

# TEXAS RACING COMMISSION

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## COMMITTEE ON RULES

Thursday, May 28, 2015  
10:30 a.m.  
Texas Animal Health Commission  
2105 Kramer Lane  
Austin, Texas 78758

### Agenda

The Committee will discuss the following requests for rule amendments:

**A. Repeal of Historical Racing Rules**

The proposal would repeal all of the rules found in Chapter 321, Pari-Mutuel Wagering, Subchapter F, Regulation of Historical Racing Rules. The proposal would also return several previously existing rules to their pre-Historical Racing text.

**B. Adjustment of Racetrack License Fees**

The proposal would allow racetrack associations that are not currently conducting live or simulcast racing to pay the annual fee in quarterly installments instead of one lump sum.

**C. New Provisions relating to Greyhound Breakage**

The proposal would provide that 50% of the breakage from wagering at a greyhound association will be retained by the association.

**D. Establishing the Length of Greyhound Schooling Races**

The proposal will provide that schooling races must be at a distance not less than three-sixteenths of a mile unless otherwise approved by the judges.

**E. Addressing the Over-administration of Naturally Occurring Substances**

The proposal would amend the definition of "prohibited drugs, chemicals, or other substances" to include any substance present in the race animal in excess of a concentration at which such the substance could occur naturally. This will allow the Commission to address the over-administration of naturally occurring substances such as cobalt.

**F. Amendment of Safety Equipment Rules**

The proposal would amend the rules relating to safety helmets and safety vests in horse racing to follow ARCI's model rules.

**G. Permitting the Waiver of Head Numbers for Quarter Horses, Paint Horses and Appaloosas**

The proposal would provide the stewards with the authority to waive the head number requirement in the case of equipment failure, missing equipment, or in the interest of safety.

**H. Modification of Licensure Requirements for Owner/Trainers**

The proposal would allow an applicant for a Trainer's or Assistant Trainer's license to also obtain an Owner's license if the person states an intention to own horses during the term of the license.

**I. Elimination of Social Security Number Requirement for Emergency Owners' Licenses**

The proposal would no longer require a Social Security Number (SSN) in order to apply for an emergency owner's license. The agency would still require the SSN before it issued a regular owner's license.

The public will be given an opportunity to address the Committee and identify any potential subjects that it would like placed on the agenda for discussion at a future Committee meeting.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 06/01/2015

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
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**Contact Information:**

|                  |                            |             |              |
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| Name:            | Staff – Legal              | Phone(s):   | 512-833-6699 |
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Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission  
(Name of Organization)

Proposed Change to (if known): Chapter: 301 Rule: 1

Proposed Addition to (if known): Chapter: 303 Rule: 31, 42

Other Rules Affected by Proposal (if any): Chapter: 309 Rule: 297, 299, 361

Chapter: 321 Rule: 5, 12, 13, 23, 25,27

Repeal of: Chapter: 321 Rule: 701, 703, 705, 707, 709, 711, 713, 715, 717, 719

:

Statutory Authority for Proposed Change: §§ 3.02, 3.021, 8.02, 11.01

**A. Brief Description of the Issue**

The 261st District Court of Travis County has ruled that the rules relating to historical racing exceeded the Commission’s authority. The Commission has not appealed the decision, therefore it cannot take any action under those rules.

**B. Discussion of the Issue and Problem**

The continued existence of the invalidated rules creates confusion among some as to the Commission’s intent going forward. Further, a number of necessary rules were amended in order to address historical racing, so any reference to historical racing in those rules calls their legitimacy into question.

**C. Possible Solutions and Impact**

The following rules pre-existed the historical racing effort. They are necessary, so they should be amended and retained.

- § 301.1, Definitions
- § 303.31, Regulation of Racing
- § 303.42, Approval of Charity Race Days
- § 309.8, Racetrack License Fees (this rule is addressed elsewhere in the agenda)
- § 309.297, Purse Accounts
- § 309.299, Horsemen’s Representative
- § 309.361, Greyhound Purse Account and Kennel Account
- § 321.5, Pari-Mutuel Auditor
- § 321.12, Time Synchronization
- § 321.13, Pari-Mutuel Track Report
- § 321.23, Wagering Explanations
- § 321.25, Wagering Information
- § 321.27, Posting of Race Results

The rules within Chapter 321, Subchapter F, Regulation of Historical Racing, may be repealed in their entirety.

