

OKLAHOMA HORSE RACING COMMISSION

*Unofficial**
***RULES
OF
RACING***

(Pari-Mutuel Edition)

Updated August 25, 2024



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RULES OF RACING
[PARI-MUTUEL EDITION]



STATE OF OKLAHOMA

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Rule 325:15-5-7: Every licensee, in order to maintain his/her qualifications for any license held by him/her, shall be familiar with and knowledgeable of the rules, including all amendments thereto. Every licensee is presumed to know the rules.

UPDATED August 25, 2024

INTRODUCTION

This book is published by the Oklahoma Horse Racing Commission. It contains an unofficial copy of the text of the *Rules of Racing* adopted by the Oklahoma Horse Racing Commission.

WHY “UNOFFICIAL”?

The official rules text is the text accepted by the Oklahoma Secretary of State for publication in the *Oklahoma Register* and the Oklahoma Administrative Code. The official text of permanent *Rules of Racing* adopted by the Oklahoma Horse Racing Commission is found in Title 325 of the Oklahoma Administrative Code. The official text of emergency *Rules* adopted by the Oklahoma Horse Racing Commission is found in the *Oklahoma Register*. Administrative Rules may be accessed at <https://rules.ok.gov/code>.

DISCLAIMER

The Oklahoma Horse Racing Commission has attempted to ensure that the text of the rules in this book is the same as the text on file with the Secretary of State save scrivener errors that have been resolved herein. Any differences will be decided in favor of the text on file with the Secretary of State.

THE NUMBERING SYSTEM

A Section number is a number assigned to an individual rule. An example of a Section number is 325:10-1-4. In this example:

325:10-1-4

“325” means the Section is a racing rule adopted by the Oklahoma Horse Racing Commission. The Commission adopts rules that begin “325,” which refers to a title of the *Administrative Code*. Title 325 will contain all rules promulgated by the Oklahoma Horse Racing Commission.

325:10-1-4

“10” refers to Chapter 10.

325:10-1-4

“1” refers to SubChapter 1 of Chapter 10. A SubChapter contains a group of Sections related to the same general subject. The numbers initially assigned to SubChapters are all odd numbers: 1, 3, 5, etc. This is done to save space for future expansion.

325:10-1-4

“4” refers to Section 4 of SubChapter 1. A Section is an individual rule.

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TITLE 325. OKLAHOMA HORSE RACING COMMISSION

CHAPTER 1. COMMISSION POWERS AND JURISDICTION

[Authority: 75 O.S., §§ 302, 305, and 307; 3A O.S., § 204(A)]

325:1-1-1. Purpose

The rules in this Chapter describe the organization, purpose, jurisdiction, authority, powers, and general administrative operation procedures for the Oklahoma Horse Racing Commission, including the racing Stewards regarding Commission-sanctioned horse racing, as authorized by the Oklahoma Horse Racing Act, 3A O.S., §§ 200.1, 201, 203, 203.3, 203.4, 203.5, 203.6, and 204.

325:1-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Controlling Owner" means a person or family who owns or votes fifty percent (50%) or more of the voting shares of a corporation, partnership, syndicate, or other association or entity or who is the Managing, General, or Limited Partner in a partnership which has been issued a currently valid organization license.

"Controlled substance" means any substance included in the five classification schedules of the Oklahoma Uniform Controlled Dangerous Substances Act.

"Day" means a 24-hour period ending at midnight.

"Horse" means:

(A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) an entire equine male five years of age and older.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Substance violation" means any violation of medication laws or the rules contained within this Chapter.

"Year" means a calendar year.

325:1-1-3. Description and powers

The Oklahoma Horse Racing Commission is an administrative body created by 3A Oklahoma Statutes, 1984 Supplement, § 200, et seq. The Commission consists of nine members who are appointed by the Governor, confirmed by the Senate, and whose powers and duties are prescribed by the Legislature. [3A:201(A)]. The Commission appoints an Executive Director who is the administrative head of the agency, and the Commission determines the duties of the Executive Director [3A:203.3(A)]. In general, the Legislature has prescribed that the Commission shall have supervision of all race meetings held in the State of Oklahoma, all occupation and Organization Licensees in the State, and all persons on the property of an Organization Licensee [3A:204(A)(1)].

325:1-1-4. Purpose and intent of jurisdiction

The Oklahoma Horse Racing Act [3A O.S., § 200 et seq.] vests *in the Commission plenary power to promulgate rules and regulations for the forceful control of race meetings held in the State of Oklahoma* and to enforce such rules and regulations for the conduct of race meetings [3A:203.7]. Without limitations by specific mention hereof, the stated purposes of the rules and regulations are as follow:

- (1) *To encourage agriculture and breeding of horses in this state; and*
- (2) *To maintain race meetings held in the state of the highest quality and free of any horse racing practices which are corrupt, incompetent dishonest or unprincipled; and*
- (3) *To dissipate any cloud of association with the undesirable and to maintain the appearance as well as the fact of complete honesty and integrity of horse racing in this state; and*
- (4) *To generate public revenues* [3A:203.7].

325:1-1-5. Controlling authority

The law, the rules, and the orders of the Commission supersede the conditions of a race meeting and govern Thoroughbred, Quarter Horse, Appaloosa, Arabian, Paint and Pinto racing, except in the event it can have no application to a specific type of racing. In the latter case, the Stewards may enforce rules or conditions of The Jockey Club for Thoroughbred racing; the American Quarter Horse Association for Quarter Horse racing; the Appaloosa Horse Club for Appaloosa racing; the Arabian Horse Racing Association of America for Arabian racing; the American Paint Horse Association for Paint racing; and the Pinto Horse Association of America, Inc., for Pinto racing or successor organizations if such rules or conditions are not inconsistent with the laws of the State of Oklahoma and the rules of the Commission. [3A:200.1(A)(5)]

325:1-1-6. Punishment by the Commission

Violation of the Act and rules and regulations promulgated by the Commission, whether or not a penalty is fixed therein, is punishable in the discretion of the Commission by denial, revocation or suspension of any license; by fine; or by exclusion from all racing enclosures under the jurisdiction of the Commission; or by any combination of these penalties. Fines imposed by the Commission shall not *exceed \$10,000 against individuals for each violation and shall not exceed \$20,000 against organization licensees for each violation of any provision of the Oklahoma Horse Racing Act, any rules or regulations promulgated by the Commission, or any Order of the Commission; or for any other action which, in the discretion of the Commission, is a detriment or impediment to horse racing.* [3A:204(A)(17)]

325:1-1-7. Jurisdiction of Stewards to suspend or fine

(a) The Stewards' jurisdiction in any matter is continuous. The Stewards may deny, refuse to issue, or refer to the Commission for revocation, or suspend for not more than one year per violation the occupation license of any person whom they have the authority to supervise; or they may impose a fine not to exceed Ten Thousand Dollars (\$10,000) per violation; or they may exclude from all enclosures in this state; or they may suspend and fine and/or exclude; or they may order that a person be ineligible for a license. All such suspensions, fines, denials, refusals to issue, referrals or exclusions shall be reported immediately to the Commission.

(b) Upon a first offense for the following rule violations, the Stewards shall assess no less than the Stewards' maximum fine and suspension authorization to any person found to be in violation of Commission rules concerning:

- (1) a positive laboratory report involving a United States Drug Enforcement Agency Schedule I or II controlled substance, or
- (2) possession of a United States Drug Enforcement Agency Schedule I or II controlled substance within the enclosure, or
- (3) possession or use within the enclosure of a prohibited electrical or mechanical device. Any person whose racing record(s) reflects such prior rule violation(s) shall, upon a subsequent violation, be referred by the Stewards to the Commission with the Stewards' recommendation for specific fine and suspension above the Stewards' authorized fine and suspension maximums.

(c) The Stewards may suspend a horse from participating in races if the horse has been involved in violation(s) of the Rules promulgated by the Commission or the provisions of the Oklahoma Horse Racing Act under the

following circumstances:

(1) A horse is a confirmed Bleeder as determined by the Official Veterinarian, and the Official Veterinarian recommends to the Stewards that the horse be suspended from participation.

(2) A horse is involved with:

(A) Any violation of substance laws and rules;

(B) Any suspension or revocation of an occupation license by the Stewards or the Commission or any racing jurisdiction recognized by the Commission; and/or any violation of prohibited devices, laws, and rules.

(d) The Stewards may refer any matter within their jurisdiction to the Commission.

325:1-1-8. Referral to the Commission [REVOKED]

325:1-1-9. Payment of fines

All fines imposed by the Stewards or Commission shall be due and payable to the Commission within seventy-two (72) hours after imposition, except when the imposition of such fine is ordered stayed by the Stewards, the Commission, or a court having jurisdiction. However, when a fine and suspension is imposed by the Stewards or Commission, the fine shall be due and payable at the time the suspension expires. Non-payment of the fine when due and payable may result in immediate suspension pending payment of the fine.

325:1-1-10. Stewards' reports and records

The Stewards shall maintain a record which shall contain a detailed, written account of all questions, disputes, protests, complaints, and objections brought to the attention of the Stewards. The Stewards shall prepare a daily report concerning their race day activities which shall include but not be limited to fouls and disqualifications, disciplinary hearings, fines and suspensions, conduct of races, interruptions and delays, and condition of the racing facility. The Stewards shall submit the signed original of their report and record to the Executive Director of the Commission within seventy-two (72) hours of the race day.

325:1-1-11. Power to order examination of horse

The Stewards shall have the power to have tested, or cause to be examined by a qualified person, any horse entered in a race, which has run in a race, or which is stabled within the enclosure; and may order the examination of any ownership papers, certificates, documents of eligibility, contracts or leases pertaining to any horse.

325:1-1-12. Extension for compliance

If a licensee fails to perform an act or obtain required action from the Commission within the time prescribed therefore by the rules of this Title, the Commission, at some subsequent time, may allow the performance of such act or may take the necessary action with the same effect as if the same were performed within the prescribed time. [3A:205.2(A)].

325:1-1-13. Notice to licensee

(a) Except as otherwise provided, the stewards or a racing commission designee shall provide written notice, at least ten (10) calendar days prior to a hearing, to a person who is the subject of a disciplinary hearing. The person may waive the ten (10) day notice by executing a written waiver.

(b) Notice given under this section shall include:

(1) A statement of the time, place, and nature of the hearing;

(2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(3) A reference to the particular sections of the statutes or rules involved;

(4) A short, plain description of the alleged conduct that has given rise to the disciplinary hearing; and

(5) The possible penalties that may be imposed.

(c) If possible, the stewards or the racing commission designee shall hand deliver the written notice of the disciplinary hearing to the person who is the subject of the hearing. If the notice is not hand delivered, the stewards or a racing commission designee shall deliver the notice to the email address listed in the Commission's licensing files. If no email is provided, the notice shall be delivered to the last known physical address in the

Commission's licensing files or, at the person's election, by text message to a provided phone number.

(d) If a disciplinary hearing involves an alleged medication violation which could result in the disqualification of a horse, the stewards or a racing commission designee shall provide similar notice of the hearing to the owner of the horse pursuant to the provisions of this section.

325:1-1-14. Location for information or filing with Commission Offices

When information is requested pursuant to the Oklahoma Open Records Act, the request shall be emailed to OHRINFO@ohrc.org. Any notice, pleading, or other document to be filed with the Commission shall be emailed to OHRCCASEFILING@ohrc.org or mailed or hand-delivered to the Assistant to the Administrator of the Commission at the office of the Commission on or before the filing deadline. Offices of the Commission are currently located at: Oklahoma Horse Racing Commission, 2800 N. Lincoln Blvd, Suite 101, Oklahoma City, Oklahoma 73105.

325:1-1-15. Public inspection of documents

All forms adopted by the Commission together with all rules and other written statements of policy or interpretation; and all final orders, decisions, and opinions formulated, adopted or used by the Commission in the discharge of its functions are available for public inspection at the office and address as designated in 325:1-1-14.

325:1-1-16. Release of record(s); copying charges

It is the intent of the Commission to provide the public prompt, reasonable access to record(s) in accordance with the Oklahoma Open Records Act, 51 O.S., § 24A.1, et. seq. It is further intended that disclosure of information shall be favored over a finding of exemption. Nothing in this section shall be construed to be a statement of the Commission's intent regarding specific record(s) exempted from the Open Records Act, 51 O.S., § 24A.1, et. seq.

(1) It is the intent of the Oklahoma Legislature that the Oklahoma Open Records Act *shall not create, directly or indirectly, any rights of privacy or any remedies for violation of any rights of privacy; nor... except as specifically set forth in the Oklahoma Open Records Act, establish any procedures for protecting any person from release of information contained in public records.* [51:24A.2]

(2) Except as may be required by other law, public bodies do not need to follow any procedures for providing access to public records except those specifically required by the Oklahoma Open Records Act [51:24A.2].

(3) *Except where specific state or federal statutes create a confidential privilege, persons who submit information to public bodies have no right to keep this information from public access nor reasonable expectation that this information will be kept from public access.* [51:24A.2]

(4) All requests for record(s) shall be submitted in writing to the Office of the Commission, as specified in 325:1-1-14 and 325:1-1-15.

(5) Times designated for release of record(s) shall be regular business hours excepting days on which the Commission conducts meetings for which prior notice has been filed with the Secretary of State.

(6) The Executive Director is authorized to release or withhold record(s) and may authorize additional personnel necessary to be available at times designated by this rule to release record(s) during the regular business hours of the Commission.

(7) The Commission shall establish fees for the recovery of reasonable costs of document copying and/or mechanical reproduction. The Commission shall establish fees for the search for record(s) where the information sought is for commercial purposes or where such search would cause excessive disruption of Commission essential functions. The Commission shall also establish fees for the preparation of transcripts. The following fee schedule and procedure shall be used:

(A) Normal business hours of the Commission are 8:00 a.m. to 5:00 p.m. Times designated during those hours to release records are 9:00 a.m. to 4:00 p.m. Monday through Friday excepting:

(i) the hours between 12:00 p.m. and 1:00 p.m. during which no one may be available to release information; and

(ii) days upon which Commission Meetings are scheduled for which proper notice is filed with the Secretary of State.

(B) The following fees have been determined by the Commission to pay for the recovery of reasonable, direct costs of document copying and/or mechanical reproduction:

- (i) **Charges for copies.** 8-1/2"× 11" sheet - \$0.25 each for one-sided copies and \$0.35 each for two-sided copies. Larger Sheet - Amount billed directly by a copying source.
- (ii) **Transcript charges.** When materials from meetings or hearings are transcribed from tapes, shorthand or stenotypist notes, the charge shall be the responsibility of the Appellant in cases of appeal or the requester for transcription in all other cases and shall be calculated at the rate charged by a court reporter; or if done by Commission staff, the charge shall be \$4.50 per page double-spaced, with 1-1/2" side margins and 1" top margins. Copies of transcriptions shall be \$0.25 per page or \$0.35 each for two-sided copies.

(8) When an individual or business entity furnishes information about themselves or their business operation to the Commission and a subsequent request for release of that information is made to the Commission by a third party, the Executive Director shall review the information and ascertain if the information is exempt from public access by reason of being a confidential privilege under state or federal statute. If the information is not exempt, it shall be released as required by the Oklahoma Open Records Act.

325:1-1-17. Forms and instructions

Additions and deletions to this form, list, and instructions may be subject to change without notice. The following forms and instructions for their use have been adopted by the Commission:

- (1) Chain of Custody
- (2) Equine and Human Substance Testing
- (3) Fingerprint Card
- (4) Horse Identifier's Daily Report
- (5) Notices to Appear
- (6) Occupation Licensee's Notice of Prescribed Medication Use
- (7) Occupation License Applications/Renewal Applications
- (8) Oklahoma-Bred Registry
- (9) Oklahoma-Bred Claims
- (10) Open Claim Certificate
- (11) Organization Licensee Daily Report
- (12) Organization License Applications
- (13) Petition for Appeal
- (14) Physician's Certificate of Physical
- (15) Request for Information (Open Records)
- (16) Stewards' Reports
- (17) Subpoena (Steward and Commission)
- (18) Veterinarian Report
- (19) Recipient Mare Report
- (20) Request for Split Sample
- (21) Attorney Entry of Appearance
- (22) Attorney Withdrawal
- (23) Notice of Violation

325:1-1-18. Procedures for submitting petitions for promulgation or repeal of rules and for requests for declaratory ruling

(a) A request for promulgation, amendment, or repeal of a rule shall set forth in its entirety the requested rule or the suggested amendment or the repeal of any rule in effect. A petition filed for declaratory ruling by the Commission concerning any ruling or order by said Commission shall set forth fully the views of the petitioner given together with any reason s/he has in support of such view.

(b) The following format shall be used in petitioning the Commission under the provisions of this section:

**IN AND BEFORE THE
OKLAHOMA HORSE RACING COMMISSION**

In the Matter of the **Promulgation, Amendment, or Repeal of Rule ____.**

PETITION

Comes now the undersigned petitioner(s) and respectfully request(s) the Commission to: _____ and in furtherance hereof asks that this petition be set for hearing before the Commission on the date of its next regularly scheduled meeting.

WHEREFORE, petitioner asks that upon the hearing of the above-requested, that such relief be granted by the Commission.

PETITIONER(S)

**IN AND BEFORE
THE OKLAHOMA HORSE RACING COMMISSION**

In the Matter of a **Request for a Declaratory Ruling.**

PETITION

Comes now the undersigned petitioner(s) and respectfully requests the Commission for a declaratory ruling upon the following Rule or Order heretofore entered by the Commission, to-wit _____ and in furtherance hereof asks that this petition be set for hearing before the Commission on the date of its next regularly scheduled meeting.

WHEREFORE, the petitioner asks the Commission to render a declaratory ruling interpreting and outlining the policy of the Commission with regard to the Rule here and above referred to.

PETITIONER(S)

(c) All petitions filed with the Commission more than ten (10) days prior to a regularly scheduled meeting date shall be set for hearing on the agenda of the Commission at its next regularly scheduled meeting. The parties by mutual agreement may postpone said hearing.

325:1-1-19. Severability of rules and regulations from any deemed invalid

If any rule or regulation promulgated by the Commission shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of the rules and regulations, other than those which are determined invalid or unenforceable, shall not be affected thereby; and each provision of the rules and regulations shall be valid and shall be enforceable to the fullest extent permitted by law.

325:1-1-20. Regularly scheduled meetings, special meetings, emergency meetings, and cancellation of meetings

The proceedings of all meetings of the Commission shall comply with the provisions of the Oklahoma Open Meeting Act, 25 O.S., § 301 et seq. In the event circumstances require a change in meeting date, time or location or the cancellation of a meeting, the Executive Director shall have the authority to set or change such date, time or location or to cancel any meeting upon prior approval of the Commission Chairman; and shall give as much advance public notice as reasonable and possible under the circumstances and as required by the provisions of the Open Meeting Act [25:311].

325:1-1-21. Meeting notices

In accordance with the Oklahoma Open Meeting Act, 25 O.S., § 311, notice of the date, time, and place of Commission Meetings shall be emailed to each person, newspaper, wire service, radio station, and television station that has filed a written request with the Commission for notice of meetings. Persons or entities filing a written request for notice of meetings may print or download the notice from the Commission website or request

to be added to a group e-mail to receive the notice as an e-mail attachment.

325:1-1-22. Procedure for submitting requests to be placed on Commission agenda

Any person or entity requesting to be placed on a Commission Meeting agenda must submit a written request reflecting the specific nature of the request and include the requester's name and address. Such request must be received at the Commission Office pursuant to 325:1-1-14, no later than the deadline date and time for acceptance of agenda requests as prescribed and publicly posted by the Commission. Agenda matters shall be set by the Chair and the Executive Director by mutual agreement. If there is no mutual agreement, then the Chair controls. Any matter which any three or more Commissioners submit a written request reflecting the specific nature of the request, submitted no later than the published deadline date and time, shall be set on the Commission agenda.

CHAPTER 10. RACING ORGANIZATION

[Authority: 3A O.S., § 204(A)]

325:10-1-1. Purpose

The rules in this Chapter describe the requirements and procedures for standards, including minimum standards, and processes, including the conditions and duty established concerning the allocation of race dates to an organization licensee as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 200 et seq.

325:10-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Conditions of a race" means the qualifications which determine the eligibility of a horse to be entered in a race.

"Controlling owner" means a person or family who owns or votes fifty percent (50%) or more of the voting shares of a corporation, partnership, syndicate, or other association or entity or who is the Managing, General, or Limited Partner in a partnership which has been issued a currently valid organization license.

"Day" means a 24-hour period ending at midnight.

"Dark day" means a day during a live race meeting when no pari-mutuel wagering is conducted.

"Horse" means:

"Horse racing facility - major pari-mutuel" means a facility having those physical and locational characteristics in accord with the Oklahoma Horse Racing Act, and which will qualify it for the Breeders' Cup Series and/or other graded stakes races as granted by The North American Graded Stakes Committee.

"Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

"Nominator" means the person who nominates a horse as a possible contender in a race.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement of any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse or an organization licensee or any person who is a lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Post time" means the scheduled time set for the arrival of the horses at the starting gate for the race.

"Program" means the published listing of all contests and contestants for a specific performance.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the organization licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Shareholder" means a person who owns some share of ownership, including entitlement to potential profits or losses in a corporation, partnership, syndicate, association or other multiple ownership entity.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Week" means a period of seven (7) days.

"Year" means a calendar year.

325:10-1-3. Allocation of Racing Dates

The Commission shall allocate racing dates for the conduct of horse race meetings within this State for such time periods and at such racing locations as the Commission determines will best serve the interests of the people of the State of Oklahoma in accordance with the Oklahoma Horse Racing Act [3A:204(A)(5)]. Upon a finding by the Commission that the allocation of racing dates for any year is completed, the racing dates so allocated shall be subject to reconsideration or amendment only if determined by the Commission to be in the best interest of racing. In the event that any or all programmed races on an allotted race day are canceled due to inclement weather or other unforeseen circumstances beyond the control of the organization licensee, upon the request of said licensee, the Executive Director may exercise discretion and upon informing one less than a majority of the Commissioners, designate substitute races and/or race days replacing the canceled races and/or race days.

325:10-1-4. Intent of Commission

(a) It is the intent of the Commission in issuing organization licenses to enable the market for pari-mutuel horse racing to mature and expand as it gains the trust of the general public. Because the oversaturation of the market with pari-mutuel horse racing facilities would be detrimental to the generation of public revenue, encouragement of agriculture and the breeding of horses in the State, and would be further detrimental to the maintenance of race meetings of the highest quality, free of corrupt practices, it is the intent of the Commission to limit the number of organization licenses to the number which the Commission determines the Oklahoma market can support so as to encourage agriculture and the breeding of horses in this State; maintain race meetings held in this State of the highest quality and free of any pari-mutuel horse racing practices which are corrupt, incompetent, dishonest, or unprincipled; dissipate any cloud of association with the undesirable and maintain the appearance as well as the fact of complete honesty and integrity of pari-mutuel horse racing in this State; and generate public revenues.

(b) It is the determination of this Commission that at this time and in the immediate future, the market in the State of Oklahoma can support one major pari-mutuel horse racing facility.

(c) Nothing in this Section shall be construed to be a statement of the Commission's intent regarding other than major pari-mutuel racing facilities.

325:10-1-5. Economic standard

(a) It is presumed, based on past and current figures from similar and surrounding racing markets, that the Oklahoma gaming market shall not be sufficient to justify the licensing of more than one major and one non-major racing facility until such time as the combined annual gross handle of a major and non-major track exceeds Two Hundred Thirty Million Dollars (\$230 million) in any two calendar years. At such time as this combined handle of Two Hundred Thirty Million Dollars (\$230 million) is achieved, it shall be presumed that the Oklahoma gaming market is sufficient to support additional racing facilities. The presumptions established in this Section shall be rebuttable, and any applicant for a racing facility shall be found to have rebutted either presumption upon the presentation of substantial evidence that a gaming market exists for the proposed facility and that licensing of the proposed facility will not result in oversaturation of the gaming market.

(b) In any year that ninety-five percent (95%) of the aggregated handle has been achieved, the Commission shall survey and analyze the market toward determining whether there is a market for one or more additional pari-mutuel racing facilities in the state.

325:10-1-6. Duty of licensed organization

Each organization shall observe and enforce the rules. The license is granted on the condition that the organization, its officials, its employees and its concessionaires shall obey all decisions and orders of the Commission. The organization shall not allow any wagering within the enclosure of the racing facility which might be construed as being in violation of the Laws of the State of Oklahoma. Each organization shall have a continuing duty to report to the Commission, Law Enforcement Division any violation of the Rules or applicable Laws of the State of Oklahoma by the organization, its officials, its employees or other occupational licensees, and its concessionaires. Failure to report violations will result in disciplinary action against the organization.

325:10-1-7. Conditions of a race meeting

The organization may impose conditions for its race meeting as it may deem necessary; provided, however, that such conditions may not conflict with any requirements of Oklahoma State law or the rules, regulations and orders of the Commission. Such conditions shall be published in the Condition Book or otherwise made available to all licensees participating in its race meeting. A copy of the conditions and nomination race book shall be published no later than thirty (30) days prior to the commencement of the race meeting. A proof of such conditions and nomination race book shall be filed with the Commission no later than thirty (30) days prior to printing. The conditions and nomination race book is subject to the approval of the Commission. The organization may impose requirements, requisites, qualifications, and track rules for its race meeting as it may deem necessary; provided such requirements, requisites, qualifications, and track rules may not conflict with Oklahoma State law or the rules, regulations and orders of the Commission. Such information shall be published in the Condition Book, posted on the organization's bulletin boards, or otherwise made available to all licensees participating at its race meeting. All requirements, qualifications, requisites, or track rules imposed by the organization require prior review and approval by the Commission, which reserves the right of final decision in all matters pertaining to the conditions of a race meeting.

325:10-1-8. Right of Commission to information

The organization shall furnish the following information to the Commission and other regulatory agencies requiring same on forms approved by the agencies: a daily itemized report of the receipts of pari-mutuel handle, parking, concessions, commissions, and any other requested information. The organization shall also provide the names of all Oklahoma-Bred participants, the names of all horses claimed and the claimants thereof, a corrected official program, completed race results charts approved by the Commission, and any other information the Commission may require. Such daily reports shall be filed with the Commission within seventy-two (72) hours of the race day and as required by other regulatory agencies.

325:10-1-9. Duty to compile official program

The organization shall compile an official program for each racing day which shall contain the names of the horses which are to run in each race together with their respective post positions, post time for first race, age, color, sex, breeding, jockey, trainer, owners or stable name, racing colors, weight carried, conditions of the race, probable odds on each horse, the order in which each race shall be run, the distance to be run, the value of each race, claiming prices (when applicable), a list of Racing Officials and track management personnel, and any other information the Commission may require. The Commission may direct the organization to publish in the program any other information and notices to the public as it deems necessary.

325:10-1-10. Duty to maintain racing records

The organization shall maintain a complete record of all races of all authorized race meetings of the same type of racing being conducted by the organization, and such records shall be maintained and retained for a period of five (5) years. This requirement may be met by race records of the American Quarter Horse Association, the Appaloosa Horse Club, the American Paint Horse Association, other breed registry associations, racing records departments, or other racing publications approved by the Commission

325:10-1-11. Horsemen's Bookkeeper

The organization shall employ a Horsemen's Bookkeeper who shall maintain the records and accounts and perform the duties described in this Section and maintain such other records and accounts and perform such

other duties as the organization and Commission may prescribe.

- (1) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer, or jockey participating at the race meeting who has funds due or on deposit in the horseman's account.
- (2) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements, and registrations of authorized agents.
- (3) All records of the Horsemen's Bookkeeper shall be kept separate and apart from the records of the organization.
- (4) All monies and funds on account with the Horsemen's Bookkeeper shall be maintained:
 - (A) Separate and apart from monies and funds of the organization;
 - (B) In a trust account(s) designated as "Horsemen's Trust Account,"; and
 - (C) In an account(s) fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, to mean - in one account insured to the maximum amount insured by the FDIC.
- (5) It shall be the duty of the Horsemen's Bookkeeper to receive, maintain, and disburse the purses of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes and other monies that properly come into his/her possession in accordance with the provisions of Commission Rules.
- (6) The Horsemen's Bookkeeper may accept monies due belonging to other organizations or recognized meetings, provided prompt return is made to the organization to which the money is due.
- (7) It shall be the duty of the Horsemen's Bookkeeper to disburse the purse of each race and all stakes, entrance money, jockey fees, purchase money in claiming races, along with all applicable taxes, upon request, within forty-eight (48) hours of receipt of notification that all tests with respect to such races have cleared the drug testing laboratory(ies) as reported by the Stewards, and provided further that no protest or appeal has been filed with the Stewards or the Commission, except that minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratory(ies).
- (8) Absent a prior request, it shall be the duty of the Horsemen's Bookkeeper to disburse monies to the persons entitled to receive same within fifteen (15) days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory(ies) as reported by the Stewards, and provided further that no protest or appeal has been filed with the Stewards or the Commission.
- (9) In the event a protest or appeal has been filed with the Stewards or the Commission, the Horsemen's Bookkeeper shall disburse the purse within forty-eight (48) hours of receipt of a dismissal or a final non-appealable order disposing of such protest or appeal.
- (10) All records of the Horsemen's Bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the Commission at any time.
- (11) The organization licensee is subject to disciplinary action by the Commission for any violations of or non-compliance with the provisions of this Section.

325:10-1-12. Accounting practices and responsibility

The organization shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Act and the rules and regulations of the Commission. Each organization and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Act and rules of the Commission and not otherwise. The organization and its managing officers shall ensure that all purse monies, disbursements, and appropriate nomination race monies are available to make timely distribution in accordance with the Act, the rules and Regulations of the Commission, the organization rules, and race conditions. Copies of all nomination payment race contracts, agreements, and conditions shall be submitted to the Commission and related reporting requirements fulfilled as specified by the Commission. Subject to approval of the Commission, the organization shall maintain on a current basis a bookkeeping and accounting program under the guidance of a Certified Public Accountant. The Commission may require periodic audits to determine that the organization has funds available to meet those distributions for the purposes required by the Act, the rules and regulations of the Commission, the conditions and nomination race program of the race meeting, and the obligations incurred in the daily operation of the race meeting. The organization shall file a copy of all tax returns, a balance sheet, and a profit and loss

statement. An organization shall file with the Commission an unaudited balance sheet and profit and loss statement within forty-five (45) days following the completion of each calendar year quarter, with the submissions to be in a format that conforms to the accounts as set out in the organization license application; and an annual audit report shall be filed with the Commission within one hundred twenty (120) days after the organization licensee's fiscal year-end. The Commission, upon good cause shown, may extend the time for filing.

325:10-1-13. Totalizator and pari-mutuel equipment

All equipment, devices, or apparatus used for the display and calculation of odds and the sale and encashment of tickets shall be approved by the Commission prior to first use.

325:10-1-14. Electronic photo finish device

All organizations shall install and maintain in good service an electronic photo finish device with mirror image for photographing the finishes of all races and recording the time of each horse in hundredths of a second, when applicable, to assist the placing judges and the Stewards in determining the finishing positions and time of the horses. More exact time measurement can be utilized when available. Prior to first use, the electronic photo finish device must be approved by the Commission; and a calibration report must be filed with the Commission by January 1 of each year. A photograph of each finish shall be promptly posted for public view in at least one conspicuous place in the public enclosure. Except with prior permission of the Commission, all organizations shall maintain an auxiliary electronic photo finish device in case of a breakdown and/or malfunction of the primary electronic photo finish device.

325:10-1-15. Videotape recording of races

All organizations shall install and operate a system to provide a videotape recording of each race so that such recording clearly shows the position and action of the horses and jockeys at close enough range to be easily discernible. A video monitor shall be located in the Stewards' tower to assist in reviewing the running of the races. Prior to first use, the videotape recording system and location and placement of its equipment must be approved by the Commission. Every race other than a race run solely on a straight course shall be recorded by use of at least three (3) cameras to provide other panoramic and head-on views of the race. Races run solely on the straight course shall be recorded by the use of at least two (2) cameras to provide panoramic and head-on views. Except with prior approval of the Commission, all organizations shall maintain an auxiliary videotape recording camera and player in case of breakdown and/or malfunction of a primary videotape recording camera or player.

325:10-1-16. Identification of photo finish photographs and videotape recordings

All photo finish photographs and videotape recordings required by this Chapter shall be identified by indicating thereon the date, number of the race, and the name of the racetrack at which the race is held.

325:10-1-17. Altering official photographs or recordings

No person shall cut, mutilate, alter or change any photo finish photograph or videotape recording for the purpose of deceit or fraud of any type.

325:10-1-18. Preservation of official photographs and recordings

All organizations shall preserve all photographic negatives and videotape recordings of all races for at least one hundred eighty (180) days after the close of their meeting. Upon request of the Commission, the organization shall furnish the Commission with a clear, positive print of any photograph of any race, or a kinescope print or copy of the videotape recording of any race.

325:10-1-19. Viewing room required

The organization shall maintain a viewing room for the purpose of screening the videotape recording of the races for viewing by Racing Officials, jockeys, trainers, owners, and other interested persons authorized by the Stewards.

325:10-1-20. Feed and supplies

No organization shall grant an exclusive concession to any vendor of horse feed or racing supplies.

325:10-1-21. Space and accommodations for the Commission and the Oklahoma Tax Commission

The organization shall provide within the enclosure adequate space and accommodations as determined by the Commission, including at least eight adjoining box seats or such other accommodations offered by the organization licensee and approved by the Commission and appropriate parking places marked accordingly for use by the Commission and its authorized representatives to implement their statutory supervisory duties. The organization shall provide such necessary office furniture and utilities as may be required by the Commission for the conduct of the Commission's business and shall provide such furniture and utilities as may be required by the Oklahoma Tax Commission to implement its duties pursuant to the provisions of the Act for the collection of public revenues at the organization's race meeting(s).

325:10-1-22. Duty to receive complaints

The organization shall maintain a place where signed written complaints or claims of violations (objections) of racetrack rules, regulations, and conditions; Commission rules and regulations; or Oklahoma State Laws may be filed. A copy of any written complaint or claim filed with the organization shall be filed by the organization with the Commission or Commission representatives within twenty-four (24) hours of the complaint or claim receipt.

325:10-1-23. Bulletin boards required

The organization shall erect and maintain a glass enclosed bulletin board close to the Racing Secretary's Office in a place where access is granted to all licensees, upon which all official notices of the Commission shall be posted. The organization shall also erect and maintain a glass enclosed bulletin board in the grandstand area where access is granted to all race day patrons, upon which all official notices of the Commission shall be posted.

325:10-1-24. Communication systems required

The organization shall install and maintain in good service a telephonic communication system between the Stewards' stand, racing office, pari-mutuel department, jockey room, paddock, testing barn, starting gate, finish line, video camera locations, and other places as may be required and designated by the Commission. The organization shall also install and maintain in good service a public address communication system for the purpose of announcing the racing program, the running of the races, and any public service notices, as well as maintaining communications with the barn area for the purpose of paddock calls and the paging of horsemen.

325:10-1-25. Ambulance service

Subject to the approval of the Commission, the organization shall provide the services of a properly equipped ambulance vehicle, at least one driver, and at least one attendant at a level equal to or greater than EMT/Intermediate as defined by the Oklahoma Emergency Response Systems Act and the Emergency Medical Services Regulations promulgated by the Oklahoma State Board of Health at all times during the running of a race program at its meeting and during the hours the organization permits the use of its race course for training purposes. The ambulance vehicle shall be properly equipped pursuant to the Oklahoma Emergency Response Systems Act and the Emergency Medical Services Regulations promulgated by the Oklahoma State Board of Health. The organization shall also provide the service of a horse ambulance during the same hours. A means of communication shall be provided by the organization between a staffed observation point (Stewards' Tower and Clocker's Stand) for the race course and the place where the required ambulances and their attendants are posted for prompt response in the event of accident to any person or horse. In the event an emergency necessitates the departure of an ambulance, the race course shall be closed until an ambulance is again available within the enclosure.

325:10-1-26. Emergency medical facilities

Each organization shall equip and maintain adequate first-aid facilities with not less than two beds and attendance of a licensed physician, a licensed medical technician, or a registered nurse during the running of the racing program.

325:10-1-27. Safety of racecourse and premises

The organization shall take cognizance of any complaint regarding the safety or uniformity of its race course or premises, and shall maintain in safe condition the race course, all rails, the electric starting gate, and other equipment required for the conduct of its races.

325:10-1-28. Starting point markers and distance poles

Permanent markers must be located at each starting point to be utilized in the organization's racing program. The starting point markers and distance poles must be of a size and in a position where they can be seen clearly from the Stewards' stand. The starting point markers and distance poles shall be marked with the appropriate distance and be the following colors:

1/16 poles..... black and white horizontal stripes
1/8 poles.....green and white horizontal stripes
1/4 poles.....red and white horizontal stripes
220 yards..... green and white horizontal stripes
250 yards..... blue
300 yards..... yellow
330 yards..... black and white horizontal stripes
350 yards..... red
400 yards..... black
440 yards..... red and white horizontal stripes
550 yards..... black and white horizontal stripes
660 yards..... green and white horizontal stripes
770 yards..... black and white horizontal stripes
870 yards..... blue and white horizontal stripes

325:10-1-29. Grade and distance survey

A survey by a licensed surveyor of the race course, including all starting chutes, indicating the grade and measurement of distances to be run must be filed with the Commission prior to the first race meeting.

325:10-1-30. Minimum standards for pari-mutuel racing facility

In order for an organization to be granted a license to conduct pari-mutuel racing, the facility shall meet but not be limited to the following minimum requirements:

- (1) A track shall include a straightaway course of a minimum of 350 yards in length and a minimum of seventy feet (70') in width. The straightaway shall connect with an oval not less than one-half (2) mile in circumference; except that the width may vary according to the number of horses started in a field, but a minimum of thirty feet (30') shall be allowed for the first two (2) horses with an additional five feet (5') for each added starter; except that as may otherwise be requested by the organization licensee and specifically approved by the Commission.
- (2) The inner and outer rails shall extend the entire length of the straightaway and around the connecting oval; it shall be at least thirty-eight inches (38") and not more than forty-two inches (42") in height, and constructed of material approved by the Commission. Whatever construction material is used must provide for the safety of both horse and rider.
- (3) Stabling facilities should be adequate for the number of horses to be on hand for the meet. In no case will a track with less than two hundred (200) stalls be acceptable.
- (4) Stands for Stewards and Timers shall be located exactly on the finish line and provide a commanding and uninterrupted view of the entire racing strip.
- (5) The paddock shall be spacious enough to provide adequate safety. The jockey's room shall be in or adjacent to the paddock enclosure and shall be equipped with separate but equal complete sanitation facilities including showers for both male and female riders. This area must be fenced to keep out

unauthorized persons and provide maximum security and safety. The fence shall be at least four feet (4') high of chain link, V-mesh or similar construction.

(6) A Test Barn with a minimum of two (2) stalls shall be provided for the purpose of collecting urine specimens. The Test Barn and a walking ring large enough to accommodate several horses cooling out at the same time, shall be completely enclosed by a fence at least eight feet (8') high of chain link, V-mesh, similar, or solid construction. There shall be a maximum of two entrances into the Test Barn enclosure which shall remain locked or guarded at all times. Provisions shall be made in this area for an office to accommodate the needs of the Official Veterinarian and from which s/he can observe the stalls and the entrance into the Test Barn enclosure. The organization shall provide facilities for the immediate cooling and freezing of all urine specimens, and shall make provisions for the specimens to be shipped to the laboratory packed in dry ice.

(7) A grandstand or bleachers shall be provided for the spectators and shall provide for the comfort and safety of the spectators. Facilities must include restrooms and a public water supply.

325:10-1-31. Organization as the insurer of the race meeting

Approval of a race meeting by the Commission does not establish said Commission as the insurer or guarantor of the safety or physical condition of the organization's facilities or purse of any race. The organization does thereby agree to indemnify, save and hold harmless the Oklahoma Horse Racing Commission from any liability, if any, arising from unsafe conditions of track facilities or grandstand and default in payment of purses. The organization shall provide the Commission with a certificate of adequate liability insurance.

325:10-1-32. Procedure to establish horsemen's purses at Fair Race Meetings [REVOKED]

325:10-1-33. Horsemen's Purses

(a) Purses at Commission-sanctioned race meeting(s) shall consist of statutorily designated revenue to purses from:

- (1) wagering at the Organization Licensee's facilities, (including the Organization Licensee's offtrack wagering facilities) on live races run at the Organization Licensee's track and revenue from simulcasting the Organization Licensee's races to other tracks and/or wagering facilities; and
- (2) wagering revenue which accrues to purses from the receipt by the Organization Licensee (including the Organization Licensee's offtrack wagering facilities) of races simulcast to the Organization Licensee, from other racing facilities, plus non-statutory money added to purses, including nomination payments, sponsorship money, and money designated to go to purses from any other source provided by statute and other sources approved by the Commission. Organization Licensees licensed to conduct only mixed breed race meeting(s) shall establish and distribute purses subject to approval by the Commission and subject to paragraph (c) of this rule. Licensees who conduct race meeting(s) by single breed or by single breed and mixed breed, shall pay as purses during each race meeting statutorily-designated revenue generated from (a)(1) above, during each race meeting, subject to paragraph (c) of this rule. Statutorily-generated revenue from (a)(2) above shall be divided between the race meetings, if more than one, based on an agreement (on a calendar year basis) between the Organization Licensee and the duly elected horsemen's representative organizations recognized by the Commission as representing the breeds authorized to race at the respective race meetings. In the absence of an agreement by October 1 of each calendar year, the parties failing to agree shall immediately apply to the Commission for an Order directing the division of such purse monies between the respective race meeting(s).

(b) An applicant for an organization license pursuant to Rule 325:15-3-4 shall submit with the application a request for approval of a purse overpayment or underpayment amount for each race meeting for which a license is requested. The amount requested shall have a reasonable relationship to the manner in which permitted underpayments and overpayments have historically been calculated. Upon granting the organization license, the Commission shall approve and include in the license the amount of the permitted underpayment or overpayment for each race meeting.

(c) Purses at Commission-sanctioned race meetings shall be adjusted by the Organization Licensee to reflect as nearly as possible the appropriate percentages designated by the Act from subparagraph (a)(1) of this rule, generated during each race meeting as well as the division by race meeting of simulcast proceeds provided for in

subparagraph (a)(2) of this rule.

(1) An Organization Licensee shall not underpay or overpay the total amount designated for purses according to subparagraphs (a)(1) and (a)(2) of this rule by more than the amount permitted in the organization license. Any underpayment must be paid during the next race meeting for that breed(s). Any overpayment not in excess of the amount permitted in the organization license, may be recouped by the Organization Licensee from statutorily-designated takeout percentages, which accrue to purses from wagering handle, prior to or at the next subsequent race meeting.

(2) Except as otherwise authorized in this rule, any purse overpayment in excess of the amount permitted in the organization license shall be the responsibility of the Organization Licensee.

(3) The Commission may allow an Organization Licensee to alter the amount of underpayment or overpayment set forth in the organization license between race meetings for good cause shown upon the joint application of the Organization Licensee and the duly elected horsemen's representative organization. Any overpayment in excess of the amount permitted in the organization license which has been approved by the Commission may be recouped by the Organization Licensee from statutorily-designated takeout percentages which accrue to purses from wagering handle prior to or at the next subsequent race meeting unless a longer recoupment time is approved by the Commission.

(d) Subject to subparagraph (c) of this rule, all statutorily-designated revenue which accrues to purses from (a) (2) above after the close of a live race meeting for each breed shall be applied to purses during the next live race meeting for that breed(s).

(e) In the event any statutorily-designated purse money cannot be paid to purses in accordance with provisions of this rule the Commission shall determine the disposition of such accrued, but unpaid, purse money.

(f) Sub-paragraph (a) of this rule shall be applicable to the division of statutorily-designated purses commencing January 1, 1999.

CHAPTER 15. LICENSING

[**Authority:** 3A O.S., § 204(A)]

SUBCHAPTER 1. GENERAL PROVISIONS

325:15-1-1. Purpose

The rules in this Chapter provide procedures for implementation of the consideration of applications filed for the granting or refusing and the suspension or revoking of organization licenses as authorized by the Oklahoma Horse Racing Act, 3A O.S., §§ 204(A)(6) and 208.2. This Chapter also establishes and describes the requirements, conditions, and procedures for the issuance and honoring of occupation licenses, identification badges, and credentials and establishes specific prohibitions and qualifications with respect to the issuance of occupation licenses as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., §§ 203.7 and 204.

325:15-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Apprentice Jockey" means a race rider who has ridden less than forty (40) winners or less than two (2) years since first having been licensed in any racing jurisdiction, and who otherwise meets the license qualifications of a jockey.

"Authorized Agent" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor in whose behalf the Agent will act, and limited to the actions as specified on the affidavit. The affidavit shall be on file with the Commission.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Controlling Owner" means a person or family who owns or votes fifty percent (50%) or more of the voting shares of a corporation, partnership, syndicate, or other association or entity or who is the Managing, General, or Limited Partner in a partnership which has been issued a currently valid organization license.

"Day" means a 24-hour period ending at midnight.

"Dark day" means a day during a live race meeting when no pari-mutuel wagering is conducted.

"Entry" means:

(A) A horse eligible for and entered in a race.

(B) Two (2) or more horses entered in the same race which have common ties of Ownership, lease, or training.

"Horse" means:

(A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) an intact equine male five (5) years of age and older.

"Horse racing facility - major pari-mutuel" means a facility having those physical and locational characteristics in accord with the Oklahoma Horse Racing Act and which will qualify it for the Breeders' Cup Series or other graded stakes races as granted by The North American Graded Stakes Committee, or both.

"Jockey" means a rider licensed to race.

"Jockey Agent" means a licensed, authorized representative of a Jockey.

"Lessee" means a licensed Owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the Registration Certificate and on file with the Commission.

"Lessor" means the Owner of a horse that is leased.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Program Trainer" is a licensed Trainer who, for the purposes of the official Race program, is identified as the Trainer of a horse and is acting on behalf of another individual that is either licensed or not licensed, cannot be licensed, is prohibited from racing for any reason, or is attempting to assume the appearance of being the Trainer of a horse that he/she does not have in his/her care, custody or control, or which is under the control of and/or trained by the licensed or unlicensed individual.

"Race" means a contest between horses.

"Race Day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Scratch time" means the deadline for withdrawal of entries from an overnight race.

"Shareholder" means a person who owns some share of Ownership, including entitlement to potential profits or losses in a corporation, partnership, syndicate, association or other multiple Ownership entity.

"Stable name" means a name used other than the actual legal name of an Owner or Lessee which is registered with the Commission.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Week" means a period of seven (7) days.

"Year" means a calendar year.

SUBCHAPTER 3. ORGANIZATIONAL LICENSING

325:15-3-1. Time for filing major organization applications

Any person wishing to construct a new horse racing facility which has not been previously licensed, shall

file such an application, as set out in this Chapter, with the Commission by not later than such date(s) as the Commission may from time to time declare [3A:205.2(A)].

325:15-3-2. Application for license and days to conduct a horse race meeting

(a) Pursuant to 3A O.S., § 205.2, every person who intends to conduct a horse race meeting shall file with the Commission an organization license application on a form furnished by the Commission. Said application shall be filed no later than June 1 of the calendar year preceding the calendar year for which the requested race meeting is to be conducted. Provided, when an existing racing facility licensed by the Commission is sold or transferred to a new owner within sixty days of the June 1 application deadline, or after the June 1 application deadline, the new owner must file its application within ninety (90) days after ownership is transferred to it. Additionally, if ownership of a racetrack licensed by the Commission is transferred during a year in which the new owner wishes to operate for a portion of the remaining year, the new owner may file an application to do so no later than forty-five (45) days after ownership is transferred to it. Further, for good cause shown, the Commission may, in the exercise of its discretion, grant any applicant an extension of time in which to file its application. Any prospective applicant for license and days to conduct a horse race meeting failing to timely file a complete application for license may be rejected, and the application for license refused summarily by the Commission.

(b) Pari-mutuel organization licensees granted a license to conduct pari-mutuel racing may, with prior Commission approval, conduct official nonpari-mutuel races on otherwise dark days or mornings of allotted pari-mutuel days for the purpose of qualifying horses for races to be run under pari-mutuel conditions.

325:15-3-3. Commission may demand information

The Commission may require any organization licensee or organization license applicant to furnish the Commission with a detailed proposal and disclosures as to its proposed racing program, purse program, financial projections, racing officials, principals or shareholders, plants, premises, facility, finances, lease arrangements, agreements, contracts, and such other information as the Commission may require to determine the eligibility and qualification of the organization to conduct a race meeting; all in addition to that required in the application form set forth in this Chapter and as required by 3A O.S., § 205.2.

325:15-3-4. Application for organization license

Any person desiring to conduct a horse race meeting shall apply to the Commission for an organization license [3A:205]. *The application shall be made on a form prescribed and furnished by the Commission and shall include a search waiver* [3A:205.1(A)]. Pursuant to 3A O.S., § 205.1, the application shall contain the information in (1) through (15) of this section:

- (1) The dates on which and location where the applicant intends to conduct the race meeting.
- (2) The hours of each racing day between which the applicant intends to conduct racing and the number of races per day.
- (3) The racing breeds for which the applicant proposes to conduct racing and the proposed ratio of races for each breed.
- (4) The name and mailing address of the person making the application.
 - (A) If the applicant is a corporation, a certified copy of the Articles of Incorporation and Bylaws; the names and mailing addresses of all stockholders who own at least three percent (3%) of the total stock issued by the corporation, officers, and directors; and the number of shares of stock owned by each.
 - (B) If the applicant is a partnership, a copy of the partnership agreement, and the names and mailing addresses of all general and limited partners with a statement of their respective interest in the partnership.
- (5) Drawings and plans of all existing physical facilities within the enclosure to be operated by applicant and preliminary design and outline specifications of all new facilities or additional improvements to such facilities which are proposed to be made, together with tentative approvals thereof by the State Fire Marshal of the State of Oklahoma or an approved plan of correction under State Fire Regulations; approvals of appropriate Health Department authorities; and provisions for handicapped persons approved by the Oklahoma Department of Human Services.
- (6) Description of types of pari-mutuel wagering to be conducted with schedule on a per race basis.

- (7) Description of pari-mutuel equipment, photographic equipment, video equipment, and copies of any proposed lease or purchase contract or service agreement in connection therewith.
- (8) Copies of real estate deed(s), contract(s) for sale, option agreement(s), lease(s), mortgage(s) or financing agreement(s), and the most current ad valorem tax assessment and zoning restrictions.
- (9) Copies of any agreements with concessionaires or Lessees, together with schedules of rates charged for performance of any service or for sale of any article within the enclosure, whether directly or through the concessionaire.
- (10) Any contract or agreement for the payment or receipt of money and schedule(s) of all salaries, fees, or compensations to be paid by the Organization Licensee.
- (11) Applicants must submit balance sheets and profit and loss statements for each of the three fiscal years immediately preceding the application, or for the period of organization if less than three years. If the applicant has not completed a full fiscal year since its organization, or if it acquires or is to acquire the majority of its assets from a predecessor within the current fiscal year, the financial information shall be given for the current fiscal year. All financial information shall be accompanied by an unqualified opinion of a Certified Public Accountant; or if the opinion is given with qualifications, the reasons for the qualifications must be stated.
- (12) *Any other information the Commission may require* [3A:205.1(A)(7)].
- (13) A separate application upon a form prescribed and furnished by the Commission shall be filed for each race meeting which such person proposes to conduct. The application, if made by a person, shall be signed and verified under oath by the person; and if made by more than one person or by a partnership, shall be signed and verified under oath by at least two of the persons or members of the partnership; and if made by an association, a corporation, or any other entity, shall be signed by the President, attested to by the Secretary under the seal of such association or corporation, if it has a seal, and verified under oath by one of the signing officers.
- (14) No person shall own any silent or undisclosed interest in any entity requesting an organization license. No organization license shall be issued to any applicant that fails to comply with the provisions of this Section. No incomplete license application shall be considered by the Commission.
- (15) License fees to conduct racing with the pari-mutuel system of wagering are required in an amount equal to Five Thousand Dollars (\$5,000.00) for each race meeting and Two Hundred Dollars (\$200.00) for each race day requested, except that the fee of Five Thousand Dollars (\$5,000.00) shall be waived for applicants applying for Fair Race Meetings pursuant to the provisions of the Act [3A:205.2(A)].
- (16) Pursuant to the provisions of 3A O.S., §§ 205.2, 205.2a, 205.3, 205.4, and 205.5, in considering the granting or denying of an organization's application for a license to conduct horse racing with the pari-mutuel system of wagering, the following criteria, standards, and guides in (A) through (R) of this paragraph should be considered by the Commission:

(A) Public interest

- (i) Safety
- (ii) Morals
- (iii) Security
- (iv) Municipal comments
- (v) Revenues: State and local

(B) Track location

- (i) Traffic flow
- (ii) Support services (i.e., hotels, restaurants, etc.)
- (iii) Labor supply
- (iv) Public services (i.e., police, fire, etc.)
- (v) Proximity to competition

(C) Number of tracks running or making application

- (i) Size
- (ii) Type of racing
- (iii) Days

(D) Adequacy of track facilities

(E) Experience in racing of Applicant and management

- (i) Length

- (ii) Type
- (iii) Success/failure
- (F) Financial qualifications of Applicant, Applicant's partners, officers, associates, and Shareholders (to include contract services): Financial history including records and net worth
- (G) Moral qualifications of Applicant, Applicant's partners, directors, board members, officers, associates, and shareholders (to include contract services): Moral history including arrest record, conviction record, litigation record (civil/criminal), law enforcement intelligence, personal and family history and reputation
- (H) Official attitude of local government involved
- (I) Anticipated effect upon breeding and horse industry in Oklahoma
- (J) Effect on saturation of pari-mutuel market
- (K) Anticipated effect upon State's economy
 - (i) General economy
 - (I) Tourism
 - (II) Employment
 - (III) Support industries
 - (ii) Government revenue
 - (I) Tax (direct/indirect)
 - (II) Income (Direct/Indirect)
- (L) Attitude of local community involved
- (M) The written attitude of horse industry associations
- (N) Experience and credibility of Applicant, Applicant's employees, along with consultants, advisors, and professionals
 - (i) Feasibility
 - (ii) Credibility of feasibility study
 - (iii) Integrity
- (O) Financial integrity
 - (i) Economic integrity of financial plan
 - (I) Equity including source, amount, position, type
 - (II) Debt including source, amount, terms, repayment
 - (III) Equity to debt ratio
 - (ii) Moral integrity of financing plan
 - (I) Identity of participants
 - (II) Role of participants
 - (III) History of participants
 - (IV) Law enforcement intelligence
 - (V) Reputation of participants
- (P) Apparent or non-apparent hope of financial success

(17) Only the organizations set forth in Section 208.2 of Title 3A, i.e., Agricultural Fair Corporations, the Free Oklahoma State Fair, Free District Fairs, and Agricultural and Industrial Expositions Fairs or any existing county, district, or state fair as of January 1, 1983, will be allowed to apply to the Commission for a Fair Race Meeting Organization License; and the licensee shall actually be the operator of the race meeting.

(18) An allotment of sixteen (16) race days or less to a Fair Meet shall be confined within a maximum of twenty-eight (28) consecutive calendar days or a fair association shall be permitted to conduct a race meeting of twenty (20) to twenty-two (22) days during a thirty-eight-consecutive-day period, except as otherwise provided in 325:10-1-3.

