MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

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April 14, 2022

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 the Possible Amendments to Rules Governing Horse Racing, Pari Mutuel Wagering, Class C Licenses, Advance Deposit Wagering, Horse Races, Harness Races, Horse Medication, and Prohibited Acts; Minnesota Rules 7873, 7877, 7880, 7883, 7884, 7890, and 7987***
OAH 60-9011-37715; Revisor AR-4714

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:

Chad Peterson
15201 Zurich St Ste 212
Columbus, MN 55025
chad.peterson1@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,

Michelle Severson

Michelle Severson
Legal Assistant

Enclosures
cc: Chad Peterson (via email)

Document Number: 222955
Filed: April 14, 2022
Office of the Minnesota
Secretary of State Steve Simon

Office of the Revisor of Statutes
Administrative Rules

TITLE: Adopted Permanent Rules Relating to Horse Racing

AGENCY: Minnesota Racing Commission

REVISOR ID: R-4714

MINNESOTA RULES: Chapters 7869, 7870, 7873, 7877, 7883, 7884, 7890, 7891, 7892, and 7897

Document Number: 222955
Filed: April 14, 2022
Office of the Minnesota
Secretary of State Steve Simon

The attached rules are approved for
filing with the Secretary of State

Jeff S. Kase
Deputy Revisor

Minnesota Racing Commission

Adopted Permanent Rules Relating to Horse Racing

7869.0100 DEFINITIONS.

[For text of subparts 1 to 8a, see Minnesota Rules]

Subp. 9. **Break.** "Break" means the act of a harness horse altering either its pacing or trotting gait.

[For text of subparts 9a to 12, see Minnesota Rules]

Subp. 12a. **Claimant.** "Claimant" means a licensed person or entity purchasing a horse from a designated race for a predetermined price.

[For text of subparts 13 to 29, see Minnesota Rules]

Subp. 30. **Grounds.** "Grounds" means the entire area licensed by the commission and used by the association to conduct a race meeting, including the track, grandstand, stables, concession areas, and parking facilities.

[For text of subparts 30a to 32b, see Minnesota Rules]

Subp. 32c. [Renumbered subp 32e]

Subp. 32d. **Laid off the gate.** "Laid off the gate" means a failure to come up into position at the start of a harness race.

Subp. 32e. **Lapped on.** "Lapped on" means any part of a trailing horse is at least even with the offending horse's hindquarters at the finish.

[For text of subparts 33 and 33a, see Minnesota Rules]

Subp. 33b. **Live racing day.** "Live racing day" means a racing day assigned by the commission on which pari-mutuel betting is conducted on horse races run at a licensed racetrack.

[For text of subparts 34 to 51, see Minnesota Rules]

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

[For text of subparts 52 to 62, see Minnesota Rules]

Subp. 62a. **Sulky.** "Sulky" means a two-wheeled cart with a single seat pulled by a horse during a harness race.

[For text of subparts 63 to 69, see Minnesota Rules]

7870.0490 CARE OF HORSES.

A racetrack facility must provide the following facilities, equipment, and personnel for horses:

A. an individual box stall for each horse;

B. a fence surrounding the stabling facilities;

C. stabling and training facilities available at least two weeks before the start of the first race meeting for a breed of horse in any year unless a different time period is determined by contract between the association and the horseperson's organization representing a majority of the horsepersons;

D. a licensed outrider mounted on duty on the racetrack whenever a Thoroughbred or Quarter Horse facility is open for exercising horses; and

E. a horse ambulance as provided in part 7870.0491.

7870.0491 AMBULANCE REQUIREMENTS.

Subpart 1. **Thoroughbred and Quarter Horse racing.**

A. For Thoroughbred and Quarter Horse racing, a racetrack facility must provide a primary and backup horse ambulance to safely and expediently remove injured or disabled animals. The primary and backup horse ambulances must be four-wheel drive vehicles to tow or pull the horse ambulance trailer and must be equipped with:

(1) a screen for use when an animal must be euthanized in view of the public;

(2) an equine slide device to safely load fallen or injured horses;

(3) a winch to move the slide into the ambulance; and

(4) for the primary ambulance only, a squeeze device to support injured and weak horses.

B. Whenever the racetrack facility is open for racing or exercising horses, the ambulances must be tended by drivers who can assist in safely and expediently removing injured animals from the racetrack surface or other areas on the grounds of the racetrack.

Subp. 2. **Standardbred racing.**

A. For Standardbred racing, a racetrack facility must provide a horse ambulance available to safely and expediently remove injured or disabled animals. The ambulance must be a four-wheel drive vehicle to tow or pull the horse ambulance trailer and must be equipped with:

(1) a screen for use when an animal must be euthanized in view of the public;

(2) an equine slide device to safely load fallen or injured horses; and

(3) a winch to move the slide into the ambulance.

B. Whenever the racetrack facility is open for racing or exercising horses, the ambulance must be tended by a driver who can assist in safely and expediently removing injured animals from the racetrack surface or other areas on the grounds of the racetrack.

