

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Licensing; Medications; Conduct of Races; and Other Miscellaneous Subjects

AGENCY: Minnesota Racing Commission

REVISOR ID: R-4687

MINNESOTA RULES: Chapters 7869, 7870, 7876, 7877, 7884, 7890, 7892, and 7897

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1.1 **Minnesota Racing Commission**

1.2 **Adopted Permanent Rules Relating to Licensing; Medications; Conduct of Races; and**
1.3 **Other Miscellaneous Subjects**

1.4 **7869.0100 DEFINITIONS.**

1.5 *[For text of subparts 1 to 9, see Minnesota Rules]*

1.6 Subp. 9a. **Break off a qualifier.** "Break off a qualifier" means a break that is made
1.7 in the first start after qualifying.

1.8 Subp. 9b. **Breath analyzer.** "Breath analyzer" is an instrument used to measure a
1.9 person's blood alcohol level.

1.10 *[For text of subparts 10 to 51, see Minnesota Rules]*

1.11 Subp. 51a. **Racing day.** "Racing day" means a day assigned by the commission on
1.12 which racing is conducted and shall include no fewer than eight live races and no more than
1.13 14 live races unless approved by the stewards and the executive director. Racing day includes
1.14 a televised racing day.

1.15 *[For text of subparts 52 to 69, see Minnesota Rules]*

1.16 **7870.0500 CONTRACT APPROVAL.**

1.17 Subpart 1. **Contracts and subcontracts subject to prior commission approval.**

1.18 A. All contracts entered into, renewed, or extended by Class A, B, and D licensees
1.19 and their contractors for goods, services, and events are subject to prior approval by the
1.20 commission.

1.21 B. Contracts must include a current Certificate of Compliance, if applicable, issued
1.22 by the Minnesota Department of Human Rights. Contracts must include a statement by the
1.23 contractor affirming compliance with the ADA, if applicable.

2.1 C. All Class A, B, and D licensees must submit as soon as practicable to the
2.2 commission the name and the address of the contractor or subcontractor, amount and duration
2.3 of the contract or subcontract, and a description of the goods or services provided.

2.4 D. The commission shall determine whether the contract or subcontract may affect
2.5 the integrity of pari-mutuel racing or card playing, and the commission shall notify the
2.6 licensee whether the commission intends to review and approve or disapprove the contract
2.7 or subcontract.

2.8 E. In making a determination that a contract or subcontract may affect the integrity
2.9 of racing, the commission shall consider:

2.10 (1) the amount and duration of the contract;

2.11 (2) the extent to which the contractor or subcontractor will be on the premises
2.12 of the licensee;

2.13 (3) the relationship of the contract or subcontract to security;

2.14 (4) opportunity for contact between the contractor or subcontractor and horses,
2.15 horsepersons, patrons, pari-mutuel wagering operations, card playing operations, or the
2.16 information technology operations of the licensee;

2.17 (5) opportunity for the contractor or subcontractor to influence the
2.18 management and conduct of pari-mutuel racing or card playing;

2.19 (6) contact with admission, pari-mutuel, concession, purse, or card-playing
2.20 money; and

2.21 (7) whether the commission has reason to believe that the contractor or
2.22 subcontractor is incompetent, financially irresponsible, or not of good character.

2.23 F. If notified of the commission's intention to review and approve or disapprove
2.24 a contract or subcontract, the licensee shall promptly submit to the commission copies of

any written contracts or subcontracts as well as any documentation, records, or information the commission may request with regard to the contract. If the commission notifies a licensee of the commission's intention to review and approve or disapprove a contract or subcontract, the contract or subcontract is not valid, nor is either of the parties bound by the contract until it has been approved by the commission.

G. The commission shall approve or disapprove contracts and subcontracts within 30 days, as computed pursuant to Minnesota Statutes, section 645.15, after submission.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Information required.** If the commission notifies a licensee of its intention to review and approve or disapprove a contract or subcontract, and the contract or subcontract is in an amount more than \$100,000 or of a duration longer than 30 days, a Class A, B, or D licensee also must submit to the commission:

[For text of items A to F, see Minnesota Rules]

G. The licensee must make its best effort to notify the commission promptly of any change in the information required by items A, B, C, D, and E before performance is completed.

Subp. 4. **Basis for commission approval.** The commission shall approve the contract or subcontract if it determines that approval will not adversely affect racing, pari-mutuel wagering, card playing, or the public interest, is in accordance with applicable laws and rules, and will not adversely affect the public health, safety, and welfare. In making that determination, the commission must consider the contractor or subcontractor's competence, experience, reputation, record of law abidance, and financial responsibility.