325:15-3-5. List of shareholders

Each organization shall, if a corporation or partnership, maintain a current list of shareholders and the number of shares held by each; and such list shall be available for inspection upon demand by the Commission or its representatives. The organization shall immediately inform the Commission of any change of corporate officers or directors, general or managing partners, or of any change in shareholders; provided, however, that if the organization is a publicly-held entity, it shall disclose the names and addresses of shareholders who own

three percent (3%) or more of the outstanding shares of the organization. The organization may be required to disclose the names of shareholders who own less than three percent (3%) of the outstanding shares of the organization. The organization shall immediately notify the Commission of all stock options, tender offers, and any anticipated stock offerings. The Commission may refuse to issue a license to, or suspend the license of, any organization which fails to disclose the real name of any shareholders. [3A:205.2a]

325:15-3-6. Denial of license

The Commission may deny a license to conduct a horse racing meeting when in its judgment it determines the proposed meeting is not in the public interest, or fails to serve the purposes of the Oklahoma Horse Racing Act, or fails to meet any requirements of Oklahoma State Law or the Commission's rules and regulations. The Commission shall refuse to issue a license to any applicant who fails to provide the Commission with evidence of its ability to meet its estimated financial obligation for the conduct of the meeting and the bond required by the Act. [3A:205.2]

325:15-3-7. Organization bond requirement

The organization shall file with the Commission a bond payable to the State of Oklahoma in an amount determined by the Commission which is not less than Two Hundred Thousand Dollars (\$200,000.00) for pari-mutuel racing and in either case not more than the total financial liability of the organization licensee throughout the race meeting for which the organization license is requested, executed by the applicant and a surety company or companies authorized to do business in this State, and conditioned upon the payment by the organization licensee of all taxes and other monies due and payable pursuant to the provisions of the Oklahoma Horse Racing Act and all purses due and payable, and upon the fact that, upon presentation of winning tickets, the organization licensee will distribute all sums due to the patrons of pari-mutuel pools. The financial liabilities incurred by the organization licensee in the form of real estate mortgages shall not be included in the determination of the bond amount. [3A:205.2(D)]

SUBCHAPTER 5. OCCUPATION LICENSING

325:15-5-1. Occupation licenses

In accordance with the statutory provisions of 3A O.S., §§ 204, 204.2, and 204.3, no person required to be licensed shall participate in a race meeting without holding a valid license authorizing that participation. Licenses shall be obtained prior to the time such persons engage in their vocations upon such racetrack grounds at any time during the calendar year for which the organization license has been issued.

(1) A person whose occupation requires acting in any capacity within any area of an enclosure shall pay the required fee and procure the appropriate license or licenses as prescribed in (A) through (N) of this paragraph. [3A:204.2(A) and 3A:204.2(B)]

- (A) Officer, Director, or Partner of a Racing Organization
- (B) Horse Owner, Owner/Trainer, Horse Owner by Open Claim
- (C) Trainer, Jockey, Apprentice Jockey, Jockey Agent
- (D) Veterinarian, Blacksmith
- (E) Racing Official, Racing Organization Manager or Official
- (F) Bloodstock Agent
- (G) Authorized Agent, Valet, Jockey Room Attendant or Custodian or Food Service Person, Colors Attendant, Paddock Attendant
- (H) Mutuel Department Employee, Assistant to a Racing Official or Official or Manager, Assistant Starter, Assistant to the Veterinarian, Assistant Manager, Announcer, Superintendent, Flagman
- (I) Exercise Rider, Pony Rider, Outrider
- (J) Assistant Trainer, Groom, Stable Employee, Stable Agent
- (K) Video Operator, Photo Finish Operator
- (L) Security Officer, Security Guard, Stable Gateman, Fire Guard, Security Investigator
- (M) Clerical Employee or Uncategorized Employee of any Organization, Horsemen's Organization, or Concessionaire, Vendor
- (N) Volunteers of Service and/or Civic Organizations which have been Approved by the

Commission.

- (2) A person acting in the capacity of Authorized Agent shall register an Authorized Agent Agreement and shall pay the required fee for each agreement.
- (3) A person whose license-identification badge is lost or destroyed shall pay the required fee and procure a replacement license-identification badge.
- (4) The date of payment of all required fees as recorded by the Commission shall be the effective date of issuance of a continuous occupation license for the capacity in which licensed. Every original or renewal license or registration shall expire on December 31 of the year in which it is issued except a triennial license which expires on December 31 of the third year. A license renewal shall be made on an annual or triennial basis beginning January 1. [3A:204.2(B)]
- (5) All license applicants shall be required to provide two (2) complete sets of fingerprints on forms provided by or acceptable to the Commission and pay the required fee for processing the fingerprint cards through state and federal law enforcement agencies. If the fingerprints are of a quality not acceptable for processing, the licensee may be required to be fingerprinted, again, at no additional cost. [3A:204.2(E) and 3A:204.2(F); see also 3A:203.3(C)(1)]
- (6) All applicants for occupation licenses, except applicants for a Horse Owner license, shall be a minimum of sixteen (16) years old. However, this requirement shall not preclude dependent children under the age of sixteen (16) from working for their parents or guardian if the parents or guardian are licensed as a Trainer or Assistant Trainer and permission has been obtained from the organization licensee. A Trainer or his/her authorized representative accompanying a horse in the Test Barn enclosure or signing a Test Barn Sample Tag or log shall be licensed and a minimum of eighteen (18) years of age. Also, the requirement for all applicants for occupation licenses to be a minimum of sixteen (16) years old shall not preclude dependent children under the age of sixteen but over the age of fourteen from working for their parents or guardian if the parent or guardian is licensed and permission has been obtained from the organization licensee. There shall be no minimum age requirement for a Horse Owner license if the parent or guardian of a minor is licensed by the Commission as an authorized agent.
- (7) Except for authorized Commission representatives, no person shall in any manner alter, change, add to or delete any information from an occupation license identification badge.
- (8) Each triennial licensee shall submit a license validation form, annually. The form shall require the licensee to provide any changes in the licensee's personal information and any alleged violation of any statute or rule in any jurisdiction that has occurred since the issuance of the licensee's previous license or annual validation.

325:15-5-2. Application for license and payment of non-refundable fees

- (a) Each application for an occupation license shall be on a form prescribed and furnished by the Commission and shall include a search waiver. The application shall be accompanied by a non-refundable fee in an amount of not more than One Hundred Dollars (\$100.00) if renewed annually or not more than Three Hundred Dollars (\$300.00) if renewed triennially. Each application shall contain the following information concerning the applicant:
 - (1) full name and address;
 - (2) age;
 - (3) whether the applicant was issued any prior occupation license from this state;
 - (4) whether the applicant was issued any occupation license from another state;
 - (5) whether an occupation license from another state is or has been denied, suspended, or revoked;
 - (6) whether the applicant has been convicted of a felony in this state or any other state; and
 - (7) other information as required by the Commission [3A:204.2(B)].
- (b) Additional license information required by the Commission shall be established and contained in the annual and triennial occupation license applications.
- (c) The Commission may refuse to take final action on any application if all license and fingerprint fees have not been paid in full. The Commission may deny the application if the applicant refuses or fails to pay all fees. Additionally, an applicant who has refused or failed to pay the required fees shall not be eligible to file any other application with the Commission until all fees are paid in full. All fees are non-refundable.

325:15-5-3. Employment of Unlicensed Person

No organization, Owner, Trainer or other licensee acting as an employer within the enclosure at an authorized race meeting shall employ or harbor within the enclosure any person required to be licensed by the Commission until such organization, Owner, Trainer, or other employer determines that such person required to be licensed has been issued a current license by the Commission and that license allows their participation in the capacity for which they are employed. No organization shall permit any Owner, Trainer, Jockey, Apprentice Jockey, or Exercise Rider to own, train, or ride a horse on its premises during a recognized race meeting unless such person has obtained the appropriate license(s) from the Commission. The organization or prospective employer may demand for inspection the license of any person participating or attempting to participate at its race meeting, and the organization may demand for inspection the documents relating to any horse within the enclosure.

325:15-5-4. Notice of employment termination

Any organization, Owner, Trainer, or other licensee acting as an employer within the enclosure at an authorized race meeting shall be responsible for the immediate notification to the Commission and to the organization conducting the race meeting of the termination of employment of the occupation licensee. The employer shall make every effort to obtain the license badge from the employee and deliver the license badge to the Commission.

325:15-5-5. License identification badge requirements

(a) The license identification badge shall consist of but not be limited to the following information concerning the licensee:

- (1) Full Name
- (2) License Capacity
- (3) Date of Issue
- (4) Color Photograph
- (5) Date of Birth

(b) All license identification badges shall be color coded as to capacity of occupation and eligibility for access to restricted areas. All license holders, except Jockeys riding in a race, must wear a current identification badge while present in restricted areas of the enclosure or as otherwise specified in 325:55-1-4.

325:15-5-6. License subject to conditions and agreements

(a) Every license is subject to the conditions and agreements contained in the occupation license application therefore and to the licensee's compliance with all state and federal statutes and the rules of this Title.

(b) Every license issued to a licensee by the Commission remains the property of the Commission.

(c) Possession of a license does not, as such, confer any right upon the holder thereof to employment at or participation in a race meeting.

(d) The Commission and/or the Stewards for good cause may restrict, limit, place conditions on, or endorse for additional occupational classes, any license.

325:15-5-7. Knowledge of rules

Every licensee, in order to maintain his/her qualifications for any license held by him/her, shall be familiar with and knowledgeable of the rules, including all amendments thereto. Every licensee is presumed to know the rules.

325:15-5-8. Certain prohibited licenses

Commission-licensed Jockeys, Veterinarians, organization's security personnel, and such other licensees designated by the Stewards with approval of the Commission, shall not be licensed in any other capacity. The Commission may refuse to issue a license to a person whose spouse holds a license and which, in the opinion of the Stewards, would create a conflict of interest.

325:15-5-9. Application information changes

Each licensee or applicant for license shall report in writing to the Commission all changes in application

information from information most recently submitted except for age, weight, and color of hair. Except for an authorized Commission representative, no person shall in any manner alter, change, add to or delete any information from an occupation license identification badge.

325:15-5-10. Grounds for denial, refusal, suspension or revocation of license

(a) In addition to any other valid ground or reason, the Stewards may deny, refuse to issue, suspend or refer to the Commission for revocation the occupation license for any person; or the Commission may deny, refuse to issue, suspend or revoke an occupation license for any person:

- (1) Who has been convicted of a felony in this State, any other state, or the United States of America;
- (2) Who has been convicted of violating any law regarding gambling or a controlled dangerous substance of this State, any other state, or of the United States of America;
- (3) Who is unqualified to perform the duties required of the applicant;
- (4) Who fails to disclose or states falsely any information required in the application;
- (5) Who has been found guilty of a violation of any provision of the Oklahoma Horse Racing Act or of the Rules and Regulations of the Commission;
- (6) Whose license or spouse's license for any racing occupation or activity requiring a license has been or is currently suspended, revoked, refused or denied for just cause in any recognized racing jurisdiction;
- (7) Who has been or is currently excluded from any racing enclosure by a recognized racing jurisdiction;
- or
- (8) Whose conduct or reputation is such that his/her presence at a race meeting may, in the opinion of the Commission or the Stewards, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting.

(b) Notwithstanding the provisions of this Section, any person whose racing record(s) from any racing jurisdiction(s) recognized by the Commission, including Oklahoma, reflects two (2) or more racing substance rule violations for any United States Drug Enforcement Agency Schedule I or II controlled substances or two (2) or more rule violations regarding electrical or mechanical devices within the preceding ten (10) years shall be denied a Commission occupation license. [3A:204.2(C); see also 3A:204.2(D) and 3A:204.3]

(c) Notwithstanding the provisions of this Section, any applicant whose racing record(s) from any racing jurisdiction(s) recognized by the Commission, including Oklahoma, reflects any human substance abuse violations may be denied a Commission occupation license until the person pays for and submits to two (2) urine samples thirty (30) days apart with both samples failing to show any trace of a controlled dangerous substance. All such samples shall be obtained and tested by the Commission under conditions properly controlled to guarantee the complete integrity of the process and at the expense of the person. After the person has received two (2) negative tests, s/he may reapply for a license unless his/her continuing participation at a race meeting shall be deemed by the Commission Director of Law Enforcement or his/her designee to be detrimental to the best interest of horse racing. [3A:204.2(C); see also 3A:204.2(D) and 3A:204.3]

325:15-5-11. Refusal without prejudice

A refusal to issue a license (as distinguished from a denial of a license) to an applicant by the Commission and/or the Stewards is without prejudice; and the applicant so refused may reapply for a license at any subsequent time, or s/he may appeal such refusal to the Commission and/or the Stewards for hearing upon his/her qualifications and fitness for the license.

325:15-5-12. Hearing after denial of license

Any person who has had his/her license denied may petition the Commission to reopen the case and reconsider its decision upon a sufficient showing that there is now available evidence which could not, with the exercise of reasonable diligence, have been previously presented to the Commission or the Stewards. Any such petition must be filed with the Commission no later than thirty (30) days after the effective date of the Commission's or Stewards' decision in the matter. Any person who has been denied a license by the Commission after reconsideration may not refile an application for license for the same occupation license until one year from the effective date of the Commission's decision to deny the license.

325:15-5-13. Financial responsibility of applicants

Applicants for license as horse Owner or Trainer must submit satisfactory evidence of their financial

ability to care for and maintain the horses owned and/or trained by them when such evidence is requested by the Commission and/or the Stewards.

325:15-5-14. Examinations

The Commission and/or the Stewards may require the applicant for any license to demonstrate his/her knowledge, qualifications, and proficiency for the license applied for by written, oral, and/or hands-on examinations as the Commission and/or the Stewards may direct.

325:15-5-15. Physical examination

The Commission or the Stewards may require that a Jockey, Apprentice Jockey, or Exercise Rider be examined by a medical professional at any time; be required to provide a copy of a physical examination; or submit a release-to-work document prior to returning to work when previously injured. The Commission or the Stewards may refuse to allow that person to ride until s/he has satisfied these requirements.

325:15-5-16. Qualifications for Jockey

(a) Each applicant requesting a Jockey's license shall:

- (1) Be at least sixteen (16) years of age.
- (2) Not exceed one hundred thirty (130) pounds in weight at the time of application.
- (3) Have ridden in a race at a recognized meeting or satisfactorily worked a horse from the starting gate in company before the Stewards or their representatives. Upon the recommendation of the Stewards, the Commission may issue a Jockey's license granting permission to the applicant for the purpose of riding in not more than four races to establish the qualifications and ability of the applicant for the license. Subsequently, the Stewards may recommend the granting of a Jockey's license.
- (4) Pass a physical examination and a baseline concussion test which uses the most current SCAT testing protocol. The examination and test shall be conducted by a licensed physician within twelve (12) months prior to application. Results affirming the applicant's fitness to participate as a Jockey shall be provided by the applicant to the Commission. After licensing, Stewards may require further examination and may refuse to allow a Jockey to ride, pending results of an examination.
- (5) Show competence by providing evidence of any prior licensing and by demonstrating riding ability, which may include participation in up to five (5) races with the prior approval of the Stewards with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the Jockeys and the horsemen at the track. The demonstration of riding ability shall include, but not be limited to:
 - (A) Breaking with a horse in company from the starting gate;
 - (B) Working a horse in company around the turn and down the stretch;
 - (C) Switching the riding crop from one hand to the other while maintaining control of the horse in a stretch drive; and
 - (D) Causing a horse to switch leads coming out of the turn.

(b) A jockey who is an owner or trainer of a horse competing at a race meeting shall not engage to ride as a jockey at the same race meeting.

325:15-5-17. Qualifications for Apprentice Jockey

- (a) An applicant for an Apprentice Jockey license may be prohibited from riding until verification of the applicant's previous riding experience by the stewards or Commission. This prohibition shall not exceed fourteen (14) days.
- (b) The conditions of an Apprentice Jockey license shall not apply to quarter horse racing. A jockey's performances in quarter horse racing shall not apply to the conditions of an Apprentice Jockey.
- (c) An Apprentice Certificate may be requested from the Stewards on a form provided by the Commission. Each applicant shall be limited to one Apprentice Certificate. If necessary, a duplicate copy may be requested from the issuing Commission.
- (d) An applicant with an approved Apprentice Certificate may be licensed as an Apprentice Jockey.
- (e) An Apprentice Jockey shall ride with a five pound weight allowance beginning with his/her first mount and for one (1) full year from the date of his/her fifth winning mount. If, after riding one (1) full year from the date of his/her fifth winning mount, the Apprentice Jockey has failed to ride a total of forty (40) winners from the

date of his/her fifth winning mount, s/he shall continue to ride with a five pound weight allowance for one more year from the date of his/her fifth winning mount, or until s/he has ridden a total of forty (40) winners, whichever comes first. The apprentice weight allowance may be waived at the time of entry by the trainer or the trainer's designee with Stewards' approval. If an Apprentice Jockey is unable to ride for a period of fourteen (14) consecutive days or more after the date of his/her fifth winning mount because of service in the Armed Forces of the U.S.A., enrollment in an institution of secondary or higher education, or because of physical disability, the Commission may extend the time during which the apprentice weight allowance may be claimed for a period not to exceed the period the Apprentice Jockey was unable to ride.

325:15-5-18. Jockey Agent

A Jockey Agent is the authorized representative of a Jockey if s/he is registered with the Stewards and licensed by the Commission as the Jockey's representative. No Jockey Agent shall represent more than three (3) Jockeys. A Jockey Agent shall not give to anyone, directly or indirectly, any information or advice pertaining to a race or engage in the practice commonly known as "touting" for the purpose of influencing any person, or that would tend to do so, in the making of a wager on the result of any race.

325:15-5-19. Workers' Compensation Act compliance

(a) No person may be licensed as a Trainer, Owner, or in any other capacity in which such person acts as the employer of any other licensee upon the racetrack enclosure operated by an organization licensee at any time during the calendar year for which the organization license has been issued, unless his/her liability for Workers' Compensation has been secured in accordance with the Workers' Compensation Act of the State of Oklahoma, 85 O.S., § 1 et seq., and until a Certificate of Insurance or other appropriate evidence of self-insurance evidencing such security for liability is provided to the Commission. Should any such required security for liability for Workers' Compensation be canceled or terminated, any occupation license held by such person may be subject to summary suspension and may be grounds for revocation of the license. Failure to comply with the provision by a person licensed as a Trainer, Owner or in any other capacity on the grounds of an Organization Licensee who employs any individual without proper Worker's Compensation insurance may result in a fine no less than \$500 and/or suspension of the occupation license.

(b) If a license applicant or licensee certifies that s/he has no employees that would subject him/her to liability for Workers' Compensation, s/he may be licensed until such time as s/he has employees, when s/he must inform the Commission of such employee(s) and furnish a Certificate of Insurance or other appropriate evidence of self-insurance evidencing that the employee(s) are covered by Workers' Compensation Insurance.

325:15-5-20. Program Trainer Prohibited

(a) No licensee shall act as a Program Trainer, nor shall anyone use the services of a Program Trainer. Anyone found to be acting as a Program Trainer or using the services of a Program Trainer shall be responsible for all violations occurring from participation of the horse(s) entered or raced by that person.

(b) A licensed trainer or individual shall be determined to be acting as a Program Trainer or using the services of a Program Trainer if the licensed trainer or individual:

- (1) Enters into an agreement on behalf of a licensed, unlicensed, ineligible, or suspended person for the sole purpose of completing an entry form for a race;
- (2) Pays an entry, nomination, or starter fee on behalf of a licensed, unlicensed, ineligible or suspended person;
- (3) Claims a horse on behalf of a licensed, unlicensed, ineligible, or suspended person;
- (4) Receives a financial or beneficial interest from a licensed, unlicensed, ineligible, or suspended person for the sole purpose of being listed as the trainer on the official race program; or
- (5) Pays any compensation to the licensed, unlicensed, ineligible, or suspended person.

(c) A licensed trainer or individual who violates the provisions of subsection (b) shall be subject to the following penalties:

- (1) First offense - six (6) month suspension and a fine of Five Thousand Dollars (\$5,000.00);
- (2) Second offense - one (1) year suspension and a fine of Ten Thousand Dollars (\$10,000.00); and
- (3) Third offense - penalty shall be determined by the Commission.

(d) Any person who assumes the care, custody, or control of the horses of a licensed, unlicensed, ineligible, or suspended person, shall, upon request, permit Stewards, the Commission, and other law enforcement officers to

examine all relevant financial and other records.

325:15-5-21. Licensing required prior to entry or scratch time

The licensing procedures required by the Commission for all participants must be completed prior to starting the horse and shall include all registrations, statements and payment of fees.

325:15-5-22. Qualifications for license as horse owner

No person may be licensed as a horse Owner who is not the owner of record of a properly registered race horse which s/he intends to race in Oklahoma and which is in the care of a licensed Trainer, or who does not have an interest in such racehorse as a part owner or lessee, or who is not the responsible managing owner of a corporation, syndicate or partnership which is the legal owner of such horse. No Commission employee, or person licensed by the Commission as a Jockey, or person licensed by the Commission as a practicing Veterinarian, Racing Official, Assistant Starter or Official Veterinarian and his or her assistants, Jockey Room Custodian, or Valet shall be licensed also as a horse Owner. A horse Owner's license shall be granted to individual natural persons only.

325:15-5-23. Horse ownership by lease

Horses may be raced under lease provided a completed Oklahoma Horse Racing Commission lease form, or other lease form acceptable to the Commission, is attached to the Registration Certificate and on file with the Commission. The Lessor(s) and Lessee must be licensed as horse Owners. No Lessor shall execute a lease for the purpose of avoiding insurance requirements.

325:15-5-24. Horse ownership by corporation, partnership, syndicate, or other association or entity

If the legal Owner of a Horse is a corporation, limited liability company, partnership, syndicate or other association or entity, each shareholder or partner shall be licensed as an Owner; provided that if there are more than twenty (20) shareholders, members, partners, or individuals, no more than twenty (20) shall be required to be licensed unless the Stewards or the Commission determine(s) that the best interests of racing dictate that any other or all shareholders, members, partners, or individuals should be licensed.

325:15-5-25. Statements of corporation, partnership, syndicate or other association or entity

The Commission requires that copies of organizational documents of a corporation, limited liability company, partnership, syndicate or other association or entity, including the relative proportion of Ownership interest, the terms of sales with contingencies, arrangements, or leases, shall be filed with the Horsemen's Bookkeeper of the racetrack organization licensee and with the Commission. Said documents shall declare to whom winnings are payable, in whose names the Horses shall be run, and the name of the licensed person who assumes all responsibilities as the Owner. The part Owner of a Horse shall not assign their Ownership share or any part thereof without the written consent of the other partners, and such consent shall be filed with the Horsemen's Bookkeeper and the Commission. A person or persons conducting racing operations as a corporation, limited liability company, partnership, syndicate or other association or entity shall register the information as required by rules in this Chapter and pay the required fee(s) for the appropriate Ownership entity.

325:15-5-26. Stable name registration

A person or persons electing to conduct racing operations by use of a stable name shall register the stable name and shall pay the required fee.

- (1) The applicant must disclose the identity or identities of all persons comprising the stable name.
- (2) All changes in identities must be reported immediately to and approval obtained from the Commission.
- (3) Any person who has registered under a stable name may cancel the stable name after s/he has given written notice to the Commission.
- (4) A stable name may be changed by registering a new stable name and by paying the required fee.
- (5) No person shall register a stable name which has been registered by any other person with any organization conducting a recognized race meeting.
- (6) A stable name shall be clearly distinguishable from that of another registered stable name.
- (7) The stable name and the name of the Owner or managing Owner shall be published in the official

program. If the stable name consists of more than one person, the official program will list the name of the managing Owner along with the phrase "et al."

(8) If a partnership, corporation, syndicate, or other association or entity is involved in the identity comprising a stable name, the rules in this Chapter covering a partnership, corporation, syndicate, or other association or entity must be complied with and the usual fees paid therefore.

325:15-5-27. Honoring official credentials

Credentials issued by the Commission shall be honored for admission at all gates and entrances and to all places within the enclosure. Automobiles with vehicle decals issued by the Commission to its members and employees shall be permitted ingress and egress at any point. Credentials issued by the Association of Racing Commissioners International, Inc. to its members, past members, and staff shall be honored by the organization for admission into the public enclosure when presented therefore by such persons.

CHAPTER 20. RACING OFFICIALS AND RACING PERSONNEL

[Authority: 3A O.S., § 204(A)]

325:20-1-1. Purpose

The rules in this Chapter establish and describe the requirements and procedures concerning Racing Officials and Commission racing personnel, including authority, duties, responsibilities, and standards for the Commission, Racing Officials, racing personnel, and the organization licensee pursuant to the Oklahoma Horse Racing Act, 3A O.S., §§ 203.4, 203.5, 203.7, 204, 204.2, 205.2, and 205.4.

325:20-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"**Bar shoe**" means a shoe with a closed heel protecting the horse's foot with an attached bar [i.e., egg bar, straight bar, heart bar].

"**Bends**" means a shoe which has had the heel bent downward; also known as "turn downs."

"**Commissioner**" means a member of the Oklahoma Horse Racing Commission.

"**Day**" means a 24-hour period ending at midnight.

"**Declaration**" means the act of withdrawing an entered horse from a race before the closing of entries.

"**Draw**" means the process of publicly assigning post positions and selecting contestants in a manner to insure compliance with the conditions of the rules of racing.

"**Entry**" means:

(A) A horse eligible for and entered in a race.

(B) Two (2) or more horses entered in the same race which have common ties of ownership, lease, or training.

"**Hind shoes**" means shoes worn on the rear feet of the horse.

"**Horse**" means:

(A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) an entire equine male five years of age and older.

"**Inquiry**" means:

(A) an investigation by the Stewards of potential interference in a contest prior to declaring the result of said contest official; or

(B) the Stewards or Commission investigation of a matter alleged to be related to the provisions of the Act or the rules of the Commission.

"**Jar caulk**" means small cleats inserted into the back end of a horse's shoe; most often used when the track surface becomes muddy, heavy or slick; also known as "mud caulks."

"**Jockey**" means a rider licensed to race.

"**Memphis bar**" means a narrow piece of metal welded across the quarters of the horse shoe, used

singly, across the toe quarter and on hinds, providing more traction or break over on long footed horses.

"No contest" means a race canceled for any reason by the Stewards.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Post position" means the position in the starting gate assigned to the horse for the start of the race.

"Post time" means the scheduled time set for the arrival of the horses at the starting gate for the race.

"Program" means the published listing of all contests and contestants for a specific performance.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the organization licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Scratch" means the act of withdrawing an entered horse from a race after the closing of entries.

"Scratch time" means the deadline for withdrawal of entries after the closing of entries.

"Sticker" means a metal protrusion inserted/attached on one side of the shoe.

"Swedge" means a lengthwise indentation in the web of the horse shoe which fills with dirt, giving more traction than the horse shoe alone.

"Toe grab" means a metal bar welded lengthwise into the toe of a horse's shoe.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Traction device" means anything added to a horse shoe to enhance traction, including special nails, heel caulks, toe caulks, grabs, jar caulks, swedges and Memphis bars.

"Weigh in" means the presentation of a jockey to the clerk of scales for weighing after a race.

"Weigh out" means the presentation of a jockey to the clerk of scales for weighing prior to a race.

"Year" means a calendar year.

325:20-1-3. Racing Officials

The Racing Officials of a race meeting, unless otherwise ordered by the Commission, are as follows: the Stewards, the Safety Steward, the Associate Judge, the Placing Judges (if utilized), the Paddock Judge, the Outriders, the Starter, the Clerk of Scales, the Official Veterinarian, the Racing Veterinarian, the Timers, the Horse Identifier, the Racing Secretary and the Assistant Racing Secretary. No Racing Official may serve in that capacity during any race meeting at which is entered a horse owned by him/her or by a member of his/her family or in which s/he has any financial interest. Being the Lessee or Lessor of a horse shall be construed as having a financial interest. No person may serve as a Steward in a race where that person is the Owner or part Owner of the sire or dam of any horse in the race.

325:20-1-4. Responsibility to the Commission

The Racing Officials are strictly responsible to the Commission for the performance of their respective duties, and they shall promptly report to the Commission or its Stewards any violation of the rules and regulations of the Commission coming to their attention or of which they have knowledge. Any Racing Official who fails to exercise due diligence in the performance of his/her duties shall be relieved of his/her duties by the Stewards and the matter referred to the Commission.

325:20-1-5. Racing Officials subject to approval

Every Racing Official is subject to prior approval by the Commission before being eligible to act as a Racing Official at the meeting. At the time of making application for an organization license, the organization shall nominate the Racing Officials other than the Racing Officials appointed by the Commission; and after issuance of the organization license, there shall be no substitution of any Racing Official except with approval of the Stewards or the Commission.

325:20-1-6. Racing Officials appointed by the Commission

(a) The Commission shall appoint the following Racing Officials for a race meeting [3A:203.4]:

- (1) Board of three (3) Stewards;
- (2) Safety Steward;
- (3) Official Veterinarian; and
- (4) Horse Identifier.

(b) To qualify for appointment as a Steward, the appointee shall be an accredited Racing Official or Steward by the Stewards/Judges Accreditation Program administered by the University of Arizona and the University of Louisville, meet the experience and continuing education requirements of the program and be in good standing with all racing jurisdictions. Individuals who have participated and been accredited under the former University of Arizona or University of Louisville programs shall be regarded as qualified for appointment as Stewards.

325:20-1-7. Racing personnel employed by the Commission

The Commission shall employ the services of the occupation licensing personnel for a race meeting.

325:20-1-8. General authority of Stewards

The Stewards have general authority and supervision over all licensees and other persons attendant on horses, and also over the enclosures of any recognized meeting. Stewards have the power to interpret the rules and to decide all questions not specifically covered by these rules. The Stewards shall have the power to determine all questions arising with reference to entries, eligibility and racing; and all entries, declarations and scratches shall be under the supervision of the Stewards. The Stewards are strictly responsible to the Commission for the conduct of the race meeting in every particular.

325:20-1-9. Vacancy among Racing Officials

Where a vacancy occurs among the Racing Officials, the Stewards shall fill the vacancy immediately. Such appointment is effective until the vacancy is filled in accordance with the rules in this Chapter.

325:20-1-10. Calling off race or race day

When in the opinion of the Stewards or the Commission Executive Director, a race(s) or race day cannot be conducted in accordance with the provisions of the Act, rules of this Title, and orders of the Commission or the conditions of an organization license, they shall cancel and call off such race(s) or race day. In the event of mechanical failure or interference during the running of a race which affects the horses in such race, the Stewards may declare the race a "no contest". A race shall be declared "no contest" if no horse covers the course.

325:20-1-11. Substitution of Jockey or Trainer

(a) In the event a Jockey who is named to ride a mount in a race is unable to fulfill his/her engagement and is excused by the Stewards, the Trainer of the horse may select a substitute Jockey; or, if no substitute Jockey is available, the Stewards may scratch the horse from the race. However, the responsibility to provide a Jockey for an entered horse remains with the Trainer; and the scratching of said horse by the Stewards shall not be grounds for the refund of any nomination, sustaining, penalty payments, or entry fees.

(b) In the absence of the Trainer of the horse, the Stewards may place the horse in the temporary care of another Trainer of their selection; however, such horse may not be entered or compete in a race without the approval of the Owner and the substitute Trainer. The substitute Trainer must sign the entry card.

325:20-1-12. Stewards' list

The Stewards shall maintain a List of Horses that, in their opinion or pursuant to any rule, are ineligible to be entered in a Race. The basis for inclusion may be poor or inconsistent performance, bolting, erratic behavior, questions concerning ownership by a suspended or non-licensed person, suspended Trainer awaiting proper transfer of Horse, eligibility, ownership dispute, claim protest, identification of the Horse, or for any other reason that might affect the integrity or welfare of racing. A Horse included on the List shall be ineligible to enter or compete in a Race until it has fulfilled the requirements specified by the Stewards and removed from the list. The Trainer of a Horse shall be notified soon after the Horse is added or removed from the list.

325:20-1-13. Duties of the Starter

The Starter shall have complete jurisdiction over the starting gate, the starting of horses, and the authority to give orders not in conflict with the provisions of the Act and the rules in this Title as may be required to ensure all participants an equal opportunity to a fair start. The Starter shall appoint his/her assistants; however, s/he shall not permit his/her assistants to handle or take charge of any horse in the starting gate without his/her expressed permission. In the event that organization starter assistants are unavailable to head a horse, the responsibility to provide qualified individuals to head and/or tail a horse in the starting gate shall rest with the Trainer. The Starter shall establish qualifications for Organization Assistant Starters and maintain a list of such qualified individuals approved by the Stewards. No Assistant Starter or any individual handling a horse at the starting gate shall in any way impede, whether intentionally or otherwise, the start of the race; nor may an Assistant Starter or other individual, except the Jockey handling the horse at the starting gate, apply a whip or other device in an attempt to load any horse in the starting gate. No one other than the Jockey shall slap, boot, or otherwise attempt to dispatch a horse from the starting gate.

325:20-1-14. Starter's List

The Starter shall maintain a Starter's List of all horses which, in his/her opinion, are ineligible to be entered in any race because of poor or inconsistent performance in the starting gate. Such schooling shall be under the direct supervision of the Starter or his/her representatives. Such horse shall be refused entry until it has demonstrated to the Starter or his/her representatives that it has been satisfactorily schooled in the gates and can be removed from the Starter's List.

325:20-1-15. Duties of the Paddock Judge

(a) The Paddock Judge shall supervise the assembling of the horses scheduled to race, the saddling of horses in the paddock, the saddling equipment and changes thereof, the mounting of the jockeys, and their departure for the post. The Paddock Judge shall maintain a record of all the equipment utilized in the saddling of a horse, and shall provide a report on saddling equipment to the Stewards at their request. The Paddock Judge or the Paddock Blacksmith/Plater shall inspect all horses to ensure that they are properly shod and shall immediately report to the Paddock Judge and/or the Stewards any horse which is not properly shod.

(b) The following shall be prohibited on the front shoes of Thoroughbred horses while training and/or racing on any surface:

- (1) toe grabs with a height of greater than 2 millimeters;
- (2) bends;
- (3) jar caulks;
- (4) stickers; and
- (5) any other traction device worn on the front shoes.

(c) Bar shoes may be used only with the consent of the Board of Stewards, and permission to discontinue their use must be obtained from the Stewards.

325:20-1-16. Duties of Patrol Judges

The Patrol Judges, when utilized, shall be subject to the orders of the Stewards, and shall report to the Stewards all facts occurring under their observation during the running of a race.

325:20-1-17. Duties of Placing Judges and Timers

The Placing Judges, Timers, and/or Stewards shall occupy the Judges' or Stewards' Tower at the time the horses pass the finish line; and their duties shall be to hand time, place the horses in the correct order of finish, and report the results. In case of a dead heat or a disagreement as to the correct order of finish, the decision of the Stewards shall be final. In placing the horses at the finish, the position of the horses' noses only shall be considered the most forward point of progress.

325:20-1-18. Duties of the Clerk of Scales

The Clerk of Scales is responsible for the presence of all Jockeys in the Jockey's room at the appointed time and to verify that all Jockeys have a current Oklahoma Jockey's license. The Clerk of Scales shall verify the correct weight of each Jockey at the time of weighing out and when weighing in, and shall report any discrepancies to the Stewards immediately. In addition, s/he shall be responsible for the security of the Jockey's

room and the conduct of the Jockeys and their attendants. He or she shall promptly report to the Stewards any alleged infraction of the Act or rules of this Title with respect to weight, weighing, riding equipment, or conduct. He or she shall be responsible for accounting of all data required on the scale sheet and submit that data to the Horsemen's Bookkeeper at the end of each race. He or she shall maintain the record of applicable winning races on all Apprentice Certificates at the meeting; and at the close of the meeting, or on the departure of the Apprentice Jockeys, the Apprentice Certificates shall be released to them.

325:20-1-19. Duties of the Racing Secretary

The Racing Secretary shall write and publish conditions of all races and distribute them to horsemen as far in advance of the closing of entries as possible. He or she shall be responsible for the safekeeping of Registration Certificates and the return of same to the Trainers on request or at the conclusion of the race meeting. He or she shall record winning races on the form supplied by the breed registry, which shall remain attached to or part of the Registration Certificate. The Racing Secretary shall be responsible for the taking of entries, checking eligibility, closing of entries, selecting the races to be drawn, conducting the draw, posting the overnight sheet, compiling the official program, and discharging such other duties of their office as required by the rules of this Title or as directed by the Stewards.

325:20-1-20. Duties of Associate Judge

An Associate Judge shall be qualified to and may perform any of the duties which are performed by any Racing Official at a race meeting, provided such duties are assigned or delegated to them by the Commission or by the Stewards presiding at that race meeting.

325:20-1-21. Duties of the Official Veterinarian

The Official Veterinarian must be a graduate veterinarian and licensed to practice in the State of Oklahoma. He or she shall recommend to the Stewards any horse that is deemed unsafe to be raced, or a horse that it would be inhumane to allow to race. He or she shall supervise the taking of all specimens for testing according to procedures approved by the Commission except in those cases provided for in Rule 325:20-1-22. He or she shall provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination. All specimens collected shall be sent in locked and sealed cases to the laboratory. He or she shall have the authority and jurisdiction to supervise the practicing licensed veterinarians within the enclosure. He or she shall report to the Commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore. No Official Veterinarian shall directly treat or prescribe for any horse scheduled to participate during his/her term of appointment at any recognized meeting except in an emergency or for the administration of a diuretic to facilitate the collection of a urine sample, either case of which shall be immediately reported to the Stewards. The Official Veterinarian shall place horses on the Veterinarian's List and may remove from the List those horses which, in his/her opinion, can satisfactorily compete in a race.

325:20-1-22. Duties of the Racing Veterinarian

The Racing Veterinarian must be a graduate veterinarian and licensed to practice in the State of Oklahoma. The Racing Veterinarian shall be present in the paddock on the racing course, and at the starting gate during the saddling, the parade, and until the horses are dispatched from the gate for the race; shall examine any horse when there is a question as to the physical condition of such a horse; and, as the Stewards or the Official Veterinarian require, shall conduct pre-race examinations of entered horses. He or she shall report any horse, which in their opinion is incapable of physically exerting its best effort to win, to the Stewards, who may scratch such horse from the race. The Racing Veterinarian shall examine any horse which appears in physical distress during the race, at the finish of the race; and s/he shall report such horse together with their opinion as to the cause of the distress to the Stewards and to the Official Veterinarian. No Racing Veterinarian shall directly treat or prescribe for any horse scheduled to participate during their term of appointment at any recognized meeting except in an emergency. The Racing Veterinarian has the authority to treat any horse in the event of an

emergency, accident or injury; and s/he is authorized to humanely destroy any horse which in their opinion is so seriously injured that it is in the best interests of racing to so act; and every horse owner and Trainer participating in Commission- licensed racing does consent to the humane destruction of such animal. In the case of a horse which has suffered a catastrophic injury, the Racing Veterinarian may obtain a blood sample from the injured horse prior to taking any humane actions necessary. If the trainer is immediately available, he or she may witness the collection process. If the trainer is not immediately available to witness the collection process, any other Commission-licensed individual shall act as the witness to the collection process.

325:20-1-23. Veterinarian's List

- (a) The Official Veterinarian shall maintain a list of all horses determined to be unfit to compete in a race due to illness, unsoundness, injury, infirmity, administration of a substance, or any other assessment or determination by the Official Veterinarian or Racing Veterinarian that the horse is unfit to compete in a race.
- (b) A horse placed on the Veterinarian's List due to illness, injury, or infirmity may be released from the list at the discretion of the Official Veterinarian.
- (c) A horse placed on the Veterinarian's List for unsoundness or lameness may be released from the list after the following:
 - (1) The horse demonstrates to the satisfaction of the Official Veterinarian or Racing Veterinarian that the horse is serviceably sound and in fit physical condition to exert its best effort in a race; and/or
 - (2) The horse submits to a post work official sample collection for laboratory confirmation for compliance at the expense of the current owner. Samples shall be subjected to the same testing as conducted for post-race official samples. The presence of a prohibited substance in the post work sample, or the presence of a permitted substance in excess of commission post-race threshold levels or stacking rules, shall result in the horse remaining on the Veterinarian's List.

325:20-1-24. Duties of the Horse Identifier

The Horse Identifier shall:

- (1) When required, ensure the safekeeping of digital and paper registration certificates and racing permits for horses stabled and/or racing on association grounds;
- (2) Inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting;
- (3) Examine without physically touching unless wearing a disposable, sterile glove, for every starter in the paddock for sex, color, markings and lip tattoo, microchip (ISO 11784), freeze brand or other identification method approved by the appropriate breed registry and the Commission for comparison with its registration certificate to verify the horse's identity;
- (4) Supervise when requested by the Commission, monitor the tattooing, microchipping, freeze branding or other method of identification approved by the appropriate breed registry and the Commission done to and for identification of any horse located on association grounds;
- (5) Report to the Stewards any horse not properly identified or whose registration certificate is not in conformity with these rules; and
- (6) Perform such other duties as the Commission may require.

325:20-1-25. Duties of the Safety Steward

Safety Stewards, when not serving in the steward's stand, shall perform such duties as directed by the Executive Director or as requested by Board of Stewards at the racetrack where the Safety Steward is being utilized. Duties may include, but not limited to, the following:

- (1) Gather information associated with administration or testing of substances administered to horses intended for racing, and report any concerns with compliance to the Stewards, the Executive Director, and/or the Director of Law Enforcement;
- (2) Monitor and observe daily habits and practices of backside activities;
- (3) Monitor compliance for race day permitted substance regulations and prohibited practices;
- (4) Observe permitted substance administration;
- (5) Investigate possible inappropriate or illegal use of substances, such as permitted and prohibited substances and practices that may affect racing performance;

- (6) Investigate fatalities and accidents at racetracks;
- (7) Conduct pre-meet racetrack safety inspections independently or with OHRC law enforcement personnel;
- (8) Participate in resolution of financial complaints;
- (9) Make recommendations to OHRC to ensure the integrity of racing and compliance with horse racing statutes and rules; and
- (10) Provide liaison between the Stewards and OHRC law enforcement staff.

325:20-1-26. Duties of the Outrider

- (a) Shall make every effort to maintain the safety and orderly conduct of training and racing according to the rules, regulations and directives of the Commission, Stewards and association management.
- (b) Shall report all unauthorized activities, unusual occurrences or potential rule violations to the Stewards and/or Safety Steward.
- (c) Assist the Stewards, Safety Steward, and/or starter with any on-track issue that endangers the safety of the participants and horses.
- (d) Shall oversee jockeys, exercise riders, pony persons and trainers when they are on the track.
- (e) Shall enforce the track and commission rules concerning approved safety vests and protective helmets while riders are on the racetrack.

CHAPTER 25. ENTRIES AND DECLARATIONS

[**Authority:** 3A O.S., § 204(A)]

325:25-1-1. Purpose

The rules in this Chapter describe the requirements and procedures concerning the authority and the acts and processes for the making of entries and declarations regarding a Commission-sanctioned horse race as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 204.

325:25-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Accredited Oklahoma-Bred horse" means a horse that is eligible pursuant to the Act and Commission rules and whose registration in the Oklahoma-Bred Program has been completed by the official Registering Agency.

"Added money" means the amount exclusive of trophy added into a stakes by the Organization Licensee, or by sponsors, state-bred programs, or other funds added to those monies gathered by nomination, entry, sustaining and other fees coming from the horsemen.

"Age" means that the age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.

"Also eligible" means:

(A) A number of eligible horses, properly entered, which were not drawn for inclusion in a race, but which become eligible according to preference or lot if an entry is scratched from a race prior to scratch time.

(B) In a trial race, the next preferred contestant that is eligible to participate when an entry is scratched, pursuant to the written conditions of the race.

"Assistant Trainer" means a person qualified and licensed by the Commission as an Assistant Trainer.

"Authorized Agent" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor on whose behalf the Agent will act and limited to the actions as specified on the affidavit. The affidavit shall be on file with the Commission.

"Closing" means the time published by the Organization Licensee after which nominations or entries will not be accepted for a race.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Conditions of a race" means the qualifications which determine the eligibility of a horse to be entered in a race.

"Coupled entry" means two or more contestants in a race that are treated as a single betting interest for pari-mutuel wagering purposes (also see "Entry").

"Day" means a 24-hour period ending at midnight.

"Declaration" means the act of withdrawing an entered horse from a race before the closing of entries.

"Draw" means the process of publicly assigning post positions and selecting contestants in a manner to ensure compliance with the conditions of the rules of racing.

"Entry" means:

(A) A horse eligible for and entered in a race.

(B) Two (2) or more horses entered in the same race which have common ties of Ownership, lease, or training (also see "Coupled Entry").

"Field" means all horses competing in a race.

"Horse" means:

(A) Any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) An intact equine male five (5) years of age and older.

"Lessee" means a licensed Owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the Registration Certificate and on file with the Commission.

"Lessor" means the Owner of a horse that is leased.

"Maiden" means a horse which has never won an official or recognized race as defined in breed registry rules. A maiden which has been disqualified after finishing first is still a maiden.

"Mutuel field" means two or more contestants treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

"Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

"Nominator" means the person who nominates a horse as a possible contender in a race.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Occupation licensee" means any person who has obtained an occupation license.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Post position" means the position in the starting gate assigned to the horse for the start of the race.

"Post time" means the scheduled time set for the arrival of the horses at the starting gate for the race.

"Pre-race inspections" means part of the routine for the safety and welfare of the horse on race day. These inspections are performed by a Commission veterinarian or designated veterinarian to provide an evaluation of the horse's racing fitness to compete prior to the race.

"Program" means the published listing of all contests and contestants for a specific performance.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Races" mean:

(A) **Allowance.** An overnight race for which eligibility and weight to be carried is determined according to specified conditions which include age, sex, earnings, number of wins, and distance of race.

(B) **Claiming.** A race in which any horse starting may be claimed and purchased for a designated amount in conformance with the rules in this Title.

(C) **Exhibition.** A race on which no wagering is permitted.

(D) **Handicap.** A race in which the weights to be carried by the horses are assigned by the Racing Secretary.

- (E) **Invitational.** A race in which the competing horses are selected by inviting their Owners to enter specific horses.
- (F) **Maiden.** A race restricted to non-winners.
- (G) **Match.** A race contested between two or more horses under conditions agreed to by their Owners.
- (H) **Nomination.** A race in which the subscription to a payment schedule nominates and sustains the eligibility of a particular horse. Nominations must close at least seventy-two (72) hours before the first post time of the day the race is originally scheduled to be run.
- (I) **Oklahoma-Bred.** A race for which entry may be restricted to accredited Oklahoma-Bred registered horses.
- (J) **Overnight (Purse).** A race for which entries close at a time set by the Racing Secretary.
- (K) **Progeny.** A race restricted to the offspring of a specific stallion or stallions.
- (L) **Schooling.** A preparatory race for entry qualification in official races which conforms to requirements adopted by the Commission.
- (M) **Stakes.** A race in which nomination, entry, or starting fees contribute to the purse.
- (N) **Trial.** A race or a series of races in which horses participate for the purpose of determining eligibility for a subsequent contest.
- (O) **Walkover.** A race in which only one horse starts or in which all the starters are owned by the same interest. To claim the purse, a horse must start and go the distance of the race.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Scratch" means the act of withdrawing an entered horse from a race after the closing of entries.

"Scratch time" means the deadline for withdrawal of entries from a scheduled race.

"Starter" means a horse whose stall door of the starting gate opens in front of such horse at the time the Starter (the Official) dispatches the horses.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Subscription" means the act of nominating a horse to a nomination race.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Week" means a period of seven (7) days.

"Weight for age" means a race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

"Year" means a calendar year.

325:25-1-3. Control over entries and declarations

All entries and declarations are under the supervision of the Stewards or their designee; and they, without notice, may refuse the entries of any person or the transfer of entries.

325:25-1-4. Racing Secretary to establish conditions

The Racing Secretary shall establish the conditions for any race, the allowances or handicaps to be established for specific races, the procedures for the acceptance of entries and declarations, and such other conditions as are necessary to provide and conduct the organization's race meeting. The Racing Secretary is responsible for the receipt of entries and declarations for all races. The Racing Secretary, employees of their department, or Racing Officials shall not disclose any pertinent information concerning entries which have been submitted until all entries are closed. After an entry to a race for which conditions have been published has been accepted by the Racing Secretary or their delegate, no condition of such race shall be changed, amended or altered, nor shall any new condition for such race be imposed.

325:25-1-5. Entries

No horse shall be entered in more than one (1) race on the same day. No person shall enter or attempt to enter a horse in a race unless such entry is a bona fide entry made with the intention that such horse is to compete in the race for which entry is made except, if race conditions permit, for entry back in finals or consolations involving physically disabled or dead qualifiers for purse payment purposes. No Trainer who is an Owner or part Owner of a horse may enter that horse under the name of another Trainer in any overnight race if both the trainer and the owner/trainer have an active trainer file in the racing office for that breed of horse at that race meeting.

325:25-1-6. Determining eligibility

(a) Determination of a horse's eligibility, penalty or penalties and the right to allowance or allowances for all races shall be from the date of the horse's last race unless the conditions specify otherwise. The Trainer is responsible for the eligibility of his/her horse and to properly enter his/her horse in condition. In the event the records of the Racing Secretary or the appropriate breed registry do not reflect the horse's most recent starts, the Trainer or Owner shall accurately provide such information. If a horse is not eligible under the first condition of any race, it cannot be eligible under subsequent conditions. If the conditions specify non-winners of a certain amount, it means that the horse has not won a race in which the winner's share was the specified amount or more. If the conditions specify non-earners of a stated amount, it means that the horse has not earned that stated amount in any total number of races regardless of the horse's placing.

(b) Disqualification:

(1) When the Commission receives an official testing laboratory report of a Positive Test or Overage for a winner of a race that requires a disqualification, change in the order of finish and redistribution of the purse, the horse in question shall maintain the win in past performance records and carry the penalty of a win when determining eligibility for entry in a subsequent race. This horse's condition and eligibility shall remain in effect until the Stewards issue a ruling disqualifying the aforementioned horse and order a redistribution of the purse.

(2) The second place horse shall not carry the win in past performance records nor shall the second place horse carry the win in determining eligibility for entry in a subsequent race until the Stewards issue a ruling disqualifying the winner, change the order of finish and order a redistribution of the purse.

(3) Should the aforementioned ruling be appealed, the disqualification, change in the order of finish and purse redistribution is stayed until final adjudication; and the winner must carry the win and the second place horse is not penalized for the condition.

325:25-1-7. Penalties and allowances

Weight penalties are obligatory; each weight allowance is optional and must be made at time of entry. However, under no circumstances may the sex allowance be waived. Penalties and allowances are not cumulative. All allowances must be made at time of entry. No horse shall be allowed to enter or start in a race with less than one hundred nine (109) pounds unless the race is a handicap or stakes. Claims of weight allowance to which a horse is not entitled shall not be grounds for disqualification. However, sanctions may be imposed upon the person claiming allowance to which his/her horse is not entitled. No horse shall incur any penalties of eligibility or weight allowance for placement from which it was disqualified, but a horse placed through disqualification of another horse shall incur the penalties of that placement. No such placement shall make a horse ineligible to a race which has already been run.

325:25-1-8. Sex allowance

In races run exclusively for Thoroughbreds where colts and geldings are eligible, except in handicaps, fillies two years old shall be allowed three (3) pounds; and fillies and mares three (3) years old and older shall be allowed five (5) pounds before September 1 and three (3) pounds thereafter.

325:25-1-9. Entries survive with transfer

All entries and rights of entry are valid and survive when a horse is sold with its engagements duly transferred. If a partnership agreement is properly filed with the Horsemen's Bookkeeper, subscriptions, entries, and rights of entry survive in the remaining partners. Unless written notice to the contrary is filed with the Stewards, the entries, rights of entry, and engagements remain with the horse and are transferred therewith to the

new Owner. No entry or right of entry shall become void on the death of the nominator unless the conditions of the race state otherwise.

325:25-1-10. Horses ineligible to start in a race

- (a) In addition to any other valid ground or reason, a Horse is ineligible to start in any Race if:
- (1) Such Horse is not registered by The Jockey Club if a Thoroughbred; the American Quarter Horse Association if a Quarter Horse; the Appaloosa Horse Club if an Appaloosa; the Arabian Horse Club Registry of America if an Arabian; the American Paint Horse Association if a Paint; the Pinto Horse Association of America, Inc., if a Pinto; or any successors to any of the foregoing or other registry recognized by the Commission.
 - (2) If its breed registration certificate is not on file with the racing secretary, unless the racing secretary has submitted the certificate to the appropriate breed registry for correction, or in the case of Thoroughbred horses foaled in 2018 or thereafter, the horse does not have a Digital Tattoo; the Stewards may waive these requirements if the information contained on the registration certificate is otherwise available and the horse is otherwise correctly identified to the Stewards' satisfaction.
 - (3) Such Horse has been entered or raced at any recognized race meeting under any name or designation other than the name or designation duly assigned by and registered with the official registry.
 - (4) The Win Certificate, Certificate of Foal Registration, eligibility papers, or other registration issued by the official registry has been materially altered, erased, removed, or forged.
 - (5) Such Horse is ineligible to enter said Race, is not duly entered for such Race, or remains ineligible at time of starting.
 - (6) The ownership and Trainer of such Horse has not completed the prescribed licensing procedures required by the Commission before starting the Horse, or the Horse is in the care of an unlicensed Trainer.
 - (7) Such Horse is a suspended Horse.
 - (8) Such Horse is on the Stewards' List, Starter's List, or the Veterinarian's List, as such are not eligible to start a Race if the following is determined after Entry:
 - (A) a Horse has not raced in twelve (12) months or longer since its previous start shall be placed on the Steward's List or Official Veterinarian's List.
 - (B) a Horse is four (4) years old or older and has never started shall be placed on the Steward's List or Official Veterinarian's List.
 - (9) Except with permission of the Stewards and Horse Identifier, the identification markings of the Horse do not agree with the identification as set forth on the Registration Certificate to the extent that a correction is required from the appropriate breed registry.
 - (10) Except with the permission of the Stewards, the Horse has not been:
 - (A) verified by the appropriate breed registry; and
 - (B) tattooed on the inside of the upper lip, or digital tattoo; or
 - (C) microchipped with a unique microchip (ISO 11784); or
 - (D) freeze brand; or
 - (E) identified by any other method approved by the appropriate breed registry and the Commission.
 - (11) The entry of a Horse is not in the name of its true Owner.
 - (12) The Horse has drawn into the field or has started in a Race on the same day.
 - (13) The age of the Horse as determined by an examination of its teeth by the Official Veterinarian does not correspond to the age shown on its Registration Certificate, such determination by tooth examination to be made in accordance with the current OFFICIAL GUIDE FOR DETERMINING THE AGE OF THE HORSE as adopted by the American Association of Equine Practitioners.
 - (14) The Certificate of Registration of a Horse reflects an unknown sire or dam.
 - (15) An Ownership transfer for a claimed Horse is being processed by the Racing Secretary to a breed registry, and an acceptable photocopy of the Foal Certificate is not on file with the Racing Secretary.
 - (16) A Horse is wholly or partially owned by a disqualified person, or a Horse is under the direct or indirect management of a disqualified person.
 - (17) A Horse is wholly or partially owned by the spouse of a disqualified person or a Horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed

that the disqualified person and spouse constitute a single financial entity with respect to the Horse, which presumption may be rebutted.

(18) The Horse is a cloned Horse.

(19) The Horse has an open hole in its trachea, by means of a tracheotomy or otherwise.