**D. Support or Opposition**

Agency staff is not aware of any opposition.

**E. Proposal**

See next page.

TITLE 16. ECONOMIC REGULATION  
PART 8. TEXAS RACING COMMISSION  
CHAPTER 301. DEFINITIONS

1 **Sec. 301.1. Definitions.**

2 (a) (No change.)

3 (b) The following words and terms, when used in this part, shall  
4 have the following meanings, unless the context clearly  
5 indicates otherwise:

6 (1) - (31) (No change.)

7 ~~(32) Historical racing--to present for pari-mutuel~~  
8 ~~wagering, through a totalisator system that meets the~~  
9 ~~requirements of Chapter 321, Subchapter F of this title~~  
10 ~~(relating to Regulation of Historical Racing), a previously run~~  
11 ~~horse or greyhound race that was:~~

12 ~~(A) authorized by the commission or by another racing~~  
13 ~~jurisdiction;~~

14 ~~(B) concluded with official results and without~~  
15 ~~scratches, disqualifications or dead-heat finishes; and~~

16 ~~(C) recorded by video, film, electronic, or similar~~  
17 ~~means of preservation.~~

18 (32) [~~(33)~~] Horse--an equine of any breed, including a  
19 stallion, gelding, mare, colt, filly, or ridgling.

20 (33) [~~(34)~~] Horse Race--a running contest between horses  
21 for entry fees, purse, prize, or other reward, including the  
22 following:

23 (A) Claiming race--a race in which a horse may be  
24 claimed in accordance with the Rules.

25 (B) Derby race--a race in which the first condition of  
26 eligibility is to be three years old.

27 (C) Futurity race--a race in which the first condition  
28 of eligibility is to be two years old.

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1           (D) Guaranteed race--a race for which the association  
2           guarantees by its conditions a specified purse, which is  
3           the limit of its liability.

4           (E) Handicap race--a race in which the weights to be  
5           carried by the entered horses are adjusted by the racing  
6           secretary for the purpose of equalizing their respective  
7           chances of winning.

8           (F) Match race--a race between only two horses that  
9           are owned by different owners.

10          (G) Maturity race--a race in which the first condition  
11          of eligibility is to be four years of age or older.

12          (H) Optional claiming race--a claiming race in which  
13          there is an option to have horses entered to be claimed for  
14          a stated price or not eligible to be claimed.

15          (I) Progeny race--a race restricted to the offspring  
16          of a specific stallion or stallions.

17          (J) Purse or overnight race--a race for which owners  
18          of horses entered are not required by its conditions to  
19          contribute money toward its purse.

20          (K) Stakes race--a race to which nominators of the  
21          entries contribute to a purse.

22          (L) Starter race--an overnight race under allowance or  
23          handicap conditions, restricted to horses which have  
24          previously started for a designated claiming price or less,  
25          as stated in the conditions of the race.

26          (M) Walkover race--a stakes race in which only one  
27          horse starts or all the starters are owned by the same  
28          interest.

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1           (N) Weight for age race--a race in which weights are  
2           assigned in keeping with the scale of weights in these  
3           rules.

4           (34) [~~(35)~~] In today horse--a horse that is in the body of  
5           a race program which is entered into a race on the next  
6           consecutive race day.

7           (35) [~~(36)~~] Kennel area--an area on association grounds for  
8           the boarding or training of greyhounds.

9           (36) [~~(37)~~] Lead out--an individual who handles a greyhound  
10          from the lockout kennel to the starting box.

11          (37) [~~(38)~~] Locked in the gate--a horse or greyhound that  
12          is prevented from leaving the starting gate or box due to the  
13          failure of the front door of the gate or box to open  
14          simultaneously with the other doors.