[For text of subparts 5 to 10, see Minnesota Rules]

4.1 **7876.0100 ON-TRACK STABLING.**

4.2 *[For text of subparts 1 to 9, see Minnesota Rules]*

4.3 Subp. 10. **Original certificate of veterinary inspection.** Each horse arriving on the
4.4 grounds of a licensed racetrack must be accompanied by an original certificate of veterinary
4.5 inspection. The certificate must include the date of inspection and date of issuance, both of
4.6 which must be dated no more than ten days prior to arrival. The certificate of veterinary
4.7 inspection must be completed by an accredited veterinarian and must contain complete
4.8 equine infectious anemia (EIA) test results, including the date, laboratory, and accession
4.9 number of the most recent negative EIA test results. The certificate must also contain rectal
4.10 temperature and product name and date of most recent vaccination with a Food and Drug
4.11 Administration-approved modified live or killed vaccine specific for EHV-1. The certificate
4.12 of veterinary inspection must be surrendered to the stable gate personnel for immediate
4.13 transmittal to the commission veterinarian. The certificate of veterinary inspection will
4.14 remain valid for 30 days from the date of issue, with the date of issue counted as day one.
4.15 Horses leaving the facility and returning during this 30-day period do not have to be
4.16 accompanied by a new certificate of veterinary inspection. Horses leaving and returning
4.17 after the 30-day period will need to be accompanied by a new original certificate. The
4.18 certificate must include the date of inspection and date of issuance, both of which must be
4.19 dated no more than ten days prior to arrival.

4.20 *[For text of subparts 10a to 12, see Minnesota Rules]*

4.21 **7876.0110 OFF-TRACK STABLING.**

4.22 *[For text of subparts 1 to 3, see Minnesota Rules]*

4.23 Subp. 4. **Original certificate of veterinary inspection.** Any horse arriving on the
4.24 grounds of a licensed racetrack must be accompanied by an original certificate of veterinary
4.25 inspection. The certificate must include the date of inspection and date of issuance, both of
4.26 which must be dated no more than ten days prior to arrival. The certificate of veterinary

inspection must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The certificate must also contain rectal temperature and product name and date of most recent vaccination with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1. The certificate of veterinary inspection must be surrendered to the stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection will remain valid for 30 days from the date of issue, with the date of issue counted as day one. Horses leaving the facility and returning during this 30-day period do not have to be accompanied by a new certificate of veterinary inspection. Horses leaving and returning after the 30-day period will need to be accompanied by a new original certificate of veterinary inspection. The certificate must include the date of inspection and date of issuance, both of which must be dated no more than ten days prior to arrival.

[For text of subparts 4a to 6, see Minnesota Rules]

7876.0120 ON- AND OFF-TRACK STABLING OF NONRACING HORSES.

Subpart 1. Certificate of veterinary inspection. Any horse arriving on the grounds of a licensed racetrack must be accompanied by an original certificate of veterinary inspection. The certificate must include the date of inspection and date of issuance, both of which must be dated no more than ten days prior to the arrival. The certificate of veterinary inspection must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The certificate must also contain rectal temperature and product name and date of most recent vaccination with a Food and Drug Administration-approved modified live or killed vaccine specific for EHV-1. The certificate of veterinary inspection must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. The certificate of veterinary inspection will

remain valid for 30 days from the date of issue, with the date of issue counted as day one. Horses leaving the facility and returning during this 30-day period do not have to be accompanied by a new certificate of veterinary inspection. Horses leaving and returning after the 30-day period will need to be accompanied by a new original certificate of veterinary inspection. The certificate must include the date of inspection and date of issuance, both of which must be dated no more than ten days prior to arrival. The horse must also have a negative equine piroplasmiasis test as prescribed in part 7876.0100, subpart 11, or 7876.0110, subpart 5.

[For text of subparts 2 and 3, see Minnesota Rules]

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

[For text of subparts 1 to 3b, see Minnesota Rules]

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

[For text of item A, see Minnesota Rules]

B. claims clerk (Thoroughbred, Quarter Horse, or Arabian);

C. clerk of course (harness);

D. clerk of scales (Thoroughbred, Quarter Horse, or Arabian);

E. clocker (Thoroughbred, Quarter Horse, or Arabian);

F. director of security;

G. general manager;

H. identifier;

- 7.1 I. jockeys' or drivers' room custodian;
- 7.2 J. mutuels manager;
- 7.3 K. paddock judge;
- 7.4 L. patrol judge;
- 7.5 M. placing judge;
- 7.6 N. program director (harness);
- 7.7 O. outrider;
- 7.8 P. racing secretary;
- 7.9 Q. starter;
- 7.10 R. steward;
- 7.11 S. timer;
- 7.12 T. track superintendent; and
- 7.13 U. any other official as designated by the commission.

7.14 The list of racing officials' names shall be submitted to the commission in writing at
7.15 least 30 days prior to the opening of each race meeting.

7.16 The association shall be responsible for filing a complete application for a Class C
7.17 license, including a personal resume, with respect to each nominee who has not been
7.18 previously licensed by the commission as a racing official.

