) Racetracks shall have in place ~~annually reviewed and documented standard operating procedures~~ a written plan for the removal of the starting gate after the start of each Race ~~as needed~~ in a safe and timely manner. This plan shall also include procedures for gate removal if the primary removal mechanism fails. The plan shall be reviewed annually by the Racetrack.

(6) Every Starting Gate Person shall wear protective gear when working on or around the starting gate, including approved helmets and safety vests.

(7) If the starting gate becomes inoperable during racing hours, racing may not continue until the starting gate is brought back to safe operating standards or the inoperable gate is replaced with a properly functioning alternate gate.

(8) ~~During racing hours, a~~ Racetrack shall ~~ensure there is at least that sufficient 1 assistant starters~~ Starting Gate Person present are available to safely handle for each Covered Horse ~~entered starting~~ in a Covered Horser Race.

(9) A Racetrack shall make at least ~~one~~ starting gate and ~~one~~ Starting Gate Person available for racehorse schooling during designated gate training hours.

(ed) Emergency warning system.

(1) Each Racetrack shall have an operational emergency warning system on all racing and training tracks. The emergency warning system shall be approved by the State Racing

Commission, subject to the applicable State Racing Commission electing to enter into an agreement with the Authority. If such agreement does not exist, the emergency warning system shall be approved by the Authority.

(2) The emergency warning system shall be tested ~~bi-weekly~~twice a week before training or racing.

(3) During training, when the emergency warning system is activated, all persons on horseback shall slow to a walk and no one on horseback shall enter the racetrack.

(4) The Racetrack announcer shall be trained to utilize the public address system to:

(i) ~~w~~Warn ~~R~~Riders of potentially dangerous situations and provide direction; and

(ii) ~~w~~Warn patrons of potentially dangerous situations and provide direction.

(f) The Racetrack shall provide a suitable area for jogging claimed horses in or near the Test Barn or, if approved by the Authority, a secured area used for claimed horse exams. The jogging area shall be of sufficient length to jog the claimed horse in hand in a straight line of not fewer than 5 strides and have consistent, firm, and level footing, and shall be out of the view of persons not authorized in the Test Barn or secured area.

#### 2154. Racetrack Surface Monitoring

(a) Racetracks shall provide equipment and personnel necessary to maintain the racetrack surface in a safe and consistent condition.

~~(b) Racetracks shall perform~~have p~~re-meet inspection shall be performed~~inspections performed on all surfaces prior to the start of each Race Meet with sufficient time allotted to facilitate corrections of any issues prior to racing. For Race Meets spanning periods with significant weather variation, inspections shall be performed seasonally prior to anticipated weather changes.

(1) Inspections for dirt and synthetic surfaces shall include the following elements:

(i) ~~d~~Determine and document race and training track configurations and geometries, including:

(A) ~~g~~Geometry and slopes of straights and turns and slopes at each distance marker pole;

(B) ~~t~~The accuracy of distances from the finish line to the marker poles; and

(C) ~~c~~Cushion and base geometries-;

(ii) ~~b~~Base inspection, including windrowing and base survey, surface survey, ground penetrating radar, or other method;

(iii) ~~m~~Mechanical properties of racing and training tracks using a biomechanical surface tester shall ~~-~~be determined and documented;

(iv) ~~s~~Surface material samples of racing and training tracks shall be analyzed for material composition pursuant to the Racetrack Surface Standard Practices Document; and

(v) ~~c~~Corrective measures to address issues under paragraphs (i) through (iv) above.

(2) Inspections for turf surfaces shall include the following elements:

(i) ~~d~~Determine and document racetrack configuration and geometry, including:

(A) ~~g~~Geometry and slopes of straights and turns and slopes at each distance marker pole;

(B) irrigation systems;

(C) turf profile; and

(D) ensure distances from the finish line to the marker poles are correct;

(ii) ~~d~~Document turf species;

(iii) ~~m~~Mechanical properties of racing and training tracks using a surface tester should be determined and documented;

(iv) ~~s~~Surface material samples of racing and training tracks shall be analyzed for material composition pursuant to the Racetrack Surface Standard Practices Document;

(v) ~~t~~The irrigation system must be tested to evaluate function of all components and water coverage including gaps and overlap; and

(vi) ~~c~~Corrective measures to address issues under paragraphs (i) through ~~(i+v)~~ above.

(c) Daily measurements shall be taken at the beginning of all daily training and racing sessions for racing and training tracks, ~~and~~ taken at each ~~1/4~~ mile marker pole at locations 5 and 15 feet outside the inside rail.

(1) For dirt and synthetic surfaces, such daily measurements shall include:

(i) ~~m~~Moisture content;

(ii) ~~c~~Cushion depth; and

(iii) ~~w~~Weather conditions and precipitation at 15-minute intervals from a national or local weather service.

(2) For turf surfaces, such daily measurements shall include:

(i) ~~m~~Moisture content; and

(ii) ~~p~~Penetration and shear properties.

(d) Surface equipment inventory, surface maintenance logs, and surface material addition or renovation logs shall be ~~maintained~~ documented daily and uploaded weekly by the Racetrack to an electronic database and submitted designated to by the Authority.

(1) Daily surface maintenance logs should include equipment used, direction and speed of travel, and water administration.

(2) Documentation of the source, timing, quantity, material specifications, and method of all additions to the surfaces shall be submitted to the Authority.

#### 2160. Emergency Preparedness

#### 2161. Emergency Drills

(a) Emergency protocols shall be reviewed, and drills shall be conducted, prior to the beginning of and periodically during each Race Meet for purposes of demonstrating the Racetrack's proficiency in managing the following emergencies:

(1a) ~~s~~Starting gate malfunction;

(2b) ~~p~~Paddock emergencies;

(3e) Equine ~~I~~injury;

(4d) ~~J~~ockey-Rider injury;

(5) Starting Gate Person injury;

(6) medical emergencies;

(7e) ~~l~~oose ~~h~~Horse;

(8f) ~~f~~Fire;

(9g) ~~h~~Hazardous weather condition; and

(10h) ~~m~~Multiple injury scenarios for both Covered Horses and Rider~~Jockeys~~;

#### 2162. Catastrophic Injury

Racetracks and Training Facilities under the jurisdiction of a State Racing Commission shall have protocols in place for instances of ~~catastrophic injury~~Catastrophic Injury to Covered Horses during racing and training. ~~Protocols should include, but not be limited to, requiring collection of biological samples in sufficient volume, to permit comprehensive drug testing. Planning shall include appropriate means of communication to the public.~~

#### 2163. Fire Safety

Racetracks and Training Facilities under the jurisdiction of a State Racing Commission shall plan for and have protocols in place for instances of fire within their enclosures. Fire and life safety inspections shall be performed in accordance with the local authority and appropriate National Fire Protection Association standards and shall be conducted at the required frequency. Racetracks shall document adherence to the applicable local fire protection authority.

#### 2164. Hazardous Weather

~~Each Racetrack shall develop, implement, and annually review a hazardous weather protocol which shall include:~~

(a) Except as set forth in Rule 2164(b), Racetracks shall comply with the applicable rules and regulations of the applicable State Racing Commission for the delay or cancellation of races due to inclement weather, extreme heat, extreme cold, lightning or other hazardous racing conditions. If the applicable State Racing Commission does not have such rules and regulations,

then the Racetracks, in conjunction with its Stewards, Jockeys, and horsemen, shall develop racetrack-specific protocols for the delay or cancellation of races due to inclement weather, extreme heat, extreme cold, lightning or other hazardous racing conditions. Such protocols shall take into consideration specific weather conditions and shall include a predetermined method for establishing consensus among stakeholders. The first priority of all decisions made shall be the well-being and safety of all persons and animals.

The protocols shall include:

(1a) dDesignation of the personnel responsible for monitoring weather conditions, immediately investigating any known impending threat of dangerous weather conditions and determining if conditions exist which warrant delay or cancellation of training or racing and the notification to the public of such dangerous weather conditions-;

(2b) uUse of a designated weather watcher and a reliable source for monitoring the weather, including lightning strike distance/radius notifications-;

(3e) iImplementation of a dangerous weather protocol, which ~~includes accounts~~ for extreme heat and chill factors and states that participation in racing or training activities may be modified or canceled if heat or cold conditions are in the extreme range for exertional heat illness, frostbite, or hypothermia and air quality-;

(4d) Designation by the Racetrack of an official responsible for monitoring weather conditions during training and racing hours-;

(5e) Consideration by the Racetrack of lightning safety guidelines such as the National Athletic Trainers' Association Position Statement, or more recent evidence-based recommendations-;

(6f) Requirements that the ~~stewards~~ Stewards shall contact Racetrack management when weather conditions may become hazardous, and that the ~~stewards~~ Stewards shall commence a racing and training delay when weather conditions pose risks to human and equine welfare-; and

(7g) Designation by the Racetrack of an official responsible for enforcing any weather associated training delay.

(b) All Racetracks shall develop and implement a written protocol pertaining to training and racing activities when the Air Quality Index approaches unhealthy levels. The protocol shall contain the following minimum components:

(1) when the Air Quality Index is elevated for the Racetrack's zip code due to particle pollution (defined as an Air Quality Index of 100-150), Responsible Persons shall monitor Covered Horses and Pony Horses for signs of respiratory inflammation and contact their Attending Veterinarian to evaluate Covered Horses and Pony Horses exhibiting coughing, nasal discharge, or respiratory distress;

(2) when the Air Quality Index for the Racetrack's zip code is considered Unhealthy (defined as an Air Quality Index of > 150), both equine and human participants shall be provided the option to withdraw from competition without penalty. The Air Quality Index shall be closely monitored, and Racetracks shall have discretion to cancel Covered Horseraces and Timed and Reported Workouts if Air Quality Index is trending upward; and

(3) no Covered Horserace or Timed and Reported Workouts shall be conducted when the Air Quality Index for the Racetrack's zip code is at or above 175.

## 2165. Infectious Disease Management

(a) Plans and protocols shall be put in place by each Racetrack to manage an infectious disease outbreak. Such protocols shall be based on guidelines recommended by the AAEP General Biosecurity Guidelines and AAEP Healthy Horse Protocols: Biosecurity Guidelines for Racetrack Entry and Stabling or more recent versions or developed in consultation with the appropriate State agency or official.

(b) The Regulatory Veterinarian shall maintain written biosecurity guidelines and standard operating procedures and train Racetrack safety personnel in basic biosecurity protocols. All Covered Persons must report any ~~symptoms~~signs that may be attributed to an infectious disease to the Regulatory Veterinarian and Safety Director.

(c) During an infectious disease outbreak, the above requirements may be revised as dictated by the circumstances, and all Covered Persons shall adhere to disease control measures implemented by State Racing Commissions or applicable ~~state~~State veterinary authorities.