(b) Additionally, a Horse is ineligible to start in a Race if:

(1) The Horse is owned in whole or in part or is trained by any person who is suspended or ineligible for a license or ineligible to participate under the rules of any Stud Book Registry; and

(2) The Commission determines that:

(A) The Stud Book Registry has adopted uniform criteria and procedures for use in excluding Horses from participating in a Race for the Horse's breed and for suspending or finding an Owner or Trainer ineligible;

(B) The Stud Book Registry has adopted procedures that afford the affected Owner(s) or Trainer(s) with Notice and a meaningful opportunity to respond, that comports with due process, prior to suspending or finding the Owner or Trainer ineligible or excluding a Horse; and

(C) The Stud Registry has provided the Commission's Director of Law Enforcement Division with (1) the Registry's Order of Suspension or Ineligibility for an act or omission that violates the Oklahoma Horse Racing Act and/or Commission Rules and (2) the Due Process Notice provided to the Owner or Trainer in the proceeding leading to the Order of Suspension or Ineligibility.

325:25-1-11. Age restrictions

A maiden of any age may be permitted to compete in a race with the pari-mutuel system of wagering. A horse must have attained January 1 of its two-year-old year to be eligible to occupy a stall during any licensed race meeting.

325:25-1-12. Horses ineligible to enter or start

Any horse ineligible to be entered for a race or ineligible to start in any race which is entered or competes in such race, may be scratched or disqualified; and the Stewards may discipline any person responsible therefore. A horse must have attained January 1 of its two-year-old year to be eligible to enter or compete in a race.

325:25-1-13. Registration Certificate to reflect correct ownership

Every Certificate of Registration, Eligibility Certificate or lease agreement filed with the organization and its Racing Secretary to establish the eligibility of a horse to be entered for any race shall accurately reflect the correct and true ownership of such horse, and the name of the Owner which is printed on the official program for such horse shall conform to the ownership as declared on the Certificate of Registration. A Stable Name may be registered for such Owner or ownership with the Commission. In the event ownership is by syndicate, corporation, partnership, or other association or entity, the name of the Owner which is printed on the official program for such horse shall be the responsible managing Owner, officer, or partner who assumes all responsibilities as the Owner.

325:25-1-14. Alteration or forgery of Certificate of Registration

No person shall alter or forge any Win Sheet, Certificate of Registration, Certificate of Eligibility, or any other document of ownership or registration, nor willfully forge or alter the signature of any person required on any such document or entry card.

325:25-1-15. Transfer after sale of a horse within the enclosure

Both the seller and the purchaser or their agents or representatives of a horse which is sold within the enclosure shall immediately notify the Stewards and the Racing Secretary of such sale or transfer.

325:25-1-16. Declarations and scratches

Any Trainer or Assistant Trainer of a horse which has been entered in a race who does not wish such horse to participate in the draw must declare his/her horse from the race prior to the close of entries. Any Trainer or Assistant Trainer of a horse which has been drawn into or is also eligible for a race who does not wish such horse to start in the race, must scratch his/her horse from the race prior to the designated scratch time. A scratched horse loses all preference previously entitled to. Every horse drawn in for a post position shall have a

Jockey named to ride such horse by scratch time. The declaration or scratch of a horse from a race is irrevocable.

325:25-1-17. Coupling of Entries

In no case shall more than two (2) horses having common ties through Ownership, training, or lease be entered in a purse race (overnight). When making a double entry, the second same Owner entry drawn shall have no preference over any single entry in purse races, excepting a preference over an "in-today" horse. At the time of entry, a preference must be made to the end that each interest may have an entry in each division should the race be divided. For different Owners, an Organization Licensee, with approval of the Stewards, may allow for each entrant to have an equal shake to draw into a race providing the horse(s) have preference. If a race is to be divided, an additional conditional entry may be accepted from any interest. Each such entry may have a joint entry. All divided races will be considered separate races.

325:25-1-18. List of horses within the enclosure

The organization shall maintain a list or record of all horses admitted onto the enclosure by name and stabling location. The list or record shall contain the arrival and departure times of the horses and the name of the Owner and Trainer of the horses. The list or record shall be made available for inspection by the Stewards or the Commission.

325:25-1-19. Deadline for arrival of entered horses

All horses scheduled to compete in a race must be present within the enclosure no later than thirty (30) minutes prior to their scheduled pre-race inspections, which are listed in the condition book, or earlier if required by the Executive Director. An organization licensee shall provide an adequate stall for a horse which is required to arrive more than thirty (30) minutes prior to the horse's scheduled pre-race inspections. Horses not within the enclosure by their deadline may be scratched and the Trainer subject to fine and/or suspension.

325:25-1-20. Change of name of horse

In the event a horse's name is changed, both the old and the new name must be given in every entry until it has run three (3) races; and both names must be printed in the official program for those three (3) races.

325:25-1-21. Refund of Fees

If a horse is declared or scratched from a race, the Owner of such horse shall not be entitled to a refund of any nomination, sustaining and/or penalty payments, entry fees, or organization charges paid or remaining due at the time of the declaration or scratch. In the event any race is not run, declared off, or canceled for any reason, the Owners of such horses that remain eligible at the time the race is declared off or canceled may be entitled to a distribution of the remaining purse or to a complete refund of all the above payments and fees less monies specified in written race conditions for advertising and promotion as determined by the Stewards.

325:25-1-22. Release of Certificates

Any Certificate of Registration or document of ownership filed with the Racing Secretary to establish eligibility to enter a race shall be released only to the Trainer of record of the horse. However, the Trainer may authorize in a form provided by the Racing Secretary the release of the certificate to the Owner named on the certificate or his/her Authorized Agent. Any disputes concerning the rights to the Registration Certificates shall be decided by the Stewards.

325:25-1-23. Nomination payment races

(a) It is the organization's responsibility, as licensee, to ensure the payment of all purse monies and to submit requested information to the Commission although some entity or person other than the organization may be the race sponsor.

(b) The organization shall provide the Commission with a copy of written race conditions and executed contracts between the organization and race sponsors, including escrow provisions made by the organization or between the organization and race sponsor on behalf of the nominators, utilizing an FDIC or FSLIC financial institution(s) to maintain the escrow account(s) for all nomination payment races run at the organization's race meeting(s). The organization shall provide the Commission with a list(s) by race name and dates of trials/finals of any race for which nomination payments will be accepted at a race meeting. Adjacent to each race name shall

be stated:

- (1) that the track receives the race and nomination payment monies, or
- (2) the identity of the association and person who receives nominations and sustaining payment monies for referenced races.

(c) Prior to the closing of nominations, the organization shall file with the Commission a copy of the nomination blank and all written advertisements for races to be run during a race meeting. Any added or supplemental purse money advertised or otherwise stated in written race conditions shall be deposited in the escrow account no later than the deadline date for the first eligibility payment for that race. Any added or supplemental purse money must be clearly identified as such in race conditions, in nomination lists, and in escrow reports. The written conditions of the race must clearly state to whom interest earned on nomination/sustaining payments received from horsemen or added money is retained or paid. All amounts or percentages to be deducted from nomination or sustaining payments or from added money must be disclosed to the horsemen in the written race conditions. For all nomination races the organization shall furnish the Commission and the Owners of horses previously made eligible by compliance with the conditions of such race, with a list of all horses nomination distinguishing those horses which remain eligible. The list shall be distributed within fifteen (15) days after the due date of each nomination and sustaining payment and shall include name of race; name of horse; name of Owner; itemization of payments and gross purse to date, including any added monies, applicable interest, and supplementary payments.

(d) Periodically, within fifteen (15) days after each eligibility or payment date and the date horses pass the entry box, the organization shall provide a written escrow report to the Commission reflecting verifications for each nomination payment race from the financial institution(s) where escrow accounts are maintained. The escrow report shall include the financial institution representative; names of nominators; total number of entries; names of horses remaining eligible; names of horses dropped; an itemization of amount of payments and added money received including totals; amount of interest accrued to date; amounts and dates of each withdrawal, if any; each deduction from monies received, e.g., uncollected checks, advertising, promotion, administrative costs; and the stated purpose of each withdrawal or deduction.

(e) Additionally, within fifteen (15) days after the official running of the nomination payment race or upon any refund or payment distributable pursuant to race conditions or Commission rules, the organization shall provide to the Commission the final escrow report for each race including itemization as required above in periodic reports and final certification by the escrow institution(s) that checks were made payable to the purse winners at the addresses specified in the final escrow report according to the official order of finish or other determination made by the Stewards, the Commission, or a court of law.

325:25-1-24. Late scratch in an overnight race

No person other than the Stewards may scratch a horse out of any overnight race after the "scratch time" designated for such race, after which the starting of such horse is obligatory. Any person responsible for the failure of any horse to start in a race when the starting of such horse is obligatory may be disciplined by the Stewards.

325:25-1-25. Scratch in stakes and nomination races

A scratch of a horse from a stakes or nomination race may be made until one (1) hour prior to post time for that race, after which time the starting of such horse is obligatory.

325:25-1-26. Limitations on field and number of races

A race with less than five (5) wagering interests entered, shall be declared off, with the exception of a trial or the finals for a nomination race or stakes. The Racing Secretary shall determine the number of valid entries necessary for each overnight race to be considered filled. If there are insufficient entries for the race to be considered filled, the race may be declared off and a substitute race used. No more than twelve (12) races may be run on a race day, except with permission of the Commission.

325:25-1-27. Agreement upon entry

No entry shall be accepted in any race, except upon the condition that all disputes, claims, and objections arising out of the racing or with respect to the interpretation of Commission and track rules or conditions of any

race shall be decided by the Board of Stewards at the race meet; or, upon appeal, decided by the Commission. When a race is in dispute, all horses involved with respect to the winner's credit shall be liable to all penalties of eligibility and weight allowance attached to the winner of that race until a winner has been adjudged.

325:25-1-28. Selection of Entered Horses

The manner of selecting post positions of horses shall be determined by the Stewards. The selection shall be by lot and shall be made by one of the Stewards or their designee and a horseman, in public, at the close of entries. If the number of entries to any race is in excess of the number of horses which may, because of track limitations, be permitted to start in any one (1) race, the race may be split; or four (4) horses not drawing into the field may be placed on an "also eligible" list to be drawn into the race by preference and lot if any of the first numbers are scratched. Any horse which has drawn a post position in a race and enters again on the next day entries are taken, shall be termed an "in-today" horse; and if the race overfills, the horse shall be given no consideration whatsoever, except in stakes races. A horse on the "also eligible" list shall not be considered as an "in-today" horse until s/he has actually been given a post position.

325:25-1-29. Preferred list of horses

The Racing Secretary shall maintain a list of entered horses eliminated from starting by a surplus of entries, and these horses shall constitute a preferred list and have preference. The manner in which the preferred list shall be maintained and all rules governing such list shall be the responsibility of the Racing Secretary. Such rules must be submitted to the Commission thirty (30) days prior to the commencement of the race meeting and are subject to approval by the Commission.

325:25-1-30. Jockey mount fees

(a) Jockey mount fees in the absence of a contract or special agreement shall be the greater of the appropriate percentage (%) of the purse as indicated on the chart below or \$75.00:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$1,000 to \$39,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$75.00
\$40,000 to \$74,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$80.00
\$75,000 to \$99,999	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$85.00
\$100,000 & Up	10%-Win Purse	5%-Place Purse	5%-Show Purse	\$105.00

(b) The purpose of this Section is not to set a minimum or a maximum fee, but merely to provide a fee in the event that the parties have not made any other written agreement to the contrary. In the event the parties reach an agreement with respect to the fees to be paid the Jockey, a contract or agreement in writing signed by the Jockey or his/her agent and the Owner or his/her Authorized Agent specifying the agreed upon fee in the event of a winning mount, second place mount, third place mount and losing mount, shall be delivered to the Horsemen's Bookkeeper prior to the running of the race in question. The Horsemen's Bookkeeper shall debit the Owner's purse account in accordance with the provision of the contract or written agreement. If no contract or written agreement is submitted to the Horsemen's Bookkeeper prior to the running of the race in question, the Horsemen's Bookkeeper shall debit the Owner's purse account in accordance with the fee scale set forth in this Section, which is to apply in the absence of a contract or written agreement between the parties.

(c) A jockey mount fee is considered earned by a jockey when the jockey is weighed-out by the clerk of scales, except:

- (1) when a jockey elects to take himself or herself off a mount; and
- (2) when the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.

(d) If the jockey does not weigh-out because the owner or trainer replaces the jockey with another jockey, the owner or trainer shall pay the same fee to each jockey engaged for the race.

325:25-1-30.1. Naming/engaging of riders

Riders must be named at the time of entry, or in no case later than scratch time (if applicable). Before naming a rider, the trainer, or owner, or person authorized to name a rider, must first engage the services of that rider for a particular race.

325:25-1-31. Double registered horses

Prior to entry in a race at a race meeting sanctioned by the Commission, double registered horses shall be declared by the Owner or Trainer in writing to the Racing Secretary as to under which single breed registry the horse shall compete. No changes shall be made after an entry has been accepted for such horse at that race meeting.

325:25-1-32. Equine Infectious Anemia test

No Horse shall enter the premises of a racetrack without a negative test for Equine Infectious Anemia (EIA) conducted within the preceding twelve (12) months. A copy of the EIA test is satisfactory. The Organizational Licensee shall be the official in charge under OAC 35:15-15-91. The Trainer of the Horse is responsible for ensuring the EIA test result is in the racing secretary's office prior to racing. Failure to comply may subject the Licensee to disciplinary action.

325:25-1-33. Horse Subject to Quarantine

No Horse shall enter a racetrack that originated from a quarantined premises. Upon release of the quarantine the Horse may enter the racetrack.

CHAPTER 30. CLAIMING RACES

[Authority: 3A O.S., §204(A)]

325:30-1-1. Purpose

The rules of this Chapter establish requirements and describe procedures for the conduct of claiming races at Commission-licensed racetracks authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 204. [See also 3A:203.4 and 3A:203.5]

325:30-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"**Age**" means that the age of a horse is reckoned as beginning on the first day of January in the year in which the horse is foaled.

"**Assistant Trainer**" means a person qualified and licensed by the Commission as an Assistant Trainer.

"**Authorized Agent**" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor in whose behalf the Agent will act, and limited to the actions as specified on the affidavit. Said affidavit must be on file with the Commission.

"**Commissioner**" means a member of the Oklahoma Horse Racing Commission.

"**Day**" means a 24-hour period ending at midnight.

"**Field**" means all horses competing in a race.

"**Horse**" means:

(A) Any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) An entire equine male five years of age and older.

"**Lessee**" means a licensed Owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the Registration Certificate and on file with the Commission.

"**Lessor**" means the Owner of a horse that is leased.

"**Occupation license**" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"**Organization license**" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"**Owner**" means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid

Owner license as a person responsible for such horse.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering is conducted on live racing conducted at that racetrack.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Stable name" means a name used other than the actual legal name of an Owner or Lessee which is registered with the Commission.

"Starter" means a horse whose stall door of the starting gate opens in front of such horse at the time the Starter (the Official) dispatches the horses.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Year" means a calendar year.

325:30-1-3. Racing interest defined

For the purposes of this Subchapter, a racing interest is defined as any individual Owner, or any partnership of Owners, or any registered stable, but not including a lessee which participates as an owning entity or nominator of a racehorse. A licensed Owner may participate in more than one (1) racing interest and in more than one (1) Stable Name.

325:30-1-4. Eligibility to claim

(a) In claiming races, a Horse is subject to being claimed for its entered price by any racing interest, by any Owner, or by any person who has established their qualifications to claim by filing an application for license as Owner and having been granted an open claim certificate authorizing the claim. Such open claim certificate shall not be issued until all conditions and qualifications for an Owner has been met.

(b) An applicant for an open claim certificate shall submit to the Commission the following:

(1) A completed application for license as an Owner and pay the require non-refundable fee; and

(2) Provide the name of the Trainer who will assume the care and responsibility for the claimed Horse.

(c) The Stewards shall issue an open claim certificate upon satisfactory evidence that the applicant is eligible to be licensed as an Owner.

(d) The open claim certificate shall expire thirty (30) days after the date of issuance, upon the claim of a Horse, or upon issuance or denial of a license as an Owner, whichever occurs first.

(e) An open claim certificate may be renewed by the Stewards during the calendar year it is issued.

325:30-1-5. Prohibited actions with respect to claim

No person shall:

(1) Enter into or offer to enter into any agreement to claim any horse unless all parties to the agreement are eligible to claim.

(2) Claim his/her own horse or cause his/her own horse to be claimed directly or indirectly for his/her own account.

(3) Attempt to prevent or prevent any racing interest from running a horse in any race for which it is entered or from claiming any horse in any claiming race.

(4) Make any agreement with any other person or racing interest for the protection of each other's horses in any claiming race.

(5) Make any loan agreement for the purpose of obtaining funds for the claim of any horse when a condition of such agreement is a lien on the horse to be claimed.

(6) Except with permission of the Stewards, remove any horse which has been entered in a claiming race from the grounds of the organization where it is entered to race, or fail or refuse to comply with any rule or any condition of the meeting for the purpose of avoiding or preventing a claim for such horse.

(7) Claim more than one (1) horse for the account of any racing interest from any one claiming race, nor, if an Authorized Agent representing more than one (1) racing interest, file more than two (2) separate claims on behalf of any of the racing interests s/he may represent.

(8) Offer any monetary or other reward to any Pony Rider, Exercise Person, Groom, stable employee or

other licensee for information relative to the physical condition or merit of a horse, or provide information relative to the physical condition or merit of a horse from the time such horse is entered in a claiming race until the expiration of time to make a claim on such horse in that claiming race.

325:30-1-6. Responsibility for prohibited actions

If a racing interest is comprised of more than one (1) licensed Owner, all Owners comprising such racing interest are jointly and severally liable for any action of the racing interest.

325:30-1-7. Affidavit may be required

The Stewards may require any person or any racing interest, its members or authorized agent, making a claim for a horse in any claiming race to make an affidavit in writing that s/he is claiming said horse for his/her own account if an individual owner, for the account of the racing interest if comprised of more than one licensed Owner, or for the racing interest if an Authorized Agent; and attest that the claim is not being made for any other person. Any person making such affidavit falsely shall be immediately suspended and his/her case referred by the Stewards to the Commission for further action.

325:30-1-8. Form and deposit of claim

All claims shall be in writing on a form approved by the Commission, shall be enclosed in the claim envelope on which the correct race number shall be written, sealed and deposited in the claim box at least ten (10) minutes before post time of the race in which the horse to be claimed is entered. No money shall accompany a claim form, and any person or racing interest making a claim shall first have the amount of the claim and all applicable taxes on deposit with the Horsemen's Bookkeeper at the race meeting. The filing of a claim by depositing the claim form in the claim box constitutes a contract of purchase at the established price and in accordance with the rules for claiming.

325:30-1-9. Errors which invalidate claim

A claim is invalid if the name of the horse to be claimed is erroneously spelled or not specified on the claim form, or if the claim form is not signed by an Owner authorized to claim or a member of a racing interest authorized to claim or their properly registered Authorized Agent, or is not accompanied by a certification from the Horsemen's Bookkeeper that the amount of the claim and all applicable taxes are on deposit with the organization or such Horsemen's Bookkeeper, or does not specify the racing interest making the claim, or fails to specify the designated claiming price, or does not include the correct race number on the envelope, or is otherwise so defective in any particular that the Stewards cannot approve its validity.

325:30-1-10. Opening of claim

When the claiming time has expired, the Stewards or their designee shall open and examine the claims; but no information concerning such claims shall be divulged to anyone other than the authorized Racing Officials until the race has been run. Should more than one (1) claim be filed for the same horse, the successful claimant shall be determined by lot in a manner specified by the Stewards. The Stewards or their designee shall verify with the Horsemen's Bookkeeper by initialing or otherwise marking the claim that the amount required and all applicable taxes are on deposit, and that the person submitting the claim is eligible to claim.

325:30-1-11. Vesting of title to claimed horse

Title to a horse which is claimed shall be vested in the successful claimant from the time the Starter (the Racing Official) dispatches the field and the horse becomes a starter; and said successful claimant becomes the Owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it. A subsequent disqualification of the horse by order of the Stewards or the Commission shall have no effect upon the claim. Notwithstanding any designation of sex or age appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for the determination of the sex or age of any claimed horse.

325:30-1-12. Delivery of claimed horse

A horse which has been claimed shall not be delivered by the original Owner to the successful claimant until authorization is given by the Stewards, and every horse so claimed shall run for the account of the racing

interest in whose name it is entered for such race. No horse claimed out of a claiming race shall remain in the same stable under the management of its former Owner or Trainer.

325:30-1-13. Delivery of claimed horse to the test barn

(a) If a claimed horse is required to be taken to the test barn for post-race testing, the original trainer or his/her representative shall maintain physical custody of the claimed horse and shall observe the testing procedure and sign the test sample tag. The successful claimant or his/her representative shall also accompany the horse to the test barn. At such time as the horse is released from the test barn by the official veterinarian or his designee, physical custody of the horse shall be passed to the successful claimant or his/her representative. It shall be the responsibility of the successful claimant to have a representative present at the test barn to take possession of the horse at that time.

(b) Should the claimed horse require any medical treatment as a result of an injury or incident after the horse has been dispatched from the starting gate by the official starter, the cost of the medical treatment shall be the responsibility of the successful claimant.

(c) Emergency medical treatment shall only be administered at the direction of or under the supervision of the racing veterinarian, the official veterinarian, or his/her designee prior to the sample being collected. Any post-race test indicating presence of substances administered as a result of such medical treatment shall be disregarded with respect to the responsibility of the trainer who entered the horse in the claiming race.

325:30-1-14. Delivery of certificates or documents

The Equine Infectious Anemia Test (EIA test) for a Horse participating in a claiming Race shall be the original VS Form 10-11 or an approved electronic version as set forth in OAC 25:15-15-4. The Trainer of the Horse shall be responsible for ensuring the original EIA test and Certificate of Registration is delivered to the racing secretary's office prior to the claiming Race. Failure to comply may subject the Trainer to disciplinary action. A proper transfer of Certificate of Registration for the claimed Horse shall be made by the racing secretary or the delegated Racing Official indicating transfer of Ownership to the successful claimant. No person shall willfully refuse to surrender any document of Ownership or other document required by the racing secretary for the purpose of avoiding or hindering the transfer of a successfully claimed Horse to a successful claimant. The Organizational Licensee shall procure and provide the original EIA test, the Certificate of Registration, and other required documents to properly transfer Ownership to the successful claimant.

325:30-1-15. Warranty of clear title

Every racing interest entering a horse in a claiming race does warrant that the title to said horse is free and clear of an existing claim or lien, either as security interest mortgage, bill of sale, or lien of any kind; unless before entering such horse, the written consent of the holder of the claim or lien has been filed with the Stewards and the Racing Secretary and its entry approved by the Stewards. A transfer of ownership arising from a recognized claiming race will terminate any existing prior lease for that horse.

325:30-1-16. Sale or transfer of claimed horse

No horse claimed out of a claiming race shall be sold or transferred to any person for racing purposes within thirty (30) days, exclusive of the day such horse was claimed except in another claiming race.

325:30-1-17. Entry of claimed horse

(a) A horse claimed out of a claiming race shall be eligible to race at any racing organization within the State of Oklahoma immediately or in any other state after the end of the race meeting where the claim occurred. A claimed horse shall not be eligible to start in any other claiming race for a period of thirty (30) days exclusive of the day such horse was claimed for less than the price for which the horse was claimed. A claimed horse, with permission of the Stewards at that race meeting, may be allowed to participate in stakes or nomination races in other jurisdictions.

(b) Any horse claimed in another racing jurisdiction is subject to the eligibility requirements for the claimed horse in effect at the time of the claim in the jurisdiction in which the horse was claimed.

325:30-1-18. Entry of mare in foal in a claiming race

No person shall enter a mare in any claiming race when such mare is pregnant, unless prior to the time of entry the Owner shall have deposited with the Racing Secretary a signed agreement whereby the Owner at the time of entry shall provide to the successful claimant of such mare without cost, protest or fee of any kind the valid stallion service certificate covering the breeding of the mare. A successful claimant of a mare in a claiming race may file with the Stewards a petition for rescision of the claim within thirty (30) days exclusive of the date of claim if such successful claimant finds that the claimed mare is pregnant and if the agreement to provide the valid stallion service certificate has not been deposited as required by this Section.

325:30-1-19. Rescison of claim

(a) A claim may not be set aside or voided except as provided herein.

(b) The Stewards may set aside and order rescision of a claim for any Horse from a claiming Race run at a Commission-licensed racetrack upon a showing that any party to the claim, including but not limited to, the Trainer, Owner, jockey, groomsmen, or hot walker, committed any prohibited action with respect to the claim, or that the Owner of the Horse at the time of entry in the claiming Race failed to comply with any requirement of this Chapter regarding entry of a Horse into a claiming Race. Should the Stewards order a rescision of a claim, they may also, in their discretion, make a further order for the costs of maintenance and care of the Horse as the Stewards may deem appropriate.

CHAPTER 35. GENERAL CONDUCT

[Authority: 3A O.S., § 204(A)]

325:35-1-1. Purpose

The rules in this Chapter establish the conditions for general conduct and responsibility regarding participants at a Commission- sanctioned race meeting as authorized by the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 200 et seq.

325:35-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"**Assistant Trainer**" means a person qualified and licensed by the Commission as an Assistant Trainer.

"**Authorized Agent**" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor in whose behalf the Agent will act, and limited to the actions as specified on the affidavit. The affidavit shall be on file with the Commission.

"**Commissioner**" means a member of the Oklahoma Horse Racing Commission.

"**Conditions of a race**" means the qualifications which determine the eligibility of a horse to be entered in a race.

"**Day**" means a 24-hour period ending at midnight.

"**Entry**" means:

(A) A horse eligible for and entered in a race.

(B) Two (2) or more horses entered in the same race which have common ties of Ownership, lease, or training.

"**Family**" means husband, wife, and any dependent children.

"**Horse**" means:

(A) Any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) An intact equine male five (5) years of age and older.

"**Jockey**" means a rider licensed to race.

"**Lessee**" means a licensed Owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the Registration Certificate and on file with the Commission.

"**Lessor**" means the Owner of a horse that is leased.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards, tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Substance" means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the Oklahoma Horse Racing Act, 3A O.S. § 200 et seq.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Week" means a period of seven (7) days.

"Year" means a calendar year.

325:35-1-3. Conditions of meeting binding upon licensees

The Commission, recognizing the necessity for an organization to comply with the requirements of its license and to fulfill its obligation to the public and the State of Oklahoma with the best possible uninterrupted services in the comparatively short licensed period, herein provides that all organizations, officials, horsemen, Owners, Trainers, Jockeys, Grooms, Farriers, organization employees, and all licensees who have accepted directly or indirectly, with reasonable advance notice, the conditions under which said organization engages and plans to conduct such race meeting, shall be bound thereby.

325:35-1-4. Horsemen's Representative Organizations and Agreements Section 325:35-1-4. Horsemen's Representative Organizations and Agreements [RENUMBERED To 325:35-1-33]

325:35-1-5. Trainer responsibility

(a) The Trainer is presumed to know the Rules. The Trainer is responsible for the condition, soundness, and eligibility of the Horses they train. The Trainer shall conduct their business of training Horses with appropriate care and skill, in a humane manner, and with due regard to the interests of their Owners and the safety of employees and of the Horses in their care.

(b) Should the chemical analysis, urine or otherwise, taken from a Horse under their supervision show the presence of any substance except as otherwise provided for in Chapter 45, it shall be taken as prima facie evidence that it was administered by or with the knowledge of the Trainer or persons under their supervision having care or custody of such Horse.

(c) The Trainer is responsible for any puncture mark(s) on any Horse they enter in a Race.

(d) If the Trainer cannot be present on Race Days they shall designate an Assistant Trainer. Such designation shall be made prior to time of entry, unless otherwise approved by the Stewards. Failure to disclose the actual Trainer of a Horse participating in a Race shall be grounds to disqualify the Horse and subject the actual Trainer to possible disciplinary action by the Stewards or the Commission. Designation of an Assistant Trainer shall not relieve the Trainer's absolute responsibility for the conditions and eligibility of the Horse, but shall place the Assistant Trainer under such absolute responsibility also. Willful failure on the part of the Trainer to be present

at, or refusal to allow the taking of any specimen, or any act or threat to prevent or otherwise interfere therewith shall be cause for disqualification of the Horse involved; and the matter shall be referred to the Stewards for further action.

(e) In addition to the foregoing responsibilities of this Section, a Trainer has the following specific responsibilities:

- (1) Knowledge of substance rules;
- (2) Knowledge of substance status of all Horses in their care;
- (3) Knowledge of Furosemide use rules;
- (4) To register all Horses in their care with the Racing Secretary;
- (5) To ensure that no injectable substances, hypodermic needles, syringes, or electrical or mechanical device (other than the ordinary whip or approved twitch) that may be used for the purpose of stimulating or depressing a Horse or affecting its speed are in their possession; in the possession of employees; or in automobiles; or in trailers; or in sleeping, storage or stable areas owned by or assigned to that Trainer or Trainer's employees;
- (6) Proper entering and eligibility of all Horses in their care;
- (7) Guard Horses in their care;
- (8) Make any declaration or scratch of an entered Horse in their care;
- (9) Bill and account for fees and services rendered on behalf of any Horse in his/her care to the appropriate Owner or Owners.
- (10) To instruct and determine the training regimen of all Horses in their care and entered in any Race.

(f) No Trainer duty or responsibility may be assigned to a person who is ineligible to hold a license or who is under suspension in this or any other racing jurisdiction.

(g) No Trainer shall assume any of the responsibilities described in this Section for a Horse they do not train.

(h) Trainers who are summarily suspended or suspended for more than sixty (60) days shall not be permitted to transfer their Horses to a family member. A suspended trainer shall not provide financial assistance to, or have communication concerning care, custody, or control with a receiving Trainer, after a transfer has been completed.

325:35-1-6. Altering sex of horse

Any alteration to the sex of a horse from the sex designation as recorded on the Certificate of Foal Registration or other official Registration Certificate of such horse shall be reported immediately by the Trainer to the Racing Secretary and the official Horse Identifier if such horse is registered to race at any race meeting.

325:35-1-7. Official workouts and schooling races

No Trainer shall permit a horse in his/her charge to be taken on to the track for training or a workout except during hours designated by the organization licensee; and a Trainer desiring to engage a horse in a workout or schooling race shall, prior to such workout or race, identify the horse by registered name and tattoo number when requested to do so by the Stewards, the Starter or their authorized representative.

325:35-1-8. Intoxication

No licensee, employee of the Organization Licensee or its concessionaires shall be under the influence of intoxicating liquor or the combined influence of intoxicating liquor and any controlled dangerous substance while within the enclosure of any Organization Licensee. No person shall in any manner or at any time disturb the peace or make themselves obnoxious within the enclosure of an Organization Licensee.

325:35-1-9. Firearms

No person shall possess any firearm or other offensive weapon prohibited by law within the enclosure unless that person is a fully qualified Peace Officer as defined by the laws of the State of Oklahoma or a properly licensed armed Security Officer employed or contracted to an organization licensee.

325:35-1-10. Financial responsibility

No licensee shall willfully and deliberately fail or refuse to pay any monies when due for any service, supplies or fees connected with such licensee's operations within an enclosure of an organization licensed by the Commission; nor shall s/he falsely deny any such amount due or the validity of the complaint thereof with the purpose of hindering or delaying or defrauding the person to whom such indebtedness is due. Failure to satisfy

these financial responsibilities in a timely manner may result in a fine and/or suspension.

325:35-1-10.1. Filing and processing of financial responsibility complaints

(a) Any creditor filing a financial responsibility complaint against an occupation licensee for alleged failure to pay any monies owed in excess of \$100.00 for any service or supplies connected with such licensee's operation within an enclosure of a racetrack licensed by the Commission must file such complaint on a form prescribed by the Commission, and

(1) a verified statement and documentation of the services or supplies provided and the fees alleged to be due, or

(2) a judgment from a court of competent jurisdiction.

(b) Such complaints, with the required verification, shall be filed with the Board of Stewards at a Commission-licensed racetrack where the goods or services were performed or delivered. When either party to such a complaint seeks the issuance of a subpoena, a request for the issuance of a subpoena shall be filed with the Board of Stewards, and any member of the Board of Stewards shall be empowered to issue the requested subpoena. It shall be the responsibility of the person requesting the subpoena to serve the subpoena. When such service is to be accomplished by mail, it shall be sent by way of certified mail, return receipt requested, and the return receipt shall be addressed to the issuing Board of Stewards.

(c) The party filing the complaint shall pay the cost of service of the summons at the time of the filing of the financial responsibility complaint if the summons is to be served by certified mail, return receipt requested. If the complaining party chooses to have the summons served by a private process server, both the cost of the service and arrangements for the service shall be the responsibility of the complaining party. A return of service shall be filed with the Board of Stewards prior to the commencement of a hearing.

(d) Financial responsibility complaints that are not in excess of \$100.00 shall not be accepted by the Board of Stewards.

325:35-1-11. Checks

No licensee shall write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies connected with such licensee's operations within an enclosure of an organization licensed by the Commission when such licensee knows or should reasonably know that the said check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of said check, or that the check is a stop payment check or is written on a closed account or a non-existent account. The fact that such a check is returned to the payee by the bank as refused is grounds for a fine and/or suspension pending satisfactory redemption of the returned check.

325:35-1-12. Gratuity to Starter or Assistant Starter prohibited

No person shall offer or give money or other gratuity to any Starter or Assistant Starter, nor shall any Starter or Assistant Starter receive money or other compensation, gratuity or reward, in connection with the running of any race or races except compensation received from an organization for official duties.

325:35-1-13. Possession of contraband

No person other than a Veterinarian licensed by the Commission shall have in their possession within the enclosure any prohibited substance, any injectable substance, or any hypodermic syringe or hypodermic needle or similar instrument which may be used for injection. Nor shall any person have in their possession within the enclosure the substance Clenbuterol other than in a form approved by the FDA, which approval currently allows the use of Clenbuterol under two brand names, Ventipulmin Syrup and Aeropulmin Syrup. Possession within the enclosure of any form of Clenbuterol other than the Ventipulmin Syrup and Aeropulmin Syrup, in their original container, the container in which the substance was distributed by its manufacturer, is prohibited. No person shall have in their possession within the enclosure any device which can be used for the purpose of stimulating or depressing the horse or affecting its speed other than the ordinary whip or twitch approved by the Stewards. The Stewards may permit the possession of substance or appliances by a licensee for personal medical needs under such condition as the Stewards may impose.

325:35-1-14. Bribes prohibited

No person shall give, or offer or promise to give, or attempt to give or offer any money, bribe or thing of value to any Owner, Trainer, Jockey, Agent, or any other person participating in the conduct of a race meeting in any capacity, with the intention, understanding or agreement that such Owner, Trainer, Jockey, Agent or other person shall not use his/her best efforts to win a race or so conduct himself in such race that any other participant in such race shall be assisted or enabled to win such race; nor shall any Trainer, Jockey, Owner, Agent or other person participating at any race meeting accept, offer to accept, or agree to accept any money, bribe or thing of value with the intention, understanding or agreement that s/he will not use his/her best efforts to win a race or to so conduct himself/herself that any other horse or horses entered in such race shall thereby be assisted or enabled to win such race.

325:35-1-15. Trainer's duty to ensure licensed participation

No Trainer shall have in his/her employ within the enclosure any Groom, Stable Employee, Stable Agent, or other person required to be licensed, unless such person has a valid license. All changes of employee personnel shall be reported within seventy-two (72) hours to the Stewards, Law Enforcement Agent, or Commission Licensing Office.

325:35-1-16. Conduct detrimental to horse racing

No licensee shall engage in any conduct prohibited by law and by the rules and regulations of this Title, nor shall an licensee engage in any conduct which by its nature is unsportsmanlike or detrimental to the best interest of horse racing.

325:35-1-17. Illegal or improper communications equipment or devices Section [REVOKED]**325:35-1-18. Communicating results of races [REVOKED]****325:35-1-19. Denial of access to private property**

Nothing contained in the rules of this Subchapter shall be deemed, expressly or implicitly, to prevent an organization licensee from exercising the right to deny access to or to remove any person from the organization licensee's premises or property for just cause.

325:35-1-20. Qualifications for participation at race meeting

No managing employee of an organization licensee shall, in connection with the race meeting conducted by the organization licensee, enter or cause to be entered in a race, directly or indirectly, any horse in which any such person has a financial interest, or directly or indirectly claim any horse pursuant to the provisions of Chapter 30 of this Title. The organization licensee shall develop and submit annually to the Commission for approval its policy concerning participation in any capacity at the meeting.

325:35-1-21. Tricks/schemes prohibited

No person shall falsify, conceal, or cover up by any trick, scheme, or devise a material fact; or make any false, fictitious, or fraudulent statements or representations; or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or Entry regarding the prior racing record, pedigree, identity, or ownership of a registered animal in any matter related to the breeding, buying, selling, training or racing of the animal. No person shall make false, fictitious, or fraudulent statements or misrepresent the identity of a horse or make or use any false writing, document, or statement to an Organization Licensee, the Stewards, or the Commission.

325:35-1-22. Prearranging the outcome of a race prohibited

No licensed or unlicensed person may attempt or conspire to prearrange the outcome of a race.

325:35-1-23. Compliance with orders of Racing Officials and Commission representatives

No licensee shall willfully ignore, refuse to comply, or interfere with verbal or written orders of a Racing Official or Commission representative in the performance of their duties. No licensee shall use abusive or

profane language or threaten a Racing Official, employee or representative of the Commission.

325:35-1-24. Persons prohibited from wagering and being present in the enclosure

The following persons, unless determined by the Commission to be rehabilitated, are declared to be of such reputation that his/her presence at the race meeting reflects upon the honesty and integrity of horse racing, and are prohibited from participating in pari-mutuel wagering and from being present within any enclosure during a race meeting:

- (1) A person who has engaged in any act of or who has been convicted of bookmaking; or
- (2) A person who has engaged in any act of or who has been convicted of theft from a person (pickpocket); or
- (3) A person who has been convicted of a felony for violation of any provision of the Act; or
- (4) A person whose license has been revoked by the Commission or by any horse racing regulatory body of any other state; or
- (5) A person who has been removed from the enclosure on more than two occasions during a race meeting pursuant to the provisions of 325:35-1-26.

325:35-1-25. Duty of organization to exclude or eject prohibited persons

An organization licensee shall exclude or eject from its enclosure persons who are prohibited pursuant to the provisions of 325:35-1-24 from participating in pari-mutuel wagering and from being present within the racing enclosure during a race meeting. No organization licensee shall knowingly issue an admission ticket or credential to such person. An admission ticket or credential shall be void if held by such person.

325:35-1-26. Disorderly persons

An organization licensee, without limitation by specific mention hereof, may remove from its enclosure any person who, while within the enclosure:

- (1) Interferes with any racing operation; or
- (2) Solicits or engages in any act of lewdness; or
- (3) Commits any public offense; or
- (4) Is intoxicated; or
- (5) Purports to have inside information on a racehorse and sells or attempts to sell such information to a wagerer other than organization and Commission-approved tipsheets.

325:35-1-27. Notice of exclusion or ejection

An organization licensee shall inform any person excluded or ejected from the enclosure of the reason therefore and shall notify the Commission daily on a form prescribed by the Commission of the name of any person excluded or ejected, the reason therefore, and such other information as the Commission may require.

325:35-1-28. Determination of rehabilitation

Any person excluded or ejected from an enclosure pursuant to the provisions of 325:35-1-24 and 325:35-1-25 may apply in writing on a form prescribed by the Commission for a determination by the Commission that the applicant has been rehabilitated. After hearing, if the Commission shall find that the applicant has been rehabilitated, an organization licensee shall no longer be required to exclude or eject the applicant from the enclosure pursuant to the provisions of 325:35-1-25.

325:35-1-29. Denial of access by organization licensee

Nothing contained in the provisions of 325:35-1-24 through 325:35-1-28, inclusive, shall be deemed to prevent an organization licensee from exercising its rights to deny access to or to remove any person from its enclosure or property for any reason the organization deems appropriate, notwithstanding the fact that the reason is not one specified in this Subchapter, except that no person shall be excluded or ejected from a race meeting solely for reasons of race, color, creed, sex, national origin, or ancestry.

325:35-1-30. Jockey wagering

No Jockey shall make any wager or have any wager made on his/her behalf in any race in which s/he

participates, except through the Owner or Trainer of and on the horse which s/he rides. Any wager shall be limited to the Jockey's own mount to win or finish first in combination with other horses in multiple type wagers. Any Owner or Trainer wagering for such Jockey shall maintain a record of all such wagers and all gifts or other gratuities s/he has given any Jockey. Such records shall be furnished to the Stewards or the Commission or its investigators upon demand.

325:35-1-31. Fighting

No Licensee shall engage in any type of assault either verbal or physical within the enclosure of an Organization Licensee.

325:35-1-32. Theft

No Licensee shall engage in any act of stealing or larceny within the enclosure of an Organization Licensee.

325:35-1-33. Horsemen's Representative Organizations and Agreements

The Oklahoma Horse Racing Commission has the authority to recognize the results of any election held for the purpose of determining which organization represents the majority of horse Owners and Trainers at any licensed race meeting.

325:35-1-34. Election of horsemen's representative organizations and agreements

(a) The Commission of this state recognizes the necessity of horse Owners and Trainers to negotiate and to covenant with Organization Licensees as to the conditions for each race meeting, the distribution of commissions and purses not governed by statutory distribution formulae, simulcast transmission and reception, off-track wagering, all matters relating to welfare, benefits and prerogatives of the parties to the agreement, and any other matter required as a matter of law or necessity. To fulfill its duties to the public in authorizing the conduct of an uninterrupted, orderly race meeting during the licensed term of such race meetings, the Commission shall recognize the Organization elected by horsemen that was, in 2003, providing representation for participating Thoroughbred horsemen at meets restricted to Thoroughbred horses as the official representative of all Thoroughbreds participating in live race meets conducted by organization licensee. The organization elected by horsemen that was, in 2003, providing representation for the breeds participating in mixed-breed racing shall be recognized by the Commission as the official representative for all non-Thoroughbreds participating in live race meets conducted by organization licensee. In the event that more than fifty percent (50%) of the total participating horsemen for a single breed opt to be excluded from representation by the recognized organizations, the Commission may determine that an election be held among all participating horsemen of that breed(s) to designate an alternate representative organization.

(b) Such an election shall be held so that an alternate organization can be elected to represent Thoroughbred Owners and Trainers throughout the State or represent Quarter Horse, Paint and Appaloosa Owners and Trainers throughout the State.

(c) The Horsemen's Organizations elected at a bona fide election shall be recognized by the Commission as the organization empowered exclusively to contract with an Organization Licensee as to all issues pertaining to the conduct of races for the breed or breeds represented. No person shall serve as an officer or director of an acknowledged Horsemen's Organization, other than in an honorary capacity, at the same time such person serves as an officer or director of an Organization Licensee or as an officer or director of an entity which is a principal shareholder of any Organization Licensee.

(d) The procedure for the election shall be as follows:

(1) Within thirty (30) days after the Commission determines that more than 50% of the participating Owners and Trainers represented by either of the Horsemen's Organizations have opted out of participation, any eligible bona fide Horsemen's Organization or association, hereinafter the "Horsemen's Organization," desiring to be put on the election ballot shall make that intent known, in writing, to the Commission and to each Organization Licensee. If only one bona fide Horsemen's Organization has filed for any representative position, the Commission shall declare that Horsemen's Organization as the winner and there will be no election held with regard to that position.

(2) Those persons eligible to vote in any election shall include Commission-licensed Owners, Trainers and Owner-Trainers that participated in starting a horse at a race meeting within 365 days of the

Commission's determination that an election is to be held. In the case of partnerships, corporations, syndicates or other multiple ownerships, each such entity shall have only one vote regardless of the number of licensed Owners, partners or syndicate members making up such partnership, corporation or syndicate. However, any licensed Owners who start a horse in their own name, separate from the partnership, corporation or syndicate, shall be entitled to their own votes.

(3) Each Horsemen's Organization which files an intent to become the Horsemen's Representative shall post a deposit as determined by the Commission for each election the Horsemen's Organization chooses to enter. Any projected deficiency for each Horsemen's Organization's proportionate cost of conducting the election will be established by the Oklahoma Horse Racing Commission and must be paid by each organization before its name can appear on the ballot(s). The money must be forwarded in the form of cash, check or money order and shall be held in a special account (the "Special Account") with the Horsemen's Bookkeeper at a racetrack designated by the Commission to be used exclusively for administering and conducting that particular Horsemen's Representative election and will be administered by an independent party. The ballot preparation, addressing, stamping, mailing, actual counting of the ballots, certification of results, and the administration of the Special Account will be conducted by an independent party (the "Independent Party") having no interest in the outcome of the election. The Commission shall select the Independent Party to conduct the duties required under this section.

(4) All racetracks shall furnish the Racing Commission with names and addresses of each eligible Owner, Owner-Trainer and Trainer. The lists from racetracks shall be combined by the Independent Party conducting the election to prevent duplication in preparation of a single ballot for each eligible voting entity. A copy of the combined list will be provided to the Commission and to each of the bona fide organizations seeking election. Any organization seeking to challenge the validity of the list must do so within five (5) days of being provided with the list prepared by the Independent Party. Whenever possible, voting shall occur during a race meeting.

(5) Ballots shall be prepared using a form not readily susceptible to falsification with said ballots being sequentially numbered. A log shall be maintained as to the eligible Owners, Owner-Trainers and Trainers with each such eligible Owner, Owner-Trainer and Trainer being assigned a sequentially numbered ballot. Each ballot shall require the voter to list the name of at least one horse started by that voting entity during the specified 365 day period. Only one ballot shall be issued to a person regardless of how many horses started or separate capacities held by that person.

(6) All ballots will be mailed at the same time with the Independent Party's name and address being listed as the return address for all ballots. All ballots must be returned by mail directly to that Independent Party or they will be declared invalid.

(7) The ballots will be prepared for mailing and mailed to all eligible Owners and Trainers within twenty (20) days after the deadline for Horsemen's Organizations to declare their intent to be put on the ballot.

(8) Twenty (20) calendar days after the date of mailing of the ballots, the ballots returned will be opened and counted. The procedure for opening and counting will be as follows: The Independent Party will open, count and tabulate the ballots. Each organization on the ballot for an election may designate a representative to be present at the opening, counting and tabulation of the ballots. The Independent Party will certify the results to the Commission. All Independent Party's costs of this procedure will be paid for from the Special Account funds.

(9) The winner of the election will be determined by majority of all eligible votes received by Independent Party by the twentieth day after mailing of ballots. In the event no Horsemen's Organization receives more than fifty percent (50%) of the eligible votes received in the election for Horsemen's Representative, then there shall be a run-off election (the "run-off") between the two Horsemen's Organizations receiving the highest number of votes. In the event of a tie in the run-off, then the run-off process will be repeated until one Horsemen's Organization receives a majority of the eligible votes received.

(10) In preparation for each run-off, the Horsemen's Organizations participating therein are each required to post an additional deposit in an amount determined by the Commission to cover the anticipated cost of that run-off ("run-off deposit"). There will be an additional run-off deposit for each run-off conducted. The run-off deposit will be placed in the Special Account and administered in a like manner by the Independent Party to cover the costs of the run-off.

(11) At the conclusion of the election(s), an accounting of the available monies on deposit will be made and all expenses of the election(s) will be paid, including reasonable reimbursement for Commission administrative expenses related directly to the election(s), if required by the Commission.

(12) If there was no run-off, then each Horsemen's Organization participating will be assessed its proportionate share of the expenses if the deposits were inadequate. If funds from the deposits are left, they will be refunded proportionately. If after a run-off there are insufficient funds to cover the expenses, then each Horsemen's Organization is required to pay additional money into the fund to cover its proportionate share.

(13) In the event the deposits exceed the expenses after the primary and any run-offs, then the expenses of each election will be separately tabulated and the deposits will be refunded proportionately to the Horsemen's Organizations participating in each respective election.

(14) All Horsemen's Organizations duly elected shall represent their respective breed(s) until replaced by an election conducted in accordance with Title 3A, Section 267, and this Rule.

325:35-1-35. Agreements to be binding on members

Any agreement, covenant, or contract entered into by the duly elected Horsemen's Organization with any Organization Licensee is binding upon each horse Owner or Trainer or participant who accepts the conditions of the race meeting by entering a horse at such race meeting, except a participant may sign a waiver electing to be excluded from any purse dedication, prize or other monies which are the subject of the agreement between the Horsemen's Representative and the racetrack. No such Owner or Trainer or participant nor any member, employee, agent, director, or representative of a Horsemen's Organization shall counsel, urge, advocate, aid, or abet the violation of any provision of any horsemen's agreement with any Organization Licensee during its term.

325:35-1-36. Agreements to be binding on Organization Licensee

Any agreement, covenant, or contract entered into by the duly elected Horsemen's Organization with any Organization Licensee is binding upon the Organization Licensee and its employees, agents, representatives, and officials. No employee, agent, representative, or official of the Organization Licensee shall counsel, urge, advocate, aid, or abet the violation of any provision of any horsemen's agreement with the Organization Licensee.

325:35-1-37. Agreements to be filed

(a) Each Organization Licensee shall file a copy of its agreement with the Horsemen's Organization representing the horse Owners and Trainers at the race meeting by October 1 of the preceding year. In the event the Organization Licensee is unable to obtain and file such an agreement by the October 1 deadline due to the lack of initiative or impasse between parties or due to other reasons, the Commission may, upon notice to the prospective parties to the agreement, conduct a hearing with regard to the conditions of the race meeting and take such actions as it may deem appropriate to ensure continuity of the racing program, including the recognition of the terms of the previous Horsemen's Representative agreement as the terms that will govern the relations between the Organization Licensee and the elected representative until such time the Commission approves an agreement submitted by the parties. The Horsemen's Organization shall provide a copy of the agreement for the conduct of the race meeting to any person requesting same. The Organization Licensee shall cause to be posted on the bulletin board of the Organization Licensee a notice of the location where a copy of the agreement may be obtained.

(b) A Financial Statement, including benevolence activity, shall be filed with the Commission by each elected horsemen's representative organization no later than sixty (60) days after the end of each calendar year for which the organization was the official horsemen's representative.

325:35-1-38. Prohibited provisions of horsemen's agreements

(a) No agreement between the Organization Licensee and the horsemen shall include therein any provision which is in conflict with the Oklahoma Horse Racing Act, the State-Tribal Gaming Act, the *Rules of Racing* of the Commission, the Interstate Horse Racing Act or any other laws or which usurps the authority of the Commission, including but not limited to:

(1) Any provision which specifies the type of pari-mutuel wagering to be conducted by the Organization Licensee or the number of multiple wager (exotic) pari-mutuel pools to be conducted; or

- (2) Any provision which may serve to exclude participation at the race meeting by any individual holding a valid license issued by the Commission.
- (b) Nothing herein shall be deemed as an abridgement of the provision of Commission Rule 325:15-5-6 and Commission Rule 325:35-1-29.

CHAPTER 40. VETERINARIAN PRACTICES AND RESTRICTIONS

[Authority: 3A O.S., § 204(A)]

325:40-1-1. Purpose

The rules of this Chapter establish and describe requirements for ensuring the health and welfare of racehorses, for safeguarding the interests of the public and participants of racing, and for supervision over veterinarian practices in Commission-sanctioned horse racing; including equipment and medication labeling standards, reporting requirements, and the administration of medications and substances.

325:40-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Oklahoma Horse Racing Act 3A O.S. § 200 et seq.

"**Administer**" means the application of any veterinary treatment permitted under the Oklahoma Veterinary Practice Act, 59 O.S., § 698.1 et seq.

"**Animal chiropractic diagnosis and treatment**" means treatment that includes vertebral subluxation complex and spinal manipulation of horses. The term "animal chiropractic diagnosis and treatment" shall not be interpreted to allow taking x-rays, performing surgery, administering medications, or offering traditional veterinary care.

"**Commissioner**" means a member of the Oklahoma Horse Racing Commission.

"**Day**" means a 24-hour period beginning and ending at midnight.

"**Direct supervision**" means directions have been given to a registered veterinary technician for medical care following the examination of a horse by the Commission licensed veterinarian responsible for the professional care of the horse.

"**Enclosure**" means all buildings, structures, and grounds utilized for the conduct of race meetings and gaming at the race track and any additional areas designated by the Commission.

"**Entered horse**" means a horse appearing on the overnight sheet posted by the Racing Secretary.

"**Horse**" means any equine including mares, fillies, stallions, colts, ridglings and geldings.

"**Occupation license**" means a state requirement for any person acting in any capacity pursuant to the provisions of the Act.

"**Official Veterinarian**" means a person who is licensed to practice veterinary medicine by the State of Oklahoma and employed by the Commission and qualified and licensed by the Commission as an Official Veterinarian.

"**Organization license**" means a state requirement for any person or entity conducting a race meeting in Oklahoma within the minimum standards required by the Act and the rules of the Commission.

"**Owner**" means any person who holds in whole or in part, any right, title or interest in a horse or any person who is a lessee or lessor of a horse and has been duly issued a currently- valid Owner license as a person responsible for such horse.

"**Permitted substance**" means any substance having a listed threshold for a particular breed of horse unless otherwise specified by Commission rules.

"**Practicing veterinarian**" means a person employed by a trainer or owner to medically treat horses, is licensed to practice veterinary medicine by the State of Oklahoma, and is licensed as a veterinarian by the Commission.

"**Prohibited substance**" means any substance, chemical, or analog that is not listed by Commission rules as a permitted substance for a particular breed of horse or is not a naturally occurring substance.

"**Race**" means a contest between horses.

"Race day" means a day during a race meeting when live races are conducted at that racetrack.

"Racing Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma, employed by the organization licensee, and qualified and licensed by the Commission as a Racing Veterinarian.

"Registered veterinary technician" means a person who is registered by the Oklahoma Board of Veterinary Medical Examiners and licensed by the Commission as a registered veterinary technician.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Substance" means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the Oklahoma Horse Racing Act, 3A O.S. § 200 et seq.

"Teeth floating" means, as provided by a non-veterinary equine dental care provider, the removal of enamel points and the smoothing, contouring and leveling of dental arcades and incisors of horses' teeth.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Veterinarian-client-patient relationship" means the practicing veterinarian has assumed the responsibility for making medical judgements regarding the health of the horse and the need for medical treatment, and the trainer, owner or other caretaker has agreed to follow the instructions of the practicing veterinarian; there is sufficient knowledge of the horse by the practicing veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the horse or horses in that the practicing veterinarian has recently seen or is personally acquainted with the keeping and care of the horse or the practicing veterinarian has made medically necessary and timely visits to the premises where the horse is stabled; the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy, or has arranged for emergency medical coverage; and the practicing veterinarian's actions would conform to applicable state and federal law and regulations.

"Veterinary prescription medications" means such prescription substance as are in the possession of practicing veterinarians regularly and lawfully engaged in the practice of veterinary medicine and the federal Food and Drug Administration-approved human medications for animals which because of their toxicity or other potential for harmful effects, or method of use, or the collateral measures necessary for use, are labeled by the manufacturer or distributor in compliance with federal law and regulations to be sold only to or on the prescription order or under the supervision of a licensed veterinarian for use in the course of professional practice. Veterinary prescription medications shall not include over-the-counter products for which adequate directions for lay use can be written.

"Week" means a seven (7) day period.

"Year" means a 365 day period.

325:40-1-3. Veterinary practices - Treatment restricted

(a) No person other than an Oklahoma-licensed practicing veterinarian, official veterinarian, racing veterinarian, or registered veterinary technician under the direct supervision of a practicing veterinarian shall administer any veterinary treatment or permitted substance or veterinary prescription medications to any horse within the enclosure.

(b) The following restrictions apply to medical treatments of horses that are engaged in activities, including training, related to competing in pari-mutuel racing in the jurisdiction:

(1) With the exception of emergency care, no permitted substance or veterinary prescription medication shall be administered by a practicing veterinarian outside the context of a valid veterinarian-client-patient relationship between the practicing veterinarian, the horse owner (who may be represented by the trainer) and the horse.