7.19 The commission may request any person whose name is proposed as a racing official
7.20 to submit to a physical examination and to forward the results of the examination to the
7.21 commission. The request shall be made only where there is a reasonable basis for suggesting

8.1 that the applicant's physical condition would hinder or prevent the applicant from performing
8.2 the duties of a racing official.

8.3 The commission shall act on the association's list of officials at a meeting of the
8.4 commission. If commission staff recommends disapproval of an official, the association
8.5 shall be notified of that recommendation in advance of the commission's meeting.

8.6 Under no circumstances shall an identifier, placing judge, or patrol judge begin working
8.7 in that capacity unless the person has provided the commission with documentation of
8.8 having satisfactorily passed an optical examination within 90 days prior to beginning work.
8.9 The documentation must show that the person has at least 20-20 vision (corrected) and the
8.10 ability to distinguish colors.

8.11 **7877.0120 FEES.**

8.12 Subpart 1. **License fees.** Each application for a Class C license, or its renewal, shall
8.13 be accompanied by the payment of an annual fee according to the following schedule:

8.14 *[For text of items A to N, see Minnesota Rules]*

8.15 O. owner or stable, one-year, \$50; three-year, \$150;

8.16 *[For text of items P to U, see Minnesota Rules]*

8.17 V. veterinarian or animal chiropractor, \$100;

8.18 *[For text of items W to HH, see Minnesota Rules]*

8.19 *[For text of subparts 2 to 4, see Minnesota Rules]*

8.20 **7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.**

8.21 *[For text of subpart 1, see Minnesota Rules]*

8.22 Subp. 2. **Stable name.** Applicants for a stable name license must comply with subpart
8.23 1 and the following requirements.

9.1 A. A legally formed corporation, partnership, or trust, or any combination of two
9.2 or more individuals, which owns or leases a direct or indirect beneficial interest of five
9.3 percent or more of a horse eligible to race in Minnesota must obtain a Class C owner license
9.4 issued by the commission.

9.5 B. A stable is defined as any ownership operating under a name other than the
9.6 ownership's own name and must be registered with the commission by filing an application
9.7 on a form prescribed by the commission. No person may use the real name of another owner
9.8 of race horses as a stable name. A stable name that has already been registered may not be
9.9 registered by another owner. The granting of a stable name registration by the commission
9.10 shall not relieve any person from the obligation to file or register a fictitious name as provided
9.11 by the laws of Minnesota. The registration of a stable name must reflect all actual ownership
9.12 interests. The stable name and the name of the owner shall be published in the program. If
9.13 the stable name consists of more than one person, the program shall list the name of the
9.14 managing owner along with the phrase "et al."

9.15 ~~B.~~ C. The applicant must give consent for the commission to share the following
9.16 data on each such horse registered with The Jockey Club:

9.17 *[For text of subitems (1) and (2), see Minnesota Rules]*

9.18 *[For text of subparts 3 to 9a, see Minnesota Rules]*

9.19 Subp. 9b. **Animal chiropractor.** An applicant for an animal chiropractor license must:

9.20 A. be currently licensed by the Minnesota Board of Chiropractic Examiners as a
9.21 human chiropractor; and

9.22 B. provide documentation ~~that the applicant has completed the necessary training~~
9.23 as specified in part 2500.7010, item B, subitem (2), and that the applicant is registered with
9.24 the Minnesota Board of Chiropractic Examiners as an animal chiropractor; ~~and.~~

~~C. demonstrate to the commission's veterinarian that the applicant is familiar with current equine medical practices and possesses knowledge of the commission's rules as they relate to the practice of animal chiropractic.~~

[For text of subparts 10 to 13, see Minnesota Rules]

Subp. 14. **Authorized agents.** To be appointed an authorized agent, the appointee must be licensed as an individual owner, a trainer, or an assistant trainer. A written agency appointment authorizing the authorized agent to act on behalf of a licensed individual owner or licensed trainer in racing matters not directly related to the care and training of horses must accompany the appointment. The authorization shall be on a form provided by the commission and shall define the powers, limits, and terms of the agency agreement. The authorization must be signed by the individual principals and notarized.

A separate notarized agency appointment is required for each principal an authorized agent intends to represent. All such agencies shall remain in effect for the duration of the current race meeting unless written notice of revocation is submitted to the stewards at the meeting where the principal is racing.

[For text of subparts 15 to 17, see Minnesota Rules]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

[For text of items A to N, see Minnesota Rules]

O. A trainer is responsible for having each horse in the trainer's charge that is racing in Minnesota or stabled on the grounds of an association tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. A copy of each horse's negative EIA test

11.1 results must be attached to the horse's foal registration certificate or provided to the racing
11.2 secretary by 9:00 a.m. on the first day of the meet in which the horse is scheduled to race.
11.3 The EIA test certificates must be dated within a 12-month period prior to the date of entry,
11.4 and must be renewed and replaced on the foal registration certificate or provided to the
11.5 racing secretary no later than 48 hours following the date of expiration.