Subp. 3. **Ambulance log.** For all racing, an ambulance driver must keep a log of ambulance use. The log is collected by the commission veterinarian and used for documentation. For each use, the log must include:

A. the date;

B. the horse's name;

C. the name of the trainer;

D. the location of the facility where the animal was picked up;

E. the horse's possible injury; and

F. the location where the horse was delivered.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

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

Subp. 3. **Trainers and assistant trainers.** Applicants for a trainer's or assistant trainer's license must comply with the following requirements.

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

E. Beginning June 1, 2022, in order to be eligible for a subsequent license, trainers and assistant trainers must complete at least four hours per calendar year of continuing education. The courses must be approved by a commission veterinarian or safety coordinator.

[For text of subparts 4 to 7, see Minnesota Rules]

Subp. 8. **Harness driver.** Applicants for a harness driver's license must be at least 16 years old. In addition:

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

C. The applicant must have passed an annual optical examination prior to approval as a driver evidencing corrected 20-20 vision. Proof of the examination must be presented to the safety coordinator.

[For text of subparts 9 to 17, see Minnesota Rules]

7877.0145 EMERGENCY LICENSE.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Owners.**

A. If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse in a race shall be permitted to apply for an emergency owner's license on behalf of the absent owner.

B. The trainer must, at the time of submission for an emergency owner's license, provide the following information on an application prescribed by the commission:

(1) the owner's full name;

(2) the date of birth of the owner;

(3) the home or business address of the owner; and

(4) the telephone number of the owner.

C. Failure to provide all of the foregoing information is grounds for denial of an emergency owner's license.

D. An emergency owner's license shall expire 21 days from the date it is issued.

E. If the information required in item B is not provided to the commission due to an act or omission on the part of the trainer, the trainer must also be subject to disciplinary action by the stewards.

F. At the time of application, the appropriate licensing fee must be paid to the commission.

G. Prior to the expiration of the emergency owner's license, the owner must submit a properly completed owner's application as required by parts 7877.0110 and 7877.0130. Failure to do so is grounds for forfeiture of any purse money won by the owner when racing under the emergency license.

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 E, see Minnesota Rules]

F. Each trainer must provide a current list of all persons in the trainer's employ to the association's security office and commission investigator. The list must include each employee's name, occupation, license number, and local address or dorm room number. A trainer must provide an updated list to the stewards within 24 hours of any changes. The trainer must ensure that all employees are licensed by the commission no later than the next racing day after they arrive on the grounds of an association.

[For text of items G to M, see Minnesota Rules]

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility. This includes notifying the racing secretary and a commission veterinarian when a horse is pregnant or is "nerved" pursuant to part 7897.0100, subpart 11, and immediately reporting the alteration of the sex of a horse to the horse identifier, the racing secretary, and a commission veterinarian.

[For text of item O, see Minnesota Rules]

P. Except as provided in part 7876.0130, a trainer must ensure that at the time of arrival at a licensed racetrack, each horse in the trainer's care is 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 arrival. The certificate 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 must be surrendered to stable gate personnel for immediate transmittal to a commission veterinarian. The horse must also have a negative equine piroplasmosis test as prescribed in part 7876.0100, subpart 11, or 7876.0110, subpart 5.

[For text of items Q to W, see Minnesota Rules]

[For text of subpart 2a, see Minnesota Rules]

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

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

J. A jockey must fulfill all riding engagements. However, no jockey may be forced to ride a horse that the jockey believes to be unsafe, or to ride on a race course the jockey believes to be unsafe.

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

[For text of subparts 4 to 8, see Minnesota Rules]

Subp. 8a. **Vendors.**

A. No vendor permitted on the grounds of an association shall sell or deliver any horse feed, feed supplement, tonic, veterinary preparation, medication, veterinary equipment or supplies, or any substance containing any prohibited drug, unless the vendor has filed with a commission veterinarian a list of items the vendor intends to sell or deliver and has received the written approval of a commission veterinarian.

B. A commission veterinarian, after consulting with the stewards and executive director, may restrict the sale of, prohibit the sale or delivery of, or place conditions on the sale or delivery of any item that violates commission rules.

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

A. Veterinarians must be licensed and in good standing with the Board of Veterinary Medicine.

B. Veterinarians must abide by the rules of the commission and promptly notify the commission of any sanctions or disciplinary actions taken against them by another state's veterinary medicine licensing body.

C. Veterinarians shall be responsible for the conduct of any veterinary assistant working with or employed by the veterinarian to ensure compliance with this subpart.

D. Veterinarians shall create and maintain medical records as required by the Board of Veterinary Medicine and the federal Drug Enforcement Agency.

E. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of a medication or injectable substance, or in the use of equipment for hypodermic injection.