(2) The owner (who may be represented by the trainer) is not required to follow the practicing veterinarian's instructions, but no permitted substance or veterinary prescription medication shall be administered unless administered by a practicing veterinarian having previously examined the horse and provided the treatment recommendation, as follows:

(A) The practicing veterinarian, with the consent of the owner (who may be represented by the trainer), has accepted responsibility for making medical judgments about the health of the horse;

(B) The practicing veterinarian has sufficient knowledge of the horse to make a preliminary diagnosis of the medical condition of the horse;

(C) The practicing veterinarian has performed an examination of the horse and is acquainted with

- the keeping and care of the horse;
- (D) The practicing veterinarian is available to evaluate and oversee treatment outcomes, or has made appropriate arrangements for continuing care and treatment;
- (E) The veterinarian-client-patient relationship is maintained by veterinary examinations as needed, and;
- (F) The judgments of the practicing veterinarian are independent and shall not be dictated by the trainer or owner of the horse.
- (3) A practicing veterinarian, official veterinarian, or racing veterinarian who, in good faith, renders or attempts to render emergency care to a horse in the enclosure suffering from an accident, disaster or other health emergency will not be liable for any violation as a result of such action, subject to the following restrictions:
- (A) If the horse is an entered horse, the veterinarian shall attempt to contact the official veterinarian prior to emergency treatment,
- (B) If the official veterinarian is not available, the horse may be treated without authorization provided the treating veterinarian contacts the official veterinarian or the stewards as soon as possible after treating the entered horse,
- (C) A horse receiving emergency care within 24 hours prior to the running of a race shall be scratched,
- (D) The fact that a valid veterinarian-client-patient relationship doesn't exist shall not prevent a veterinarian from providing emergency care to a horse within the enclosure.
- (4) The practicing veterinarian shall be responsible to ensure that treatment of a horse complies with Chapter 45 of the Rules of Racing. The recommendation of a medical treatment, therapy, or administration of a permitted substance or veterinary prescription medication for a horse within the enclosure shall be the responsibility of the practicing veterinarian. The decision to proceed with a recommended medical treatment, therapy, administration of a permitted substance or veterinary prescription medication shall be the responsibility of the horse owner (who may be represented by the trainer).
- (5) Certain medical treatments shall be permitted, as follows:
- (A) Any chiropractic physician licensed in this state and who is certified by the Board of Chiropractic Examiners to engage in animal chiropractic diagnosis and treatment may practice equine chiropractic diagnosis and treatment under the direct supervision of a practicing veterinarian.
- (B) Any individual that is certified in animal massage therapy may engage in equine massage therapy after referral from a licensed practicing veterinarian and under the direct supervision of a practicing veterinarian.
- (C) Any individual that is certified by the State Board of Veterinary Medical Examiners as a non-veterinary equine dental care provider may engage in horse teeth floating.
- (D) Complementary and alternative therapies may be performed on a horse by a practicing veterinarian or under the direct supervision of a practicing veterinarian. Complementary and alternative therapies include, but are not limited to:
- (i) acupuncture and related acupoint therapies;
 - (ii) manual therapies including physical, massage, and osteopathic therapies;
 - (iii) energy therapies including ultrasound, pulsating electromagnetic field (PEMF), static magnetic field, laser, Reiki, therapeutic touch, Bowen, and shock wave therapies;
 - (iv) integrative medicines including Ayurveda, aromatherapy, flower remedy therapy, holistic medicine, homeopathy, nutritional therapy, and phototherapy.
- (6) Only trainers and owners may authorize veterinary medical treatment of horses under their care, custody, and control within the enclosure.
- (7) A practicing veterinarian shall not engage in conduct likely to deceive, defraud or harm the public or a demonstration of willful or careless disregard for the health, welfare or safety of a horse;
- (8) A practicing veterinarian shall not administer any parenteral substance to an entered horse, other than furosemide, within 24 hours prior to running in a race.
- (9) A practicing veterinarian shall not fraudulently issue or use certificates of veterinary inspection; test charts including forms for equine infectious anemia or equine piroplasmiasis; or vaccination reports.

(10) A practicing veterinarian shall not violate any state or federal statute, rule or regulation regarding the prescription, dispensation, or administration of veterinary prescription medications.

(c) Nothing in this Chapter is intended to allow otherwise prohibited conduct or to allow the presence of substances in a horse that would otherwise be considered a violation of Chapter 45 of the Rules of Racing. If the necessary medical treatment of a horse requires the administration of a veterinary prescription medications, prohibited substances, naturally occurring substances, or dosages of permitted substances that make the horse ineligible to run a race, the horse shall be scratched or disqualified as circumstances dictate and the owner, trainer, and practicing veterinarian may be subject to appropriate penalties for violations of these rules.

325:40-1-4. Veterinarians under supervision of Official Veterinarian

(a) Practicing veterinarians and racing veterinarians working within the enclosure shall be under the supervision of the Official Veterinarian and the Stewards. The Official Veterinarian shall recommend to the Stewards or the Commission the discipline to be imposed upon a practicing veterinarian, racing veterinarian, or registered veterinary technician who violates the rules of this Chapter, and appear at any hearing before the Stewards concerning any violation.

(b) Registered veterinary technicians shall not perform work on any horse within the enclosure unless under the direct supervision of practicing veterinarian responsible for the professional care of the horse and supervising practicing veterinarian responsible for the professional care of the horse is also present within the enclosure.

(c) Registered veterinary technicians shall not administer parenteral substances to any horse within the enclosure.

325:40-1-5. Veterinarian reports

(a) Every Practicing Veterinarian:

(1) Who treats any Horse within the enclosure for any contagious or communicable disease reportable to state or federal authorities shall immediately report the treatment to the Official Veterinarian, the State Veterinarian for the Oklahoma Department of Agriculture, or the Area Veterinarian in Charge for APHIS (USDA).

(2) Who treats a Horse within twenty-four (24) hours prior to post-time shall submit daily reports on a form approved by the Commission to the Official Veterinarian showing all Substances which the Practicing Veterinarian prescribed, administered or dispensed. The form shall include, but not be limited to, the name and location of the Horse treated, the name of the Trainer, the time of treatment or examination, the probable diagnosis, and the medication administered.

(3) Who treats any Horse or performs other professional services to Horses participating in any race meeting conducted in Oklahoma shall be responsible for maintaining medical records in compliance with the Oklahoma Veterinary Practice Act, O.S., Title 59, § 698.2 to § 698.28 on all Horses for which they prescribe, administer, or dispense permitted substances or veterinary prescription medications, or perform other professional services. The treatment records or log book information shall include but not be limited to the date and time of treatment or service; name of racetrack; Practicing Veterinarian's printed name and signature; registered name of Horse; Trainer's name; barn number or location of Horse; race date and race number, if any; medication and dosage; and reason for treatment/services. Treatment records shall be available to the Commission and the Stewards within twenty-four (24) hours of request unless otherwise provided by the Board of Stewards, Commission Executive Director, or their designee(s). Failure to comply shall subject the Practicing Veterinarian to disciplinary action by the Board of Stewards.

(b) Treatment records described in (a) of this Section shall be confidential; and the content of treatment records shall not be disclosed except in a proceeding before the Stewards or the Commission in the exercise of the Commission's jurisdiction or in forwarding such information to the Oklahoma Board of Veterinary Medical Examiners.

325:40-1-6. Bandages

Only bandages approved by the official veterinarian shall be used on a horse during a race, and all other leg coverings shall be removed prior to entering the saddling paddock.

325:40-1-7. Posterior digital neurectomy

No person shall bring onto the enclosure of a racing organization, or enter or cause to be entered in any race, any horse which has been "nerved" or has had any nerve removed from the leg of such horse, except as provided by this Section. Notwithstanding the prohibition against "nerving," a horse upon which a posterior digital neurectomy has been performed, commonly known as "heel nerving," is not ineligible to race, provided that the official veterinarian is satisfied that the loss of sensation to such horse due to the posterior digital neurectomy will not endanger the safety of any horse or rider, that the prior approval of the official veterinarian has been obtained, that the racing secretary is notified of such "nerving" at the time such horse is entered in a race and its registration certificate marked to indicate such "nerving." The racing secretary shall maintain a list of "nerved" horses which are on the grounds, and shall make such list available for inspection by other licensees participating in the meeting.

325:40-1-8. Postmortem examination

- (a) Every horse, which dies or suffers a breakdown on the racetrack in training or in competition within any enclosure licensed by the Commission and is destroyed, shall undergo, at a time and place acceptable to the official veterinarian, a postmortem examination to the extent reasonably necessary to determine the injury or sickness which resulted in euthanasia or natural death. Any other horse which expires within any enclosure may be required by the official veterinarian to undergo a postmortem examination.
- (b) All licensees shall be required to comply with postmortem examination requirements as a condition of licensure.
- (c) In addition to the postmortem examination of the horse, the official veterinarian, stewards or Commission may request veterinary treatment records, training charts, race video, and interviews with personnel charged with the care, handling, and welfare of the horse in question.
- (d) The postmortem examination shall be conducted by a Commission approved program in consultation with the official veterinarian who may be present at such postmortem examination.
- (e) Biological samples may be obtained from the carcass upon which the postmortem examination is conducted and may be sent to a laboratory approved by the Commission for analysis. The detection of a prohibited substance, permitted substance exceeding listed thresholds, naturally occurring substance exceeding listed thresholds or exceeding concentrations that the substance may naturally occur in a postmortem biological sample shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, and other penalties authorized by the Act and the rules of the Commission.

325:40-1-9. Labeling of veterinary prescription medications

- (a) No practicing veterinarian, vendor or other person shall dispense, sell or furnish any feed supplement, tonic, veterinary preparation, veterinary prescription medication, or substance containing a prohibited substance to any person within the enclosure. Veterinary prescription medications or other substances containing a prohibited substance shall bear a label specifying the name of the practicing veterinarian dispensing the veterinary prescription medication or other substance containing a prohibited substance, the name of the horse or the purpose for which the said preparation or medication is dispensed, and the name of the person to which dispensed, or is otherwise labeled as required by Law. Any substance containing a prohibited substance shall be labeled, "Caution. Contains Prohibited Substance."
- (b) Nothing in this section is intended to allow otherwise prohibited conduct or to allow the presence of substances in a horse that would otherwise be considered a violation of Chapter 45 of the Rules of Racing. If the necessary medical treatment of a horse requires the administration of a veterinary prescription medications, prohibited substances, naturally occurring substances, or dosages of permitted substances that make the horse ineligible to run a race, the horse shall be scratched or disqualified as circumstances dictate and the owner, trainer, and practicing veterinarian may be subject to appropriate penalties for violations of these rules.

325:40-1-10. Veterinary equipment

Veterinarians shall use one-time disposable hypodermic needles. The official veterinarian and the organization shall provide a secure place for the disposal of needles, syringes, injectable medications and their containers; and practicing veterinarians within the enclosure shall dispose of veterinary equipment and biological waste properly and in such secure place.

CHAPTER 45. PROHIBITED PRACTICES AND EQUINE TESTING

[Authority: 3A O.S., § 204(A)]

325:45-1-1. Purpose

It is the purpose of the rules in this Chapter to protect the integrity of horse racing, safeguard the health of horses, and defend the interests of the public and racing participants through the prohibition or control of all substances, as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., §200 et seq. The rules contained within this Chapter shall be considered substance rules for the application of 75 O.S. § 250.4(B) (13)(b).

325:45-1-2. Definitions

In addition to the definitions provided at 3A O.S. § 200.1, the following words or terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act 3A O.S. § 200 et seq.

"Analog" means any Chemical with structural or Chemical similarity to the parent or original Chemical.

"Assistant Trainer" means a person qualified and licensed by the Commission as an Assistant Trainer.

"Biological sample" means any physical sample collected from any part of a Horse.

"Bleeder" means a Horse that is bleeding through one or both nostrils or hemorrhaging in the lumen of the respiratory tract during or following exercise or a Race.

"Chemical" means a Substance having a specific molecular composition.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Compound substance" means combining two or more Substances which constitutes the development of a new Substance.

"Conditions of a race" means the requirements which determine the eligibility of a Horse to be entered in a Race.

"Day" means a 24-hour period beginning and ending at midnight.

"Enclosure" means all buildings, structures, and grounds utilized for the conduct of race meetings and gaming at the racetrack and any additional areas designated by the Commission.

"Entered horse" means a Horse appearing on the overnight sheet posted by the Racing Secretary.

"Horse" means any equine including mares, fillies, stallions, colts, ridglings, and geldings.

"Intra-articular injection" means the injection of a Substance into a joint space.

"Listed threshold" means the maximum concentration of a Substance detected in a Post- Race Test which is permitted within a particular breed of Horse by Commission rules.

"mcg" means the standard unit of weight, microgram.

"Metabolite" or **"metabolic derivative"** means any by-product resulting from a Substance metabolizing within a Horse's body.

"ml" means the standard unit of volume, milliliter.

"Naturally occurring substance" means any Chemical, Analog, Metabolite, or Metabolic Derivative that exists naturally in the body of an untreated Horse.

"ng" means the standard unit of weight, nanogram.

"Official Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma and employed by the Commission and qualified and licensed by the Commission as an Official Veterinarian.

"Official work" means a timed work at a pre-determined distance, as recognized by Equibase.

"Out-of-competition testing" means any testing within the Enclosure by the Official Veterinarian that is not Pre-Race Testing or Post-Race Testing.

"Organization license" means a state requirement for any person or entity conducting a Race meeting in Oklahoma within the minimum standards required by the Act and the rules of the Commission.

"Owner" means any person who holds, in whole or in part, any right, title or interest in a Horse or any person who is a lessee or lessor of a Horse and has been duly issued a currently- valid Owner license as a person responsible for such Horse.

"Parenteral administration" means administration of Substances by injection, including intravenous,

intramuscular, or subcutaneous injections.

"Permitted substance" means any Substance having a listed threshold for a particular breed of Horse unless otherwise specified by Commission rules.

"pg" means the standard unit of weight, picogram.

"Plasma" means the fluid portion of the blood, which includes fibrinogen but does not include blood cells.

"Post-race testing" means the collection of Biological Samples by the Official Veterinarian or designee from any Horse participating in a Race and directed to report to the Test Barn following the finish of a Race or as otherwise provided by Commission rules if the Horse cannot report to the Test Barn.

"Practicing veterinarian" means a person employed by a Trainer or Owner to medically treat Horses, is licensed to practice veterinary medicine by the State of Oklahoma, and is licensed as a veterinarian by the Commission.

"Pre-race testing" means the collection of Biological Samples by the Official Veterinarian or designee from any Horse entered to participate in a Race prior to the actual running of the Race.

"Prima Facie evidence" means evidence sufficient to establish a fact unless rebutted by other evidence.

"Primary laboratory" means the laboratory or subcontractor of the laboratory approved by the Commission for primary analysis of Biological Samples.

"Prohibited substance" means any Substance, Chemical, or Analog that is not listed by Commission rules as a Permitted Substance for a particular breed of Horse or is not a Naturally Occurring Substance.

"Race" means a contest between Horses.

"Race day" means a day during a Race meeting when live Races are conducted at that racetrack.

"Racing Veterinarian" means a person who is licensed to practice veterinary medicine by the State of Oklahoma, employed by the Organization Licensee, and qualified and licensed by the Commission as a Racing Veterinarian.

"Referee laboratory" means a Commission approved laboratory which accepts referee/split samples previously reported by the Primary Laboratory as positive for Prohibited Substances, reported as exceeding the listed threshold for a Permitted Substance, or reported as exceeding the listed threshold of a Naturally Occurring Substance.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Serum" means the liquid portion of Plasma that remains after fibrinogen has been removed.

"Substance" means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the Oklahoma Horse Racing Act, 3A O.S. § 200 et seq..

"Substance violation" means any violation of medication laws or the rules contained within this Chapter.

"Test Barn" means a structure with sufficient facilities to collect Biological Samples in the manner required by Commission rules.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Veterinarian's list" means the veterinarian's list specified by OAC 325:20-1-23.

"Week" means a seven (7) day period.

"Year" means a 365 day period.

325:45-1-3. Intent of medication rules [REVOKED]

325:45-1-4. Substance violations

(a) Except as authorized or restricted by the provisions of this Chapter and Chapter 40 of the rules of the Commission, no substance shall be given by parenteral administration to any horse within 24 hours prior to the scheduled post time for the first race on the day the horse is entered to race.

(b) The primary laboratory's detection of a prohibited substance in a biological sample collected from any horse during out-of-competition testing, pre-race testing, or post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse,

placement of the horse on the veterinarian's list, placement of the horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(c) The primary laboratory's detection of a permitted substance exceeding listed thresholds in a biological sample collected from any horse during post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, placement of the horse on the veterinarian's list, placement of the horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(d) The primary laboratory's detection of a naturally occurring substance exceeding listed thresholds or exceeding concentrations that the substance may naturally occur in a biological sample collected from any horse during post-race testing by the Official Veterinarian or designee shall constitute prima facie evidence that a substance violation occurred and may, at the discretion of the Stewards or Commission, result in summary suspension of the responsible trainer, disqualification of the horse, placement of the horse on the veterinarian's list, placement of the horse on the Stewards' list, and other penalties authorized by the Act and the rules of the Commission.

(e) It shall be presumed that biological samples tested by a laboratory approved by the Commission are collected from the horse in question; that the integrity of the biological sample is preserved; that all accompanying procedures of collection, preservation, transfer to the laboratory, and analyses of the sample are correct and accurate; and that the report received from the laboratory pertains to the sample collected from the horse in question and correctly reflects the condition of the horse on the day the biological sample was collected.

(f) Except as otherwise provided by Commission rules, the owner or owners of a horse disqualified for a substance violation shall not participate in any portion of the purse or stakes and any trophy or other awards shall be returned to the Stewards for redistribution to other race participants.

(g) The trainer or owner contesting prima facie evidence of a substance violation shall have the burden of proof to establish that no substance violation occurred or that other evidence mitigates the severity of punishment.

325:45-1-5. Collection and testing of biological samples

(a) The Official Veterinarian or designee shall collect biological samples from the winner of every race and from such other horses as the Stewards or the Commission may designate.

(b) The Official Veterinarian or designee may collect biological samples for pre-race testing, post-race testing, and out-of-competition testing as required by Commission rules, at his own discretion, or at the direction of the Stewards or the Commission.

(c) The Official Veterinarian or designee shall either retain the biological samples or submit the biological samples for testing as required by Commission rules.

(d) The primary biological sample shall be tested for the presence of prohibited substances, permitted substances, and naturally occurring substances by the primary laboratory.

(e) Both the trainer and owner of a horse shall be notified of any finding by the primary laboratory of a substance violation and may request a split test as provided in this Chapter. The Commission employee that notifies a trainer or owner shall document the communication with sufficient detail to verify notice was provided.

325:45-1-6. Use of permitted substances

(a) Except as otherwise authorized by Commission rules:

(1) No Horse carrying a Prohibited Substance or the Metabolite of a Prohibited Substance in its body shall be brought within the Enclosure, entered into a Race, or participate in a Race;

(2) No Horse carrying a Permitted Substance in its body with a concentration exceeding listed thresholds shall participate in a Race; or

(3) No Horse carrying a Naturally Occurring Substance in its body with a concentration exceeding the concentration such Substance could occur naturally shall participate in a Race.

(b) Any Substance that masks or screens the presence or concentration of Prohibited Substances, Permitted Substances, or Naturally Occurring Substances; or prevent or delay testing procedures shall be considered a Prohibited Substance.

325:45-1-6.1. Listed thresholds for Thoroughbreds

(a) The thresholds listed in this section shall be the considered listed threshold for Permitted Substances or, if specified as such, Naturally Occurring Substances in Thoroughbreds.

(b) Non-steroidal anti-inflammatories shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:

- (1) Diclofenac: 5 ng/ml in Biological Samples consisting of Plasma or Serum;
- (2) Firocoxib: 20 ng/ml in Biological Samples consisting of Plasma or Serum;
- (3) Flunixin: 5 ng/ml in Biological Samples consisting of Plasma or Serum;
- (4) Ketoprofen: 2 ng/ml in Biological Samples consisting of Plasma or Serum; or
- (5) Phenylbutazone: .3 mcg/ml in Biological Samples consisting of Plasma or Serum.

(c) Corticosteroids shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:

- (1) Betamethasone: 10 pg/ml in Biological Samples consisting of Plasma or Serum;
- (2) Dexamethasone: 5 pg/ml in Biological Samples consisting of Plasma or Serum;
- (3) Isoflupredone: 100 pg/ml in Biological Samples consisting of Plasma or Serum;
- (4) Methylprednisolone: 100 pg/ml in Biological Samples consisting of Plasma or Serum;
- (5) Prednisolone: 1ng/ml in Biological Samples consisting of Plasma or Serum; or
- (6) Triamcinolone Acetonide: 100 pg/ml in Biological Samples consisting of Plasma or Serum.

(d) Other Substances shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:

- (1) Acepromazine: 10 ng/ml in Biological Samples consisting of urine;
- (2) Albuterol: 1 ng/ml in Biological Samples consisting of urine;
- (3) Butorphanol: 300 ng/ml of total Butorphanol in Biological Samples consisting of urine or 2 ng/ml of free butorphanol in Biological Samples consisting of Plasma or Serum;
- (4) Cetirizine: 6 ng/ml in Biological Samples consisting of Plasma or Serum;
- (5) Cimetidine: 400 ng/ml in Biological Samples consisting of Plasma or Serum;
- (6) Clenbuterol: 140 pg/ml in Biological Samples consisting of urine or at the level of detection in Biological Samples consisting of Plasma or Serum;
- (7) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in Biological Samples consisting of Plasma or Serum;
- (8) Detomidine: 1 ng/ml in Biological Samples consisting of Plasma or Serum;
- (9) Dimethyl Sulfoxide (DMSO): 10 ug/ml in Biological Samples consisting of Plasma or Serum;
- (10) Furosemide: 100 ng/ml in Biological Samples consisting of Plasma or Serum;
- (11) Glycopyrrolate: 3 pg/ml in Biological Samples consisting of Plasma or Serum;
- (12) Guaifenesin: 12 ng/ml in Biological Samples consisting of Plasma or Serum;
- (13) Lidocaine: 20 pg/ml of total 30H-lidocaine in Biological Samples consisting of Plasma or Serum;
- (14) Mepivacaine: 10 ng/ml in Biological Samples consisting of urine or at the level of detection in Biological Samples consisting of Plasma or Serum;
- (15) Methocarbamol: 1 ng/ml in Biological Samples consisting of Plasma or Serum;
- (16) Omeprazole: omeprazole sulfide- 10 ng/ml in Biological Samples consisting of Plasma or Serum;
- (17) Procaine Penicillin: 25 ng/ml in Biological Samples consisting of Plasma or Serum;
- (18) Ranitidine: 40 ng/ml in Biological Samples consisting of Plasma or Serum; or
- (19) Xylazine: 200 pg/ml in Biological Samples consisting of Plasma or Serum.

(e) Androgenic-Anabolic Steroids (AAS) shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:

- (1) The Naturally Occurring Substance, boldenone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in Biological Samples consisting of Plasma or Serum for all Horses, regardless of sex;
 - (B) 1 ng/ml in Biological Samples consisting of urine for fillies, mares, or geldings;
 - (C) 15 ng/ml in Biological Samples consisting of urine for male Horses other than geldings.
- (2) The Naturally Occurring Substance, nandrolone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in Biological Samples consisting of Plasma or Serum for fillies, mares, and geldings;
 - (B) 1 ng/ml in Biological Samples consisting of urine for fillies, mares, or geldings; or

- (C) 45 ng/ml in Biological Samples consisting of urine for male Horses other than geldings.
- (3) The Naturally Occurring Substance, testosterone, shall be permitted in concentrations not exceeding:
 - (A) 100 pg/ml in Biological Samples consisting of Plasma or Serum for fillies, mares, and geldings;
 - (B) 55 ng/ml in Biological Samples consisting of urine for fillies, mares (unless in foal); or
 - (C) 20 ng/ml in Biological Samples consisting of urine for geldings.
 - (D) The concentration of testosterone is not regulated or restricted in fillies or mares that are confirmed pregnant on the day of racing or in male Horses other than geldings.
- (f) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:
 - (1) The presence of more than one permitted non-steroidal anti-inflammatories in a Biological Sample consisting of Plasma or Serum is prohibited; or
 - (2) The presence of more than one corticosteroids in a Biological Sample consisting of Plasma or Serum is prohibited.

325:45-1-6.2. Listed thresholds for Quarter Horses, Paints, and Appaloosas

- (a) The thresholds listed in this section shall be considered the listed threshold for Permitted Substances or, if specified as such, Naturally Occurring Substances in Quarter Horses, Paints, and Appaloosas.
- (b) Non-steroidal anti-inflammatories shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:
 - (1) Diclofenac: 5 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (2) Firocoxib: 20 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (3) Flunixin: 5 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (4) Ketoprofen: 2 ng/ml in Biological Samples consisting of Plasma or Serum; or
 - (5) Phenylbutazone: .3 mcg/ml in Biological Samples consisting of Plasma or Serum.
- (c) Corticosteroids shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:
 - (1) Betamethasone: 10 pg/ml in Biological Samples consisting of Plasma or Serum;
 - (2) Dexamethasone: 5 pg/ml in Biological Samples consisting of Plasma or Serum;
 - (3) Isoflupredone: 100 pg/ml in Biological Samples consisting of Plasma or Serum;
 - (4) Methylprednisolone: 100 pg/ml in Biological Samples consisting of Plasma or Serum;
 - (5) Prednisolone: 1ng/ml in Biological Samples consisting of Plasma or Serum; or
 - (6) Triamcinolone Acetonide: 100 pg/ml in Biological Samples consisting of Plasma or Serum.
- (d) Other substances shall be considered Prohibited Substances except for the Chemicals listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:
 - (1) Acepromazine: 10 ng/ml in Biological Samples consisting of urine;
 - (2) Butorphanol: 300 ng/ml of total Butorphanol in Biological Samples consisting of urine or 2 ng/ml of free butorphanol in Biological Samples consisting of Plasma or Serum;
 - (3) Cetirizine: 6 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (4) Cimetidine: 400 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (5) Dantrolene: 100 pg/ml of 5-hydroxydantrolene in Biological Samples consisting of Plasma or Serum;
 - (6) Detomidine: 1 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (7) Dimethyl Sulfoxide (DMSO): 10 ug/ml in Biological Samples consisting of Plasma or Serum;
 - (8) Furosemide: 100 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (9) Glycopyrrolate: 3 pg/ml in Biological Samples consisting of Plasma or Serum;
 - (10) Guaifenesin: 12 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (11) Lidocaine: 20 pg/ml of total 30H-lidocaine in Biological Samples consisting of Plasma or Serum;
 - (12) Mepivacaine: 10 ng/ml in Biological Samples consisting of urine or at the level of detection in Biological Samples consisting of Plasma or Serum;
 - (13) Methocarbamol: 1 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (14) Omeprazole: omeprazole sulfide- 10 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (15) Procaine Penicillin: 25 ng/ml in Biological Samples consisting of Plasma or Serum;
 - (16) Ranitidine: 40 ng/ml in Biological Samples consisting of Plasma or Serum; or
 - (17) Xylazine: 200 pg/ml in Biological Samples consisting of Plasma or Serum.
- (e) Androgenic-Anabolic Steroids (AAS) shall be considered Prohibited Substances except for the Chemicals

listed below and their corresponding Analogs and Metabolites in concentrations not exceeding the listed threshold:

- (1) The Naturally Occurring Substance, boldenone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in Biological Samples consisting of Plasma or Serum for all Horses, regardless of sex;
 - (B) 1 ng/ml in Biological Samples consisting of urine for fillies, mares, or geldings; or
 - (C) 15 ng/ml in Biological Samples consisting of urine for male Horses other than geldings.
- (2) The Naturally Occurring Substance, nandrolone, shall be permitted in concentrations not exceeding:
 - (A) 25 pg/ml in Biological Samples consisting of Plasma or Serum for fillies, mares, and geldings;
 - (B) 1 ng/ml in Biological Samples consisting of urine for fillies, mares, or geldings; or
 - (C) 45 ng/ml in Biological Samples consisting of urine for male Horses other than geldings.
- (3) The Naturally Occurring Substance, testosterone, shall be permitted in concentrations not exceeding:
 - (A) 100 pg/ml in Biological Samples consisting of Plasma or Serum for fillies, mares, and geldings;
 - (B) 55 ng/ml in Biological Samples consisting of urine for fillies, mares (unless in foal); or
 - (C) 20 ng/ml in Biological Samples consisting of urine for geldings.
 - (D) The concentration of testosterone is not regulated or restricted in fillies or mares that are confirmed pregnant on the day of racing or in male Horses other than geldings.
- (f) The use of non-steroidal anti-inflammatories and corticosteroids are subject to the additional conditions:
 - (1) The presence of more than one permitted non-steroidal anti-inflammatories in a Biological Sample consisting of Plasma or Serum is prohibited; or
 - (2) The presence of more than one corticosteroids in a Biological Sample consisting of Plasma or Serum is prohibited.

325:45-1-7. Authority to test sample [REVOKED]

325:45-1-8. Furosemide (Salix) use with detention barn [REVOKED]

325:45-1-9. Furosemide use

- (a) Furosemide shall be permitted under the following conditions:
 - (1) Use of Furosemide for the Horse shall be declared at entry.
 - (2) The dose of Furosemide shall be administered by a single intravenously injection.
 - (3) Furosemide shall not be administered within four hours of post time for the Race in which the Horse is entered.
 - (4) The concentration of Furosemide in the post-race Biological Sample consisting of blood or Plasma shall not exceed the listed threshold and is a violation of this section.
- (b) Entering a Horse to Race with Furosemide and failure to have a detectable concentration of Furosemide in the Biological Sample consisting of Plasma or Serum collected during Post-Race Testing shall be a Substance Violation.
 - (1) The Trainer of a Horse entered to Race with Furosemide without a detectable level of Furosemide in the Biological Sample collected during Post-Race Testing shall be fined Five Hundred Dollars (\$500.00).
 - (2) The Practicing Veterinarian treating a Horse entered to Race with Furosemide without a detectable level of Furosemide in the Biological Sample collected during Post-Race Testing shall also be subject to a Five Hundred (\$500.00) fine should the Stewards determine that there was negligence on the Practicing Veterinarian's part.

325:45-1-9.1. Phenylbutazone use

Phenylbutazone shall be permitted under the following conditions:

- (1) Phenylbutazone shall not be administered within twenty-four (24) hours prior to the scheduled post time for the first Race on the Day the Horse is entered to Race.
- (2) The concentration of Phenylbutazone in the post-race Biological Sample consisting of blood or Plasma shall not exceed the listed threshold and is a violation of this section.

325:45-1-10. Conditional Furosemide (Salix) use [REVOKED]

325:45-1-11. Trainer responsibility

- (a) The trainer of a horse which is the subject of a substance violation shall be responsible for the substance violation.
- (b) If the trainer is or plans to be absent from the enclosure on race day, the trainer may designate another licensed trainer or assistant trainer to be responsible for saddling horses after obtaining the Stewards' approval for the substitution. Designation of another licensed trainer or assistant trainer shall not relieve the trainer from absolute responsibility for the condition and eligibility of a horse.
- (c) Failure to disclose the actual trainer of a horse participating in a race shall be grounds to disqualify the horse and subject the actual trainer to possible disciplinary action by the Stewards or the Commission.
- (d) Any act or omission by a trainer or a person under the supervision of the trainer which prevents or interferes with the collection of biological samples as described by this Chapter shall be a violation of rules and a cause for disqualification of the horse involved and other penalties as the Stewards or the Commission deem appropriate.

325:45-1-12. Bleeder lists

- (a) At each race meeting, the Official Veterinarian or designee shall maintain a bleeder list.
- (b) The Official Veterinarian shall identify horses demonstrating visible external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post-exercise upon endoscopic examination sufficient to impair the ability of the horse to race safely on the bleeder list.
- (c) The Official Veterinarian shall post bleeder lists in the racing office and make bleeder lists available to Stewards and racing officials at all Oklahoma racetracks.
- (d) The Official Veterinarian shall record any determination that a horse is a bleeder on the foal certificate of the horse.

325:45-1-13. Racing after bleeding

- (a) Following an occurrence of bleeding in which a horse demonstrates visible external evidence of exercise-induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post-exercise upon endoscopic examination, the horse shall not be eligible to race for a period of not less than fourteen (14) days or some longer period specified by the Official Veterinarian.
- (b) A horse that has a second occurrence of bleeding within 365 days of the first bleeding occurrence shall not be eligible to race for thirty (30) days or some longer period specified by the Official Veterinarian.
- (c) A horse that has a third occurrence of bleeding within 365 days of the first bleeding occurrence shall not be eligible to race in this jurisdiction for 180 days or some longer period specified by the Official Veterinarian.
- (d) Should a horse experience more than three occurrences of bleeding in a 365 day period, it shall not be eligible to race in Oklahoma.

325:45-1-14. Racing soundness examination

- (a) Each horse entered to race may be subject to a veterinary examination by the Official Veterinarian or designee for racing soundness and health on race day.
- (b) Refusal or failure to present a horse for a veterinary examination by the Official Veterinarian may result in disqualification of the horse, placement of the horse on the veterinarian's list, or both.

325:45-1-15. Equine drug testing laboratory reports [REVOKED]

325:45-1-16. Pre-race and out-of-competition testing

- (a) The Official Veterinarian, Stewards, or Commission may require an entered horse to submit to pre-race testing. If pre-race testing is required, the horse shall be ineligible to start in a race until a biological sample has been collected from the horse by the Official Veterinarian or designee.
- (b) The Official Veterinarian, Stewards, or Commission may require a horse to submit to out-of-competition testing if the horse:
 - (1) Is present within the enclosure;
 - (2) Has papers on file in the racing office; or

- (3) Is nominated to a race scheduled to be conducted at the race meeting.
- (c) If out-of-competition testing is required, the horse shall be ineligible to start in a race until a biological sample has been collected from the horse by the Official Veterinarian or designee.

325:45-1-17. Requirements for official testing

Organization licensees shall provide equipment, necessary supplies, and services required by the Commission and the Official Veterinarian for the collection of biological samples.

325:45-1-18. Collection of post-race, pre-race, and out-of-competition samples

- (a) Post-race biological samples shall be collected only by the Official Veterinarian or designee except as otherwise provided by Commission rules.
- (b) In the event a horse suffers catastrophic injury, the Racing Veterinarian may collect a post-race biological sample from the injured horse prior to or after any necessary humane action.
 - (1) If the trainer is immediately available, the trainer may witness the collection of the biological sample.
 - (2) If the trainer is not immediately available, any other licensed individual may act as witness to the collection of the biological sample.
- (c) Post-race biological samples shall be collected by the Official Veterinarian or designee in the test barn, unless the Official Veterinarian approves otherwise, as follows:
 - (1) Each horse shall be cooled out for a minimum of thirty (30) minutes after the race before a biological sample is collected;
 - (2) The collection of biological samples shall be witnessed, confirmed, or acknowledged by the trainer of the horse being tested or the trainer's authorized representative or employee;
 - (3) The collection of biological samples may be witnessed by the owner;
 - (4) The Official Veterinarian or designee may decant the biological sample consisting of blood and may use preservatives or substances necessary for the preservation of the biological sample;
 - (5) The trainer, the trainer's authorized representative or employee, or the owner may witness the decanting of blood. Failure of a witness to be present during the decanting process shall constitute a waiver of the right;
 - (6) Biological samples shall be sent to a primary laboratory designated by the Commission;
 - (7) When available, biological samples used for split testing may be sent to a referee laboratory at the election of the trainer or owner as otherwise provided by Commission rules;
 - (8) Biological samples shall remain in the custody of the Official Veterinarian or designee from the time the biological sample is collected until the biological sample is delivered for shipment to the primary or referee laboratory.
 - (9) No person shall break the seal of, remove, or otherwise attempt to alter any biological sample except for:
 - (A) The decanting of the biological sample by the Official Veterinarian or designee,
 - (B) The addition of preservatives or substances necessary for the preservation of the biological sample by the Official Veterinarian or designee, and
 - (C) The primary or referee laboratory in the process of testing.
- (d) Pre-race and out-of-competition biological samples shall be collected by the Official Veterinarian or designee at a location chosen by the Official Veterinarian as follows:
 - (1) The collection of biological samples shall be witnessed, confirmed, or acknowledged by the trainer of the horse being tested or the trainer's authorized representative or employee;
 - (2) The Official Veterinarian or designee may decant the biological sample consisting of blood;
 - (3) The trainer, the trainer's authorized representative or employee, or the owner may witness the decanting of blood. Failure of a witness to be present during the decanting process shall constitute a waiver of the right;
 - (4) Biological samples shall be sent to a primary laboratory designated by the Commission;
 - (5) When available, biological samples used for split testing may be sent to a referee laboratory at the election of the trainer or owner as otherwise provided by Commission rules;
 - (6) Biological samples shall remain in the custody of the Official Veterinarian or designee from the time the biological sample is collected until the biological sample is delivered for shipment to the primary or referee laboratory;

(7) No person shall break the seal of, remove, or otherwise attempt to alter any biological sample except for:

- (A) The decanting of the biological sample by the Official Veterinarian or designee,
- (B) The addition of preservatives or substances necessary for the preservation of the biological sample by the Official Veterinarian or designee, and
- (C) The primary or referee laboratory in the process of testing.

(e) The Commission may direct the primary or referee laboratory to retain and preserve pre-race or out-of-competition samples for future analysis.

(f) The distribution of purse money shall not be considered evidence of any official finding by the Commission regarding a substance violation.

325:45-1-19. Official testing

(a) Only laboratories approved by the Commission may be used to test biological samples collected from designated horses.

(b) Approved primary and referee laboratories shall report directly to the Commission and Stewards.

(c) The Commission shall publish a list of approved referee laboratories available for split testing.

(d) Laboratories conducting testing of biological samples shall be accredited by the Racing Medication and Testing Consortium (RMTC) and approved by the Commission.

325:45-1-20. Split tests

(a) When the quantity of biological samples collected by operation of Commission rules permits, each test sample shall be divided into two portions so that one portion shall be used for primary testing and the second portion shall, if available, be retained for split testing. OHRC makes no guarantee that the amount of sample it was able to collect will be sufficient for split testing. All samples taken by OHRC personnel are under the jurisdiction of and shall remain the property of OHRC at all times.

(b) Biological sample consisting of blood shall be collected and processed as provided by Commission rules. Biological samples consisting of urine shall be collected if available. Other biological samples may be collected at the direction of the Stewards or the Commission.

(c) The Official Veterinarian or designee shall be responsible for the freezing, storage, safeguarding, and shipment of biological samples to primary or referee laboratories.

(d) When biological samples are available for split testing, a trainer and/or owner may request a split test, subject to the following conditions:

(1) The trainer and/or owner shall make the request for a split test in writing within seventy-two (72) hours following notification of a substance violation.

(2) When OHRC is notified by the primary laboratory that a substance violation has occurred, OHRC will submit split testing forms to all approved referee laboratories. If, within the above specified time limits, the trainer and/or owner requests that a split test be performed, a list of all referee laboratories that have agreed to accept the split test shall be presented to the trainer and/or owner. The trainer and/or owner shall then have forty-eight (48) hours to select one of the referee laboratories from the provided list. The trainer and/or owner requesting to have a split sample tested shall be responsible for all charges and costs incurred in shipping and testing the split sample.

(3) Payment for the costs incurred in transporting and testing the split sample must be received by the OHRC within five (5) working days of the trainer and/or owner being provided a list of referee laboratories agreeing to accept said split. If the trainer and/or owner fails to notify the OHRC in writing, of their choice of referee laboratory agreeing to accept the split sample, along with payment within this time, the split sample will not be released or shipped by the OHRC and said trainer and/or owner will have relinquished his/her right to have the split sample tested.

(4) Upon verified completion of all prerequisites, OHRC personnel shall ensure that the split sample is sent to the designated laboratory for testing.

(5) The trainer, the trainer's authorized representative or employee, the owner, or other licensed person designated by the owner may witness the packaging and shipping of biological samples. Failure to appear at the appointed time to witness the packaging and shipping of biological samples constitutes a waiver of the right to do so;

(6) Failure of a trainer and/or owner to submit a timely request for split testing or failure to make timely

payment for the costs of split testing shall constitute a waiver of any and all rights to have a split test performed.

(e) The results of the split test shall not prohibit the Commission from imposing appropriate penalties for substance violations, including the disqualification of a horse or other penalties imposed against the trainer.

(1) If the primary test results are not confirmed by the split test, the Commission shall reimburse the trainer and/or owner requesting the split test the cost of shipment and testing.

(2) Contradictory split test results or split test results that do not confirm the primary test results may be offered by a trainer and/or owner as evidence to rebut the prima facie evidence of a substance violation established by the primary test results. However, a request for a split test shall not obligate Commission staff to submit evidence of confirmatory split test results for the purposes of proving that a substance violation occurred.

(f) Nothing in this Section shall prevent the Commission or Executive Director from ordering first use of both sample portions for testing purposes.

325:45-1-21. Facilitating the collection of post-race urine samples

When a horse has been in the test barn more than one-and-one-half (1-1/2) hours, a diuretic may be administered by the Official Veterinarian or designee for the purpose of facilitating the collection of a urine sample with permission of the Stewards and the trainer or the trainer's authorized test barn representative. The cost of administration of the diuretic is the responsibility of the owner.

325:45-1-22. Phenylbutazone use [REVOKED]

325:45-1-23. Trainer responsibility - Phenylbutazone [REVOKED]

325:45-1-24. Substance classification and penalties

Upon a finding of any Substance Violation, the Stewards shall consider the classification level of the Substance Violation as currently established by the UNIFORM CLASSIFICATION GUIDELINES OF FOREIGN SUBSTANCES (Version 16.1) as promulgated by the Association of Racing Commissioners International, Inc. and may impose penalties and disciplinary measures consistent with the recommendations contained therein, except not to conflict with the mandates of 325:45-1-9 and 325:45-1-9.1. Provided, however, that in the event a majority of the Stewards determine that aggravating or mitigating circumstances require imposition of a different penalty than the penalty suggested by the guidelines, the Stewards may impose a different penalty. In the event a majority of the Stewards wish to impose a penalty in excess of the authority granted them by 325:1-1-7, the Stewards may impose the maximum penalty authorized by state law and refer the matter to the Commission with specific recommendations for further action.

325:45-1-25. Use, administration and regulation of Furosemide (Salix) Section [REVOKED]

325:45-1-26. Primary laboratory's request for additional test time

The primary laboratory's official chemist may request additional time not exceeding ten (10) business days for testing and analysis from the Commission. The Commission shall notify the trainer and owner that additional time is granted.

325:45-1-27. Prohibited practices

The following Substances and/or therapies shall be prohibited:

(1) It is a violation of this regulation to possess or use Substances that are detrimental to the health and welfare of a Horse, on the premises of a facility under the jurisdiction of the Commission for which a recognized analytical method has not been developed to detect and confirm the administration of such Substance;

(2) It is a violation to possess, use, or distribute a Substance on the premises of a facility under the jurisdiction of the Commission if there is an FDA approved equivalent of that substance available for purchase;

(3) The administration of Erythropoietin, Darbepoietin, Oxyglobin, and/or Hemopure to a Horse;

(4) Any Substance that abnormally enhances the oxygenation of body tissue;

- (5) Any device or machine which may endanger the health and welfare of a Horse or may endanger the safety of a rider;
- (6) Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machines unless:
 - (A) Any treated Horse shall not Race or receive an Official Work for a minimum of ten (10) days following treatment.
 - (B) The use and possession of Extracorporeal Shock Wave Therapy machines shall be restricted to Practicing Veterinarians.
 - (C) Extracorporeal Shock Wave Therapy machines within the Enclosure shall be registered with and approved by the Commission.
 - (D) Any treatments administered using a Extracorporeal Shock Wave Therapy machine shall be reported to the Official Veterinarian by the Trainer or Practicing Veterinarian within twenty-four (24) hours of treatment. The report must include the Practicing Veterinary diagnosis and diagnostic radiographs and/or ultrasound performed within seven (7) days prior to the region receiving the shockwave therapy.
- (7) The administration, within 24 hours prior to the scheduled post time for the first Race on the Day the Horse is entered to Race, of an alkalizing Substance that can alter the pH of Serum or Plasma, concentration of bicarbonates, or total dissolved carbon dioxide in a Horse.
- (8) A blood gas machine or ozone generator.
- (9) The use of a nasogastric tube (a tube longer than six inches) for the administration of any Substance within 24 hours prior to the scheduled post time for the first Race on the day the Horse is entered to Race.
- (10) The use of a nebulizer for the administration of any Substance within 24 hours prior to the scheduled post time for the first Race on the Day the Horse is entered to ace.
- (11) No Horse shall run in a Race within six (6) days after receiving an Intra-articular injection.
- (12) The Horse has been injected with a Substance to desensitize the nerve(s) above the foot.

325:45-1-28. Report of treatment: Procaine Penicillin administration [REVOKED]

325:45-1-29. Environmental contaminants and substances of human use

- (a) Environmental contaminants are either endogenous to the Horse or can arise from plants traditionally grazed or harvested as equine feed or are present in equine feed because of contamination during the cultivation, processing, treatment, storage, or transportation phases.
- (b) Substances of human use and addiction may be found in the Horse due to its close association with humans.
- (c) If the preponderance of evidence presented in the hearing shows that a positive test is the result of environmental contamination, including inadvertent exposure due to human drug use, or dietary intake, or is endogenous to the Horse, those factors should be considered in mitigation of any disciplinary action taken against the affected Trainer. Disciplinary action may only be taken if test sample results exceed the regulatory thresholds in version 4.1 of the ARCI Endogenous, Dietary, or Environmental Substances Schedule.

CHAPTER 50. HUMAN SUBSTANCE ABUSE TESTING

[Authority: 3A O.S., § 204(A)]

325:50-1-1. Purpose

The rules in this Chapter establish and describe requirements, criteria, standards, and procedures for human substance abuse testing under current nationally-recognized standards, as specified in the MANDATORY GUIDELINES FOR FEDERAL WORKPLACE DRUG TESTING PROGRAMS adopted by the United States Department of Health and Human Services, of occupation licensees licensed by the Commission under specific circumstances as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 200 et. seq.

325:50-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates

otherwise

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Controlled substance" means any substance included in the five schedules of the Oklahoma Uniform Controlled Dangerous Substances Act.

"Day" means a 24-hour period ending at midnight.

"Month" means a calendar month.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Prima Facie evidence" means evidence that, until its effect is overcome by another evidence, will suffice as proof of fact in issue.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Random testing" means a strategy for testing for alcohol or controlled substances not based on a reasonable belief that an individual has drugs or alcohol in his/her system. The strategy assures all affected individuals have an equal probability of being selected for testing.

"Reasonable cause/reasonable suspicion testing" means a strategy for testing for alcohol or controlled substances based on a Commission Steward or Law Enforcement Agent having good reason to believe a licensee has alcohol or controlled substances in his/her system.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the organization licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Substance" means any kind of physical matter existing in a solid, liquid, or gaseous state or some combination thereof and includes any drugs or medications referred to under the provisions of the Oklahoma Horse Racing Act, Section 200 et seq. of Title 3A of the Oklahoma Statutes.

"Substantial evidence" means evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.

"Week" means a period of seven (7) days.

"Year" means a calendar year.

325:50-1-3. Use of controlled dangerous substance or prescription substance

(a) No person holding an occupation license issued by the Commission shall be under the influence of any scheduled "controlled dangerous substance" or synthetic substance as defined in the Uniform Controlled Dangerous Substances Act, 63 O.S., §§ 2-101 through 2-606, or any other intoxicating substance within the enclosure of any racetrack under the control of the Commission.

(b) The fact that any person charged with a violation of this Section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this Section.

(c) No person holding an occupation license issued by the Commission shall have in his/her possession within the enclosure of any racetrack under the control of the Commission any controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, 63 O.S., § 2-101 et seq.

325:50-1-3.1. Prohibited Licensee Activities/Substance Abuse Testing Procedures/Assessment/Treatment/ Penalties

(a) All licensees shall be deemed to be exercising the privileges of their license, and to be subject to the requirements of these rules, when engaged in activities that could affect the outcome of a race or diminish the

conditions of safety or decorum required in restricted areas.

(b) It shall be a violation to exercise the privileges granted by a license from this Commission if the licensee:

- (1) Is engaged in the illegal sale or distribution of alcohol or a controlled substance;
- (2) Possesses, without a valid prescription, a controlled substance;
- (3) Is intoxicated or under the influence of alcohol or a controlled substance;
- (4) Is addicted, having been determined to be so by a professional evaluation, to alcohol or other substance and not engaged in an abstinence-based program of recovery acceptable to the Commission;
- (5) Has in his/her possession within the enclosure any equipment, products or materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance;
- (6) Refuses to submit to substance and/or alcohol testing, when notified that such testing is based on reasonable grounds that the person is using substance or alcohol or is based on the licensee's acting as if in an impaired condition; or
- (7) Presently has controlled substances or alcohol in his or her body. With regard to alcohol, the results of a breathalyzer test showing a reading of more than .05 percent of alcohol in the blood shall be the criterion for a finding of alcohol present in the body. With regard to other controlled substances, presence of the substance in any quantity measured by the testing instrument establishes the presence of the substance for purposes of this paragraph.

(c) The fact that a person charged with a violation of this rule is or has been lawfully entitled to use a prescribed substance shall not constitute a defense against any charge of violating this rule.

(d) At its discretion, the Commission may conduct substance and/or alcohol testing in order to ensure safety on the racetrack.

(e) When conducted, substance and/or alcohol testing shall apply, equally, to all licensees who may affect the outcome of a race and are exercising the privileges of their license.

(f) No notice need be given as to onset or cessation of substance and/or alcohol testing.

(g) For licensees who are tested under the provisions in this chapter, and whose testing shows the presence of controlled substances or alcohol, any field screening test results shall be confirmed by a laboratory acceptable to the Commission which shall include Gas Chromatography/Mass Spectrometry (GC/MS) procedures.

(h) When the sample quantity permits, each test sample shall be divided into portions so that one portion may be used for the confirmation procedure and another portion may be utilized for the licensee to obtain an independent analysis of the urine sample through the Commission designated laboratory.

(i) The Commission shall provide for a secure chain of custody for the sample to be made available for substance and/or alcohol testing for the licensee.

(j) All costs for the transportation and testing for the sample portion for the licensee shall be the financial responsibility as follows:

- (1) If the licensee is required by order/ruling by a Board of Stewards or OHRC to obtain testing prior to being eligible for license, all cost associated with substance and/or alcohol testing shall be paid by applicant.
- (2) If the licensee is ordered to obtain a substance and/or alcohol test by an OHRC Representative, all cost associated with testing shall be paid by OHRC.

(k) Payment shall be made prior to substance and/or alcohol testing.

(l) Refusal to submit to a required substance and/or alcohol test will result in an immediate one hundred eighty (180) day suspension and require two (2) negative test results thirty (30) days apart prior to reinstatement.

However, a licensee penalized or restricted pursuant to this chapter shall retain rights of due process with respect to any determination of alleged violations which may adversely affect the capacity to hold a license.

(m) If there has been a violation, under (b) above, the following additional procedures will be followed:

- (1) The Stewards/Commission may, at its discretion, order the licensee to obtain a professional assessment to determine whether there is a substantial probability that the licensee is dependent on, or abuses, alcohol or other substance or the Stewards/Commission may act on the information at hand.
- (2) Actions in the case of a first violation may include revocation of the license, suspension of the license for up to six (6) months, placing the violator on probation for up to ninety (90) days and/or ordering formal assessment and treatment.

- (3) Actions in the case of a second violation may include revocation of the license, suspension of the license up to one (1) year and/or a professional assessment of the person may be ordered by the Stewards/Commission.
- (4) Treatment or assessment, if ordered, must meet the conditions established in this rule.
- (5) If a professional assessment indicates presence of a problem of alcohol or other substance abuse that is not treatable within the reasonably foreseeable future (360 days) the license may be suspended for a period of up to one (1) year.
- (6) If a professional assessment indicates presence of a treatable problem of alcohol or other substance abuse or dependence, the Stewards/Commission may order the licensee to undergo treatment as a condition of continuing licensure. The treatment will be through a program or by a practitioner, acceptable to the licensee and the Stewards/Commission. Required features of any program or practitioner acceptable to the Stewards/Commission will be:
- (A) Accreditation or licensure by an appropriate government agency, if required by state statute;
 - (B) A minimum of one (1) year follow-up of formal treatment; and
- (7) A formal contract indicating the elements of the treatment and follow up program that will be completed by the licensee and, upon completion, certified by the program administrator to the Stewards/Commission as completed. To effect the contract, the licensee will authorize release of information by the treating agency, hospital or individual. When a licensee is determined to have failed in maintaining abstinence, the licensee shall furnish to the Stewards/Commission an assessment by the treating agency, hospital or individual practitioner indicating whether the licensee was compliant with the agreed upon program of recovery.
- (7) Persons being reinstated following a violation of these rules who have not successfully completed a rehabilitation program shall submit a negative substance and/or alcohol test prior to being licensed.
- (8) Actions in the case of a third violation may include revocation of the license and the violator being deemed ineligible for licensure for up to five (5) years.
- (9) Prior human substance abuse violation reflected on a person(s) racing records from any racing jurisdiction(s) recognized by the Commission, including Oklahoma, shall be counted as violations when determining appropriate penalties as set forth in this rule.

325:50-1-4. Licensee subject to testing [REVOKED]

325:50-1-5. Probable Cause Selection [REVOKED]

325:50-1-6. Taking of samples [REVOKED]

325:50-1-7. Positive sample results [REVOKED]

325:50-1-8. Penalties [REVOKED]

325:50-1-9. Prohibited use or presence of alcohol within the enclosure [REVOKED]

325:50-1-10. Licensee subject to testing [REVOKED]

325:50-1-11. Penalties (alcohol) [REVOKED]

325:50-1-12. Possession of drug paraphernalia [REVOKED]

CHAPTER 55. FIRE PREVENTION AND SECURITY

[Authority: 3A O.S., § 204(A)]

325:55-1-1. Purpose

The rules of this Chapter describe the requirements for fire prevention and security during a Commission-sanctioned race meeting and within the enclosure of the horse racing facility of an organization licensee under the authorization of the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 200 et seq.

325:55-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Day" means a 24-hour period ending at midnight.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the organization licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Year" means calendar year.

325:55-1-3. Security control

Every organization conducting a race meeting shall maintain security controls over its premises, and such security controls are subject to the approval of the Commission.

325:55-1-4. Identification required

No person shall be admitted to a restricted area within the enclosure without a license, visitor's pass, or other identification issued by the Commission or the organization on his/her person. Whenever deemed advisable, the Stewards or the organization may require the visible display of the identification as a badge. No person shall use the license or credential issued to another, nor shall any person give or loan his/her license or credential to any other person.

325:55-1-5. Organization credentials

The racing organization shall establish a system or method of issuing credentials or passes to restrict access to its restricted areas or to ensure that all participants at its meeting are licensed as required by this Chapter; provided, however, that no such system or methods may exclude any investigator or employee of the Commission or any peace officer when on duty; nor shall any person be excluded on the basis of sex, color, creed, or national origin or ancestry.

325:55-1-6. Organization to prevent unauthorized access to restricted areas

Unless granted exemption by the Commission, every organization shall prevent access to and shall remove or cause to be removed from its restricted areas any person who is unlicensed, or who has not been issued a visitor's pass or other identifying credential, or whose presence in such restricted area is unauthorized. Nothing in this Section shall be construed to exclude members of the Commission and any staff members of the

Commission in the conduct of official duties.

