

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 4.00: RULES OF HORSE RACING

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205 CMR: MASSACHUSETTS GAMING COMMISSION

4.01: Foreword

The Massachusetts Gaming Commission, hereinafter called the Commission, was created by an act of the Legislature of the Commonwealth of Massachusetts in the year 2011. M.G.L. c. 23K as inserted by St. 2011, c. 194, § 16 and amendments states that the Commission shall have full power to prescribe rules, regulations and conditions under which all horse races or horse racing meetings shall be conducted in the Commonwealth.

205 CMR 4.00, applies to all persons or individuals, associations or corporations, which shall hold or conduct any running horse racing meeting within the Commonwealth of Massachusetts licensed by the Commission, where horse racing shall be permitted for any stake, purse or reward and the definitions here given are to be considered in connection with 205 CMR 4.00 and as a part of it.

All licensees and participants are charged with knowledge of 205 CMR 4.00. No licensee or other persons shall engage in his or her occupation at any Massachusetts running horseracing track without first reading 205 CMR 4.00.

Should any question arise as to the meaning of any rule or regulation, the Commission or its representatives will be available to provide an explanation.

Every license to hold a meeting is granted upon the condition that the licensee shall accept, observe and enforce 205 CMR 4.00. Furthermore; it shall be the duty of each and every officer, director and every official and employee of said licensee to observe and enforce 205 CMR 4.00.

Any and all of 205 CMR 4.00 may be amended, altered, repealed or supplemented by new and additional rules.

The Commission may make exceptions or waive any rule or rules in individual instances as in its judgment it may deem proper.

The Commission may rescind, modify or increase any penalty or decision on infraction of the rules imposed or made by the racing officials.

The laws of the Commonwealth of Massachusetts and 205 CMR 4.00 supersede the conditions of a race, or the regulations of race meeting.

205 CMR 4.00 is supplemented by the State Administrative Procedure Law found in M.G.L. c. 30A. M.G.L. c. 30A provides the procedures that must be followed by all state agencies on such matters as the amending process and the adjudicatory procedure. Under M.G.L. c. 30A any interested party has the right to attend all hearings conducted by the Commission for the purpose of the adoption or amendment of any rule or regulation. The Commission shall afford any interested person an opportunity to present data, views or arguments in regard to any proposed rule change. Upon written notice to the Commission, a person may request the adoption, amendment or repeal of any regulation with an opportunity to present data, views or arguments in support of such request.

If a dispute should arise concerning a ruling by a steward or other racing official, any party affected by such ruling has a right to an appeal to the Commission in accordance with the provisions of 205 CMR 101.02

The rules on pari-mutuel wagering are located in an entirely separate rulebook entitled *205 CMR 6.00 Pari-mutuel Rules for Horse Racing, Harness Horse Racing and Greyhound Racing*.

4.02: Definitions

The following definitions and interpretations shall apply in 205 CMR 4.00 unless the text otherwise requires:

Act is the enabling legislation permitting pari-mutuel horse racing in this jurisdiction.

4.02: continued

Added Money is the amount added into a stakes by the Association, 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.

Administer or Administration is the introduction of a substance into the body of a horse.

Age of a horse foaled in North America shall be reckoned from the first day of January of the year of foaling.

Allowance Race is an overnight race for which eligibility and weight to be carried is determined according to specified conditions that include age, sex, earnings and number of wins.

Also Eligible pertains to:

- (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 prior to the scratch time deadline;
- (b) The next preferred non-qualifier for the finals or consolation from a set of elimination trials which will become eligible in the event a finalist is scratched by the stewards for a rule violation or is otherwise eligible if written race conditions permit.

Appeal is a request for the Commission or its designee to investigate, consider and review any decision or rulings of stewards of a meeting.

Arrears are all monies owed by a licensee, including subscriptions, jockey fees, forfeitures and any default incident to 205 CMR 4.00.

Associated Person is the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person would give the appearance that such other person or entity would care for or train a racing animal or perform veterinarian service on a racing animal for the benefit, credit, reputation, or satisfaction of the inactive person.

Association any person or persons, associations, or corporations licensed by the Commission to conduct horse racing within the Commonwealth of Massachusetts for any stake, purse or reward.

Association Grounds is all real property utilized by the Association in the conduct of its race meeting, including the racetrack, grandstand, concession stands, offices, barns, stable area, employee housing facilities and parking lots.

Authorized Agent is a person licensed by the Commission and appointed by a written instrument, signed and acknowledged before a notary public by the owner in whose behalf the agent will act.

Beneficial Interest is profit, benefit or advantage resulting from a contract or the ownership of an estate as distinct from the legal ownership or control. When considered as designation or character of an estate, is such an interest as a devisee, legatee or done taken solely for his own use or benefit and not as holder of title for use and benefit of another.

Betting Interest is one or more horses in a pari-mutuel contest, which are identified by a single program number for wagering purposes.

Bleeder means a horse which has demonstrated external evidence of exercise induced pulmonary hemorrhage.

Bleeder List is a tabulation of all bleeders to be maintained by the Commission.

Breeder is the owner of the horse's dam at the time of foaling.

Calendar Day is 24 hours ending at midnight.

4.02: continued

Cheek Piece is two strips of sheepskin or any other similar material that is attached to the cheek pieces of the bridle.

Claiming Race is a race in which any horse starting may be claimed (purchased for a designated amount) in conformance with the rules.

Commission is the regulatory agency with the authority to regulate racing.

Conditions are qualifications that determine a horse's eligibility to be entered in a race.

Contest is a competitive racing event on which pari-mutuel wagering is conducted.

Contestant is an individual horse participating in a contest.

Controlled Therapeutic Medication is any medication approved by the Association of Racing Commissioners International for which the regulatory analyte concentration in the sample(s) may not exceed specified regulatory limits in 205 CMR 4.00.

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

Day is a 24-hour period beginning at 12:01 A.M. and ending at 12:00 P.M. midnight.

Dead Heat is the finish of a race in which the noses of two or more horses reach the finish line at the same time.

Declaration is the act of withdrawing an entered horse from a race prior to the closing of entries.

Draw means the process of assigning post positions and the process of selecting contestants in a manner to ensure compliance with 205 CMR 4.00.

Ejected shall mean the removal from the grounds of an Association and shall apply to both patrons at racing meetings and participants in racing.

Entry is:

- (a) a horse made eligible to run in a race;
- (b) two or more horses, entered in the same race, which have common ties of ownership, lease or training.

Equipment as applied to a horse, shall include riding crops, spurs, blinkers, tongue straps, muzzles, hoods, nose-bands, bits, shadow rolls, martingales, breast plates, bandages, boots, plates, and cheek pieces.

Exhibition Race is a race on which no wagering is permitted.

Financial Interest is an interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a horse or business entity; or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have a financial interest.

Flat Race is a race in which horses mounted by jockeys run over a course on which no jumps or other obstacles are placed.

Forfeit is money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the Stewards or the Commission.

Furosemide List means a tabulation of all horses eligible to participate in a race with furosemide in their system.

4.02: continued

General Partner shall mean the person or persons having full, exclusive and complete control and discretion of the management of the affairs of a Limited Partnership.

Guest Association is an association which offers licensed pari-mutuel wagering on contests conducted by another association (the host) in either the same state or another jurisdiction.

Handicap is 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.

Horse is any equine (including and designated as a mare, filly, stallion, colt, ridgeling or gelding) registered for racing; specifically, an intact male five years of age or older.

Host Association is the association conducting a licensed pari-mutuel meeting from which authorized contests or entire performances are simulcast.

Inactive Person is any person whose license has been suspended for more than 30 days; whose license has expired or been revoked; or whose license application has been denied.

Inquiry is an investigation by the Stewards of potential interference in a contest prior to declaring the result of said contest official.

Jockey is a professional rider licensed to ride in races.

Law or Laws shall mean M.G.L. c. 128A: *Horse and Dog Racing Meetings*.

Licensee is any person or entity holding a license from the Commission to engage in racing or a regulated activity.

Limited Partnership shall mean any person holding an interest in a horse, who is not a general partner.

Maiden is a horse that has never won an official or recognized race as defined in breed registry rules.

Maiden Race is a contest restricted to non-winners.

Match Race is a race between two horses under conditions agreed to by their owners.

Measurement Uncertainty is a parameter associated with the results of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the measurement.

Medication is any substance or metabolite capable of exerting a pharmacological effect on the horse's system with an accepted use in the diagnosis, cure, treatment or prevention of a veterinary medical condition.

Meeting is the specified period and dates each year during which an association is authorized to conduct racing by approval of the Commission.

Month is a calendar month.

Multiple Ownership shall mean any ownership of a horse by more than one individual.

Mutuel Field is two or more contestants in a contest that are 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 is the naming of a horse to a certain race or series of races generally accompanied by payment of a prescribed fee.

4.02: continued

Nominator is the person or entity in whose name a horse is nominated for a race or series of races.

Objection is:

- (a) a written complaint made to the Stewards concerning a horse entered in a race and filed not later than one hour prior to the scheduled post time of the first race on the day in which the questioned horse is entered; or
- (b) a verbal claim of foul in a race lodged by the horse's jockey, trainer, owner or the owner's authorized agent before the race is declared official.

Official Order of Finish is the order of finish of the horses in a contest as declared official by the Stewards.

Official Running Time is the elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

Official Starter is the official responsible for dispatching the horses for a race.

Off Time is the moment at which, on the signal of the official starter, the doors of the starting gate are opened, officially dispatching the horses in each contest.

Optional Claiming Race in the case of horses entered to be claimed in a race, the race shall be considered, for the purpose of 205 CMR 4.00, a claiming race. In the case of horses not entered to be claimed, the race shall be considered an allowance race.

Overnight Race is a contest for which entries close at a time set by the racing secretary; also known as "Purse Race."

Owner is a person who holds any title, right or interest, whole or partial in a horse, including the lessee and lessor of a horse.

Paddock is an enclosure in which horses scheduled to compete in a contest are saddled prior to racing.

Pari-mutuel System is a manual, electro-mechanical, or computerized system and all software (including the totalisator, account betting system and off-site betting equipment) that is used to record bets and transmit wagering data.

Patron is a member of the public present on the grounds of a pari-mutuel association during a meeting.

Performance is a schedule of contests conducted on the same day as authorized by the Commission.

Permit is an authorization by the Commission to an association to conduct horse racing with pari-mutuel wagering at a specified location.

Person is any individual, partnership, corporation or other association or entity.

Place in racing shall mean first, second, third, or fourth, and in that order is called "Win," "Place," "Show" and "Fourth".

Post Position is the pre-assigned position from which a horse will leave the starting gate.

Post Time is the scheduled time for horses to arrive at the starting gate for a contest.

Prima Facie Evidence is evidence that, until other evidence overcomes its effect, will suffice as proof of fact in issue.

Produce Race is one in which the produce of horses named or described at the time of entry are the contestants.

4.02: continued

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

Protest is a written objection charging that a horse is ineligible to race, alleging improper entry procedures, or citing an act or an owner, trainer, jockey or official prohibited by rules, which, if true, shall exclude that horse/jockey from racing.

Purse is the total cash amount for which a race is contested.

Race is a contest between horses at a licensed meeting.

Race Day means any period of 24 hours beginning at midnight and included in the period of a race meeting -- and in a matter of penalties the word "day" means a "calendar day."

Restricted Area is an enclosed portion of the association grounds to which access is limited to licensees whose occupation or participation requires access and members of the Commission and its staff.

Result is that part of the official order of finish used to determine the pari-mutuel payoff of pools for each individual contest.

Ruled Off shall mean the act of debarring from the grounds of an Association and denying all racing privileges.

Scratch is the act of withdrawing an entered horse from a contest after closing of entries.

Scratch Time is the deadline set by the association for withdrawal of entries from a scheduled performance.

Simulcast is the live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

Stable Name is a name used other than the actual legal name of an owner or lessee and registered with the Commission.

Stakes Race is a contest in which nominations, entry and/or starting fees contribute to the purse. No overnight race shall be considered a stakes race. Special designations or classifications for stakes races such as "Graded Stakes" or "Black Type" shall be determined by the appropriate breed registries or recognized authorities.

Starter is a horse that becomes an actual contestant in a race by virtue of the starting gate opening in front of it upon dispatch by the official starter.

Steeplechase Race is a contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

Steward is a duly appointed racing official with powers and duties specified by rules.

Subscription shall mean the act of nomination to a stake race.

Substantial Evidence is a 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.

Suspended shall mean that any privilege granted to a licensee of the Commission by the officials of a racing meeting or by the Commission has been withdrawn.

4.02: continued

Traction Device is any modification or isolated device that extends below the ground bearing plane of the horseshoe (*e.g.*, traction nails, toe grabs, turndowns, blocked heels, jar calks, stickers and Memphis bars) or restricts the natural forward slide of the hoof upon impact.

Trial Race is part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest.

Walkover is a race in which only one horse starts or in which all the starters are owned by the same interest. To claim the purse the horse(s) must start and go the distance of the race.

Week is a calendar week and/or any seven consecutive days.

Weigh In is the presentation of a jockey to the clerk of scales for weighing after a race.

Weigh Out is the presentation of a jockey to the clerk of scales for weighing prior to a race.

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

Winner is the horse whose nose reaches the finish line first or is placed first through disqualification by the stewards.

Year is a calendar year.

4.03: Appeal to the Commission

A final appeal in the case of any person penalized or disciplined by the racing officials of a meeting licensed by the Commission, may be taken to the Commission consistent with the provisions of 205 CMR 101.02.

4.04: Stable Names, Registration Fees, Restrictions, etc.

- (1) Each Stable name must be duly registered with the Commission.
- (2) In applying to race under a stable name the applicant must disclose the identity or identities behind a stable name. If a partnership is involved in the identity behind a stable name, 205 CMR 4.26 must be complied with and the usual fees paid therefor in addition to the fees for the registration of a stable name.
- (3) If a corporation is involved in the identity behind a stable name, 205 CMR 4.09 must be complied with.
- (4) Changes in identities must be reported immediately to, and approval obtained from, the Commission.

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4.04: continued

- (5) A person cannot register more than one stable name at the same time nor can he or she use his or her real name for racing purposes, so long as he or she has a registered one.
- (6) Any person who has registered under a stable name may, at any time, cancel it after he or she has given written notice to the Commission.
- (7) A stable name may be changed at any time by registering a new stable name and by paying the fee required in 205 CMR 4.04(2).
- (8) A person cannot register as his or her stable name one which has been registered by any other person with any association conducting a recognized meeting.
- (9) A person may not register as his or her stable name one which is the real name of any owner of race horses nor one which is the real or assumed name of any prominent person not owning race horses.
- (10) A stable name shall be plainly distinguishable from that of another duly registered stable name.
- (11) No stable name shall be used, if in the judgment of the Stewards, it is being used for advertising purposes.
- (12) A corporate name shall be considered a stable name for the purpose of 205 CMR 4.00, but the Commission reserves the right to refuse any corporation the privilege of registering a stable name.
- (13) A trainer, who is a licensed owner or part owner, may use a stable name as owner or part owner. However, no trainer may be licensed as a trainer other than in his or her legal name.

4.05: Authorized Agent-licenses, Filing Instrument, etc.

- (1) Each authorized agent must obtain a license from the Commission.
- (2) Application for a license must be filed for each owner represented.
- (3) If a written instrument signed by the owner accompanies the application it shall clearly set forth among the delegated powers whether or not said agent is empowered to collect money from the Association.
- (4) If the written instrument is a power of attorney, it shall be filed permanently with the racing secretary. If, however, the powers are properly delegated by the owner on the application form for a license then said application shall be in duplicate with both copies signed and sworn to before a Notary Public and one copy filed permanently with the racing secretary.
- (5) An Authorized Agent may appoint a sub-agent only when specifically authorized so to do by the above said written instrument and, to be effective, notice of such appointment must be given immediately in writing to the Commission.
- (6) Any changes must be in writing and filed as provided.
- (7) If an agent represents more than one owner a separate written instrument shall be filed for each owner and the fee paid in each case.
- (8) The term of the license shall be the calendar year unless the owner revokes the agent's appointment or the Commission revokes the license.
- (9) Owner's revocations must be filed in writing with the Commission and with the racing secretary.

4.06: Claiming

- (1) In claiming races any horse is subject to claim for its entered price by any owner registered in good faith for racing at the meeting or by his or her authorized agent. Said claim is for the account only of the owner making the claim or for whom the claim was made by the agent provided. No person shall claim his or her own horse or cause his or her horse to be claimed directly or indirectly for his or her own account.
- (2) No one may claim more than one horse out of any one race.
- (3) No authorized agent, although representing several owners shall submit more than one claim for any one race.
- (4) When a stable consists of horses owned by more than one person, trained by the same trainer, not more than one claim may be entered on behalf of such stable in any one race.
- (5) If a horse is claimed, it shall not start in a claiming race for a period of 30 days from the date of claim for less than the amount for which it was claimed. A claimed horse shall not race elsewhere until after the close of the meeting at which it was claimed or until 60 calendar days the day after the claim, whichever comes first.
- (6) The adoption by any state of any rule limiting the amount at which a horse may be entered in a claiming race shall not be deemed inconsistent with the foregoing rule.
- (7) When a horse is claimed at a recognized meeting under rules that are at variance with 205 CMR 4.06, title to such horse shall be recognized in Massachusetts to follow the rule of the meeting under which it was claimed.
- (8) Not more than two horses of the same ownership or interest shall be entered in a claiming race and both may start except that two horses coupled by common ownership shall not start if it deprives an uncoupled horse of starting.
- (9) If a horse is claimed it shall not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from the date of claim (the day of the claim and the 30th day from the day of the claim shall not be counted), nor shall it, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period.
- (10) The claiming price of each horse in a claiming race shall be printed on the program, and all claims for said horse shall be for the amount so designated. Should more than one claim be filed for the same horse, the disposition of the horse shall be determined by lot under direction and supervision of one or more of the Stewards.
- (11) All claims must be made in writing, on forms and in envelopes furnished by the Association and approved by the Commission. Both forms and envelopes must be filled out completely and must be sufficiently accurate to identify the claim; otherwise the claim will be void.
- (12) Each person desiring to make a claim must first deposit with the Association's horsemen's bookkeeper the whole amount of the claim in cash plus any amount that may be required by Federal, State or Local law as a tax, for which a receipt will be given unless at the time of depositing said claim he or she shall have such amount to his credit with the Association.
- (13) All claims shall be sealed and deposited in a locked box provided for this purpose. No money shall accompany the claim.
- (14) When a claim has been filed it is irrevocable and at the risk of the claimant.
- (15) The money deposited for any claimed horse shall be held by the racing secretary until the registration certificate on the claimed horse is surrendered, though the claimed horse may go on and race for the new owner or owners, regardless.

4.06: continued

(16) All claims shall be deposited in the claiming box at least ten minutes before the established post time of each race; shall be certified by an approved time stamp and the claim box shall be opened only in the presence of the Stewards or their deputy.

(17) No official or other employee of an Association shall give any information as to the filing of claims until after the race has been run.

(18) The Stewards or their deputy shall pass upon all claims.

(19) A horse claimed shall not be delivered by the original owner to the successful claimant until authorization shall be given by the clerk of the Course, and every horse so claimed shall run in the interest and for the account of the owner who entered it in the race, but title to the claimed horse shall be vested in the successful claimant from time said horse becomes a starter and said claimant shall become the owner of the horse, whether it be alive or dead, sound or unsound or injured during the race or after it.

(20) The Stewards may, at any time, at their discretion, require any person making a claim for a horse in any claiming race, to make affidavit in writing that he or she is claiming said horse for his or her own account or as authorized agent and not for any other person. Any person making such affidavit willfully and falsely shall be subject to punishment in the same manner as is provided for the punishment of other persons' violation of any of the terms of 205 CMR 4.06.

(21) No person shall refuse to deliver to the person legally entitled thereto a horse claimed out of a claiming race, and furthermore, the horse in question shall be disqualified until delivery is made.

(22) No person shall offer, or enter into an agreement, to claim or not to claim, or attempt to prevent another person from claiming, any horse in a claiming race; nor shall any person attempt by intimidation to prevent any one from running a horse in any race for which it is entered nor shall any owner or trainer running horses in any claiming race make any agreement for the protection of each other's horses.

(23) No person or persons shall enter, or allow to be entered, in a claiming race, a horse against which any claim is held, either as a mortgage, bill of sale, or lien of any kind, unless when or before entering the horse the written consent of the holder of the claim shall be filed with the Clerk of the Course of the Association conducting said race.

(24) Notwithstanding any designation of sex appearing on the racing program or in any racing publication, the claimant of a horse shall be solely responsible for determining the sex of the horse claimed.

(25) When a horse is claimed out of a claiming race, the horse's engagements are included.

(26) Any person or persons claiming ownership in a horse after such horse has run in a claiming race in the name of another person having peaceful and undisputed possession of that horse shall be ruled off.