F. All drugs, substances, medication, venom, or biological product administered, dispensed, or carried by a veterinarian on the grounds of an association must be FDA or USDA approved. A veterinarian may possess substances that are FDA or USDA approved, but not specifically for use on the horse, only by providing prior notice to the commission's veterinarian and the Board of Stewards. Veterinarians shall not possess medications or substances without a specific manufacturer's name, lot number, and expiration date.

G. Veterinarians shall not be in possession of controlled substances in schedules for which they are not currently registered and approved by the Drug Enforcement Administration.

H. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers or make arrangements with a commission veterinarian regarding removal.

I. Veterinarians shall dispense prescription and compounded drugs abiding by the rules of the state of Minnesota, Boards of Pharmacy and Veterinary Medicine, and according to the guidelines of the American Veterinary Medical Association.

J. All medications and hypodermic equipment must be in the veterinarian's possession, personal vehicle, or stored off grounds.

K. Veterinarians shall immediately report any horse suspected of harboring a communicable infectious disease to a commission veterinarian.

L. The commission shall initiate a complaint with the Board of Veterinary Medicine ~~for~~ against a veterinarian determined to have acquired or administered a Class 1 substance contained in the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances and Recommended Penalty Rule.

M. No veterinarian shall have contact with an entered horse within 24 hours of the race in which the horse was entered except for administration of furosemide under the

guidelines in part 7890.0100, subpart 13a, if requested and accompanied by a commission veterinarian, or in the case of medical emergencies under the guidelines in part 7890.0160.

N. Veterinarians must examine each horse in their care that is scheduled for an official timed workout 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 and no more than 96 hours in advance of the scheduled work.

[For text of subparts 9a to 11, see Minnesota Rules]

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

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

Subp. 8. [See repealer.]

Subp. 8a. [Repealed, 42 SR 1258]

Subp. 8b. **Veterinarian's list.**

A. A commission veterinarian shall maintain a list of horses that:

(1) are scratched because of illness, injury, or unsoundness;

(2) are pulled up because of lameness or other injury during a race;

(3) are bleeders, pursuant to part 7890.0140, subpart 1;

(4) test positive for a prohibited substance or medication overage;

(5) have received a medication or treatment invoking a mandatory stand-down time; and

(6) are otherwise considered unfit to race in the professional judgment of a commission veterinarian.

B. The veterinarian's list must be posted in a conspicuous and accessible place outside a commission veterinarian's office, and any horse whose name is on the list shall be ineligible to start in a race for ten calendar days, or until a commission veterinarian removes it from the list, whichever is later.

C. All workouts required by a commission veterinarian for the purpose of potentially removing a horse from the veterinarian's list must be conducted under the same medication requirements as those for race days. Horses requiring an official timed workout must have a published workout observed by a commission veterinarian, must pass a post-workout assessment of racing condition by a commission veterinarian, and are subject to testing under chapter 7892.

D. Any horse with a positive test in violation of chapter 7890 shall not be released from the veterinarian's list until another official timed workout is completed and a negative post-workout test is obtained. The biological sample, such as blood, urine, hair, saliva, or other body specimen, used for removal from the veterinarian's list must be the same as the biological sample identified in the positive test.

E. For purposes of this subpart, the ten-day period during which a horse is ineligible to start begins on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission and shall include horses on the veterinarian's list in other racing jurisdictions.

Subp. 8c. **Racing soundness examinations.** A commission veterinarian shall conduct racing soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race, the veterinarian shall notify the stewards immediately in writing and place the horse on the veterinarian's list.

Subp. 8d. **Monitoring horses during a race.** A commission veterinarian shall monitor horses in the paddock, post parade, and starting gate for signs of illness or injury and shall tend to disabled horses pursuant to part 7883.0160, subpart 14.

Subp. 8f. **Supervision of the detention barn.** A commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

Subp. 8g. **Nerved horses.** A commission veterinarian must post in a location accessible to all trainers, a list of all horses registered as nerved pursuant to part 7897.0100, subpart 11.

Subp. 8h. **Pregnant mares and fillies.** A commission veterinarian must post in a location accessible to all trainers a list of all mares and fillies registered as pregnant or "in foal."

Subp. 8i. **Infectious diseases.** A commission veterinarian shall have the authority to draw and submit blood to the official testing laboratory under part 7892.0130 from any horse or pony on the grounds of a licensed racetrack for the purpose of testing for equine infectious anemia (EIA) and other reportable infectious diseases as determined by the Minnesota Board of Animal Health, and shall supervise the removal from the racetrack of any horse or pony having positive EIA or reportable infectious disease test results.

Subp. 8j. **Veterinary emergencies.** In the event of a veterinary emergency where the owner's veterinarian is not on racetrack grounds, a commission veterinarian may administer emergency treatment to a horse after consulting with the owner or the owner's agent if they are present on racetrack grounds. In all cases, the owner's veterinarian must be notified and the case transferred to the owner's veterinarian as soon as the owner's veterinarian is present.