325:55-1-7. Examination of personal effects

The Commission, its authorized officers or agents may enter the stables, rooms or other places within the premises of a recognized meeting to inspect and examine the personal effects and property of any licensee or other person in or about or permitted access to any restricted area; and each licensee in accepting his/her license and each person entering such restricted area does thereby consent thereto. If a person refuses to permit such inspections and examinations, such person may be summarily suspended by the Stewards pending further proceedings by the Stewards and/or the matter referred to the Commission, which may revoke said licensee's occupation license and/or assess any other penalty provided for by this Title and the Act.

325:55-1-8. Compliance with orders of security officers and public safety officers

No licensee shall willfully ignore or refuse to comply with any order of a security officer of the organization or any public safety officer of any police, fire or law enforcement agency when such order is issued or given in the performance of duty for the purpose of controlling any hazardous situation or occurrence. No person shall interfere with public safety officers or security officers in the performance of their duties.

325:55-1-9. Fire prevention

An organization licensee shall make adequate provision for fire prevention, protection against fire, and fire suppression within the enclosure in accordance with the provisions of this Title and requirements of the Oklahoma State Fire Marshal Commission. Prior to commencing construction, remodeling, or alteration of any of the facilities within the enclosure, plans and specifications shall be presented to the State Fire Marshal for approval. Every organization shall post in a conspicuous place in its stable area, the fire regulations applicable within the enclosure and such other postings as shall be required by the State Fire Marshal.

325:55-1-10. Smoking in the shedrow

Smoking in the shedrow, stall, or feed storage area inside a barn is prohibited.

CHAPTER 60. RUNNING THE RACE

[**Authority:** 3A O.S., § 204(A)]

325:60-1-1. Purpose

The rules of this Chapter describe the requirements and procedures for the supervision, responsibility, and conduct prescribed for participants concerning the running of a Commission-sanctioned horse race under the authorization and provisions of the Oklahoma Horse Racing Act, 3A O.S., § 200 et seq.

325:60-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Assistant Trainer" means a person qualified as and licensed by the Commission as an Assistant Trainer.

"Authorized Agent" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor on whose behalf the Agent will act, and limited to the actions as specified on the affidavit. The affidavit shall be on file with the Commission.

"Bleeder" means a horse which during or following exercise or the race is observed to be shedding blood from one or both nostrils, or the mouth, or hemorrhaging in the lumen of the respiratory tract.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Day" means a 24-hour period ending at midnight.

"Dangerous Riding" means a Jockey causes a serious infraction by:

- (A) purposely interfering with another Horse or Jockey; or
- (B) riding in a way which is far below that of a competent and careful Jockey and where it would be obvious to a competent and careful Jockey that riding in that way would likely endanger the safety of another Horse or Jockey.

"Field" means all horses competing in a race.

"Foul" means an action by any horse or Jockey that hinders or interferes with another horse or Jockey during the running of a race.

"Horse" means:

- (A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;
- (B) an intact equine male five (5) years of age and older.

"Inquiry" means:

- (A) an investigation by the Stewards of potential interference in a contest prior to declaring the result of said contest official; or
- (B) the Stewards or Commission investigation of a matter alleged to be related to the provisions of the Act or the rules of the Commission.

"Jockey" means a rider licensed to race.

"Objection" means:

- (A) A written complaint made to the Stewards concerning a horse entered in a race and filed not later than two hours prior to the scheduled post time for the first race on the day which the questioned horse is entered.
- (B) A verbal claim of foul in a race lodged by the horse's Jockey, Trainer, Owner, or the Owner's licensed Authorized Agent before the race is declared official.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to the provisions of the Act.

"Official order of finish" means the order of finish of the horses in a contest as declared official by the Stewards.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Post position" means the position in the starting gate assigned to the horse for the start of the race.

"Post time" means the scheduled time set for the arrival of the horses at the starting gate for the race.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Races" mean:

- (A) **Allowance.** An overnight race for which eligibility and weight to be carried is determined according to specified conditions which include age, sex, earnings, number of wins, and distance of race.
- (B) **Claiming.** A race in which any horse starting may be claimed and purchased for a designated amount in conformance with the rules in this Title.
- (C) **Exhibition.** A race on which no wagering is permitted.
- (D) **Handicap.** A race in which the weights to be carried by the horses are assigned by the Racing Secretary.
- (E) **Invitational.** A race in which the competing horses are selected by inviting their Owners to enter specific horses.
- (F) **Maiden.** A race restricted for non-winners.
- (G) **Match.** A race contested between two or more horses under conditions agreed to by their Owners.

(H) **Nomination.** A race in which the subscription to a payment schedule nominates and sustains the eligibility of a particular horse. Nominations must close at least seventy-two (72) hours before the first post time of the day the race is originally scheduled to be run.

(I) **Oklahoma-Bred.** A race for which entry may be restricted to accredited Oklahoma-Bred registered horses.

(J) **Overnight (Purse).** A race for which entries close at a time set by the Racing Secretary.

(K) **Progeny.** A race restricted to the offspring of a specific stallion or stallions.

(L) **Schooling.** A preparatory race for entry qualification in official races which conforms to requirements adopted by the Commission.

(M) **Stakes.** A race in which nomination, entry, or starting fees contribute to the purse.

(N) **Trial.** A race or a series of races in which horses participate for the purpose of determining eligibility for a subsequent contest.

(O) **Walkover.** A race in which only one horse starts or in which all the starters are owned by the same interest. To claim the purse, a horse must start and go the distance of the race.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by the Organization Licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Starter" means a horse whose stall door of the starting gate opens in front of such horse at the time the Starter (the Official) dispatches the horses.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Weigh in" means the presentation of a Jockey to the Clerk of Scales for weighing after a race.

"Weigh out" means the presentation of a Jockey to the Clerk of Scales for weighing prior to a race.

325:60-1-3. Jockeys to report

Every Jockey engaged to ride in a race shall report their weight to the clerk of scales at least one hour before post time of the first race and shall report to the Jockey Room one hour prior to the race in which they are engaged to ride unless excused by the Stewards. After reporting, a Jockey shall not leave the Jockey Room until all of the Jockey's riding engagements have been fulfilled and/or unless excused by the Stewards.

325:60-1-4. Entrance to jockey room prohibited

Except with permission of the Stewards or the Commission, no person shall be permitted entrance into the Jockey Room from one hour before post time for the first race until after the last race other than Jockeys, their attendants, Racing Officials, Security Officers on duty, and organization employees performing required duties.

325:60-1-5. Maximum overweight

No horse shall carry more than two pounds overweight without consent of the Trainer or the Trainer's authorized representative, but shall not carry more than five pounds overweight in any race.

325:60-1-6. Weighing out

All Jockeys taking part in a race shall be weighed out by the Clerk of Scales no more than one hour preceding the time designated for the race. Any overweight in excess of one pound shall be declared by the

Jockey to the Clerk of Scales, who shall report the overweight and any change in Jockeys to the Stewards for the immediate public announcement. A Jockey shall be neat in appearance and shall wear a conventional riding costume. A Jockey's weight shall include his/her clothing, boots, saddle and its attachments, and any other equipment except the whip, bridle, bit or reins, safety helmet, safety vest, blinkers, goggles and number cloth.

325:60-1-7. Unruly horses in the paddock

(a) If a Horse is so unruly in the saddling paddock that the Horse Identifier properly identify the Horse; or if the Trainer or the Trainer's assistant is uncooperative in the effort to identify the Horse, then the Horse may be scratched by order of the Stewards.

(b) If a Horse is so unruly, dangerous, or unmanageable while in the saddling paddock and a threat to the safety of other Horses or person, the Horse may be scratched by order of the Stewards with advise of the Racing Veterinarian or Official Veterinarian. The Horse shall then be placed on the Steward's List.

325:60-1-8. Use of equipment

(a) No bridle shall weigh more than two pounds.

(b) All riding crops are subject to inspection and approval by the stewards and the clerk of scales. Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows:

(1) Maximum weight of eight ounces;

(2) Maximum length, including flap of 30 inches;

(3) Minimum diameter of the shaft of three-eighths inch; and

(4) Shaft contact area must be smooth, with no protrusions or raised surface, and covered by shock absorbing material that gives a compression factor of at least one-millimeter throughout its circumference.

(c) The flap is the only allowable attachment to the shaft and must meet these specifications:

(1) Length beyond the end of the shaft a maximum of one inch;

(2) Width a minimum of 0.8 inch and a maximum of 1.6 inches;

(3) No reinforcements or additions beyond the end of the shaft;

(4) No binding within seven inches of the end of the shaft; and

(5) Shock absorbing characteristics similar to those in the contact area of the shaft.

(d) Blinkers are not to be placed on the horse until after the horse has been identified by the Horse Identifier, except with permission of the Stewards.

(e) Approval from the Stewards or their designee for any change of equipment must be obtained prior to entry.

325:60-1-9. Prohibited use of equipment

(a) A jockey shall only use a riding crop in a manner consistent with exerting his/her best efforts to obtain a maximum placing that affects purse distribution or wagering pools.

(b) When a jockey will ride without a riding crop, an announcement shall be made over the public-address system.

(c) No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the riding crop approved by the stewards, shall be possessed by anyone or applied to any horse at any time on the grounds of the association during the meeting.

(d) The riding crop shall only be used for safety, correction, and limited encouragement, and shall be used in an appropriate, proportionate, and professional manner. However, stimulus provided by the use of the riding crop shall be monitored so as not to compromise the welfare of the horse.

(e) Except in extreme circumstances, all riders shall use a riding crop as follows:

(1) After showing the horse the riding crop, and/or tapping the horse with the riding crop down, giving the horse time to respond before using it;

(2) After using the riding crop up to three (3) times in succession, giving the horse time to respond before using it again. Time to respond shall be at least three (3) complete strides and one (1) of the following actions by a jockey:

(A) Pausing the use of the riding crop on the horse;

(B) Pushing on the horse with a rein in each hand, keeping the riding crop in the up or down position;

(C) Showing the horse the riding crop without making contact; or

(D) Moving the riding crop from one hand to the other; and

(3) In rhythm with the horse's stride.

(f) When deciding whether to review the jockey's use of the riding crop, Stewards shall consider how the jockey has used the riding crop during the course of the entire race, with particular attention to its use in the closing stages, and these factors:

(1) The manner in which the riding crop was used;

(2) The purpose for which the riding crop was used;

(3) The distance over which the riding crop was used and whether the number of times it was used was reasonable and necessary; and

(4) Whether the horse was continuing to respond.

(g) If there is a review by the Stewards, use of the riding crop may be determined appropriate in the following circumstances:

(1) To keep a horse in contention or to maintain a challenging position prior to what would be considered the closing stages of a race;

(2) To maintain a horse's focus and concentration;

(3) To correct a horse that is noticeably hanging;

(4) To assure the horse maintains a straight course; and

(5) When there is only light contact with the horse.

(h) Prohibited use of the riding crop includes, but is not limited to, striking a horse:

(1) On the head, flanks, or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse;

(2) During the post parade or after the finish of the race except when necessary to control the horse;

(3) Excessively or brutally causing welts or breaks in the skin;

(4) When the horse is clearly out of the race or has obtained its maximum placing;

(5) Persistently, even though the horse is showing no response under the riding crop; and

(6) With another rider or striking the rider of another horse.

(i) After the race, horses shall be subject to inspection by a Racing Veterinarian or Official Veterinarian looking for cuts, welts, or bruises in the skin. Any adverse findings shall be reported to the Stewards.

325:60-1-10. Responsibility for weight

The Jockey, Trainer, and Owner shall be responsible for the weight carried by the horse after the Jockey has been weighed out for the race by the Clerk of Scales. The Trainer or Owner may substitute a Jockey when the engaged Jockey is reported overweight in excess of two pounds.

325:60-1-11. Safety equipment required

(a) **Helmets.** Any person mounted on a horse or stable pony on association grounds shall wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew shall adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting crew means any person licensed as an assistant starter or any person who handles a horse in the starting gate. The helmet shall comply with one of the following minimum safety standards or later revisions:

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

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

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

(4) Snell Equestrian Standard 2001.

(b) **Vests.** Any person mounted on a horse or stable pony on the association grounds shall wear a properly-secured safety vest at all times. Additionally, all members of the starting gate crew shall also adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The safety vest shall comply with one of the following minimum standards or later revisions:

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

(2) Euro Norm (EN) 13158:2000 Level 1;

(3) American Society for Testing and Materials (ASTM) F2681-08 or F1937;

(4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3;

(5) Australian Racing Board (ARB) Standard 1.1998; or

(6) With the approval of the Executive Director, vests for Starting Gate Crew may comply with the following: EN13158:2018 Standard Impact Testing only Impact Test Level 1 or higher.

(c) A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

(d) All required safety equipment is subject to approval of the Stewards, Safety Steward, or Commission.

325:60-1-12. Display of colors and post position numbers

Any Owner or racing stable may; register a set of racing colors following the standard style and material to be used in any race in which a horse or horses owned by them may be participating. All racing colors must be registered with the Racing Secretary's Office no later than entry time for the race in question. Any Owner who has registered such colors shall present them in a clean and neat condition. Any Owner who does not register a set of racing colors shall use standard post position racing colors furnished by the organization licensee. In a race, each horse shall carry a conspicuous saddle cloth number and a head number. In the event of the use of standard post position racing colors, the helmet cover shall correspond to the standard post position colors furnished by the organization licensee.

325:60-1-13. Deposit of jockey fee

The minimum jockey mount fee for a losing mount in the race must be on deposit with the Horsemen's Bookkeeper prior to the time for weighing out, and failure to have such minimum fee on deposit is cause for disciplinary action and cause for the Stewards to scratch the horse for which such fee is to be deposited. The organization licensee assumes the obligation to pay the jockey fee when earned by the engaged Jockey. The jockey fee shall be considered earned when the Jockey is weighed out by the Clerk of Scales, unless, in the opinion of the Stewards, such Jockey capable of riding elects to take himself or herself off the mount without proper cause.

325:60-1-14. Requirements for horse, trainer, and jockey

Every horse must be in the paddock at the time appointed by the Stewards before post time for its race. Every horse must be saddled in the paddock stall designated by the Paddock Judge unless special permission is granted by the Stewards to saddle elsewhere. Each Trainer or Assistant Trainer having the care and custody of such horse shall be present in the paddock to supervise the saddling of the horse and shall give such instructions as may be necessary to assure the best performance of the horse. Every Jockey participating in a race shall give his/her best effort in order to facilitate the best performance of his/her horse.

325:60-1-15. Failure to fulfill jockey engagements

No Jockey engaged for a certain race or for a specified time may fail or refuse to abide by his/her agreement unless excused by the Stewards. Every Jockey Agent shall maintain a record of all engagements made for the Jockeys they represent; and such record shall specify first, second, or third calls in each race. The officials may require that the Jockey Agent file first, second, or third calls with the Racing Secretary and may require the Jockey Agent to display their record of engagements. A Trainer or Owner may demand a written confirmation of an engagement from a Jockey or agent. Jockeys are bound by agreements made on their behalf by their agents. Conflicting claims for the services of a Jockey shall be decided by the Stewards or the Stewards' designee.

325:60-1-16. Control and parade of horses on the track

The horses are under the control of the Starter from the time they enter the track until dispatched at the start of the race. All horses with Jockey mounted shall parade and warm up carrying their weight and wearing their equipment from the paddock to the starting gate, as well as to the finish line. Any horse failing to do so may be scratched by the Stewards. After passing the stands at least once, the horses may break formation and warm up until directed to proceed to the starting gate. In the event a Jockey is injured during the parade to post or at the starting gate and must be replaced, the horse shall be returned to the paddock and resaddled with the replacement Jockey's equipment. Such horse must carry the replacement Jockey to the starting gate.

325:60-1-17. Start of the race

When the horses have reached the starting gate, they shall be placed in their starting gate stalls in the order stipulated by the Starter. Except in cases of emergency as determined by the Stewards, every horse shall be started by the Starter from a starting gate approved by the Commission. The Starter shall see that the horses are placed in their proper positions without unnecessary delay. Causes for any delay in the start shall immediately be reported to the Stewards. If, when the Starter purposefully dispatches the field, the door at the front of the starting gate stall should not open properly due to a mechanical failure or malfunction of the starting gate, the Stewards may declare such to be a non-starter. Should a horse which is not previously scratched not be in the starting gate stall thereby causing horse to be left when the field is purposefully dispatched by the Starter, such horse shall be declared a non-starter by the Stewards. Should an incident or malfunction of the starting gate, or other unforeseen event compromise the fairness of the race or the safety of race participants, the stewards shall post the inquiry sign and may declare individual horses to be non-starters, exclude individual horses from all pari-mutuel pools or declare a "no contest" and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

325:60-1-18. Leaving the racecourse

Should a horse leave the course while moving from the paddock to starting gate, it shall return to the course at the nearest practical point to that at which it left the course and shall complete its parade to the starting gate from the point at which it left the course. However, should such horse leave the course to the extent that it is out of the direct line of sight of the Stewards, or if such horse cannot be returned to the course within a reasonable amount of time, the Stewards shall scratch the horse. Any horse which leaves the course or loses its Jockey during the running of a race shall be disqualified and may be placed last, or the horse may be unplaced.

325:60-1-19. Riding rules

In a straightaway race, every Horse must reasonably maintain position in the lane in which it starts. Each Jockey shall be responsible for making their best effort to control and guide their mount so as not to cause a Foul. The Stewards shall penalize riding which results in a Foul. If a Foul occurs because of a Jockey not making their best effort to control and guide their mount, whether intentionally, carelessly, or incompetently, such Jockey may be penalized.

325:60-1-20. Stewards to determine interference and placement

- (a) For a Thoroughbred horse race, the Stewards shall determine if a Horse or its Jockey has caused an interference and finished in front of the Horse it interfered with, and, if not for the interference, the Horse would have finished behind the Horse it interfered with, the interfering Horse shall be placed immediately behind the Horse with which it interfered. If the interference is a result of Dangerous Riding, the Stewards shall place the interfering Horse in last place.
- (b) For a Quarter Horse, Appaloosa, and Paint horse race, the Stewards shall determine the extent of interference in cases of Fouls or riding infractions. They may disqualify the offending Horse and place it behind such other Horse as in their judgment it interfered with, or they may place it last. The Stewards may determine that a Horse shall be unplaced.

325:60-1-21. Careless riding

A Jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with or impede any other horse in the race. A Jockey shall not strike at another horse or Jockey so as to impede, interfere with, or injure the other horse or Jockey. If a Jockey rides in a manner contrary to this Section, the horse may be disqualified and/or the Jockey may be fined and/or suspended or otherwise disciplined.

325:60-1-22. Ramifications of a disqualification

When a horse is disqualified by the Stewards, every horse in the race owned wholly or in part by the same Owner or trained by the same Trainer may be disqualified. When a horse is disqualified for interference in a time trial race, it shall receive the time of the horse it is placed behind plus one one-hundredths (.01) of a second penalty, or more exact measurement if photo finish equipment permits, and shall be eligible to qualify for

the finals or consolations of the race on the basis of the assigned time.

325:60-1-23. Dead heat

When a race results in a dead heat, the heat shall not be run off. The purse distribution due the horses involved in the dead heat shall be divided equally between them. All prizes or trophies for which a duplicate is not awardable shall be drawn for by lot.

325:60-1-24. Returning to the finish after the race

After the race, no person shall assist a Jockey in removing from his/her horse the equipment that is to be included in the Jockey's weight except by permission of the Stewards. No person shall throw any covering over any horse at the place of dismounting until the Jockey has removed the equipment that is to be included in his/her weight.

325:60-1-25. Objection - inquiry concerning interference

Before the race has been declared official, a Jockey, Trainer or his/her Assistant Trainer, Owner, or the Authorized Agent of the horse, who has reasonable grounds to believe that the horse was interfered with or impeded or otherwise hindered during the running of a race or that a riding rule in this Chapter was violated by any Jockey or horse during the running of the race, may make a claim of interference or foul with the Stewards or their delegate; but such claim must be made prior to the race being declared official by the Stewards. The Stewards shall thereupon hold an inquiry into the running of the race; however, the Stewards may upon their own motion conduct an inquiry into the running of a race. Any claim of foul, objection, and/or inquiry shall be immediately announced to the public.

325:60-1-26. Official order of finish

When satisfied that the order of finish is correct, that all Jockeys unless excused have been properly weighed in, and that the race has been properly run in accordance with the rules and regulations of this Title, the Stewards shall declare that the order of finish is official; and it shall be announced to the public, confirmed, and the official sign and official order of finish posted for the race.

325:60-1-27. Time trial qualifiers

When two or more time trial contestants have the same qualifying time, to a degree of one one-hundredths (.01) of a second, or more exact measurement if photo finish equipment permits, for fewer positions in the finals or consolation necessary for all contestants, then a draw by lot will be conducted in accordance with 325:25-1-28. However, no contestant may draw into a finals or consolation instead of a contestant which out-finished such contestant. *When scheduled races are trial heats for futurities or stakes races electronically timed from the starting gates, no organization licensee shall move the starting gates or allow the starting gates to be moved until all trial heats are complete, except in an emergency as determined by the Stewards [3A:205.2(I)].*

CHAPTER 65. PARI-MUTUEL WAGERING

[Authority: 3A O.S., § 204(A)]

SUBCHAPTER 1. GENERAL PROVISIONS

325:65-1-1. Through [REVOKED]

325:65-1-31. Purpose

The rules in this Chapter provide the regulatory procedures for the operation of the mutuel department of an organization licensee, including the types of wagers offered to the public, mutuel pool distribution, claim requirements, and the establishment of responsibility for decision-making and reporting protocols as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 200 et seq.

325:65-1-31.1. Definitions

In addition to the definitions provided in Section 200.1 Title 3A of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A O.S. 200, et seq.].

"Betting interest" means one or more horses in a pari-mutuel contest which are identified by a single program number for wagering purposes.

"Breakage" means the net pool minus payout.

"Carryover" means non-distributed pool monies which are retained and added to a corresponding pool in accordance with these rules.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Complaint" means a written allegation of a violation of statute or these rules.

"Contest" means a competitive racing event on which pari-mutuel wagering is conducted.

"Contestant" means an individual participant in a contest.

"Coupled entry" means two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes (also see "Entry").

"Dark day" means a day during a live race meeting when no pari-mutuel wagering is conducted.

"Day" means a 24-hour period ending at midnight.

"Dead heat" means the finish of a race in which the noses of two or more horses reach the finish line at the same time.

"Enclosure" means all buildings, structures, and grounds utilized for the conduct of race meetings and gaming at the race track and any additional areas designated by the Commission.

"Entry" means:

(A) a horse eligible for and entered in a race, or

(B) two or more horses, entered in the same race, which have common ties of ownership, lease or training (see "Coupled Entry").

"Expired ticket" means an outstanding ticket which was not presented for redemption within the required time period for which it was issued.

"Field" means all horses competing in a race.

"Guest organization licensee" means an association which offers licensed pari-mutuel wagering on contests conducted by another organization licensee which is the host in either the same jurisdiction or another jurisdiction.

"Handle" means the total amount of all pari-mutuel wagering sales excluding refunds and cancellations.

"Host organization licensee" means the association conducting a licensed pari-mutuel meeting from which authorized contests or entire performances are simulcast.

"Inquiry" means:

(A) an investigation by the Stewards of potential interference in a contest prior to declaring the result of said contest official; or

(B) the Stewards or Commission investigation of a matter alleged to be related to the provisions of the Act or the rules of the Commission.

"Mutuel field" means two or more contestants treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

"Net pool" means the amount of gross ticket sales less refundable wagers and statutory commissions.

"No contest" means a race canceled for any reason by the stewards.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Official order of finish" means the order of finish of the horses in a contest as declared official by the Stewards.

"Organization licensee" means any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Outstanding ticket" means a winning or refundable pari-mutuel ticket which was not cashed during the performance for which it was issued; also known as "Outs."

"Pari-mutuel system" means the manual, electro-mechanical or computerized system and all software

(including the totalizator, account betting system and off-site betting equipment) that is used to record bets and transmit wagering data.

"Pari-mutuel wagering" means a form of wagering on the outcome of a contest in which all wagers are pooled and held by an organization licensee for distribution of the total amount, less the deductions authorized by law, to holders of tickets on the winning horses.

"Payout" means the amount of money payable to winning wagers.

"Performance" means a schedule of races run consecutively as one program.

"Post position" means the position in the starting gate assigned to the horse for the start of the race.

"Post time" means the scheduled time set for the arrival of the horses at the starting gate for the race.

"Profit" means the net pool after deduction of the amount bet on the winners.

"Profit split" means a division of profit among separate winning betting interests or winning betting combinations resulting in two or more payout prices.

"Program" means the published listing of all contests and contestants for a specific performance.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Restricted area" means any area within the enclosure where access is limited to licensees whose occupation requires access. Those areas which are restricted shall include but not be limited to the barn area, paddock, test barn, Stewards' tower, racecourse, mutuel line and money rooms, or any other area designated restricted by either the organization licensee or the Commission, or both. Signs giving notice of restricted access shall be prominently displayed at all entry points.

"Result" means that part of the official order of finish used to determine the pari-mutuel payout of pools for each individual contest.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Scratch" means the act of withdrawing an entered horse from a contest after the closing of entries.

"Simulcast" means the live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

"Simulcast day" means a day on which pari-mutuel wagering is conducted only on simulcast racing.

"Single price pool" means an equal distribution of profit to winning betting interests or winning betting combinations through a single payout price.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Takeout" means the total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.

"Unclaimed ticket" means:

(A) a winning or refundable pari-mutuel ticket which was not cashed during the performance for which it was issued; or

(B) proceeds which shall be remitted by the Organization Licensee to the Commission for deposit in the Oklahoma Breeding Development Fund Special Account in accordance with provisions of statute and as prescribed by the Commission.

"Unique wager" means:

(A) the total amount wagered on one and only one winning combination selecting the first-place finisher in each of the pick (n) contests, based upon the official order of finish, is equal to the minimum allowable wager;

(B) there is more than one combination selecting the first-place finisher in each of the pick (n) contests equal to the minimum allowable wager and all winning combinations are on one ticket or single account wagering transaction that has a unique serial number assigned by the tote company that issued the ticket and the multiple winning combinations is solely a result of a wagering interest being scratched and replaced with the post time favorite;

(C) there is more than one combination selecting the first-place finisher in each of the pick (n) contests equal to the minimum allowable wager and all winning combinations are on one ticket or single account wagering transaction that has a unique serial number assigned by the tote company that issued the ticket and the multiple winning combinations is solely a result of a dead heat;

(D) there is more than one combination selecting the first-place finisher in each of the pick (n)

contests equal to the minimum allowable wager and all winning combinations are on one ticket or single account wagering transaction that has a unique serial number assigned by the tote company that issued the ticket and the multiple winning combinations is solely a result of a surface change after the pick (n) pool has closed and as a result the race is a "Win All"; or

(E) there is more than one combination selecting the first-place finisher in each of the pick (n) contests equal to the minimum allowable wager and all winning combinations are on one ticket that has a unique serial number assigned by the tote company that issued the ticket and the multiple winning combinations is solely a result of some combination of (B), (C), and (D) above.

"Winner" means the horse whose nose reaches the finish line first or is placed first as a result of a disqualification by the stewards.

"Year" means a calendar year.

325:65-1-32. General compliance with laws and rules; approval by Commission

Each organization licensee shall conduct wagering in accordance with applicable laws and the rules of this Chapter. Such wagering shall employ a pari-mutuel system approved by the Commission. The totalisator shall be tested prior to and during the meeting as required by the Commission.

325:65-1-33. Records

(a) The organization licensee shall maintain records of all wagering so the Commission may review such records for any contest including the opening line, subsequent odds fluctuation, the amount and at which window wagers were placed on any betting interest and such other information as may be required. Such wagering records shall be retained by each organization licensee and safeguarded for a period of time specified by the Commission. The Commission may require that certain of these records be made available to the wagering public at the completion of each contest.

(b) The organization licensee shall provide the Commission with a list of the licensed individuals afforded access to pari-mutuel records and equipment at the wagering facility.

325:65-1-34. Pari-Mutuel tickets; validity

A pari-mutuel ticket is evidence of a contribution to the pari-mutuel pool operated by the organization licensee and is evidence of the obligation of the organization licensee to pay to the holder thereof such portion of the distributable amount of the pari-mutuel pool as is represented by such valid pari-mutuel ticket. The organization licensee shall cash all valid winning tickets when such are presented for payment where sold, and no later than sixty (60) days after the wager was made.

(1) To be deemed a valid pari-mutuel ticket, such ticket shall have been issued by a pari-mutuel ticket machine operated by the organization licensee and recorded as a ticket entitled to a share of the pari-mutuel pool, and contain imprinted information as to:

(A) the name of the organization licensee operating the meeting.

(B) a unique identifying number or code.

(C) identification of the terminal at which the ticket was issued.

(D) a designation of the performance for which the wagering transaction was issued.

(E) the contest number for which the pool is conducted.

(F) the type or types of wagers represented

(G) the number or numbers representing the betting interests for which the wager is recorded.

(H) the amount or amounts of the contributions to the pari-mutuel pool or pools for which the ticket is evidence.

(2) No pari-mutuel ticket recorded or reported as previously paid, canceled, or non-existent shall be deemed a valid pari-mutuel ticket by the organization licensee. The organization licensee may withhold payment and refuse to cash any pari-mutuel ticket deemed not valid, except as provided in 325:65-1-35(e).

325:65-1-35. Pari-mutuel ticket sales; payments and claims; purchasing restrictions

(a) Pari-mutuel tickets shall not be sold by anyone other than an organization licensed to conduct pari-mutuel wagering.

(b) No pari-mutuel ticket may be sold on a contest for which wagering has already been closed and no

organization licensee shall be responsible for ticket sales entered into but not completed by issuance of a ticket before the totalisator is closed for wagering on such contest.

(c) Claims pertaining to a mistake on an issued ticket, or a mistake involving failure to issue a ticket, must be made by the bettor prior to leaving the seller's window. Cancellation or exchange of tickets issued shall not be permitted after a patron has left a seller's window except in accordance with written policies established by the organization licensee and approved by the Commission.

(d) Payment on winning pari-mutuel wagers shall be made on the basis of the order of finish as purposely posted and declared "official." Any subsequent change in the order of finish or award of purse money as may result from a subsequent ruling by the Stewards or Commission shall in no way affect the pari-mutuel payoff. If an error in the posted order of finish or payoff figures is discovered, the official order of finish or payoff prices may be corrected and an announcement concerning the change shall be made to the public.

(e) The organization licensee shall not satisfy claims on lost, mutilated, or altered pari-mutuel tickets without authorization of the Commission.

(f) The organization licensee shall have no obligation to enter a wager into a betting pool if unable to do so due to equipment failure.

(g) The organization licensee shall not accept mailed or telephoned wagers, except as provided by law and the rules of this Chapter, nor knowingly accept any wagers made by or for a person who is prohibited from participating in pari-mutuel wagering.

(h) No minor shall purchase or cash any pari-mutuel ticket. No employee of the organization shall knowingly sell to or cash for a minor any pari-mutuel ticket.

(i) No racing official or assistant racing official, mutuel department employee, general manager, valet, jockey room custodian, official camera operator, assistant starter, receiving or detention barn staff member, security personnel, track superintendent or track maintenance department employee, member or employee of the Commission shall wager on the result of a race. No employee of the organization shall knowingly sell to or cash any pari-mutuel ticket for any of the categories of license listed in this subsection.

(j) No jockey shall make any wager, or have any wager made in his/her behalf, in any race in which s/he participates, except through the owner or trainer and on the horse which s/he rides. Any owner or trainer wagering for such jockey shall maintain a record of all such wagers and all other presents or other gratuities s/he has given any jockey. Such records will be furnished to the Stewards or the Commission or its investigators upon demand.

325:65-1-36. Advance performance wagering

No organization licensee shall permit wagering to begin more than one hour before scheduled post time of the first contest of a performance unless it has first obtained the authorization of the Commission.

325:65-1-37. Claims for payment from pari-mutuel pool

At a designated location, a written, verified claim for payment from a pari-mutuel pool shall be accepted by the organization licensee in any case where the organization licensee has withheld payment or has refused to cash a pari-mutuel wager. The claim shall be filed with the organization licensee within sixty (60) days after the wager has been made on a form prescribed and furnished by the Commission, and the claimant shall make such claim under penalty of perjury. The original of such claim shall be forwarded to the Commission within 48 hours.

(1) In the case of a claim made for payment of a mutilated pari-mutuel ticket which does not contain the total imprinted elements required in 325:65-1-34(1), the organization licensee shall make a recommendation to accompany the claim forwarded to the Commission as to whether or not the mutilated ticket has sufficient elements to be positively identified as a winning ticket.

(2) In the case of a claim made for payment on a pari-mutuel wager, the Commission shall adjudicate the claim and may order payment thereon from the pari-mutuel pool or by the organization licensee, or may deny the claim, or may make such other order as it may deem proper.

325:65-1-38. Payment for errors

If an error occurs in the payment amounts for pari-mutuel wagers which are cashed or entitled to be cashed; and as a result of such error the pari-mutuel pool involved in the error is not correctly distributed among winning ticket holders, the following shall apply:

(1) Verification is required to show that the amount of the commission, the amount in breakage, and the

amount in payoffs is equal to the total gross pool. If the amount of the pool is more than the amount used to calculate the payoff, the underpayment shall be added to the corresponding pool of the next contest. If underpayments are discovered after the close of the meeting, the underpayment shall be held in an interest-bearing account approved by the Commission until being added, together with accrued interest, to the corresponding pool of the next meet.

(2) Any claim not filed with the organization licensee within 30 days, inclusive of the date on which the underpayment was publicly announced, shall be deemed waived; and the organization licensee shall have no further liability therefore.

(3) In the event the error results in an overpayment to winning wagers, the organization licensee shall be responsible for such payment.

325:65-1-39. Betting explanation

A summary explanation of pari-mutuel wagering and each type of betting pool offered shall be published in the program for every wagering performance. The rules of racing relative to each type of pari-mutuel pool offered must be prominently displayed on organization licensee grounds and available upon request through organization licensee representatives.

325:65-1-40. Display of betting information

(a) Approximate odds for Win pool betting shall be posted on display devices within view of the wagering public and updated at intervals of not more than ninety (90) seconds.

(b) The probable payoff or amounts wagered, in total and on each betting interest, for other pools may be displayed to the wagering public at intervals and in a manner approved by the Commission.

(c) Official results and payoffs must be displayed upon each contest being declared official.

325:65-1-41. Canceled contests

If a contest is canceled or declared "no contest", refunds shall be granted on valid wagers in accordance with the rules of this Chapter.

325:65-1-42. Refunds

(a) Notwithstanding other provisions of this Chapter, refunds of the entire pool shall be made on:

(1) Win pools, Exacta pools, and first-half Double pools offered in contests in which the number of betting interests has been reduced to fewer than two (2).

(2) Place pools, Quinella pools, Trifecta pools, first-half Quinella Double pools, first-half win Quinella pools, first-half Twin Trifecta pools, and first-half Tri-Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than three (3).

(3) Show pools, Superfecta pools, and first-half Twin Superfecta pools offered in contests in which the number of betting interests has been reduced to fewer than four (4).

(b) Authorized refunds shall be paid upon presentation and surrender of the affected pari-mutuel ticket.

325:65-1-43. Coupled entries and mutuel fields

(a) Contestants coupled in wagering as a coupled entry or mutuel field shall be considered part of a single betting interest for the purpose of price calculations and distribution of pools. Should any contestant in a coupled entry or mutuel field be officially withdrawn or scratched, the remaining contestants in that coupled entry or mutuel field shall remain valid betting interests and no refunds will be granted. If all contestants within a coupled entry or mutuel field are scratched, then tickets on such betting interests shall be refunded, notwithstanding other provisions of this Chapter.

(b) For the purpose of price calculations only, coupled entries and mutuel fields shall be calculated as a single finisher, using the finishing position of the leading contestant in that coupled entry or mutuel field to determine order of placing. This Section shall apply to all circumstances, including situations involving a dead heat, except as otherwise provided in this Title.

325:65-1-44. Pools dependent upon betting interests

Unless the Commission otherwise provides, at the time the pools are opened for wagering, the Organization Licensee:

- (1) may offer win, place, and show wagering on all contests with six (6) or more betting interests.
- (2) may be allowed to prohibit show wagering on any contest with five (5) or fewer betting interests scheduled to start.
- (3) may be allowed to prohibit place wagering on any contest with four (4) or fewer betting interests scheduled to start.
- (4) may be allowed to prohibit Quinella wagering on any contest with three (3) or fewer betting interests scheduled to start.
- (5) may be allowed to prohibit Quinella Double wagering on any contests with three (3) or fewer betting interests scheduled to start.
- (6) may be allowed to prohibit Exacta wagering on any contest with three (3) or fewer betting interests scheduled to start.
- (7) may be allowed to prohibit Trifecta wagering on any contest with six (6) or fewer betting interests scheduled to start.
- (8) may be allowed to prohibit Superfecta wagering on any contest with seven (7) or fewer betting interests scheduled to start.
- (9) may be allowed to prohibit Twin Quinella wagering on any contests with three (3) or fewer betting interests scheduled to start.
- (10) shall prohibit Twin Trifecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.
- (11) shall prohibit Tri-Superfecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.
- (12) shall prohibit Twin Superfecta wagering on any contests with seven (7) or fewer betting interests scheduled to start.
- (13) may be allowed to prohibit Show Quinella wagering on any contest with four (4) or fewer betting interests scheduled to start.
- (14) may be allowed to prohibit Exacta (n) wagering on any contest with three (3) or fewer betting interests scheduled to start.

325:65-1-45. Prior approval required for betting pools

- (a) An organization licensee that desires to offer new forms of wagering must apply in writing to the Commission and receive written approval prior to implementing the new betting pool.
- (b) The organization licensee may suspend previously approved forms of wagering with the prior approval of the Commission. Any carryover shall be held until the suspended form of wagering is reinstated. An organization licensee may request approval of a form of wagering or separate wagering pool for specific performances.

325:65-1-46. Closing of wagering in a contest

- (a) A Commission representative shall close wagering for each contest after which time no pari-mutuel tickets shall be sold for that contest.
- (b) The organization licensee shall maintain, in good order, a system approved by the Commission for closing wagering.

325:65-1-47. Complaints pertaining to pari-mutuel operations

- (a) When a patron makes a complaint regarding the pari-mutuel department to an organization licensee, the organization licensee shall immediately issue a complaint report, setting out:
 - (1) the name of the complainant;
 - (2) the nature of the complaint;
 - (3) the name of the persons, if any, against whom the complaint was made;
 - (4) the date of the complaint;
 - (5) the action taken or proposed to be taken, if any, by the organization licensee.
- (b) The organization licensee shall submit every complaint report to the Commission within forty-eight (48) hours after the complaint was made.

325:65-1-48. Licensees' responsibility to report irregularities

All licensees shall report any known irregularities or wrong doings by any person involving pari-mutuel

wagering immediately to the Commission and cooperate in subsequent investigations.

325:65-1-49. Unrestricted access

The organization licensee shall permit the Commission unrestricted access at all times to its facilities and equipment and to all books, ledgers, accounts, documents and records of the organization licensee that relate to pari-mutuel wagering.

325:65-1-50. Emergency situations

Chapter, the pari-mutuel manager representing the Organization Licensee shall report the problem to the Stewards; and the Organization Licensee and the Stewards shall render a full report to the Commission within forty-eight (48) hours. The pari-mutuel manager and the representatives of any totalisator company or service providing pari-mutuel equipment or service at any race meeting shall cooperate fully in any investigation by the Commission or in any proceedings before the Commission relating to any pari-mutuel operations.

325:65-1-51. Racing predictions/selections

An organization licensee may sell or furnish or offer to sell or furnish a racing prediction(s) if such racing prediction(s) has been authorized by the organization licensee and the author thereof (whether an employee of the organization licensee or any other person) is subsequently licensed by the Commission. No racing official and/or Commission employee shall sell or furnish or offer to sell or furnish any racing prediction. No other person, organization or entity shall sell or furnish or offer to sell or furnish any racing prediction within the enclosure. The organization licensee shall prohibit the sale, offering for sale, or gift of any racing selection sheet or other racing prediction upon the premises of the organization, except for any service which has been authorized by the organization licensee and licensed by the Commission.

SUBCHAPTER 3. ACCOUNT WAGERING

325:65-3-1. General account wagering requirements

The organization licensee may offer a system of account wagering to its patrons whereby wagers are debited and payoffs credited to a sum of money, deposited in an account by the patron, that is held by the organization licensee. The organization licensee shall notify the patron, at the time of opening the account, of any rules the organization licensee has made concerning deposits, withdrawals, average daily balance, user fees, interest payments and any other aspect of the operation of the account. The organization licensee shall notify the patron whenever the rules governing the account are changed, such notification occurring before the new rules are applied to the account and including the opportunity for the patron to close or cash-in the account. The patron shall be deemed to have accepted the rules of account operation upon opening or not closing the account. The organization licensee shall request authorization from the Commission before a system of account wagering is offered.

325:65-3-2. Account opening

The organization licensee may offer to open for its patrons:

- (1) short-term accounts that are operational only for the performance during which they were opened and only at the site where they were opened, whereby wagers are placed by the account holder at a self-service terminal;
- (2) long-term accounts that are operational for any performance offered by the organization licensee, whereby wagers are placed by the account holder at a self-service terminal or by telephone; and
- (3) voucher accounts that are operational for any performance offered by the organization licensee, whereby wagers are placed by the account holder at any ticket issuing terminal operated by the organization licensee. The patron may choose to credit winning payoffs in cash and may choose to close or cash-in the account at any time.

325:65-3-3. Refusals

The organization licensee may reserve the right at any time to refuse to open an account, to accept a wager, or to accept a deposit.

325:65-3-4. Patron information

Each short-term or long-term account holder shall provide such personal information as the organization licensee and the Commission require, including an address to which communications are to be delivered. The organization licensee shall provide, for each short-term or long-term account holder, a confidential account number and password to be used by the patron to confirm validity of every account transaction.

325:65-3-5. Deposits

Deposits may be made in cash or by check, whereby the proceeds of the check may first need banker's clearance. Holding periods will be determined by the organization licensee and advised to the account holder. A receipt for the deposit must be issued to the account holder, but does not need to reflect the current account balance.

325:65-3-6. Sufficient account balance

Each account holder shall be deemed to be aware of the status of that account at all times. Wagers will not be accepted which would exceed the available balance of that account. Any account not updated when a transaction is completed shall be inoperable until the transaction is posted and the account balance updated.

325:65-3-7. Account credits

When an account is entitled to a payoff or refund, said monies will be credited to the respective accounts, thus increasing the credit balance. It is the responsibility of the account holder to verify proper credits and, if in doubt, notify the organization licensee within the agreed upon time-frame for consideration. Unresolved disputes may be forwarded to the Commission by the organization licensee or the account holder. No claim will be considered by the Commission unless submitted in writing and accompanied by supporting evidence.

325:65-3-8. Account operation

(a) The organization licensee must maintain complete records of every deposit, withdrawal, wager and winning payoff for each short- and long-term account. Voucher accounts shall be recorded in a manner similar to a ticket. These records shall be made available to the Commission upon request.

(b) Any account wagering system must provide for the account holder's review and finalization of a wager before it is accepted by the organization licensee. Neither the account holder nor the organization licensee shall change a wager after the account holder has reviewed and finalized the wager. For wagers made by voice telephone, the organization licensee shall make a voice recording of the entire transaction and shall not accept any such wager if the voice recording system is inoperable. The voice recording of the transaction shall be deemed to be the actual wager, regardless of what was recorded by the pari-mutuel system.

325:65-3-9. Account closure

The organization licensee may close any account when the holder thereof attempts to operate with an insufficient balance or when the account is dormant for a period approved by the Commission. In either case, the organization licensee shall refund the remaining balance of the account.

SUBCHAPTER 5. SIMULCAST WAGERING

325:65-5-1. Duties of simulcast host

(a) Every host organization licensee simulcasting its performance, if requested, may contract with an authorized receiver for the purpose of providing authorized users its simulcast.

(b) A host organization licensee is responsible for content of the simulcast and shall use all reasonable effort to present a simulcast which offers the viewers an exemplary depiction of each performance

(c) Unless otherwise permitted by the Commission, every simulcast will contain in its video content a digital display of actual time of day, the name of the host facility from where it emanates, the number of the contest being displayed, and any other relevant information available to patrons at the host facility.

(d) The host organization licensee shall maintain such security controls including encryption over its uplink and communications systems as directed or approved by the Commission.

325:65-5-2. Duties of authorized receiver

- (a) An authorized receiver conducts and operates a pari-mutuel wagering system on the results of contests being held or conducted and simulcast from the enclosures of one or more organization licensees and with the approval of the Commission.
- (b) An authorized receiver shall provide:
 - (1) adequate transmitting and receiving equipment of acceptable broadcast quality, which shall not interfere with the closed circuit TV system of the host organization licensee for providing any host facility patron information.
 - (2) pari-mutuel terminals, pari-mutuel odds displays, modems and switching units enabling pari-mutuel data transmissions, and data communications between the host and guest organization licensees.
 - (3) a voice communication system between each guest organization licensee and the host organization licensee providing timely voice contact among the Commission designees, placing judges and pari-mutuel departments.
- (c) The guest organization licensee and all authorized receivers shall conduct pari-mutuel wagering pursuant to the applicable Commission rules.
- (d) The Commission may appoint at least one designee to supervise all approved simulcast facilities and may require additional designees as is reasonably necessary for the protection of the public interest.
- (e) Not less than 30 minutes prior to the commencement of transmission of the performance of pari-mutuel contests for each day or night, the guest organization licensee shall initiate a test program of its transmitter, encryption and decoding, and data communication to assure proper operation of the system.
- (f) The guest organization licensee shall, in conjunction with the host organization licensee or organization licensees for which it operates pari-mutuel wagering, provide the Commission with a certified report of its pari-mutuel operations as directed by the Commission.
- (g) Every authorized receiver shall file with the Commission an annual report of its simulcast operations and an audited financial statement.

SUBCHAPTER 7. INTERJURISDICTION COMMON POOL WAGERING

325:65-7-1. General approval of contracts, bet types, and display of information

- (a) All contracts governing participation in interjurisdiction common pools shall be submitted to the Commission for approval.
- (b) Individual wagering transactions are made at the point of sale in the jurisdiction where placed. Pari-mutuel pools are combined for computing odds and calculating payoffs, but will be held separate for auditing and all other purposes.
- (c) Any surcharges or withholdings in addition to the takeout shall only be applied in the jurisdiction otherwise imposing such surcharges or withholdings.
- (d) In determining whether to approve an interjurisdiction common pool which does not include the host track or which includes contests from more than one organization licensee, the Commission shall consider and may approve use of a bet type which is not utilized at the host track, application of a takeout rate not in effect at the host track, or other factors which are presented to the Commission.
- (e) The content and format of the visual display of racing and wagering information at facilities in other jurisdictions where wagering is permitted in the interjurisdiction common pool need not be identical to the similar information permitted or required to be displayed under the rules of this Chapter.

325:65-7-2. Guest jurisdiction participation in interjurisdiction common pools

- (a) With the prior approval of the Commission, pari-mutuel wagering pools may be combined with corresponding wagering pools in the host jurisdiction, or with corresponding pools established by one or more other jurisdictions.
- (b) The Commission may permit adjustment of the takeout from the pari-mutuel pool so that the takeout rate in this jurisdiction is identical to that at the host track, or identical to that of other jurisdictions participating in a merged pool.
- (c) Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.

- (d) Rules established in the jurisdiction of the host organization licensee designated for a pari-mutuel pool shall apply.
- (e) The Commission shall approve agreements made between the organization licensee and other participants in interjurisdiction common pools governing the distribution of breakage between the jurisdictions
- (f) If, for any reason, it becomes impossible to successfully merge the bets placed into the interjurisdiction common pool, the organization licensee shall make payoffs in accordance with payoff prices that would have been in effect if prices for the pool of bets were calculated without regard to wagers placed elsewhere; except that, with permission of the Commission, the organization licensee may alternatively determine to either pay winning tickets at the payoff prices at the host track, or declare such accepted bets void and make refunds in accordance with the applicable rules.

325:65-7-3. Host jurisdiction participation in merged pools

- (a) With the prior approval of the Commission, an organization licensed to conduct pari-mutuel wagering may determine that one or more of its contests be utilized for pari-mutuel wagering at guest facilities in other jurisdictions, and may also determine that pari-mutuel pools in guest jurisdictions be combined with corresponding wagering pools established by it as the host track or comparable wagering pools established by two or more jurisdictions.
- (b) Where takeout rates in the merged pool are not identical, the net price calculation shall be the method by which the differing takeout rates are applied.
- (c) Rules of racing established for races held in this jurisdiction shall also apply to interjurisdiction common pools unless the Commission shall have specifically otherwise determined.
- (d) The Commission shall approve agreements made between the organization licensee and other participants in interjurisdiction common pools governing the distribution of breakage between the jurisdictions.
- (e) Any contract for interjurisdiction common pools entered into by the organization licensee shall contain a provision to the effect that if, for any reason, it becomes impossible to successfully merge the bets placed in another jurisdiction into the interjurisdiction common pool formed by the organization licensee, or if, for any reason, the Commission's or the organization licensee's representative determines that attempting to effect transfer of pool data from the guest jurisdiction may endanger the organization licensee's wagering pool, the organization licensee shall have no liability for any measures taken which may result in the guest's wagers not being accepted into the pool.

325:65-7-4. Takeout rates in interjurisdiction common pools

- (a) With the prior approval of the Commission, an organization licensee wishing to participate in an interjurisdiction common pool may change its takeout rate (within the limits permitted by jurisdiction law) so as to achieve a common takeout rate with all other participants in the interjurisdiction common pool.
- (b) An organization licensee wishing to participate in an interjurisdiction common pool may request that the Commission approve a methodology whereby host and guest jurisdictions with different takeout rates for corresponding pari-mutuel pools may effectively and equitably combine wagers from the different jurisdictions into an interjurisdiction common pool.

SUBCHAPTER 9. CALCULATION OF PAYOFFS AND DISTRIBUTION OF POOLS

325:65-9-1. General—separate pools, standard price or net price calculation required; profit split

- (a) All permitted pari-mutuel wagering pools shall be separately and independently calculated and distributed. Takeout shall be deducted from each gross pool as stipulated by law. The remainder of the monies in the pool shall constitute the net pool for distribution as payoff on winning wagers.
- (b) For each wagering pool, the amount wagered on the winning betting interest or betting combinations is deducted from the net pool to determine the profit; the profit is then divided by the amount wagered on the winning betting interest or combinations, such quotient being the profit per dollar.
- (c) Either the standard or net price calculation procedure may be used to calculate single commission pools, while the net price calculation procedure must be used to calculate multi-commission pools.

- (1) The Standard Price Calculation Procedure follows:

Single Price Pool (Win Pool)

gross pool	= sum of wagers on all betting interests - refunds
takeout	= gross pool \times percent takeout
net pool	= gross pool - takeout
profit	= net pool - gross amount bet on winner
profit per dollar	= profit/gross amount bet on winner
\$1 unbroken price	= profit per dollar + \$1
\$1 broken price	= \$1 unbroken price rounded down to the break point
total payout	= \$1 broken price \times gross amount bet on winner
total breakage	= net pool - total payout

Profit Split (Place Pool)

Profit is net pool less gross amount bet on all place finishers. Finishers split profit 1/2 and 1/2 (place profit), then divide by gross amount bet on each place finisher for two unique prices.

Profit Split (Show Pool)

Profit is net pool less gross amount bet on all show finishers. Finishers split profit 1/3 and 1/3 and 1/3 (show profit), then divide by gross amount bet on each show finisher for three unique prices.

(2) The Net Price Calculation Procedure follows:

Single Price Pool (Win Pool)

gross pool	= sum of wagers on all betting interests - refunds
takeout	= gross pool \times percent takeout
For each source:	
net pool	= gross pool - takeout
net bet bet on winner	= gross amount bet on winner \times (1 - percent takeout)
total net pool	= sum of all sources net pools
total net bet on winner	= sum of all sources net bet on winner
total profit	= total net pool - total net bet on winner
profit per dollar	= total profit/total net bet on winner
\$1 unbroken base price	= profit per dollar + \$1
For each source:	
\$1 unbroken price	= \$1 unbroken base price \times (1 - percent takeout)

\$1 broken price

\$1 unbroken price
= rounded down to the
break point
= \$1 broken price \times gross
amount bet on winner
= net pool - total payout

total payout

total breakage

Profit Split (Place Pool)

Total profit is the total net pool less the total net amount bet on all place finishers. Finishers split total profit 1/2 and 1/2 (place profit), then divide by total net amount bet on each place finisher for two unique unbroken base prices.

Profit Split (Show Pool)

Total profit is the total net pool less the total net amount bet on all show finishers. Finishers split total profit 1/3 and 1/3 and 1/3 (show profit), then divide by total net amount bet on each show finisher for three unique unbroken base prices.

- (d) If a profit split results in only one covered winning betting interest or combinations it shall be calculated the same as a single price pool.
- (e) Minimum payoffs and the method used for calculating breakage shall be established by the Commission.
- (f) The individual pools outlined in this Chapter may be given alternative names by each organization licensee, provided prior approval is obtained from the Commission.

325:65-9-2. Win pools

- (a) The amount wagered on the betting interest which finishes first is deducted from the net pool, the balance remaining being the profit; the profit is divided by the amount wagered on the betting interest finishing first, such quotient being the profit per dollar wagered to Win on that betting interest.
- (b) The net Win pool shall be distributed as a single price pool to winning wagers in the following precedence, based upon the official order of finish:
- (1) To those whose selection finished first; but if there are no such wagers, then
 - (2) To those whose selection finished second; but if there are no such wagers, then
 - (3) To those whose selection finished third; but if there are no such wagers, then
 - (4) The entire pool shall be refunded on Win wagers for that contest.
- (c) If there is a dead heat for first involving:
- (1) contestants representing the same betting interest, the Win pool shall be distributed as if no dead heat occurred.
 - (2) contestants representing two or more betting interests, the Win pool shall be distributed as a profit split.
- (d) The following is an example of a standard price calculation for a Win pool:

WIN POOL (Standard Price Calculation)

Sum of Wagers on All Betting Interests	= \$194,230.00
Refunds	= \$1,317.00
Gross Pool: Sum of Wagers on All Betting Interests - Refunds	= \$192,913.00
Percent Takeout	= 18%
Takeout: Gross Pool \times Percent Takeout	= \$34,724.34
Net Pool: Gross Pool - Takeout	= \$158,188.66
Gross Amount Bet on Winner	= \$23,872.00
Profit: Net Pool - Gross Amount Bet on Winner	= \$134,316.66
Profit Per Dollar: Profit/Gross Amount Bet on Winner	= \$5.6265357
\$1 Unbroken Price: Profit Per Dollar + \$1	= \$6.6265357

325:65-9-3. Place pools

- (a) The amounts wagered to Place on the first two betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into two equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Place on that betting interest, the resulting quotient is the profit per dollar wagered to Place on that betting interest.
- (b) The net Place pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
- (1) If contestants of a coupled entry or mutuel field finished in the first two places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
 - (2) As a profit split to those whose selection is included within the first two finishers; but if there are no such wagers on one of those two finishers, then
 - (3) As a single price pool to those who selected the one covered betting interest included within the first two finishers; but if there are no such wagers, then
 - (4) As a single price pool to those who selected the third-place finisher; but if there are no such wagers, then
 - (5) The entire pool shall be refunded on Place wagers for that contest.
- (c) If there is a dead heat for first involving:
- (1) contestants representing the same betting interest, the Place pool shall be distributed as a single price pool.
 - (2) contestants representing two or more betting interests, the Place pool shall be distributed as a profit split.
- (d) If there is a dead heat for second involving:
- (1) contestants representing the same betting interest, the Place pool shall be distributed as if no dead heat occurred.
 - (2) contestants representing two or more betting interests, the Place pool is divided with one-half (1/2) of the profit distributed to Place wagers on the betting interest finishing first and the remainder is distributed equally amongst Place wagers on those betting interests involved in the dead heat for second.
- (e) The following is an example of a standard price calculation for a Place pool:

PLACE POOL (Standard Price Calculation)

Sum of Wagers on All Betting Interests	= \$194,230.00
Refunds	= \$1,317.00
Gross Pool: Sum of Wagers on All Betting Interests - Refunds	= \$192,913.00
Percent Takeout	= 18%
Takeout: Gross Pool × Percent Takeout	= \$34,724.34
Net Pool: Gross Pool - Takeout	= \$158,188.66
Gross Amount Bet on 1st Place finisher	= \$23,872.00
Gross Amount Bet on 2nd Place finisher	= \$12,500.00
Profit: Net Pool - Gross Amount Bet on 1st Place finisher - Gross Amount Bet on 2nd Place finisher	= \$121,816.66

Place Profit: Profit/2	= \$60,908.33
Profit Per Dollar for 1st place: Place Profit/Gross Amount Bet on 1st Place finisher	= \$2.5514548
\$1 Unbroken Price for 1st place: Profit Per Dollar for 1st place + \$1	= \$3.5514548
Profit Per Dollar for 2nd place: Place Profit/Gross Amount Bet on 2nd place finisher	= \$4.8726664
\$1 Unbroken Price for 2nd place: Profit Per Dollar for 2nd place + \$1	= \$5.8726664

325:65-9-4. Show Pools

(a) The amounts wagered to Show on the first three betting interests to finish are deducted from the net pool, the balance remaining being the profit; the profit is divided into three equal portions, one being assigned to each winning betting interest and divided by the amount wagered to Show on that betting interest, the resulting quotient being the profit per dollar wagered to Show on that betting interest.