(27) The claiming rules set forth in 205 CMR 4.06(1) through (26) shall apply to all races under the jurisdiction of the Commission, including steeplechases, which are run under claiming conditions; provided, however that in any such steeplechase no horse shall be subject to claim except by the owners of other horses running in such race, or their authorized agent, but for the account of the person making the claim.

4.06: continued

(28) Any person violating any of the provisions of 205 CMR 4.06 shall be subject to punishment by the Stewards who may, in their discretion, punish the person so offending by forfeiture or suspension or ruling off, or by denying the privilege of the course. The Stewards shall, in every case, report their action to the Commission which may exclude such person either temporarily or permanently from all race meetings under its jurisdiction.

(29) The Stewards shall issue a claiming authorization to any person who makes an application on forms prescribed for that purpose and who meets the following three requirements:

(a) Meets all the requirements for the issuance of an owner's license, except that the applicant need not own a horse or have any previous experience in racing.

(b) Has an agreement with a licensed trainer to train any horse claimed pursuant to the claiming authorization. The holder of a claiming authorization and the trainer shall promptly notify the Stewards in writing if such agreement is terminated before a horse is successfully claimed.

(c) Has on deposit with the horsemen's bookkeeper the amount of the claim plus any amount that may be required by Federal, State, or Local law as a tax.

(30) The claiming authorization shall be valid only at the track that the authorization is granted for the calendar year in which it is issued, or until such time as the holder of the claiming authorization becomes a horse owner either through use of the claiming authorization or through private purchase. If the authorization card does not accompany the claim blank when filed it shall be voided.

(31) The same fee charged for an Owner's license shall be payable to the Commission by the applicant prior to the issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the stable area, grandstand, or clubhouse at prices less than those charged the general public.

(32) An application for claiming authorization may be denied or revoked, for any reason that would justify denial, suspension, or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended or revoked.

(33) When an Owner ships a horse in for racing purposes from another jurisdiction and does not have any other horses stabled on the grounds and said horse is claimed, the Owner so affected may obtain a certificate from Stewards of the meeting, and on presentation of the certificate, the Owner shall be entitled to claim during the next 30 days or until such time as he or she has claimed a horse.

4.07: Clerk of the Scales, Duties, etc.

(1) The clerk of the scales shall weigh all jockeys out and in.

(2) The clerk of the scales shall record and publish on the notice board any overweight or any change of jockey, weight or racing colors, as compared with those stated on the official program and shall promptly supply all proper racing officials with all pertinent changes.

(3) The clerk of the scales shall promptly report to the Stewards any infraction of 205 CMR 4.00 with respect to weight, weighing, or riding equipment.

(4) The clerk of the scales shall report to the racing secretary after the close of each day's racing, the weights carried by each horse in each race, together with the name of each horse's jockey and the overweight carried by any jockey. He or she shall also report the post time and running time in each race and other data that may from time to time be required.

4.07: continued

(5) No horse shall carry more than two pounds overweight without consent of its owner or representative; nor shall a horse carry more than seven pounds overweight in any race. If the overweight is more than ½ pound in excess of the weight the horse is to carry, the jockey shall declare the amount of overweight to the clerk of the scales at least 45 minutes before the time appointed for the first race of the day and the clerk shall have the overweight posted on the notice board and announced over the public address system. Failure on the part of any jockey to comply with 205 CMR 4.07(5) shall be reported to the Stewards.

(6) A horse shall not become a starter in a sweepstakes unless it has been announced as such to the clerk of the scales not less than 45 minutes before the time appointed for the race.

4.08: Colors, Registration Fees, etc.

(1) Colors registered for life with any State Gaming or Racing Commission or with the Jockey Club of New York shall be respected in Massachusetts and only the registrant shall be permitted to use them.

(2) No person shall start a horse in racing colors other than those registered in his or her own or stable name, but a temporary change from the recorded racing colors may be approved by the Stewards.

(3) The Stewards shall decide any dispute between claimants to the right of particular racing colors.

(4) The Commission will not permit the use of colors that in their opinion are not neat and clean and proper in all other respects.

4.09: Corporations

(1) Corporations racing horses in Massachusetts shall furnish the following information:

(a) The corporation shall furnish to the Stewards and the Commission a statement giving the names of all persons connected with the corporation including officers, directors and stockholders.

(b) The corporation shall furnish to the Stewards and the Commission a certificate stating that no person or persons connected with the corporation (officer, director or stockholder) have any beneficial interest in any horse or horses running in their name or the name of any other person or persons racing at the same track where the corporation-owned horse or horses are running.

(c) The corporation shall designate to the Stewards and the Commission the name of one individual, preferably an officer, (not the trainer) who shall act as Agent for the corporation.

(2) All licensed persons listed in the corporation shall be liable for entry fees and penalties against horses raced by the corporation.

(3) In the event that one of the persons listed in the corporation is suspended all horses owned by the corporation may be suspended at the discretion of the Stewards and or Commission.

(4) Each of the persons holding a beneficial interest in the corporation shall be in good standing in racing.

(5) The agent designated to act for the Corporation, and any person holding a beneficial interest of 20% or more in the Corporation shall be licensed as owners. Any person whose beneficial interest in the Corporation is less than 20% shall not be licensed as an owner unless they establish a *bona fide* need for the license and the issuance of the license shall be approved by the stewards. If a husband and wife are listed in the Corporation and their total beneficial interest in the Corporation represents 20% or more of the Corporation they shall both be licensed as owners.

4.09: continued

(6) All the stockholders or members of a corporation which leases horses for racing purposes in the Commonwealth of Massachusetts and also all such corporations shall make and file with the Commission as and when requested by it, a report or reports containing such information as the Commission may specify; and upon refusal or failure to file such report or reports the Commission may refuse a license to any lessee or lessees of such corporation or may revoke any such license which it may have granted.

4.10: Corrupt Practices

(1) No person shall influence, induce or conspire or connive with or attempt so to do, any owner, trainer, jockey, agent, driver, groom or other person associated with or interested in or having charge of or access to any horse entered or to be entered in a race for the purpose of fraudulently affecting the ultimate result of such race.

(2) No person shall willfully enter, or cause to be entered, or start a horse that he or she knows or believes to be ineligible or disqualified.

(3) No person shall offer or receive money or any other benefit for declaring or scratching an entry from a race.

(4) No person shall conspire with any other person for the commission of, or connive with any other person in any corrupt or fraudulent practice in relation to racing nor shall he or she commit such act on his or her own account.

(5) No person without proper notice to the Stewards, shall be part owner or trainer of any horse in which a jockey has an interest.

(6) No person shall make a bet for the account of any jockey except the owner or trainer of the horse the jockey is riding, and then only on said horse.

(7) No person shall offer or give a jockey any money or other benefit in relation to a race, unless said person is the owner or trainer of the horse ridden in said race by said jockey.

(8) No person shall solicit bets on the grounds of an Association.

(9) No electrical or mechanical device or other expedient designed to increase or decrease the speed of a horse, (or that would tend so to do) other than the ordinary riding crop or spurs, shall be possessed by any one or applied by any one to a horse at any time on the grounds of an Association, during a Meeting whether in a race or otherwise.

(10) No person shall tamper or attempt to tamper with any horse in such a way as to affect its speed in a race, nor shall be counsel or in any way aid or abet any such tampering.

(11) No person shall assume or pay, directly or indirectly, a forfeiture imposed upon a jockey.

(12) No jockey's attendant shall make a bet on any race nor shall he or she place a bet for anyone else.

4.11: Rules of the Race

(1) Entries and Nominations.

(a) Entering. No horse shall be qualified to start unless it has been and continues to be entered.

4.11: continued

(b) Procedure.

1. Entries and nominations shall be made with the racing secretary and shall not be considered until received by the racing secretary, who shall maintain a record of time of receipt of them for a period of one year.
2. An entry shall be in the name of the horse's licensed owner and made by the owner, trainer or a licensed designee of the owner or trainer.
3. Races printed in the condition book shall have preference over substitute and extra races.
4. An entry must be in writing, by telephone or facsimile machine to the racing secretary. The entry must be confirmed in writing should the stewards or the racing secretary so request.
5. The person making an entry shall clearly designate the horse so entered.
6. No alteration may be made in any entry after the closing of entries, but an error may be corrected with permission of the stewards.
7. No conditional entries will be accepted.
8. No horse may be entered in more than one race (with the exception of stakes races) to be run on the same day on which pari-mutuel wagering is conducted.
9. Any permitted medication or approved change of equipment must be declared at time of entry.

(c) Coupled Entries.

1. Two or more horses that are entered in a race shall be joined as a mutuel entry and single betting interest if they are owned or leased in whole or in part by the same owner.
2. No more than two horses having common ties through ownership or training may be entered in an overnight race. Under no circumstances may both horses of a coupled entry start to the exclusion of a single entry. When making a coupled entry, a preference for one of the horses must be made.

(d) Nominations.

1. Any nominator to a stakes race may transfer or declare such nomination prior to closing.
2. Any one of joint owners of a horse may make joint nominations and entries, and each such owner shall be jointly and severally liable for all payments due.
3. Death of a horse, or a mistake in its entry when such horse is eligible, does not release the nominator or transferee from liability for all stakes fees due. No fees paid in connection with a nomination to a stakes race that is run shall be refunded, except as otherwise stated in the conditions of a stakes race.
4. Death of a nominator to a stakes race shall not render void any subscription, entry or right of entry. All rights, privileges and obligations shall be attached to the legal heirs of the decedent or the successor owner of the horse.
5. When a horse is sold privately or at public auction or claimed, stakes engagements shall be transferred automatically to its new owner; except when the horse is transferred to a person whose license is suspended or who is otherwise unqualified to race or enter the horse, then such nomination shall be void as of the date of such transfer.
6. All stakes fees paid toward a stakes race shall be allocated to the winner unless otherwise provided by the conditions for the race. If a stakes race is not run for any reason, all such nomination fees paid shall be refunded.

(e) Closings.

1. Entries for purse races and nominations to stakes races shall close at the time designated by the association in previously published conditions for such races. No entry, nomination or declaration shall be accepted after such closing time; except in the event of an emergency or if an overnight race fails to fill, the racing secretary may, with the approval of a steward, extend such closing time.
2. Except as otherwise provided in the conditions for a stakes race, the deadline for accepting nominations and declarations is midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

(f) Number of Starters in a Race. The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and its extensions. The number of horses that, in the opinion of the stewards, can be afforded a safe, fair and equal start may further limit the number of starters.

4.11: continued

- (g) Split or Divided Races.
 1. In the event a race is canceled or declared off, the association may split any overnight race for which postpositions have not been drawn.
 2. Where a overnight race is split, forming two or more separate races, the racing secretary shall give notice of not less than 15 minutes before such races are closed to grant time for making additional entries to such split races.
 - (h) Post Positions. Post positions for all races shall be determined by lot and shall be publicly drawn in the presence of a steward or steward designee.
 - (i) Also-eligible List.
 1. If the number of entries for a race exceeds the number of horses permitted to start, the racing secretary may create and post an also-eligible list.
 2. If any horse is scratched from a race for which an also-eligible list was created, a replacement horse shall be drawn from the also-eligible list into the race in order of preference. If none is preferred, a horse shall be drawn into the race from the also-eligible list by public lot.
 3. Any owner or trainer of a horse on the also-eligible list who does not wish to start the horse in such race shall so notify the racing secretary prior to scratch time for the race.
 - (j) Preferred List.
 1. 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 30 days prior to the commencement of the race meeting and are subject to the approval of the Commission.
 2. A copy of the preferred list will be posted each afternoon and any claim of error must be made by 10:00 A.M. of the following race day, and the Stewards will recognize no claim of error not made within the prescribed time.
 3. In entering horses on the preferred list a claim of preference must be made at the time of entry and noted on the entry or preference shall be lost, and no claim of error will be considered by the Stewards if the person making the claim has signed an entry not marked in keeping with 205 CMR 4.00.
- (2) Declarations and Scratches. Declarations and scratches are irrevocable.
- (a) Declarations.
 1. A declaration is the act of withdrawing an entered horse from a race prior to the closing of entries.
 2. The declaration of a horse before closing shall be made by the owner, trainer or their licensed designee in the form and manner prescribed in 205 CMR 4.00.
 - (b) Scratches.
 1. A scratch is the act of withdrawing an entered horse from a contest after the closing of entries.
 2. The owner, trainer or their licensed designee shall make the scratch of a horse after closing, with permission from the stewards.
 3. A horse may be scratched from a stakes race for any reason at any time up until 45 minutes prior to post time for that race.
 4. No horse may be scratched from an overnight race without approval of the stewards.
 5. In overnight races, horses that are physically disabled or sick shall be permitted to be scratched first. Should horses representing more than ten betting interests in the daily double or exotic wagering races, or horses representing more than eight betting interests in any other overnight race, remain in after horses with physical excuses have been scratched, then owners or trainers may be permitted at scratch time to scratch horses without physical excuses down to such respective minimum numbers for such races. Lot shall determine this privilege if an excessive number of owners or trainers wish to scratch their horses.
 6. Any horse which has been scratched, or excused from starting by the stewards, because of a physical disability or sickness shall not race until the expiration of a minimum of four calendar days (inclusive of the day the horse was originally scratched) after such horse was scratched or excused and the horse has been removed from the veterinarian's list by the official veterinarian.

4.11: continued

(3) Weights.(a) Allowances.

1. Weight allowance must be claimed at time of entry and shall not be waived after the posting of entries, except by consent of the stewards.
2. A horse shall start with only the allowance of weight to which it is entitled at time of starting, regardless of its allowance at time of entry.
3. Horses not entitled to the first weight allowance in a race shall not be entitled to any subsequent allowance specified in the conditions.
4. Claim of weight allowance to which a horse is not entitled shall not disqualify it unless protest is made in writing and lodged with the stewards at least one hour before post time for that race.
5. A horse shall not be given a weight allowance for failure to finish second or lower in any race.
6. No horse shall receive allowance of weight nor be relieved extra weight for having been beaten in one or more races, but 205 CMR 4.11(3)(a) shall not prohibit maiden allowances or allowances to horses that have not won a race within a specified period or a race of a specified value.
7. Except in handicap and races which expressly provide otherwise, two-year-old fillies shall be allowed three pounds, and fillies and mares, three-years-old and upward, shall be allowed five pounds before September 1st and three pounds thereafter in races where competing against male horses.

(b) Penalties.

1. Weight penalties are obligatory.
2. Horses incurring weight penalties for a race shall not be entitled to any weight allowance for that race.
3. No horse shall incur a weight penalty or be barred from any race for having been placed second or lower in any race.
4. A penalty incurred and allowances due in steeplechase or hurdle races shall not apply to races on the flat, and vice versa.
5. The reports, records and statistics as published by Daily Racing Form, Equibase or other recognized publications shall be considered official in determining eligibility, allowances and penalties, but may be corrected.
6. When the decision of a race is in dispute, all horses involved in the dispute with respect to the winner's credit shall be liable to all weight penalties and eligibility attached to the winning of that race until a winner has been adjudged.
7. No horse shall incur a weight penalty for a placement from which he or she is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement. No such placement, however, shall make a horse ineligible to a race that already has been run.
8. A horse shall start with only the allowance of weight to which it is entitled at the time of starting, regardless of its allowance at the time of entry.

(c) Weight Conversions.

1. For the purpose of determining weight assignments and/or allowances for imported horses, the following weight conversions shall be used:
 - one kilogram = 2 ¼ pounds
 - one Stone = 14 pounds

(d) Scale of Weights.

1. With the exception of apprentice allowances, handicap races, three year old horses entered to run in races against horses four years old and upwards, and the allowance provided in 205 CMR 4.11(3)(d)2., no jockey shall be assigned a weight of less than 118 pounds. For three year old horses entered to run in races against horses four years old and upwards from January 1st through August 31st, no jockey shall be assigned a weight of less than 116 pounds.
2. Except in handicaps, fillies two years old shall be allowed three pounds, and fillies and mares three years old and upward shall be allowed five pounds before September 1st, and three pounds thereafter, in races where competing against horses of the opposite sex.

4.11: continued

3. A notice shall be included in the daily program that all jockeys will carry approximately three pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally, upon stewards' approval, jockeys may weigh in with up to an additional three pounds for inclement weather gear.

(e) Distance Conversions.

1. For the purpose of determining eligibility, weight assignments and/or allowances for imported horses, the racing secretary shall convert metric distances to English measures by reference to the following scale:

2. Comparative Table of Distances.

200 Meters	= one Furlong
1,000 Meters	= five Furlongs
1,200 Meters	= six Furlongs
1,400 Meters	= seven Furlongs
1,600 Meters	= one Mile
1,700 Meters	= one-1/16 Miles
1,800 Meters	= 1 ¹ / ₈ Miles
2,000 Meters	= 1 ¹ / ₄ Miles
2,200 Meters	= 1 ³ / ₈ Miles
2,400 Meters	= 1 ¹ / ₂ Miles
2,600 Meters	= 1 ⁵ / ₈ Miles
3,000 Meters	= 1 ⁷ / ₈ Miles
3,200 Meters	= two Miles
3,600 Meters	= 2 ¹ / ₄ Miles
4,800 Meters	= three Miles

(4) Workouts.

(a) Requirements. A horse shall not start unless it has participated in an official race or has an approved timed workout satisfactory to the stewards. The workout must have occurred at a pari-mutuel or Commission recognized facility within the previous 30 days. A horse which has not started for a period of 60 days or more shall be ineligible to race until it has completed a timed workout approved by the stewards prior to the day of the race in which the horse is entered. The association may impose more stringent workout requirements.

(b) Identification. The owner, trainer or rider shall be required to identify the horse and the distance the horse is to be worked and the point on the track where the workout will start.

(c) Information Dissemination. Information regarding a horse's approved timed workout(s) shall be furnished to the public prior to the start of the race for which the horse has been entered.

(d) Restrictions. A horse shall not be taken onto the track for training or a workout except during hours designated by the association.

(5) Horses Ineligible.

(a) A horse is ineligible to start in a race when:

1. It is not stabled on the grounds of the association or present by the time established by the Commission;
2. Its breed registration certificate is not on file with the racing secretary or horse identifier; unless the racing secretary has submitted the certificate to the appropriate breed registry for correction;
3. It is not fully identified and tattooed on the inside of the upper lip, microchipped with a unique microchip (ISO 11784), freeze brand, or identified by any other method approved by the appropriate breed registry and the Commission;
4. It has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate or altered lip tattoo, microchip (ISO 11784), freeze brand, or other identification method approved by the appropriate breed registry and the Commission;
5. It is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person;

4.11: continued

6. It 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;
7. The stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race; except with the approval of the racing secretary;
8. The losing jockey mount fee is not on deposit with the horsemen's bookkeeper; except with the approval of the racing secretary;
9. Its name appears on the starter's list, paddock judge's list, stewards' list or veterinarian's list;
10. It is a first time starter and has not been approved to start by the starter;
11. It is owned in whole or in part by an undisclosed person or interest;
12. It lacks sufficient official published workouts or race past performance(s);
13. It has been entered in a stakes race and has subsequently been transferred with its engagements, unless the racing secretary has been notified of such prior to the start;
14. It is subject to a lien that has not been approved by the stewards and filed with the horsemen's bookkeeper;
15. It is subject to a lease not filed with the stewards;
16. It is not in sound racing condition;
17. It has had a surgical neurectomy performed on a heel nerve, which has not been approved by the official veterinarian;
18. It has been trachea tubed to artificially assist breathing;
19. It has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;
20. It has impaired eyesight in both eyes;
21. It is barred or suspended in any recognized jurisdiction;
22. It does not meet the eligibility conditions of the race;
23. Its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;
24. Its owner(s), lessor(s) and/or trainer have not completed the licensing procedures required by the Commission;
25. It is by an unknown sire or out of an unknown mare; or
26. There is no current negative Coggins test certificate for Equine Infectious Anemia on file.
27. If a thoroughbred, it has shoes (racing plates) which have toe grabs with a height greater than two millimeters, bends, jar caulks, stickers, or any other traction device on the front hooves while racing or training on all surfaces.
28. A filly or mare may not be entered in a claiming race when it is pregnant, unless before the time of entry the owner deposits with the racing secretary a signed agreement whereby the owner at the time of entry provides the successful claimant without cost, protest or fee of any kind, a valid stallion service certificate covering the breeding of the mare.
29. Notwithstanding 205 CMR 4.11(5)(a)28. a pregnant mare may not be entered in a race if she is beyond 120 days of gestation.

(6) Running of the Race.(a) Equipment.

1. All riding crops are subject to inspection and approval by the stewards and the clerk of scales.
 - a. Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows:
 - i. Maximum weight of eight ounces.
 - ii. Maximum length, including flap of 30 inches.
 - iii. Minimum diameter of the shaft of $\frac{3}{8}$ inch
 - iv. 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.
 - b. The flap is the only allowable attachment to the shaft and must meet these specifications:
 - i. Length beyond the end of the shaft a maximum of one inch.