15          (38) [~~(39)~~] Lure--a mechanical apparatus at a greyhound  
16          racetrack consisting of a stationary rail installed around the  
17          track, a motorized mechanism that travels on the rail, and a  
18          pole that is attached to the mechanism and extends over the  
19          track, and to which a decoy is attached.

20          (39) [~~(40)~~] Maiden--a horse or greyhound that has never won  
21          a race at a recognized race meeting authorized by the Commission  
22          or by another racing jurisdiction.

23          (40) [~~(41)~~] Minus pool--a pool in which there are  
24          insufficient net proceeds to pay the minimum price to holders of  
25          the winning tickets.

26          (41) [~~(42)~~] Mutuel field--a group of horses joined as a  
27          single betting interest in a race due to the limited numbering  
28          capacity of the totalisator.

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1       (42) [~~(43)~~] No race--a race that is canceled after being  
2 run due to a malfunction of the starting gate or box or any  
3 other applicable reason as determined by the Rules.

4       (43) [~~(44)~~] Nominator--the person in whose name a horse or  
5 greyhound is entered for a race.

6       (44) [~~(45)~~] Occupational licensee--an individual to whom  
7 the Commission has issued a license to participate in racing  
8 with pari-mutuel wagering.

9       (45) [~~(46)~~] Odds--a number indicating the amount of profit  
10 per dollar wagered to be paid to holders of winning pari-mutuel  
11 tickets.

12       (46) [~~(47)~~] Off time--the moment when, on signal from the  
13 starter, the horses or greyhounds break from the starting gate  
14 or box and run the race.

15       (47) [~~(48)~~] Paddock--the area in which horses or greyhounds  
16 gather immediately before a race.

17       (48) [~~(49)~~] Patron--an individual present on association  
18 grounds during a race meeting who is eligible to wager on the  
19 racing.

20       (49) [~~(50)~~] Pecuniary interest--includes a beneficial  
21 ownership interest in an association, but does not include bona  
22 fide indebtedness or a debt instrument of an association.

23       (50) [~~(51)~~] Performance--the schedule of horse or greyhound  
24 races run consecutively as one program. A greyhound performance  
25 consists of fifteen or fewer races unless approved by the  
26 executive secretary.

27       (51) [~~(52)~~] Photofinish--the system of recording pictures  
28 or images of the finish of a race to assist in determining the  
29 order of finish.

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1           (52) [~~(53)~~] Place--to finish second in a race.

2           (53) [~~(54)~~] Post position--the position assigned to a horse  
3 or greyhound in the starting gate or box.

4           (54) [~~(55)~~] Post time--the time set for the arrival at the  
5 starting gate or boxes by the horses or greyhounds in a race.

6           (55) [~~(56)~~] Purse--the cash portion of the prize for a  
7 race.

8           (56) [~~(57)~~] Race date--a date on which an association is  
9 authorized by the Commission to conduct races.

10          (57) [~~(58)~~] Race day--a day in which a numerical majority  
11 of scheduled races is conducted and is a part of the  
12 association's allocated race days.

13          (58) [~~(59)~~] Race meeting--the specified period and dates  
14 each year during which an association is authorized to conduct  
15 racing and/or pari-mutuel wagering by approval of the  
16 Commission.

17          (59) [~~(60)~~] Racetrack facility--the buildings, structures  
18 and fixtures located on association grounds used by an  
19 association to conduct horse or greyhound racing.

20          (60) [~~(61)~~] Racetrack official--an individual appointed or  
21 approved by the Commission to officiate at a race meeting.

22          (61) [~~(62)~~] Racing judge--the executive racing official at  
23 a greyhound track.

24          (62) [~~(63)~~] Reasonable belief--a belief that would be held  
25 by an ordinary and prudent person in the same circumstances as  
26 the actor.

27          (63) [~~(64)~~] Recognized race meeting--a race meeting held  
28 under the sanction of a turf authority.