(d) The Safety Director, or Regulatory Veterinarian if the Safety Director is not a licensed veterinarian, must notify the Authority and the Chief Veterinarian of the relevant State Department of Agriculture (or comparable ~~state~~State government official) to enable timely and accurate reporting of disease outbreaks at the racetrack to the Equine Disease Communication Center.

## 2166. Human Ambulance Support

(a) A Racetrack shall ~~ensure that no fewer than 2 properly staffed and equipped Advanced Life Support (“ALS”) ambulances or ALS adapted vehicles are present at the Racetrack provide a properly staffed and equipped Advanced Life Support ambulance during training and racing hours. Upon a request and a showing of undue hardship by the Racetrack, the Racetrack Safety Committee may permit a Racetrack to have 1 ALS ambulance or certified ALS adapted vehicle present at the Racetrack during training and racing hours. If the ambulance is being used to transport an individual, the Racetrack may not conduct a race, or allow Horses with riders on the racetrack, until the ambulance is replaced or available for service.~~

(b) A Racetrack shall not conduct a Covered Horserace or allow Covered Horses on the Racetrack until an ALS ambulance or ALS adapted vehicle is present at the Racetrack and available for service.

(c) If a Racetrack operates a training track in addition to a main track, the Racetrack shall provide at least 1 ALS ambulance, ALS adapted vehicle, Basic Life Support (“BLS”) ambulance or BLS adapted vehicle dedicated to the training track.

(d) Racetracks shall ensure ~~the Advanced Life Support~~all ambulance staff ~~have~~ been trained in Concussion management and have acknowledged review of the HISA Concussion Protocol. Any Jockey who falls or is thrown from a Covered Horse during a race ~~must~~shall be examined ~~by the Advanced Life Support staff~~by a medical provider experienced in concussion management and familiar with the HISA Concussion Protocol. The medical provider shall report their findings to the Stewards who, upon the recommendation of the medical provider shall order the Jockey taken off any remaining mounts.~~Advanced Life Support staff shall report their findings to the stewards who will determine if the Jockey may continue riding.~~

(e) Racetracks shall develop and implement a training program for all ambulance staff to ensure they are familiar with and adequately trained on the unique safety and incident response issues present in horseracing.

(f) Racetracks shall develop and implement protocols for incidents involving injuries to more than one Covered Person during the same race.

(g) Racetracks shall develop and implement an incentive program to retain skilled and certified ambulance staff experienced in the medical response issues present in horseracing.

(h) The ALS ambulance or ALS adapted vehicle ~~Unless otherwise approved by the State Racing Commission or the stewards, an ambulance~~ shall follow the field at a safe distance during the running of ~~Covered Horserraces~~. In the event racetrack surface conditions prevent the ALS ambulance or ALS adapted vehicle from following the racing field:

(1) the ALS ambulance or ALS adapted vehicle shall be stationed at the racetrack entrance; and

(2) the ALS paramedic shall move to a chase vehicle or other vehicle capable of maneuvering on the racing surface and shall follow the racing field in that vehicle. In the event of an incident requiring the ALS ambulance or certified ALS adapted vehicle, the ALS paramedic shall promptly call for it to travel to the appropriate location.

~~(d) The ambulance must be parked at an entrance to the racing strip except when the ambulance is being used to transport an individual or when it is following the field during the running of a race.~~

#### 2167. ~~ACCIDENT REPORTING SYSTEM~~Rider Injury Reporting Procedure

(a) Racetracks or State Racing Commissions where the applicable State Racing Commission elects to enter into an agreement with the Authority, shall develop standard operating procedures for the collection of data associated with all incidents resulting in ~~Jokey or exercise rider~~Rider injuries sustained at the ~~R~~racetrack and submit such information to the Racetrack Risk Management Committee and the Authority within ~~ten~~ (10) days of the injury occurrence. Covered Persons involved in, or witnesses to, the circumstances surrounding the injury shall make themselves available to and cooperate with those individuals collecting data for the database.

(b) Data collected shall include:

- (1) ~~n~~Name of person injured;
- (2) nature of the injury;
- (3) date and time of day of injury;
- (4) occupation of person;
- (5) safety equipment used;
- ~~(6)~~ cause of the incident;
- ~~(7)~~ weather;
- ~~(8)~~ location of the incident; and
- ~~(9)~~ witness statements.

#### 2168. Equine Ambulance

(a) A dedicated ~~Horse equine~~ ambulance with personnel trained to operate the ambulance shall at all times be available for rapid deployment during racing and training periods. It is



recommended that a second ambulance be available in the case of multiple equine injuries or failure of the primary ~~Horse~~ equine ambulance.

The primary ambulance must be equipped to:

- (1) navigate on the racetrack during all weather conditions;
- (2) safely transport a horse off the association grounds;
- (3) contain equipment to stabilize distal limb injuries; and
- (4) remove a recumbent horse from the racetrack.

#### 2169. Paddock Safety

Racetracks or State Racing Commissions where the applicable State Racing Commission elects to enter into an agreement with the Authority shall have protocols in place to manage the safety of their saddling paddocks and walking rings. Such protocols ~~should~~ shall include crowd management policies as well as emergency response procedures for human and equine injuries. An emergency medical technician or paramedic shall be present during saddling.

#### 2170. Necropsies

(a) All Covered Horses that die or are euthanized on Racetrack grounds shall have an autopsy (necropsy) examination performed. All Covered Horses that die or are euthanized due to, or related to, a musculoskeletal injury within 72 hours of leaving Racetrack grounds shall have an autopsy (necropsy) examination performed.

(b) Racetracks must have a standard operating protocol that specifies:

(1) contact information and coordination procedures for the persons and organizations necessary to perform the necropsy;

(2) transportation options for necropsy cases and invoicing procedures for the cost of transportation;

(3) secure storage of the body pending transport, and transportation of the body (and body parts, when necessary) in such a way that tissue degradation and the development of post-mortem artifacts are minimized;

(4) sound infection control practices with respect to equine infectious or zoonotic disease; and

(5) procedures for reporting necropsy findings.

(c) Racetracks or State Racing Commissions where the applicable State Racing Commission elects to enter into an agreement with the Authority shall coordinate with a diagnostic laboratory equipped with the facilities and trained personnel necessary to perform equine necropsies.

(1) The diagnostic laboratory shall perform a systematic gross examination of all body systems and shall collect relevant samples for further examination and tests.

(2) For fatalities related to a musculoskeletal injury, the Racetrack and/or diagnostic laboratory may contract with a diagnostic laboratory that specializes in examination of

racehorse musculoskeletal injuries. The affected limb and contralateral limb (and when appropriate, the skull, vertebral spine or pelvis), shall be shipped to the specialty laboratory for examination, with consideration given to optimizing the condition of the body tissues.

~~(b) Necropsies should be performed at facilities and by personnel with capabilities and expertise to perform necropsy examination of racehorses. Relationships and contact information shall be included in the necropsy standard operating procedure. The Veterinarian performing the necropsy shall not be an Attending Veterinarian of the affected Horse.~~

~~(c) Field necropsy is strongly discouraged. When a field necropsy is the only practical option available, necropsy examinations shall be performed under direct or indirect supervision of a board-certified pathologist including phone call guidance or video conferencing. Necropsies shall be performed in a secure area on all Horses that die or are euthanized on Racetrack premises, isolated from the general public. Whenever possible, the Veterinarian performing the necropsy shall not be an Attending Veterinarian of the affected Horse.~~

~~(d) Transportation options for necropsy cases and invoicing for the transportation and necropsy shall be identified prior to need and included in a standard operating procedure. Secure storage, pending transport, and transportation of the body should be managed in such a way that tissue degradation and the development of post-mortem artifacts are minimized. Care shall also be taken to implement sound infection control practices with respect to equine infectious or zoonotic disease.~~

~~(3e) Necropsy findings shall be reported in a manner prescribed by the Authority, and Gross necropsy examination findings must shall be submitted to by the Regulatory Veterinarian, the Racetrack Risk Management Committee, and ~~to~~ the Authority within ~~seventy two (72) hours~~ of receiving the necropsy report, and updates submitted to the Authority within ~~seventy two (72) hours as the results of~~ The ancillary test results and the final report shall be submitted to the Regulatory Veterinarian, the Racetrack Risk Management Committee, and the Authority within 72 hours of their receipt. are received. This workflow shall be included in the necropsy standard operating procedures.~~

(d) The cost of necropsies set forth in this Rule 2170 shall be paid by those persons who are responsible for necropsy costs pursuant to existing state rules. In jurisdictions that do not provide for necropsy costs or address the responsibility for payment, the Racetrack shall be responsible for payment.

## 2180. Safety Training and Continuing Education

### 2181. Uniform National Trainers Test

Subject to the applicable State Racing Commission electing to enter into an agreement with the Authority, the State Racing Commission shall require the use of a uniform National Trainers Test in addition to any State licensing requirements. This test shall have a written component and include practical interviews that demonstrate knowledge and proficiency in basic horsemanship skills, knowledge of the Protocol, the Racetrack Safety Program, racing office protocols, ~~state~~State specific information, and basic equine health care.

### 2182. Continuing Education

(a) Subject to the applicable State Racing Commission electing to enter into an agreement with the Authority, the State Racing Commission shall identify existing, or provide locally, training

opportunities for all Racetrack employees having roles in Racetrack safety or direct contact with Covered Horses.

(b) Required annual continuing education shall include:

(1) Regulatory Veterinarians ~~must~~ shall complete, on an annual basis, at least ~~eight (8)~~ eight hours of continuing education specific to racetrack regulatory medicine;

(2) Attending Veterinarians ~~must~~ shall complete, on an annual basis, at least ~~eight (8)~~ eight hours of continuing education specifically applicable to racetrack practice;

(3) Medical Directors ~~must~~ shall complete, on an annual basis, at least ~~eight (8)~~ eight hours of continuing education;

(4) ~~stewards shall be either accredited or actively participating in gaining accreditation through the ROAP and Certification Programs. Maintenance of the ROAP Accreditation requires~~ (4) Stewards shall complete at least ~~sixteen (16)~~ eighteen (18) hours of continuing education every ~~two (2) calendar~~ calendar years;

(5) Safety Directors shall complete, on an annual basis, at least 8 hours of continuing education;

~~(6)~~ (5) Trainers must shall complete, on an annual basis, at least ~~four (4)~~ four (4) hours of annual continuing education;

~~(7)~~ (6) assistant trainers must shall complete, on an annual basis, at least ~~four (4)~~ four (4) hours of annual continuing education;

~~(8)~~ (7) Owners must shall complete, on an annual basis, at least ~~two (2)~~ two (2) hours of continuing education; annually;

~~(9)~~ (8) Racetrack surface managers must shall complete at least ~~eight (8)~~ eight (8) hours of continuing education every ~~two (2)~~ two (2) years;

~~(10)~~ (9) Grooms must shall complete, on an annual basis, at least ~~two (2)~~ two (2) hours of annual continuing education offered in English and Spanish;

~~(11)~~ (10) Outriders must shall complete, on an annual basis, at least ~~two (2)~~ two (2) hours of safety and outrider protocol training delivered locally prior to the beginning of a Race Meet;

~~(12)~~ (11) Jockeys and Exercise Riders must shall complete, on an annual basis, at least ~~two (2)~~ two (2) hours of safety and rider protocols delivered locally or virtually in English and Spanish; ~~prior to the beginning of a Race Meet;~~

~~(13)~~ (12) starters and assistant starters Starting Gate Persons must shall complete, on an annual basis, at least ~~two (2)~~ two (2) hours of safety training either delivered locally prior to the beginning of a Race Meet or through the ROAP certification; ~~and~~

~~(14)~~ (13) Equipment operators must shall complete, on an annual basis, at least ~~two (2)~~ two (2) hours of safety training either delivered locally prior to the beginning of a Race Meet or through a continuing education program; ~~and-~~

(15) Farriers and Horseshoe Inspectors shall complete, on an annual basis, at least 2 hours of continuing education and be knowledgeable of HISA's horseshoe regulations.