(b) The net Show pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

- (1) If contestants of a coupled entry or mutuel field finished in the first three places, as a single price pool to those who selected the coupled entry or mutuel field; otherwise
- (2) If contestants of a coupled entry or mutuel field finished as two of the first three finishers, the profit is divided with two-thirds (2/3) distributed to those who selected the coupled entry or mutuel field and one-third (1/3) distributed to those who selected the other betting interest included within the first three finishers; otherwise
- (3) As a profit split to those whose selection is included within the first three finishers; but if there are no such wagers on one of those three finishers, then
- (4) As a profit split to those who selected one of the two covered betting interests included within the first three finishers; but if there are no such wagers on two of those three finishers, then
- (5) As a single price pool to those who selected the one covered betting interest included within the first three finishers; but if there are no such wagers, then
- (6) As a single price pool to those who selected the fourth-place finisher; but if there are no such wagers, then
- (7) The entire pool shall be refunded on Show wagers for that contest.

(c) If there is a dead heat for first involving:

- (1) two contestants representing the same betting interest, the profit is divided with two-thirds (2/3) distributed to those who selected the first-place finishers and one-third (1/3) distributed to those who selected the betting interest finishing third.
- (2) three contestants representing a single betting interest, the Show pool shall be distributed as a single price pool.
- (3) contestants representing two or more betting interests, the Show pool shall be distributed as a profit split.

(d) If there is a dead heat or second involving:

- (1) contestants representing the same betting interest, the profit is divided with one-third (1/3) distributed to those who selected the betting interest finishing first and two-thirds (2/3) distributed to those who selected the second-place finishers.
- (2) contestants representing two betting interests, the Show pool shall be distributed as a profit split.
- (3) contestants representing three betting interests, the Show pool is divided with one-third (1/3) of the profit distributed to Show wagers on the betting interest finishing first and the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for second.

(e) If there is a dead heat for third involving:

- (1) contestants representing the same betting interest, the Show pool shall be distributed as if no dead heat occurred.
- (2) contestants representing two or more betting interests, the Show pool is divided with two-thirds (2/3) of the profit distributed to Show wagers on the betting interests finishing first and second and the remainder is distributed equally amongst Show wagers on those betting interests involved in the dead heat for third.

(f) The following is an example of a standard price calculation for a Show pool:

- (1) Sum of Wagers on All Betting Interests = \$194,230.00

- (2) Refunds = \$1,317.00
 - (3) Gross Pool: Sum of Wagers on All Betting Interests - Refunds = \$192,913.00
 - (4) Percent Takeout = 18%
 - (5) Takeout: Gross Pool x Percent Takeout = \$34,724.34
 - (6) Net Pool: Gross Pool - Takeout = \$158,188.66
 - (7) Gross Amount Bet on 1st Place finisher = \$23,872.00
 - (8) Gross Amount Bet on 2nd Place finisher = \$12,500.00
 - (9) Gross Amount Bet on 3rd Place finisher = \$4,408.00
 - (10) Profit: Net Pool - Gross Amount Bet on 1st Place finisher - Gross Amount Bet on 2nd Place finisher - Gross Amount Bet on 3rd Place finisher = \$117,408.66
 - (11) Show Profit: Profit / 3 = \$39,136.22
 - (12) Profit Per Dollar for 1st place: Show Profit/Gross Amount Bet on 1st place finisher = \$1.6394194
 - (13) \$1 Unbroken Price for 1st place: Profit Per Dollar for 1st place + \$ 1 = \$2.6394194
 - (14) Profit Per Dollar for 2nd place: Show Profit/Gross Amount Bet on 2nd place finisher = \$3.1308976
 - (15) \$1 Unbroken Price for 2nd place: Profit Per Dollar for 2nd place + \$1 = \$4.1308976
 - (16) Profit Per Dollar for 3rd place: Show Profit/Gross Amount Bet on 3rd place finisher = \$8.8784528
 - (17) \$1 Unbroken-Price for 3rd place: Profit Per Dollar for 3rd place + \$1 = \$9.8784528
- (g) The following is an example of a net price calculation for a Show pool with a single takeout rate and single betting source:

- (1) Sum of Wagers on All Betting Interests = \$194,230.00
- (2) Refunds = \$1,317.00
- (3) Gross Pool: Sum of Wagers on All Betting Interests - Refunds = \$192,913.00
- (4) Percent Takeout = 18%
- (5) Takeout: Gross Pool x Percent Takeout = \$34,724.34
- (6) Total Net Pool: Gross Pool - Takeout = \$158,188.66
- (7) Gross Amount Bet on 1st Place finisher = \$23,872.00
- (8) Net Amount Bet on 1st Place finisher = \$19,575.04
- (9) Gross Amount Bet on 2nd Place finisher = \$12,500.00
- (10) Net Amount Bet on 2nd Place finisher = \$10,250.00
- (11) Gross Amount Bet on 3rd Place finisher = \$4,408.00
- (12) Net Amount Bet on 3rd Place finisher = \$3,614.56
- (13) Total Net Bet on Winners: Net Amount Bet on 1st place finisher + Net Amount Bet on 2nd place finisher + Net Amount Bet on 3rd place finisher = \$33,439.60
- (14) Total Profit: Total Net Pool - Total Net Bet on Winners = \$124,749.06
- (15) Show Profit: Total Profit/3 = \$41,583.02
- (16) Profit Per Dollar for 1st place: Show Profit/Net Amount Bet on 1st place finisher = \$2.1242879
- (17) \$1 Unbroken Base Price for 1st place: Profit Per Dollar for 1st place + \$1 = 3.1242879
- (18) \$1 Unbroken Price for 1st place: \$1 Unbroken Base Price for 1st place x (1 - percent takeout) = \$2.5619161
- (19) Profit Per Dollar for 2nd place: Show Profit/Net Amount Bet on 2nd place finisher = \$4.056880
- (20) \$1 Unbroken Base Price for 2nd place: Profit Per Dollar for 2nd place + \$1 = \$5.0568800
- (21) \$1 Unbroken Price for 2nd place: \$1 Unbroken Base Price for 2nd place x (1 - percent takeout) = \$4.1466416
- (22) Profit Per Dollar for 3rd place: Show Profit/Net Amount Bet on 3rd place finisher = \$11.504310
- (23) \$1 Unbroken Base Price for 3rd place: Profit Per Dollar for 3rd place + \$1 = \$12.504310
- (24) \$1 Unbroken Price for 3rd place: \$1 Unbroken Base Price for 3rd place x (1 - percent takeout) = \$10.253534

325:65-9-5. Double Pools

- (a) The Double requires selection of the first-place finisher in each of two specified contests.
- (b) The net Double pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (1) As a single price pool to those whose selection finished first in each of the two contests; but if there

are no such wagers, then

(2) As a profit split to those who selected the first-place finisher in either of the two contests; but if there are no such wagers, then

(3) As a single price pool to those who selected the one covered first-place finisher in either contest; but if there are no such wagers, then As a single price pool to those whose selection finished second in each of the two contests; but if there are no such wagers, then

(4) The entire pool shall be refunded on Double wagers for those contests.

(c) If there is a dead heat for first in either of the two contests involving:

(1) contestants representing the same betting interest, the Double pool shall be distributed as if no dead heat occurred.

(2) contestants representing two or more betting interests, the Double pool shall be distributed as a profit split if there is more than one covered winning combination.

(d) Should a betting interest in the first-half of the Double be scratched prior to the first Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.

(e) Should a betting interest in the second-half of the Double be scratched prior to the close of wagering on the first Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Double pool and refunded.

(f) Should a betting interest in the second-half of the Double be scratched after the close of wagering on the first Double contest, all wagers combining the winner of the first contest with the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation pay off the net Double pool shall be divided by the total amount wagered on the winner of the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winner of the first contest combined with the scratched betting interest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net Double pool before calculation and distribution of the winning Double payoff. Dead heats including separate betting interests in the first contest shall result in a consolation payoff calculated as a profit split.

(g) If either of the Double contests are canceled prior to the first Double contest, or the first Double contest is declared "no contest," the entire Double pool shall be refunded on Double wagers for those contests.

(h) If the second Double contest is canceled or declared "no contest" after the conclusion of the first Double contest, the net Double pool shall be distributed as a single price pool to wagers selecting the winner of the first Double contest. In the event of a dead heat involving separate betting interests, the net Double pool shall be distributed as a profit split.

(i) The following is an example of a standard price calculation for a Double pool:

(1) Sum of Wagers on All Betting Interests = \$194,230.00

(2) Refunds = \$1,317.00

(3) Gross Pool: Sum of Wagers on All Betting Interests - Refunds = \$192,913.00

(4) Percent Takeout = 18%

(5) Takeout: Gross Pool x Percent Takeout = \$34,724.34

(6) Net Pool: Gross Pool - Takeout = \$158,188.66

(7) Gross Amount Bet on Winning Combination = \$23,872.00

(8) Profit: Net Pool - Gross Amount Bet on Winning Combination = \$134,316.66

(9) Profit Per Dollar: Profit/Gross Amount Bet on Winning Combination = 5.6265357

(10) \$1 Unbroken Price: Profit Per Dollar + \$1 = \$6.6265357

(j) The following is an example of consolation pricing for a Double pool:

(1) Sum of Wagers on All Betting Interests = \$194,230.00

(2) Refunds = \$1,317.00

(3) Gross Pool: Sum of Wagers on All Betting Interests - Refunds = \$192,913.00

(4) Percent Takeout = 18%

(5) Takeout: Gross Pool x Percent Takeout = \$34,724.34

(6) Net Pool: Gross Pool - Takeout = \$158,188.66

(7) Consolation Pool: Sum Total Amount Bet on winner of the first contest with all second contest betting interests = \$43,321.00

(8) \$1 Consolation Unbroken Consolation Price: Net Pool/Consolation Pool = \$3.6515468

- (9) \$1 Consolation Broken Price = \$3.65
- (10) Amount Bet on winner of the first contest with scratched betting interests = \$1,234.00
- (11) Consolation Liability: \$1 Consolation Broken Price x (Amount Bet on the winner of the first contest with scratched betting interests) = \$4,504.10
- (12) Adjusted Net Pool: Net Pool - Consolation Liability = \$153,684.56
- (13) Gross Amount Bet on the Winning Combination = \$23,872.00
- (14) Profit: Adjusted Net Pool - Gross Amount Bet on the Winning Combination = \$129,812.56
- (15) Profit Per Dollar: Profit/Gross Amount Bet on the Winning Combination = \$5.4378586
- (16) \$1 Unbroken Price: Profit Per Dollar + \$1 = \$6.4378586

325:65-9-6. Win Three pools

- (a) The Win Three requires selection of the first-place finisher in each of three specified contests.
- (b) The net Win Three pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (1) As a single price pool to those whose selection finished first in each of the three contests; but if there are no such wagers, then
 - (2) As a single price pool to those who selected the first-place finisher in any two of the three contests; but if there are no such wagers, then
 - (3) As a single price pool to those who selected the first-place finisher in any one of the three contests; but if there are no such wagers, then
 - (4) The entire pool shall be refunded on Win Three wagers for those contests.
- (c) If there is a dead heat for first in any of the three contests involving:
 - (1) contestants representing the same betting interest, the Win Three pool shall be distributed as if no dead heat occurred.
 - (2) contestants representing two or more betting interests, the Win Three pool shall be distributed as follows:
 - (A) as a profit split to those whose selections finished first in each of the three contests; but if there are no such wagers, then
 - (B) as a single price pool to those who selected the first place finisher in any two of the three contests; but if there are no such wagers, then
 - (C) as a single price pool to those who selected the first place finisher in any one of the three contests; but if there are no such wagers, then
 - (D) the entire Win Three pool shall be refunded.
- (d) Should a betting interest in any of the three Win Three contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
- (e) If all three Win Three contests are canceled or declared "no contest," the entire pool shall be refunded on Win Three wagers for those contests.
- (f) If one or two of the Win Three contests are canceled or declared "no contest," the Win Three pool will remain valid and shall be distributed in accordance with (b) of this Section.
- (g) If the Win Three pool is distributed according to subparagraphs (c)(2)(B) or (c)(2)(C) an announcement shall be made to the public as to the possible winning Win Three combinations.
- (h) If any regularly scheduled turf race is moved to the main race course for any leg(s) of a Win Three and such change has not been known to the public before the close of wagering for the Win Three, all wagers of such leg(s) affected by the surface change shall be considered winning wagers for the purpose of the Win Three pool.

325:65-9-7. Pick (n) Pools

(a) The Pick (n) requires selection of the first-place finisher in each of a designated number of contests. The Organization Licensee shall obtain written approval from the Commission concerning the scheduling of Pick (n) contests, the designation of one (1) of the methods prescribed in (b) of this Section, and the amount of any cap to be set on the carryover. Any changes to the approved Pick (n) format require prior approval from the Commission.

(b) The Pick (n) pool shall be apportioned under one of the following methods:

(1) Method 1, Pick (n) with Carryover: The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the remainder shall be added to the carryover.

(2) Method 2, Pick (n) with Minor Pool and Carryover: The major share of the net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the minor share of the net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests; and the major share shall be added to the carryover.

(3) Method 3, Pick (n) with No Minor Pool and No Carryover: The net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) Method 4, Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool shall be distributed to those who selected the first place finisher in the greatest number of Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If the greatest number of first-place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) Method 5, Pick (n) with Minor Pool and No Carryover: The major share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in each of the Pick (n) contests, based upon the official order of finish. The minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher in the second greatest number of Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first-place finisher in all Pick (n) contests, the entire net Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher in the greatest number of Pick (n) contests. If there are no wagers selecting the first-place finisher in a second greatest number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests. If there are no winning wagers, the pool is refunded.

(6) Method 6, Pick (n) with Minor Pool, Jackpot Pool, Major Carryover and Jackpot Carryover: Predetermined percentages of the net Pick (n) pool shall be set aside as a Major pool, Minor pool and Jackpot pool. The Major share of the net Pick (n) pool and the Major carryover, if any, shall be distributed to those who selected the first place finisher of each of the Pick (n) contests, based on the official order of finish. If there are no tickets selecting the first-place finisher in each of the Pick (n) contests, the Major net pool shall be added to the Major carryover. If there is only one single ticket selecting the first-place finisher of each of the Pick (n) contests, based on the official order of finish, the Jackpot share of the net Pick (n) pool and the Jackpot carryover, if any, shall be distributed to the holder of that single ticket, along with the Major net pool and the Major carryover, if any. If more than one ticket selects the first-place finisher of each of the Pick (n) contests the Jackpot net pool shall be added

to the Jackpot carryover. The Minor share of the net Pick (n) pool shall be distributed to those who selected the first-place finisher of the second greatest number of Pick (n) contests, based on the official order of finish. If there are no wagers selecting the first-place finisher of all Pick (n) contests, the Minor net pool of the Pick (n) pool shall be distributed as a single price pool to those who selected the first-place finisher of the greatest number of Pick (n) contests.

(7) Method 7, Pick (n) with No Minor Pool and Carryover: The net Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first-place finisher in each of the Pick (n) contests, based on the official order of finish. If there are no such wagers, the net Pick (n) pool shall be added to the carryover.

(8) Method 8, Pick (n) with Minor Pool and Carryover with Unique Wager: The entire Pick (n) pool and carryover, if any, shall be distributed to the holder of a unique wager selecting the first place finisher in each of the selected Pick (n) contests, based upon the official order of finish. If there is no unique wager selecting the first place finisher in all Pick (n) contests, the minor share of the Pick (n) pool shall be distributed as a single price pool to those who selected the first place finisher in the greatest number of Pick (n) contests; and the major share shall be added to the carryover. If the minor share cannot be distributed, the minor pool shall be combined with the major pool and added to the previous day's carryover. The entire pool plus carryover shall be carried forward to the next Pick (n) pool.

(c) If there is a dead heat for first in any of the Pick (n) contests involving:

(1) contestants representing the same betting interest, the Pick (n) pool, including unique wager, shall be distributed as if no dead heat occurred.

(2) contestants representing two or more betting interests, the Pick (n) pool, including unique wager, shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.

(d) If a betting interest in any of the Pick (n) contests is scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host Organization Licensee for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. If the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.

(e) If any regularly scheduled turf race is moved to the main race course for any leg(s) of a Pick (n) wager and such change has not been known to the public before the close of wagering for the Pick (n), all wagers on such leg(s) affected by the surface change shall be considered winning wagers for the purpose of the Pick (n) pool.

(f) The Pick (n) pool shall be canceled, and all Pick (n) wagers for the individual performance shall be refunded if:

(1) all three contests included as part of a Pick 3 are canceled or declared "no contest."

(2) at least three contests included as part of a Pick 4, Pick 5 or Pick 6 are canceled or declared "no contest."

(3) at least four contests included as part of a Pick 7, Pick 8 or Pick 9 are canceled or declared "no contest."

(4) at least five contests included as part of a Pick 10 are canceled or declared "no contest."

(g) If at least one contest included as part of a Pick (n) is canceled or declared "no contest," but not more than the number specified in (e) of this Section, the net pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Pick (n) carryover but not the carryover from previous performances.

(h) The Pick (n) carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Pick (n) carryover equals or exceeds the designated cap, the Pick (n) carryover will be frozen until it is won or distributed under other provisions of this Section. After the Pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the Pick (n) carryover, shall be distributed to those whose selection finished first in the greatest number of Pick (n) contests for that performance.

(i) A written request for permission to distribute the Pick (n) carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(j) If the Pick (n) carryover is designated for distribution on a specified date and performance in which there are no wagers selecting the first-place finisher in each of the Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first in the greatest number of Pick (n) contests. The Pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (1) Upon written approval from the Commission as provided in (h) of this Section.
- (2) Upon written approval from the Commission when there is a change in the carryover cap, a change from one type of Pick (n) wagering to another, or when the Pick (n) is discontinued.
- (3) On the closing performance of the meet or split meet.

(k) If, for any reason, the Pick (n) carryover shall be held over to the corresponding Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Pick (n) carryover plus accrued interest shall then be added to the net Pick (n) pool of the following meet on a date and performance so designated by the Commission.

(l) With the written approval of the Commission, the organization licensee may contribute to the Pick (n) carryover a sum of money up to the amount of any designated cap.

(m) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(n) The organization licensee may suspend previously-approved Pick (n) wagering with the prior approval of the Commission. Any carryover shall be held until the suspended Pick (n) wagering is reinstated. An organization licensee may request approval of a Pick (n) wager or separate wagering pool for specific performances.

(o) The following is an example of a net price calculation for a Pick 7 pool with multiple takeout rates and multiple betting sources [net price calculation]:

(1) Source 1:

- (A) Percent Takeout - 16%
- (B) Gross Pool - \$190,000.00
- (C) Gross Amt. Bet on Win - \$44.00
- (D) Net Pool - \$159,600.00
- (E) Net Amt. Bet on Win - \$36.96

(2) Source 2:

- (A) Percent Takeout - 18.5%
- (B) Gross Pool - \$10,000.00
- (C) Gross Amt. Bet on Win - \$18.00
- (D) Net Pool - \$8,150.00
- (E) Net Amt. Bet on Win - \$14.67

(3) Source 3:

- (A) Percent Takeout - 21%
- (B) Gross Pool - \$525,730.00
- (C) Gross Amt. Bet on Win - \$124.00
- (D) Net Pool - \$415,326.70
- (E) Net Amt. Bet on Win - \$97.96

(4) Totals of 3 Sources:

- (A) Gross Pool - \$725,730.00
- (B) Gross Amt. Bet on Win - \$186.00
- (C) Net Pool - \$583,076.70
- (D) Net Amt. Bet on Win - \$149.59

(5) Total Profit: Total Net Pool - Total Net Bet on the Winning Combination = \$ 582,927.11

(6) Profit Per Dollar: Total Profit/Total Net Bet on the Winning Combination = \$3,896.8321

(7) \$1 Unbroken Base Price: Profit Per Dollar + \$1 = \$3,897.8321

(8) \$1 Unbroken Price for Source 1: \$1 Unbroken Base Price x (1 - Percent Takeout) = \$3,274.1789

(9) \$1 Unbroken Price for Source 2: \$1 Unbroken Base Price x (1 - Percent Takeout) = \$3,176.7331

(10) \$1 Unbroken Price for Source 3: \$1 Unbroken Base Price x (1 - Percent Takeout) = \$3,079.2873

325:65-9-8. Place Pick (n) Pools

(a) The Place Pick (n) requires selection of the first or second- place finisher in each of a designated number of contests. The organization licensee must obtain written approval from the Commission concerning the scheduling of Place Pick (n) contests, the designation of one of the methods prescribed in (b) of this Section, the distinctive name identifying the pool and the amount of any cap to be set on the carryover. Any changes to the approved Place Pick (n) format require prior approval from the Commission.

(b) The Place Pick (n) pool shall be apportioned under one of the following methods:

(1) Method 1, Place Pick (n) with Carryover: The net Place Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests; and the remainder shall be added to the carryover.

(2) Method 2, Place Pick (n) with Minor Pool and Carryover: The major share of the net Place Pick (n) pool and the carryover, if any, shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based up on the official order of finish. If there are no wagers selecting the first or second-place finisher of all Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests; and the major share shall be added to the carryover.

(3) Method 3, Place Pick (n) with No Minor Pool and No Carryover: The net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

(4) Method 4, Place Pick (n) with Minor Pool and No Carryover: The major share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second-place finisher in a second greatest number of Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests. If the greatest number of first- or second- place finishers selected is one (1), the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.

(5) Method 5, Place Pick (n) with Minor Pool and No Carryover: The major share of net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in each of the Place Pick (n) contests, based upon the official order of finish. The minor share of the net Place Pick (n) pool shall be distributed to those who selected the first- or second-place finisher in the second greatest number of Place Pick (n) contests, based upon the official order of finish. If there are no wagers selecting the first- or second- place finisher in all Place Pick (n) contests, the entire net Place Pick (n) pool shall be distributed as a single price pool to those who selected the first- or second-place finisher in the greatest number of Place Pick (n) contests. If there are no wagers selecting the first- or second-place finisher in a second greatest number of Place Pick (n) contests, the minor share of the net Place Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first- or second-place finisher in each of the Place Pick (n) contests. If there are no winning wagers, the pool is refunded.

- (c) If there is a dead heat for first in any of the Place Pick (n) contests involving:
- (1) contestants representing the same betting interest, the Place Pick (n) pool shall be distributed as if no dead heat occurred.
 - (2) contestants representing two or more betting interests, the Place Pick (n) pool shall be distributed as a single price pool with a winning wager including each betting interest participating in the dead heat.
- (d) If there is a dead heat for second in any of the Place Pick (n) contests involving:
- (1) contestants representing the same betting interest, the Place Pick (n) pool shall be distributed as if no dead heat occurred.
 - (2) contestants representing two or more betting interests, the Place Pick (n) pool shall be distributed as a single price pool with a winning wager including the betting interest which finished first or any betting interest involved in the dead heat for second.
- (e) Should a betting interest in any of the Place Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the Win pool at the host organization licensee for the contest at the close of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the Win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which became winners as a result of the substitution, in addition to the normal winning combination.
- (f) If any regularly scheduled turf race is moved to the main race course for any leg(s) of a Place Pick (n) wager and such change has not been known to the public before the close of wagering for the Place Pick (n), all wagers on such leg(s) affected by the surface change shall be considered winning wagers for the purpose of the Place Pick (n) pool.
- (g) The Place Pick (n) pool shall be canceled and all Place Pick (n) wagers for the individual performance shall be refunded if:
- (1) at least two contests included as part of a Place Pick 3 are canceled or declared "no contest."
 - (2) at least three contests included as part of a Place Pick 4, Place Pick 5 or Place Pick 6 are canceled or declared "no contest."
 - (3) at least four contests included, as part of a Place Pick 7, Place Pick 8 or Place Pick 9 are canceled or declared "no contest."
 - (4) at least five contests included as part of a Place Pick 10 are canceled or declared "no contest."
- (h) If at least one contest included as part of a Place Pick (n) is canceled or declared "no contest," but not more than the number specified in (f) of this Section, the net pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the Place Pick (n) carryover but not the carryover from previous performances.
- (i) The Place Pick (n) carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Place Pick (n) carryover equals or exceeds the designated cap, the Place Pick (n) carryover will be frozen until it is won or distributed under other provisions of this Section. After the Place Pick (n) carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the Place Pick (n) carryover, shall be distributed to those whose selection finished first or second in the greatest number of Place Pick (n) contests for that performance.
- (j) A written request for permission to distribute the Place Pick (n) carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
- (k) Should the Place Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the first- or second-place finisher in each of the Place Pick (n) contests, the entire pool shall be distributed as a single price pool to those whose selection finished first or second in the greatest number of Place Pick (n) contests. The Place Pick (n) carryover shall be designated for distribution on a specified date and performance under any of the following circumstances:
- (1) Upon written approval from the Commission as provided in (i) of this Section.
 - (2) Upon written approval from the Commission when there is a change in the carryover cap, a change from one type of Place Pick (n) wagering to another, or when the Place Pick (n) is discontinued.
 - (3) On the closing performance of the meet or split meet.

- (l) If, for any reason, the Place Pick (n) carryover must be held over to the corresponding Place Pick (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Place Pick (n) carryover plus accrued interest shall then be added to the net Place Pick (n) pool of the following meet on a date and performance so designated by the Commission.
- (m) With the written approval of the Commission, the organization licensee may contribute to the Place Pick (n) carryover a sum of money up to the amount of any designated cap.
- (n) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of live tickets remaining is strictly prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.
- (o) The organization licensee may suspend previously-approved Place Pick (n) wagering with the prior approval of the Commission. Any carryover shall be held until the suspended Place Pick (n) wagering is reinstated. An organization licensee may request approval of a Place Pick (n) wager or separate wagering pool for specific performances.

325:65-9-9. Quinella pools

- (a) The Quinella requires selection of the first two finishers, irrespective of order, for a single contest.
- (b) The net Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (1) If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
 - (2) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then
 - (3) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of the those two finishers, then
 - (4) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
 - (5) The entire pool shall be refunded on Quinella wagers for that contest.
- (c) If there is a dead heat for first involving:
 - (1) contestants representing the same betting interest, the Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
 - (2) contestants representing two betting interests, the Quinella pool shall be distributed as if no dead heat occurred.
 - (3) contestants representing three or more betting interests, the Quinella pool shall be distributed as a profit split.
- (d) If there is a dead heat for second involving contestants representing the same betting interest, the Quinella pool shall be distributed as if no dead heat occurred.
- (e) If there is a dead heat for second involving contestants representing two or more betting interests, the Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
 - (1) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
 - (2) As single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
 - (3) As profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - (4) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - (5) The entire pool shall be refunded on Quinella wagers for that contest.

325:65-9-10. Quinella Double pools

- (a) The Quinella Double requires selection of the first two finishers, irrespective of order, in each of two specified contests.
- (b) The net Quinella Double pool shall be distributed to winning wagers in the following precedence, based up on the official order of finish:
 - (1) If a coupled entry or mutuel field finishes as the first two contestants in either contest, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest, as well as the first two finishers in the alternate Quinella Double contest; otherwise
 - (2) As a single price pool to those who selected the first two finishers in each of the two Quinella Double contests; but if there are no such wagers, then
 - (3) As a profit split to those who selected the first two finishers in either of the two Quinella Double contests; but if there are no such wagers on one of those contests, then
 - (4) As a single price pool to those who selected the first two finishers in the one covered Quinella Double contest; but if there were no such wagers, then
 - (5) The entire pool shall be refunded on Quinella Double wagers for those contests.
- (c) If there is a dead heat for first in either of the two Quinella Double contests involving:
 - (1) contestants representing the same betting interest, the Quinella Double pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.
 - (2) contestants representing two betting interests, the Quinella Double pool shall be distributed as if no dead heat occurred.
 - (3) contestants representing three or more betting interests, the Quinella Double pool shall be distributed as a profit split.
- (d) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing the same betting interest, the Quinella Double pool shall be distributed as if no dead heat occurred.
- (e) If there is a dead heat for second in either of the Quinella Double contests involving contestants representing two or more betting interests, the Quinella Double pool shall be distributed as profit split.
- (f) Should a betting interest in the first-half of the Quinella Double be scratched prior to the first Quinella Double contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.
- (g) Should a betting interest in the second-half of the Quinella Double be scratched prior to the close of wagering on the first Quinella Double contest, all money wagered on combinations including the scratched betting interest shall be deducted from the Quinella Double pool and refunded.
- (h) Should a betting interest in the second-half of the Quinella Double be scratched after the close of wagering on the first Quinella Double contest, all wagers combining the winning combination in the first contest with a combination including the scratched betting interest in the second contest shall be allocated a consolation payoff. In calculating the consolation payoff the net Quinella Double pool shall be divided by the total amount wagered on the winning combination in the first contest and an unbroken consolation price obtained. The broken consolation price is multiplied by the dollar value of wagers on the winning combination in the first contest combined with a combination including the scratched betting interest in the second contest to obtain the consolation payoff. Breakage is not declared in this calculation. The consolation payoff is deducted from the net Quinella Double pool before calculation and distribution of the winning Quinella Double payoff. In the event of a dead heat involving separate betting interests, the net Quinella Double pool shall be distributed as a profit split.
- (i) If either of the Quinella Double contests is canceled prior to the first Quinella Double contest, or the first Quinella Double contest is declared "no contest," the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.
- (j) If the second Quinella Double contest is canceled or declared "no contest" after the conclusion of the first Quinella Double contest, the net Quinella Double pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Quinella Double contest. If there are no wagers selecting the

winning combination in the first Quinella Double contest, the entire Quinella Double pool shall be refunded on Quinella Double wagers for those contests.

325:65-9-10.1. Show Quinella pools

- (a) The Show Quinella requires selection of two (2) of the first three (3) finishers, irrespective of order, for a single contest.
- (b) The Show Quinella pool shall be apportioned under one of the following methods:
 - (1) Method 1, Single Price and Refund: The net Show Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (A) As a single price pool to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then
 - (B) The entire pool shall be refunded on Show Quinella wagers for that contest.
 - (2) Method 2, Single Price and Carryover: The net Show Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (A) As a single price pool to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then
 - (B) The net pool will be carried forward and added to the next Show Quinella pool.
 - (3) Method 3, Profit Split and Refund: The net Show Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (A) As a profit split to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then
 - (B) The entire pool shall be refunded on Show Quinella wagers for that contest.
 - (4) Method 4, Profit Split and Carryover: The net Show Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (A) As a profit split to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then
 - (B) The net pool will be carried forward and added to the next Show Quinella pool.
- (c) If there is a dead heat for first involving:
 - (1) Contestants representing two or three betting interests, the Show Quinella pool shall be distributed as if no dead heat occurred.
 - (2) Contestants representing four or more betting interests, the Show Quinella pool shall be distributed between all possible winning combinations based upon the method selected in subparagraph 2.
- (d) If there is a dead heat for second involving:
 - (1) Contestants representing two betting interests, the Show Quinella pool shall be distributed as if no dead heat occurred.
 - (2) Contestants representing three or more betting interests, the Show Quinella pool shall be distributed between all possible winning combinations based upon the method selected in subparagraph 2.
- (e) If there is a dead heat for third involving contestants representing two or more betting interests, the Show Quinella pool shall be distributed between all possible winning combinations, including those betting interests in the dead heat, based upon the method selected in subparagraph 2.
- (f) Should any betting interest entered in the Show Quinella pool be scratched or excused from the contest, wagers including such betting interest shall be deducted from the Show Quinella pool and money refunded.
- (g) If, for any reason, the Show Quinella carryover must be held over to the corresponding Show Quinella pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Show Quinella carryover plus accrued interest shall be added to the net Show Quinella pool of the following meet on a date and performance so designated by the Commission.

325:65-9-11. Exacta pools

- (a) The Exacta requires selection of the first two finishers, in their exact order, for a single contest.
- (b) The net Exacta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (1) If contestants of a coupled entry or mutuel field finish as the first two finishers, as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise
 - (2) As a single price pool to those whose combination finished in correct sequence as the first two betting interests; but if there are no such wagers, then
 - (3) As a profit split to those whose combination included either the first-place betting interest to finish first or the second-place betting interest to finish second; but if there are no such wagers on one of those two finishers, then
 - (4) As a single price pool to those whose combination included the one covered betting interest to finish first or second in the correct sequence; but if there are no such wagers, then
 - (5) The entire pool shall be refunded on Exacta wagers for that contest.
- (c) If there is a dead heat for first involving:
 - (1) contestants representing the same betting interest, the Exacta pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
 - (2) contestants representing two or more betting interests, the Exacta pool shall be distributed as a profit split.
- (d) If there is a dead heat for second involving contestants representing the same betting interest, the Exacta pool shall be distributed as if no dead heat occurred.
- (e) If there is a dead heat for second involving contestants representing two or more betting interests, the Exacta pool shall be distributed to ticket holders in the following precedence, based upon the official order of finish:
 - (1) As a profit split to those combining the first-place betting interest with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
 - (2) As a single price pool to those combining the first-place betting interest with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
 - (3) As a profit split to those wagers correctly selecting the winner for first-place and those wagers selecting any of the dead-heated betting interests for second-place; but if there are no such wagers, then
 - (4) The entire pool shall be refunded on Exacta wagers for that contest.

325:65-9-12. Trifecta pools

- (a) The Trifecta requires selection of the first three finishers, in their exact order, for a single contest.
- (b) The net Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:
 - (1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - (2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - (3) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - (4) The entire pool shall be refunded on Trifecta wagers for that contest.
- (c) If less than three betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.
- (d) If there is a dead heat for first involving:
 - (1) contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall

share in a profit split.

(2) contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place betting interest shall share in a profit split.

(e) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(f) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any of the betting interests involved in the dead heat for third shall share in a profit split.

(g) Coupled entries and mutuel fields may be permitted in Trifecta contests with the prior written approval of the host Commission.

325:65-9-13. Superfecta pools

(a) The Superfecta requires selection of the first four finishers, in their exact order, for a single contest.

(b) The net Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(5) The entire pool shall be refunded on Superfecta wagers for that contest.

(c) If less than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving:

(1) contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(2) contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, irrespective of order, along with the fourth-place betting interest shall share in a profit split.

(3) contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, irrespective of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(e) If there is a dead heat for second involving:

(1) contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of three betting interests involved in the dead heat for second shall share in a profit split.

(2) contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, irrespective of order, and the fourth-place betting interest shall share in a profit split.

(f) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.

(g) If there is a dead heat for heat for fourth, all wagering combinations correctly selecting the first three finishers, in correct sequence, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(h) Coupled entries and mutuel fields may be permitted in Superfecta contests with the prior written approval of the host Commission.

325:65-9-14. Twin Quinella pools

(a) The Twin Quinella requires selection of the first two finishers, irrespective of order, in each of two designated contests. Each winning ticket for the first Twin Quinella contest must be exchanged for a free ticket on the second Twin Quinella contest in order to remain eligible for the second-half Twin Quinella pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Quinella contest. There will be no monetary reward for winning the first Twin Quinella contest. Both of the designated Twin Quinella contests shall be included in only one Twin Quinella pool.

(b) In the first Twin Quinella contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Quinella contest:

(1) If a coupled entry or mutuel field finishes as the first two finishers, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners; otherwise

(2) Those whose combination finished as the first two betting interests shall be winners; but if there are no such wagers, then

(3) Those whose combination included either the first- or second-place finisher shall be winners; but if there are no such wagers on one of those two finishers, then

(4) Those whose combination included the one covered betting interest included within the first two finishers shall be winners; but if there are no such wagers, then

(5) The entire pool shall be refunded on Twin Quinella wagers for that contest.

(c) In the first Twin Quinella contest only, if there is a dead heat for first involving:

(1) contestants representing the same betting interest, those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish shall be winners.

(2) contestants representing two betting interests, the winning Twin Quinella wagers shall be determined as if no dead heat occurred.

(3) contestants representing three or more betting interests, those whose combination included any two of the betting interests finishing in the dead heat shall be winners.

(d) In the first Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:

(1) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then

(2) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then

(3) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then

(4) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second; but if there are no such wagers, then

(5) The entire pool shall be refunded on Twin Quinella wagers for that contest.

(e) In the second Twin Quinella contest only, the entire net Twin Quinella pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Quinella contest:

(1) If a coupled entry or mutuel field finishes as the first two finishers, as a single price pool to those who selected the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish; otherwise

(2) As a single price pool to those whose combination finished as the first two betting interests; but if there are no such wagers, then

(3) As a profit split to those whose combination included either the first- or second-place finisher; but if there are no such wagers on one of those two finishers, then

- (4) As a single price pool to those whose combination included the one covered betting interest included within the first two finishers; but if there are no such wagers, then
 - (5) As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
 - (6) In accordance with (b) of this Section.
- (f) In the second Twin Quinella contest only, if there is a dead heat for first involving:
- (1) contestants representing the same betting interest, the net Twin Quinella pool shall be distributed to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish.
 - (2) contestants representing two betting interests, the net Twin Quinella pool shall be distributed as if no dead heat occurred.
 - (3) contestants representing three or more betting interests, the net Twin Quinella pool shall be distributed as a profit split to those whose combination included any two of the betting interests finishing in the dead heat.
- (g) In the second Twin Quinella contest only, if there is a dead heat for second involving contestants representing two or more betting interests, the Twin Quinella pool shall be distributed to wagers in the following precedence, based upon the official order of finish:
- (1) As a profit split to those combining the winner with any of the betting interests involved in the dead heat for second; but if there is only one covered combination, then
 - (2) As a single price pool to those combining the winner with the one covered betting interest involved in the dead heat for second; but if there are no such wagers, then
 - (3) As a profit split to those combining the betting interests involved in the dead heat for second; but if there are no such wagers, then
 - (4) As a profit split to those whose combination included the winner and any other betting interest and wagers selecting any of the betting interests involved in the dead heat for second, then
 - (5) As a single price pool to all the exchange ticket holders for that contest; but if there are no such tickets, then
 - (6) In accordance with (b) of this Section.
- (h) If a winning ticket for the first-half of the Twin Quinella is not presented for exchange prior to the close of betting on the second-half Twin Quinella contest, the ticket holder forfeits all rights to any distribution of the Twin Quinella pool resulting from the outcome of the second contest, except where expressly provided in accordance with (1) of this Section.
- (i) Should a betting interest in the first-half of the Twin Quinella be scratched, those Twin Quinella wagers including the scratched betting interest shall be refunded.
- (j) Should a betting interest in the second-half of the Twin Quinella be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest.
- (k) If either of the Twin Quinella contests is canceled prior to the first Twin Quinella contest, or the first Twin Quinella contest is declared "on contest," the entire Twin Quinella pool shall be refunded on Twin Quinella wagers for that contest.
- (l) If the second-half Twin Quinella contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Quinella tickets shall be entitled to the net Twin Quinella pool. If there are no such tickets, the net Twin Quinella pool shall be distributed as described in (b) of this Section.

325:65-9-15. Twin Trifecta pools

- (a) The Twin Trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Trifecta contest must be exchanged for a free ticket on the second Twin Trifecta contest in order to remain eligible for the second-half Twin Trifecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Trifecta contest. Winning first-half Twin Trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated Twin Trifecta contests shall be included in only one Twin Trifecta pool.

- (b) After wagering closes for the first-half of the Twin Trifecta and commissions have been deducted from the pool, the net pool shall then be divided into separate pools: the first-half Twin Trifecta pool and the second-half Twin Trifecta pool.
- (c) In the first Twin Trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Trifecta contest:
- (1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - (2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - (3) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, the
 - (4) The entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second-half shall be canceled.
- (d) If no first-half Twin Trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Trifecta pool. In such case, the second-half Twin Trifecta pool shall be retained and added to any existing Twin Trifecta carryover pool.
- (e) Winning tickets from the first-half of the Twin Trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the Twin Trifecta. The second-half Twin Trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Trifecta contest:
- (1) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first three betting interests; but if there are no such tickets, then
 - (2) The entire second-half Twin Trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Trifecta pool of the next consecutive performance.
- (f) If a winning first-half Twin Trifecta ticket is not presented for cashing and exchange prior to the second-half Twin Trifecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Trifecta pool but forfeits all rights to any distribution of the second-half Twin Trifecta pool, except where expressly provided in (m) of this Section.
- (g) Coupled entries and mutuel fields may be permitted in Twin Trifecta contests with the prior written approval of the host Commission.
- (h) Should a betting interest in the first-half of the Twin Trifecta be scratched, those Twin Trifecta wagers including the scratched betting interest shall be refunded.
- (i) Should a betting interest in the second-half of the Twin Trifecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest.
- (j) If, due to a late scratch, the number of betting interests in the second-half of the Twin Trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Trifecta pool for that contest as a single price pool, but not the Twin Trifecta carryover.
- (k) If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Trifecta, all Twin Trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:
- (1) the first-half of the Twin Trifecta, the payoff shall be calculated as a profit split.
 - (2) the second-half of the Twin Trifecta, the payoff shall be calculated as a single price pool.
- (l) If either of the Twin Trifecta contests are canceled prior to the first Twin Trifecta contest, or the first Twin Trifecta contest is declared "no contest," the entire Twin Trifecta pool shall be refunded on Twin Trifecta wagers for that contest and the second-half shall be canceled.
- (m) If the second-half Twin Trifecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Trifecta tickets shall be entitled to the net Twin Trifecta pool for that contest as a single price pool, but not Twin Trifecta carryover. If there are no such tickets, the net Twin Trifecta pool shall be distributed as described in (c) of this Section.
- (n) The Twin Trifecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Twin Trifecta carryover equals or exceeds the designated cap, the Twin Trifecta carryover will be frozen until it is won or distributed under other provisions of this rule. After

the Twin Trifecta carryover is frozen, 100 percent of the net Twin Trifecta pool for each individual contest shall be distributed to winners of the first-half of the Twin Trifecta pool.

(o) A written request for permission to distribute the Twin Trifecta carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(p) Should the Twin Trifecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Trifecta after completion of the first-half of the Twin Trifecta:

- (1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
- (2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
- (3) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
- (4) As a single price pool to holders of valid exchange tickets.
- (5) As a single price pool to holders of outstanding first-half winning tickets.

(q) Contrary to (d) of this Section, during a performance designated to distribute the Twin Trifecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the Twin Trifecta, all first-half tickets will become winners and will receive 100 percent of that day's net Twin Trifecta pool and any existing Twin Trifecta carryover as a single price pool.

(r) The Twin Trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

- (1) Upon written approval from the Commission as provided in (o) of this Section.
- (2) Upon written approval from the Commission when there is a change in the carryover cap or when the Twin Trifecta is discontinued.
- (3) On the closing performance of the meet or split meet.

(s) If, for any reason, the Twin Trifecta carryover must be held over to the corresponding Twin Trifecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Twin Trifecta carryover plus accrued interest shall then be added to the second-half Twin Trifecta pool of the following meet on a date and performance so designated by the Commission.

(t) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(u) The organization licensee must obtain written approval from the Commission concerning the scheduling of Twin Trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Trifecta format require prior approval from the Commission.

325:65-9-16. Tri-Superfecta pools

(a) The Tri-Superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first Tri-Superfecta contest must be exchanged for a free ticket on the second Tri-Superfecta contest in order to remain eligible for the second-half Tri-Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Tri-Superfecta contest. Winning first-half Tri-Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Tri-superfecta contests shall be included in only one Tri-Superfecta pool.

- (b) After wagering closes for the first-half of the Tri-Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Tri-Superfecta pool and the second-half Tri-Superfecta pool.
- (c) In the first Tri-Superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first Tri-Superfecta contest:
- (1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - (2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - (3) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
 - (4) The entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second-half shall be canceled.
- (d) If no first-half Tri-Superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Tri-Superfecta pool. In such case, the second-half Tri-Superfecta pool shall be retained and added to any existing Tri-Superfecta carryover pool.
- (e) Winning tickets from the first-half of the Tri-Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Tri-Superfecta. The second-half Tri-Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Tri-Superfecta contest:
- (1) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
 - (2) The entire second-half Tri-Superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Tri-Superfecta pool of the next performance.
- (f) If a winning first-half Tri-Superfecta ticket is not presented for cashing and exchange prior to the second-half Tri-Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Tri-Superfecta pool but forfeits all rights to any distribution of the second-half Tri-Superfecta pool, except where expressly provided in (m) of this Section.
- (g) Coupled entries and mutuel fields may be permitted in Tri-Superfecta contests with the prior written approval of the host Commission.
- (h) Should a betting interest in the first-half of the Tri-Superfecta be scratched, those Tri-Superfecta tickets including the scratched betting interest shall be refunded.
- (i) Should a betting interest in the second-half of the Tri-Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest.
- (j) If, due to a late scratch, the number of betting interests in the second-half of the Tri-Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover.
- (k) If there is a dead heat or multiple dead heats in either the first- or second-half of the Tri-Superfecta, all Tri-Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in
- (1) the first-half of the Tri-Superfecta, the payoff shall be calculated as a profit split.
 - (2) the second-half of the Tri-Superfecta, the payoff shall be calculated as a single price pool.
- (l) If either of the Tri-Superfecta contests are canceled prior to the first Tri-Superfecta contest, or the first Tri-Superfecta contest is declared "no contest," the entire Tri-Superfecta pool shall be refunded on Tri-Superfecta wagers for that contest and the second-half shall be canceled.
- (m) If the second-half Tri-Superfecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning Tri-Superfecta tickets shall be entitled to the net Tri-Superfecta pool for that contest as a single price pool, but not the Tri-Superfecta carryover. If there are no such tickets, the net Tri-Superfecta pool shall be distributed as described in (c) of this Section.
- (n) The Tri-Superfecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Tri-Superfecta carryover equals or exceeds the designated cap, the Tri-Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After

the second-half Tri-Superfecta carryover is frozen, 100 percent of the net Tri-Superfecta pool for each individual contest shall be distributed to winners of the first-half of the Tri-Superfecta pool.

(o) A written request for permission to distribute the Tri-Superfecta carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(p) Should the Tri-Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Tri-Superfecta after completion of the first-half of the Tri-Superfecta:

(1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) As a single price pool to those whose combination included, in correct sequence, the first-place betting interest only; but if there are no such wagers, then

(5) As a single price pool to holders of valid exchange tickets.

(6) As a single price pool to holders of outstanding first-half winning tickets.

(q) Contrary to (d) of this Section, during a performance designated to distribute the Tri-Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Tri-Superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the Tri-Superfecta, all first-half tickets will become winners and will receive 100 percent of that day's net Tri-Superfecta pool and any existing Tri-Superfecta carryover as a single price pool.

(r) The Tri-Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) Upon written approval from the Commission as provided in (o) of this Section.

(2) Upon written approval from the Commission when there is a change in the carryover cap or when the Tri-Superfecta is discontinued.

(3) On the closing performance of the meet or split meet.

(s) If, for any reason, the Tri-Superfecta carryover must be held over to the corresponding Tri-Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Tri-Superfecta carryover plus accrued interest shall then be added to the second-half Tri-Superfecta pool of the following meet on a date and performance so designated by the Commission.

(t) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(u) The organization licensee must obtain written approval from the Commission concerning the scheduling of Tri-Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Tri-Superfecta format require prior approval from the Commission.

325:65-9-17. Twin Superfecta pools

(a) The Twin Superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first Twin Superfecta contest must be exchanged for a free ticket on the second Twin Superfecta contest in order to remain eligible for the second-half Twin Superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second Twin Superfecta contest. Winning

first-half Twin Superfecta tickets will receive both an exchange and a monetary payoff. Both of the designated Twin Superfecta contests shall be included in only one Twin Superfecta pool.

(b) After wagering closes for the first-half of the Twin Superfecta and commissions have been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half Twin Superfecta pool and the second-half Twin Superfecta pool.

(c) In the first Twin Superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first Twin Superfecta contest:

- (1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
- (2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then
- (3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
- (4) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then
- (5) The entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second-half shall be canceled.

(d) If no first-half Twin Superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half Twin Superfecta pool. In such case, the second-half Twin Superfecta pool shall be retained and added to any existing Twin Superfecta carryover pool.

(e) Winning tickets from the first-half of the Twin Superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the Twin Superfecta. The second-half Twin Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second Twin Superfecta contest:

- (1) As a single price pool, including any existing carryover monies, to those whose combination finished in correct sequence as the first four betting interests; but if there are no such tickets, then
- (2) The entire second-half Twin Superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half Twin Superfecta pool of the next performance.

(f) If a winning first-half Twin Superfecta ticket is not presented for cashing and exchange prior to the second-half Twin Superfecta contest, the ticket holder may still collect the monetary value associated with the first-half Twin Superfecta pool but forfeits all rights to any distribution of the second-half Twin Superfecta pool, except where expressly provided in (m) of this Section.

(g) Coupled entries and mutuel fields may be permitted in Twin Superfecta contests with the prior written approval of the host Commission.

(h) Should a betting interest in the first-half of the Twin Superfecta be scratched, those Twin Superfecta tickets including the scratched betting interest shall be refunded.

(i) Should a betting interest in the second-half of the Twin Superfecta be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest.

(j) If, due to a late scratch, the number of betting interests in the second-half of the Twin Superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half Twin Superfecta pool for that contest as a single price pool, but not the Twin Superfecta carryover.

(k) If there is a dead heat or multiple dead heats in either the first- or second-half of the Twin Superfecta, all Twin Superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in:

- (1) the first-half of the Twin Superfecta, the payoff shall be calculated as a profit split.
- (2) the second-half of the Twin Superfecta, the payoff shall be calculated as a single price pool.

(l) If either of the Twin Superfecta contests are canceled prior to the first Twin Superfecta contest, or the first Twin Superfecta contest is declared "no contest," the entire Twin Superfecta pool shall be refunded on Twin Superfecta wagers for that contest and the second-half shall be canceled.

(m) If the second-half Twin Superfecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning Twin Superfecta tickets shall be entitled to the net Twin Superfecta pool for that contest as a single price pool, but not the Twin Superfecta carryover. If there are no such tickets, the net Twin Superfecta pool shall be distributed as described in (c) of this Section.

(n) The Twin Superfecta carryover may be capped at a designated level approved by the Commission so that if, at the close of any performance, the amount in the Twin Superfecta carryover equals or exceeds the designated cap, the Twin Superfecta carryover will be frozen until it is won or distributed under other provisions of this rule. After the second-half Twin Superfecta carryover is frozen, 100 percent of the net Twin Superfecta pool for each individual contest shall be distributed to winners of the first-half of the Twin Superfecta pool.

(o) A written request for permission to distribute the Twin Superfecta carryover on a specific performance may be submitted to the Commission. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.

(p) Should the Twin Superfecta carryover be designated for distribution on a specified date and performance, the following precedence will be followed in determining winning tickets for the second-half of the Twin Superfecta after completion of the first-half of the Twin Superfecta:

(1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) As a single price pool to those whose combination included, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) As a single price pool to those whose combination correctly selected the first-place betting interest only; but if there are no such wagers, then

(5) As a single price pool to holders of valid exchange tickets.

(6) As a single price pool to holders of outstanding first-half winning tickets.

(q) Contrary to (d) of this Section, during a performance designated to distribute the Twin Superfecta carryover, exchange tickets will be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the Twin Superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the Twin Superfecta, all first-half tickets will become winners and will receive 100 percent of that day's net Twin Superfecta pool and any existing Twin Superfecta carryover as a single price pool.

(r) The Twin Superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) Upon written approval from the Commission as provided in (o) of this Section.

(2) Upon written approval from the Commission when there is a change in the carryover cap or when the Twin Superfecta is discontinued.

(3) On the closing performance of the meet or split meet.

(s) If, for any reason, the Twin Superfecta carryover must be held over to the corresponding Twin Superfecta pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Twin Superfecta carryover plus accrued interest shall then be added to the second-half Twin Superfecta pool of the following meet on a date and performance so designated by the Commission.

(t) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold, or number of valid exchange tickets is prohibited. This shall not prohibit necessary communication between totalisator and pari-mutuel department employees for processing of pool data.

(u) The organization licensee must obtain written approval from the Commission concerning the scheduling of Twin Superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool, and the amount of any cap to be set on the carryover. Any changes to the approved Twin Superfecta format require prior approval from the Commission.

325:65-9-18. Exacta (n) pools

(a) The Exacta (n) requires selection of the first two finishers, in their exact order, in each of a designated number of contests. The organization licensee must obtain written approval from the Commission concerning the

scheduling of Exacta (n) contests, the designation of one of the methods prescribed in Part 4, and the amount of any cap to be set on the carryover. Any changes to the approved Exacta (n) format require prior approval from the Commission.

(b) The Exacta (n) pool shall be apportioned under one of the following methods:

(1) Method 1, Exacta (n) With No Minor Pool and No Carryover: The net Exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the Exacta (n) contests, the net Exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the greatest number of Exacta (n) contests. If there are no winning wagers, the entire pool shall be refunded on Exacta (n) wagers for those contests.

(2) Method 2, Exacta (n) With No Minor Pool and Carryover Instead of a Refund: The net Exacta (n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the Exacta (n) contests, the net Exacta (n) pool and the carryover shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the greatest number of Exacta (n) contests. If there are no winning wagers, the net Exacta (n) pool shall be added to the carryover.

(3) Method 3, Exacta (n) With No Minor Pool and Carryover: The net Exacta (n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. If there are no winning wagers, the net Exacta (n) pool shall be added to the carryover.

(4) Method 4, Exacta (n) With Minor Pool and No Carryover: The major share of the net Exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the second greatest number of Exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the Exacta (n) contests, the major share of the net Exacta (n) pool shall be combined with the minor share for distribution as a single price pool to those who selected the first and second place finishers, in exact order, in the greatest number of Exacta (n) contests. If there are no wagers selecting the first and second place finishers, in exact order, in a second greatest number of Exacta (n) contests, the minor share of the net Exacta (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests. If there are no winning wagers, the pool shall be refunded on Exacta (n) wagers for those contests.