4.11: continued

- ii. Width a minimum of 0.8 inch and a maximum of 1.6 inches.
 - iii. No reinforcements or additions beyond the end of the shaft.
 - iv. No binding within seven inches of the end of the shaft.
 - v. Shock absorbing characteristics similar to those the contact area of the shaft.
2. No bridle shall exceed two pounds.
 3. A horse's tongue may be tied down with clean bandages, gauze or tongue strap.
 4. Permission for any change of reported equipment from that which a horse carried in its last previous race, can be obtained only from the Stewards and must be obtained before the closing of entries for the race in which the horse is to run with changed equipment.
 5. Permission for a horse to add blinkers to its equipment or to discontinue the use of them must be approved by the Starter before being granted by the Stewards.
- (b) Racing Numbers.
1. Each horse shall carry a conspicuous saddle cloth number corresponding to the official number given that horse on the official program.
 2. In the case of a coupled entry that includes more than one horse, each horse in the entry shall carry the same number, with a different distinguishing letter following the number. As an example, two horses in the same entry shall appear in the official program as 1 and 1A.
 3. Each horse in the mutuel field shall carry a separate number or may carry the same number with a distinguishing letter following the number.
- (c) Jockey Requirements.
1. Jockeys shall report to the jockeys' quarters at the time designated by the association. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled except as approved by the stewards.
 2. A jockey who has not fulfilled all riding engagements, who desires to leave the jockeys' quarters, must first receive the permission of the stewards and must be accompanied by an association security guard.
 3. While in the jockeys' quarters, jockeys shall have no contact or communication with any person outside the jockeys' quarters other than Commission personnel and officials, an owner or trainer for whom the jockey is riding or a representative of the regular news media, except with the permission of the stewards. Any communication permitted by the stewards may be conducted only in the presence of the clerk of scales or other person designated by the stewards.
 4. The clerk of scales shall weigh out jockeys for their respective mounts not more than 30 minutes before post time for each race.
 5. Only valets employed by the association shall assist jockeys in weighing out.
 6. A jockey must wear a safety vest at all times when mounted. The safety vest must comply with one of the following minimum standards: British Equestrian Trade Association (*BETA*):2000 *Level 1*; Euro Norm (*EN*) 13158:2000 *Level 1*; American Society for Testing and Materials (*ASTM*) *F2681-08 or F1937*; Shoe and Allied Trade Research Association (*SATRA*) *Jockey Vest DocM6 Issue 3*; or Australian Racing Board (*ARB*) *Standard 1.1998*.
 7. A jockey must wear a properly secured safety helmet at all times while mounted. The helmet must comply with the Safety Standards of *The Association of Racing Commissioners International Model Rules of Racing* version 6.1, July, 2015.
 8. A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.
 9. Weighing Out.
 - a. A jockey's weight shall include his or her clothing, boots, saddle and its attachments and any other equipment except the bridle, bit, blinkers, goggles, number cloth, and safety equipment including helmet, vest, over-girth, reins and breast collar.
 - b. Upon Stewards approval, jockeys may be allowed up to three pounds more than published weights to account for inclement weather clothing and equipment.
 10. Seven pounds is the limit of overweight any horse is permitted to carry.

4.11: continued

11. Once jockeys have fulfilled their riding engagements for the day and have left the jockeys' quarters, they shall not be re-admitted to the jockeys' quarters until after the entire racing program for that day has been completed, except with permission of the stewards.

(d) Paddock to Post.

1. Each horse shall carry the full weight assigned for that race from the paddock to the starting post, and shall parade past the stewards' stand, unless excused by the stewards. The post parade shall not exceed 12 minutes, unless otherwise ordered by the stewards. It shall be the duty of the stewards to ensure that the horses arrive at the starting gate as near to post time as possible.

2. After the horses enter the track, no jockey may dismount nor entrust his or her horse to the care of an attendant unless, because of accident occurring to the jockey, the horse or the equipment, and with the prior consent of the starter. During any delay during which a jockey is permitted to dismount, all other jockeys may dismount and others may attend their horses. After the horses enter the track, only the jockey, an assistant starter, the official veterinarian, the racing veterinarian or an outrider or pony rider may touch the horse before the start of the race.

3. If a jockey is injured on the way to the post, the horse may be returned to the paddock or any other area designated by the stewards, re-saddled with the appropriate weight and remounted with a replacement jockey.

4. After passing the stewards' stand in parade, the horses may break formation and proceed to the post in any manner unless otherwise directed by the stewards. Once at the post, the horses shall be started without unnecessary delay.

5. Horses shall arrive at the starting post in post position order.

6. In case of accident to a jockey or his or her mount or equipment, the stewards or the starter may permit the jockey to dismount and the horse to be cared for during the delay, and may permit all jockeys to dismount and all horses to be attended to during the delay.

7. If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, return to the point where the jockey was thrown and then proceed over the route of the parade to the post. The horse must carry its assigned weight from paddock to post and from post to finish.

8. If a horse leaves the course while moving from paddock to post, the horse shall be returned to the course at the nearest practical point to that at which it left the course, and shall complete its parade to the post from the point at which it left the course unless ordered scratched by the stewards.

9. No person shall willfully delay the arrival of a horse at the post.

10. The starter shall load horses into the starting gate in any order deemed necessary to ensure a safe and fair start. Only the jockey, the racing veterinarian, the starter or an assistant starter shall handle a horse.

11. Every horse must be saddled in the paddock.

(e) Post to Finish.1. The Start.

a. The starter is responsible for assuring that each participant receives a fair start.

b. If, when the starter dispatches the field, any door at the front of the starting gate stalls should not open properly due to a mechanical failure or malfunction or should any action by any starting personnel directly cause a horse to receive an unfair start, the stewards may declare such a horse a non-starter.

c. Should a horse, not scratched prior to the start, not be in the starting gate stall thereby causing it to be left when the starter dispatches the field, the stewards shall declare the horse a non-starter.

d. Should an accident or malfunction of the starting gate, or other unforeseeable event compromise the fairness of the race or the safety of race participants, the stewards may declare individual horses to be non-starters, exclude individual horses from one or more pari-mutuel pools or declare a no contest and refund all wagers except as otherwise provided in the rules involving multi-race wagers.

2. Interference, Jostling or Striking.

a. A jockey shall not ride carelessly or willfully so as to permit his or her mount to interfere with, impede or intimidate any other horse in the race.

4.11: continued

- b. No jockey shall carelessly or willfully jostle, strike or touch another jockey or another jockey's horse or equipment
- c. No jockey shall unnecessarily cause his or her horse to shorten its stride so as to give the appearance of having suffered a foul.
- 3. Maintaining a Straight Course.
 - a. When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul.
 - b. The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.
 - c. If the stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey.
 - d. In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.
- 4. Disqualification.
 - a. When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horses as in their judgement it interfered with, or they may place it last.
 - b. If a horse is disqualified for a foul, any horse or horses owned or trained by the same interests, in the same race whether coupled or uncoupled, may also be disqualified.
 - c. Possession of any electrical or mechanical stimulating or shocking device by a jockey, horse owner, trainer or other person authorized to handle or attend to a horse shall be *prima facie* evidence of a violation of 205 CMR 4.00 and is sufficient grounds for the stewards to scratch or disqualify the horse.
 - d. The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and time trial qualification.
- 5. Multiple Disqualifications. Should the stewards determine that there is more than one incident of interference in a race where disqualification is warranted, the stewards shall deal with the incidents in the order in which the incident occurs during the race from start to finish; except in the case where the same horses are involved in multiple incidents. Once a horse has been disqualified, it should remain placed behind the horse with which it interfered. The stewards shall make a conscious effort to place and maintain as placed, every and all horses placed behind others for interference
- 6. Horses Shall be Ridden Out. All horses shall be ridden out in every race. A jockey shall not ease up or coast to the finish, without adequate cause, even if the horse has no apparent chance to win prize money. A jockey shall give a best effort during a race.
- 7. Use of Riding Crops.
 - a. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.
 - b. In all races where a jockey will ride without a riding crop, an announcement of such fact shall be printed in the official program.
 - c. No electrical or mechanical device or other expedient designed to increase or retard the speed of a horse, other than the ordinary riding crop approved, shall be possessed by anyone, or applied by anyone to the horse at any time on the grounds of the association during the meeting, whether in a race or otherwise.
 - d. Riding crops shall not be used on two-year-old horses before April 1st of each year.
 - e. The riding crop shall only be used for safety, correction and encouragement.
 - f. All riders should comply with the following when using the riding crop:
 - i. Showing the horse the riding crop and giving it time to respond before hitting it.
 - ii. Having used the riding crop, giving the horse a chance to respond before using it again.
 - iii. Using the riding crop in rhythm with the horses stride.

4.11: continued

- g. Prohibited uses of the riding crop include, but are not limited to, striking a horse:
 - i. 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;
 - ii during the post parade or after the finish of the race except when necessary to control the horse;
 - iii. excessively or brutally causing welts or breaks in the skin;
 - iv. when the horse is clearly out of the race or has obtained its maximum placing;
 - v. persistently even though the horse is showing no response under the riding crop; or
 - vi. striking another rider or horse.
- h. After the race, horses will be subject to inspection by a racing or official veterinarian looking for cuts, welts or bruises in the skin. Any adverse findings shall be reported to the stewards.
- i. The giving of instructions by any licensee that if obeyed would lead to a violation of 205 CMR 4.11(6) may result in disciplinary action also being taken against the licensee who gave such instructions.
- 8. Order of Finish.
 - a. The official order of finish shall be decided by the stewards with the aid the photo finish system, and in the absence of the photo finish film record, the video replay. The photo finish and video replay are only aids to the stewards' decision. The decision of the stewards shall be final in all cases.
 - b. The nose of the horse shall determine the placement of the horse in relationship to other horses in the race.
- 9. Returning after the Finish.
 - a. After a race has been run, the jockey shall ride promptly to the place designated by the stewards, dismount and report to the clerk of scales to be weighed in. Jockeys shall weigh in with all pieces of equipment with which they weighed out.
 - b. If a jockey is prevented from riding to the place designated by the stewards because of an accident or illness to the jockey or the horse, the jockey may walk or be transported to the scales, or may be excused from weighing in by the stewards.
- 10 Unsaddling.
 - a. Only persons authorized by the stewards may assist the jockey with unsaddling the horse after the race.
 - b. No one shall place a covering over a horse before it is unsaddled.
- 11 Weighing In.
 - a. A jockey shall weigh in at no less than the same weight at which he or she weighed out, and if under that weight, and after consideration of mitigating circumstances by the board of stewards, his or her mount shall be disqualified from any portion of the purse money.
 - b. In the event of such disqualification, all monies wagered on the horse shall be refunded unless the race has been declared official.
 - c. A jockey's weight shall include his or her clothing, boots, saddle and its attachments and any other equipment except the bridle, bit, blinkers, goggles, number cloth and safety equipment including helmet, vest, over-girth, reins and breast collar.
 - d. Upon approval of the stewards, the jockeys may be allowed up to three pounds more than published weights to account for inclement weather clothing and equipment.
 - e. The post-race weight of jockeys includes any sweat, dirt and mud that have accumulated on the jockey, jockey's clothing, jockey's safety equipment and over-girth. This accounts for additional weight, depending on specific equipment, as well as weather, track and racing conditions.
- 12. Dead Heats.
 - a. When two horses run a dead heat for first place, all purses or prizes to which first and second horses would have been entitled shall be divided equally between them; and this applies in dividing all purses or prizes whatever the number of horses running a dead heat and whatever places for which the dead heat is run.
 - b. In a dead heat for first place, each horse involved shall be deemed a winner and liable to penalty for the amount it shall receive.

4.11: continued

- c. When a dead heat is run for second place and an objection is made to the winner of the race, and sustained, the horses that ran a dead heat shall be deemed to have run a dead heat for first place.
- d. If the dividing owners cannot agree as to which of them is to have a cup or other prize that cannot be divided, the question shall be determined by lot by the stewards.

(7) Protests, Objections and Inquiries(a) Stewards to Inquire.

- 1. The stewards shall take cognizance of foul riding and, upon their own motion or that of any racing official or person empowered by 205 CMR 4.00 to object or complain, shall make diligent inquiry or investigation into such objection or complaint when properly received.
- 2. In determining the extent of disqualification, the stewards in their discretion may:
 - a. declare null and void a track record set or equaled by a disqualified horse, or any horses coupled with it as an entry;
 - b. affirm the placing judges' order of finish and hold the jockey responsible if, in the stewards' opinion, the foul riding did not affect the order of finish; or
 - c. disqualify the offending horse and hold the jockey blameless if in the stewards' opinion the interference to another horse in a race was not the result of an intentional foul or careless riding on the part of a jockey.

(b) Race Objections.

- 1. An objection to an incident alleged to have occurred during the running of a race shall be received only when lodged with the clerk of scales, the stewards or their designees, by the owner, the authorized agent of the owner, the trainer or the jockey of a horse engaged in the same race.
- 2. An objection following the running of any race must be filed before the race is declared official, whether all or some riders are required to weigh in, or the use of a fast official procedure is permitted.
- 3. The stewards shall make all findings of fact as to all matters occurring during and incident to the running of a race; shall determine all objections and inquiries, and shall determine the extent of disqualification, if any, of horses in the race. Such findings of fact and determinations shall be final.
- 4. In the case of disqualification the Stewards shall immediately make public the reason for the disqualification and the same shall be announced over the public address system.

(c) Prior Objections.

- 1. Objections to the participation of a horse entered in any race shall be made to the stewards in writing, signed by the objector, and filed not later than one hour prior to 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.
- 2. An objection to a horse which is entered in a race may be made on, but not limited to, the following grounds or reasons:
 - a. A misstatement, error or omission in the entry under which a horse is to run;
 - b. the horse that is entered to run is not the horse it is represented to be at the time of entry, or the age was erroneously given;
 - c. the horse is not qualified to enter under the conditions specified for the race, or the allowances are improperly claimed or not entitled the horse, or the weight to be carried is incorrect under the conditions of the race;
 - d. the horse is owned in whole or in part, or leased or trained by a person ineligible to participate in racing or otherwise ineligible to own a race horse as provided in 205 CMR 4.00; or
 - e. the horse was entered without regard to a lien filed previously with the racing secretary.
- 3. The stewards may scratch from the race any horse that is the subject of an objection if they have reasonable cause to believe that the objection is valid.

4.11: continued

(d) Protests.

1. A protest against any horse that has started in a race shall be made to the stewards in writing, signed by the protestor, within 72 hours of the race exclusive of non-racing days. If the incident upon which the protest is based occurs within the last two days of the meeting, such protest may be filed with the Commission within 72 hours exclusive of Saturdays, Sundays or official holidays. 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.
2. A protest may be made on any of the following grounds:
 - a. Any grounds for objection as set forth in this chapter;
 - b. the order of finish as officially determined by the stewards was incorrect due to oversight or errors in the numbers of the horses that started the race;
 - c. a jockey, trainer, owner or lessor was ineligible to participate in racing as provided in 205 CMR 4.00;
 - d. the weight carried by a horse was improper, by reason of fraud or willful misconduct; or
 - e. an unfair advantage was gained in violation of 205 CMR 4.00.
3. Notwithstanding any other provision in this article, 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 verifiable.
4. No person shall file any objection or protest knowing the same to be inaccurate, false, untruthful or frivolous.
5. The stewards may order any purse, award or prize for any race withheld from distribution pending the determination of any protest. In the event any purse, award or prize has been distributed to an owner or for a horse which by reason of a protest or other reason is disqualified or determined to be not entitled to such purse, award or prize, the stewards or the Commission may order such purse, award or prize returned and redistributed to the rightful owner or horse. Any person who fails to comply with an order to return any purse, award or prize erroneously distributed shall be subject to fines and suspension.

4.12: Forfeitures and Suspensions

- (1) No racing official other than the Stewards shall have the right to impose a forfeiture or suspension.
- (2) The Stewards may not rescind a forfeiture, except with the approval of the Commission.
- (3) A racing official imposing a forfeiture or suspension shall report it promptly to the Gaming Commission in writing.
- (4) All forfeitures shall be paid to the Gaming Commission within 48 hours after imposition.
- (5) Any official, owner, trainer or any person licensed by the Massachusetts Gaming Commission who shall obtain food, feed, shelter, drugs, transportation, services for horses, veterinary services or supplies for himself or others whether they be licensed or not, and fails to pay the fair market value to the person or persons from whom said services or supplies are obtained may be guilty of conduct detrimental to the best interest of racing and may be suspended at the discretion of the Stewards or the Commission, however, neither the Association nor the Massachusetts Gaming Commission shall be obligated to collect debts from horsemen or other personnel licensed by the Commission.
- (6) No entry in any race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, the stewards may waive 205 CMR 4.12(6).
- (7) Suspensions shall be for consecutive calendar days.

4.13: General Rules

- (1) The definitions and interpretations of racing terms, heretofore set forth as well as the Foreword are to be considered in connection with 205 CMR 4.00 and as part of them.
- (2) All owners and trainers of horses and their stable employees are subject to M.G.L. c. 128A and 205 CMR 4.00 immediately upon acceptance and occupancy of stabling accommodations from or approved by an Association or upon making entry to run on its track.
- (3) Owners, trainers and stable employees shall abide by M.G.L. c. 128A and 205 CMR 4.00 and accept the decision of the Stewards on any and all questions to which their authority extends, subject to their right of appeal to the Commission.
- (4) Every person participating in and every patron of a licensed Race Meeting shall abide by M.G.L. c. 128A and 205 CMR 4.00, and accept the Stewards' decisions on any and all questions to which their authority extends, subject to the right of appeal to the Commission.
- (5) Safety Equipment.
 - (a) Any person mounted on a horse or stable pony on association grounds must wear a properly secured safety helmet at all times. Additionally, all members of the starting gate crew must adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of 205 CMR 4.13(5)(a), a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse in the starting gate. The helmet must comply with one of the following minimum safety standards: American Society for Testing and Materials (*ASTM 1163*); UK Standards (*EN-1384* and *PAS-015*); or Australian/New Zealand Standard (*AS/NZ 3838*).
 - (b) Any person mounted on a horse or stable pony on the association grounds must wear a properly-secured safety vest at all times. Additionally, all members of the starting gate crew must also adhere to 205 CMR 4.13(5)(b) at all times while performing their duties or handling a horse. For the purpose of 205 CMR 4.13(5)(b), 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 must comply with one of the following minimum standards: British Equestrian Trade Association (*BETA*):2000 *Level 1*; Euro Norm (*EN 13158:2000 Level 1*); American Society for Testing and Materials (*ASTM F2681-08* or *F1937*); Shoe and Allied Trade Research Association (*SATRA Jockey Vest Document M6 Issue 3*); or Australian Racing Board (*ARB Standard 1.1998*).
 - (c) A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.
- (6) No person shall use improper, profane or indecent language to a racing official.
- (7) No person shall in any manner, or at any time, disturb the peace or make himself or herself obnoxious on the grounds of an Association.
- (8) No person shall make a handbook or a foreign book on the grounds of an Association.
- (9) No person shall solicit for or bet from a handbook or foreign book on the grounds of an Association.
- (10) No person shall make a bet with a handbook or foreign book on the grounds of an Association.
- (11) Any person, who participates in an unrecognized meeting anywhere, either as a racing official or as an owner, trainer or jockey, may be adjudged guilty of conduct detrimental to racing.
- (12) No person or horse ruled off, or under suspension by any recognized turf authority, trotting association included, shall be admitted to the grounds of any Association. (For exception, *see* 205 CMR 4.15(12).)
- (13) No person shall be allowed in the Steward's stand unless previous permission is obtained from the Stewards.

4.13: continued

- (14) Any person who has been convicted by any court anywhere for illegal possession, sale or giving away of narcotics may be ruled off.
- (15) Any person who has been arrested and/or charged with a violation of the law may be suspended until such time as said charge has been adjudged.
- (16) If any owner, trainer, jockey, stable employee, or other person solicits bets from the public by correspondence or other methods, to be made on any horse which is to run on a track in Massachusetts, such person or persons shall be ruled off.
- (17) When a person is ruled off a course or suspended, every horse owned in whole or in part by him or her shall be ineligible to be entered or to start in any race until said horse has been reinstated either by the rescinding of his or her owner's penalty or his or her transfer through *bona fide* sale to an ownership acceptable to the Stewards.
- (18) When a person is ruled off a course or suspended, any horse which is under his or her care, management, training or superintendence shall not be qualified to be entered or to start in any race until said horse has been reinstated by the rescinding of said person's penalty or by the placement of the horse in the hand of a licensed trainer and the approval of the transfer by the Stewards.
- (19) When a person is ruled off a course or suspended, he or she shall not be qualified, whether acting as agent or otherwise to subscribe for or to enter or run any horse in any race either in his or her own name or in that of any other person until the rescinding of that person's penalty.
- (20) Any horse that has been the subject of fraudulent practice may be disqualified.
- (21) When a person is ruled off for a fraudulent practice in relation to a particular horse, wholly or partly belonging to him or her, he or she shall return all money or prizes that such horse has fraudulently won.
- (22) Violators of any rule will be subject to ejection from the grounds, and/or to forfeiture, suspension or ruling off.
- (23) No horse will be allowed at a track and no horse shall be entered or permitted to start unless a current, valid health certificate showing that said horse has been examined and found to be free from symptoms of any infections or communicable disease, is on file. The Association conducting the racing meeting is responsible for compliance with 205 CMR 4.13(23).
- (24) The Stewards may suspend for no greater period than 180 days anyone whom they have authority to supervise, or they may impose a forfeiture, not exceeding \$3,000.00. All such suspensions and forfeitures must be reported to the Commission. If the punishment so imposed is not in the opinion of the Stewards sufficient, they shall so report to the Commission.
- (25) Complaints against racing official (other than a Steward) or his or her assistant shall be made to the Stewards in writing and be signed by the complainant. Complaints against a Steward shall be made in writing to the Commission and be signed by the complainant.
- (26) When a hearing is to be held by the Board of Stewards, the person or persons involved must be properly notified and given the opportunity to hear all of the evidence presented against them. If any summoned or notified party shall fail to appear, an order or ruling may be made against them by default.