### 2183. Sexual Harassment Prevention

Each Racetrack shall implement and enforce a sexual harassment and non-discrimination policy that offers protection to Covered Persons by prohibiting discriminatory behavior at its facilities. At a minimum, the policy shall define and prohibit sexual harassment and discrimination against Covered Persons within the applicable legal protected classifications and provide an effective process for reporting and investigation of prohibited sexual harassment and discrimination. The policy shall also memorialize the Racetrack's authority to impose discipline on any individual found to be in violation of the policy, including but not limited to exclusion from the racetrack (and all related racetrack grounds and facilities) and any racing activities.

2190. Jockey and Starting Gate Person Health

2191. ~~Jockey~~ Drug and Alcohol Testing

Subject to the applicable State Racing Commission electing to enter into an agreement with the Authority, the State Racing Commission shall develop and implement a testing program for drugs and alcohol for Jockeys and Starting Gate Persons. The program shall include provisions for medications prescribed by licensed medical doctors that do not affect mental and physical abilities. ~~In the event that~~ If a State Racing Commission does not elect to enter into an agreement with the Authority, the Racetracks in such ~~states~~ States shall develop and implement a testing program for drugs and alcohol for Jockeys and Starting Gate Persons, subject to the approval of the Authority.

2192. Concussion Management

(a) State Racing Commissions, or Racetracks if the applicable State Racing Commission does not enter into an agreement with the Authority, shall implement ~~at the Authority's~~ the Authority's Concussion management ~~program for Jockeys~~ protocol containing the following elements:

(1a) ~~e~~ Each Jockey shall acknowledge in writing that they have been made aware of the Concussion protocols ~~in place for the facility at which they are riding;~~ at least annually;

(2b) ~~a~~ A minimum assessment shall include a current Concussion assessment tool examination;

(3e) ~~a~~ A return-to-ride guideline shall be established in order to clear a Jockey who has been concussed, or is believed to have been concussed, once the Jockey is declared fit-to-ride; and

(4d) ~~t~~ The ~~stewards~~ Stewards shall be notified when a Jockey is not permitted to ride and when the Jockey has been authorized to return to riding.

2193. Insurance

In ~~states~~ States where workers compensation benefits are not afforded to Jockeys by ~~state~~ State statute or regulation, Racetracks shall maintain a minimum standard of One Million Dollars (\$1,000,000) per incident worth of primary accident medical expense coverage for all Jockeys. The insurance coverage shall be in place for all training and racing activities. A copy of the current policy's declaration page shall be posted in the Jockeys' quarters prior to the beginning of the racing season.

## **2200. Specific Rules and Requirements of the Racetrack Safety Program**

2210. Purpose and Scope

(a) The purpose of Rules ~~Series~~ 2200 through 2293 is to establish specific safety rules and requirements designed to enhance equine and ~~Joekey-Rider~~ safety in ~~h~~Horse-racing.

(b) Violation of, or failure to comply with, the requirements of ~~this~~ Rules 2200 through 2293 ~~Series shall may~~ result in disciplinary action by racing officials and the Authority.

~~(c) Safety rules arising under State laws or regulations not preempted by 15 USC 3054(b) shall be governed by applicable State laws and regulations.~~

#### 2215. Welfare and Deprivation of Care

(a) No Covered Person acting alone or in concert with another person shall compromise the welfare of a Covered Horse for competitive or commercial reasons or subject or permit any Covered Horse under their control, custody or supervision to be subjected to or to incur the following:

(1) any form of cruelty, mistreatment, neglect, or abuse;

(2) abandonment, injury, maiming, or killing (except for euthanasia for humane reasons and in a manner consistent with the current version of the American Veterinary Medical Association Guidelines for the Euthanasia of Animals);

(3) administration of any noxious substance; or

(4) deprivation of necessary care, sustenance, shelter, or veterinary care.

#### 2220. Attending Veterinarian

(a) Subject to Rule 2230(d), oOnly Attending Veterinarians licensed by the State's board of veterinary examiners (or applicable veterinary licensing board) and the State Racing Commission may attend to Covered Horses at any location under the jurisdiction of ~~the~~ State Racing Commission.

(b) Attending Veterinarians ~~attending~~ at any location under the jurisdiction of a State Racing Commission are under the authority of the Regulatory Veterinarian and the ~~S~~stewards.

#### 2221. Treatments by Attending Veterinarian

The following limitations apply to ~~drug~~ treatments by Attending Veterinarians of Covered Horses, ~~that are engaged in activities related to racing, including training:~~

(a) No ~~drug~~ Controlled Medication shall be prescribed, dispensed, or administered except in the context of a valid Veterinarian-client patient relationship between a Veterinarian, the ~~Owner Responsible Person (who may be represented by the Trainer)~~ and the Covered Horse. The ~~Owner Responsible Person~~ is not required to follow the Veterinarian's instructions, but no ~~drug~~ Controlled Medication may be administered without a Veterinarian having examined the Covered Horse and provided the treatment recommendation. Such relationship requires the following:

(1) the Veterinarian, with the consent of the ~~Trainer-Responsible Person, (on behalf of the Owner)~~, has accepted responsibility for making medical judgments about the health of the Covered Horse;

(2) the Veterinarian has sufficient knowledge of the Covered Horse to make a

preliminary diagnosis of its medical condition;

(3) the Veterinarian has performed an examination of the Covered Horse and is acquainted with the keeping and care of the Covered Horse;

(4) the Veterinarian is available to evaluate and oversee treatment outcomes, or has made appropriate arrangements for continuing care and treatment;

(5) the relationship is maintained by veterinary visits as needed; and

(6) the medical judgments of the Veterinarian are independent and are not dictated by the ~~Trainer or Owner~~ Responsible Person of the Covered Horse.

(b) The ~~Trainer~~ Responsible Person and Veterinarian are both responsible for ensuring compliance with this Rule 2221, except that the medical judgment to recommend a drug treatment or to prescribe a drug is the responsibility of the Veterinarian, and the decision to proceed with a drug treatment that has been so recommended is the responsibility of the ~~Owner (who may be represented by the Trainer or other agent)~~ Responsible Person.

#### 2230. Treatment Restrictions

(a) Only ~~Trainers~~ the Responsible Person or their designees shall be permitted to authorize veterinary medical treatment of Covered Horses under their care, custody, and control, ~~at locations under the jurisdiction of the State Racing Commission~~.

(b) No person other than a Veterinarian licensed to practice veterinary medicine in the applicable State, if required in the applicable State, and ~~licensed by the State Racing Commission~~ registered with the Authority may prescribe medication with instructions for administration by a Responsible Person for a Covered Horse.

(c) Attending Veterinarians shall not have contact with ~~an entered~~ a Covered Horse entered in a Covered Horserace within ~~twenty-four (24)~~ hours before the scheduled post time of the race in which the Covered Horse is scheduled to compete unless approved by the Regulatory Veterinarian, or ~~such contact is necessitated by an imminent risk to equine welfare, health, or safety—an emergency. Any contact by an Attending Veterinarian with a Covered Horse entered in a Covered Horserace within 24 hours before the scheduled post time of the race shall be reported to the Regulatory Veterinarian.~~ Any unauthorized contact may result in the Covered Horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the Stewards or the Authority.

(d) ~~Notwithstanding Rule 2220(a), t~~ The Regulatory Veterinarian may administer emergency treatment to ~~h~~ Horses on Racetrack grounds when the Attending Veterinarian is not present.

(e) Except as set forth in paragraphs (f) and (g) below, no person shall possess a hypodermic needle, syringe capable of accepting a needle or injectable of any kind on racetrack grounds or any facility under the jurisdiction of the ~~Regulatory Authority~~ State Racing Commission, unless otherwise approved in writing by the State Racing Commission.

(f) At any location under the jurisdiction of the State Racing Commission, Veterinarians may use only one-time disposable syringes, needles, or IV infusion sets; and shall dispose of items

in a manner approved by the State Racing Commission and applicable Sstate and governmental regulations.

(g) If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the State Racing Commission, that person ~~may shall~~ request, in writing, permission of the Sstewards or the State Racing Commission ing in writing to possess a syringe. The person making the request, shall furnish to the Stewards or the State Race Commission a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and shall comply with any conditions and restrictions set by the Sstewards and the State Racing Commission.

#### 2240. Veterinarians' List

(a) A Veterinarians' List shall be maintained by the Authority of ~~all~~ Covered Horses that are determined to be ineligible to compete in a Covered Horserace in any jurisdiction until released by a Regulatory Veterinarian registered with the Authority.

(b) ~~The following~~ Covered Horses shall be placed on the Veterinarians' ~~s~~ List until removed in accordance with Rules 2241 and 2242:

(1) the following Covered Horses shall be placed on the Veterinarians' List by a Regulatory Veterinarian:

(i) Covered Horses affected by illness, physical distress, medical compromise, unsoundness, injury, Epistaxis, infirmity, heat exhaustion ~~or deemed, positive test or overage, administration of a medication invoking a mandatory stand down time, administration of Shock Wave Therapy, positive Out of Competition test or any other assessment or determination by Regulatory Veterinarians that such Horse is~~ unfit to race.

(2) Covered Horses placed on the Veterinarians' List for unsoundness, injury, or Epistaxis are prohibited from participating in a Workout for 7 days.

(3) The following Covered Horses shall be placed on the Veterinarians' List by the Authority:

(i) Covered Horses which have not started in more than 365 days; ~~and~~

(ii) unraced Covered Horses which have not made a start prior to January 1 of their 4-year-old year.