Subp. 8k. **Application review.** A commission veterinarian must review and consult with the applicants and the stewards regarding commission license applications of practicing veterinarians, veterinary technicians or assistants, animal chiropractors, equine masseuses, feed vendors, pharmaceutical representatives, and vendors of veterinary medical supplies and equipment.

[For text of subparts 9 to 15, see Minnesota Rules]

7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subparts 1 to 15a, see Minnesota Rules]

Subp. 16. **Workout requirements.** In order to be eligible:

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

D. A first-time starter four years of age or older must have gate approval and a minimum of three timed workouts, at least one of which must be out of the gate and one of which must be an official timed workout observed and approved by a commission veterinarian, no more than 45 days prior to the race for which the horse is entered.

E. A horse, other than a first-time starter, which has not started for a period of more than one year shall not be eligible to start until it has completed three timed workouts, at least one of which must be an official timed workout observed and approved by a commission veterinarian no more than 45 days prior to the race for which the horse is entered.

F. A horse that has not started for more than 180 days and less than 365 days must be placed on a restricted list and must have an examination by a commission veterinarian prior to racing. No workout will be required unless the horse is determined to be unsound by the commission veterinarian.

G. Official timed workouts shall be conducted under the same medication and testing rules applicable to racing. A horse is not eligible to be entered in a race until negative results of post-workout medication testing have been returned to a commission veterinarian.

H. For all county fairs in which the average daily handle for the preceding year was less than $150,000 all workout requirements shall be waived except that in the case of a horse that has not started for a period of one year, the owner or trainer must contact a

commission veterinarian prior to entry for an examination and workout as determined by a commission veterinarian.

I. For the purpose of removing a horse from the stewards' list, all workouts must be conducted under the same medication requirements as those for race days.

[For text of subparts 17 to 19, see Minnesota Rules]

7883.0120 SCRATCHES AND NONSTARTERS.

Subpart 1. [See repealer.]

Subp. 1a. **Stewards must approve scratching horses.**

A. No horse may be scratched from a race without permission of stewards.

B. Notwithstanding subpart 2, item B, the stewards may permit the withdrawal of any horse after the jockey has weighed out for any reason which the stewards determine to be in the best interests of racing.

Subp. 1b. **Procedure for scratching horses.**

A. Scratches must be made in writing and signed by the owner or trainer of the horse, the owner's authorized agent, or a commission veterinarian on a form provided by each association.

B. All scratches, excluding stakes races and main track only horses, must be made by the scratch time designated by the association.

C. Horses may be scratched down to a field of seven without penalty. Any horse that scratches below a field of seven horses without a reason allowed by this part must be placed on the stewards' list for a minimum of seven days and may not start until they are off the list.

D. Any racing office request for a scratch must not be allowed unless the horse is coming out of a race to make a race of equal or lesser field size.

Subp. 1c. **Drawing horses into a race from also-eligible list.**

A. If a horse is scratched from a race and there is a horse on the also-eligible list for that race, the horse drawing into the race must be assigned a post position according to this subpart.

B. For a Quarter Horse race with no turns, the horse drawing into the race from the also-eligible list must start from the post position vacated by the scratched horse.

C. For a race with turns, the horse drawing into the race from the also-eligible list must start in the outermost post position.

Subp. 1d. **Horse drawn into two races.** A horse drawn into the body of a race that has drawn into the body of another race to be run within seven days or fewer shall be scratched from the first race. Main-track-only horses are excluded.

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

Subp. 5. [See repealer.]

[For text of subparts 6 and 7, see Minnesota Rules]

7883.0140 CLAIMING RACES.

[For text of subparts 1 to 14, see Minnesota Rules]

Subp. 15. **Protest of claim.**

[For text of item A, see Minnesota Rules]

B. A postrace test shall be conducted on any claimed horse in compliance with chapter 7890. The claimant may request voidance of the claim if the initial forensic analysis of the test sample demonstrates a medication violation under chapter 7890.

Upon receipt of notification from a commission veterinarian of a medication violation involving a claimed horse, 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.

Within 12 hours of a notification of a medication violation from the stewards, the original trainer must provide the new trainer, on a commission form, the name of the specific medication involved. A copy of the completed form must be provided to the stewards within 24 hours.

[For text of items C and D, see Minnesota Rules]

[For text of subparts 16 to 18, see Minnesota Rules]

Subp. 19. **Delivery and responsibility for postrace analysis.** A trainer whose horse has been claimed is responsible for the horse until after collection of the blood, urine, or hair specimens at the detention barn where delivery shall be made to the successful claimant, trainer, or employee of the claimant or trainer.

Subp. 20. [Repealed, 33 SR 8]

Subp. 21. [Repealed, 20 SR 2592]

Subp. 22. **Claimed horse shall race at track claimed.**

A. No claimed horse shall race at any other racetrack unless:

(1) the claimed horse has made a subsequent start at the racetrack;

(2) the last scheduled overnight race for that breed at the meet has been drawn; or

(3) 30 days have passed since the day the horse was claimed.