4.13: continued

(27) Every racing Association, the Commission or the Stewards investigating for violations of M.G.L. c. 128A or 205 CMR 4.00 shall have the right to permit persons authorized by any of them to search the person, or enter and search the buildings, stables, rooms, vehicles or other places within the grounds of the association, or at other places where horses which are eligible to race are kept together with the personal property and effects contained therein. Every licensed person or person permitted to pursue his or her occupation or employment within the grounds of any association by accepting his or her license or such permission does thereby irrevocably consent to such search as aforesaid and waive and release all claims or possible actions for damages that he or she may have by virtue of any action taken under 205 CMR 4.00.

(28) No person shall make false or misleading statements to the Stewards.

(29) No licensee or other person under the jurisdiction of the Commission shall subject or permit any animal under his or her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

4.14: Handicapper

(1) The Handicapper, who may be the racing secretary, shall assign the weights to be carried by each horse in the handicap.

(2) The Handicapper shall append to the weights for every handicap the day and hour from which winners will be liable to weight penalty.

(3) If there are no penalties that fact shall be appended to the weights. No alteration of weights shall be made after publication.

(4) In case of omission, through error, of the name or weight of a horse duly entered, the Handicapper shall rectify the omission.

4.15: Jockey

(1) Eligibility.

(a) No person younger than 18 years old shall be licensed by the Commission as a jockey, except persons who have been licensed by this or other recognized Commission prior to April 12, 2013.

(b) A jockey shall pass a physical examination given within the previous 12 months by a licensed physician affirming fitness to participate as a jockey. The stewards may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.

(c) An applicant shall show competence by prior licensing and the demonstration of riding ability, which may include participation in up to five 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 is defined at a minimum of:

1. Breaking with a horse in company from the starting gate;
2. Working a horse in company around the turn and down the stretch;
3. Switching the riding crop from one hand to the other while maintaining control of the horse in a stretch drive;
4. Causing a horse to switch leads coming out of the turn.

(d) A jockey shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding.

(e) A person whose weight exceeds 130 pounds at the time of application shall not be licensed as a jockey.

(2) All jockeys shall faithfully fulfill all engagements in respect to racing.

4.15: continued

- (3) In riding a race a jockey must be neat in appearance. All riders must wear a protective helmet and safety vest of a type in compliance with 205 CMR 4.11(6)(c)6. through 8.; jacket of silk, satin or waterproof, white or light colored breeches, and top boots.
- (4) A jockey must wear the colors of the owner or owners of the horse he or she is riding (except by special permission of the Stewards) and a number on his or her right arm corresponding to the number of the horse in the official program.
- (5) A jockey shall not be allowed to smoke in public while wearing racing colors.
- (6) No jockey in racing attire shall enter the betting area.
- (7) A jockey shall only be allowed to wager on a race in which he or she is riding. A jockey shall only be allowed to wager if:
 - (a) the owner or trainer of the horse which the jockey is riding makes the wager for the jockey;
 - (b) the jockey only wagers on his or her own mount to win or finish first in combination with other horses in multiple type wagers; and
 - (c) records of such wagers are kept and available for presentation upon request by the stewards.
- (8) A jockey shall not compete in any race against a horse which is trained by the jockey's spouse.
- (9) A jockey's fee shall be considered earned when the jockey is weighed out by the clerk of scales. In the event an owner or trainer elects to remove a jockey from his or her mount after naming a rider at the time of the draw, the stewards may require a double jockey fee to be paid. The fee to be paid is equal to that earned by the jockey who rode the horse. The fee shall not be considered earned when a jockey(s), of their own free will, take themselves off their mounts, where injury to the horse or rider is not involved. Any conditions or considerations not covered by 205 CMR 4.15(8) shall be at the discretion of the stewards. All jockey protests must be filed prior to the race.
- (10) In a dead heat the jockeys involved shall divide equally the sum total of the fees they would have received individually had one beaten the other or others. Likewise the owners of the horses involved shall pay their equal share.
- (11) A jockey who is serving a suspension of ten days or less may be permitted to ride in a designated race during the suspension if the following apply:
 - (a) The race has been specified as a designated race by the racing secretary of the association before the beginning of the race meeting of the association.
 - (b) The race has been approved as a designated race by the board of stewards officiating at the race meeting.
 - (c) The jockey is named to ride in the designated race no later than at the time set for the close of entries for the race.
 - (d) The jockey agrees to serve an additional day of suspension in place of the day on which the jockey rides in a designated race.
 - (e) Reciprocity of 205 CMR 4.15(11) shall be at the stewards' sole discretion and shall apply only to those states which have also adopted the designated race rule or its equivalent.
- (12) A jockey temporarily suspended may be permitted to exercise or gallop horses during the morning hours and to lodge on the grounds of the association at night. In the discretion of the Stewards his or her badge may be taken up and they may refuse him or her admission to the grounds during racing hours.
- (13) A forfeiture must be paid by the jockey himself or herself and any other person paying it shall be subject to punishment.

4.15: continued

(14) Every jockey may have one agent and no more. All engagements to ride, other than those for his or her contract employer, shall be made by himself or herself, his or her agent or his or her employer.

4.16: Jockey Agents

(1) Each Jockey agent must obtain a license from the Commission.

(2) Jockey agents will pay only one license fee in any calendar year.

(3) The Stewards may permit an applicant to act pending decision of his or her application for a license.

(4) A jockey agent may represent up to two jockeys and one apprentice, providing the conditions justify and upon approval of the Stewards.

(5) No jockey agent shall make or assist in the making of any engagement for any rider other than those that he or she is licensed to represent.

(6) If, for good reasons, a jockey agent is short of his or her permissible quota of jockeys and wishes to take on the task of making engagements for a rider not named in his or her license, he or she must obtain permission from the Stewards and the Commission before making any such engagements.

(7) If any jockey agent gives up the making of engagements for any rider he or she shall immediately notify the Stewards, the Commission and the racing secretary; and he or she shall also turn over to the Stewards a list of any unfilled engagements he or she may have made for that rider.

(8) A jockey agent may charge a jockey or apprentice for each mount obtained by him or her, but shall receive no recompense for engagements made by the rider himself or herself or by his or her contract employer.

(9) Each jockey agent shall keep, on a form provided by the Association a record by races of all engagements made by him or her or by others, for the jockeys he or she is handling. Calls shall be numbered in the order of their priority whenever more than one is given for any rider in any race. This record must be kept up to date and held ready at all times for inspection by the Stewards or the racing secretary.

(11) No person other than a jockey agent in good standing shall make engagements for an apprentice jockey or jockey. However, a jockey not represented by an agent may make his or her own engagements.

(12) The Stewards in the light of the records submitted by the jockey agent will adjust all rival claims for the service of a rider and first call shall have priority.

(13) A jockey agent shall not give to anyone directly or indirectly, any information nor advice, 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.

(14) Any agent who falsifies his or her record shall be penalized by the revocation of his or her license and any agent penalized shall be ineligible for another license for a term of 12 months from the day of the revocation.

(15) Jockey agents will be called upon to explain rival claims for any mount or for any rider and inability to satisfy the Stewards that the rival claim arose through honest *bona fide* error shall be considered a falsification of records.

(16) Jockey agents shall not be allowed in the paddock at any time.

4.16: continued

(17) Under no circumstances shall a jockey agent be permitted within the saddling enclosure during racing hours nor shall said agent have access to the jockey quarters at any time; nor said agent be allowed on the track proper at the conclusion of any race run; nor shall said agent communicate with any jockey during racing hours.

4.17: Jockey Apprentices

(1) Any person 18 years of age or older, who has never previously been licensed as a jockey in a country, and who has of his or her own free will and if under age, with the written consent to his or her parents or guardian, bound himself or herself to an owner or trainer for a term of not less than three nor more than five years (subject to written extension if made for less than five years) by written contract approved by and filed with the Massachusetts Gaming Commission, and after at least one year of service with a racing stable, may claim in all overnight races, except handicaps, the following allowances:

(a) An apprentice shall ride with a five-pound allowance beginning with his or her first mount. The apprentice shall continue to ride with this allowance for one full year from the date of his or her fifth winning mount. If after riding one full year from the date of his or her fifth winning mount, the apprentice has failed to ride a total of 40 winners from the date of his or her first winning mount, he or she shall continue to ride with a five-pound weight allowance for one more year from the date of his or her fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes first.

(b) After the completion of the conditions in 205 CMR 4.17(1)(a), for one year the apprentice may claim three pounds when riding horses owned by his or her original contract employer provided the contract has not been permanently transferred or sold since he or she rode his or her first winner.

(2) Apprentice contracts entered into in Massachusetts must be made on forms supplied by the Commission and must be accompanied by a birth certificate. An exact copy of the original contract shall be filed permanently with the Commission.

(3) No apprentice shall be permitted to acquire his or her own contract.

(4) If, by mutual consent between the contract holder and the apprentice and his or her parents or guardian, if under age, the contract is terminated before the expiration date, the contract is then null and void and cannot be transferred to another owner or trainer.

(5) If a person has been licensed he or she shall be allowed one contract only during his or her lifetime. However, 205 CMR 4.17(5) shall not prevent the transfer of the contract to another owner or trainer provided said transfer has the consent of the apprentice, and if under age, his or her parents or guardian, and the contract holder. All extensions of apprentice contracts shall be subject to the conditions of 205 CMR 4.17(6).

(6) Under exceptional circumstances, such as inability of an apprentice to ride because of service in the armed forces of the United States, personal injuries in the conduct of his or her duty, restrictions on racing, or other valid reasons which interfere with the allowance of one year from riding his or her fifth winner or the two year period in riding 40 winners, the Commission may extend the terms of the contract and the allowances provided by 205 CMR 4.00. In order to qualify for an extension of the apprentice allowance an apprentice must have been rendered unable to ride for a period of not less than seven consecutive days during the period in which he or she was entitled to an apprentice allowance.

(7) The Massachusetts Gaming Commission will recognize an extension of time on an apprentice contract approved by another Racing Commission.

(8) Allowances under 205 CMR 4.17 must be claimed at the time of entry and shall not be abandoned except by the consent of the Stewards.

(9) All apprentice contracts, whenever entered into must be registered with the Commission.

4.17: continued

(10) If an apprentice contract is transferred it must be signed by the transferor and transferee, accepted by the apprentice and, if under age, by his or her parents or guardian, and must be registered with the Commission by both the transferor and transferee.

(11) The original apprentice jockey contract shall be kept in full force and effect throughout its contract period after said apprentice has accepted one or more mounts. Any and all amendments to said contract and all leases must be made a part of and either added to or attached to the copies in the possession of the parties and a like copy of said amendments and/or leases sent to the Commission where the original contract is filed.

(12) No owner or trainer shall be allowed to enter into a contract in Massachusetts with an apprentice jockey unless he or she is in control or possession of such a stable of horses as would, in the opinion of the Stewards, warrant the employment of an apprentice.

(13) No apprentice jockey will be licensed unless his or her contract employer is in control or possession of such a stable of horses as would, in the opinion of the Stewards, warrant his or her employment as an apprentice.

(14) An apprentice jockey shall not be permitted to ride for anyone other than his or her contract employer, without said employer's consent.

(15) An apprentice jockey may be granted an apprentice certificate issued by the Stewards, in *lieu* of a traditional apprentice contract. The apprentice certificate shall grant an apprentice all allowances and conditions that are granted to an apprentice that is under contract.

(16) A licensed apprentice who loses his or her apprentice allowance for any reason shall obtain a jockey license before being permitted to ride again.

4.18: Jockey Contracts

No contract employer shall have any interest in the earnings of a jockey.

4.19: Jockey Room Custodian

(1) It shall be the duty of the jockey room custodian to see to it that order, decorum and cleanliness are maintained in the jockey and scale rooms.

(2) The custodian shall assist the clerk of the scales in any way that official requires.

(3) The Commission shall see to it that no person, other than jockeys who have engagements for the day, racing officials, the Commission and the necessary jockey room attendants, is admitted to the jockey room after 12:00 P.M. on a race day without consent of the Stewards for each time of entry.

(4) The custodian shall oversee the care and storage of all racing colors.

(5) The custodian shall oversee the jockey attendants and arrange their rotation among jockeys in the matter of weighing out.

(6) The custodian shall see to it that no jockey attendant not licensed by the Association is permitted to assist any jockey at any time.

(7) The custodian shall report to the Stewards any irregularities that occur in his province.

(8) The Custodian shall see to it that jockeys are neat in appearance and attired in keeping with 205 CMR 4.00 when they leave the rooms to ride in a race.

4.20: Licensee's Duties, Obligations, etc.

- (1) Before entering upon the discharge of their duties the following officials employed by the Association shall be licensed by the Commission; association stewards, racing secretaries, handicappers, starters, placing judges, timers/clockers, racing veterinarians, outriders, patrol judges, paddock judges, horse identifiers, clerks of scales, assistant starters, and such other persons as the Commission may designate from time to time because of their importance in the actual conduct of racing.
- (2) No person younger than 16 years old shall be employed in or about the track of any association, except as may be permitted by M.G.L. c. 149, § 60.
- (3) It shall be the duty of each and every licensee of the Commission and the officers, officials, and employees of said licensee to observe and enforce 205 CMR 4.00. Any and all of 205 CMR 4.00 may be amended, altered, repealed or supplemented by new and additional rules and regulations, at the discretion of the Commission. Every license to hold a race meeting is granted upon the condition that the licensee therein named shall accept, observe and enforce 205 CMR 4.00.
- (4) Each Association shall provide and equip a first aid room within its enclosure.
- (5) Distance poles of all associations licensed by the Commission shall be standard color designations that are, namely:
 - ¼ Poles Red and White
 - ⅛ Poles Green and White
 - 1/16 Poles Black and White
- (6) Each Association running a racing meeting shall keep a separate bank account to be known as the "Horsemen's Account" with at all times sufficient funds in such account to cover all monies due horsemen in regard to purses, stakes, rewards, claims and deposits. Withdrawals from this account shall be only for such purposes and said account shall at all times are subject to audit by the Commission.
- (7) Members of the Commission and its representatives shall have the right to full and complete entry to any and all points of the grounds of the Association licensed to conduct horse racing in Massachusetts.
- (8) Each Association conducting racing shall before publishing submit to the Commission, the conditions for all races it proposes to hold, together with the stake, purse or reward, all of which shall be subject to the approval of the Commission.
- (9) Each Association shall install at the finish line at their track, and shall adequately maintain, two photo finish cameras, to be approved by the Commission, to automatically photograph the finish of races. The official photographer shall furnish promptly to the Commission a print of every photo finish.
- (10) Each Association shall provide that no person shall be admitted to the stable area and test area unless he or she is wearing an identification badge issued to him or her by the Commission. Each person whose duties or occupation requires their presence in the stable area and test area shall wear his or her identification badge affixed to the outer clothing or otherwise, readily visible in plain view at all times, while in the stable area and other restricted areas. The Commission will hold the Association to strict accountability for full compliance with the provisions of 205 CMR 4.20(10).
- (11) Any licensed person who allows another to use his or her license identification card or badge or any person who used the license identification card or badge of another person for the purpose of transferring any of the benefits pertaining thereto may be suspended, assessed a forfeiture, or both.
- (12) No Association shall permit bets to be made on the grounds on any race run outside said grounds without permission of the Commission.

4.20: continued

(13) No gambling device, other than permitted by law, shall be permitted on the grounds. Petty games of chance are prohibited.

(14) The Association shall choose the only attendants who will be permitted within the limits of 205 CMR 4.00, to:

- (a) assist a jockey after weighing out and until he or she leaves the paddock; and
- (b) assist a jockey in weighing in and until he or she arrives at the jockey room.

The Association shall pay such attendants for their services from an assessment collected from the jockeys. A system of rotation of attendants shall be maintained.

(15) During the term of disqualification of any participant in racing, it shall be the duty of the Association to see to it that the privileges of his or her admission and identification badges are revoked, and that he or she is kept out of the grounds unless otherwise permitted to enter under certain conditions and at certain times as may be provided for elsewhere in 205 CMR 4.00.

(16) Each Association licensed by the Commission shall police its grounds at all times in such a manner as to preclude the admission and confiscate the identification badge of any person in and around the stables not duly licensed or authorized by the Commission.

(17) Each Association shall furnish to the Commission the names and addresses of all persons ejected by the Association from its grounds, together with the offense or offenses alleged against them, and any other material information relating thereto.

(18) Any person ejected from the grounds of an Association, by said Association, shall be denied admission to said grounds until written permission for his or her re-entering has been obtained from the licensee association and written notification of such permission shall forthwith be filed with the Commission and approved by the Commission.

(19) A person ejected from the grounds of an Association licensed by the Commission shall be refused admission to the grounds of all other licensed Associations in Massachusetts until he or she has been permitted to re-enter the track where he or she was originally ejected in accordance with the procedure as provided for in 205 CMR 4.20(18).

(20) All portions of purse money shall be made available to the winners 48 hours (Sunday excluded) following their winning.

(21) No percentage of winnings shall be deducted by an Association for itself or for another person, club, or body, unless at the request of the person to whom such winnings are payable and except that an Association may withhold from winnings any money due it.

(22) Each Association shall provide within its grounds an equipped office for the use and to be at the disposal of, the Commission and all its officials.

(23) No Association licensed by the Commission shall assign stable accommodations or accept the entry of any horse five years or older which has been in competition during the immediately preceding two calendar years and has failed to finish first, second or third and which has started at least eight times during the said two calendar years period on a licensed horse racing track. The Association may impose more stringent requirements.

(24) If the pari-mutuel manager is to be absent from the track for a complete racing program, the Association shall inform the Commission's chief pari-mutuel officer at the track at least ½ hour before post time of the first race of the name of the person who will perform the duties of the Pari-mutuel Manager during his or her absence.

4.21: Licenses, Registrations and Fees for Participants in Racing

(1) The following persons shall be required to take out a license from the Commission and pay the applicable annual fee: Authorized Agent, Jockey, Jockey Apprentice, Jockey Agent, Owner and Colors, Trainer, Stable Employee, Veterinarian, Blacksmith, Racing Officials, Valet, Vendor, Outriders, Stable Name, Partnership.

4.21: continued

(2) The fee shall accompany each application for license or registration. They expire December 31st of the year of issue.

(3) All applications for licenses and registrations to participate in racing shall be made to the Commission on forms supplied by the Commission. Any person making any false, untrue or misleading statements on an application for license or registration may be denied such a license or registration or may be assessed a forfeiture, suspended or both.

(4) The Commission may designate categories of licenses which shall require stewards' prior approval or recommendation. Such applications shall be submitted first to the Stewards. In considering each application for a license the Stewards may require the applicant, as well as the endorsers to appear before them and show that said applicant is qualified in every respect to receive the license requested. Ability as well as integrity must be clearly shown by the applicant in order to receive the Stewards' recommendation for the granting of the license.

(5) Before recommending any application for a license it shall be the duty of the Stewards, individually and collectively, to ascertain if the applicant is qualified as to the ability, integrity and right to the license applied for.

(6) Financial Responsibility. Applicants for a license may be required to submit evidence of financial responsibility and shall maintain financial responsibility during the period for which the license is issued.

(7) License Refusal. The Commission or its designee may refuse to issue a license and give the applicant the option of withdrawal of an application without prejudice. If an applicant is refused, the applicant may reapply for a license.

(8) License Denial. The Commission may formally deny an application in accordance with 205 CMR 4.00. An application denied shall be reported in writing to the applicant stating the reasons for denial, the date when a reapplication may be submitted, and shall be reported to or the Association of Racing Commissioners International, whereby other member racing jurisdictions shall be advised.

(9) Grounds for Refusal, Denial, Suspension or Revocation of License.