(iii) Covered Horses which have been administered Shock Wave Therapy;

(iv) Covered Horses which have been administered an intra-articular injection;

(v) Covered Horses which have been administered clenbuterol;

(vi) Covered Horses designated by the Agency; and

(vii) Covered Horses currently on a Veterinarian's List in any state, if trying to enter in a Covered Horserace.

(c) ~~Trainers~~ The Responsible Person and the Designated Owners (as defined in Rule 1020) shall be notified in writing within ~~twenty-four (24)~~ hours that their Covered Horse has been placed on the Veterinarians' List.

(d) Diagnostic testing may be required for any Covered Horse placed on the Veterinarians' List, at the discretion of the ~~Safety Director~~, Regulatory Veterinarian, or Association Veterinarian.

#### 2241. Duration of Stay on the Veterinarians' List

(a) Covered Horses placed on the Veterinarians' List in accordance with Rule 2240 shall remain on the Veterinarians' ~~s~~ List as follows:

(1) Covered Horses placed on the Veterinarians' List for unsoundness ~~or Epistaxis~~ shall remain on the list for a minimum of fourteen (14) days;

(2) Covered Horses placed on the Veterinarians' List ~~multiple two or more~~ times for unsoundness within the previous 365 days shall remain on the Veterinarians' List for a minimum of forty-five (45) days for the ~~2<sup>nd</sup>-second~~ time, a minimum of seventy-five (75) days for the ~~3<sup>rd</sup>-third~~ time, and shall be permanently barred for life from further participation in Covered Horseraces for further racing after the fourth-4<sup>th</sup> time;

(3) Covered Horses placed on the Veterinarians' List for Epistaxis shall remain on the list for a minimum of 14 days;

(4) Covered Horses placed on the Veterinarians' List ~~multiple two or more~~ times for Epistaxis within the previous 365 days shall remain on the Veterinarians' List for a minimum of thirty (30) days for the ~~2<sup>nd</sup>-second~~ time, for a minimum of one hundred and eighty (180) days for the ~~third 3<sup>rd</sup>~~ time, and shall be permanently barred for life from further participation in Covered Horseraces racing afterfor the fourth 4<sup>th</sup> time;

(5) Covered Horses placed on the Veterinarians' List for illness, physical distress, medical compromise, injury, infirmity, or heat exhaustion shall remain on the list for ~~seven-a~~ minimum of (7) days;

(6) Covered Horses treated with Shock Wave Therapy shall be placed on the Veterinarians' List for ~~thirty (30)~~ days and are prohibited from participating in a Workout for 14 days; and

(7) Except as set forth in Rule 2271(a)(11) and Rule 2271(a)(12), Covered Horses administered any intra-articular injection(s) shall be placed on the Veterinarians' List for 14 days and are prohibited from participating in a Workout for 7 days;

(8) Covered Horses administered clenbuterol shall be placed on the Veterinarians' List until they have undergone a release protocol approved by the Agency; and

(9) if before, during, or after the workout for removal from the Veterinarians' List, the Covered Horse is deemed to be unsound or to have ~~Bled~~Epistaxis, the stay on the Veterinarians' List shall be extended an additional ~~fourteen-30 (14)~~ days, and further diagnostic testing may be



required as determined by the Regulatory Veterinarian.

2242. Removal of Covered Horses from the Veterinarians' List

(a) Regulatory Veterinarians may remove Covered Horses from the Veterinarians' List in accordance with ~~this~~ Rule 2242 and shall document such removal to the Authority.

(b) A Covered Horse placed on the Veterinarians's List which has not started in more than 365 days or has not made a start prior to January 1 of its 4-year-old year, or has been placed on the Veterinarians' List as unsound or as having experienced suffering from Epistaxis may be removed from the Veterinarians's List upon satisfaction of paragraphs (1) through (7) below.

(1) ~~A trainer must apply to the Regulatory Veterinarian for permission to work the Horse for removal from Veterinarian's List. Upon receiving such approval, the~~ Trainer and Attending Veterinarian must observe the Covered Horse jog and submit to the Regulatory Veterinarian a co-signed statement that the Covered Horse is fit to perform a Workout. If the Covered Horse does not perform the Workout for the Regulatory Veterinarian within 7 days, the Trainer and Attending Veterinarian must observe the Covered Horse again at the jog and submit a new co-signed statement.

(2) any diagnostics required by the Regulatory Veterinarian who placed the Covered Horse on the Veterinarians' List must be produced by the Responsible Person, and any associated diagnostic criteria required by the Regulatory Veterinarian must be satisfied, prior to requesting permission to work the Covered Horse for removal.

(3) the Trainer must then apply no less than 48 hours in advance of the Workout to the Regulatory Veterinarian for permission to work the Covered Horse for removal from the Veterinarians' List.

(4) ~~t~~The Covered Horse must perform a Workout under the supervision of the Regulatory Veterinarian and demonstrate to the satisfaction of the Regulatory Veterinarian that the Covered Horse is sound to race.

(5) ~~t~~The Regulatory Veterinarian must determine, no earlier than 30 minutes or later than 2 hours after the Workout conducted pursuant to paragraph (b)(4) above, that there is no evidence or signs of Epistaxis, physical distress, medical compromise, or unsoundness, or lameness within one (1) hour after the Workout conducted pursuant to paragraph (a)(2) above.

(6) a blood sample shall be collected from the Covered Horse following the Workout, and in accordance with Rule 3132(e), is subject to all of the same requirements that apply to Sample collection at Covered Horseraces.

(7) the Regulatory Veterinarian shall communicate the determination made in paragraph (b)(5) above and the results of the testing conducted pursuant to paragraph (b)(6) above to the Regulatory Veterinarian who placed the Covered Horse on the list, or in that Regulatory Veterinarian's absence, with a Regulatory Veterinarian from the same Racetrack, who then may release the Covered Horse from the Veterinarians' List.

(cb) A Covered Horse which has not started in more than 365 days or has not made a start prior to January 1 of its 4-year-old year may perform a Workout in the presence of the Regulatory Veterinarian beginning 335 days since its last start or, if unraced, December 1st of its 3-year-old

year. If the Covered Horse has not started within 60 days of being released by the Regulatory Veterinarian, the Covered Horse must fulfill the requirements in 2242(b) again.

~~(de)~~ A Covered Horse placed on the Veterinarians' List for illness, as physically distress,ed ~~or medically~~ compromise, injury, infirmity, or heat exhaustion ~~and~~ may be removed from the Veterinarians' List after expiration of the applicable minimum duration set forth in Rule 2241 and ~~provided~~ sound health has been declared by the Attending Veterinarian ~~or demonstrated to~~ and the Regulatory Veterinarian and documented to the Authority.

~~In addition to the requirements set forth herein and any requirements of the Protocol, if a Horse is placed on the Veterinarians' List for a positive test or overage of a primary substance invoking a mandatory stand-down time, a positive Out of Competition test, or any other veterinary administrative withdrawal, the Horse shall be prohibited from entering a Race and may be released from the Veterinarians' List only after also undergoing a post-Workout inspection by the Regulatory Veterinarian.~~

2250. Racehorse-Covered Horse Treatment History and Records

2251. Veterinary Reports

(a) All Veterinarians shall provide treatment records pursuant to Rules Series 3000. In addition to the uses set forth therein, these records may be used by Regulatory Veterinarians in the performance of their duties at the racetrack, for transfer ~~of sixty (60) day medical records~~ to the new trainer-Responsible Person of a Covered/delained Horse, and for purposes of research conducted by the Authority in accordance with the Act to enhance the safety and welfare of racehorses. Subject to the approval of the Authority, records may also be accessed by the State Racing Commission or the Stewards.

(b) For treatments, procedures, and surgeries performed at a location licensed by a State Racing Commission or a Training Facility, and in addition to the information required to be submitted by Veterinarians pursuant to Rules Series 3000, every Veterinarian who examines or treats a Covered Horse shall, within 24 hours ~~after~~ of such examination or treatment, submit to the Authority the following information in an electronic format designated by the Authority:

(1) ~~the name and HISA ID of the Covered Horse or, if unnamed, the registered name of the dam and year of foaling; identity of the Horse treated;~~

(2) ~~the name~~ and HISA ID of the ~~Trainer-Responsible Person~~ of the Covered Horse;

(3) ~~the name~~ and HISA ID of the Veterinarian;

(4) contact information for the Veterinarian (phone number, email address);

(5) any information concerning the presence of unsoundness and responses to diagnostic tests;

(6) diagnosis;

(7) condition treated;

(8) the name of any medication, drug, substance, or procedure administered or prescribed, including date and time of administration, dose, route of administration (including structure treated if local administration), frequency, and duration (where applicable) of treatment;

(9) any non-surgical procedure performed (including but not limited to diagnostic tests, imaging, and shockwave treatment) including the structures examined/treated and the date and time of the procedure;

(10) any surgical procedure performed including the date and time of the procedure; and

(11) any other information necessary to maintain and improve the health and welfare of the Covered Horse.

(c) For treatments, procedures, and surgeries performed at a location that is not a Training Facility or is not licensed by a State Racing Commission, and in addition to the information required to be submitted by Veterinarians pursuant to Rule Series 3000, every Veterinarian who examines or treats a Covered Horse shall, within 24 hours of ambulatory care, outpatient care, or discharge from a clinic or hospital, submit to the Authority the following information in an electronic format designated by the Authority:

(1) name and HISA ID of the Covered Horse or, if unnamed, the registered name of the dam and year of foaling;

(2) name and HISA ID of the Responsible Person for the Covered Horse;

(3) name and HISA ID of the Veterinarian;

(4) contact information for the Veterinarian (phone number, email address)

(5) any information concerning the presence of unsoundness;

(6) summary of all diagnostic tests and test results;

(7) any intra-articular diagnostic and therapeutic medications administered or prescribed, including the date and time of the treatment;

(8) administration of Shock Wave Therapy, including the date and time of the Shock Wave Therapy; and

(9) any surgical procedure performed including the date and time of the procedure.

#### 2252. Responsible Persons' Records

(a) In addition to the information required to be submitted by Responsible Persons under Rule Series 3000, a Responsible Person is responsible for maintaining a record of medical, therapeutic, and surgical treatments and procedures for every Covered Horse in ~~his or her~~ the Responsible Person's control.

(b) For purposes of this Rule, the term treatment:

(1) means the administration of any medication or substance containing a

medication to a Covered Horse by a Responsible Person or ~~his or her~~ the Responsible Person's designee;

(2) includes the administration of medications that are prescribed by a Veterinarian but administered by the Responsible Person or ~~his or her~~ the Responsible Person's designee, ~~or medications prescribed or administered by a Veterinarian not licensed by the State Racing Commission~~; and

(3) notwithstanding Rule 3040(b)(8), specifically excludes medications or procedures directly administered by a Veterinarian ~~licensed by the State Racing Commission~~ or that Veterinarian's employees.