11.6 P. Except as provided in part 7876.0130, a trainer must ensure that at the time of
11.7 arrival at a licensed racetrack, each horse in the trainer's care is accompanied by an original
11.8 certificate. The certificate must include the date of inspection and date of issuance, both of
11.9 which must be dated no more than ten days prior to arrival. The certificate must be completed
11.10 by an accredited veterinarian and must contain complete equine infectious anemia (EIA)
11.11 test results, including the date, laboratory, and accession number of the most recent negative
11.12 EIA test. The certificate must also contain rectal temperature and product name and date
11.13 of most recent vaccination with a Food and Drug Administration-approved modified live
11.14 or killed vaccine specific for EHV-1. The certificate must be surrendered to stable gate
11.15 personnel for immediate transmittal to the commission veterinarian. The horse must also
11.16 have a negative equine piroplasmiasis test as prescribed in part 7876.0100, subpart 11, or
11.17 7876.0110, subpart 5.

11.18 *[For text of items Q to V, see Minnesota Rules]*

11.19 W. A trainer accepting a horse from another trainer must notify the stewards in
11.20 writing within 24 hours that such a transfer has been made.

11.21 *[For text of subparts 2a to 8, see Minnesota Rules]*

11.22 Subp. 9. **Veterinarians.** The following shall apply to veterinarians licensed by the
11.23 commission:

11.24 *[For text of items A to I, see Minnesota Rules]*

J. Veterinarians must examine each horse in their care that is scheduled for an official timed workout ~~in front of a commission veterinarian~~ and submit a statement on a form prescribed by the commission that the veterinarian has examined the horse and found it sound to work. The form must be submitted to a commission veterinarian at least 48 hours in advance of the scheduled work.

[For text of subparts 9a and 9b, see Minnesota Rules]

Subp. 9c. **Animal chiropractor.** Animal chiropractors licensed by the commission must:

A. not be negligent in the performance of their duties with respect to the health and welfare of the horse;

B. have a referral from a ~~commission-licensed~~ veterinarian prior to performing chiropractic and provide written notes, if requested by the owner to the veterinarian; and

C. not be in the stall with an entered horse at any time within 24 hours prior to the race in which the horse is entered.

Subp. 10. **Pony riders.** The following applies to pony riders licensed by the commission:

[For text of items A and B, see Minnesota Rules]

C. Anyone bringing any pony horse onto the grounds of the association must provide to stable gate personnel the accurate name of the animal. Each pony horse must be accompanied by an original certificate of veterinary inspection completed by an accredited veterinarian ~~and~~. The certificate must include the date of inspection and date of issuance, both of which must be dated no more than ten days prior to arrival. It must contain complete equine infectious anemia test results, including the date, laboratory, and accession number of the most recent negative EIA test. The certificate must also contain rectal temperature and product name and date of the most recent vaccination with a Food and Drug

13.1 Administration-approved modified live or killed vaccine specific for EHV-1. The horse
13.2 must also have a negative equine piroplasmiasis test as prescribed in part 7876.0100, subpart
13.3 11, or 7876.0110, subpart 5. The certificate of veterinary inspection must be surrendered
13.4 to stable gate personnel for immediate transmittal to the commission veterinarian. The
13.5 certificate of veterinary inspection for horses leaving and returning on an ongoing basis
13.6 throughout the meet must be renewed within the first five days of each month.

13.7 *[For text of items D and E, see Minnesota Rules]*

13.8 *[For text of subpart 11, see Minnesota Rules]*

13.9 **7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.**

13.10 *[For text of subparts 1 to 4, see Minnesota Rules]*

13.11 Subp. 4a. **Paddock judge responsibilities for harness races.** Under the direction
13.12 and supervision of the stewards, the paddock judge will have complete charge of the paddock
13.13 activities. The paddock judge is responsible for:

13.14 A. getting the field on the track for post parades in accordance with the schedule
13.15 given by the stewards;

13.16 B. inspection of horses for changes in equipment, nonrecognized racing equipment,
13.17 broken or faulty equipment, head numbers, or saddle pads and reporting any equipment
13.18 changes to the presiding steward;

13.19 C. supervision of paddock gate persons;

13.20 D. directing the activities of the paddock blacksmith;

13.21 E. immediately notifying the stewards of anything that could in any way change,
13.22 delay, or otherwise affect the racing program. The paddock judge will report to the stewards
13.23 any cruelty to any horse that the paddock judge observes;

F. ensuring that only authorized persons are permitted in the paddock and notifying the stewards of any apparent rule violation occurring in the paddock; and

G. immediately reporting to the commission veterinarian the suspected infirmity or unsoundness of any horse.

[For text of subparts 5 to 8a, see Minnesota Rules]

Subp. 9. Patrol judge. Patrol judges may observe the running of each race. In the case of harness racing, a patrol judge may serve as a roving patrol judge by riding in the starting gate and observing activity on the race course at all times during a race program.