(a) The Commission or its designee may refuse to issue or may deny a license to an applicant, or may suspend or revoke a license issued, or may order disciplinary measures, if the applicant:

1. has been convicted of a felony;
2. has been convicted of violating any law regarding gambling or a controlled dangerous substance;
3. has pending criminal charges; or
4. is unqualified to perform the duties required of the applicant;
5. has failed to disclose or states falsely any information required in the application;
6. has been found in violation of statutes or rules governing racing in this state or other jurisdictions;
7. has racing disciplinary charges pending in this state or other jurisdictions;
8. has been or is currently excluded from association grounds by a recognized racing jurisdiction;
9. has had a license denied, suspended or revoked by any racing jurisdiction;
10. is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting;
11. demonstrates financial irresponsibility by accumulating unpaid obligations, defaulting in obligations or issuing drafts or checks that are dishonored or payment refused.

(b) A license suspension or revocation shall be reported in writing to the applicant and the Association of Racing Commissioners International, whereby other member racing jurisdictions shall be advised.

4.21: continued

(10) No application for a license or registration shall be recommended by the Stewards and no license or registration will be issued by the Commission unless satisfactory evidence first is presented to the Stewards that the person so applying will participate in the meeting over which the Stewards have supervision.

(11) All persons licensed and registered by the Massachusetts Gaming Commission and all others whose occupation requires access to secured stable areas or participating in horse racing in the Commonwealth of Massachusetts may be photographed and finger-printed under the supervision of the Massachusetts Gaming Commission Police Unit and in accordance with the Massachusetts State Police Identification System.

(12) The Stewards may issue temporary licenses, to jockeys or apprentice jockeys. If during the term of the temporary license, the Stewards make the determination that said jockey or apprentice jockey is not qualified as to the ability to receive a permanent license then the temporary license shall be revoked.

(13) Temporary Owner Licenses may be issued to Trainers acting as agents for their owners or to authorized agents representing their owners. Temporary licenses will be valid for a period of 30 days from date of approval. Every Temporary Owner's License must be followed by an application from the owner received by the Gaming Commission prior to the expiration of the 30-day Temporary Owner's License. Failure to do so will result in an imposition by the Stewards of a fine against the trainer or authorized agent. No horse will be allowed to race after the expiration of the Temporary Owner's License until a permanent owner's license is granted.

(14) No application, except a license for ownership, will be considered for or granted to a person younger than 16 years old. If younger than 18 years old, an applicant for an owner's license shall submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual and other obligations relating to the applicant's participation in racing within the Commonwealth of Massachusetts.

(15) When an ownership is in the name of both husband and wife, both shall be licensed and no partnership shall be required.

(16) Every Commission licensee exercising a horse shall upon request of an official timer, correctly identify the horse he or she is exercising and shall state the distance over which such horse is to be worked and the point on the race track where it is intended to start the workout.

(17) Every person following the vocation of exercise person, hot walker, groom or stable foreman shall be licensed by the Commission.

(18) Any applicant for licensing as a pony or exercise person, who is not registered as an employee of an existing licensee, may apply for such licensing provided that such applicant shall be approved by the Stewards and shall be required to be registered on a separate "Badge List" to be maintained by track security.

(19) Before a Trainer's License is issued by the Commission, said trainer shall submit evidence, satisfactory to the Stewards, that he or she has fully complied with the provisions of Worker's Compensation Laws of the Commonwealth of Massachusetts and that he or she has secured compensation to employees in accordance with M.G.L. c. 152.

4.22: Naming of Jockeys

(1) Jockeys shall be named not later than scratch time of the day of the race.

(2) Any subsequent change of a jockey must be sanctioned by the Stewards and must be promptly and publicly posted and announced.

4.23: Owner

- (1) Each owner holding a beneficial interest of 20% or more in a horse must obtain a license from the Commission. If the owners are husband and wife, and their total beneficial interest is 20% or more in a horse, then they must both obtain a license from the Commission.
- (2) An owner shall not enter or start a horse that:
 - (a) is not in servicably sound racing condition;
 - (b) has been trachea tubed;
 - (c) has been nerved at or above the ankle;
 - (d) has been nerved or had cryosurgery performed on a nerve, except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race;
 - (e) is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision;
 - (f) does not comply with M.G.L. c. 129, § 44 and 330 CMR 16.05: *Prevention and Suppression of Equine Infectious Anemia*.
- (3) A list of nerved horses approved by the official veterinarian for racing shall be conspicuously posted in the racing secretary's office.
- (4) If an owner changes trainers, he or she must notify the racing secretary and cause the new trainer to sign his or her name on said owner's registration.
- (5) No owner shall employ a jockey for the purpose of preventing him or her from riding in any race.
- (6) No owner shall accept, directly or indirectly, any bribe, gift or gratuity in any form that might influence the result of any race, or tend to do so.
- (7) No owner shall move or permit to be moved any of his or her horses from the grounds of an Association until the horse is properly signed out of the grounds at the stable gate and after the racing Secretary has been properly notified.
- (8) An owner shall see to it that a report is made promptly to the racing secretary or to the official veterinarian of any and all known sickness of his or her horses.
- (9) The owner of a horse which is prevented from starting in a race because of his or her failure to pay the jockey fee for that race, or arrears against him or her or his or her horse, shall be liable for the declaration fee, and he or she and his or her horse shall be suspended until same is paid.
- (10) No stable may have in its employment in any capacity any employee younger than 16 years old, except as may be permitted by M.G.L. c. 149, § 60.

4.24: Paddock Judge

- (1) It shall be the duty of the paddock judge to check all contestants for each and every race and to have all horses properly identified.
- (2) The paddock judge shall keep a record of all equipment carried by all horses in all races under his or her jurisdiction, permitting no change in equipment not authorized by the Stewards.
- (3) The paddock judge shall, in each race, require the plater in attendance in the Paddock to see to that all horses are properly shod. The paddock judge shall report immediately to the Stewards the findings of the plater.
- (4) The paddock judge shall report any irregularities to the Stewards.

4.25: Paddock to Post: (Repealed)

4.26: Partnerships

- (1) Each and every partnership must be registered with the Commission. Every member of the partnership with a beneficial interest of 20% or more shall be licensed. Every member of the partnership with a beneficial interest of less than 20% shall not be licensed unless they establish a *bona fide* need for the license and the issuance of the license shall be approved by the stewards.
- (2) Partnership papers shall, among other things, set forth the following:
 - (a) the name and address of each and every person having an interest in the horse or horses involved;
 - (b) the relative proportions of such interests;
 - (c) to whom the winnings are payable;
 - (d) in whose name the horse or horses shall run;
 - (e) with whom the power of entry and declaration rests;
 - (f) the terms of any contingency, lease or any other arrangement.
- (3) All partnership papers must be signed by all of the parties or by their authorized agents.
- (4) In case of emergency, authority to sign declarations of partnership may be given to the racing secretary by a telegram promptly confirmed in writing.
- (5) The part owner of any horse cannot assign his or her share or any part of it, without the written consent of the other partners, the said consent to be lodged with the Gaming Commission.
- (6) An alteration in a recorded partnership registration to be effective must be reported in writing to the Commission and signed by all partners.
- (7) All the parties licensed in a partnership and each of them shall be jointly and severally liable for all stakes, forfeits and other obligations.
- (8) In case of multiple ownership, each and every owner shall be in good standing in racing. In a Limited Partnership and every other form of partnership, only the Managing General Partner, General Partners or a person designated to act on behalf of the partnership and partners whose percentage of ownership is 20% or more of the total partnership shall be licensed as owners. A partner whose percentage of ownership is less than 20% of the total partnership shall not be licensed as an owner unless they establish a *bona fide* need for the license and the issuance of the license shall be approved by the stewards. Those not licensed must provide full disclosure by the partnership of:
 - (a) The limited partner's name, address, date of birth, social security number and criminal history if any;
 - (b) The percentage of total partnership interest owned by the limited partner. If limited partners are husband and wife, and their total ownership interest in the partnership represents 20% or more of the total partnership, then they shall both be licensed as owners.
 - (c) Said disclosure statement shall be made under oath and accompanied by a copy of the partnership agreement.If a limited partner with less than 20% interest of the total partnership could not obtain a license for reasons outlined in 205 CMR 4.21, the Limited Partnership shall not be licensed. In the event that one of the persons listed in the Limited Partnership is suspended, all horses owned by the Limited Partnership may be suspended, at the discretion of the Stewards and or the Commission.

It shall be the responsibility of the General Partner or his or her licensed designee to notify the Stewards and Gaming Commission in writing of any change in the ownership or interest in the Limited Partnership.

Only the Managing General Partner or a licensed partner or a person designated to act on behalf of the partnership and is licensed can enter a horse in a race.

4.27: Patrol Judges

The patrol judge, when utilized, is responsible for observing the race and reporting information concerning the race to the stewards. If the track's video replay system is deemed adequate, use of patrol judges is optional.

4.28: Placing Judges

- (1) Three Placing Judges shall occupy the Placing Judges' Stand during each and every race, and their duty shall be to place and record the complete order of finish in each race.
- (2) The placing Judges shall properly display the numbers of the first four horses in each race in the order of their finish.
- (3) When the Placing Judges differ in their placing the majority shall prevail.
- (4) The Placing Judges shall make public their decision as promptly as possible.
- (5) If it is considered advisable to consult a picture from the finish camera, the Placing Judges shall post, without waiting for a picture, such placements as are in their opinion unquestionable, and, after consulting the picture, make the other placements.
- (6) The Judges may call for a picture from the photo-finish camera to aid them in arriving at a decision. However, in all cases the camera is merely an aid and the decision of the Judges shall be final.
- (7) In determining the places of the horses at the finish of a race, the Placing Judges shall consider only the relative position of the respective noses of such horses.
- (8) Upon receipt of such notice the Stewards shall promptly display the sign "official."
- (9) There shall be no alteration of placement after the sign "official" has been purposely displayed, except as in outlined in 205 CMR 6.04(4).
- (10) The Placing Judges shall each day file with the Commission a copy of the official placement of the first six horses in each race of that day, and shall supply to other officials such information in respect to the racing as the Association may require.

4.29: Postponement and Cancellation of Races

- (1) If the whole or a part of a racing program is abandoned any purse race involved must be declared off.
- (2) If the whole or a part of a racing program is abandoned any stake race involved may be postponed or declared off.
- (3) If a stake race is declared off, all subscriptions and fees paid in connection with that race shall be refunded.
- (4) Public notice shall be given at the earliest practicable time if a published race is declared off.
- (5) No race that has closed with sufficient entries shall be declared off except by the Stewards.

4.30: Racing Officials

- (1) Officials at a race meeting include the following:
 - (a) stewards;
 - (b) racing secretary;
 - (c) horsemen's bookkeeper;
 - (d) paddock judge;
 - (e) horse identifier;
 - (f) clerk of scales;
 - (g) outrider;
 - (h) starter;
 - (i) timer/clocker;
 - (j) patrol judge, absent video replay equipment;

4.30: continued

- (k) placing judge;
- (l) official veterinarian;
- (m) racing veterinarian; and
- (n) any other person so designated by the Commission.

(2) The Commission shall appoint two of the Stewards. All other officials designated in 205 CMR 4.30(1) shall be appointed by the Association holding the meeting, all appointments being subject to the approval of the Commission, which reserves the right to demand a change of personnel for what it deems good and sufficient reasons. The successor to official so replaced to be subject to the approval of the Commission.

(3) No one interested in the result of a race, either because of ownership of any horse entered, or of his or her sire or dam, or because of bets or otherwise, shall act as a racing official in respect to that race. This prohibition includes, but is not limited to, a restriction on racing officials officiating over races in which any of the following individuals sharing a relationship with the racing official competes:

- (a) a spouse, domestic partner, or life partner;
- (b) a member of the racing official's immediate family defined in the Massachusetts Gaming Commission's Enhanced Code of Ethics; or
- (c) anyone for whom the racing official's objectivity in the performance of their duties could reasonably be questioned, unless that official has publically disclosed, in writing, the appearance of a conflict of interest to the Director of Racing in advance of the subject race and the Director of Racing has approved the disclosure of an appearance of a conflict of interest.

(4) In the event that one of the Stewards seeks to recuse themselves from judging a race because of the involvement of an individual identified in 205 CMR 4.30(3)(a) through (c), it shall be that Steward's obligation to secure an alternate Steward for the judging of the race, or in the alternative, to confirm that the two remaining Stewards agree to proceed without the conflicted official. The selection of any alternate Steward under these circumstances shall be subject to approval of the Director of Racing.

(5) No such racing official or his or her assistants shall wager money or any other chattel of value on the result of any race at the meeting.

(6) No such racing official or his or her assistants shall accept, directly or indirectly, any gratuity reward or favor in connection with racing at the meeting.

(7) No such racing official or his or her assistants shall, at the meeting, directly or indirectly, buy or sell any contract upon any jockey or apprentice jockey for himself or another.

(8) No such racing official or his or her assistants shall write or solicit horse insurance at the meeting.

(9) Each racing official and his or her assistants shall report to the Stewards all observed violations of 205 CMR 4.00.

(10) The Commission may, at its discretion, require an eye test of any Steward, Placing Judge or Patrol Judge, said test to be given by a licensed optometrist. The test to include particularly distance and color.

4.31: Racing Secretary

(1) The racing secretary or his or her deputy shall discharge all duties of his or her office expressed or implied, as required by 205 CMR 4.00.

(2) A list of nerved horses approved by the official veterinarian for racing shall be conspicuously posted in the racing secretary's office.

4.31: continued

(3) The racing secretary shall compile an official program for each racing day, which shall state the time for the first race and give the names of the horses which are to be run in each of the races of the day.

(4) The program shall indicate the order in which each race is to be run; the purse, conditions and distance of each race; the owner, trainer and jockey of each horse; each owner's racing colors; the weight assigned to each horse; his or her name, number and post position, color, sex, age and breeding. The names of the members of the Commission, Commission officials and all racing officials shall be printed on the program. The program may show other pertinent data.

(5) The racing secretary shall keep a complete record of all races.

(6) The racing secretary shall receive all entries and declarations, and he or she or any other person designated by the Association may receive all stakes, forfeits, entrance monies, fees (including jockey's fees) purchase money in claiming races and all other money that can properly come into possession as agent for the Association for which he or she is acting.

NON-TEXT PAGE

4.31: continued

(7) The racing secretary shall pay over when due, all monies collected by him or her to such persons as may be entitled to receive it.

(8) The racing secretary shall, in the interest of racing, keep himself or herself thoroughly informed concerning such arrears as may be authoritatively listed or reported for recognized meetings, using such list as a means of eliminating undesirable people from racing. The lists shall be compiled and kept accessible at all times to other officials of the race meeting, as shall all other information in his or her possession that is required for the conduct of the meeting.

(9) The racing secretary shall have the right to inspect any trainer's or jockey's license, partnership papers, all papers and documents with respect to a contract between a jockey and his employer, or employers; and papers relating to the appointment of authorized agents; jockey agents, or to the adoption of colors or to stable names.

4.32: Urine, Other Tests and Examinations: (Repealed)

4.33: Starter

(1) Only the Starter or a deputy approved by him or her and by the Stewards may start a race.

(2) The Starter shall give all orders and take all measures necessary to insure a fair start.

(3) The Starter's decision as to the validity of a start shall be final. Likewise his or her decision as to whether a horse was locked in the gate shall be final.

(4) The Starter may appoint his or her assistants subject to the approval of the Stewards.

(5) Horses are in the hands of the Starter from the moment they enter the track on the way from paddock to post. They remain in his or her hands until the start.

(6) In case the alignment of the horses at the post is delayed, the Starter may permit jockeys to dismount and their mounts to be attended.

(7) Horses shall take their positions in numerical order from the inside rail, that order to be determined by postposition. However, if the starter deems a horse unruly, said horse may take position out of order.

(8) All flat races shall be started out of a stall gate.

(9) In case of necessity, by permission of the Stewards, a gate may be used with the doors open.

(10) If the number of horses starting in a stake race does not exceed the capacity of the track, but does exceed the number of stalls in the gate, the surplus may be started from outside the gate.

(11) The Starter may place vicious and unruly horses on the outside and behind the line.

(12) The Starter shall report to the Stewards by whom or by what cause any delay was occasioned and any cases of misconduct by jockeys when under his or her orders.

(13) The Starter shall maintain and keep available to the Stewards a daily record of all horses handled at the gate.

(14) The Starter shall maintain a Starter's list, and all horses shall be schooled to barrier or starting gate, if and when required under the personal supervision of himself or herself or his or her assistants.

(15) Only the Starter shall have the authority to designate the horses that shall constitute the Starter's list.

4.33: continued

- (16) The Starter shall file a copy of the Starter's list with the racing secretary.
- (17) The Starter shall report to the racing secretary as soon as a horse on the list has been schooled sufficiently to be permitted to start.
- (18) A horse will not be eligible to start until the starter orders the name stricken from the Starter's list.
- (19) The concurrent statements of the Starter and his or her assistants as to incidents of the start are conclusive.
- (20) Neither the Starter nor his or her assistants shall mistreat or use abusive language to a jockey.
- (21) The Starter's approval of the starting ability of all two-year-olds must be obtained before the same are permitted to start. Likewise, his or her approval must be obtained for all older horses that have never started at a recognized meeting.
- (22) If a horse is locked in the gate, the Starter shall immediately notify the Stewards who in turn shall immediately notify the manager of the Pari-mutuel Department.
- (23) No person shall give to any starter or assistant starter, nor shall any starter or assistant starter receive money, anything of value, or other compensation for such starter's or assistant starter's services in connection with the running of any race or races. No Starter or assistant starter, shall either directly or indirectly bet on any race, or engage in any betting transaction nor have any interest in any horse.

4.34: Steeplechasing

- (1) Steeplechases shall be conducted in conformity with 205 CMR 4.00 established in so far as they can be consistently applied. To the extent that they cannot so be applied, modification thereto may be made by the Stewards in accordance with the Rules of the National Steeplechase Association, 400 Fair Hill Drive, Elkton, MD. www.nationalsteeplechase.com.
- (2) All horses engaged in Steeplechasing must be registered either at the Jockey Club, 40 East 52nd Street, New York, NY 10022 or with the National Steeplechase Association.

4.35: Stewards

- (1) The Stewards shall have the power to interpret 205 CMR 4.00 and to decide all questions not specifically covered by them.
- (2) In matters pertaining to racing, the orders of the Stewards supersede the orders of the Officers and Directors of the Association.
- (3) The Stewards shall have general supervision over owners, trainers, jockeys, grooms and other persons attendant on horses, and also over all the other officials at the meeting.
- (4) The Stewards shall have the authority to declare a race void and to order all wagers made thereon refunded if they shall determine that any occurrence before or during the running of such race calls for such action by them.
- (5) The Stewards shall have control over and free access to all stands, weighing rooms, enclosures, and other places in use for the purpose of racing.
- (6) All entries and declarations shall be under the supervision of the Stewards.
- (7) The Stewards shall have the power to determine all questions arising with reference to entries and racing.

4.35: continued

- (8) All questions pertaining to which their authority extends shall be determined by a majority of the Stewards.
- (9) The Stewards shall have the power to punish for violation of 205 CMR 4.00 any person subject to their control and in their discretion to impose forfeitures or suspensions or both for infractions.
- (10) The Stewards may not impose a forfeiture in excess of \$3,000.00. If it is deemed necessary that a larger forfeiture should be imposed, the Stewards shall so recommend to the Commission.
- (11) The Stewards may suspend a person or disqualify a horse. The Stewards shall maintain a list of such disqualified horses and other horses that in the opinion of the Stewards are not competitive at that meeting or are dangerous to themselves, riders or other horses. Horses on said list may not enter until permission to do so is given by the Stewards in order to remove a horse from said list. No horse may be placed on said list unless prior thereto the Stewards state, in writing, the reason for placement of the horse thereon.
- (12) The Stewards shall have the powers to exclude or eject from the premises and enclosures of the Association
 - (a) any person who is disqualified for corrupt practices on the turf in any country;
 - (b) any person who is under suspension by the Stewards of a recognized meeting or ruled off by any other Commission;
 - (c) any person who is under their supervision.
- (13) The Stewards may demand proof that a horse neither is disqualified in any particular; nor entered or owned, in whole or in part, by a disqualified person, or trained in whole or in part, by a disqualified person. In default of proof, satisfactorily to them, the Stewards may declare the horse disqualified.
- (14) The Stewards may postpone a race from race-day to race-day.
- (15) The Stewards shall have the power to examine or cause to be examined at any time any horse stabled on the Association grounds, or in stabling approved by the Association.
- (16) The three Stewards must be on duty during race time, which shall mean from one hour before post time for the first race of the day until the last race of the day has been made official.
- (17) At least one of the Stewards, or his or her deputy, must be on duty within call of the Racing secretary from the time of opening of overnight entries each morning until after the drawing of postpositions.
- (18) The Steward may appoint his or her own deputy at any time.
- (19) If there is only one Steward present at race time, said Steward shall appoint two other qualified persons to act with him or her as Stewards *pro tem*.
- (20) If only two Stewards are present at race time, they shall by agreement appoint a deputy for the absent Steward; but if unable to reach an agreement, shall call upon the racing secretary to appoint said deputy.
- (21) If none of the Stewards are present at race time, the racing secretary shall appoint three qualified persons, one of whom may be himself or herself, to act as Stewards *pro tem*.
- (22) When a vacancy occurs among the racing officials, other than the Stewards, prior to post time of the first race of the day, or when a vacancy occurs after the racing of the day has started, the Stewards shall immediately fill the vacancy. The appointment shall be effective only for the day, unless the Association fails to fill the vacancy on the following day and notifies the Stewards of its action not less than one hour before the post time of the first race of the day. Such appointment shall be reported immediately to the Commission.