(c) Records must include the information outlined in paragraphs (1) and (2) below.

(1) For medical treatments:

(i) name and HISA ID of the Covered Horse (or, if unnamed, the registered name of the dam and year of foaling);

(ii) name and HISA ID of ~~Trainer~~ the Responsible Person;

(iii) generic name of the drug, or brand name if a non-generic drug is used;

(iv) name and HISA ID of the prescribing Veterinarian;

(v) date of the treatment;

(vi) route of administration;

(vii) dosage administered;

(viii) approximate time (to the nearest hour) of each treatment; and

(ix) full name and contact information of the individual ~~that~~ who administered the treatment.

(2) For medical procedures, including, but not limited to, Shock Wave Therapy, physiotherapy, acupuncture, chiropractic, and surgeries:

(i) name and HISA ID of the Covered Horse, or, if unnamed, the registered name of the dam and year of foaling;

(ii) name and HISA ID of ~~Trainer~~ the Responsible Person;

(iii) diagnosis and condition being treated;

(iv) name of procedure or surgery;

(v) date of the procedure;

(vi) ~~first and last~~ full name and contact information of the individual ~~that~~ who administered or performed the procedure; and

(vii) any other information necessary to maintain and improve the health and welfare of the Covered Horse.

~~(d)~~ In addition to the uses of records set forth in the Rules Series 3000, records may be used by ~~the~~ Regulatory Veterinarians in the performance of their duties at the Racetrack, for transfer of ~~sixty (60) day~~ medical records to the new Owner-Responsible Person of a ~~claimed-Covered~~ Horse, and for purposes of research conducted by the Authority in accordance with the Act to enhance the safety and welfare of racehorses. Subject to the approval of the Authority, rRecords may also be accessed by the State Racing Commission or the Sstewards.

(e) Nothing set forth in the rules of the Authority shall limit the Authority's access to, or use of records submitted under any provision in the Rule 2000 Series.

#### 2253. Records for Covered Horses Shipping to the Racetrack

(a) If a Covered Horse is not stabled at a facility under the Authority's jurisdiction for the full ~~thirty (30)~~ days prior to a Race or Workout for purposes of removal from the Veterinarians' List, the Responsible Person shall obtain and maintain the following information ~~for the previous thirty (30) days~~:

(1) ~~n~~Name and HISA ID of the Covered Horse or, if unnamed, the registered name of the dam and year of foaling;

(2) generic name of the drug, or brand name of the drug if a non-generic drug is used;

(3) date and duration of the treatment;

(4) route of administration;

(5) dosage administered;

(6) surgical procedures;

(7) non-surgical therapies and procedures;

(8) daily log of exercise activities at the facility;

(9) daily log of treatments and procedures at the facility; and

(10) any other information necessary to maintain and improve the health and welfare of the Covered Horse.

(b) In addition to the uses of records set forth in the Rules Series 3000, records may be used by the Regulatory Veterinarians in the performance of their duties at the Racetrack, for transfer of medical records to the new Responsible Person of a Covered Horse, and for purposes of research conducted by the Authority in accordance with the Act to enhance the safety and welfare of racehorses. Subject to the approval of the Authority, records may also be accessed by the State Racing Commission or the Stewards.

~~(b) If a Horse is not stabled at a facility under the Authority's jurisdiction for sixty (60) days prior to a Race or Workout for purposes of removal from the Veterinarians' List, the Responsible~~

~~Person shall obtain and maintain the following information:~~

- ~~(1) the last thirty (30) days of exercise activity at the facility;~~
- ~~(2) the last thirty (30) days of treatments and procedures at the facility; and~~
- ~~(3) any other information necessary to maintain and improve the health and welfare of the Horse.~~

2260. Claiming Races

2261. Transfer of Claimed Covered Horse Records

(a) Entry of a Covered Horses subject to being claimed in a Claiming Race implies ~~Owner (Trainer as the agent of the Owner)~~ consent of the Responsible Person for to the transfer of ~~all Trainer and veterinary examination the following and treatment records for the last sixty (60) days~~ to the new Trainer Responsible Person of the claimed Covered Horse:-

(1) all medical records required to be maintained pursuant to Rules 2252 and 2253;  
and

(2) all veterinary records required to be submitted pursuant to Rule 2251.

(b) ~~If a~~ Covered Horse is successfully claimed by a new Trainer Responsible Person, the previous Trainer Responsible Person must transfer ~~Trainer the Covered Horse's medical records required to be maintained pursuant to Rule 2252 and Rule 2253 to the new Responsible Person and authorize transfer of veterinary records to the new Trainer~~ within three (3) days of transfer of the claimed Covered Horse to the new Trainer Responsible Person.

2262. Void Claim

(a) Except as provided in paragraphs (e) and (g), ~~t~~ Title to a Covered Horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the Covered Horse becomes a starter.

(b) All claimed Covered Horses shall go to the Test Barn, or, if approved by the Authority, the secured area used for claimed Covered Horse inspections, for observation by the Regulatory Veterinarian.

(c) Test Barn or approved secured area observation:

(1) upon entry into the Test Barn or approved secured area, a claimed Covered Horse shall be periodically observed for no less than 30 minutes during the "cooling out" process, unless excused by the Regulatory Veterinarian.

(2) a claimed Covered Horse shall be observed by the Regulatory Veterinarian at the completion of any required sample collection, or immediately before the Covered Horse is released from the Test Barn or approved secured area, to determine whether the claimed Covered Horse will be placed on the Veterinarians' List for Epistaxis, or as unsound or lame.

(3) the minimum criteria for observation by the Regulatory Veterinarian are:

(i) to assess the claimed Covered Horse for signs of Epistaxis or any other concerning clinical abnormalities; and

(ii) to jog the claimed Covered Horse in hand in a straight line of not fewer than 5 strides moving toward and away from the Regulatory Veterinarian.

(d) If a claimed Covered Horse is placed on the Veterinarians' List for Epistaxis, or as unsound or lame, it is the responsibility of the Regulatory Veterinarian to notify the Stewards immediately so that the Stewards may order the Claim voided.

(ee) The Claim shall be voided, and ownership of the Covered Horse retained by the original Owner, if:

(1) the Covered Horse dies on the racing track; or is euthanized before the Covered Horse is released to the claimant; the Horse is euthanized before leaving the racing track;

(2) the Covered Horse is vanned off of the racing track by discretion of the Regulatory Veterinarian; and placed on the Veterinarians' List for Epistaxis, or as unsound or lame; or

(3) the Regulatory Veterinarian determines pursuant to the observation described in Rule 2262(c)(1) within one (1) hour of the race that the Covered Horse will be placed on the Veterinarians' List as Bled for Epistaxis, physically distressed, medically compromised, or as unsound; or lame before the Covered Horse is released to the successful claimant; or

~~(4) the Horse has a positive test for a Prohibited Substance.~~

(fd) The Claim shall not be voided if, prior to the Race in which the Covered Horse is claimed, the claimant elects to claim the Covered Horse by checking the appropriate box on the claim slip regardless of whether the Regulatory Veterinarian determines the Covered Horse will be placed on the Veterinarians' List as Bled for Epistaxis or as unsound or the Horse tests positive for a Prohibited Substance. lame.

(g) Notwithstanding Rule 3060(a) and 3070(c), and subject to Rule 2262(h), if a post-race sample collected from a claimed Covered Horse on the day of the Claim results in an Adverse Analytical Finding, the claimant shall be promptly notified by the Agency or the Authority and the claimant shall have the option to void the claim. The claimant shall have 48 hours from notification of the Adverse Analytical Finding to void the claim by submitting in writing to the Stewards the claimant's decision to void the claim.

If the claimant chooses to void the Claim:

(1) the claimant shall be entitled to the return from the prior Owner of all sums paid for the claimed Covered Horse;

(2) the claimant shall be entitled, upon submission of expense records, to recoup reasonable expenses from the prior Owner related to the care, custody and control of the Covered Horse incurred after the date of the claim; and

(3) the claimed Covered Horse shall be returned to the prior Owner.

(h) A claimant shall not have the option to void a Claim pursuant to Rule 2262(g) if any of the following events have occurred since the Claim:

(1) the claimed Covered Horse has made a start in a Covered Horserace or race;

(2) the claimant failed to exercise due care in maintaining and boarding the claimed Covered Horse;

(3) the claimant made material alterations to the claimed Covered Horse; or

(4) the claimed Covered Horse dies or is euthanized.

### 2263. Waiver Claiming Option

(a) At time of entry into a Claiming Race an Owner or ~~Trainer~~ Responsible Person may opt to declare a Covered Horse ineligible to be claimed, provided:

(1) ~~t~~The Covered Horse has not started in 120 days;

(2) the Covered Horse's last start must have been for a claiming price; and

(3) the Covered Horse is entered in a claiming race with~~for~~ a claiming price equal to or greater than the claiming price for which it last started, ~~for~~.

(b) A Responsible Person may opt to declare a Covered Horse ineligible to be claimed for a second consecutive race, provided:

(1) the waiver must have been asserted in the first race back to be eligible for the second waiver;

(2) if the Covered Horse wins the first race back, it is ineligible for the second waiver;

(3) if the Covered Horse changes majority ownership subsequent to the first race, it is ineligible for the second waiver; and

(4) the provisions in 2263(a)(3) still apply.

### 2270. Prohibited Practices and Requirements for Safety and Health of ~~Jockeys~~ Covered Horses

#### 2271. Prohibited Practices

(a) The following are prohibited practices:

(1) u~~U~~se of physical or veterinary procedures to mask the effects or signs of injury so as to allow training or racing to the detriment of the Covered Horse's health and welfare.

(2) u~~U~~se of ~~extracorporeal S~~shock ~~W~~wave ~~T~~therapy in a manner that may desensitize any limb structures during racing or training.

~~(e)(3)~~ s~~S~~urgical or chemical neurectomy to cause desensitization of musculoskeletal structures associated with the limbs. Horses within the foal crop of 2023 or later shall not be allowed to participate in a Covered Horserace or a Timed and Reported Workout if they have been subject to the procedure(s) described in this Rule 2271(a)(3).



(4) ~~(4)~~ pin-firing and freeze-firing of the shins (dorsal surface of the third metacarpal/metatarsal bones) are prohibited. Horses within the foal crop of 2023 or later shall not be allowed to participate in a Covered Horserace or a Timed and Reported Workout if their shins have been pin-fired or freeze-fired.