B. The restrictions on claimed horses racing at another track may be waived if the horse is entering a race to fulfill stakes engagements or by request of the association's racing secretary with the written approval of the stewards.

[For text of subparts 23 to 32, see Minnesota Rules]

7883.0150 PADDOCK TO POST.

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

Subp. 10. **Horse leaves race course.** If a horse dislodges a rider, leaves the course when moving from paddock to post, and is out of sight by the stewards or track veterinarian, it shall be deemed an automatic steward scratch.

[For text of subparts 11 and 12, see Minnesota Rules]

Subp. 13. **Farrier in paddock.** The association must ensure that a commission-licensed farrier is in the paddock or receiving barn and available to perform the duties of a commission licensed farrier during the time of live horse racing.

[For text of subpart 14, see Minnesota Rules]

7884.0120 ELIGIBILITY AND ENTERING.

[For text of subparts 1 to 12, see Minnesota Rules]

Subp. 13. **Horses denied entry.** A horse that is on the qualifying list, starter's schooling list, paddock judge's list, stewards' list, or veterinarian's list in any racing jurisdiction and not removed from that list shall not be entered. A horse that has been treated with any bisphosphonate drug within the past six months shall not be entered.

[For text of subparts 14 to 17, see Minnesota Rules]

7884.0170 SCRATCHES.

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

Subp. 3. **On advice of veterinarian.** A horse scratched by the stewards on the advice of the commission veterinarian shall not be allowed to race for a minimum of ten days as determined by part 7877.0175, subpart 8, or until approved for entry by the commission veterinarian.

[For text of subpart 4, see Minnesota Rules]

Subp. 5. **Horse off grounds scratched.** If a horse is not on the grounds of an association and is scratched from the entries due to illness or injury, the trainer must present written documentation of the necessity of the scratch from a private veterinarian. If such documentation is not presented at the time the horse is scratched, the horse shall be placed on the veterinarian's list for a minimum of ten days from the day the documentation is provided to a commission veterinarian.

7884.0210 CLAIMING RACES.

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

E. If a horse entered in a claiming race is scratched, any claim on the horse is void. In addition, the horse, on the next start in Minnesota, is subject to be claimed at or less than the same claiming price in the race from which it was scratched. This item applies regardless of the conditions of the newly entered race.

(1) This item applies for 30 days from the date the horse is scratched.

(2) The removal of the horse from Minnesota suspends the 30-day period, which starts again the day the horse is returned to the state.

[For text of item F, see Minnesota Rules]

G. A trainer whose horse has been claimed is responsible for the horse until after the collection of blood, urine, or hair specimens at the detention barn where delivery shall be made to the successful claimant, trainer, or employee of the claimant or trainer.

H. Postrace testing on all claimed horses shall be performed as set forth in chapter 7892. Upon receipt of notification from a commission veterinarian that the initial forensic analysis demonstrates a medication violation under chapter 7890:

(1) 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.

(2) Within 12 hours of a notification of a medication violation from the stewards, the original trainer must provide the new trainer, on a form prescribed by the commission, the name of the specific medication. A copy of the completed form must be provided to the stewards within 24 hours.

(3) When a claim is voided by the stewards, the following provisions shall apply.

(a) When a claim is voided after the claimant has taken possession of the horse, the claimant is responsible for all expenses incurred for the care of the horse from the time the horse was transferred to the claimant until the time the horse is returned to the prior owner following voidance of the claim by the stewards.

(b) Voidance of a claim is not permitted if, after coming under the care, custody, and control of the claimant, the horse has already run for the claimant or has died.

7884.0240 POST TIME AND STARTING.

[For text of subpart 1, see Minnesota Rules]

Subp. 1a. **Cancellation and postponement.** In the case of questionable racetrack or racing conditions due to weather, the presiding judge shall call a meeting consisting of an agent of the track member, a representative of the horseman, and the chief commission veterinarian to determine if cancellation or postponement of races is necessary. The presiding judge has the final authority to cancel or postpone races.

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

Subp. 9. **Conduct of start.** The following procedures shall be observed during the start of a race.

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

F. Subject to the age, experience, and post position of the horse and the condition of the racetrack, during extended pari-mutuel meetings, each horse in the first tier shall approach the starting gate in concert with the other horses in the field and shall be on the gate at the start. If the judges deem that a driver has intentionally laid off the gate and then charged it near the start in order to gain an advantage at the start, the driver shall be fined or suspended or both.

[For text of subpart 10, see Minnesota Rules]

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 3-1/2 feet in length or a snapper longer than three 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 must notify a 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]

Subp. 12. **Double riders on sulky.** At no time may there be more than one individual on a single-seat sulky.

7890.0100 DEFINITIONS.

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

Subp. 3d. [Renumbered subp 3f]

Subp. 3e. **Biological sample.** "Biological sample" means any material, including but not limited to blood, urine, hair, saliva, and other body specimens, collected from a horse.