(5) Method 5, Exacta (n) With Minor Pool and Carryover: The major share of the net Exacta (n) pool and the carryover, if any shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the second greatest number of Exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the Exacta (n) contests, the minor share of the net Exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in the greatest number of Exacta (n) contests, and the major share shall be added to the carryover. If there are no wagers selecting the first and second place finishers, in exact order, in a second greatest number of Exacta (n) contests, the minor share of the net Exacta (n) pool shall be combined with the major share for distribution as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, or if there are no such winning wagers, added to the carryover.

- (6) Method 6, Exacta (n) With Minor Pool Based Upon Any One Exacta and No Carryover: The major share of the net Exacta (n) pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests based upon the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net Exacta (n) pool) who selected the first and second place finishers, in exact order, in at least one of the Exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order in each of the Exacta (n) contests, the major share of the net Exacta (n) pool shall be combined with the minor share for distribution as a single price pool to those who selected the first and second place finishers, in exact order, in at least one of the Exacta (n) contests. If there are no winning wagers, the pool is refunded.
- (7) Method 7, Exacta (n) with Minor Pool Based Upon Any One Exacta, and Carryover: The major share of the net Exacta (n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net Exacta (n) pool) who selected the first and second place finishers, in exact order, in at least one of the Exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in each of the Exacta (n) contests, the major share shall be added to the carryover if there are no wagers selecting the first and second place finishers, in exact order in any of the Exacta (n) contests, the minor share of the net Exacta (n) pool shall also be added to the carryover.
- (8) Method 8, Exacta (n) with Minor Pool Based Upon Individual Exactas, and No Carryover:
- (A) The major share of the net Exacta (n) Pool shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool based upon the sum of the dollar value of wagers for each of the Exacta (n) contests considered separately, in which the first and second place finishers, in exact order, were correctly selected, based on the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net Exacta (n) pool) who selected the first and second place finishers, in exact order, in one or more of the Exacta (n) contests. Each recipient of a minor share shall receive an amount equal to the single price times the number of Exacta (n) contests in which the recipient correctly selected the winning combination.
 - (B) If there are no wagers selecting the first and second place finishers, in exact order, in all Exacta (n) contests, the major share shall be combined with the minor share and the entire net Exacta (n) pool shall be distributed in accordance with the rules in the preceding paragraph for distributing the minor share of the net Exacta (n) pool. If there are no winning wagers, the pool shall be refunded.
- (9) Method 9, Exacta (n) with Minor Pool Based Upon Individual Exactas, and Carryover:
- (A) The major share of the net Exacta (n) Pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool based upon the sum of the dollar value of wagers, for each of the Exacta (n) contests considered separately, in which the first and second place finishers, in exact order, were correctly selected, based on the official order of finish. The minor share of the net Exacta (n) pool (including recipients of the major share of the net Exacta (n) pool) who selected the first and second place finishers, in exact order, in one or more of the Exacta (n) contests. Each recipient of a minor share shall receive an amount equal to the single price times the number of Exacta (n) contests in which the recipient correctly selected the winning combination.
 - (B) If there are no wagers selecting the first and second place finishers, in exact order, in all Exacta (n) contests, the minor share shall be distributed in accordance with the rules in the preceding paragraph for distributing the minor share of the net Exacta (n) pool, and the major share shall be added to the carryover; except that if there are no winning wagers in either the major or the minor pool, today's pool shall be refunded and the carryover shall be carried over.

(10) Method 10, Exacta (n) With Minor Pool Based Upon Individual Exactas, and Carryover; 100% Carryover if no Winning Wagers:

(A) The major share of the net Exacta (n) pool and the carryover, if any, shall be distributed as a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests based upon the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool based upon the sum of the dollar value of wagers, for each of the Exacta (n) contests considered separately, in which the first and second place finishers, in exact order, were correctly selected, based upon the official order of finish. The minor share of the net Exacta (n) pool shall be distributed as a single price pool to those (including recipients of the major share of the net Exacta (n) pool) who selected the first and second place finishers, in exact order, in one or more of the Exacta (n) contests. Each recipient of a minor share shall receive an amount equal to the single price times the number of Exacta (n) contests in which the recipient correctly selected the winning combination.

(B) If there are no wagers selecting the first and second place finishers, in exact order, in all Exacta (n) contests, the minor share shall be distributed in accordance with the rules in the preceding paragraph for distributing the minor share of the net Exacta (n) pool, and the major share shall be added to the carryover. If there are no winning wagers, the minor share shall also be added to the carryover.

(c) **Dead heats.** In the event of a dead heat in any of the Exacta (n) contests, the net Exacta (n) shall be distributed to winning wagers in the following precedence, based upon the official order of finish, for each exacta contest within the Exacta (n) wager:

(1) If there is a dead heat for first in any of the Exacta (n) contests involving contestants representing the same betting interest, the Exacta (n) pool shall be distributed as a single price pool to those selecting the coupled entry or mutuel field combined with the next separate betting interest in the official order of finish for that contest.

(2) If there is a dead heat for first in any of the Exacta (n) contests involving contestants representing two or more betting interests, the Exacta (n) pool shall be distributed as a single price pool with a winning wager including each betting interest involved in the dead heat.

(3) If there is a dead heat for second in any of the Exacta (n) contests involving contestants representing the same betting interest, the Exacta (n) pool shall be distributed as if no dead heat occurred. If there is a dead heat for second in any of the Exacta (n) contests involving contestants representing two or more betting interests, the Exacta (n) pool shall be distributed as a single price pool with a winning wager including the betting interest which finished first together with any betting interest involved in the dead heat for second.

(d) **Scratches.**

(1) Should a betting interest in any contest of the Exacta (n) be scratched or excused from the contest prior to the first Exacta (n) contest being declared official, all money wagered on combinations including the scratched betting interest shall be deducted from the Exacta (n) pool and refunded.

(2) Should a betting interest in any contest of the Exacta (n) be scratched or excused from the contest after the first Exacta (n) contest has been declared official, all money wagered on combinations including this betting interest shall remain in the Exacta (n) pool and the ticket holder may still collect the monetary value of any distribution evidenced by the ticket containing the scratched betting interest.

(3) If, due to a late scratch, the number of betting interests in a contest of the Exacta (n) is reduced to fewer than two, for purposes of the Exacta (n) such contest shall be declared "no contest" and the Exacta (n) pool shall be subject to the rules set forth as in (e) of this Section.

(e) **Canceled contests.**

(1) If any of the Exacta (n) contests are canceled or declared "no contest" prior to the first Exacta (n) contest being declared official, the entire Exacta (n) pool shall be refunded on Exacta (n) wagers for those contests.

(2) If all remaining Exacta (n) contests are canceled or declared "no contest" after the first Exacta (n) contest is declared official, the net Exacta (n) pool shall be distributed as a single price pool to wagers selecting the winning combination in the first Exacta (n) contest, but not the Exacta (n) carryover. However, if there are no wagers selecting the winning combination in the first Exacta (n) contest, the entire Exacta (n) pool shall be refunded on Exacta (n) wagers for those contests.

(3) If any of the remaining Exacta (n) contests are canceled or declared "no contest" after the first Exacta (n) is declared official, the net Exacta (n) pool shall be distributed in accordance with rules governing distribution of the minor share where there is no winner of the major share.

(f) Mandatory distribution.

(1) A written request for permission to distribute the Exacta (n) carryover on a specific performance may be submitted to the Commission. The request shall contain justification for the mandatory distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution. The organization licensee must notify the Commission at least 10 days prior to implementation. If the Exacta (n) pool cannot be distributed during a designated performance, the mandatory distribution shall resume on the next scheduled mandatory distribution performance.

(2) If the Exacta (n) carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the net Exacta (n) pool and the carryover pool:

(A) As a single price pool to those who selected the first and second place finishers, in exact order, in each of the Exacta (n) contests, based upon the official order of finish. If there are no wagers selecting the first and second place finishers, in exact order, in all Exacta (n) contests, then

(B) As a single price pool to those who selected the first and second place finishers, in exact order, in at least one of the Exacta (n) contests, based upon the official order of finish.

(C) If there are no wagers which correctly selected the first and second place finishers, in exact order, in at least one of the Exacta (n) contests, based upon the official order of finish, then all Exacta (n) tickets shall become winners and receive 100% of that day's net Exacta (n) pool and the Exacta (n) carryover pool as a single price pool.

(3) If, for any reason, the Exacta (n) carryover must be held over to the corresponding Exacta (n) pool of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Commission. The Exacta (n) carryover plus accrued interest shall then be added to the net Exacta (n) pool of the following meet on a date and performance so designated by the Commission.

CHAPTER 70. OBJECTIONS AND PROTESTS; HEARINGS AND APPEALS

[Authority: 3A O.S., § 204(A)]

325:70-1-1. Purpose

The rules in this Chapter describe the requirements and procedures for the filing of objections and protests, the conduct of hearings and appeals, and define the role and responsibility of the Stewards regarding same as authorized under the provisions of the Oklahoma Horse Racing Act, 3A O.S., § 200 et seq.

325:70-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Authorized Agent" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor in whose behalf the Agent will act and limited to the actions as specified on the affidavit. Said affidavit must be on file with the Commission.

"Business Day" means any day Monday through Friday exclusive of official holidays.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Conditions of a race" means the qualifications which determine the eligibility of a horse to be entered in a race.

"Day" means a 24-hour period ending at midnight.

"Entry" means:

(A) A horse made eligible to run in a race.

(B) Two (2) or more horses entered in the same race which have common ties of Ownership, lease, or training.

"Foul" means an action by any horse or Jockey that hinders or interferes with another horse or Jockey during the running of a race.

"Horse" means:

(A) Any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) An entire equine male five years of age and older.

"Inquiry" means:

(A) An investigation by the Stewards of potential interference in a contest prior to declaring the result of said contest official; or

(B) The Stewards or Commission investigation of a matter alleged to be related to the provisions of the Act or the rules of the Commission.

"Jockey" means a rider licensed to race.

"Jockey Agent" means a licensed, authorized representative of a Jockey.

"Month" means a calendar month.

"Objection" means:

(A) A written complaint made to the Stewards concerning a horse entered in a race and filed not later than two hours prior to the scheduled post time for the first race on the day which the questioned horse is entered.

(B) A verbal claim of foul in a race lodged by the horse's Jockey, Trainer, Owner, or the Owner's licensed Authorized Agent before the race is declared official.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to the provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Post time" means the advertised time set for the arrival of the horses at the starting gate for the race.

"Prima Facie evidence" means evidence that, until its effect is overcome by another evidence, will suffice as proof of fact in issue.

"Protest" means a written complaint, signed by the protester, made to the Stewards within forty-eight (48) hours after the running of the race, alleging that a horse was ineligible to race, except as provided in 325:70-1-10 of these rules.

"Race day" means a day during a race meeting when pari-mutuel wagering occurs on live races conducted at that racetrack.

"Race" means a contest between two horses.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Scratch" means the act of withdrawing an entered horse from a race after the closing of overnight entries.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Substantial evidence" means evidence which a reasoning mind would accept as sufficient to support a particular conclusion and consists of more than a mere scintilla of evidence but may be somewhat less than a preponderance.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Week" means a period of seven (7) days.

"Year" means a calendar year.

325:70-1-3. Stewards to make inquiry or investigation

The Stewards shall make diligent inquiry or investigation into any complaint, objection or protest made either upon their own motion, by any Racing Official, or by any other person empowered by this Chapter to make such complaint, protest or objection [3A:204 and 3A:203.4].

325:70-1-4. Objections

Objections to the participation of a horse entered in any race shall be made to the Stewards in writing and signed by the objector. Except for claim of foul or interference, an objection to a horse entered in a race shall be made not later than two hours prior to the scheduled post time for the first race on the day which the questioned horse is entered. Any such objection shall set forth the specific reason or grounds for the objection in such detail so as to establish probable cause for the objection. The Stewards upon their own motion may consider an objection until such time as the horse becomes a starter. An objection concerning claim of foul in a race may be lodged verbally to the Stewards before the race results are declared official.

325:70-1-5. Grounds for objections

An objection to a horse which is entered in a race shall be made on but not limited to the following grounds or reasons:

- (1) A misstatement, error or omission in the entry under which a horse is to run.
- (2) That the horse which is entered to run is not the horse it is represented to be at the time of entry, or that the age is erroneously given.
- (3) That the horse is not qualified to enter under the conditions specified for the race, or that the allowances are improperly claimed or not entitled the horse, or that the weight to be carried is incorrect under the conditions of the race.
- (4) That the horse is owned in whole or in part, or leased by a person ineligible to participate in racing or otherwise ineligible to own a racehorse as provided in this Title.
- (5) That reasonable grounds exist whereby a horse was interfered with or impeded or otherwise hindered by another horse or Jockey during the running of a race.

325:70-1-6. Horse subject to objection

The Stewards may scratch from the race any horse which is the subject of an objection if they have reasonable cause to believe that the objection is valid.

325:70-1-7. Protests

A protest against any horse which has started in a race shall be made to the Stewards in writing, signed by the protester, within 48 hours of the race, except as noted in 325:70-1-10. Any such protest shall set forth the specific reason or reasons for the protest in such detail as to establish probable cause for the protest. The Stewards upon their own motion may consider a protest at any time.

325:70-1-8. Grounds for protest

A protest may be made upon the following grounds:

- (1) Any grounds for objection set forth in 325:70-1-5, except 325:70-1-5(5).
- (2) That the order of finish as officially determined by the Stewards was incorrect due to oversight or errors in the numbers designated to the horses which started in the race.
- (3) That a Jockey, Trainer or Owner of a horse which started in the race was ineligible to participate in racing as provided in this Title.
- (4) That the weight carried by a horse was improper by reason of fraud or willful misconduct.
- (5) That an unfair advantage was gained in violation of a Commission rule of racing.

325:70-1-9. Persons empowered to file objection or protest

A Jockey, Trainer, Owner, or Authorized Agent of the horse which is entered or is a starter in a race is empowered to file an objection or protest against any other horse in such race upon the grounds set forth in this Chapter for objections and protests.

325:70-1-10. No limitation on time to file when fraud alleged

Notwithstanding any other provision in this Chapter, the time limitation on the filing of protests shall not apply in any case in which fraud or willful misconduct is alleged, provided that the Stewards are satisfied that the allegations are bona fide and susceptible to verification.

325:70-1-11. Frivolous or inaccurate objection or protest

No person shall knowingly file a frivolous, inaccurate, false, or untruthful objection or protest; nor shall any person present his/her objection or protest to the Stewards in a disrespectful or undignified manner.

325:70-1-12. Horse to be disqualified on valid protest

If a protest against a horse which has run in a race is declared valid, that horse may be disqualified. A horse so disqualified is a starter in the said race, and may be placed last in the order of finish or may be unplaced. The Stewards or the Commission may order any purse, award or prize for any race withheld from distribution pending the determination of the protest(s). In the event any purse, award or prize has been distributed to a person on behalf of a horse which by protest or other reason is disqualified or determined not to be entitled to such purse, award or prize, the Stewards or Commission may order such purse, award or prize returned and redistributed to the rightful person. Any person who fails to comply with an Order to return any purse, award or prize previously distributed shall be suspended until its return.

325:70-1-13. Notification of and representation at hearing

Adequate notice of hearing shall be given to every summoned person in accordance with the procedures set forth in 325:1-1-13. Every person alleged to have committed a rule violation or who is called to testify before the Stewards is entitled at the person's expense to have counsel present evidence and witnesses on his/her behalf and to cross-examine other witnesses at the hearing. [3A:204 and 3A:204.3]

325:70-1-13.1. Entry of appearance of attorney, withdrawal of counsel, address of record, change of address

(a) In any proceeding before the Commission or the Board of Stewards, any attorney appearing for a party shall file with the Stewards Clerk an entry of appearance no later than the first filing of any pleading or other paper in the case by that counsel or the first appearance before the Executive Director or Board of Stewards. In the event a party adds or substitutes counsel, new counsel shall immediately file an entry of appearance. The entry of appearance shall include the name and signature of counsel, mailing address, telephone number, email address, fax number, Bar Association number, and name of the law firm. Copies shall be served on all other parties of record.

(b) A motion to withdraw may be filed at any time. All motions to withdraw shall be accompanied by a proposed order. No counsel may withdraw from a pending case without leave of the Executive Director or Board of Stewards. The counsel filing the motion to withdraw shall serve a copy of the motion on the client and all attorneys of record. All motions shall be signed by the party on whose behalf counsel has previously appeared or contain a certificate that:

(1) the client has knowledge of counsels' intent to withdraw, or

(2) counsel has made a good faith effort to notify the client and the client cannot be located. Where there is no successor counsel the withdrawing attorney must clearly state in the body of the order the name and current address of the party. If no entry of appearance is filed within thirty (30) days from the date of the order permitting withdrawal, then the unrepresented party is deemed to be pro se. In all cases, counsel seeking to withdraw shall advise the Executive Director or Board of Stewards if the case is currently set for hearing.

- (c) The address of record for any attorney or party appearing in a case pending the Commission or the Board of Stewards shall be the latest address provided to the Stewards Clerk in the entry of appearance, License Application or change of address. The attorney or unrepresented party must, in all cases pending before the Commission or the Board of Stewards, file with the Stewards Clerk and serve upon all counsel and unrepresented parties a notice of a change of address. The attorney or unrepresented party has the duty of maintaining a current address with the Commission and Board of Stewards. Service of notice to the last known address of record of counsel or an unrepresented party, shall be considered valid service for all purposes.
- (d) All attorneys and unrepresented parties shall give immediate notice to the Commission and Board of Stewards of a change of address by filing notice with the Stewards Clerk. The notice of change of address shall contain the same information required by the entry of appearance. The notice of change of address shall be served on all parties, and a copy provided to the Board of Stewards if the case is before the Board. If an attorney or unrepresented party files an entry of appearance, the Commission will assume the correctness of the last address of record, until a notice of change of address is received. Attorneys of record who change firms shall notify the Executive Director and the Board of Stewards of the status of the representation of their clients, and shall immediately withdraw, when appropriate.
- (e) A party may terminate their relationship with attorney of record without regard to the attorney withdrawing from the case. Upon termination of the relationship, the party shall notify the Executive Director or Board of Stewards in writing of the termination and effective date.

325:70-1-14. Testimony and evidence at hearing

- (a) Every person called to a hearing before the Stewards concerning an alleged rule violation shall be allowed to present testimony, produce witnesses, cross-examine witnesses, and present documentary evidence in accordance with the applicable provisions of the Administrative Procedures Act [3A:204 and 3A:204.3].
- (b) Each witness at a disciplinary hearing conducted by the Stewards must be sworn by the presiding steward.
- (c) The Stewards shall allow a full presentation of evidence and are not bound by the technical rules of evidence. However, the Stewards may disallow evidence that is irrelevant or unduly repetitive of other evidence. The Stewards shall have the authority to determine, in their sole discretion, the weight and credibility of any evidence and/or testimony. The Stewards may admit hearsay evidence if the Stewards determine the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by Oklahoma law apply in hearings before the Stewards.

325:70-1-15. Duty of disclosure

It is the duty and obligation of every licensee to make full disclosure at a hearing before the Commission or before the Stewards of any knowledge s/he possesses of a violation of any racing law or of the rules and regulations of the Commission. No person may refuse to testify at any hearing on any relevant matter, except in the proper exercise of a legal privilege, nor shall any person testify falsely. [3A:204 and 3A:203.6]

325:70-1-16. Failure to appear

Any licensee or summoned person who fails to appear before the Stewards or the Commission after having been ordered personally or in writing to do so, may be suspended pending appearance before the Stewards or the Commission. Nonappearance of a summoned person after adequate notice may be construed as a waiver of right to be present at a hearing. [3A:203.6, 3A:204, and 3A:204.3]

325:70-1-17. Record of inquiry/hearing

All hearings before the Commission and any inquiry or hearing before the Stewards shall be recorded except matters before the Stewards regarding disqualifications of horses for interference during the running of a race. That portion of an inquiry or hearing constituting deliberations in Executive Session need not be recorded.

A written transcript or a copy of the tape recording shall be made available to any person alleged to have committed a violation of the Act or rules upon written request and payment of appropriate reimbursement cost(s) for reproduction. [3A:203.6, 3A:204, and 3A:204.3]

325:70-1-18. Vote on Stewards' decision

A majority vote shall decide any question to which the authority of the Stewards extends. If a vote is not unanimous, the dissenting Steward may provide a written record to the Commission of the reasons for such dissent within seventy-two (72) hours of the vote. [3A:204]

325:70-1-19. Rulings/orders by the Stewards

Any ruling or order issued by the Stewards shall specify the full name of the licensee or person subject to the ruling or order; most recent address on file with the Commission; date of birth; statement of the offense charged including any rule number; date of ruling; fine and/or suspension imposed or other action taken; changes in the order of finish and purse distribution in a race, when appropriate; and any other information deemed necessary by the Stewards or the Commission. Any member of a Board of Stewards may, after consultation with and by mutual agreement of the other Stewards, issue an order or notice signed by one Steward on behalf of the Board of Stewards. [3A:204 and 3A:204.3]

325:70-1-20. Summary suspension of occupation licensee

(a) If the Stewards or the Commission find that the public health, safety, or welfare requires emergency action and incorporates such finding to that effect in any Order, summary suspension of any licensee may be ordered pending proceedings for revocation or other action, which proceedings shall be promptly initiated and held as provided in the Administrative Procedures Act, 75 O.S., §§ 301 through 326. [3A:204 and 3A:204.3]

(b) The Stewards may enter an Order of Summary Suspension of any licensee in any matter concerning any of the following classes of violations which are an imminent peril to the public health, safety and welfare:

- (1) any rule regarding the running of a race;
- (2) any violation of medication laws and rules;
- (3) any suspension or revocation of an occupation license by any racing jurisdiction recognized by the Commission;
- (4) any assault or other destructive acts within Commission-licensed premises;
- (5) any violation of prohibited devices, laws and rules; or
- (6) any filing of false information. [75:205.4(B)(13)]

(c) A licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the Seventh (7th) business day after the license was summarily suspended. The licensee may waive his/her right to a hearing on the summary suspension within the 7-day limit.

(d) The Stewards shall conduct a hearing on the summary suspension in the same manner as other disciplinary hearings. At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling with the burden on the licensee to show good cause why the suspension should be set aside.

325:70-1-21. Duration of suspension or revocation

Unless execution of an order of suspension or revocation is stayed by the Commission or a court of competent jurisdiction, a person's occupation license, suspended or revoked, shall remain suspended or revoked until the final determination has been made pursuant to the provisions of the Administrative Procedures Act, 75 O.S., § 301 through 326, inclusive.

325:70-1-22. Grounds for appeal from decision of the stewards

Any decision of the Stewards, except decisions regarding disqualifications for interference during the running of the race and summary suspensions, may be appealed to the Commission, as specified in 325:70-1-23 and 325:70-1-24. Such decisions may be overruled, referred back to the Stewards, or subject to other action which the Commission deems appropriate if it is found that:

- (1) The Stewards mistakenly interpreted the law; or
- (2) New evidence is produced which, through the exercise of reasonable diligence, could not have been

found at the time of the Stewards' hearing and is of a convincing nature which, if found to be true, would require the overruling of the decision or remanding the matter to the Board of Stewards; or

(3) The Stewards' decision is not supported by the applicable standard of proof; or

(4) The best interests of racing and the State may be better served. [3A:204 and 75:250.4]

325:70-1-23. Appeal from decision of the Stewards

(a) The Commission shall review hearings of any case referred to the Commission by the Stewards or appealed to the Commission from the decisions of the Stewards except as otherwise provided in this Chapter. Upon every appealable decision of the Stewards, the person subject to the decision or order shall be made aware of his/her right to an appeal before the Commission and the necessary procedures thereof. Appeals shall be made no later than 5:00 p.m. on the third calendar day, excluding intermediate Saturdays and Sundays and legal holidays as defined by the Oklahoma Statutes or any other day when the Commission office does not remain open for public business until 5:00 p.m. from the date of the notice to the licensee of the rendering of the decision of the Stewards, excluding the date the decision was rendered, unless the Commission for good cause extends the time for filing not to exceed thirty (30) days from the rendering date, and shall be filed with the Office of the Commission as specified in 325:1-1-14. Notification may be made by delivery of the decision or order in person, by email, or regular mail to an address listed on the applicant's most recent license application, to the applicant's attorney of record in person, by email, or regular mail to an address listed on the attorney's Entry of Appearance, or by other means if requested in writing or on the record by the applicant or the applicant's attorney of record. When the applicant is notified by mail of the Stewards' decision, three (3) days shall be added to the time within which the application for temporary stay order shall be filed. Action on the hearing request shall commence by the Commission within thirty (30) days of the filing of the appeal. An appeal shall not affect a decision of the Stewards until the appeal has been sustained or dismissed or a stay order issued.

(b) After the date for an appeal hearing has been set, a party to the hearing may request a hearing continuance if the request is received in writing by the Commission no later than three (3) days prior to the scheduled date of hearing and as otherwise specified in 325:1-1-14. The request for continuance may be granted or denied by the Executive Director after his/her consultation with three (3) Commissioners; however, a continuance shall only be considered by the Commission upon a showing of serious circumstances; which in the opinion of the Commission would justify the granting of a continuance.

(c) The form in Appendix A of this Chapter shall be used when filing an appeal petition with the Commission. The petition shall be typed or printed on 8-1/2" x 11" paper with the original and three (3) copies being filed.

325:70-1-24. Appeal hearing procedure

(a) Both appellant and appellee are entitled to have counsel present to present arguments. The appeal hearing is a hearing on the record and not a new hearing; therefore, presentations by both sides will be limited to arguments and/or comments regarding the record of the Stewards' hearing. Any alleged new evidence as discussed in 325:70-1-22 shall require that an offer of proof be made to the Commission, such offer of proof being a brief explanation of the new evidence to the Commission. If such offer is accepted and new evidence and/or witnesses allowed, both appellant and appellee are entitled to present evidence and witnesses and to cross-examine other witnesses.

(b) The Commission will allow each side 15 minutes for his/her presentation based on the record as alleged in the appeal petition. Upon conclusion of argument, Commissioners may ask questions.

325:70-1-25. Appointment of hearing examiners

When directed by the Commission, any qualified person(s) may serve as a hearing examiner(s) for any matter pending before the Commission. A matter before the hearing examiner shall be governed by the Act, the Rules, and the Administrative Procedures Act. The hearing examiner shall draft for the Commission a proposed final order that shall include findings of fact and conclusions of law. Any proposed final order may be adopted, rejected, or remanded to the hearing officer with instructions. If rejected, the Commission may adopt an order that in their sole discretion is the appropriate ruling based on the evidence properly presented before the hearing examiner. An order adopted by the Commission shall be considered a final agency order.

325:70-1-26. Hearings on agreement

(a) Persons aggrieved as the result of a Stewards' ruling in a preliminary or trial race may request a hearing

before the Executive Director of the Commission to review same. If all interested parties waive the right to receive notice of hearing, such a hearing may be heard on a day certain within seven days after the preliminary or trial race in question. All such appeals shall be heard on days set by the Executive Director of the Commission, or anyone acting in his/her stead.

(b) In accordance with the Administrative Procedures Act, 75 O.S., § 309, any inquiry or hearing before the Board of Stewards may be disposed of informally by stipulation, agreed settlement, consent order, or default.

325:70-1-27. Temporary stay order

(a) The Executive Director may, upon consultation with and the direction of a minimum of three Commissioners, issue or deny a temporary stay order to stay execution of any ruling, Order, or decision of the Stewards except Stewards' decisions regarding disqualifications for interference during the running of a race. Any application for a temporary stay shall be in writing, signed by the Appellant; shall contain his/her full name, present mailing address and present phone number; and shall set forth the facts and any evidence to justify the issuance of the stay. The application for temporary stay shall be filed with the Office of the Commission, as specified in 325:1-1-14, no later than 5:00 p.m. on the third calendar day, excluding intermediate Saturdays, Sundays, and legal holidays as defined by the Oklahoma Statutes or any other day when the Commission office does not remain open for public business until 5:00 p.m., from the date of the rendering of the decision of the Stewards, excluding the date the decision was rendered unless the Commission for good cause extends the time for filing not to exceed 30 days from said rendering date. When the applicant is notified by mail of the Stewards' decision, three (3) days shall be added to the time within which the application for temporary stay order must be filed. The granting of a temporary stay order shall carry no presumption that the stayed decision of the Stewards is or may be invalid, and a temporary stay order may be dissolved at any time by further order of the Executive Director upon consultation with and the direction of a minimum of three Commissioners.

(b) If the appeal is dismissed or the temporary stay order dissolved prior to being heard by the Commission, regardless of whether the temporary stay order was issued by the Commission or by a court of competent jurisdiction, then the Commission shall determine when the remaining days of suspension, if any, will be served.

325:70-1-28. Appearance at hearing upon appeal

The Commission shall notify the Appellant and the Stewards of the date, time and location of its hearing in the matter upon appeal. The burden shall be on the Appellant to provide the facts necessary to sustain the appeal.

325:70-1-29. Complaints against officials

Any complaint against a Racing Official other than a Steward shall be made to the Stewards in writing and signed by the complainant. All such complaints shall be reported to the Commission by the Stewards, together with a report of the action taken or the recommendation of the Stewards. Complaints against any Stewards shall be made in writing to the Executive Director of the Commission and signed by the complainant.

325:70-1-30. Rulings on admissibility and evidence

In all hearings, the Chairperson, Chief Steward or such other person as may be designated, shall make rulings on admissibility and introduction of evidence. Such a ruling shall prevail; except when a Commission member or a Steward requests a poll of the panel, and the ruling is overturned by majority vote.

325:70-1-31. Pleadings

(a) Pleadings shall be filed with the Commission and include appeals, applications, answers, complaints, exceptions, replies and motions. Regardless of an error in designation, a pleading shall be accorded its true status in the proceeding in which it is filed.

(b) A request for discovery or a response to a request for discovery is not a pleading and is not a part of the administrative record of a contested case unless the request or response is offered into evidence.

(c) A pleading for which the Commission staff has not prepared an official form must contain:

- (1) the name of the pleader;
- (2) the telephone number and street address of the pleader's residence and business and the telephone number and street address of the pleader's representative, if any;
- (3) the jurisdiction of the Commission over the subject matter;

- (4) a concise statement of the facts relied on by the pleader;
- (5) a request stating the type of Commission action desired by the pleader;
- (6) the name and address of each person who the pleader knows or believes will be affected if the request is granted;
- (7) a proposed order, containing proposed findings of fact and conclusions of law;
- (8) any other matter required by statute or Commission rule; and
- (9) a certificate of service.

(d) A party filing a pleading shall, by certified mail, email, fax or hand deliver, a copy of the pleading to each party of record. If a party is being represented by an attorney or other representative, service must be made on the attorney or representative instead of on the party. The knowing failure of a party to make service in accordance with this subsection is grounds for the Commission to strike the pleading from the record.

(e) An objection to a defect, omission or fault in the form or content of a pleading must be specifically stated in a motion or an exception presented not later than the prehearing conference if one is held and not later than seven (7) days before the date of the hearing if a prehearing conference is not held. A party who fails to timely file an objection under this subsection waives the objection.

(f) Except as otherwise provided by this subsection, a pleader may amend or supplement a pleading at any time before the seventh (7th) day after the date the pleading was filed, but not later than seven (7) days before the date of the hearing. A pleader may amend or supplement a pleading at any time:

- (1) on written consent of each party of record; or
- (2) as permitted by the Chief Steward for the proceeding, when justice requires the amendment or supplementation and when the amendment or supplementation will not unfairly surprise another party.

(g) A pleading may adopt or incorporate by specific reference any part of a document in the official files and records of the Commission. This subsection does not relieve the pleader of the duty to allege in detail all facts necessary to sustain the pleader's burden of proof.

325:70-1-32. Discovery

Discovery shall be in accordance with the Oklahoma Administrative Procedures Act and these rules.

CHAPTER 75. OKLAHOMA-BRED PROGRAM

[**Authority:** 3A O.S., §§ 204(A) and 208.3]

325:75-1-1. Purpose

The rules of this Chapter provide definitions, establish requirements, and describe procedures for the implementation of a state-bred incentive program which program results in funds authorized by the Commission for payment pursuant to provisions of the Oklahoma Horse Racing Act, 3A O.S., §§ 208.3 and 203.7.

325:75-1-2. Definitions

In addition to the definitions provided in Section 200.1 of Title 3A, of the Oklahoma Statutes, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Horse Racing Act [3A:200 et seq.].

"Accredit" means to certify as meeting the standard of eligibility for participation as a broodmare, stallion, or racing stock in the Oklahoma-Bred Program.

"Accreditation" means the process of verifying and certifying the eligibility of a broodmare, stallion, or racing stock for participation in the Oklahoma-Bred Program and adding its name to the official registry.

"Accredited Oklahoma-Bred horse" means a broodmare, stallion, or racing stock that is eligible pursuant to the Act and Commission rules and whose enrollment in the Oklahoma-Bred Program has been completed by the official Registering Agency.

"Added money" means the amount exclusive of trophy added into a stakes by the Organization Licensee, or by sponsors, state-bred programs, or other funds added to those monies gathered by nomination, entry, sustaining and other fees coming from the horsemen.

"Adoption program" means a program in which race horses are rehabilitated and/or retrained for other

uses, including, but not limited to, polo, dressage, hunter/jumper and pleasure riding, the goal and purpose of which is the adoption of the race horse after rehabilitation and/or retraining.

"Age" means that the age of a horse is recognized as beginning on the first day of January in the year in which the horse is foaled.

"Authorized agent" means a person licensed by the Commission and appointed by a written notarized affidavit by the Owner, Trainer, Parent or Guardian of a minor in whose behalf the Agent will act, and limited to the actions as specified on the affidavit. The affidavit shall be on file with the Commission.

"Breakage" means the net pool minus payout.

"Breeder" means the Owner of a horse's dam at the time of foaling for Thoroughbreds, and means the Owner of a horse's dam at time of conception for non-Thoroughbreds.

"Commissioner" means a member of the Oklahoma Horse Racing Commission.

"Conditions of a race" means the qualifications which determine the eligibility of a horse to be entered in a race.

"Day" means a 24-hour period ending at midnight.

"Domicile" means the permanent dwelling of the horse(s).

"Donor mare" means mare which produces an embryo or an oocyte which, after fertilization, is transferred into the uterus of a recipient mare.

"Embryo transfer" means the process of transferring a Donor Mare embryo into a recipient mare.

"Dual breed registered horse" means an accredited Oklahoma-Bred horse that has filed with the Registering Agency Registration Certificates from more than one national breed registry. A dual breed registered horse may be eligible for dual breed Oklahoma-Bred awards.

"Eligible" means a broodmare, stallion, or racing stock horse that can satisfy all of the requirements for participation in the Oklahoma-Bred Program.

"Enroll" means to enter the name of an eligible broodmare, stallion, or racing stock horse on the official roll, register, or record as a qualified participant in the Oklahoma-Bred Program.

"Hardship application" means that a horse Owner is eligible to complete a Hardship Application if the horse in question is a mare that is accredited as Racing Stock in the Oklahoma- Bred Program, with the proper Oklahoma-Bred stamp, but was not accredited as a Broodmare in the Oklahoma-Bred Program prior to producing a foal.

"Horse" means:

(A) any equine including and designated as mare, filly, stallion, colt, ridgeling, or gelding registered for racing;

(B) an intact equine male five (5) years of age and older.

"Lessee" means a licensed Owner whose interest in a horse is by virtue of a completed Commission-approved lease form attached to the Registration Certificate and on file with the Commission.

"Lessor" means the Owner of a horse that is leased.

"Mixed Breed Race Meeting" means a race meeting in which all four (4) breeds, Thoroughbred, Quarter Horse, Paint, and Appaloosa participate.

"Nomination" means the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

"Nominator" means the person who nominates a horse as a possible contender in a race.

"Occupation license" means a state requirement for any person acting in any capacity pursuant to provisions of the Act.

"Organization license" means a state requirement for any person desiring to conduct a race meeting in Oklahoma within the minimum standards as required by the Act and the rules of the Commission.

"Owner" means any person who holds in whole or in part, any right, title, or interest in a horse or an Organization Licensee or any person who is a Lessee of a horse and has been duly issued a currently-valid Owner license as a person responsible for such horse.

"Pension program" means a program for the care and "pasturing" of retired or unwanted horses who, because of their health or condition, are incapable of being rehabilitated/retrained and adopted.

"Race" means a contest between horses.

"Race day" means a day during a race meeting when pari-mutuel racing occurs on live races conducted at that racetrack.

"Races" mean:

- (A) **Allowance.** An overnight race for which eligibility and weight to be carried is determined according to specified conditions which include age, sex, earnings, number of wins, and distance of race.
- (B) **Claiming.** A race in which any horse starting may be claimed and purchased for a designated amount in conformance with the rules in this Title.
- (C) **Exhibition.** A race on which no wagering is permitted.
- (D) **Handicap.** A race in which the weights to be carried by the horses are assigned by the Racing Secretary or handicapper for the purpose of equalizing the chances of winning for all horses entered.
- (E) **Invitational.** A race in which the competing horses are selected by inviting their Owners to enter specific horses.
- (F) **Maiden.** A race restricted to non-winners.
- (G) **Match.** A race contested between two or more horses under conditions agreed to by their Owners.
- (H) **Nomination.** A race in which the subscription to a payment schedule nominates and sustains the eligibility of a particular horse. Nominations must close at least seventy-two (72) hours before the first post time of the day the race is originally scheduled to be run.
- (I) **Oklahoma-Bred.** A race for which entry may be restricted to accredited Oklahoma-Bred registered horses.
- (J) **Overnight (Purse).** A race for which entries close at a time set by the Racing Secretary.
- (K) **Progeny.** A race restricted to the offering of a specific stallion or stallions.
- (L) **Schooling.** A preparatory race for entry qualification in official races which conforms to requirements adopted by the Commission.
- (M) **Stakes.** A race in which nomination, entry, or starting fees contribute to the purse.
- (N) **Trial.** A race or a series of races in which horses participate for the purpose of determining eligibility for a subsequent contest.
- (O) **Walkover.** A race in which only one horse starts or in which all the starts are owned by the same interest. To claim the purse, a horse must start and go the distance of the race.

"Recipient mare" means the surrogate mare carrying a Donor Mare's embryo.

"Register" means the official record of names of broodmares, stallions, or racing stock horses that have been approved for participation in the Oklahoma-Bred Program.

"Registration" means placing the name of approved broodmares, stallions, or racing stock horses in the official record of horses approved to participate in the Oklahoma-Bred Program.

"Registration certificate" means the official document from the breed-specific national registry, providing the horse's name, foal date, age, color, sex, pedigree, and breeder and confirming the horse's registration with the appropriate national breed registry.

"Rules" means the rules adopted by the Commission to implement the provisions of the Act.

"Stallion Re-certification" means completing a re-certification application annually for Thoroughbred stallions that were previously accredited in the Stallion Registry.

"Safety Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Steward" means a duly appointed Racing Official with powers and duties specified by statutes or rules.

"Stewards' official program" means the program provided by the Stewards which includes the official order of finish and any corrected information.

"Trainer" means a person qualified and licensed by the Commission as a Trainer.

"Unclaimed ticket" means:

(A) a winning or refundable pari-mutuel ticket which was not cashed during the performance for which it was issued; or

(B) Proceeds which shall be remitted by the Organization Licensee to the Commission for deposit in the Oklahoma Breeding Development Fund Special Account in accordance with provisions of statute and as prescribed by the Commission.

"Week" means a period of seven (7) days.

"Year" means a calendar year.

325:75-1-3. Definition of Accredited Oklahoma-Bred Thoroughbreds

As used in this Chapter, an Accredited Oklahoma-Bred Thoroughbred Horse shall mean a Thoroughbred Horse which meets the requirements below:

(1) **Stallion.** An Accredited Oklahoma-Bred stallion is one that is Domiciled in Oklahoma, stands for service in Oklahoma, and is Enrolled in the Oklahoma-Bred stallion registry. An Oklahoma-Bred stallion that is Accredited as racing stock is not Accredited as breeding stock in the registry unless the required application is filed and fee paid to Registering Agency. For resulting foals to be Eligible for Accreditation as Oklahoma-Bred racing stock, the stallion must be Accredited in the Oklahoma-Bred stallion registry prior to the service that produces the resulting foal. Except for those foals eligible for accreditation that are sired by non-accredited stallions, any foals conceived prior to the stallion being Accredited in the Oklahoma-Bred stallion registry will not be Eligible for Accreditation. Eligibility for participation in the Oklahoma-Bred Program begins when the application for the stallion registry is submitted, at which time the stallion must be Domiciled in Oklahoma. The stallion's application must be filed with the Oklahoma-Bred Registering Agency by February 1 of that breeding season. Late applications will be accepted after February 1 and through June 30 of that season. A stallion's Accreditation shall not be forfeited if the stallion leaves Oklahoma for an indefinite period of time for racing, medical treatment, performance, or approved departure for breeding purposes in another hemisphere. An Oklahoma-Bred stallion may leave Oklahoma for the purpose of being offered in a recognized sale consignment. In the case of a sale consignment, an Accredited stallion returned to Oklahoma to resume his Domicile within 30 days after the sale date is not required to become re-accredited. Foals conceived after sale date will be ineligible if the stallion fails to resume Domicile within thirty (30) days. Should the stallion not meet the return period from the sale, the stallion must be re-accredited upon resuming his Domicile in order to be eligible for breeder awards from foals conceived after the date of departure. The burden of proof relating to such Race, performance, medical treatment, sale consignment or breeding shall be on the Owner of record who shall produce such evidence to the Oklahoma-Bred Registering Agency.

(A) **Stallions Leaving Oklahoma for Breeding Purposes in Another Hemisphere:** Approved departure for breeding purposes shall be granted by the Registering Agency upon written notification by the stallion Owner or manager as to the destination of the stallion, the anticipated date the stallion will be leaving and the anticipated date of return to Oklahoma. The stallion must reestablish his Domicile in Oklahoma prior to servicing any mare for which subsequent foals conceived by service from that stallion are to be Eligible for Accreditation. The Owner or manager of the stallion must provide written notice of the exact date of stallion's return and re-established Domicile location in Oklahoma and the effective date for the stallion's eligibility to earn awards will be the date of return if notice is provided within 30 Days of that date, or upon receipt of notice if longer than 30 Days after the return of the Stallion.

(B) **Re-Accreditation of Stallions:** If a stallion leaves the State of Oklahoma for any reason other than breeding in another hemisphere, sale consignment, performance, or medical treatment and terminates his Domicile, that stallion will not be Eligible to sire subsequent foals Eligible for Accreditation as racing stock in the Oklahoma-Bred Program. If the stallion returns to Oklahoma to re-establish his Domicile, pays the appropriate fees and meets all other qualifying requirements, the stallion may become re-accredited in the Oklahoma-Bred stallion registry. If a stallion stands for service outside of Oklahoma during the calendar year in which a foal(s) was conceived, any foal conceived after Accreditation or reaccreditation in the Oklahoma-Bred stallion registry and while the accredited stallion was standing in Oklahoma and which otherwise may be Accredited in the Oklahoma-Bred Program upon presentation of acceptable documentation reflecting that the service producing the foal occurred while the Accredited stallion was standing in Oklahoma. The stallion shall be Eligible for stallion awards only from those breedings that occurred while the Accredited stallion was physically Domiciled in Oklahoma. The Registering Agency may require an affidavit for any breeding season during which the stallion is standing as an Accredited Oklahoma-Bred stallion. Failure to provide the required documentation for any year shall result in the stallion Owner being ineligible for stallion awards for all foals resulting from that breeding season unless the required documentation is received by the Registering Agency within thirty (30) Days after written request. Further, foals

conceived during that breeding season shall be ineligible for Accreditation unless the required affidavit is received by the Registering Agency not later than thirty (30) Days after written request. An Accredited stallion who terminates his Domicile in Oklahoma and later returns to Oklahoma to resume his Domicile, prior to breeding, but fails to reaccredit in the Oklahoma-Bred stallion registry, may qualify for a hardship reaccreditation. In addition to the regular application fee, the applicant shall be charged an additional \$200.00 fee. All other qualifications and requirements of the Oklahoma-Bred stallion registry must be met as well. The Registering Agency may require proof that all requirements for Accreditation have been met. Any foal by the stallion seeking re-accreditation that would otherwise be Eligible for accreditation as racing stock in the Oklahoma-Bred Program will be Eligible for Accreditation upon a hardship reaccreditation in the Oklahoma-Bred stallion registry. Acceptance of a foal application under these circumstances, by the official Registering Agency, is subject to the stallion being Enrolled under a hardship re-accreditation application in the Oklahoma-Bred stallion registry within sixty (60) Days from receipt of notice by the stallion Owner that the stallion was not re-accredited in the Oklahoma-Bred stallion registry prior to breeding. The fee to enroll the racing stock in the Oklahoma-Bred Program will be based upon the age of the foal on the date the Registering Agency receives the racing stock application. Failure to Enroll a stallion under a Hardship Application within sixty (60) Days from receipt of notice that the stallion was not re-accredited prior to breeding will result in the rejection of any pending racing stock applications for foals by the stallion. The Owner of an Accredited Oklahoma-Bred stallion (for the purpose of qualifying for stallion awards) is the Owner or Lessee of record at the time the offspring is conceived.

(C) Yearly Re-Certification Fee. The Owner of the Accredited Oklahoma-Bred stallion must pay a yearly re-certification fee. The yearly recertification fee is \$25.00 and due on or before February 1. If the yearly recertification fee is paid between February 2 and June 30, the fee is \$50.00. If the yearly recertification fee is paid between July 1 and December 31, the fee is \$250.00. If the yearly recertification fee is not paid on or before December 31, the stallion will lose its certification as an Accredited Oklahoma-Bred stallion. The owner of a stallion may re-certify the stallion as an accredited Oklahoma-Bred stallion by paying a hardship fee of \$500.00 prior to the stallion's foal(s) becoming a yearling or \$1,000.00 prior to the foal(s)' two-year-old year. If the stallion is not re-certified, the stallion loses its Accreditation in the Oklahoma-Bred Stallion Registry, and the Owner is ineligible for stallion awards for all foals resulting from that breeding season.

(2) Broodmare. An Accredited Oklahoma-Bred broodmare is one that is Domiciled in Oklahoma and is Enrolled in the Oklahoma-Bred broodmare registry. An Oklahoma-Bred mare that is Accredited as racing stock is not Accredited as breeding stock in the registry unless the required application is filed and fee paid to Registering Agency. Eligibility for participation in the Oklahoma-Bred Program begins when the application for the broodmare registry is submitted, at which time the broodmare must be Domiciled in Oklahoma, and such application is in substantial compliance with the requirements of the registry. The broodmare's application must be filed with the Oklahoma-Bred Registering Agency by December 31 of the year prior to foaling. Late applications will be accepted after December 31, but must be prior to foaling. Hardship Applications are accepted at any time. A broodmare's Accreditation shall not be forfeited if the broodmare leaves Oklahoma for an indefinite period of time for racing, medical treatment, performance, or approved departure for breeding purposes in another hemisphere. An Oklahoma-Bred broodmare may leave Oklahoma for the purpose of being offered in a recognized sale consignment. In the case of sale consignment, an Accredited broodmare returned to Oklahoma to resume her Domicile within 30 Days after the sale date is not required to become re-accredited. The burden of proof relating to such Race, performance, medical treatment, sale consignment or breeding shall be on the Owner of record who shall produce such evidence to the Oklahoma-Bred Registering Agency.

(A) Broodmares Serviced by Out-of-State Stallions: An Accredited Oklahoma-Bred broodmare may be shipped out of Oklahoma to be serviced by a non-accredited stallion, provided she is returned to Oklahoma to resume her Domicile not later than August 15 of the calendar year in which she is serviced. Failure of the Accredited broodmare to return to Oklahoma to resume her Domicile not later than August 15 shall have two results: First, the broodmare loses her Accreditation in the program; Second, the resultant foal is ineligible for

Accreditation in the Oklahoma-Bred Program, unless the broodmare resumes her Domicile in Oklahoma and files for reaccreditation prior to the birth of the foal. In order for the broodmare to produce successive foals Eligible for Accreditation in the Oklahoma-Bred Program, beginning with foals born in 2011, she must produce a foal in Oklahoma in alternating years by an Accredited stallion standing in Oklahoma.

(B) Thoroughbred Broodmares Serviced by Non-Thoroughbred Stallions: An Accredited Oklahoma-Bred Thoroughbred broodmare that is serviced by a Non-Thoroughbred stallion shall be subject to the same regulations as Quarter Horse, Paint, or Appaloosa broodmares with regard to its Accreditation and Eligibility to produce accredited Oklahoma-Bred racing stock so long as the mare is serviced by a Quarter Horse, Paint, or Appaloosa stallion.

(C) Re-accreditation Rule: If a broodmare leaves the State of Oklahoma for any reason other than breeding, performance, sale consignment or medical treatment, the broodmare is deemed terminated and loses broodmare Accreditation in the Oklahoma-Bred Program. Such broodmare will not be Eligible to produce subsequent foals Eligible for Accreditation as racing stock in the Oklahoma-Bred Program. If the broodmare returns to Oklahoma to reestablish her Domicile, pays the appropriate fees and meets all other qualifying requirements, the broodmare may become re-accredited in the Oklahoma-Bred broodmare registry. The broodmare may be reaccredited every calendar year. In the event a re-accredited broodmare produces successive foals by non-accredited Oklahoma-Bred stallions, the broodmare Owner will not receive any breeder awards for the second foal. The Registering Agency may request a copy of the foal report submitted to the official breed registry for any Accredited Oklahoma-Bred broodmare. An Accredited broodmare who terminates her Domicile in Oklahoma and later returns to Oklahoma to resume her Domicile, prior to foaling, but fails to re-accredit in the Oklahoma-Bred broodmare registry, may qualify for a hardship re-accreditation. In addition to the regular application fee, the applicant shall be charged an additional \$200.00 fee. All other qualifications and requirements of the Oklahoma-Bred broodmare registry must be met as well. The Registering Agency may require proof that all requirements for Accreditation have been met. Any foal out of the broodmare seeking re-Accreditation that would otherwise be Eligible for Accreditation as racing stock in the Oklahoma-Bred Program will be Eligible for Accreditation upon hardship reaccreditation in the Oklahoma-Bred broodmare registry provided however, a broodmare re-accredited in consecutive years shall not be Eligible to produce Accredited foals born in the second or subsequent, consecutive year of back to back re-accreditation, unless the application for re-accreditation includes a valid transfer of Ownership between individuals that are not related by blood or marriage, or that share the same physical address. Acceptance of a foal application under these circumstances, by the official Registering Agency, is subject to the broodmare being Enrolled under a hardship re-accreditation application in the Oklahoma-Bred broodmare registry within sixty (60) Days from receipt of notice by the broodmare Owner that the broodmare was not re-accredited in the Oklahoma-Bred broodmare registry prior to foaling. The fee to Enroll the racing stock in the Oklahoma-Bred Program will be based upon the age of the foal on the date the Registering Agency receives the racing stock application. Failure to Enroll a broodmare under a Hardship Application within sixty (60) Days from receipt of notice that the broodmare was not re-accredited prior to foaling will result in the rejection of any pending racing stock applications for foals out of that mare.

(D) Oklahoma broodmares are classified annually as one of the following and are Eligible for awards from Oklahoma-Bred funds as defined, and must meet all other Eligibility requirements:

(i) Category A - Accredited Oklahoma-Bred broodmare who is bred to an accredited Oklahoma-Bred stallion receives 100% of the available broodmare awards for that foal [Oklahoma conceived and foaled].

(ii) Category B - Accredited Oklahoma-Bred broodmare who is bred to a non-Oklahoma-Bred accredited stallion receives 50% of the available broodmare awards for that foal [Oklahoma foaled].

(iii) Category C - A broodmare who is accredited for the first time in the Oklahoma-Bred Program, whether or not bred to an accredited Oklahoma-Bred stallion, receives 100% of

the available breeders awards for her first foal. [Re-accredited broodmares do not qualify for Category C.] All subsequent awards for the broodmare will be based upon the first two foal options listed above.

(E) **For Purposes of Qualifying for Broodmare Awards:** the Owner of an accredited Oklahoma-Bred Thoroughbred broodmare is the Owner or Lessee of record at the time of foaling.

(3) Hardship Application.

(A) Notwithstanding other provisions of this Section, a mare Accredited in the Oklahoma-Bred Program as a racing stock (with the proper Oklahoma-Bred stamp) but which has not been Accredited in the Oklahoma-Bred broodmare registry prior to producing a foal that would otherwise be Eligible for Accreditation in the Oklahoma-Bred Program may be Accredited in the Oklahoma-Bred broodmare registry. In addition to the regular application fee, the applicant shall be charged an additional \$200.00 fee. All other qualifications and requirements of the Oklahoma-Bred broodmare registry must be met as well. The Registering Agency may require proof that all requirements for accreditation have been met. Any foal out of the broodmare that would otherwise be Eligible for accreditation as racing stock in the Oklahoma-Bred Program will be Eligible for Accreditation upon enrollment in the Oklahoma-Bred broodmare registry.

Acceptance of a foal application under these circumstances by the official Registering Agency is subject to the broodmare being enrolled under a Hardship Application in the Oklahoma-Bred broodmare registry within sixty (60) Days from receipt of notice by the broodmare Owner that the broodmare was not Accredited in the Oklahoma-Bred broodmare registry. The fee to Enroll the racing stock in the Oklahoma-Bred Program will be based upon the age of the foal on the date the Oklahoma-Bred Registering Agency received the racing stock application.

(B) Notwithstanding other provisions of Chapter 75, any racing stock that was foaled to a broodmare that was Eligible but not Accredited for the Oklahoma Bred program may apply to register as Oklahoma Bred racing stock after the broodmare is Accredited in the Oklahoma Bred program upon submission of the appropriate application, payment of the applicable fee and payment of fee established for racing stock. The broodmare shall be registered and approved prior to approval of the racing stock application.

(4) Racing stock. An Accredited Oklahoma-Bred racehorse is one that foaled in Oklahoma, and meets the following requirements:

(A) Beginning with the foal crop of 2001 there will be two (2) classifications of Thoroughbred foals Eligible for Accreditation in the Oklahoma-Bred Program. The category for those foals out of an Accredited Oklahoma-Bred broodmare and by an Accredited Oklahoma-Bred Stallion shall be classified as Oklahoma-Bred Conceived and Foaled. The second category for foals out of an Accredited Oklahoma-Bred broodmare and by a non-accredited stallion shall be classified as Oklahoma-Bred Foaled. A foal out of an Accredited Oklahoma-Bred broodmare and by a non-accredited stallion may receive Accreditation in the Oklahoma-Bred racing stock registry provided all other requirements are met. In such an event, to be Eligible for Accreditation, the next foal out of said broodmare presented for Accreditation must be by an Accredited Oklahoma-Bred stallion and meet all other requirements. Further, in no event can a broodmare produce Accredited Oklahoma-Bred foals in succession that are by non-accredited stallions. Except for the initial foal Accredited in the Oklahoma-Bred Program, all Accredited foals sired by non-accredited stallions must be preceded [by year of birth] in the registry by an Accredited foal sired by an Accredited stallion. Re-accreditation shall not preclude the listed rule. Provided all other requirements are met, both classifications are Eligible for accreditation and may compete in Oklahoma-Bred Races.

(B) An Oklahoma-Bred that is Accredited as racing stock is not Accredited as breeding stock in the registry. The Owner of an Accredited Oklahoma-Bred racehorse (for the purpose of qualifying for added purse supplements) is the Owner or Lessee of record at the time of the Race.