(5e) ~~Thermocautery including but not limited to pin-firing and freeze firing of any structure. Horses within the foal crop of 2023 or later shall not be allowed to participate in a Covered Horserace or a Timed and Reported Workout if any structure on their body has been pin-fired.~~

(6f) ~~, or application of any substance to cause vesiculation, or blistering, or any physical disruption of the epidermis or surface of the skin, or a counter-irritant effect.~~

(7) injection of any substance to cause inflammation or a counter-irritant effect.

(8) the ~~u~~Use of a device to deliver an electrical shock to the Covered Horse including but not limited to cattle prods and batteries.

(9) the ~~u~~Use of any electrical-medical therapeutic device requiring an external power source within 48 hours prior to s-including magnetic wave therapy, laser, electro-magnetic blankets, boots, electro-shock, or any other electrical devices that may produce an analgesic effect within forty-eight (48) hours of a training activity or of the start of the published post time for which a Covered Horse is scheduled to race. This includes but is not limited to electromagnetic field (PEMF), laser, nebulizer, electro-magnetic blankets, and boots.

(10) the use of acupuncture within 48 hours prior to the start of the published post time for which a Covered Horse is scheduled to race.

(11) except as set forth in Rule 2271(a)(12), any Covered Horse treated with any intra-articular injection of any joint shall not be permitted to perform a Workout for 7 days following treatment or participate in a Covered Horserace for 14 days following treatment.

(12) notwithstanding Rule 2271(a)(11) and Rule 4222, any Covered Horse treated with any corticosteroid intra-articular injection of the metacarpophalangeal or metatarsophalangeal joint shall not be permitted to perform a Workout for 14 days following treatment or participate in a Covered Horserace for 30 days following treatment.

(b) The Responsible Person of any Covered Horse that violates the prohibitions established in Rule 2271(a)(11) or Rule 2271(a)(12) shall be subject to the following penalty schedule:

(1) first violation (within a 365-day period): \$3,000 fine.

(2) second violation (within a 365-day period): \$6,000 fine, 10-day suspension from participating in any Timed and Reported Workout or Covered Horserace.

(3) third violation (within a 365-day period): \$10,000 fine, 30-day suspension from participating in any Timed and Reported Workout or Covered Horserace.

(4) fourth violation (within a 365-day period): \$20,000 fine, 60-day suspension from participating in any Timed and Reported Workout or Covered Horserace.

(5) fifth and subsequent violations (within a 365-day period): \$25,000 fine, 120-day suspension from participating in any Timed and Reported Workout or Covered Horserace.

(c) If the Covered Horse is the subject of 2 or more violations of the prohibitions established in Rule 2271(a)(11) or Rule 2271(a)(12) within a 365-day period, the Covered Horse may be placed on the Veterinarians' List for 30 days.

#### 2272. Shock Wave Therapy

(a) The use of Shock Wave Therapy shall be limited to licensed Veterinarians and, in addition to the reporting required under Rule 2251, must be reported by the Responsible Person ~~disclosed to the Regulatory Veterinarian no less than~~ within forty eight (48) hours prior to use and shall not be permitted unless the following conditions are met after treatment.:

(1) ~~Any Shock Wave Therapy may only be performed with machines that are:~~

(i) ~~registered and approved for use by the State Racing Commission; and~~

(ii) ~~used at a previously disclosed location that is approved by the State Racing Commission.~~

(2) ~~The use of Shock Wave Therapy shall be limited to licensed Veterinarians and must be reported to the Regulatory Veterinarian within forty eight (48) hours of treatment to the Authority.~~

(b) Shock Wave Therapy treatment administered to a Covered Horse may only be performed using a machine that is registered with the Authority.

~~(b)-(c) Any treated Covered Horse treated with Shock Wave Therapy shall be placed on the Veterinarians' List and shall not be permitted to Race or breeze for thirty (30) days following treatment or perform a Workout for 14 days following treatment.~~

(d) Failure to report Shock Wave Therapy in accordance with Rule 2251 shall subject the Veterinarian to a suspension of the Veterinarian's registration for a period not to exceed 1 year and a fine not to exceed \$10,000.

(e) Failure to report Shock Wave Therapy in accordance with Rule 2272(a) shall subject the Responsible Person to a suspension of the Responsible Person's registration for a period not to exceed 1 year and a fine not to exceed \$10,000.

(f) The Stewards shall adjudicate all alleged violations of this Rule 2272. For purposes of determining the period of suspension and the amount of the fine to be imposed under Rule 2272(c) and Rule 2272(d), the Stewards shall consider all mitigating and aggravating factors presented by the Veterinarian or Responsible Person, including the severity of the underlying circumstances or conduct giving rise to the violation. Examples of aggravating factors shall include, but are not limited to, a Covered Horse that was removed from Racetrack grounds with the intent to evade the reporting requirements under this Rule 2272; and multiple violations of this Rule 2272 within a 365-day period.

~~The Veterinarian and Trainer shall be suspended from the Racetrack for a period of five (5) days if Shock Wave Therapy has not been reported within forty eight (48) hours of any~~

~~treatment or procedure administered to a Covered Horse. For each subsequent omission of reporting, an additional five (5) days suspension shall be added. If there are three (3) violations in a calendar year, the Veterinarian and Trainer shall be suspended for six (6) months in the subsequent calendar year.~~

#### 2273. Other Devices

~~No electrical, or mechanical, or other device or other expedient designed which is purchased, designed, or used with the intent to increase or retard the speed of a Covered Horse, other than the a riding crop, permitted under these regulations, shall be possessed by anyone, or applied by anyone, to a Covered Horse at any time on Racetrack grounds, or during a Workout.~~

#### 2274. Other Device Penalties

(a) Penalties for violations of Rule 2273 shall be as follows:

(1) The penalty for a first offense, shall be loss of eligibility for, or revocation of, registration with the Authority to obtain a racing license in all racing jurisdictions for ten (10) years.

(2) For any subsequent violation, the penalty shall be loss of a lifetime ban eligibility to obtain a racing license in all racing jurisdictions for the life of the Covered Person from registration with the Authority.

#### 2275. Communication Devices

(a) The use of a hand-held communication device by a Rider is prohibited while the Rider is on the racing track a Covered Horse or Pony Horse.

(b) A Rider, while on a Covered Horse or Pony Horse, shall not wear an audio device that obstructs or impairs the Rider's ability to hear other horses, Riders, hazards, or the Racetrack's emergency warning system.

#### 2276. Horseshoes

(a) The following prohibitions apply to the use of horseshoes during training and racing:

(1) on dirt surfaces, Traction Devices (as defined in Rule 2010) other than Except for full rims 2 millimeters or less in height from the ground surface of the horseshoe, traction devices are prohibited on forelimb and hindlimb horseshoes. Traction Devices other than full rims 4 millimeters or less in height from the ground surface of the horseshoe, or toe grabs 4 millimeters or less in height from the ground surface of the horseshoe, are prohibited on hindlimb horseshoes, during racing and training on dirt or synthetic racing tracks.

(2) on synthetic surfaces, Traction Devices other than full rims that are 2 millimeters or less in height from the ground surface of the horseshoe are prohibited on forelimb and hindlimb horseshoes. Traction devices are prohibited on forelimb and hindlimb Horseshoes during training and racing on the turf.

(3) on turf surfaces, Traction Devices are prohibited on forelimb and hindlimb horseshoes. Traction devices include but are not limited to rims, toe grabs, bends, jar calks and stickers.

## 2280. Use of Riding Crop

(a) ~~Subject to paragraphs (b) and (c) of this Rule, a~~ Jockey ~~or exercise rider~~ who uses a riding crop ~~on a Covered Horse~~ during a ~~Covered Horse~~ Race ~~or Workout~~ shall do so only in a professional manner consistent with maintaining focus and concentration of the Covered Horse for safety of Covered Horses and Riders, or for encouragement to achieve optimal performance.

(b) A ~~rider~~ Jockey may:

(1) ~~u~~Use the crop only on the hindquarters or the shoulders to activate and focus the Covered Horse;

(2) use the crop a maximum of ~~six (6)~~ times during a race. Use of the crop shall be considered any contact of the crop with the Covered Horse except for a tap to the shoulder of the Covered Horse as permitted by Rule 2280(b)(4);

(3) use the crop ~~The six (6) permitted uses shall be~~ in increments of ~~two (2)~~ or ~~fewer less~~ strikes. ~~The A Jockeyrider~~ must allow at least ~~two (2)~~ strides for the Covered Horse to respond before using the crop again;

(4) ~~t~~Tap the Covered Horse on the shoulder with the crop while both hands are holding on to the reins and both hands are touching the neck of the Covered Horse. A tap to the shoulder of a Covered Horse in accordance with the first sentence of this paragraph (4) shall not count towards the 6 permitted uses of the crop established in Rule 2280(b)(2);

(5) ~~s~~Show or wave the crop to the Covered Horse without physically contacting the Covered Horse; ~~and~~.

(6) ~~u~~Use the crop to preserve the safety of Covered Horses and Jockeys~~riders~~.

(c) A Jockey ~~rider may shall~~ not:

(1) ~~r~~Raise the crop with the Jockey~~rider~~'s wrist above the ~~rider~~ Jockey's helmet when using the crop;

(2) ~~i~~Injure the Covered Horse with the crop or leave any physical marks, such as welts, bruises, or lacerations;

(3) ~~u~~Use the crop on any part of the Covered Horse's body other than the shoulders or hindquarters;

(4) ~~u~~Use the crop during the post parade or after the finish of the race other than to avoid a dangerous situation or preserve the safety of Covered Horses and Riders;

(5) ~~u~~Use the crop if the Covered Horse has obtained its maximum placing;

(6) ~~u~~Use the crop persistently even though the Covered Horse is showing no response;

(7) ~~u~~Use a crop on a ~~two (2)~~ year-old Covered Horse in races before April 1<sup>st</sup> of each year other than to avoid a dangerous situation or preserve the safety of Covered Horses and Riders;

~~(8) s~~Strike another ~~h~~Horse or person with the crop; or

~~(8)-(9) strike a Covered Horse with any object other than a riding crop that conforms to the requirements established in Rule 2281.-~~

(d) In any Race in which a Jockey will ride without a crop, that fact shall be declared at entry, included in the official program, and an announcement of that fact shall be made over the public address system.

#### 2281. Riding Crop Specifications

(a) Riding crops are subject to inspection by the Safety Officer, Sstewards, and the clerk of ~~the~~ scales.

(b) All riding crops must be soft-padded.

(c) Riding crops shall have a shaft and a flap or smooth foam cylinder and must conform to the following dimensions and construction:

(1) ~~t~~The maximum allowable weight shall be ~~eight (8)~~ ounces;

(2) ~~t~~The maximum allowable length, ~~including the smooth foam cylinder attachment~~, shall be ~~thirty (30)~~ inches;

(3) ~~t~~The minimum diameter of the shaft shall be three-eighths of one inch; ~~and~~

~~(4) t~~The shaft, beyond the grip, must be smooth, with no protrusions or raised surface, and covered by shock absorbing material ~~that gives a compression factor of at least one millimeter throughout its circumference.;~~

~~(4)-(5) t~~There shall be no binding within ~~seven (7)~~ inches of the end of the shaft.