Subp. 3f. **Bisphosphonates.** "Bisphosphonates" means any of a class of drugs that slows the breakdown of bone by osteoclasts.

[For text of subparts 4 to 7, see Minnesota Rules]

Subp. 7a. **Complete feed.** "Complete feed" means a thoroughly blended mixture of different feed ingredients formulated to meet specific nutrient requirements that allows for greater efficiency in feeding and provides better control of nutrient intake.

Subp. 7b. **Compounding.** "Compounding" means preparing, mixing, assembling, packaging, and labeling a drug for an identified individual horse as a result of a practitioner's prescription drug order. Compounding does not include mixing or reconstituting a drug according to the product's labeling or to the manufacturer's directions.

Subp. 7c. **Darbepoetin alfa.** "Darbepoetin alfa" is a synthetic analog of erythropoietin that stimulates the bone marrow to produce red blood cells. Chemically, it is a 165 amino acid protein containing five N-linked oligosaccharide chains.

[For text of subparts 8 to 10b, see Minnesota Rules]

Subp. 10c. **Feed supplement.** "Feed supplement" means a material used with another to improve the nutritive balance or performance of the total ration. Feed supplement is intended to be fed undiluted as a supplement to other feeds, offered free choice with other parts of the ration, or further diluted and mixed to produce a complete feed.

Subp. 10d. **Flunixin meglumine.** "Flunixin meglumine" is a nonsteroidal anti-inflammatory drug with the chemical name 3-pyridine-carboxylic acid.

Subp. 10e. **Furosemide.** "Furosemide" means 4-chloro-N-furfuryl-5-sulfamoylanthranilic acid.

Subp. 10f. **Growth factor.** "Growth factor" means a substance that promotes cellular growth.

Subp. 10g. **Hemoglobin-based oxygen carrier.** "Hemoglobin-based oxygen carrier" is an intravenous solution consisting of chemically stabilized cross linked hemoglobin that carries oxygen to tissues upon infusion.

Subp. 10h. **Hemopure®.** "Hemopure®" is a chemically stabilized bovine cross-linked hemoglobin that carries oxygen to tissues. Chemically it is hemoglobin glutamer-250 (bovine) or HBOC-201.

[For text of subparts 11 to 15, see Minnesota Rules]

Subp. 15a. **Prohibited practice.** "Prohibited practice" means a practice that jeopardizes the health and welfare of the horse, the welfare and safety of the rider and other participants, as well as the integrity of horse racing.

Subp. 15b. **Regulatory limit.** "Regulatory limit" is the concentration of a drug and/or its metabolite below which no administrative action is taken.

Subp. 15c. **Restricted list.** "Restricted list" means a list of horses that are ineligible to race until removed from the list by a commission veterinarian.

[For text of subparts 16 to 21, see Minnesota Rules]

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

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

Subp. 3. **Extracorporeal shock wave therapy or radial pulse wave therapy.** The use of extracorporeal shock wave therapy or radial pulse wave therapy shall not be permitted unless the following conditions are met:

A. any treated horse shall be placed on the veterinarian's list and not be permitted to have a timed workout or race for a minimum of 30 days following treatment with day one being the first day of treatment;

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

[For text of subparts 4 to 8, see Minnesota Rules]

Subp. 8a. **Intra-articular injections.**

A. For Thoroughbreds and Quarter Horses, the use of any intra-articular injection within 14 days of the race in which the horse is entered is prohibited.

B. For Standardbreds, the use of any intra-articular injection within seven days of the race in which the horse is entered is prohibited.

[For text of subparts 9 to 13, see Minnesota Rules]

7890.0160 RESPONSIBILITY OF VETERINARIAN.

A. No veterinarian may administer a medication, alkalinizing agent, blood doping agent, venom, or substance foreign to the natural horse to any horse that is scheduled to race within 48 hours, except as permitted in part 7890.0100, subpart 13a, or in the case of a medical emergency requiring immediate treatment, without the prior permission of a commission veterinarian.

B. No veterinarian may place a nasogastric tube in a horse that is scheduled to race within 48 hours, except in the case of a medical emergency requiring immediate treatment.

C. No veterinarian, veterinary assistant, equine masseuse, or animal chiropractor may enter the stall of or otherwise handle a horse at any time within 24 hours of the race in which the horse is entered, except as permitted by part 7890.0140, subpart 7a, if requested and accompanied by a commission veterinarian, or in the case of a medical emergency requiring immediate treatment without the prior permission of a commission veterinarian.

D. In emergency cases it is the responsibility of the attending veterinarian to notify a commission veterinarian of the nature of the emergency and the exact treatment provided. The notification must be made as soon as practical (within one-half hour of an emergency that occurs during training or racing hours or by 8:00 a.m. on the morning following an emergency which occurred during evening or night hours) and on a form prescribed by the commission.