4.35: continued

- (23) The Stewards shall take notice of any questionable conduct with or without complaint.
- (24) The Stewards may substitute a jockey of their selection on any horse.
- (25) The Stewards may place any horse in the temporary charge of a trainer of their selection.
- (26) In case of accident or casualty to a horse before a start, the Stewards may excuse said horse.
- (27) The Stewards must investigate promptly, and render a decision in every objection and in every complaint properly made to them.
- (28) The Stewards shall report all objections and complaints to the Commission as soon as received by them, and shall make prompt report to said Commission of their decision.
- (29) The Stewards shall, not later than seven days after the end of each meeting, make a report to the Chairman of the Commission of all infractions of 205 CMR 4.00 and of all rulings of the Stewards upon matters coming before them during such meeting.
- (30) Except in emergencies, no Steward shall grant permission for a change of horses' equipment after the close of entries for the race in which the changed equipment is to be carried.
- (31) There shall be one or more timers. They shall determine the official time of each race.
- (32) The time recorded for the first horse to cross the finish line shall be the official time of the race.
- (33) In the event that a horse establishes a track record in a race and if it later develops that the chemical analysis of any sample taken indicates the presence of a narcotic, stimulant, depressant or local anesthetic, then such track record shall be null and void.
- (34) When electric timing is used, the races shall also be timed otherwise.
- (35) The time shall be announced and displayed.
- (36) A written report of the time of each race shall be made to the clerk of the scales for the reports to the racing secretary.
- (37) No person may refuse to testify before the Stewards at any formal hearing on any relevant matter within the authority of the Stewards, except in the proper exercise of a legal privilege or unless representation is requested by an attorney or their association.

4.36: Trainers

- (1) Each trainer must obtain a license from the Commission.
- (2) No trainer's license or assistant trainer's license shall be considered or approved for an applicant younger than 18 years old.
- (3) No trainer shall practice his or her profession except under his or her own name.
- (4) The Stewards may permit a trainer to act pending action on his or her application.
- (5) A licensed trainer may represent the owner in the matter of his or her entries, declarations and the employment of jockeys.
- (6) A trainer shall have his or her horse in the paddock at the time appointed.

4.36: continued

- (7) A trainer shall attend his or her horse in the paddock, and shall be present to supervise his saddling, unless he or she has obtained the permission of a Steward to send his assistant trainer or another licensed trainer as a substitute.
- (8) When a trainer is to be absent from his or her stable or the grounds where his or her horses are racing for a period of more than two racing days, and his or her horses are entered or are to be entered, he or she must provide a licensed trainer to assume the complete responsibility of the horses he or she is entering or running. Such licensed trainer shall sign in the presence of the Stewards a form furnished by the Commission accepting complete responsibility of the horse or horses being entered or running.
- (9) The trainer shall be responsible for and be the absolute insurer of the condition of the horses he or she enters regardless of the acts of third parties.
- (10) Each trainer shall register with the racing secretary all the horses in his or her charge, giving the name, color, sex, age, breeding and ownership of each.
- (11) The personnel of every stable and changes shall be registered, by the trainer, with the Security Department at the track where their horses are racing or stabled, and shall be available at all times to representatives of the Commission.
- (12) A trainer shall not have in charge or under his or her supervision any horse owned, in whole or in part, by a disqualified person.
- (13) A trainer shall not have in charge, or under his or her supervision any horse owned, in whole or in part, by a jockey.
- (14) No trainer shall accept, directly or indirectly, any bribe, gift or gratuity in any form which might influence the result of any race or which would tend to do so.
- (15) No trainer shall move or permit to be moved any horse or horses in his or her care from the grounds of an Association until the horse is properly signed out of the grounds at the stable gate and after the racing secretary has been properly notified.
- (16) A trainer shall not enter or start a horse that:
 - (a) is not in serviceably sound racing condition;
 - (b) has been trachea-tubed;
 - (c) has been "nerved" at or above the ankle.
 - (d) has been nerved or had cryosurgery performed on a nerve; except that horses that have had a neurectomy or cryosurgery performed on the posterior digital nerve below, and not at, the fetlock of one or more feet may be permitted to race.
 - (e) is blind or whose vision is seriously impaired in both eyes. A horse blind in one eye may start only if the other eye has normal vision.
 - (f) does not comply with M.G.L. c. 129, § 44 and 330 CMR 16.05: *Prevention and Suppression of Equine Infectious Anemia*.
- (17) A trainer shall report promptly, to the official veterinarian, all horses in his or her care that have been nerved. A list of nerved horses approved by the official veterinarian for racing shall be conspicuously posted in the racing secretary's office.
- (18) No trainer shall employ a jockey for the purpose of preventing him or her from riding in any race.
- (19) A trainer is responsible for reporting the proper gender of his or her horse at the time of entry, and reporting the castration of any horse in his or her care to the horse identifier and official veterinarian.

4.37: Vendors of Horse Feed or Medicine

Any vendor of horse feed or medicine of any kind or description shall file with the Commission a list of products which he or she proposes to sell or deliver within the enclosure of the race track, and shall further submit any new preparation to be offered for sale for approval of the official veterinarian. Should such vendor offer any preparation not so approved by the official veterinarian, or not so listed, he or she shall be denied the privileges of the stable area.

4.38: Veterinarians: (Repealed)

4.39: Walking Over

(1) If, at the time for hoisting the numbers only one horse shall have weighed out, that horse shall be ridden past the Judges' Stand, go to the post, and then move over the course. He or she shall then be deemed the winner.

In case of a walkover, the horse walking over shall receive:

- (a) In overnight races, $\frac{1}{2}$ of the winner's rightful share of first money.
- (b) In stake races, $\frac{1}{2}$ of the winner's rightful share of the added money and all fees.

(2) In case of a walkover, any money or prize that by the condition of the race would have been awarded to a horse placed second, or lower in the race, shall, if contributed by the owners, be paid to the winner. If a donation from any other source, it shall not be awarded.

4.40: Weighing In: (Repealed)

4.41: Weighing Out: (Repealed)

4.42: Winnings

(1) The winnings of a horse in a stake race shall be computed on the value of the gross earnings.

(2) Winnings shall include all net monies won in all countries, up to the time appointed for the start, including walkovers and forfeits but not second and third money nor the value of a prize not in money.

(3) Winnings during a year shall be reckoned from January 1st of that year.

(4) Winner or non-winner of a specified sum means winner, or non-winner of a single race of that value to the winner, unless otherwise stated.

(5) In computing the value of a series of races in which an extra sum of money is won by the winning of two or more races of the series, the extra amount shall not be included in the horse's winnings until the series, or that part of it, is finished and hence the extra amount is definitely ascertainable. When ascertained it shall be added to the race which determined the extra amount.

(6) Foreign winnings shall be estimated on the basis of the normal rate of exchange prevailing on the day of the winner.

(7) The entrance money, starting and subscription fees, in every race, shall go to the winner unless otherwise provided in its conditions, but when from any cause a race is not run, all stakes or entrance money, if any paid, shall be returned.

4.43: Special Rules for State or County Fairs

M.G.L. c. 128A, § 9, second paragraph provides "The Commission shall have power to prescribe special rules, regulations and conditions applicable to horse and dog racing meetings held under licenses granted hereunder in connection with a state or county fair, or any exhibition for the encouragement of extension of agriculture."

4.44: Declarations and Scratches for State and County Fairs

In purse races and overnight handicaps with more than eight interests, owners shall have the right to declare out to that number before the time stipulated by 205 CMR 4.00, on the day of the race such right to be determined by lot when necessary. Declarations below eight interests may only be made by permission from the Stewards.

4.45: General Rules for State and County Fairs

(1) The Stewards at meetings held in connection with State or County Fairs shall have the power to suspend anyone whom they have authority to supervise for no greater period than ten days beyond the close of the fair racing season in Massachusetts. They may extend a suspension from one fair meeting to another within the fair racing season.

The Stewards at meetings held in connection with State or County Fairs may impose a forfeiture on anyone whom they have authority to supervise, not exceeding \$500.00.

(2) Each Association licensed by the Commission to conduct a racing meeting in connection with a State or County Fair shall submit to the Commission a complete list of employees three days after the first racing day. This must contain in addition to the name and addresses of employees, the position each one is to fill or the duties he or she is to perform. All additions made to or changes in the list of employees must be promptly reported to the Commission.

4.46: Paddock Judge for State and County Fair

The Paddock Judge may permit a horse to be excused from parading and be led to the post.

4.47: Practicing Veterinarians

(1) Eigibility. An applicant for a license as practicing veterinarian shall be qualified and licensed to practice veterinary medicine in this jurisdiction and be otherwise qualified to be issued a license to participate in racing. An application for a practicing veterinarian license from the Commission must be accompanied by a copy of the applicant's current license to practice veterinary medicine.

(2) Responsibility.

(a) All practicing veterinarians administering drugs, medications or other substances shall be responsible for ensuring that the drugs, medications or other substances and the veterinary treatment of horses are administered in accordance with 205 CMR 4.00.

(b) All practicing veterinarians shall promptly notify the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his or her charge.

(c) All veterinarians shall file individual remittance certificates with individual blood samples when testing for equine infectious anemia. Upon receipt from an approved testing laboratory, the certificates shall be returned to the trainer whose responsibility it shall be to safeguard said certificate and surrender same to a new owner and/or trainer in cases of claims, sales or transfers. All veterinarians shall notify the State Veterinarian immediately upon receipt of a positive report.

(3) Restrictions.

(a) A practicing veterinarian shall not wager on the outcome of any race if the practicing veterinarian has treated a horse participating in that race within the past 30 days.

(b) Veterinarians licensed by the Commission to practice their profession shall not be eligible to hold an owner or trainer license at tracks under the jurisdiction of the Commission.

4.48: Official Veterinarian

(1) General. The official veterinarian shall:

(a) be employed by the Commission;

(b) be a graduate veterinarian and be licensed to practice in this jurisdiction;

(c) be qualified to objectively and competently provide the regulatory duties described in 205 CMR 4.48;

4.48: continued

- (d) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in the Commonwealth of Massachusetts while employed as the official veterinarian for the commission;
 - (e) refrain from directly treating or prescribing for any horse under his or her jurisdiction except in cases of emergency, accident or injury;
 - (f) have no employment history or business relationship prior to employment as the official veterinarian that could constitute a conflict of interest or impede in the performance of official duties.
- (2) Responsibilities. The official veterinarian shall:
- (a) recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;
 - (b) inspect any horse when there is a question as to the physical condition of such horse independent of the horse's entry status;
 - (c) recommend to the stewards the scratching of any horse that is, in the opinion of the official veterinarian, injured, ill, or otherwise unable to compete due to a medical or health-related condition;
 - (d) provide emergency medical care to horses injured racing and effect case transfer to the practicing veterinarian;
 - (e) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act; and
 - (f) report to the Commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
 - (g) maintain all required records of postmortem examinations performed on horses which have died within the jurisdiction of the Commission;
 - (h) maintain the Veterinarian's List of horses ineligible to race;
 - (i) supervise and control the Test Barn;
 - (j) supervise the taking of all specimens for testing according to procedures approved by the Commission;
 - (k) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion, or contamination and assure sample integrity;
 - (l) provide the stewards with a written statement regarding the nature and seriousness of all laboratory reports of prohibited substances in equine samples.
 - (m) have jurisdiction over the practicing licensed veterinarians within the enclosure for the purpose of these rules;
 - (n) review and consult with the applicants and the stewards/Commission regarding Commission license applications of practicing veterinarians, veterinary technicians or assistants, vendors of medical supplies and equipment, non-veterinarian health care providers (massage therapists, nutritionists, physical therapists, *etc.*);
 - (o) cooperate with practicing veterinarians and other regulatory agencies to take measures to control communicable and/or reportable equine diseases;
 - (p) maintain the Furosemide list of horses permitted to receive raceday furosemide; and
 - (q) review Medication Report Forms submitted by practicing veterinarians pursuant to 205 CMR 4.50(3).

4.49: Racing Veterinarian

- (1) The racing veterinarian(s) shall be employed by the Association.
- (2) The racing veterinarian shall:
 - (a) be directly responsible to the official veterinarian;
 - (b) be a graduate veterinarian and be licensed to practice in the jurisdiction;
 - (c) be available to the racing secretary and/or the stewards prior to scratch time each racing day, at a time designated by the stewards, to inspect any horses and report on their condition as may be requested by the stewards;
 - (d) inspect any horse when there is a question as to the physical condition of such horse;
 - (e) conduct soundness inspections on horses participating in races at the meeting;
 - (f) recommend scratching a horse to the stewards if, in the opinion of the racing veterinarian, the horse is physically incapable of exerting its best effort to win;

4.49: continued

- (g) be present in the paddock during saddling, on the racetrack during the post parade and at the starting gate until the horses are dispatched from the gate for the race;
- (h) inspect any horse which appears in physical distress during the race or at the finish of the race; and shall report such horse together with his or her opinion as to the cause of the distress to the Stewards and to the official veterinarian;
- (i) provide emergency medical care to horses injured racing and effect case transfer to the practicing veterinarian;
- (j) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of the horse to so act;
- (k) refuse employment or payment, directly or indirectly, from any horse owner or trainer of a horse racing or intending to race in this jurisdiction while employed as the racing veterinarian;
- (l) refrain from directly treating or prescribing for any horse scheduled to participate during his or her term of appointment at any recognized meeting except in cases of emergency, accident or injury; and
- (m) with approval of the official veterinarian, place horses on the Bleeder List.

4.50: Veterinary Practices

(1) Veterinarians under the Authority of the Official Veterinarian. Veterinarians licensed by the Commission and practicing at any location under the jurisdiction of the Commission are under the authority of the official veterinarian and the Stewards. The official veterinarian shall recommend to the Stewards or the Commission the discipline that may be imposed upon a veterinarian who violates the rules.

(2) Appropriate Role of Veterinarians. The following limitations apply to drug treatments of horses that are engaged in activities, including training, related to competing in pari-mutuel racing in the jurisdiction:

(a) No drug may be administered except in the context of a valid veterinarian-client-patient relationship between an attending veterinarian, the horse owner (who may be represented by the trainer or other agent) and the horse. The owner is not required by 205 CMR 4.50(2) to follow the veterinarian's instructions, but no drug may be administered without a veterinarian having examined the horse and provided the treatment recommendation. Such relationship requires the following:

1. The veterinarian, with the consent of the owner, has accepted responsibility for making medical judgments about the health of the horse;
2. The veterinarian has sufficient knowledge of the horse to make a preliminary diagnosis of the medical condition of the horse;
3. The veterinarian has performed an examination of the horse and is acquainted with the keeping and care of the horse;
4. The veterinarian is available to evaluate and oversee treatment outcomes or has made appropriate arrangements for continuing care and treatment;
5. The relationship is maintained by veterinary visits as needed; and
6. The veterinary judgments of the veterinarian are independent and are not dictated by the trainer or owner of the horse.

(b) No prescription drug may be administered except as prescribed by an attending veterinarian.

(c) The trainer and veterinarian are both responsible to ensure compliance with these limitations on drug treatments of horses, except the medical judgment to recommend a drug treatment or to prescribe a drug is the responsibility of the veterinarian and the decision to proceed with a drug treatment that has been so recommended is the responsibility of the horse owner (who may be represented by the trainer or other agent).

(3) Treatment Restrictions.

(a) Only licensed trainers, licensed owners or their designees shall be permitted to authorize veterinary medical treatment of horses under their care, custody and control at locations under the jurisdiction of the Commission.

4.50: continued

(b) Except as otherwise provided by 205 CMR 4.50(3), no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the Commission.

(c) 205 CMR 4.50(3)(c) does not apply to the administration of the following substances except in approved quantitative levels, if any, present in post-race samples or as they may interfere with post-race testing:

1. A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;
2. A non-injectable substance on the direction or by prescription of a licensed veterinarian; or
3. A non-injectable non-prescription medication or substance.

(d) No person shall possess a hypodermic needle, syringe capable of accepting a needle or injectable of any kind on association grounds, unless otherwise approved by the Commission. At any location under the jurisdiction of the Commission, veterinarians may use only a one-time disposable syringe and needle, and shall dispose of both in a manner approved by the Commission. If a person has a medical condition which makes it necessary to have a syringe at any location under the jurisdiction of the Commission, that person may request permission of the Stewards and/or the Commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a syringe, and must comply with any conditions and restrictions set by the Stewards and/or the Commission.

(e) Practicing veterinarians shall not have contact with an entered horse within 24 hours before the scheduled post time of the race in which the horse is scheduled to compete except for the administration of furosemide under the guidelines set forth in 205 CMR 4.52(6) unless approved by the official veterinarian. Any unauthorized contact may result in the horse being scratched from the race in which it was scheduled to compete and may result in further disciplinary action by the Stewards.

(f) Any horse entered for racing must be present on the grounds prior to the scheduled furosemide administration time or one hour prior to first post time whichever is earlier.

(4) Veterinarians' Reports.

(a) Every veterinarian who treats a racehorse at any location under the jurisdiction of the Commission shall, in writing on the medication report form prescribed by the Commission, report to the official veterinarian or other Commission designee at the racetrack where the horse is entered to run or as otherwise specified by the Commission, the name of the horse treated, any medication, drug, substance or procedure administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(b) The medication report form shall be signed by the practicing veterinarian.

(c) The medication report form must be filed by the treating veterinarian not later than post time of the race for which the horse is entered. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of the Commission's regulations or in a proceeding before the Stewards or the Commission, or to the trainer or owner of record at the time of treatment.

(d) A timely and accurate filing of a medication report form that is consistent with the analytical results of a positive test may be used as a mitigating factor in determining the nature and extent, if any, of a rules violation.

4.51: Prohibited Practices

(1) No person may possess or use a drug, substance or medication on the premises of a facility under the jurisdiction of the Commission for which

- (a) a recognized analytical method has not been developed to detect and confirm the administration of such substance; or
- (b) the use of which may endanger the health and welfare of the horse or endanger the safety of the rider; or
- (c) the use of which may adversely affect the integrity of racing; or
- (d) no generally-accepted use in equine care exists.

4.51: continued

(2) Prohibited Substances and Methods.

(a) The substances and methods listed in the annexed Prohibited List may not be used at any place or time, and may not be possessed on the premises of a racing or training facility under the jurisdiction of the Commission, except as a restricted therapeutic use.

(b) Restricted Therapeutic Use. A limited number of medication on the Prohibited List shall be exempted when the administration occurs in compliance with the annexed Required Conditions for Restricted Therapeutic Use:

1. Report When Sampled means the administration of the substance must be reported to the Commission when the horse is next sampled, if the horse is sampled within 24 hours after the administration;
2. Pre-file Treatment Plan means that if the Commission where the horse is located requires the filing of treatment plans, then a treatment plan for the substance must be filed by the time of administration in a manner approved by such Commission;
3. Written Approval from Commission means the Commission has granted written approval of a written treatment plan before the administration of the substance;
4. Emergency Use (report) means the substance had to be administered due to an acute emergency involving the life or health of the horse, provided the emergency use is reported to the Commission as soon as practicable after the treatment occurs;
5. Prescribed by Veterinarian means the substance has been prescribed by an attending veterinarian, in compliance with ARCI 011-010 *Veterinary Practices*, and recorded in the veterinary records in the manner required by the Commission;
6. Report Treatment means the treatment must be reported to the Commission by the trainer at the time of administration to provide the Commission with information for the Veterinarian's List. The trainer may delegate this responsibility to the treating veterinarian, who shall make the report when so designated; and
7. Other Limitations means additional requirements that apply, such as a substance may be used in only fillies or mares or a horse that is administered a substance shall be reported immediately to the Commission and placed on the Veterinarian's List for a specific minimum period of time. The use of the substance must comply with other applicable rules of the Commission.

(c) No person shall at any time administer any other doping agent to a horse except pursuant to a valid therapeutic, evidence-based treatment plan.