~~(5)-(6) t~~The flap or smooth foam cylinder is the only allowable attachment to the shaft and must meet the following specifications:

(i) ~~s~~Shall have no reinforcements;

(ii) ~~s~~Shall have a maximum length beyond the shaft of one inch;

(iii) ~~s~~Shall have a minimum diameter of 0.8 inches and a maximum width of 1.6 inches;

(iv) ~~t~~There shall be no other reinforcements or additions beyond the end of the shaft;

(v) ~~s~~Shall be made of shock absorbing material with a compression factor of at least ~~5~~five millimeters; ~~throughout its circumference;~~

(vi) ~~s~~Shall be made of a waterproof, ultraviolet, and chemical resistant flap or foam material that is durable and preserves its shock absorption in use under all conditions; and

(vii) ~~s~~shall be replaced after reasonable wear and tear is visibly evident.

~~(d) (7) Riding crops shall not be altered and shall have a mark identifying the name and manufacturer of the crop. an appropriate label or marking designating that the riding crop meets the required standards as established by the Authority~~

## 2282. Riding Crop Violations and Penalties

(a) Violations of Rule 2280 shall be categorized as follows, with the exception that use of the crop for the safety of ~~h~~Horse and ~~R~~rider shall not count towards the total crop uses:

- (1) Class 3 Violation – ~~one (1)~~ to ~~three (3)~~ strikes over the limit.
- (2) Class 2 Violation – ~~four (4)~~ to ~~nine (9)~~ strikes over the limit.
- (3) Class 1 Violation – ~~ten (10)~~ or more strikes over the limit.

(b) Unless the ~~S~~stewards determine the merits of an individual case warrant consideration of an aggravating or mitigating factor, the penalties for violations are as follows:

### ~~(1) Class 3 Violation—~~

- ~~(i) \$250 or 10% of Jockey's portion of the purse, whichever is greater;~~
- ~~(ii) Minimum 1 day suspension for the Jockey; and~~
- ~~(iii) 3 points;~~

### ~~(2) Class 2 Violation—~~

- ~~(i) \$500 or 20% of Jockey's portion of the purse, whichever is greater;~~
- ~~(ii) Horse disqualified from purse earnings;~~
- ~~(iii) Minimum 3 day suspension for the Jockey; and~~
- ~~(iv) 5 points;~~

### ~~(3) Class 1 Violation—~~

- ~~(i) \$750 fine or 30% of Jockey's portion of the purse, whichever is greater;~~
- ~~(ii) Horse disqualified from purse earnings;~~
- ~~(iii) Minimum 5 day suspension for the Jockey;~~
- ~~(iv) 10 points.~~

<u><b>PURSE</b></u>	<u><b>Class 3</b></u>	<u><b>Class 2</b></u>	<u><b>Class 1</b></u>
<u><b>Up to \$9,000</b></u>	<u>Fine: \$150</u> <u>AND</u> <u>Minimum 1-day suspension</u>	<u>Fine: \$300</u> <u>AND</u> <u>Minimum 3-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>	<u>Fine: \$500</u> <u>AND</u> <u>Minimum 5-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>
<u><b>\$9,001 - \$50,000</b></u>	<u>Fine: \$250</u> <u>AND</u> <u>Minimum 1-day suspension</u>	<u>Fine: \$500</u> <u>AND</u> <u>Minimum 3-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>	<u>Fine: \$750</u> <u>AND</u> <u>Minimum 5-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>
<u><b>\$50,001 - \$200,000</b></u>	<u>Fine: \$500</u> <u>AND</u> <u>Minimum 1-day suspension</u>	<u>Fine: \$750</u> <u>AND</u> <u>Minimum 3-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>	<u>Fine: \$1000</u> <u>AND</u> <u>Minimum 5-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>
<u><b>\$200,001 - \$500,000</b></u>	<u>Fine: 10% of Jockey's portion of the purse or \$750 whichever is &gt;</u> <u>AND</u> <u>Minimum 1-day suspension</u>	<u>Fine: 20% of Jockey's portion of the purse or \$1000 whichever is &gt;</u> <u>AND</u> <u>Minimum 3-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>	<u>Fine: 30% of Jockey's portion of the purse or \$2000 whichever is &gt;</u> <u>AND</u> <u>Minimum 5-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>
<u><b>\$500,001- higher</b></u>	<u>Fine: 10% of Jockey's portion of the purse or \$1000 whichever is &gt;</u> <u>AND</u> <u>Minimum 1-day suspension</u>	<u>Fine: 20% of Jockey's portion of the purse or \$2000 whichever is &gt;</u> <u>AND</u> <u>Minimum 3-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>	<u>Fine: 30% of Jockey's portion of the purse or \$3000 whichever is &gt;</u> <u>AND</u> <u>Minimum 5-day suspension</u> <u>AND</u> <u>Disqualification of the horse from the race*</u>

\*Disqualification of the horse from the race includes forfeiture of the purse and all attendant benefits, including but not limited to: placing, black type earnings, automatic entry berths, and trophies. Parimutuel payouts are not affected.

(c) Except for violations of Rule 2280(b)(2), for which penalties are imposed pursuant to Rule 2282(a) and (b), the Stewards may impose any of the penalties set forth in Rule 8200(b) for violations of Rules 2280 and 2281.

2283. Multiple Violations of Rule 2280

(a) Stewards shall submit violations of Rule 2280~~2~~ to the Authority, ~~to identify when multiple violations warrant additional suspensions consistent with the following schedule:~~

- (1) ~~11-15 points—7 days;~~
- (2) ~~16-20 points—15 days; and~~
- (3) ~~21 or more points—30 days.~~

(b) Multiple violations of Rule 2280 within a 180-day period shall be subject to the enhanced penalties in paragraph (c) of this Rule.

(c) For each violation after the first violation within a 180-day period, the fine and the suspension day(s) associated with the current violation, as established in Rule 2282(b), shall be multiplied by the number of cumulative violations of any class (Class 1, 2, and 3 violations) within the prior 180 days. The following examples demonstrate the application of this rule:

(1) 1 prior violation + current violation = 2 x fine and 2 x suspension day(s) of the current violation.

(2) 2 prior violations + current violation = 3 x fine and 3 x suspension day(s) of the current violation.

(3) 3 prior violations + current violation = 4 x fine and 4 x suspension day(s) of the current violation.

~~—Points assigned under Rule 2282 shall expire according to the following schedule:~~

~~(4) Class 3 Violation—6 months;~~

~~(5) Class 2 Violation—9 months; and~~

~~(6) Class 1 Violation—1 year.~~

~~For purposes of paragraph (b), points are expunged from the date of final adjudication of the violation and not from the date of the violation. Mandatory suspensions are based on points accumulated for multiple violations and do not apply to single violations.~~

#### 2284. Redistribution of Purse

Upon the disqualification of a Covered Horse from a Covered Horserace pursuant to the Rule 2000 Series, the purse shall be redistributed in accordance with the revised order of finish.

#### 2285. Intermediate Appeal of Violations.

(a) Notwithstanding any other provision in the rules of the Authority, any appeal of a Stewards ruling issued for violation of any rule set forth in Rule 2280 or 2281 shall be heard initially by the Internal Adjudication Panel established in the Rule 3000 Series. The Internal Adjudication Panel shall appoint 3 members from the pool of adjudicators to hear the appeal.

(b) An appeal made pursuant to this Rule 2285 shall not automatically stay the Stewards' ruling. A request for a stay pending an appeal under this Rule 2285 may be made to the Board pursuant to the procedures established in Rule 8350(c).

(c) A party to the Stewards' ruling may appeal to the Internal Adjudication Panel by filing with the Authority a written request for an appeal within 10 days of receiving the Stewards' written ruling. The appeal request shall contain the following information:

(1) the name, address, and telephone number, if any, of the appellant;

(2) a description of the objection(s) to the ruling;



(3) a statement of the relief sought; and

(4) whether the appellant desires to have a hearing of the appeal.

(d) The Internal Adjudication Panel may waive the requirement that a written submission be filed by the appellant and permit the appellant to make an oral presentation at a hearing if doing so is in the interest of justice and the conduct of the hearing will not prejudice any of the other parties.

(e) If the appellant requests a hearing, the Internal Adjudication Panel shall set a date, time, and place for a hearing. Notice shall be given to the appellant in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by electronic or U.S. mail to the last known address of the appellant. If the appellant objects to the date of the hearing, the appellant may obtain a continuance, but the continuance shall not automatically stay imposition of a sanction or prolong a stay issued by the Board. At the discretion of the Internal Adjudication Panel, the hearing may be conducted in person, or by means of an audio-visual videoconferencing system or a telephone audio system.

(f) If the appellant does not request a hearing, the Internal Adjudication Panel may in its discretion review a Stewards' ruling based solely upon written submissions scheduled for filing with such timing and response requirements as the Internal Adjudication Panel may require.

(g) Upon review of the Stewards' ruling which is the subject of the appeal, the Internal Adjudication Panel shall uphold the ruling unless it is clearly erroneous or not supported by the evidence or applicable law.

(h) Upon completing its review, the Internal Adjudication Panel shall issue a written decision based on the record and any further proceedings, testimony, or evidence. The decision shall:

(1) affirm the Stewards' ruling; or

(2) reject or modify the Stewards' ruling, in whole or in part.

(i) Any decision rendered by the Internal Adjudication Panel may be appealed to the Board of the Authority for review pursuant to Rule 8350. The Board may in its discretion:

(1) schedule a hearing to hear the appeal under the procedures set forth in Rule 8350; or

(2) decide the appeal based solely upon the record and any written submissions required to be filed by the Board. The Board may adopt the decision of the Internal Adjudication Panel.

2286. Procedures for Adjudications of Violations in the Rule 2200 Series.

(a) Notwithstanding any provision in the Rule 8000 Series to the contrary, any matter referred to the Internal Adjudication Panel pursuant to Rule 8320(b)(1) shall be adjudicated in conformity with the procedures established for an initial hearing before the Racetrack Safety Committee or the Board of the Authority as set forth in Rule 8340 (c) through (j). All references to the "Board" or the "Racetrack Safety Committee" in Rule 8340 (c) through (j) shall be deemed

to be references to the “Internal Adjudication Panel”.