E. At the request of a commission veterinarian, the veterinarian must provide radiographs, laboratory tests, and results of other diagnostic procedures within 24 hours.

7891.0100 RACING SOUNDNESS EXAMINATION.

Subpart 1. **Horses subject to examination.**

A. For Thoroughbreds and Quarter Horses:

(1) Every horse entered to race at a licensed racetrack under the jurisdiction of the commission shall be subjected to a veterinary examination for racing soundness and health on race day.

(2) Each horse must be identified by lip tattoo or microchip before the physical examination begins.

(3) The examination shall be conducted by a commission veterinarian in or near the stall to which the horse is assigned.

(4) The trainer of each horse or a representative of the trainer must present the horse for examination and move the horse as required by the examining veterinarian. Every horse to be examined must have had its legs cleaned of any poultice or other topical applications, must be free of leg bandages or be wearing bandages which are easily removed, and must not have been subjected within one hour of examination to freezing, icing, prolonged hosing with cold water, or any other means of reducing the temperature of the legs.

(5) The examination must include:

(a) identification by lip tattoo or microchip;

(b) visual inspection of the horse and assessment of overall body condition;

(c) manual palpation and passive flexion of forelimbs and, where indicated, hindlimbs;

(d) observation of the horse in motion; and

(e) other inspections deemed necessary by a commission veterinarian.

(6) If, during the prerace examination, a horse is determined to be unfit for competition, a commission veterinarian shall recommend to the stewards that the horse be scratched from racing and the horse placed on the veterinarian's list.

(7) Prerace examination findings must be documented in the InCompass Solutions electronic prerace examination module.

B. For Standardbreds:

(1) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.

(2) The inspection shall be conducted by a commission veterinarian.

(3) The assessment of a horse's racing condition shall include:

(a) proper identification of each horse inspected;

(b) observation of each horse in motion during the post parade and warm-up mile;

(c) visual inspection of the entire horse and assessment of overall condition; and

(d) any other inspection deemed necessary by a commission veterinarian, including but not limited to manual palpation or manipulation of the limbs.

(4) If, during the examination, a horse is determined to be unfit for competition, a commission veterinarian shall recommend to the stewards that the horse be scratched from racing and the horse placed on the veterinarian's list.

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

7891.0110 POSTMORTEM EXAMINATION.

Subpart 1. **Horses that must undergo postmortem examination.**

A. Every horse which suffers a breakdown at a licensed racetrack under the jurisdiction of the commission, in training or in competition, and which is euthanized, and every horse which expires while stabled at a licensed racetrack under the jurisdiction of the commission, shall undergo a postmortem examination to be conducted by a pathologist at the University of Minnesota Veterinary Diagnostic Laboratory to determine the injury or illness which resulted in euthanasia or natural death.

B. Mane hairs excepted, the horse must be delivered with all body parts attached and nonmutilated.

C. Accidental dismemberment for any reason shall be immediately reported to a commission veterinarian, executive director, and deputy director.

D. A Class B or D license holder is responsible for furnishing transportation, within six hours of death, to deliver a horse to the University of Minnesota Veterinary Diagnostic Laboratory.

Subp. 2. **Test samples to be taken for analysis.**

A. Test samples must be obtained from every horse that dies or is euthanized from a training or race-related injury. The samples shall be sent for analysis to the official testing laboratory under part 7892.0130 and the commission may direct the laboratory to retain and preserve such samples for future analysis.

B. When practical, both blood and urine test samples shall be obtained prior to euthanasia.

[For text of subparts 3 and 4, see Minnesota Rules]

Subp. 5 **Equine Injury Database.** Information obtained from each specific post-mortem report is documented in the InCompass Solutions Equine Injury Database.

7892.0110 OUT-OF-COMPETITION TESTING.

~~Subpart 1. **Out-of-competition testing authorized.** The commission may, at any time on any date, take blood, urine, or other biological samples as authorized by chapters 7869 to 7899 from a horse to enhance the ability of the commission to enforce its medication and antidoping rules. The commission shall own the samples. A race day prohibition or restriction of a substance under chapters 7869 to 7899 is not applicable to an out-of-competition test unless there is an attempt to race the horse in a manner that violates chapters 7869 to 7899.~~

~~Subp. 2. **Horses eligible to be tested.** Any horse that has been training or racing in the state is subject to testing under this part.~~

~~Subp. 3. **Selection of horses to be tested.**~~

~~A. Horses shall be selected for sampling by the chief commission veterinarian, chief steward, or presiding judge.~~

~~B. Horses are selected to be tested at random, for cause, or as otherwise determined necessary.~~

~~Subp. 4.~~ Subpart 1. **Cooperation with the commission.**

A. Licensees of the commission are required to cooperate and comply fully with this ~~subpart~~ rule.

B. No person shall knowingly interfere with or obstruct a sampling.

Subp. ~~5.~~ 2. **General procedure for collecting samples.**

A. Samples must be taken under the supervision and direction of a person who is employed by the commission for the purpose of collecting samples. All blood samples shall be collected by a veterinarian licensed in the state where the sample is collected.