Patrol judges shall be in communication with the stewards during every race, and shall immediately notify the stewards of:

[For text of items A to C, see Minnesota Rules]

D. any lack of or broken racing equipment; and

E. any unusual or illegal behavior of horses, jockeys, or drivers.

When instructed by the stewards, patrol judges shall be present at video reviews of races to confirm or to clarify reported observations.

[For text of subparts 10 to 15, see Minnesota Rules]

7877.0180 CONFLICTS.

[For text of subpart 1, see Minnesota Rules]

Subp. 1a. Other employees. No detention barn employee, commission staff, assistant starter, claims clerk, outrider, or track superintendent shall request or accept any remuneration or honorarium in payment or kind from any owner, trainer, or other person licensed by the commission.

15.1 Subp. 2. **Veterinarian, veterinary assistant, equine masseuse, animal**
15.2 **chiropractor.** No veterinarian, veterinary assistant, equine masseuse, or animal chiropractor
15.3 may participate in pari-mutuel wagering while licensed by the commission.

15.4 Subp. 2a. **Veterinarian designated as an official.** No veterinarian designated as an
15.5 official at a race meeting shall treat or prescribe treatment for a horse racing at that meeting,
15.6 except in emergencies or if no other veterinarian licensed by the commission is on the
15.7 grounds of the association. In that case, the official veterinarian shall notify the commission
15.8 of any compensation received.

15.9 Subp. 3. **Wagering by owners, trainers, drivers, or jockeys.**

15.10 ~~A.~~ No owner, trainer, driver, or jockey shall:

15.11 (1) place a win wager on any horse except his or her own in a race in which
15.12 he or she competes;

15.13 (2) place a place or show wager on his or her own horse in a race unless also
15.14 betting the same or higher amount as a win wager;

15.15 (3) wager on any other horse to finish better than his or her own in an exacta,
15.16 trifecta, superfecta, or super high five wager; or

15.17 (4) wager on any other horse except his or her own in any leg of a daily
15.18 double, Pick 3, or Pick (n) wager in which he or she has a horse competing.

15.19 **7884.0170 SCRATCHES.**

15.20 *[For text of subparts 1 to 3, see Minnesota Rules]*

15.21 Subp. 4. **Scratched as unsound.** Any horse that is scratched by the stewards as
15.22 unsound during warmup for a race in which the horse is entered must compete in a qualifying
15.23 race prior to reentry. Horses scratched at other times, dependent upon placement on the
15.24 official veterinarian's list, may requalify prior to reentry.

16.1 *[For text of subpart 5, see Minnesota Rules]*

16.2 **7884.0190 QUALIFYING RACES.**

16.3 *[For text of subparts 1 and 2, see Minnesota Rules]*

16.4 Subp. 2a. **Horses required to compete in qualifying races regardless of duration**
16.5 **of meet.** The following horses shall not be eligible to enter any race until they have competed
16.6 in qualifying races:

16.7 *[For text of items A and B, see Minnesota Rules]*

16.8 C. A horse finishing first, second, or third on a "fast" track and making a break
16.9 in the race does not have that break counted against it in terms of eligibility for future entries
16.10 unless it was a break off a qualifier. For these horses, when the break occurs in the first start
16.11 after the horse qualified, the horse must requalify regardless of its finishing position. Any
16.12 horse making breaks in two consecutive races over fast tracks would still be required to
16.13 qualify regardless of finishing position.

16.14 *[For text of item D, see Minnesota Rules]*

16.15 *[For text of subparts 3 to 7, see Minnesota Rules]*

16.16 Subp. 8. **Medications.** All horses racing in qualifying races must participate under
16.17 the same medication requirements as those for race days. Horses competing in qualifying
16.18 races may be selected for random postrace drug testing under chapter 7892, and if so selected,
16.19 negative test results must be returned prior to reentry.

16.20 **7884.0210 CLAIMING RACES.**

16.21 *[For text of items A to E, see Minnesota Rules]*

16.22 F. If a horse that is drawn to start in a claiming race has been declared to start in
16.23 a subsequent claiming race, a successful claimant, if any, of the horse in the first race shall
16.24 have the option of scratching the horse from the subsequent race.

G. Postrace testing on all claimed horses shall be performed as set forth in chapter 7892. Upon receipt of notification from the commission veterinarian that the initial forensic analysis demonstrates a medication violation under chapter 7890, the stewards shall immediately notify the successful claimant, who shall then have 72 hours to decide whether to keep the horse or request that the claim be voided. In that case, the following provisions shall apply.