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- 1        (64) [~~65~~] Refunded ticket--a pari-mutuel ticket that has  
2 been refunded for the value of a wager that is no longer valid.
- 3        (65) [~~66~~] Rule off--to bar an individual from the  
4 enclosure of an association and to deny all racing privileges to  
5 the individual.
- 6        (66) [~~67~~] Rules--the rules adopted by the Texas Racing  
7 Commission found in Title 16, Part VIII of the Texas  
8 Administrative Code.
- 9        (67) [~~68~~] Schooling race--a practice race conducted under  
10 actual racing conditions but for which wagering is not  
11 permitted.
- 12        (68) [~~69~~] Scratch--to withdraw an entered horse or  
13 greyhound from a race after the closing of entries.
- 14        (69) [~~70~~] Scratch time--the closing time set by an  
15 association for written requests to withdraw from a race.
- 16        (70) [~~71~~] Show--to finish third in a race.
- 17        (71) [~~72~~] Specimen--a bodily substance, such as blood,  
18 urine, or saliva, taken for analysis from a horse, greyhound, or  
19 individual in a manner prescribed by the Commission.
- 20        (72) [~~73~~] Stakes payments--the fees paid by subscribers  
21 in the form of nomination, entry, or starting fees to be  
22 eligible to participate.
- 23        (73) [~~74~~] Stallion owner--a person who is owner of  
24 record, at the time of conception, of the stallion that sired  
25 the accredited Texas-bred horse.
- 26        (74) [~~75~~] Starter--a horse or greyhound entered in a race  
27 when the doors of the starting gate or box open in front of the  
28 horse or greyhound at the time the official starter dispatches  
29 the horses or greyhounds.

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1        (75) [~~76~~] Straight pool--a mutuel pool that involves  
2 wagers on a horse or greyhound to win, place, or show.

3        (76) [~~77~~] Subscription--money paid to nominate, enter, or  
4 start a horse or greyhound in a stakes race.

5        (77) [~~78~~] Tack room--a room in the stable area of a horse  
6 racetrack in which equipment for training and racing the horses  
7 is stored.

8        (78) [~~79~~] Totalisator--a machine or system for  
9 registering and computing the wagering and payoffs in pari-  
10 mutuel wagering.

11       (79) [~~80~~] Tote board--a facility at a racetrack that is  
12 easily visible to the public on which odds, payoffs,  
13 advertising, or other pertinent information is posted.

14       (80) [~~81~~] Tote room--the room in which the totalisator  
15 equipment is maintained.

16       (81) [~~82~~] Tout--an individual licensed to furnish  
17 selections on a race in return for a set fee.

18       (82) [~~83~~] Trial--a race designed primarily to determine  
19 qualifiers for finals of a stakes race.

20       (83) [~~84~~] Uplink--an earth station broadcasting facility,  
21 whether mobile or fixed, which is used to transmit audio-visual  
22 signals and/or data emanating from a sending racetrack, and  
23 includes the electronic transfer of received signals from the  
24 receiving antenna to TV monitors within the receiving location.

25       (84) [~~85~~] Weigh in--the process by which a jockey is  
26 weighed after a race or by which a greyhound is weighed before  
27 being placed in the lockout kennel.

28       (85) [~~86~~] Weighing in weight--the weight of a greyhound  
29 on weighing in to the lockout kennel.

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1        (86) [~~87~~] Weigh out--the process by which a jockey or  
2 greyhound is weighed before a race.

3        (87) [~~88~~] Weighing out weight--the weight of a greyhound  
4 on weighing out of the lockout kennel immediately before post  
5 time for the race in which the greyhound is entered.

6        (88) [~~88~~] Win--to finish first in a race.

7        (89) [~~90~~] Winner--

8                (A) for horse racing, the horse whose nose reaches the  
9 finish line first, while carrying the weight of the jockey  
10 or is placed first through disqualification by the  
11 stewards; and

12                (B) for greyhound racing, the greyhound whose muzzle,  
13 or if the muzzle is lost or hanging, whose nose reaches the  
14 finish line first or is placed first through  
15 disqualification by the judges.

16        (90) [~~91~~] Active license--a racetrack license designated  
17 by the commission as active.

18        (91) [~~92~~] Inactive license--a racetrack license  
19 designated by the commission as inactive.