(b) Notwithstanding any provision in the Rule 8000 Series to the contrary, any matter referred to the independent Arbitral Body pursuant to Rule 8320(b)(2) shall be adjudicated in conformity with the procedures established for an initial hearing before the Racetrack Safety Committee or the Board of the Authority as set forth in Rule 8340 (c) through (j). All references to the “Board” or the “Racetrack Safety Committee” in Rule 8340 (c) through (j) shall be deemed to be references to the “Arbitral Body”.

## 2287. Provisional Suspension of Registration

### (a) Provisional Suspension of Covered Person’s Registration

(1) If the Stewards or the Authority have reasonable grounds to believe that the actions or inactions of a Covered Person present an imminent danger to the health, safety, or welfare of Covered Horses or Riders arising from specific violations by the Covered Person of the Authority’s racetrack safety or accreditation rules, the Stewards or the Authority may issue to such Covered Person a written notice to show cause concerning a potential provisional suspension of the Covered Person’s registration, which notice shall include:

(i) an itemization of the specific Authority’s safety and accreditation rules which the Covered Person is believed to have violated, and a summary of the conditions, practices, facts, or circumstances which give rise to each apparent violation;

(ii) the corrective actions suggested to achieve compliance;

(iii) a request for a written response to the findings, including commitments to suggestive corrective action or the presentation of mitigating or opposing facts and evidence; and

(iv) a statement that the Covered Person may within 3 days of receipt of the show-cause notice request a provisional hearing, which, absent exceptional circumstances necessitating a reasonable delay of the hearing, shall be conducted within 3 business days of receipt by the Authority of the Covered Person’s request for a provisional hearing. If the Covered Person does not request a provisional hearing within 3 days of the Covered Person’s receipt of the show-cause notice, the Authority shall initiate a provisional hearing in accordance with Rule 2287(b).

(2) Notwithstanding Rule 2287(a)(1), if the Stewards or the Authority have clear and convincing evidence that the actions or inactions of the Covered Person present an immediate threat of serious injury or death to Covered Horses or Riders arising from violations by the Covered Person of the Authority’s safety or accreditation rules, the Stewards or the Authority may immediately issue a provisional suspension of the Covered Person’s registration, which shall remain in effect until the provisional hearing described in paragraph (b) of this Rule.

(3) Nothing in the Authority’s rules shall preempt or otherwise impair the authority of a State Racing Commission to suspend a Covered Person in accordance with its provisions of licensure.

(b) Provisional Hearing

(1) A Covered Person who has received a show cause notice pursuant to Rule 2287(a)(1) or whose registration has been provisionally suspended pursuant to Rule 2287(a)(2) is entitled to a provisional hearing to be conducted by one of the following, as determined by the Authority:

(i) one or more members of the Internal Adjudication Panel;

(ii) an independent Arbitral Body;

(iii) the stewards for adjudication in accordance with the hearing procedures of the applicable state jurisdiction. Provided however, that in any state that has not entered into an agreement with the Authority under which the state stewards serve in an adjudicatory capacity under the Rule 8000 Series and enforce the Rule 2200 Series, a hearing may be conducted by one or more stewards, notwithstanding any state rule to the contrary; or

(iv) a panel of 3 Board members appointed by the Board chair.

(2) The provisional hearing may be conducted in person, or by means of an audio-visual teleconferencing system or a telephone audio system.

(3) The provisional hearing shall be conducted within 3 business days of receipt by the Authority of the Covered Person's request for a provisional hearing. If the Covered Person does not request a provisional hearing, the Authority shall conduct the provisional hearing within 7 business days of the date the show-cause notice was issued to the Covered Person pursuant to Rule 2287(a)(1) or the date the provisional suspension was issued pursuant to Rule 2287(a)(2). The provisional hearing is not a full hearing on the merits, and the sole issue to be determined at the provisional hearing shall be whether the Covered Person's provisional suspension shall remain in effect, go into immediate effect, be stayed pending a final hearing under section (c) of this Rule 2287, or be withdrawn.

(3) At the provisional hearing, the burden is on the Authority to demonstrate good cause why the provisional suspension should remain in effect, go into immediate effect, or be stayed pending a final adjudication. The adjudicatory panel conducting the hearing shall consider all factors that it deems appropriate, including but not limited to the factors established in Rule 8360(e)(1)-(5). Within 72 hours of the conclusion of the hearing, the adjudicatory panel shall issue a written decision determining whether the provisional suspension shall remain in effect, go into immediate effect, be stayed pending a final adjudication, or be withdrawn. As a condition of issuing a stay of the provisional suspension, the adjudicatory panel may require the Covered Person to comply with additional safety standards or other requirements necessary to protect the health, safety, or welfare of Covered Horses or Riders.

(c) Final Hearing by the Board.

(1) A final hearing on the matters giving rise to the provisional suspension shall be adjudicated by at least a quorum of the Board in accordance with the procedures set forth in Rule 8340(d) through (j). If a panel of Board members conducted the provisional hearing pursuant to Rule 2287(b)(1)(iv), the Board members that participated in the provisional hearing shall not

participate in the final hearing. If the Covered Person has requested a final hearing, the final hearing by the Board shall be conducted within 14 days of the request by the Covered Person for a final hearing, absent exceptional circumstances which necessitate a reasonable delay of the hearing. If the Covered Person does not request a final hearing within 10 days of the written decision referenced in subsection (b)(3), the Board shall schedule the final hearing.

(2) Within 7 business days of the conclusion of the final hearing, the Board may take one or more of the following actions:

(i) order that the Covered Person's registration be reinstated, suspended, or revoked, upon a vote in favor of reinstatement, suspension, or revocation by two-thirds of a quorum of the members of the Board; or

(ii) reinstate the Covered Person's registration subject to any requirements the Board deems necessary to ensure that horseracing will be conducted in a manner consistent with the Authority's safety or accreditation rules. The Board may also impose a fine upon reinstatement in an amount not to exceed \$50,000.00.

(3) The outcome of the final hearing shall be the final decision of the Authority as that term is used in Rule 8350 and Rule 8370 and shall constitute a final civil sanction subject to appeal and review in accordance with the provisions of 15 U.S.C. § 3058.

(d) This Rule 2287 shall not apply to Racetracks. Provisional suspensions of Racetracks shall be governed exclusively by Rule 2117.

2290. Requirements for Safety and Health of ~~Jockeys~~ Riders

2291. Jockey Eligibility

(a) A Jockey shall pass a physical examination given within the previous ~~twelve~~ (12) months by a licensed ~~medical provider~~ physician affirming the Jockey's fitness to participate as a Jockey, as well as a baseline Concussion test using the Sport Concussion Assessment Tool, Fifth Edition, or such other generally accepted a-current Concussion testing protocol specified by the Authority's National Medical Director. Documentation affirming the Jockey's fitness to participate as a Jockey and successful completion of the physical examination and concussion test in a form and format approved by the Authority's National Medical Director shall be submitted by the Jockey to the Authority's electronic platform designated for collection and storage of Jockey eligibility documentation. The results of the physical examination and the baseline Concussion test shall be submitted to the State Racing Commission and the Authority. Jockey eligibility documentation must be submitted by the Jockey at least annually and updated examination, testing, and affirming documentation may be required more frequently as needed following illness, injury, or other circumstances impacting Jockey's fitness to participate as reasonably determined by the Medical Director or the Authority's National Medical Director. The Stewards may require that any Jockey be reexamined and may refuse to allow any Jockey to ride in a race or Workout pending completion of such examination.

(b) All Jockeys shall execute a written authorization permitting the release of medical information as needed to assist in the collection or receipt of Jockey eligibility documentation and coordination of care in response to racing related injury or illness. Medical information submitted

to the Authority shall be maintained by the Authority's electronic platform designated for collection and storage of Jockey eligibility documentation.

#### 2292. Rider Medical History Information

(a) At all times while mounted on a Covered Horse or Pony Horse at a Racetrack, a ~~Jockey or exercise-R~~rider shall securely attach to ~~his or her~~the Rider's safety vest one or more medical information cards describing ~~his or her~~ the Rider's medical history and any conditions pertinent to emergency care, including a listing of any previous injuries, drug allergies and current medications.

(b) The Sstewards shall confirm compliance during their safety vest inspections at the beginning of the season and with random inspections throughout the Race Meet.

(c) The Sstewards may, in their discretion, take disciplinary action against, suspend, make ineligible to race, or fine any ~~Jockey or exercise-R~~rider found in violation of this Rule.

#### 2293. Equipment

##### (a) *Helmets.*

(1) Any ~~person-Rider~~ mounted on a Covered Horse or ~~stable-pony~~Pony Horse anywhere on Rracetrack grounds shall wear a properly secured safety helmet, ~~at all times.~~

(2) All Sstarting Gate Persons~~nel~~ shall wear a properly secured safety helmet at all times while performing their duties or handling a hHorse.

(3) The safety helmet may not be altered in any manner and the product marking shall not be removed or defaced.

(4) The Sstewards, or their designee, shall inspect safety helmets at the beginning of a Race Meet and randomly throughout the Race Meet.

(5) The cClerk of sScales shall report to the Sstewards any variances of safety helmets seen during the course of their work.

(6) The helmet must comply with one of the following minimum safety standards or later revisions:

(i) American Society for Testing and Materials (ASTM 1163);

(ii) European Standards (EN-1384 or PAS-015 or VG1);

(iii) Australian/New Zealand Standards (AS/NZ 3838 or ARB HS 2012);

or

(iv) Snell Equestrian Standard 2001.

##### (b) *Vests.*

(1) Any ~~person-Rider~~ mounted on a Covered Horse or Pony Horse~~stable-pony~~ on the racetrack grounds must wear a properly secured safety vest, ~~at all times.~~

(2) All ~~S~~starting ~~G~~ate ~~P~~ersons ~~ne~~l ~~must~~ ~~shall~~ wear a properly secured safety vest at all times while performing their duties or handling a ~~h~~Horse. All Starting Gate Persons are required to securely attach to their safety vest one or more medical information cards describing their medical history and any conditions pertinent to emergency care, including a listing of any previous injuries, drug allergies, and current medications.

(3) The safety vest may not be altered in any manner and the product marking shall not be removed or defaced.

(4) The ~~S~~stewards shall inspect safety vests at the beginning of a Race Meet and randomly throughout the Race Meet.

(5) The clerk of scales shall report to the ~~S~~stewards any variances of safety vests seen during their course of work.

(6) The safety vest must comply with one of the following minimum standards, as the same may be from time to time amended or revised:

(i) British Equestrian Trade Association (BETA):2000 Level 1;

(ii) iEuro Norm (EN) 13158:2000 Level 1;

(iii) American Society for Testing and Materials (ASTM) F~~264~~781-08 or F1937;

(iv) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6-3; or

(v) Australian Racing Board (ARB) Standard 1.1998.

#### 2294. Weight of Riders

The weight of an approved safety helmet and an approved safety vest shall be excluded from the required weight to be carried by a Jockey during a race.