[For text of subitems (1) and (2), see Minnesota Rules]

7884.0220 PADDOCK PROCEDURES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Driver to register.** Drivers shall report to the paddock judge and sign the drivers' register at least one hour before post time of any race in which they are programmed to drive. All drivers must undergo breath analyzer testing when they sign in and be retested if they leave the paddock or drivers' room. After signing the drivers' register, no driver shall leave the paddock or drivers' room, except to drive in a race or to view the races from a point approved by the stewards, until all his or her driving engagements for the day have been fulfilled.

[For text of subparts 3 to 5, see Minnesota Rules]

7884.0230 RACING EQUIPMENT.

[For text of subparts 1 to 7, see Minnesota Rules]

Subp. 8. **Number pads.** Number pads must be returned to the paddock immediately after each warmup and race with no apparent damage or destruction.

7884.0260 DRIVING RULES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Conduct after word "go" is given.** After the word "go" is given no driver shall:

[For text of items A to S, see Minnesota Rules]

T. use a whip exceeding four feet in length or a snapper longer than six inches in length, or use unreasonable or unnecessary force in the whipping of a horse, nor whip any horse causing visible injury, nor whip any horse about the head including but not limited to trailing horses, nor whip any horse after the finish line has been crossed except when it has been deemed by the board of judges necessary to control the horse. The driver is permitted to encourage the horse with the whip only one time from the start to the 3/4 mile marker, and no more than four times, if the horse is advancing, from the 3/4 mile marker to the finish line. The board of judges will notify the commission veterinarian to conduct any postrace examination on any horse deemed to have been subject to unreasonable or unnecessary force. The following actions shall be considered indiscriminate, unreasonable, or unnecessary uses of the whip:

[For text of subitems (1) to (5), see Minnesota Rules]

[For text of items U to X, see Minnesota Rules]

[For text of subparts 3 to 11, see Minnesota Rules]

7890.0100 DEFINITIONS.

[For text of subparts 1 to 2a, see Minnesota Rules]

Subp. 2b. **Animal chiropractor.** "Animal chiropractor" means a Doctor of Chiropractic who is licensed under Minnesota Statutes, sections 148.01 to 148.108, and registered with the Minnesota Board of Chiropractic Examiners under parts 2500.7010 to 2500.7080 to perform services on animals.

[For text of subparts 3 to 12b, see Minnesota Rules]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. Medication includes all alkalinizing agents, analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

[For text of items A to D, see Minnesota Rules]

[For text of subparts 13a to 14e, see Minnesota Rules]

Subp. 14f. ~~Out-of-competition~~ **Out-of-competition testing.** "~~Out-of-competition~~ Out-of-competition testing" is the taking of blood, urine, or another biological sample from a horse at any time other than race day.

Subp. 14g. **Prescription number.** "Prescription number" means the unique identification number assigned by the veterinarian, pharmacist, or other supplier to the prescription.

[For text of subparts 15 to 21, see Minnesota Rules]

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

[For text of subparts 1 to 7a, see Minnesota Rules]

Subp. 7b. Thyroid supplements.

A. The use of a thyroid supplement is limited to a hypothyroid horse diagnosed with a ~~thyroid~~ thyrotropin releasing hormone (TRH) stimulation test.

B. Results of the TRH test must be submitted to the commission veterinarian and approved prior to the horse receiving a thyroid supplement.

C. If a horse is currently receiving a thyroid supplement, TRH test results must be provided to the commission veterinarian or thyroid supplement administration discontinued and TRH testing completed after a 30-day washout period.

Subp. 7c. **Clenbuterol.** Clenbuterol use is prohibited in the racing and training of a Quarter Horse and only permitted in the racing and training of other breeds if the following conditions are met:

A. Clenbuterol is prescribed by a licensed veterinarian for a specifically named horse, stating the diagnosis, the recommended dosage levels, and duration of clenbuterol treatment, not to exceed 30 days. The required information must be submitted to the commission veterinarian on a form and by a deadline established by the commission.

B. Trainers must notify a commission veterinarian daily of all horses in their custody having been administered clenbuterol. Notification shall be made on a form and by a deadline established by the commission.

C. A horse administered clenbuterol shall be placed on the official veterinarian's list and remains on the list until all conditions for removal have been met including an official timed workout with reports of negative clenbuterol blood and urine sampling.

D. A horse may not be entered to race until the horse has completed all requirements in item C.

[For text of subpart 8, see Minnesota Rules]

Subp. 8a. **Intra-articular injections.** The use of any intra-articular injection within seven days of the race in which the horse is entered is prohibited.

[For text of subpart 9, see Minnesota Rules]

Subp. 10. **Medications.** No medications other than those specifically permitted under this chapter shall be allowed in the post-race or ~~out-of-competition~~ out-of-competition test

21.1 sample of a horse. Serum or urine thresholds on permitted controlled therapeutic medications
21.2 shall not exceed those found in the Association of Racing Commissioners International
21.3 Controlled Therapeutic Medication Schedule for Horses, which is incorporated by reference.