1. Other doping agent means a substance that is not listed in the annexed Prohibited List, has a pharmacologic potential to alter materially the performance of a horse, has no generally accepted medical use in the horse when treated, and is:
 - a. capable at any time of causing an action or effect, or both, within one or more of the blood, cardiovascular, digestive, endocrine, immune, musculoskeletal, nervous, reproductive, respiratory, or urinary mammalian body systems including, but not limited to, endocrine secretions and their synthetic counterparts, masking agents, oxygen carriers, and agents that directly or indirectly affect or manipulate gene expression; but
 - b. not a substance that is considered to have no effect on the physiology of a horse except to improve nutrition or treat or prevent infections or parasite infestations.
2. The Commission may publish advisory warnings that certain substances or administrations may constitute a violation of 205 CMR 4.00.
3. Therapeutic, evidence-based treatment plan means a planned course of treatment written and prescribed by an attending veterinarian before the horse is treated that:
 - a. describes the medical need of the horse for the treatment, the evidence-based scientific or clinical justification for using the doping agent, and a determination that recognized therapeutic alternates do not exist; and
 - b. complies with ARCI 011-010 *Veterinary Practices*, meets the standards of veterinary practice of the jurisdiction, and is developed in good faith to treat a medical need of the horse.
4. Such plans shall not authorize the possession of a doping agent on the premises of a racing or training facility under the jurisdiction of the Commission.

(3) The possession and/or use of the following substances or of blood doping agents including, but not limited to, those listed in 205 CMR 4.51(3)(a) through (j), on the premises of a facility under the jurisdiction of the Commission is forbidden:

4.51: continued

- (a) Aminoimidazole carboxamide ribonucleotide (AICAR);
 - (b) Darbepoetin;
 - (c) Equine Growth Hormone;
 - (d) Erythropoietin;
 - (e) Hemopure®;
 - (f) Myo-Inositol Trispyrophosphate (ITPP);
 - (g) Oxyglobin®;
 - (h) Thymosin beta;
 - (i) Venoms or derivatives thereof;
 - (j) Thymosin beta.
- (4) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall not be permitted unless the following conditions are met:
- (a) Any Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy machine, whether in operating condition or not, must be registered with and approved by the Commission or its designee before such machine is brought to or possessed on any racetrack or training center within the jurisdiction of the Commission;
 - (b) The use of Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy within the jurisdiction:
 - 1. shall be limited to veterinarians licensed to practice by the Commission;
 - 2. may only be performed with machines that are registered and approved for use by the Commission; and
 - 3. used at a previously-disclosed location that is approved by the Commission must be reported within 24 hours prior to treatment on the prescribed form to the official veterinarian.
 - (c) Any treated horse shall not be permitted to race or breeze for a minimum of ten days following treatment;
 - (d) Any horse treated with Extracorporeal Shock Wave Therapy or Radial Pulse Wave Therapy shall be added to a list of ineligible horses. This list shall be kept in the race office and accessible to the jockeys and/or their agents during normal business hours and be made available to other regulatory jurisdictions.
 - (e) A horse that receives any such treatment without full compliance with this section and similar rules in any other jurisdiction in which the horse was treated shall be placed on the Steward's List.
 - (f) Any person participating in the use of ESWT and/or the possession of ESWT machines in violation of this rule shall be considered to have committed a Prohibited Practice and is subject to a Class A Penalty.
- (5) The use of a nasogastric tube (a tube longer than six inches) for the administration of any substance within 24 hours prior to the post time of the race in which the horse is entered is prohibited without the prior permission of the official veterinarian or his or her designee.

4.51.01: Annex I
Prohibited Substances and Prohibited Methods
Prohibited Substances

- (a) All substances in the categories below shall be strictly prohibited unless otherwise provided in accordance with 205 CMR 4.00. Any reference to substances in this section does not alter the requirements for testing concentrations in race day samples.
- (b) Nothing in this list shall alter the requirements of post-race testing.
- (c) Non-approved Substances. Any pharmacologic substance that is not approved by any governmental regulatory health authority for human or veterinary use within the jurisdiction is prohibited. This prohibition includes drugs under pre-clinical or clinical development, discontinued drugs, and designer drugs (a synthetic analog of a drug that has been altered in a manner that may reduce its detection); but does not include vitamins, herbs and supplements for nutritional purposes that do not contain any other prohibited substance, or the administration of a substance with the prior approval of the Commission in a clinical trial for which an FDA or similar exemption has been obtained.

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(d) Anabolic Agents. Anabolic agents are prohibited.1. Anabolic Androgenic Steroids (AAS).

1.1. Exogenous AAS, including:

1-androstenediol (5 α -androst-1-ene-3 β ,17 β -diol); 1-androstenedione (5 α -androst-1-ene-3,17-dione); bolandiol (estr-4-ene-3 β ,17 β -diol); bolasterone; boldenone; boldione (androsta-1,4-diene-3,17-dione); calusterone; clostebol; danazol ([1,2]oxazol[4',5':2,3]pregna-4-en-20-yn-17 α -ol); dehydrochlormethyltestosterone (4-chloro-17 β -hydroxy-17 α -methylandrosta-1,4-dien-3-one); desoxymethyltestosterone (17 α -methyl-5 α -androst-2-en-17 β -ol); drostanolone; ethylestrenol (19-norpregna-4-en-17 α -ol); fluoxymesterone; formebolone; furazabol (17 α -methyl[1,2,5]oxadiazolo[3',4':2,3]-5 α -androst-17 β -ol); gestrinone; 4-hydroxytestosterone (4,17 β -dihydroxyandrost-4-en-3-one); mestanolone; mesterolone; metandienone (17 β -hydroxy-17 α -methylandrosta-1,4-dien-3-one); metenolone; methandriol; methasterone (17 β -hydroxy-2 α ,17 α -dimethyl-5 α -androst-3-one); methyldienolone (17 β -hydroxy-17 α -methylestra-4,9-dien-3-one); methyl-1-testosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one); methylnortestosterone (17 β -hydroxy-17 α -methylestr-4-en-3-one); methyltestosterone; metribolone (methyltrienolone, 17 β -hydroxy-17 α -methylestra-4,9,11-trien-3-one); mibolerone; nandrolone; 19-norandrostenedione (estr-4-ene-3,17-dione); norboletone; norclostebol; norethandrolone; oxabolone; oxandrolone; oxymesterone; oxymetholone; prostanazol (17 β -[(tetrahydropyran-2-yl)oxy]-1'H-pyrazolo[3,4:2,3]-5 α -androstande); quinbolone; stanozolol; stenbolone; 1-testosterone (17 β -hydroxy-5 α -androst-1-en-3-one); tetrahydrogestrinone (17-hydroxy-18 α -homo-19-nor-17 α -pregna-4,9,11-trien-3-one); trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one); and other substances with a similar chemical structure or similar biological effect(s).

(e) Endogenous AAS or Their Synthetic Esters When Administered Exogenously:

androstenediol (androst-5-ene-3 β ,17 β -diol); androstenedione (androst-4-ene-3,17-dione); dihydrotestosterone (17 β -hydroxy-5 α -androst-3-one); prasterone (dehydroepiandrosterone, DHEA, 3 β -hydroxyandrost-5-en-17-one); testosterone; and their metabolites and isomers including, but not limited to: 5 α -androstande-3 α ,17 α -diol; 5 α -androstande-3 α ,17 β -diol; 5 α -androstande-3 β ,17 α -diol; 5 α -androstande-3 β ,17 β -diol; 5 β -androstande-3 α ,17 β -diol, androst-4-ene-3 α ,17 α -diol; androst-4-ene-3 α ,17 β -diol; androst-4-ene-3 β ,17 α -diol; androst-5-ene-3 α ,17 α -diol; androst-5-ene-3 α ,17 β -diol; androst-5-ene-3 β ,17 α -diol; 4-androstenediol (androst-4-ene-3 β ,17 β -diol); 5-androstenedione (androst-5-ene-3,17-dione); androsterone (3 β -hydroxy-5 α -androst-17-one); epi-dihydrotestosterone; epitestosterone; etiocholanolone; 7 α -hydroxy-DHEA; 7 β -hydroxy-DHEA; 7-keto-DHEA; 19-norandrosterone; 19-noretiocholanolone.

(f) Other Anabolic Agents Including, but Not Limited to: Clenbuterol, selective androgen receptor modulators (SARMs *e.g.*, andarine and ostarine), ractopamine, tibolone, zeranol, zilpaterol.(g) Peptide Hormones, Growth Factors and Related Substances. The following substances, and other substances with similar chemical structure or similar biological effect(s), are prohibited:1. Erythropoietin-receptor Agonists:1.1 Erythropoiesis-Stimulating Agents (ESAs) including, *e.g.*, darbepoetin (dEPO); erythropoietins (EPO); EPO-Fc; EPO-mimetic peptides (EMP), *e.g.*, CNTO 530 and peginesatide; and methoxypolyethylene glycol-epoetin beta (CERA); and1.2 Non-erythropoietic EPO-Receptor agonists, *e.g.*, ARA-290, asialo EPO and carbamylated EPO;2. Hypoxia-inducible factor (HIF) stabilizers, *e.g.*, cobalt (when found in excess of regulatory authority limits) and roxadustat (FG-4592); and HIF activators, (*e.g.*, argon, xenon);

3. Chorionic Gonadotropin (CG) and Luteinizing Hormone (LH) and their releasing factors, in males;

4. Corticotrophins and their releasing factors;

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5. Growth Hormone (GH) and its releasing factors including Growth Hormone Releasing Hormone (GHRH) and its analogues, *e.g.*, CJC-1295, sermorelin and tesamorelin; Growth Hormone Secretagogues (GHS), *e.g.*, ghrelin and ghrelin mimetics, *e.g.*, anamorelin and ipamorelin; and GH-Releasing Peptides (GHRPs), *e.g.*, alexamorelin, GHRP-6, hexarelin and pralmorelin (GHRP-2);
6. Venoms and toxins including, but not limited to, venoms and toxins from sources such as snails, snakes, frogs, and bees as well as their synthetic analogues such as ziconotide.
7. In addition, the following growth factors are prohibited:
 - 1.1. Fibroblast Growth Factors (FGFs), Hepatocyte Growth Factor (HGF), Insulin-like Growth Factor-1 (IGF-1) and its analogues, Mechano Growth Factors (MGFs), Platelet-Derived Growth Factor (PDGF), Vascular-Endothelial Growth Factor (VEGF) and any other growth factor affecting muscle, tendon or ligament protein synthesis/degradation, vascularization, energy utilization, regenerative capacity or fiber type switching.
8. Beta-2 Agonists. All beta-2 agonists, including all optical isomers (*i.e.*, d- and l-) where relevant, are prohibited.
9. Hormone and Metabolic Modulators. The following are prohibited:
 - a. Aromatase inhibitors including, but not limited to: aminoglutethimide, anastrozole, androsta-1,4,6-triene-3,17-dione (androstatrienedione), 4-androstene-3,6,17 trione (6-oxo), exemestane, formestane, letrozole, testolactone;
 - b. Selective estrogen receptor modulators (SERMs), including but not limited to: raloxifene, tamoxifen, toremifene;
 - c. Other anti-estrogenic substances including, but not limited to: clomiphene, cyclofenil, fulvestrant;
 - d. Agents modifying myostatin function(s) including, but not limited to: myostatin inhibitors;
 - e. Metabolic modulators:
 - 5.1. Activators of the AMP-activated protein kinase (AMPK), *e.g.*, AICAR, and Peroxisome Proliferator Activated Receptor ? (PPAR?) agonists (*e.g.*, GW 1516);
 - 5.2 Insulins;
 - 5.3 Trimetazidine; and
 - 5.4. Thyroxine and thyroid modulators/hormones including, but not limited to, those containing T4 (tetraiodothyronine/thyroxine), T3 (triiodothyronine), or combinations thereof.
10. Diuretics and Other Masking Agents.
 - 1.1 The following diuretics and masking agents are prohibited, as are other substances with similar chemical structure or similar biological effect(s): acetazolamide, amiloride, bumetanide, canrenone, chlorthalidone, desmopressin, etacrynic acid, indapamide, metolazone, plasma expanders (*e.g.*, glycerol; intravenous administration of albumin, dextran, hydroxyethyl starch and mannitol), probenecid, spironolactone, thiazides (*e.g.*, bendroflumethiazide, chlorothiazide, hydrochlorothiazide), torsemide, triamterene, and vasopressin receptor antagonists or vaptans (*e.g.*, tolvaptan).
 - 1.2 Furosemide and trichlormethiazide may be administered only in a manner permitted by other rules of the Commission.

Prohibited Methods

11. Manipulation of Blood and Blood Components. The following are prohibited:
 - a. The administration or reintroduction of any quantity of autologous, allogenic (homologous) or heterologous blood or red blood cell products of any origin into the circulatory system.
 - b. Artificially enhancing the uptake, transport or delivery of oxygen, including, but not limited to, perfluorochemicals, efaproxiral (RSR13) and modified hemoglobin products (*e.g.*, hemoglobin-based blood substitutes, microencapsulated hemoglobin products), excluding supplemental oxygen.
 - c. Any form of intravascular manipulation of the blood or blood components by physical or chemical means.

4.51: continued

12. Chemical and Physical Manipulation. Tampering, or attempting to tamper, in order to alter the integrity and validity of samples collected by the Commission, is prohibited. These methods include, but are not limited to, urine substitution or adulteration (*e.g.*, proteases).

13. Gene Doping. The following, with the potential to enhance sport performance, are prohibited:

- a. The transfer of polymers of nucleic acids or nucleic acid analogues.
- b. The use of normal or genetically modified hematopoietic cells.

Required Conditions for Restricted Therapeutic Use							
Prohibited Substance	Report When Sampled	Pre-File Treatment Plan	Written Approval from Commission	Emergency Use (report)	Prescribed by Veterinarian	Report Treatment	Other Limitations
Adrenocorticotrophic Hormone (ACTH)		x			x		
Albuterol					x		
Altrenogest					x		fillies/mares only
Autologous Conditioned Plasma (IRAP)	x				x		
Blood Replacements	x			x	x		
Boldenone		x			x	x	6 month Vet List
Clenbuterol		x			x		
Chorionic Gonadotropin		x	x-1		x	x	60 day Vet List
Furosemide	x				x		
Luteinizing Hormone		x	x-1		x	x	60 day Vet List
Mesenchymal Stem Cells	x				x	x	
Nandrolone		x			x	x	6 month Vet List
Nucleic Polymer Transfers		x	x		x	x	
Platelet Rich Plasma (PRP)	x				x		
Stanozolol		x			x	x	6 month Vet List
S0 (not FDA-approved)			x-2		x		
Testosterone		x			x	x	6 month Vet List
Thyroxine (T4)		x	x-3		x		
Trichlormethiazide	x				x		
Other Diuretics	x			x	x		

x-1: The approved treatment plan must show a specific treatment of a specific individual horse for an undescended testicle condition.

x-2: The approved treatment plan must show: (A) the substance has a generally accepted veterinary use; (B) the treatment provides a significant health benefit for the horse; (C) there is no reasonable therapeutic alternative; and (D) the use of the substance is highly unlikely to produce any additional enhancement of performance beyond what might be anticipated by a return to the horse's normal state of health, not exceeding the level of performance of the horse prior to the onset of the horse's medical condition.

x-3: The approved treatment plan must show: (A) the thyroxine is prescribed to a specific individual horse for a specific period of time; (B) the diagnosis and basis for prescribing such drug, the dosage, and the estimated last administration date; and (C) that any container of such drug on licensed premises shall be labeled with the foregoing information and contain no more thyroxine than for the treatment of the specific individual horse, as prescribed.

4.52: Medications and Prohibited Substances

(1) Aggravating and Mitigating Factors. Upon a finding of a violation of 205 CMR 4.50 through 4.53, the Stewards shall consider the classification level of the violation as listed at the time of the violation in the *Uniform Classification Guidelines for Foreign Substances* as promulgated by the Association of Racing Commissioners International (ARCI) and impose penalties and disciplinary measures consistent with the recommendations contained therein. The Stewards may consult with the official veterinarian, laboratory director or other individuals to determine the seriousness of the laboratory finding or the medication violation. All medication and drug violations shall be investigated and reviewed on a case by case basis. Extenuating factors include, but are not limited to:

- (a) The past record of the trainer, veterinarian and owner in drug cases;
- (b) The potential of the drug(s) to influence a horse's racing performance;
- (c) The legal availability of the drug;
- (d) Whether there is reason to believe the responsible party knew of the administration of the drug or intentionally administered the drug;
- (e) The steps taken by the trainer to safeguard the horse;
- (f) The probability of environmental contamination or inadvertent exposure due to human drug use;
- (g) The purse of the race;
- (h) Whether the drug found was one for which the horse was receiving a treatment as determined by the Medication Report Form;
- (i) Whether there was any suspicious betting pattern in the race; and
- (j) Whether the licensed trainer was acting under the advice of a licensed veterinarian.

As a result of the investigation, there may be mitigating circumstances for which a lesser or no penalty is appropriate for the licensee and aggravating factors, which may increase the penalty beyond the minimum.

(2) Penalties.

- (a) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (b) If a licensed veterinarian is administering or prescribing a drug not listed in the ARCI *Uniform Classification Guidelines for Foreign Substances*, the identity of the drug shall be forwarded to the official veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (c) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the version of the ARCI *Uniform Classification Guidelines for Foreign Substances* in effect at the time of the violation shall be assumed to be a ARCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule "A" therein unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.
- (d) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.
- (e) Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

(2A) Multiple Medication Violations (MMV).

- (a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-C, as provided in the most recent version of the ARCI *Uniform Classification Guidelines for Foreign Substances*, or similar state regulatory guidelines, shall be assigned points as follows:

4.52: continued

Penalty Class	Points if Controlled Therapeutic Substance	Points if Non-controlled Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days ¹	one for first violation with an additional ½ point for each additional violation within 365 days
Class D	0	0

¹ Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

If the Stewards or Commission determine that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

(b) The points assigned to a medication violation by the Stewards' or Commission's ruling shall be included in the ARCI official database. The ARCI shall record points consistent with Section 13(a) including, when appropriate, a designation that points have been suspended for the medication violation. Points assigned by such regulatory ruling shall reflect, in the case of multiple positive tests as described in 205 CMR 4.52(2A)(d), whether they constitute a single violation. The Stewards' or Commission's Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.

(c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained by the ARCI. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in 205 CMR 4.00.

(d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the Commission may be treated as a single violation. In the case of a positive test indicating multiple substances found in a single post-race sample, the Stewards may treat each substance found as an individual violation for which points will be assigned, depending upon the facts and circumstances of the case.

(e) The official ARCI record shall be used to advise the Stewards or Commission of a trainer's past record of violations and cumulative points. Nothing in 205 CMR 4.00 shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.

(f) The Stewards or Commission shall consider all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in 205 CMR 4.00 shall be imposed.

(g) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his or her official ARCI record:

Points	Suspension in Days
5-5.5	15 to 30
6-8.5	30 to 60
9-10.5	90 to 180
11 or more	180 to 360

4.52: continued

MMV penalties are not a substitute for the current penalty system and are intended to be an additional uniform penalty when the licensee:

1. Has had more than one medication violation for the relevant time period, and
2. Exceeds the permissible number of points.

(h) The Stewards and Commission shall consider aggravating and mitigating circumstances, including the trainer's prior record for medication violations, when determining the appropriate penalty for the underlying offense. The MMP is intended to be a separate and additional penalty for a pattern of violations.

(i) The suspension periods as provided in Section 13(g) shall run consecutive to any suspension imposed for the underlying offense.

(j) The Stewards' or Commission's Ruling shall distinguish between the penalty for the underlying offense and any enhancement based upon a Stewards' or Commission's review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

(k) Points shall expire as follows:

Penalty Classification	Time to Expire
A	three years
B	two years
C	one year

(l) In the case of a medication violation that results in a suspension, any points assessed expire on the anniversary date of the date the suspension is completed.

(3) Medication Restrictions.

(a) A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is *prima facie* evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

1. Drugs or medications for which no acceptable threshold concentration has been established;
2. Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the version of the ARCI Controlled Therapeutic Medication Schedule in effect at the time of the violation;
3. Substances present in the horse in excess of concentrations at which such substances could occur naturally; and
4. Substances foreign to a horse at concentrations that cause interference with testing procedures.

(b) Except as otherwise provided by 205 CMR 4.00, a person may not administer or cause to be administered by any means to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication pursuant to 205 CMR 4.00 during the 24-hour period before post time for the race in which the horse is entered.

(4) Medical Labeling.

(a) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with 205 CMR 4.52(4).

(b) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with the applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

4.52: continued

1. The name of the product;
2. The name, address and telephone number of the veterinarian prescribing or dispensing the product;
3. The name of each patient (horse) for whom the product is intended/prescribed;
4. The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and
5. The name of the person (trainer) to whom the product was dispensed.

(5) Non-steroidal Anti-inflammatory Drugs (NSAIDs).

(a) The use of one of three approved NSAIDs shall be permitted under the following conditions:

1. Not to exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection at least 24 hours before the post time for the race in which the horse is entered:
 - a. Phenylbutazone - two micrograms per milliliter;
 - b. Flunixin - 20 nanograms per milliliter;
 - c. Ketoprofen - two nanograms per milliliter.
2. These or any other NSAID are prohibited to be administered within the 24 hours before post time for the race in which the horse is entered.
3. The presence of more than one of the three approved NSAIDs, in the post-race serum or plasma sample is not permitted.
 - a. A finding of phenylbutazone below a concentration of .5 microgram per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 4.52(5).
 - b. A finding of flunixin below a concentration of three nanograms per milliliter of blood serum or plasma shall not constitute a violation of 205 CMR 4.52(5).
4. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(b) The presence of any unapproved NSAID in the post-race serum or plasma sample is not permitted.