(5) Late applications.

(A) **Broodmare.** A broodmare may be Accredited in the Oklahoma-Bred broodmare registry after December 31 of the year prior to foaling if the application for Accreditation is submitted to the Oklahoma-Bred Registering Agency prior to foaling; and the broodmare is otherwise in

substantial compliance with the requirements of the registry. Domicile must be established in Oklahoma when the broodmare's application is filed with the Oklahoma-Bred Registering Agency.

(B) **Stallion.** A stallion may be Accredited in the Oklahoma-Bred stallion registry after February 1 and by June 30 and complete the current breeding season if the stallion is otherwise in substantial compliance with the requirements of the registry. Domicile must be established in Oklahoma when the stallion's application is filed with the Oklahoma-Bred Registering Agency.

(C) **Fee.** The fee to Accredite a broodmare or stallion under a late application is twice the regular fee. The fee will not be refunded if the Registering Agency rejects the application but will be applied to Accreditation of the Horse for the next ensuing year.

(6) **Domicile exception.** An Oklahoma-Bred broodmare or stallion may leave Oklahoma for an indefinite period of time for Race, performance or for medical treatment. The broodmare or stallion may leave Oklahoma for the purpose of being offered in a recognized sale consignment, and, if returned within thirty (30) days of sale date, is not required to become re-accredited. Should the broodmare or stallion not meet the return period from the sale, it must be re-accredited. The burden of proof shall be on the Owner to notify the Registering Agency of the intent to leave the state for any of the above reasons. The Registering Agency may further require verification of participation, treatment or consignment to a sale. Further, the Owner must report to the Oklahoma-Bred Registering Agency the date the broodmare or stallion returned to Oklahoma.

325:75-1-3.1. Definition of accredited Oklahoma-Bred Quarter Horse, Paint or Appaloosa

As used in this Chapter, an Accredited Oklahoma-Bred Appaloosa, Quarter Horse, or Paint horse is a Horse which meets the requirements below:

(1) **Stallion.** An Accredited Oklahoma-Bred stallion is one that is Domiciled in Oklahoma, stands for service in Oklahoma, and is Enrolled in the Oklahoma-Bred stallion registry. An Oklahoma-Bred Stallion that is Accredited as racing stock is not Accredited as breeding stock in the registry unless the required application is filed and fee paid to Registering Agency. For resulting foals to be Eligible for Accreditation as Oklahoma-Bred racing stock, the stallion must be Accredited in the Oklahoma-Bred Program stallion registry prior to the service that produces the resulting foal. Except for those foals Eligible for Accreditation that are sired by non-accredited stallions, any foals conceived prior to the stallion being Accredited in the Oklahoma-Bred Program stallion registry will not be Eligible for Accreditation. Eligibility for participation in the Oklahoma-Bred Program begins when the application for the stallion registry is submitted, at which time the stallion must be Domiciled in Oklahoma, and such application is in substantial compliance with the requirements of the registry. The stallion's application must be filed with the Oklahoma- Bred Registering Agency by February 1 of that breeding season. Late applications will be accepted after February 1 and through June 30 of that season. A stallion's Accreditation shall not be forfeited if the stallion leaves Oklahoma for an indefinite period of time for racing, medical treatment, performance, or approved departure for breeding purposes in another hemisphere. An Oklahoma-Bred stallion may leave Oklahoma for the purpose of being offered in a recognized sale consignment. In the case of sale consignment, an Accredited stallion returned to Oklahoma to resume his Domicile within 30 Days after the sale date is not required to become re-accredited. Any foals conceived after date of departure and prior to sale date shall be Eligible for Accreditation if the stallion does not return within thirty (30) Days. Foals conceived after sale date will be ineligible if the stallion fails to resume Domicile within thirty (30) Days. Should the stallion not meet the return period from the auction or sale, the stallion must be re-accredited upon resuming his Domicile in order to be Eligible for breeder awards conceived after the date of departure. The burden of proof relating to such Race, performance, medical treatment, sale consignment or breeding shall be on the Owner of record who shall produce such evidence to the Oklahoma-Bred Registering Agency.

(A) **Stallions leaving Oklahoma for breeding purposes in another hemisphere:** Approved departure for breeding purposes shall be granted by the Registering Agency upon written notification by the stallion Owner or manager as to the destination of the stallion, the anticipated date the stallion will be leaving and the anticipated date of return to Oklahoma. The stallion must reestablish his Domicile in Oklahoma prior to servicing any mare for which subsequent foals conceived by service from that stallion are to be Eligible for Accreditation. The Owner or

manager of the stallion must provide written notice of the exact date of stallion's return and re-established domicile location in Oklahoma and the effective date for the stallion's Eligibility to earn awards will be the date of return if notice is provided within 30 Days of that date, or upon receipt of notice if longer than 30 days after the return of the Stallion.

(B) Use of preserved semen to service broodmares: So long as an Accredited Quarter Horse, Paint, Appaloosa or Thoroughbred stallion is in compliance with the Accreditation requirements for the Oklahoma-Bred Program, the stallion may service mares through the use of semen preserved in accordance with the rules adopted by the appropriate national breed registry for that breed of stallion. Additionally, if an Accredited stallion dies or becomes physically incapable of servicing mares while in compliance with the Accreditation requirements of the Oklahoma-Bred Program, semen preserved in accordance with the rules adopted by the appropriate national breed registry for that breed of stallion may be used to service mares with the resulting foals Eligible for Accreditation as racing stock so long as all other conditions of Eligibility are met for those resulting foals.

(C) Re-accreditation of stallions: If a stallion leaves the State of Oklahoma for any reason other than breeding in another hemisphere, sale consignment, performance, or medical treatment and terminates his domicile, that stallion will not be Eligible to sire subsequent foals eligible for Accreditation as racing stock in the Oklahoma-Bred Program. If the stallion returns to Oklahoma to re-establish his Domicile, pays the appropriate fees and meets all other qualifying requirements, the stallion may become re-accredited in the Oklahoma-Bred stallion registry. If a stallion stands for service outside of Oklahoma during the calendar year in which a foal(s) was conceived, any foal conceived after Accreditation or reaccreditation of the stallion in the Oklahoma-Bred stallion registry and while the Accredited stallion was standing in Oklahoma and which otherwise may be Accredited in the Oklahoma-Bred Program upon presentation of acceptable documentation reflecting that the service producing the foal occurred while the Accredited stallion was standing in Oklahoma. The stallion shall be eligible for stallion awards only from those breedings that occurred while the Accredited stallion was physically Domiciled in Oklahoma. The Registering Agency may require an affidavit for any breeding season during which the stallion is standing as an Accredited Oklahoma-Bred stallion. Failure to provide the required documentation for any year shall result in the stallion Owner being ineligible for stallion awards for all foals resulting from that breeding season unless the required documentation is received by the Registering Agency within thirty (30) Days after written request. Further, foals conceived during that breeding season shall be ineligible for Accreditation unless the required affidavit is received by the Registering Agency not later than thirty (30) Days after written request. An accredited stallion who terminates his Domicile in Oklahoma and later returns to Oklahoma to resume his Domicile, prior to breeding, but fails to reaccredit in the Oklahoma-Bred stallion registry, may qualify for a hardship reaccreditation. In addition to the regular application fee, the applicant shall be charged an additional \$200.00 fee. All other qualifications and requirements of the Oklahoma-Bred stallion registry must be met as well. The Registering Agency may require proof that all requirements for accreditation have been met. Any foal by the stallion seeking re-accreditation that would otherwise be Eligible for accreditation as racing stock in the Oklahoma-Bred Program will be Eligible for accreditation upon hardship reaccreditation in the Oklahoma-Bred stallion registry. Acceptance of a foal application under these circumstances, by the official Registering Agency, is subject to the stallion being enrolled under a hardship re-accreditation application in the Oklahoma-Bred stallion registry within sixty (60) days from receipt of notice by the stallion Owner that the stallion was not re-Accredited in the Oklahoma-Bred stallion registry prior to breeding. The fee to enroll the racing stock in the Oklahoma-Bred Program will be based upon the age of the foal on the date the Registering Agency receives the racing stock application. Failure to Enroll a stallion under a Hardship Application within sixty (60) days from receipt of notice that the stallion was not re-accredited prior to breeding will result in the rejection of any pending racing stock applications for foals by the stallion. The Owner of an Accredited Oklahoma-Bred stallion (for the purpose of qualifying for stallion awards) is the Owner or Lessee of record at the time the offspring is conceived.

(2) Broodmare. An Accredited Oklahoma-Bred Quarter Horse, Paint, or Appaloosa broodmare is one

that is Domiciled in Oklahoma and is enrolled in the Oklahoma-Bred broodmare registry. An Oklahoma-Bred mare that is Accredited as racing stock is not Accredited as breeding stock in the registry unless the required application is filed and fee paid to Registering Agency. Eligibility for participation in the Oklahoma-Bred Program begins when the application for the broodmare registry is submitted, at which time the broodmare must be Domiciled in Oklahoma, and such application is in substantial compliance with the requirements of the registry. The broodmare's application must be filed with the Oklahoma-Bred Registering Agency by December 31 of the year prior to foaling. Late applications will be accepted after December 31, but must be prior to foaling. Hardship Applications are accepted at any time. A broodmare's Accreditation shall not be forfeited if the broodmare leaves Oklahoma for an indefinite period of time for racing, medical treatment, performance, or approved departure for breeding purposes in another hemisphere. An Oklahoma-Bred broodmare may leave Oklahoma for the purpose of being offered in a recognized sale consignment. In the case of sale consignment, an Accredited broodmare returned to Oklahoma to resume her Domicile within 30 days after sale date is not required to become re-accredited. The burden of proof relating to such Race, performance, medical treatment, sale consignment or breeding shall be on the Owner of record who shall produce such evidence to the Oklahoma-Bred Registering Agency.

(A) Broodmares serviced out-of-state: An Accredited Oklahoma-Bred broodmare may be shipped out of Oklahoma to be serviced by a non-accredited stallion, provided she is returned to Oklahoma to resume her Domicile not later than August 15 of the calendar year in which she is serviced. Failure of the Accredited broodmare to return to Oklahoma to resume her Domicile not later than August 15 shall have two results: First, the broodmare loses her Accreditation in the program; Second, the resultant foal is ineligible for Accreditation in the Oklahoma-Bred Program unless the broodmare resumes her Domicile in Oklahoma and files for re-accreditation prior to the birth of the foal.

(B) Multiple foals by accredited broodmares: An Accredited broodmare shall be Eligible to produce multiple foals Eligible for Accreditation as Oklahoma-Bred racing stock and shall be Eligible to receive breeders awards so long as the multiple foals are produced in accordance with guidelines or requirements adopted or approved by the national breed registry for the breed of foal being produced, and the resulting foals are Eligible for registration with the appropriate national breed registry.

(C) For purposes of qualifying for broodmare awards: The Owner of an Accredited Oklahoma-Bred broodmare bred to a Quarter Horse, Paint, or Appaloosa stallion is the Owner or Lessee of record at the time of conception. No Accredited Oklahoma-Bred broodmare shall be permitted to earn broodmare awards from the Accreditation of Oklahoma-Bred racing stock foals by non-accredited Oklahoma-Bred stallions if the broodmare has consecutive years with service only by non-accredited stallions.

(D) Re-accreditation rule: If a broodmare leaves the State of Oklahoma for any reason other than breeding, sale consignment, performance, or medical treatment, the broodmare is deemed terminated and loses broodmare Accreditation in the Oklahoma-Bred Program. Such that broodmare will not be Eligible to produce subsequent foals Eligible for Accreditation as racing stock in the Oklahoma-Bred Program. If the broodmare returns to Oklahoma to reestablish her Domicile, pays the appropriate fees and meets all other qualifying requirements, the broodmare may become re-accredited in the Oklahoma-Bred broodmare registry. The broodmare may be re-accredited every calendar year. In the event a re-accredited broodmare produces successive foals by non-accredited Oklahoma-Bred stallions, the broodmare Owner will not receive any breeder awards for the second foal. The Registering Agency may request a copy of the foal report submitted to the official breed registry for any Accredited Oklahoma-Bred broodmare. An Accredited broodmare who terminates her Domicile in Oklahoma and later returns to Oklahoma to resume her Domicile, prior to foaling, but fails to re-accredit in the Oklahoma-Bred broodmare registry, may qualify for a hardship re-accreditation provided however, a broodmare re-accredited in consecutive years shall not be Eligible to produce accredited foals born in the second or subsequent, consecutive year of back to back re-accreditation, unless the application for re-accreditation includes a valid transfer of Ownership between individuals that are not related by blood or marriage, or that share the same physical address. In addition to the regular application

fee, the applicant for a hardship re-accreditation shall be charged an additional \$200.00 fee. All other qualifications and requirements of the Oklahoma-Bred broodmare registry must be met as well. The Registering Agency may require proof that all requirements for accreditation have been met. Any foal out of the broodmare seeking re-accreditation that would otherwise be Eligible for Accreditation as racing stock in the Oklahoma-Bred Program will be Eligible for Accreditation upon hardship reaccreditation in the Oklahoma-Bred broodmare registry. Acceptance of a foal application under these circumstances, by the official Registering Agency, is subject to the broodmare being Enrolled under a hardship re-accreditation application in the Oklahoma-Bred broodmare registry within sixty (60) days from receipt of notice by the broodmare Owner that the broodmare was not re-accredited in the Oklahoma-Bred broodmare registry prior to foaling. The fee to Enroll the racing stock in the Oklahoma-Bred Program will be based upon the age of the foal on the date the Registering Agency receives the racing stock application.

(3) Hardship Application.

(A) Notwithstanding other provisions of this Section, a mare Accredited in the Oklahoma-Bred Program as a racing stock (with the proper Oklahoma-Bred stamp) but which has not been Accredited in the Oklahoma-Bred broodmare registry prior to producing a foal that would otherwise be Eligible for accreditation in the Oklahoma-Bred Program may be Accredited in the Oklahoma-Bred broodmare registry. In addition to the regular application fee, the applicant shall be charged an additional \$200.00 fee. All other qualifications and requirements of the Oklahoma-Bred broodmare registry must be met as well. The Registering Agency may require proof that all requirements for Accreditation have been met. Any foal out of the broodmare that would otherwise be Eligible for Accreditation as racing stock in the Oklahoma-Bred Program will be Eligible for Accreditation upon enrollment in the Oklahoma-Bred broodmare registry.

Acceptance of a foal application under these circumstances by the official Registering Agency is subject to the broodmare being Enrolled under a Hardship Application in the Oklahoma-Bred broodmare registry within sixty (60) days from receipt of notice by the broodmare Owner that the broodmare was not Accredited in the Oklahoma-Bred broodmare registry. The fee to Enroll the racing stock in the Oklahoma-Bred Program will be based upon the age of the foal on the date the Oklahoma-Bred Registering Agency received the racing stock application.

(B) Notwithstanding other provisions of Chapter 75, any racing stock that was foaled to a broodmare that was Eligible but not Accredited for the Oklahoma Bred program may apply to register as Oklahoma Bred racing stock after the broodmare is Accredited in the Oklahoma Bred program upon submission of the appropriate application, payment of the application fee and payment of fee established for racing stock. The broodmare shall be registered and approved prior to approval of the racing stock application.

(4) Racing stock. An Accredited Oklahoma-Bred Quarter Horse, Paint, or Appaloosa racehorse is a Horse foaled in Oklahoma that meets one of the following requirements:

(A) The racehorse is a Quarter Horse, Paint, or Appaloosa horse registered by the appropriate national breed registry(s) and is by an Accredited Oklahoma-Bred stallion and out of an Accredited Oklahoma-Bred broodmare; or

(B) The racehorse is a foal out of an Accredited Oklahoma-Bred broodmare and by a non-Accredited stallion; and

(C) In no event can an Accredited broodmare produce Accredited Oklahoma-Bred Racing Stock foals in successive years that are by non-Accredited stallions; however, multiple foals out of an Accredited Oklahoma-Bred broodmare and by both Accredited Oklahoma-Bred stallions and non-Accredited stallions in the same calendar year shall be Eligible. With regard to multiple embryos, if the appropriate national breed registry permits registration of multiple foals from the same broodmare in a single year, all foals conceived and foaled by that broodmare or her recipients shall be Eligible for Accreditation in the Oklahoma-Bred Program if the other requirements of the program are met or

(D) Except for the initial foal Accredited in the Oklahoma-Bred Program, all foals to be Accredited in the Oklahoma-Bred Program sired by non-Accredited stallions must be preceded (by year of birth) in the registry by either an Oklahoma-Bred Accredited foal sired by an Accredited stallion, or by affidavit or other documentation accepted by the Registering Agency

that verifies the broodmare was bred to an Accredited stallion and subsequently produced a foal that died after the broodmare was bred back to an out-of-state stallion but prior to registering that live foal; or produced a foal carried by a recipient mare which was stillborn or died prior to being registered but after the Accredited broodmare was bred to an out-of-state stallion in the subsequent year. In such case, if the broodmare is permitted to produce Accredited foals by non-Accredited stallions in two consecutive years, that broodmare must for the next subsequent year be bred to an Accredited stallion and produce a foal which is Accredited for subsequent foals to be Eligible for accreditation. An Oklahoma-Bred that is accredited as racing stock is not Accredited as breeding stock in the registry. The Owner of an Accredited Oklahoma-Bred racehorse (for the purpose of qualifying for added purse supplements) is the Owner or Lessee of record at the time of the Race.

(5) Late applications.

(A) **Broodmare.** A broodmare may be Accredited in the Oklahoma-Bred broodmare registry after December 31 of the year prior to foaling if the application and fee are submitted to the Oklahoma-Bred Registering Agency prior to foaling; and the broodmare is otherwise in substantial compliance with the requirements of the registry. Domicile must be established when the broodmare's application is filed with the Oklahoma-Bred Registering Agency.

(B) **Stallion.** A stallion may be Accredited in the Oklahoma-Bred stallion registry after February 1 and by June 30 and complete the current breeding season if the stallion is otherwise in substantial compliance with the requirements of the registry. Domicile must be established when the stallion's application is filed with the Oklahoma-Bred Registering Agency.

(C) **Fee.** The fee to Accredite a broodmare or stallion under a late application is twice the regular fee. The fee will not be refunded if the Registering Agency rejects the application but will be applied to Accreditation of the horse for the next ensuing year.

(6) **Domicile exception.** An Oklahoma-Bred broodmare or stallion may leave Oklahoma for an indefinite period of time for race, performance purposes or for medical treatment. The broodmare or stallion may leave Oklahoma for the purpose of being offered in a recognized sale consignment, and, if returned within thirty (30) days of sale date, is not required to become re-accredited. Should the broodmare or stallion not meet the return period from the sale, it must be re-accredited. The burden of proof shall be on the Owner to notify the Registering Agency of the intent to leave the State for any of the above reasons. The Registering Agency may further require verification of participation, treatment or consignment to a sale. Further, the Owner must report to the Oklahoma-Bred Registering Agency the date the broodmare or stallion returned to Oklahoma.

325:75-1-4. Accreditation of Oklahoma-Bred

The breeder or owner of a horse that is eligible for participation in the Oklahoma-Bred Program may accredit such horse with the Oklahoma Horse Racing Commission by submitting a Commission-approved application, all required documents, and the appropriate fee to the official Registering Agency. Failure to submit either the required fee or a Commission-approved application will result in the immediate rejection of the application. Failure to complete the accreditation process of a racing stock by submitting all required documentation, including the original or replacement Certificate of Registration, to the Commission by December 31 of the horse's three-year-old year will result in the application being rejected with no refund of fee. Failure to complete the accreditation process of a broodmare or stallion by submitting all required documentation to the Commission within one (1) year from submitting the original application will result in the application being rejected with no refund of fee. In such event, a new application along with the necessary documentation and applicable fees must be submitted to the Commission in order to accredit the horse in the Oklahoma-Bred Program. The Commission may contract with and designate an official Registering Agency to implement the accreditation of Oklahoma-Bred horses. [3A:208.3(C)].

325:75-1-4.1. Dual breed Oklahoma-Bred registration

(a) To be eligible for dual breed awards, the application for accreditation in the Oklahoma-Bred program shall be submitted and must indicate the horse is registered with more than one breed national registry. The application must be in substantial compliance with the Registering Agency's accreditation requirements. The applicable fee for a dual breed registered horse must be submitted to the Registering Agency together with the application for

accreditation and all Registration Certificates from the national registries.

(b) If an initial application for accreditation is submitted to the Registering Agency indicating registration in only one breed national registry along with the application fee and Registration Certificate from the national registry, that horse may still become eligible for dual breed awards by filing an amended application as follows. To be eligible, the Registration Certificate from the additional national registry must be submitted to the Registering Agency together with an amended application for accreditation and with application fee equal to the fee found in 325:75-1-13.

(1) Stallions.

(A) Stallion owners are only eligible to receive awards based on the performance of foals by a stallion when:

- (i) the foal is from a breed for which the stallion's Oklahoma-Bred accreditation application for that breed has been completed and the stallion is enrolled in the Oklahoma-Bred stallion registry for the breed of the foal, and
- (ii) the foal is conceived after the stallion is enrolled in the Oklahoma-Bred stallion registry stallion for the breed of the foal.

(B) If properly indicated on the application that the horse is a dual breed horse, copies of both Registration Certificates shall be submitted within one (1) year of receipt of the original application. The stallion will not be eligible for any Oklahoma-Bred breeder awards for which a breed Registration Certificate is not filed within the year. An amended application may be submitted in order to participate as a dual breed in the Oklahoma-Bred Program which will be subject to the fees in effect at the time of submission. If an amended application is submitted, eligibility for the stallion to receive awards from eligible foals of that breed shall only be effective from the date the amended application is completed and the stallion is enrolled in the Oklahoma-Bred stallion registry.

(2) Broodmares.

(A) Broodmare owners are only eligible to receive awards based on the performance of foals out of the broodmare when:

- (i) the foal is from a breed for which the broodmare's Oklahoma-Bred accreditation application for that breed has been completed and is enrolled in the Oklahoma-Bred broodmare registry for the breed of that foal, and
- (ii) the foal is born after the broodmare is enrolled in the Oklahoma-Bred broodmare registry for the breed of that foal.

(B) If properly indicated on the application that the horse is a dual breed horse, copies of both Registration Certificates shall be submitted within one (1) year of receipt of the original application. The broodmare will not be eligible for any Oklahoma-Bred breeder awards for which a breed Registration Certificate is not filed within the year. An amended application may be submitted in order to participate as a dual breed in the Oklahoma-Bred Program which will be subject to the fees in effect at the time of submission. If an amended application is submitted, eligibility for the broodmare to receive awards from eligible foals of that breed shall only be effective from the date the amended application is completed and the broodmare is enrolled in the Oklahoma-Bred broodmare registry.

(3) Racing Stock. All dual breed registered foals that are sired by an accredited Oklahoma-Bred stallion and foaled in Oklahoma out of an accredited Oklahoma-Bred broodmare, which are otherwise substantially in compliance with the Oklahoma-Bred program requirements, shall be eligible to be accredited as racing stock in the Oklahoma-Bred program. If the horse is initially accredited as a single breed, the performance of that horse in races for another breed will not be eligible for purse supplements until an amended application and fee is submitted for the other breed, together with the original Registration Certificate for that breed. If properly indicated on the initial application that the horse is a dual breed registered horse, both original Registration Certificates shall be submitted to the Registering Agency by December 31 of the horse's three-year-old year. If the original Registration Certificates or the original Registration Certificate for one of the breeds is not submitted by December 31 of the horse's three-year-old year, the horse will not be accredited for any breed for which an original Registration Certificate has not been submitted. An amended application may be submitted in order to participate as a dual breed in the Oklahoma-Bred Program which will be subject to the fees in effect for the age of the

horse at the time of application.

325:75-1-5. Administration of Oklahoma-Bred program

The management procedures, rules and regulations, fee schedules, accreditation forms, publications, and all other instruments necessary to the operation of the Oklahoma-Bred Program by the official Registering Agency shall be subject to the review and approval of the Commission. The Commission shall be provided access to the records of the official Registering Agency during normal business hours. The Commission shall be provided copies of the completed accreditation forms for all horses entered in the Oklahoma-Bred Program, or the Oklahoma Stallion or Broodmare Registry. The official Registering Agency shall provide the Commission with a financial accounting of the Oklahoma-Bred Program by a Certified Public Accountant within 30 days of the end of the Commission's fiscal year. [3A:208.3(D)]

325:75-1-6. Annual state audit of Special Account

The State Auditor and Inspector shall audit the Oklahoma Breeding Development Fund Special Account on an annual basis. The expense of the audit shall be paid from said Special Account. [3A:208.3(E)]

325:75-1-7. Accreditation required for Oklahoma-Bred eligibility

Unless the breeder or owner of an Oklahoma-Bred racing stock has accredited the horse with the official Oklahoma-Bred Registering Agency and attested that the horse is an Oklahoma-Bred, and unless the horse's official Certificate of Registration has been affixed with the Oklahoma-Bred Program Stamp to complete the enrollment process for Oklahoma-Bred racing stock, such horse is ineligible to start in races for Oklahoma-Bred horses and ineligible for Oklahoma-Bred purse supplements. An accredited racing stock horse shall be considered eligible to start in races for Oklahoma-Bred horses and earn Oklahoma-Bred purse supplements if the official Certificate of Registration has been re-issued by the national breed registry and has not been affixed with the Oklahoma-Bred Program Stamp so long as the official Oklahoma-Bred Registering Agency can verify the eligibility of the horse. Unless the owner of an Oklahoma-Bred stallion or broodmare has accredited the horse with the official Oklahoma-Bred Registering Agency and attested that the horse is in compliance with the rules of the Oklahoma-Bred Program such horse is ineligible for Oklahoma-Bred stallion or broodmare awards. The Registering Agency will verify the current eligibility of a participating horse prior to distributing any purse supplement, stake, reward or award from the Oklahoma Breeding Development Fund Special Account.

325:75-1-8. Inspection of horses

Any applicant or registrant for the Oklahoma-Bred Program shall be deemed to have given consent to any duly authorized employee or agent of the Commission to enter and inspect any horse that has completed an application to be accredited in the Program. Refusal to permit such inspection may constitute grounds for denial of the application or removal of the horse from the Program. Horses accredited in the Oklahoma-Bred Program will be subject to periodic checks to verify compliance with the rules of the program. [3A:208.3]

325:75-1-9. Decision as to eligibility of Oklahoma-Bred

Questions as to the accreditation, eligibility for accreditation, or breeding of an Oklahoma-Bred horse shall be decided by the official Registering Agency designated by the Commission. The official Registering Agency may demand and inspect any Registration Certificate, records or other acceptable documentation from the official breed registry, stallion owner, breeding farm manager, or Oklahoma breeder, and shall verify that the horse involved complies with the requirements for accreditation, or receipt of a purse supplement, stake, reward or award. When a person has been suspended from participation in the Oklahoma-Bred Program, any other ownership entity in which such person may have ownership interest shall also be ineligible for added purse supplements and any broodmare or stallion awards from the Oklahoma-Bred Program; and any horse owned by such entity shall be ineligible for accreditation, or participation in the Oklahoma-Bred Program for the same period of time as designated in such person's suspension. A decision of the official Registering Agency shall be subject to review by the Commission, which retains the right to make the final decision as to any right or liability under this Chapter.

325:75-1-10. False statements concerning Oklahoma-Bred accreditation

Any person who fails to disclose or states falsely any information required in the accreditation process for the Oklahoma-Bred Program may be subject to penalties at the discretion of the Commission. Such penalties may include disqualification and exclusion from the Oklahoma-Bred Program of both the horse(s) and person(s) involved in the dispute. Should a person be disqualified, excluded, and/or found to be ineligible for the Oklahoma-Bred award and/or program, the family (husband, wife, dependent children) of that person may be deemed ineligible to participate for the same period of time as that person. [3A:208.3; see also 3A:203.6]

325:75-1-11. Oklahoma-Bred racing program

Any organization licensed by the Commission to conduct a race meeting with pari-mutuel wagering shall provide an Oklahoma-Bred Racing Program and publish such conditions in the Condition Book prior to the commencement of the race meeting. Prior to publication and distribution of the Condition Book, the Commission shall review and approve the Oklahoma-Bred Racing Program. Any changes thereto shall be filed with the Commission, and none shall substantially deviate from the conditions previously published unless approved by the Commission. [3A:208.3; see also 3A:203.7 and 3A:204]

325:75-1-12. Application Requirements, Categories and Fees for Quarter Horses, Appaloosas or Paints

(a) Except as provided in 325:75-1-3(3) and 325:75-1-3.1(3), all broodmares must be accredited in the broodmare registry prior to foaling an Oklahoma-Bred eligible foal. All stallions must be accredited in the stallion registry prior to conceiving an Oklahoma-Bred eligible foal. Racing stock may register in the racing stock registry by December 31 of the year of the horse's birth with a fee of \$25.00. Other racing stock applying by June 1 of their yearling year must pay a \$50.00 fee. The application fee is \$500.00 for all other racing stock registered through December 31 of the horse's three-year-old year. On or after January 1 of their four-year-old year, the application fee shall be \$1,000.00. Broodmares may register in the broodmare registry by December 31 of the year prior to foaling with a fee of \$35.00. Broodmares applying under late applications but prior to foaling must pay a \$70.00 fee. Broodmares applying under hardship applications must pay \$200.00 plus the application fee. Stallions may apply in the stallion registry by February 1 of that breeding season with a fee of \$100.00. Stallions applying after February 1 and by June 30 of that breeding season must pay \$200.00.

(b) The breeder or owner of an Oklahoma-Bred horse shall pay the fee required for application in the following categories:

- (1) Stallion Application by February 1 of Breeding Year - \$100.00
- (2) Stallion Application After February 1 and by June 30 of the Breeding Year - \$200.00
- (3) Stallion Reaccreditation Application by February 1 of Breeding Year - \$100.00
- (4) Stallion Reaccreditation Application After February 1 and by June 30 of the Breeding Year - \$200.00
- (5) Stallion Reaccreditation Hardship Application - \$200.00 plus the application fee
- (6) Broodmare Application by December 31 of Year Prior to Foaling - \$35.00
- (7) Broodmare Application under Late Application - \$70.00
- (8) Broodmare Hardship Application - \$200.00 plus the application fee
- (9) Broodmare Reaccreditation Application by December 31 prior to foaling - \$35.00
- (10) Broodmare Reaccreditation Application after December 31 and prior to foaling - \$70.00
- (11) Foal Application by December 31 in Year of Birth - \$25.00
- (12) Yearling Application by June 1 of Yearling Year - \$50.00
- (13) Racing Stock Application After June 1 of Yearling Year through December 31 of Three- Year-Old Year - \$500.00
- (14) Racing Stock Application On or After January 1 of Four-Year-Old Year - \$1,000.00
- (15) Transfer Fee - \$25.00

(c) Paragraphs (1), (2), (3), (4), (5), (6), (7), (8) (9) and (10) of (b) of this Section are registries for breeding purposes only. Paragraphs (11), (12) (13), (14) and (15) of (b) of this Section are for racing purposes only.

325:75-1-12.1. Application requirements, categories and fees for Thoroughbreds

(a) Except as provided in 325:75-1-3(5)(C), all broodmares must be accredited in the broodmare registry prior to foaling and Oklahoma-Bred eligible foal. All stallions must be accredited in the stallion registry prior to conceiving an Oklahoma-Bred eligible foal. Racing stock may apply for the racing stock registry by December 31 of the year of the horse's birth with a fee of \$50.00. Other racing stock may apply by December 31 of the

horse's yearling year with a fee of \$150.00. The horse may apply by December 31 of its two-year old year for \$450.00. After that date, a three-year or older foal may apply for a fee of \$1,000.00. Broodmares may apply for the broodmare registry by December 31 of the year prior to foaling for a fee of \$75.00. Broodmares applying under late application but prior to foaling must pay a fee of \$150.00. Broodmares applying under hardship applications must pay a fee of \$200.00 plus application fee. Stallions may apply for the stallion registry by February 1 of that breeding season with a fee of \$225.00. Stallions applying after February 1 and by June 30 of that breeding season must pay a fee of \$400.00. Further, the stallion must pay a yearly re-certification fee. If paid prior to February 1, the yearly re-certification fee is \$25.00; if paid between February 2 and June 30, the fee is \$50.00; and if paid between July 1 and December 1, the fee is \$250.00. If the yearly recertification fee is not paid on or before December 31, the stallion will lose its certification as an accredited Oklahoma-Bred stallion. The owner of a stallion may recertify the stallion as an accredited Oklahoma-Bred stallion by paying a hardship fee of \$500.00 prior to the stallion's foal(s) becoming a yearling or \$1,000.00 prior to the foal(s)' two-year-old year. If the stallion is not re-certified, the stallion loses its accreditation in the Oklahoma-Bred Stallion Registry, and the owner is ineligible for stallion awards for all foals resulting from that breeding season.

(b) The breeder or owner of an Oklahoma-Bred horse shall pay the fee required for applying in the following categories:

- (1) Stallion Application by February 1 of breeding year - \$225.00
- (2) Stallion Application after February 1 but before June 30 of the breeding year - \$400.00
- (3) Stallion Reaccreditation Application by February 1 of breeding year - \$225.00
- (4) Stallion Reaccreditation Application after February 1 but before June 30 of breeding year - \$400.00
- (5) Stallion Reaccreditation Hardship Application - \$200.00 plus the application fee
- (6) Yearly Recertification of Stallion in Registry by February 1 of breeding year - \$25.00
- (7) Yearly Recertification of Stallion in Registry between February 2 and June 30 of breeding year - \$50.00
- (8) Yearly Recertification of Stallion in Registry between July 1 and December 31 of breeding year - \$250.00.
- (9) Hardship Yearly Recertification of Stallion in Registry - \$500.00 prior to the Stallion's foal(s) becoming a yearling or \$1,000.00 prior to the foal(s) two-year old year.
- (10) Broodmare Application by December 31 of Year prior to foaling - \$75.00
- (11) Broodmare Application after December 31 and prior to foaling - \$150.00
- (12) Broodmare Reaccreditation Application by December 31 prior to foaling - \$75.00
- (13) Broodmare Reaccreditation Application after December 31 and prior to foaling - \$150.00
- (14) Broodmare Hardship Application - \$200.00 plus application fee
- (15) Foal Application in Year of Birth by December 31 - \$50.00
- (16) Foal Application in Yearling Year by December 31 - \$ 150.00
- (17) Foal Application in Two-Year-Old Year by December 31 - \$450.00
- (18) Foal Application in Three-Year-Old Year by December 31 - \$750.00
- (19) Foal Application after December 31 of Three-Year-Old Year - \$1,000
- (20) Transfer fee - \$25.00

(c) Paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) of (b) of this Section are registries for breeding purposes only. Paragraphs (15), (16), (17), (18), (19), and (20) of (b) of this Section are for racing purposes only.

(d) Proceeds from the fees listed above are to be distributed in the following manner:

- (1) 85% placed into the Oklahoma-Bred Fund for Thoroughbreds. Should the Legislature in the future authorize the Oklahoma Breeding Development Fund Special Account monies to be used for the care of retired and unwanted Oklahoma-Bred accredited horses, then 50% of such fees shall be placed in the Fund to be administered by the Commission for the care of retired and unwanted accredited Oklahoma-Bred Thoroughbred horses, and 35% placed in the Oklahoma-Bred Fund for Thoroughbreds, and
- (2) 15% to the Oklahoma Horse Racing Commission to:
 - (A) Assist in funding to oversee the Fund in (c) (2), to cover related costs to administering the Oklahoma-Bred Program for Thoroughbreds, and
 - (B) Improve and increase the number of inspections for compliance for Thoroughbred broodmares, stallions and foals to be eligible for the Oklahoma-Bred Program.

325:75-1-13. Change of horse ownership

(a) Upon transfer of ownership of an accredited Oklahoma-Bred Stallion, Broodmare, or Racing Stock which has not earned awards, it is the responsibility of the new owner to notify the Oklahoma-Bred Registering Agency of the change of ownership. The new owner shall submit a copy of the Certificate of Registration documenting transfer of ownership together with a completed Oklahoma-Bred Program Transfer Request Form accompanied by the required transfer fee.

(b) Upon the transfer of ownership of an accredited Oklahoma-Bred Racing Stock which has earned awards, the Oklahoma-Bred award monies shall be paid to the new owner as listed in the Stewards' official program. A transfer fee of Twenty-Five Dollars (\$25.00) shall be deducted from the award monies prior to distribution to the new owner.

325:75-1-13.1. Dual breed application categories and fees

The breeder or owner of a dual breed registered Oklahoma-Bred horse shall pay the fee required for accreditation in the following categories:

- (1) Stallion Application by February 1 of Breeding Year - \$150.00
- (2) Amended Stallion Application by February 1 of Breeding Year - \$100.00
- (3) Stallion Application after February 1 and by June 30 of the Breeding Year - \$300.00
- (4) Amended Stallion Application after February 1 and by June 30 of the Breeding Year - \$200.00
- (5) Stallion Reaccreditation Application by February 1 of Breeding Year - \$150.00
- (6) Stallion Reaccreditation Application after February 1 and by June 30 of the Breeding Year - \$300.00
- (7) Stallion Reaccreditation Hardship Application - \$200.00 plus application fee
- (8) Broodmare Application by December 31 of Year Prior to Foaling - \$60.00
- (9) Amended Broodmare Application by December 31 of Year Prior to Foaling - \$35.00
- (10) Broodmare Application after December 31 and Prior to Foaling - \$120.00
- (11) Amended Broodmare Application after December 31 and Prior to Foaling - \$70.00
- (12) Broodmare Hardship Application - \$200.00 plus application fee
- (13) Broodmare Reaccreditation Application by December 31 of Year Prior to Foaling - \$60.00
- (14) Broodmare Reaccreditation Application after December 31 and Prior to Foaling - \$120.00
- (15) Foal Application in Year of Birth by December 31 - \$40.00
- (16) Amended Foal Application in Year of Birth by December 31 - \$25.00
- (17) Yearling Application by June 1 of Yearling Year - \$80.00
- (18) Amended Yearling Application by June 1 of Yearling Year - \$50.00
- (19) Racing Stock Application after June 1 of Yearling Year through December 31 of Three-Year-Old Year - \$750.00
- (20) Amended Racing Stock Application after June 1 of Yearling Year through December 31 of Three-Year-Old Year - \$500.00
- (21) Racing Stock Application on or after January 1 of Four-Year-Old Year - \$1,500.00
- (22) Amended Racing Stock Application on or after January 1 of Four-Year-Old Year - \$1,000.00

325:75-1-14. Establishment of Oklahoma-Bred added money and award payments at race meetings

The Commission shall establish initial Oklahoma-Bred added money and award payment levels for eligible Oklahoma-Bred maiden, claiming and allowance races at Commission-licensed race meetings; and authorize increases or decreases in those levels as the Commission deems appropriate with respect to funds available in the Oklahoma Breeding Development Fund Special Account. The Commission may designate added money from the Oklahoma Breeding Development Fund Special Account for specific feature races open to eligible Oklahoma-Bred horses.

325:75-1-15. Distribution of funds for Oklahoma-Bred pari-mutuel races

(a) The distribution of monies from the Oklahoma Breeding Development Fund Special Account for any race meeting except as provided in (b) and (c) of this Section shall be as follows:

- (1) Fifty percent (50%) to purse supplements for owners of winning accredited Oklahoma-Bred horses in certain races, as established in 325:75-1-14;
- (2) Thirty-four percent (34%) to the Breeders of winning accredited Oklahoma-Bred horses for Broodmare Awards, except for an accredited Thoroughbred classified as Oklahoma foaled, will receive

one-half (½) of this designated award. The remaining or undistributed monies will be held in trust for Stallion Owners to be awarded in the following manner: At the conclusion of the calendar year, the top ten accredited Thoroughbred stallions will be determined and ranked by the amount of the Oklahoma-Bred money earned, and those stallions will receive a Stallion Bonus Award from the undistributed trust based on the stallion's percentage of earnings of the top ten accredited Thoroughbred stallions' total earnings.

(3) Sixteen percent (16%) to the owners of the sires of winning accredited Oklahoma-Bred horses for Stallion Awards.

(b) At any mixed breed race meeting, no less than ten percent (10%) of the Oklahoma Breeding Development Fund Special Account generated at said race meeting shall be available for distribution as authorized in (a) or (b) of this Section for stakes races and/or feature races as authorized by the Commission in 325:75-1-14 at the track where such funds were generated. Any distribution contemplated herein shall be made available on a pro rata basis using a per breed ratio based upon the number of races per breed specified in the current Organization License for the race track. The distribution of breakage and unclaimed ticket proceeds generated outside of race meetings and designated for use as purse supplements or awards at a race track each year shall be divided between race meetings and among participants in any Mixed Breed Race Meeting on the same basis, by using a per breed ratio based upon the number of races per breed specified in the race track's current Organization License Order.

(c) At any straight Thoroughbred race meeting, no less than ten percent (10%) of the Oklahoma Breeding Development Fund Special Account generated at said race meeting shall be made available for distribution as authorized in (c) of this Section for stakes races and/or feature races as authorized by the Commission in 325:75-1-14 at the track where such funds were generated.

(d) Excepting feature races as authorized by the Commission in 325:75-1-14, the official order-of-finish distribution amounts authorized in (a), (b), and (c) of this Section shall be as follows:

(1) Fifty percent (50%) total to the winning accredited Oklahoma-Bred horse and the accredited Oklahoma-Bred broodmare and sire of such horse, if any as prescribed in subsections (a), (b), and (c) of this section;

(2) Thirty percent (30%) total to the place accredited Oklahoma-Bred horse and the accredited Oklahoma-Bred broodmare and sire of such horse, if any as prescribed in subsections (a), (b), and (c) of this section; and

(3) Twenty percent (20%) total to the show accredited Oklahoma-Bred horse and the accredited Oklahoma-Bred broodmare and sire of such horse, if any as prescribed in subsections (a), (b), and (c) of this section.

(e) The official order of finish distribution amounts authorized by the Commission for feature races, if any, as established in 325:75-1-14, shall be determined by the Commission.

(f) As approved by the Commission, fifteen percent (15%) of the unclaimed ticket proceeds shall be available to the Commission for distribution for equine research.

325:75-1-16. Disposition of Unexpended Oklahoma-Bred Funds Generated at a Race Meeting

Breakage and unclaimed ticket revenue generated from wagering by an organization licensee shall be remitted to the Commission for deposit to the Oklahoma Breeding Development Fund Special Account [3A:208.3(A)]. Distribution of these funds is made by the Commission to owners of eligible Oklahoma-Bred horses which qualify through participation at race meetings held by the organization licensee generating the funds. In the event that the total amount of breakage and unclaimed ticket funds generated at a race meeting are not fully distributed to eligible Oklahoma-Bred participants during that race meeting, the unexpended amount(s)

(1) shall be carried over for eligible Oklahoma-Bred purse supplements and awards to the next subsequent race meeting conducted for that breed(s) by the same organization licensee; or

(2) upon request by the recognized representative organization for that breed(s), the remaining underpaid funds which were accrued for distribution from designated sources of Oklahoma Breeding Development revenue for that breed(s) and which were generated prior to and/or during a live race meeting but remained unexpended at the conclusion of such meeting, may be allotted by the Commission to the credit of the respective breed(s) participating in live race meeting(s) conducted at other Oklahoma licensed racetrack(s) during the same or immediately subsequent calendar year.

(3) In the event an organization licensee does not conduct such subsequent race meeting in the

succeeding calendar year for that breed(s) or the Commission does not re-license the organization licensee for the succeeding calendar year, the recognized representative for that breed(s) shall provide direction to the Commission for the use of any amounts which would have been carried over and the funds shall be allotted by the Commission to the credit of the respective breeds participating in the immediate subsequent calendar year race meeting to provide purse supplements and awards to eligible Oklahoma-Bred participants at levels established by the Commission. Nothing in this Section shall prohibit the Commission from authorizing funds derived from breakage and/or unclaimed ticket proceeds to be used for other purposes established by the Act.

325:75-1-16.1. Forfeiture of unclaimed awards

Any person entitled to monies from the Oklahoma Breeding Development Fund Special Account as a purse supplement, stake, reward, or award ("awards") will forfeit such monies if that person fails to comply with all requirements necessary for earning the awards. Further, any person will forfeit such monies if within one (1) year from the date of the race in which the award was earned that person does not submit the State voucher for payment or for replacement in the event of an expired voucher, or if that person fails to submit all documentation required by the Commission. In such event, forfeited monies will be made available for expenditure by the Commission for purposes established in the Act.

325:75-1-17. Oklahoma-Bred races to be written and offered

The Racing Secretary at each racetrack shall be required to write and offer no less than an average of two races each day for accredited Oklahoma-Bred horses.

325:75-1-18. Open company winners awards

Accredited Oklahoma-Bred horses which finish first, second, or third in open races at a pari-mutuel racetrack may be eligible to receive owner, breeder, and stallion awards authorized by the Commission. The Commission may designate the types of races, number of finishers to receive awards, and authorize increases or decreases in awards levels as the Commission deems appropriate with respect to funds available in the Oklahoma Breeding Development Fund Special Account.

325:75-1-19. Embryo transfer

For a resulting foal from an embryo transfer to be Eligible for Accreditation in the Oklahoma-Bred Program, the donor mare must be Accredited in the broodmare registry prior to foaling. If a donor mare is bred in Oklahoma, the Donor Mare may be shipped out of Oklahoma to have the embryo removed but must return to Oklahoma within 30 days to continue her Domicile, or if the Donor Mare is to be bred in subsequent cycles at an out-of-state location to obtain additional embryos, the broodmare must return to Oklahoma and resume her Domicile within thirty (30) days of her final breeding date for that year's breeding season. Nothing in this section would prohibit an Accredited broodmare that is serviced out-of-state [325:75-1- 3.1(2) (a)] from producing multiple embryos which are transferred to Recipient Mares during the period of time she is permitted to be out-of-state for breeding purposes. Before the resulting foal of an embryo transfer is eligible for Oklahoma Accreditation, the following requirements shall be met: Effective January 1, 2020; All Recipient Mares shall be permanently identified using methods listed on the "Recipient Mare Form" provided by the Commission. Recipient Mares shall be Domiciled in Oklahoma no less than 30 days prior to the due date indicated on said "Recipient Mare Form" and remain in Oklahoma until the foal is born. If a Recipient Mare is not Domiciled in Oklahoma at least 30 days prior to the due date listed on said form, or leaves Oklahoma before foaling, the resulting foal shall be ineligible for entry into the Oklahoma-Bred Program. The "Recipient Mare Form" must be completed by the Breeder and returned to the Commission by November 1st of the year prior to foaling. "Recipient Mare Form" may be completed and returned to the Commission after the aforementioned date but prior to the Recipient Mare foaling and shall include payment of the late fee contained therein. Any Breeder, whose "Recipient Mare Form" is on file with the Commission shall be responsible to notify the Commission in writing, within thirty (30) calendar days, of any changes in Domicile location or ownership. In addition, any new Owners of said Recipient Mares, if any, shall notify the Commission in writing, within thirty (30) calendar days, regarding the Domicile location of the Recipient Mare. In the event there is a transfer in ownership of a foal in utero, the new Owner shall be responsible to notify the Commission in writing, within thirty (30) calendar days, regarding the Domicile location of the Recipient Mare carrying the foal in utero. Failure to comply with these

requirements will result in foals being ineligible for entry into the Oklahoma-Bred Program.

325:75-1-20. Embryo transplant grandfather clause [REVOKED]

325:75-1-21. Expenditure of Oklahoma Breeding Development Fund Special Account Monies for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock

The use of monies from the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock shall be subject to the following procedures and requirements:

- (1) To be eligible to receive monies from the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock, a non-profit entity must:
 - (A) Be exempt from taxation under the United States Internal Revenue Code, 26 U.S.C. § 501(c),
 - (B) The official horsemen's representative organization for a participating breed must request that the non-profit entity receive monies from the Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock, and
 - (C) The non-profit must have a program developed for the care of retired and/or unwanted horses which meets the program requirements specified in this Rule.
- (2) Two general types of care programs may receive funding for the purpose of caring for retired or unwanted Oklahoma-Bred racing stock:
 - (A) Adoption Programs under which Oklahoma-Bred race horses are rehabilitated and/or rehabilitated and retrained for other uses, such as, but not limited to, polo, dressage, hunter/jumper, and pleasure riding. The purpose and goal of such programs is the adoption of the horse by third parties after rehabilitated and/or retraining; and
 - (i) A horse participating in the "Adoption Program" must be stalled alone or have access to a pen with a constructed shelter to accommodate all horses in said pen.
 - (ii) The Adoption Program shall not include horses that are currently being "let down" will fall under the Pension Program funding until they are actively participating in the Adoption Program. In the event a horse is injured while in the Adoption Program and requires more than two consecutive weeks off, said horse shall only be eligible to receive Pension Program funding until it can return to training. Horses deemed eligible to receive funding for the Adoption Program can only receive said funding for a maximum of twelve (12) months.
 - (B) Pension Programs, for the care and "pasturing" of retired or unwanted race horses who, because of their health or condition, are incapable of being rehabilitated/retrained and adopted.
 - (C) Care programs may be operated by the eligible non-profit entity itself and/or through the use of subcontractors.
- (3) Whether conducted by an eligible non-profit entity itself or through the use of subcontractors, to be eligible, a care program must comply with the following requirements:
 - (A) The program must enable horses to have access to clean, palatable, safe water and be able to drink their fill at least twice a day;
 - (B) The program must be designed to maintain all horses in a healthy body condition, including regularly scheduled de-worming and vaccination programs;
 - (C) The program shall permit horses to have free access to natural or constructed shelter that is well-ventilated with adequate space and free of hazards and provides adequate fencing to ensure the horses' safety;
 - (D) The program should ensure that horses are free of significant health problems or should be receiving appropriate health care to prevent unnecessary discomfort and promote prompt return to well-being;
 - (E) The program must ensure that horses receive adequate hoof care to allow horses to have normal movement;
 - (F) The program shall maintain adequate dental care to allow a horse to chew and digest the provided feed.
 - (G) The non-profit entity and subcontractor participating in the program must agree to and allow random, unannounced inspections of their care operations and facilities by the OHRC or its

representative;

(H) Non-profit entities and subcontractors participating in the program must agree to and actually file monthly reports with the Commission on a form provided by the Commission. The reports will include, but are not limited to, an indication of the total number of horses being cared for at the facility during the month, the number of eligible Oklahoma-Bred horses being cared for, and horse mortality rate during the month and the number of adoptions during the month, and

(I) No horse in the non-profit entity's program shall be sent to slaughter.

(4) To be eligible to participate in the program, racing stock must meet the following requirements:

(A) The horse must be registered with a participating breed, named and tattooed;

(B) The horse must be registered in the Oklahoma-Bred Program;

(C) The horse must have raced at an Oklahoma Horse Racing Commission (OHRC) licensed racetrack within twelve (12) months of submitting an application for funding or had at least three (3) official workouts at an OHRC licensed racetrack within twelve (12) months of submitting an application for funding;

(D) Ownership of the horse and its registration papers must be turned over to and become the property of the non-profit entity or its designated subcontractor;

(E) The horse shall never be raced again, and

(F) Horses of an owner who has not placed a retired or unwanted horse in an Adoption Program or Pension Program receiving funding authorized in accordance with this Rule will have priority over horses seeking to be placed in such an Adoption or Pension Program whose owners have already placed two (2) or more horses in such an Adoption Program or Pension Program.

(5) The following procedures will be used by the Commission in awarding monies from the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock:

(A) No non-profit entity will be eligible to receive monies from the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired and unwanted Oklahoma-Bred racing stock during any calendar year unless the official horsemen's representative organization for a participating breed requests that the entity receive such from the Special Account during the calendar year. Requests by the official horsemen's representative organization must be made on an annual basis and no matter when made will only make the non-profit entity eligible during the calendar year in question, assuming all other requirements are met by the non-profit entity.

(B) The Commission's Executive Director shall determine whether a non-profit entity and its program are eligible to receive funding for the purpose of caring for retired and unwanted horses. Further, the Executive Director shall determine the amount of funds that each eligible and participating entity shall receive, based upon the number of eligible Oklahoma-Bred horses being cared for or to be cared for by the non-profit entity and how much funding is available, using the following funding parameters:

(i) No more than fifty percent (50%) of funds made available in the Oklahoma Breeding Development Fund Special Account for the purpose of caring for retired or unwanted Oklahoma-Bred racing stock can be used to care for pensioned horses, horses that because of their health or condition are not being rehabilitated and/or retrained for adoption;

(ii) Funding for horses in an Adoption Program, between \$200-\$250 per month, per horse, or an amount within a range established annually by the Commission's Executive Director;

(iii) Funding for horses in a Pension Program, between \$150-\$200 per month, per horse, or an amount within a range established annually by the Commission's Executive Director.

(C) Of the funding made available to a non-profit entity for the purpose of providing care to retired and unwanted horses, the non-profit entity may use up to fifteen percent (15%) of those funds for administrative expenses, which are any expenses not related to directly providing of care to horses in the program.

(D) Before a non-profit entity can receive funding for the care of a horse, whether in an Adoption

Program or Pension Program, the horse's eligibility to participate in the program must be established in the following manner: The non-profit entity shall file with the Commission's Oklahoma-Bred Registry Department: (1) an ownership transfer application which transfers ownership of the horse to the non-profit entity or a subcontractor designated by the non-profit entity, together with (2) the horse's original registration papers to be held by the OHRC until the horse is adopted or purchased, (3) documentation showing the horse's last race and/or last workout, and (4) a request that the horse be qualified as retired or unwanted racing stock within its care for the purpose of receiving Oklahoma Breeding Development Fund Special Account monies.

(E) In addition to transferring the ownership based upon the application filed, the Registering Department will also notify both the Commission's Executive Director and the non-profit entity making the application whether the horse is an Oklahoma-Bred racing stock horse and whether the horse is eligible under this Rule.

(F) A non-profit entity must notify the Commission's Executive Director within forty eight (48) hours of a participating horse leaving their care for reason, including death, sale or adoption.

APPENDIX A. PETITION FOR APPEAL [NEW]

IN AND BEFORE THE OKLAHOMA HORSE RACING COMMISSION

_____)	
_____ / Appellant)	
v.)	Stewards' Order No. _____
_____)	
_____ / Appellee)	

PETITION FOR APPEAL

A. HISTORY OF STEWARDS' HEARING

Stewards' Order No. _____
Date of Order _____

STYLE OF THE PROCEEDING: _____

B. DISPOSITION IN STEWARDS' HEARING

NATURE OF ORDER TO BE REVIEWED: _____

Attach and mark as an Exhibit a copy of the Stewards' Order from which this appeal is taken.

C. APPELLANT SUMMARY OF STEWARDS' HEARING

Attach and mark as an Exhibit (not to exceed two 8-1/2" x 11" double-spaced pages).

D. ISSUES AND ERRORS PROPOSED TO BE RAISED ON APPEAL

Attach and mark as an Exhibit (number and state with specificity each point urged as error or new evidence). Allegations of error or new evidence general in nature (conclusionary) or "shotgun" (all encompassing) will not suffice.

E. ANY RELATED ACTIONS (REQUEST FOR STAYS, RELATED APPEALS, ETC.)

YES _____ NO _____

If yes, explain: _____

F. NAME OF APPELLANT

NAME: _____

ADDRESS: _____

TELEPHONE: () ()
Area Code Home Area Code Work

Date

Signature

G. NAME OF COUNSEL FOR APPELLANT (IF APPLICABLE)

NAME: _____

ADDRESS: _____

TELEPHONE: () ()
Area Code Home Area Code Work

Date

Signature