21.4 **Subp. 11. Medical labeling.**

21.5 *[For text of item A, see Minnesota Rules]*

21.6 B. Any drug or medication that is used or kept on association grounds and that,
21.7 by federal or state law, requires a prescription must have been validly prescribed by a duly
21.8 licensed veterinarian, and in compliance with the applicable state statutes. All allowable
21.9 medications must be labeled in accordance with state and federal laws and shall have a
21.10 prescription label that is securely attached and clearly ascribed to show the following:

21.11 (1) the prescription number that is recorded by the dispensing veterinarian
21.12 or pharmacist and kept in the animal's medical record;

21.13 (2) the date the prescription was dispensed;

21.14 (3) the name, address, and telephone number of the company manufacturing
21.15 the medication;

21.16 (4) the lot number and expiration date of the medication;

21.17 (5) the name, address, and telephone number of the veterinarian prescribing
21.18 or dispensing the medication;

21.19 (6) the name of each patient (horse) for whom the medication is prescribed
21.20 or dispensed;

21.21 (7) the name of the person (trainer) to whom the medication was dispensed;

21.22 (8) the name, active ingredient, and quantity of the medication prescribed;

21.23 (9) the dose, dosage, route of administration, and duration of treatment; and

22.1 (10) cautionary statements as needed.

22.2 Possession of an expired prescription medication is considered a violation of the rule.

22.3 *[For text of subparts 12 and 13, see Minnesota Rules]*

22.4 **7890.0120 REPORTING PROCEDURES.**

22.5 *[For text of subpart 1, see Minnesota Rules]*

22.6 Subp. 1a. **Animal chiropractors must keep records.** Animal chiropractors must
22.7 submit daily to the commission veterinarian, in writing or electronically, on a prescribed
22.8 form a report of all the horses treated at a licensed racetrack. The form shall contain the
22.9 date and time, name of horse treated, trainer of horse, and procedures administered, for
22.10 horses registered at a current race meeting, and any other horse-related information requested
22.11 by the commission veterinarian. The form must be filed by the animal chiropractor not later
22.12 than noon on the day following treatment. The form shall be signed by hand or digitally by
22.13 the animal chiropractor. The form is considered private and its content shall not be disclosed
22.14 except in the course of an investigation of a possible violation of chapters 7869 to 7899, or
22.15 in a proceeding before the stewards or commission, or to the trainer or owner of record at
22.16 the time of treatment. A timely and accurate filing of the form that is consistent with the
22.17 analytical results of a positive test is a mitigating factor in determining the nature and extent,
22.18 if any, of a rules violation.

22.19 *[For text of subparts 2 and 3, see Minnesota Rules]*

22.20 **7890.0130 FINDINGS OF CHEMIST.**

22.21 Subpart 1. **Prima facie evidence.** A. A finding by a chemist of any positive test or
22.22 overage in the test sample of a horse taken after a race, an official timed workout, or an
22.23 out-of-competition test shall be considered prima facie evidence that the medication or
22.24 metabolite, androgenic anabolic steroid, substance foreign to the natural horse, or

23.1 endogenous, dietary, or environmental substance, NSAID, clenbuterol, venom, blood doping
23.2 agent, or furosemide was administered to the horse.

23.3 B. A finding by a chemist of a level of TCO_2 greater than 37 millimoles per liter
23.4 of blood in the test sample of a horse shall be considered prima facie evidence that an
23.5 alkalinizing agent was administered to the horse prior to the race or official timed workout
23.6 after which the test sample was taken.

23.7 Subp. 2. **Distributed purse money.** The fact that purse money has been distributed
23.8 prior to the issuance of the chemist's report shall not be deemed a finding that no medication
23.9 or metabolites, androgenic anabolic steroids, substance foreign to the natural horse, or
23.10 endogenous, dietary, or environmental substances, clenbuterol, NSAIDs or furosemide
23.11 exceeding allowable levels was administered to the horse earning such purse money in
23.12 violation of this chapter.

23.13 **7890.0140 BLEEDERS.**

23.14 *[For text of subparts 1 to 5, see Minnesota Rules]*

23.15 Subp. 6. **Furosemide may be permitted.** A horse three years of age and older is
23.16 eligible to race with furosemide if the licensed trainer and licensed veterinarian determine
23.17 that it would be in the horse's best interests to race with furosemide. Once a horse has raced
23.18 with furosemide, it must continue to race with furosemide in all subsequent races unless a
23.19 request is made to discontinue the use. If the use of furosemide is discontinued, the horse
23.20 shall be prohibited from again racing with furosemide unless it is later observed to be
23.21 bleeding pursuant to subpart 1 or the horse is claimed or transferred to a different licensed
23.22 trainer. A horse that is claimed or transferred to a different licensed trainer is eligible to
23.23 race with furosemide if the new trainer and a licensed veterinarian employed by the new
23.24 owner or trainer determine that it would be in the horse's best interest to race with furosemide.
23.25 Requests for the use of or discontinuance of furosemide must be made to the commission

24.1 veterinarian by the horse's current trainer or assistant trainer on a form prescribed by the
24.2 commission on or before the day of entry into the race for which the request is made.