(6) Furosemide.

(a) In order for a horse to be placed on the Furosemide List the following process must be followed.

1. After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide the official veterinarian or his or her designee shall be notified using the prescribed form, that the horse is to be put on the Furosemide List.
2. The form must be received by the official veterinarian or his or her designee by the time of entry.
3. A horse placed on the official Furosemide List must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or his or her designee, on the proper form, no later than the time of entry.
4. After a horse has been removed from the Furosemide List, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official Furosemide List a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days.
5. Furosemide shall only be administered on association grounds.
6. Furosemide shall be the only authorized bleeder medication.

(b) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is not utilized:

1. Furosemide shall be administered by single intravenous injection no less than four hours prior to post time for the race for which the horse is entered.
2. The furosemide dosage administered shall not exceed 500 mg. nor be less than 150 mg.
3. After treatment, the horse shall be required by the Commission to remain in the proximity of its stall in the care, custody and control of its trainer or the trainer's designated representative under general association and/or Commission security surveillance until called to the saddling paddock.

4.52: continued

- (c) Test results must show a detectable concentration of the drug in the post-race serum, plasma or urine sample.
1. The specific gravity of post-race urine samples may be measured to ensure that samples are sufficiently concentrated for proper chemical analysis. The specific gravity shall not be below 1.010;
 2. Quantitation of furosemide in serum or plasma may be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma.
- (d) A horse which has been placed on a Furosemide List in another jurisdiction pursuant to rules similar to 205 CMR 4.52(6) shall be placed on a Furosemide List in this jurisdiction. A notation on the horse's foal papers of such shall suffice as evidence of being on a Furosemide List in another jurisdiction.
- (7) Bleeder List.
- (a) The official veterinarian shall maintain a Bleeder List of all horses, which have demonstrated external evidence of exercise induced pulmonary hemorrhage from one or both nostrils during or after a race or workout as observed by the official veterinarian.
- (b) Every confirmed bleeder, regardless of age, shall be placed on the Bleeder List and be ineligible to race for the following minimum time periods:
1. First incident - 14 days;
 2. Second incident - 30 days;
 3. Third incident - 180 days;
 4. Fourth incident - barred for racing lifetime.
- (c) For the purposes of counting the number of days a horse is ineligible to run, the day the horse bled externally is the first day of the recovery period.
- (d) The voluntary administration of furosemide without an external bleeding incident shall not subject the horse to the initial period of ineligibility as defined by 205 CMR 4.52(7).
- (e) A horse which has been placed on a Bleeder List in another jurisdiction pursuant to rules similar to 205 CMR 4.52(7) shall be placed on a Bleeder List in this jurisdiction.
- (8) Androgenic-anabolic Steroids (AAS).
- (a) No AAS shall be permitted in test samples collected from racing horses except for residues of the major metabolite of nandrolone, and the naturally occurring substances boldenone and testosterone at concentrations less than the indicated thresholds.
- (b) Concentrations of these AAS shall not exceed the following plasma or serum thresholds for unchanged (*i.e.*, not conjugated) total substance or urine threshold concentrations (*i.e.*, free drug or metabolite and drug or metabolite) liberated from its conjugates:
1. Boldenone. 15 ng/ml of total boldenone in urine of male horses other than geldings, or 25 pg/ml of boldenone in plasma or serum of all horses regardless of sex;
 2. Nandrolone. 1 ng/ml of total nandrolone in urine for fillies, mares and geldings or 45 ng/ml (as 5 α -estrane-3 β , 17 α -diol) in urine in male horses other than geldings, or 25 pg/ml of nandrolone in plasma or serum for geldings, fillies, and mares.
 3. Testosterone.
 - a. In Geldings. 20 ng/ml total testosterone in urine or 25 pg/ml of testosterone in plasma or serum;
 - b. In Fillies and Mares. 55 ng/ml total testosterone in urine, or 25 pg/ml of testosterone in plasma or serum.
- (c) Any other anabolic steroids are prohibited in racing horses.
- (d) Post-race urine samples must have the sex of the horse identified to the laboratory.
- (9) Alkalinizing Substances. The use of agents that elevate the horse's TCO₂ or base excess level above those existing naturally in the untreated horse at normal physiological concentrations is prohibited. The following levels also apply to blood gas analysis:
- (a) The regulatory threshold for TCO₂ is 37.0 millimoles per liter of plasma/serum or a base excess level of 10.0 millimoles, and;
 - (b) The decision level to be used for the regulation of TCO₂ is 37.0 millimoles per liter of plasma/serum plus the measurement uncertainty of the laboratory analyzing the sample, or a base excess level of 10.4 millimoles per liter of plasma/serum.

4.53: Out of Competition Testing

- (1) Out-of-competition Testing Authorized. The Commission may, at a reasonable time on any date, take blood, urine or other biologic samples as authorized by Commission rules from a horse to enhance the ability of the Commission to enforce its medication and anti-doping rules, (*e.g.*, the Prohibited List pursuant to ARCI-011-015). The Commission shall own such samples. 205 CMR 4.53 authorizes only the collection and testing of samples and does not independently make impermissible the administration to or presence in any horse of any drug or other substance. A race day prohibition or restriction of a substance by a Commission rule is not applicable to an out-of-competition test unless there is an attempt to race the horse in a manner that violates such rule.
- (2) Horses Eligible to Be Tested. Any horse that has been engaging in activities related to competing in horse racing in the jurisdiction may be tested. This includes, without limitation, any horses that are training outside the jurisdiction to participate in racing in the jurisdiction and all horses that are training in the jurisdiction, but excludes weanlings, yearlings and horses no longer engaged in horse racing (*e.g.*, retired broodmares).
- (3) A horse is presumed eligible for out-of-competition testing if:
 - (a) It is on the grounds at a racetrack or training center under the jurisdiction of the Commission;
 - (b) It is under the care or control of a trainer licensed by the Commission;
 - (c) It is owned by an owner licensed by the Commission;
 - (d) It is entered or nominated to race at a premises licensed by the Commission;
 - (e) It has raced within the previous 12 months at a premises licensed by the Commission;
 - or
 - (f) It is nominated to a program based on racing in the jurisdiction, including without limitation a state thoroughbred development, breeder's award fund, or standardbred state sires stakes.
- (4) Such presumptions are conclusive in the absence of evidence that a horse is not engaged in activities related to competing in horse racing in the jurisdiction.
- (5) Selection of Horses to Be Tested.
 - (a) Horses shall be selected for sampling by a Commission Veterinarian, Executive Director, Equine Medical Director, Steward or Presiding Judge or a designee of any of the foregoing.
 - (b) Horses may be selected to be tested at random, for cause, or as otherwise determined in the discretion of the Commission.
 - (c) Collectors shall for suspicion-less collections of samples abide by a plan that has been approved by a supervisor not in the field and identifies specific horses or provides neutral and objective criteria to follow in the field to determine which horses to sample. Such a supervisor may consider input from persons in the field during the operation of the plan and select additional horses to be sampled.
- (6) Cooperation with the Commission.
 - (a) Licensees of the Commission are required to cooperate and comply fully with the provisions of 205 CMR 4.53.
 - (b) Persons who apply for and are granted a trainer or owner license shall be deemed to have given their consent for access at such premises as their horse may be found for the purpose of Commission representatives collecting out-of-competition samples. Licensees shall take any steps necessary to authorize access by Commission representatives at such premises.
 - (c) No other person shall knowingly interfere with or obstruct a sampling.
- (7) General Procedure for Collecting Samples.
 - (a) Samples shall be taken under the supervision and direction of a person who is employed or designated by the Commission. All blood samples shall be collected by a veterinarian licensed in the state where the sample is collected, or by a veterinary technician who is acting under appropriate supervision of the veterinarian.
 - (b) Upon request of a representative of the Commission, the trainer, owner, or their specified designee shall provide the location of their horses eligible for out-of-competition testing.

4.53: continued

(c) The Commission need not provide advance notice before arriving at any location, whether or not licensed by the Commission, to collect samples.

(d) The trainer, owner, or their specified designee shall cooperate with the person who takes samples for the Commission, which cooperation shall include without limitation:

1. Assist in the immediate location and identification of the horse;
2. Make the horse available as soon as practical upon arrival of the person who is responsible for collecting the samples;
3. Provide a stall or other safe location to collect the samples;
4. Assist the person who is collecting samples in properly procuring the samples; and
5. Witness the taking of samples including sealing of sample collection containers;
6. The management and employees of a licensed racetrack or training facility at which a horse may be located shall cooperate fully with a person who is authorized to take samples. The person who collects samples for the Commission may require that the collection be done at a specified location on such premises;
7. The Commission, if requested and in its sole discretion, may permit the trainer, owner, or their specified designee to present a horse that is located in the jurisdiction, but not at a racetrack or training center licensed by the Commission, to be sampled at a time and location designated by the Commission.

(8) Procedure for Collecting Samples from Horses Located Outside the Jurisdiction.

(a) The Commission may arrange for the sampling of an out-of-state horse by the racing Commission or other designated person in the jurisdiction where the horse is located. Such racing Commission or other designated person shall follow the relevant provisions of this rule, including paragraph (a) of subdivision five of this rule.

(b) The test results shall be made available, for its regulatory use, to each jurisdiction that has participated in the process of collecting any out-of-competition sample, subject to any restrictions on public disclosure of test results that apply to the Commission that selected the horse for sampling.

(c) The Commission, if requested and in its sole discretion, may permit the trainer or owner instead to transport the horse into its jurisdiction for sampling at a time and place designated by the Commission.

(9) Additional Procedures.

(a) The person who takes samples for the Commission shall provide identification and disclose the purpose of the sampling to the trainer or designated attendant of the horse.

(b) A written protocol for the collection of samples shall be made generally available.

(c) An owner or trainer does not consent to a search of the premises by making a horse that is not located at a racetrack or training center available for sampling.

(d) If the trainer or other custodian of a selected horse refuses or declines to make the horse available for sampling and the managing owner has previously provided the Commission with a means for the Commission to give immediate notification to the managing owner in such situation, then the Commission shall attempt to notify the managing owner and the eligibility of the horse shall be preserved if the managing owner is able to make the horse available for immediate sampling. The Commission is not required to make repeated attempts to notify the managing owner.

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

(10) Analysis of Collected Samples.

(a) The Commission may have out-of-competition samples tested to produce information that may enhance the ability of the Commission to enforce its medication and anti-doping rules.

(b) Split sample rules and procedures for post-race testing shall apply to out-of-competition testing.

(c) The Commission may use any remaining sample for research and investigation.

4.53: continued

(11) Penalties for Non-cooperation.

- (a) Willful failure to make a horse available for sampling or other willfully deceptive acts or interference in the sampling process shall carry a minimum penalty of a one year license suspension and referral to the Commission in addition to any other authorized penalties.
- (b) A selected horse that is not made available for out-of-competition sampling shall be placed on the Steward's List. The horse shall remain on the Steward's List for a minimum of 180 days unless the owner can establish extraordinary mitigating circumstances.
- (c) A selected horse that is presumed eligible for out-of-competition testing shall be placed on the Steward's List and be ineligible to race in the jurisdiction for 180 days if the horse is not sampled because the trainer, owner or their designee asserts that the horse is not engaged in activities related to competing in horse racing in the jurisdiction. This restriction shall not apply if the trainer, owner or their designee instead permits voluntarily an immediate collection of such samples from the horse.

4.54: Physical Inspection of Horses

(1) Assessment of Racing Condition.

- (a) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.
- (b) The inspection shall be conducted by the official veterinarian or the racing veterinarian.
- (c) The agency or the association employing the examining veterinarian(s) should provide a staffing level of not less than two veterinarians.
- (d) The trainer of each horse or a representative of the trainer must present the horse for inspection as required by the examining veterinarian. Horses presented for examination must have bandages removed; the legs must be clean. Prior to examination, horses may not be placed in ice nor shall any device or substance be applied that impedes veterinary clinical assessment.
- (e) The assessment of a horse's racing condition shall include:
 - 1. Proper identification of each horse inspected;
 - 2. Observation of each horse in motion;
 - 3. Manual palpation and passive flexion of both forelimbs;
 - 4. Visual inspection of the entire horse and assessment of overall condition;
 - 5. Clinical observation in the paddock and saddling area, during the parade to post and at the starting gate, during the running of the race, and following the race until the horse has exited the race track; and,
 - 6. Any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian.
- (f) The official veterinarian and/or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.
- (g) The official veterinarian and/or the racing veterinarian are authorized access to any and all horses housed on association grounds regardless of entry status.
- (h) If, prior to starting, a horse is determined to be unfit for competition, or if the veterinarian is unable to make a determination of racing soundness, the veterinarian will recommend to the Stewards the horse be scratched.
- (i) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the Veterinarian's List.

(2) Veterinarian's List.

- (a) The official veterinarian shall maintain the Veterinarian's List of all horses which are determined to be unfit to compete in a race due to illness, physical distress, unsoundness, infirmity or any other medical condition. Horses so listed are ineligible to enter to race in any jurisdiction until released by an official veterinarian or racing veterinarian.
- (b) A horse may be removed from the Veterinarian's List when, in the opinion of the official veterinarian, the condition which caused the horse to be placed on the Veterinarian's List is resolved and the horse's status is returned to that of racing soundness.
- (c) Horses working to be released from the Veterinarian's List are to be in compliance with 205 CMR 4.00 and are to be subjected to post-work biologic sample collection for laboratory confirmation or compliance. Violations may result in penalties consistent with 205 CMR 4.52(1).

4.54: continued

- (d) Horses may be released from the Veterinarian's List only by authorization of the official veterinarian.
- (e) Horses having generated a "positive" post race test for an RCI Class I or II substance shall be required to generate a negative test at the expense of the current owner prior to being entered for the first start following the positive test

4.55: Testing

(1) Reporting to the Test Barn.

- (a) The official winning horse and any other horse ordered by the Commission and/or the Stewards shall be taken to the test barn to have blood and urine samples taken at the direction of the official veterinarian.
- (b) Random or extra testing may be required by the Stewards or the Commission at any time on any horse on association grounds.
- (c) Unless otherwise directed by the Stewards or the official veterinarian, a horse that is selected for testing must be taken directly to the test barn.
- (d) A security guard shall monitor access to the test barn area during and immediately following each racing performance. All persons who wish to enter the test barn area must be 16 years of age or older, be currently licensed by the Commission, display their Commission identification badge and have a legitimate reason for being in the test barn area.
- (e) The owner, trainer or his or her groom or other authorized representative shall be present in the testing enclosure when a saliva, urine or other specimen is taken from his or her horse and shall remain until the sample tag is attached to the specimen container. Said tag shall be signed by the owner, trainer or their representative as witnesses to the taking of the specimen.
- (f) Willful failure to be present at, or a refusal to allow, the taking of any such specimen or refusal to sign the specimen tag to the taking of a specimen, or any act or threat to impede or prevent or otherwise interfere therewith, shall subject the person or person guilty thereof to immediate suspension by the Stewards of the meeting and the matter shall be referred to the Commission for such further penalty as in its discretion it may determine.

(2) Testing of Claimed Horses.

- (a) In the event a horse is claimed, and has been designated for a post race test said claimed horse shall be brought to the State Testing Area by the previous owner, trainer, or agent, and said owner, trainer or agent shall remain with this horse in the testing area until a urine specimen or other sample or test is received from the horse, and said previous owner, trainer or agent shall sign all necessary documents.
- (b) Should the analysis of a post race blood, urine or saliva specimen taken from a claimed horse result in a post race positive test, the claimant's trainer shall be promptly notified by the Stewards and the claimant shall have the option to void said claim. An election to void a claim shall be submitted in writing to the Stewards by the claimant or his or her trainer.

(3) Split Samples.

- (a) Split samples shall be secured and made available for further testing in accordance with the following procedures:
 1. A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the Commission.
 2. A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples. A log shall be maintained that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed.
 3. Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the official veterinarian or a designated Commission representative.

4.55: continued

(b) A trainer or owner of a horse having been notified that a written report from a primary laboratory states that a prohibited substance has been found in a specimen obtained pursuant to 205 CMR 4.00 may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another [referee] laboratory approved by the Commission. The request must be made in writing and delivered to the Stewards not later than three business days after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional 48 hours.

(c) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the Commission shall confirm the referee laboratory's willingness to simultaneously provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the Commission, and arrangements for payment satisfactory to the referee laboratory.

(d) Prior to opening the split sample freezer, the Commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample. The split sample chain of custody form requirements are:

1. The date and time the sample is removed from the split sample freezer;
2. The sample number;
3. The address where the split sample is to be sent;
4. The name of the carrier and the address where the sample is to be taken for shipment;
5. Verification of retrieval of the split sample from the freezer;
6. Verification of each specific step of the split sample packaging in accordance with the recommended procedure;
7. Verification of the address of the referee laboratory on the split sample package;
8. Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and
9. The date and time custody of the sample is transferred to the carrier.

(e) A split sample shall be removed from the split sample freezer by a Commission representative in the presence of a representative of the horsemen's association.

(f) The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the Commission, in accordance with the packaging procedures recommended by the Commission. A form shall be signed by both the horsemen's representative and the Commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(g) The package containing the split sample shall be transported in a manner prescribed by the Commission to the location where custody is transferred to the delivery carrier charged with delivery of the package to the Commission-approved laboratory selected by the owner or trainer.

(h) The owner, trainer or designee and the Commission representative shall inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(i) The split sample chain of custody verification form shall be completed and signed by the representatives of the Commission and the owner or trainer. A Commission representative shall keep the original and provide a copy for the owner or trainer.

(j) If the split sample does not arrive at the referee laboratory because of an act of God or other condition beyond the control of the Commission, the findings in the original sample shall serve as *prima facie* evidence of any medication violation.

(4) Frozen Samples. The Commission has the authority to direct the official laboratory to retain and preserve by freezing samples for future analysis. The fact that purse money has been distributed prior to the issuance of a laboratory report from the future analysis of a frozen sample shall not be deemed a finding that no drug substance prohibited by 205 CMR 4.00 has been administered.

4.55: continued

(5) Suspicious Substances. The representatives of the Commission may take for analysis samples of any medicine or other materials suspected of containing improper medication or drugs which could affect the racing conditions of a horse in a race, which may be found in the stable area or elsewhere on the track or in the possession of any person connected with racing on such tracks.

4.56: Postmortem Examinations

(1) The Commission may require a *postmortem* examination of any horse that dies or is euthanized on association grounds.

(2) The Commission may require a *postmortem* examination of any horse that dies or is euthanized at recognized training facilities within this jurisdiction.

(3) If a *postmortem* examination is to be conducted, the Commission shall take possession of the horse upon death for *postmortem* examination. All shoes and equipment on the horse's legs shall be left on the horse.

(4) If a *postmortem* examination is to be conducted, the Commission or its representative shall collect blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization. The Commission may submit blood, urine, bodily fluids, or other biologic specimens collected during a *postmortem* examination for analysis. The presence of a prohibited substance in a specimen collected during the *postmortem* examination may constitute a violation.

(5) All licensees shall be required to comply with *postmortem* examination requirements as a condition of licensure. In proceeding with a *postmortem* examination, the Commission or its designee shall coordinate with the owner or the owner's authorized agent to determine and address any insurance requirements.

4.57: Horseshoers

(1) An applicant for a license as horseshoer shall:

(a) be 18 years of age or older;

(b) be qualified, as determined by the Stewards and horseshoer consultant, by reason of experience, background and knowledge of horseshoing. A horseshoer's license from another jurisdiction, having been issued within a prior period as determined by the Commission, may be accepted as evidence of experience and qualifications.

(c) Evidence of qualifications may require passing one or more of the following:

1. a written examination;

2. an interview or oral examination; and

3. a demonstration of practical skills in horseshoing.

(d) Applicants not previously licensed as a horseshoer shall be required to pass a written/oral examination, demonstrate practical skills and submit at least two written statements as to the character and qualifications of the applicant.

(2) No person shall be eligible for an owner or trainer license if, during the term of such license, that person would practice as a farrier with horses racing under the jurisdiction of the Commission; provided, however, that a duly licensed owner may personally shoe a horse owned by him or her upon applying for and receiving a certificate of fitness therefore from the Commission.

4.58: Environmental Contaminants and Substances of Human Use

(1) 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.

(2) Substances of human use and addiction may be found in the horse due to its close association with humans.

4.58: continued

(3) 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 shall only be taken if test sample results exceed the regulatory thresholds in the most recent version of the ARCI Endogenous, Dietary, or Environmental Substances Schedule.

(4) The identification and adoption of these uniform thresholds for certain substances shall not preclude an individual jurisdiction from maintaining thresholds for substances not on this list which predate the adoption of 205 CMR 4.00 in such jurisdiction.

REGULATORY AUTHORITY

205 CMR 4.00: M.G.L. c. 128A, § 9.

NON-TEXT PAGE