B. Upon request of a representative of the commission, the trainer, owner, or their specified designee shall provide the location of the horses eligible for out-of-competition testing.

C. The commission need not provide advance notice before arriving at any location to collect samples.

Subp. ~~6.~~ 3. **Additional procedures.**

A. The person who takes samples for the commission shall provide identification and disclose the purpose of the sampling to the trainer or designated attendant of the horse.

B. A written protocol, prepared by the chief commission veterinarian, for the collection of samples shall be made available to the trainer, owner, or their designee prior to the collection of a sample.

C. The chain of custody record for the sample, including a split sample where appropriate, shall be maintained by the commission veterinarian and made available to the trainer, owner, or their designee when a complaint results from an out-of-competition test.

Subp. ~~7.~~ 4. **Analysis of collected samples.**

A. The commission must have out-of-competition samples tested if the commission determines testing is necessary to produce information that may enhance the ability of the commission to enforce its medication and antidoping rules.

B. Split sample rules and procedures for postrace testing under part 7892.0120, subpart 5, apply to out-of-competition testing.

C. Further testing on any remaining sample performed by the official testing laboratory is done only for the investigation of unknown substances and has no effect on the results of the out-of-competition testing.

Subp. ~~8.~~ 5. **Responsible persons.**

A. The trainer of the horse is responsible for the condition of a horse sampled for an out-of-competition test while on the grounds of a licensed training facility or racetrack.

B. If a horse sampled for an out-of-competition test was claimed, sold, or otherwise transferred during the time the substance that produced the positive test may have been administered, then the commission shall investigate to determine, by a preponderance of the evidence, the identity of the responsible person at the time the substance may have been administered.

C. If the commission cannot determine a responsible person, then the commission may deem the owner responsible and may place the horse on the veterinarian's list for the time necessary to protect the integrity of racing.

7892.0130 TESTING.

Subpart 1. **Chemist.** The official testing laboratory must have sufficient personnel to perform all analytical procedures required for the identification and forensic proof of a medication violation. The chemist responsible for the operation of the official testing laboratory must be a member in good standing of the Association of Official Racing Chemists.

Subp. 2. **Equipment.** The official testing laboratory must be equipped with sufficient laboratory equipment and personnel to perform:

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

Subp. 3. **Procedures.** Urine, serum or plasma samples, hair, and other biological samples must be subjected to sufficient analytical procedures to ensure that the medication rules of the commission are not violated. The exact analytical techniques performed must be determined by contract with the commission in consultation with a commission veterinarian and must include, at a minimum, the following:

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

Subp. 4. **Reports.** The chemist employed by the official testing laboratory shall report the results of the sample analyses to a commission veterinarian, executive director, and deputy director as described by contract with the commission.

Subp. 5. **Laboratory accreditation.**

A. The official testing laboratory must have a least one member in good standing with the Association of Racing Chemists (AORC).

B. The official testing laboratory must be accredited by the most recent version of the International Organization for Standardization (ISO) 17025 quality standards.

C. The official testing laboratory shall be accredited by and in good standing with the Racing Medication Testing Consortium accreditation program.

Subp. 6. **Official testing laboratory.** "Official testing laboratory" means a laboratory facility that is designated by the commission to perform medication and drug-testing duties.

7897.0130 SCHEDULE OF FINES.

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

Subp. 5. **Amount of fines.**

A. The fine for a serious violation of law or rule shall be:

(1) at least $1,000 and up to $10,000 for a first serious violation;

(2) up to $25,000 for a second serious violation; or

(3) up to $50,000 for a third serious violation.

B. The fine for other violations shall not exceed $999.

C. The commission may impose a fine in excess of $5,000 but no more than $200,000 against a Class A, B, or D licensee as necessary to enforce parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

Subp. 6. **Timetable for paying fines.**

A. All fines imposed by the stewards or commission must be paid within 120 hours after receiving a written ruling imposing the fine.

B. Failure to pay the fine within the required time is grounds for suspension, an additional fine, and such other sanctions and restrictions as the commission, its designee, or the stewards reasonably deem necessary.

C. The commission shall designate one or more employees responsible for collecting fines and they shall notify the stewards and executive director of delinquent fines.

7897.0155 APPEAL TO COMMISSION.

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

Subp. 4. **Procedure for appeal to commission.**

A. A licensee may appeal a license denial, sanction, or decision of the stewards by filing with the director a written request for an appeal within 120 hours after receiving a written order.

B. 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 objections to the license denial, sanction, or decision of the stewards;

(3) a statement of the relief sought; and

(4) whether the appellant desires to be present in person at the hearing of the appeal.

[For text of subparts 5 to 9, see Minnesota Rules]

REPEALER. Minnesota Rules, parts 7873.0240; 7877.0175, subpart 8; and 7883.0120, subparts 1 and 5, are repealed.

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