24.3 *[For text of subparts 7 to 10, see Minnesota Rules]*

24.4 **7890.0160 RESPONSIBILITY OF VETERINARIAN.**

24.5 No veterinarian may administer a medication, alkalinizing agent, blood doping agent,
24.6 venom, or substance foreign to the natural horse to any horse that is scheduled to race within
24.7 48 hours, except as permitted in part 7890.0100, subpart 13, or in the case of a medical
24.8 emergency requiring immediate treatment, without the prior permission of the commission
24.9 veterinarian. No veterinarian may place a nasogastric tube in a horse that is scheduled to
24.10 race within 48 hours, except in the case of a medical emergency requiring immediate
24.11 treatment. No veterinarian, veterinary assistant, equine masseuse, or animal chiropractor
24.12 may enter the stall of or otherwise handle a horse at any time within 24 hours of the race in
24.13 which the horse is entered, except as permitted by part ~~7890.140~~ 7890.0140, subpart 7a, or
24.14 in the case of a medical emergency requiring immediate treatment without the prior
24.15 permission of the commission veterinarian. In emergency cases it is the responsibility of
24.16 the attending veterinarian to notify the commission veterinarian of the nature of the
24.17 emergency and the exact treatment provided. The notification must be made as soon as
24.18 practical (within one-half hour of an emergency that occurs during training or racing hours
24.19 or by 8:00 a.m. on the morning following an emergency which occurred during evening or
24.20 night hours) and on a form prescribed by the commission. At the request of the commission
24.21 veterinarian, the veterinarian must provide radiographs, laboratory tests, and results of other
24.22 diagnostic procedures within 24 hours.

24.23 **7892.0120 TAKING OF SAMPLES.**

24.24 Subpart 1. **Horses tested.**

24.25 *[For text of items A and B, see Minnesota Rules]*

C. Out-of-competition testing for prohibited substances, blood doping agents, gene doping agents, growth hormone, exogenous anabolic steroids, and clenbuterol may be performed at the request and under the direction of the stewards or the commission veterinarian on any horse present on the grounds of a racetrack licensed by the commission or nominated for stakes or specific racing series. Horses to be tested may be selected at random or as otherwise reasonably determined by the stewards or commission veterinarian. Split samples shall be collected in accordance with subpart 5. A positive test shall result in the horse being placed on the commission veterinarian's list under part 7877.0175, subpart 8.

[For text of items D to F, see Minnesota Rules]

[For text of subparts 2 to 6, see Minnesota Rules]

7897.0100 PROHIBITED ACTS.

[For text of subparts 1 to 20, see Minnesota Rules]

Subp. 21. **Pregnant filly or mare.** No filly or mare over 120 days gestation may be entered to race.

[For text of subparts 22 and 23, see Minnesota Rules]

Subp. 24. **Security and surveillance equipment.** No person shall tamper with or alter in any manner security or surveillance equipment used by the commission or an association without the prior approval of the commission.

7897.0150 DISCIPLINARY PROCEDURES.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Penalties imposed by stewards.** The stewards may suspend a license up to one year or impose a fine of up to \$10,000 in accordance with the schedule of fines in part 7897.0130 or both; in addition, they may order any other appropriate disciplinary or

26.1 corrective action. The stewards may also make recommendations to the commission for
26.2 penalties in excess of their authority.

26.3 *[For text of subparts 3 to 10, see Minnesota Rules]*

26.4 **RENUMBERING INSTRUCTION.** Renumber Minnesota Rules, part 7890.0100, subparts
26.5 1 to 21, in alphabetical order and change reference numbers in Minnesota Rules, parts
26.6 7877.0170, 7890.0110, 7890.0120, and 7890.0160, to agree with renumbered subparts.

June 11, 2021

VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

Re: *In the Matter of of the Proposed Permanent Rules Governing Definitions, Medication and Veterinary Practices, Licensing Harness Racing and Prohibited Acts Related to Horse Racing, Minnesota Rules, Chapters 7869, 7870, 7876, 7877, 7884, 7890, 7892 and 7897*
OAH 71-9011-37101; Revisor R-4687

Dear Ms. Breems:

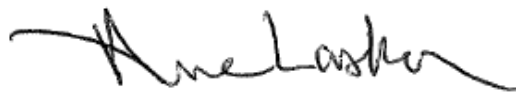
Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

E. Joseph Newton
15201 Zurich St Ste 212
Columbus, MN 55025
joseph.newton@state.mn.us

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875, denise.collins@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



Anne Laska
Legal Assistant

Enclosures

cc: E. Joseph Newton (via email)