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER B. POWERS AND DUTIES OF THE COMMISSION

1 **Sec. 303.31. Regulation of Racing**

2 The commission shall regulate each live and simulcast race  
3 meeting conducted in this state and supervise the operation of  
4 racetracks and the persons other than patrons who participate in  
5 a race meeting.

6  
7 **Sec. 303.42. Approval of Charity Race Days.**

8 (a) An association shall conduct charity days as required by the  
9 Act. A greyhound association shall conduct at least five charity  
10 race days each year. A Class 1 or Class 2 horse racetrack [~~that~~  
11 ~~is not conducting historical racing~~] shall conduct at least two  
12 and not more than five charity race days each year. [~~A Class 1~~  
13 ~~or Class 2 horse racetrack that is conducting historical racing~~  
14 ~~shall conduct at least three and not more than five charity race~~  
15 ~~days each year.~~]

16 (b) [~~During each application period in which an association~~  
17 ~~applies for live race dates, the association shall also apply~~  
18 ~~for charity race dates as necessary to comply with subsection~~  
19 ~~(a) of this section.~~] An association shall apply to the  
20 commission not later than July 1 of each year for charity race  
21 dates to be conducted in the next calendar year. The application  
22 must be in writing and contain:

23 (1) - (4) (No change.)

24 (c) An association shall pay to the charity at least 2.0% of the  
25 total pari-mutuel handle generated at the association's  
26 racetrack on live races and imported simulcast races on the  
27 charity race day.

28 (d) [~~Charities.~~]

29 [~~(1)~~] At least one [~~percent of the pari mutuel handle from~~  
30 ~~live racing and simulcasting on charity racing days shall be~~

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER B. POWERS AND DUTIES OF THE COMMISSION

1 ~~contributed to a~~ of the charity days must be conducted for a  
2 charity that directly benefits the persons who work in the  
3 stable or kennel area of the racetrack~~[, and at least one~~  
4 ~~percent shall be contributed to]~~. At least one of the charity  
5 days must be conducted for a charity that primarily benefits  
6 research into the health or safety of race animals.

7 [~~(2) For a horse racing association conducting historical~~  
8 ~~racing, at least 1.5% of the pari-mutuel handle from historical~~  
9 ~~racing on charity racing days shall be contributed to a charity~~  
10 ~~that directly funds veterinary research beneficial to promoting~~  
11 ~~the health and soundness of horses; and at least one-half of one~~  
12 ~~percent of the pari-mutuel handle from historical racing on~~  
13 ~~charity racing days shall be contributed to a charity that~~  
14 ~~facilitates youth participation in equestrian sports and~~  
15 ~~activities.]~~

16 [~~(3) For a greyhound association conducting historical~~  
17 ~~racing, at least two percent of the pari-mutuel handle from~~  
18 ~~historical racing on charity racing days shall be contributed to~~  
19 ~~a charity that provides for the medical care and rehabilitation~~  
20 ~~of injured greyhounds.]~~

CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER C. HORSE RACETRACKS

DIVISION 4. OPERATIONS

1 **Sec. 309.297. Purse Accounts.**

2 (a) All money required to be set aside for purses, whether from  
3 wagering on live races or on simulcast wagering, are trust funds  
4 held by an association as custodial trustee for the benefit of  
5 horsemen. No more than three business days after the end of each  
6 week's wagering, the association shall deposit the amount set  
7 aside for purses into purse accounts maintained as trust  
8 accounts for the benefit of horsemen by breed by the horsemen's  
9 organization in one or more federally or privately insured  
10 depositories.

11 (b) - (f) (No change.)

12

13 **Sec. 309.299. Horsemen's Representative.**

14 (a) Findings. The Commission finds a need for horse owners and  
15 trainers to negotiate and covenant with associations as to the  
16 conditions of live race meetings, the distribution of purses not  
17 governed by statute, simulcast transmission and reception, and  
18 other matters relating to the welfare of the owners and trainers  
19 participating in live racing at an association. To ensure the  
20 uninterrupted, orderly conduct of racing in this state, the  
21 Commission shall recognize one organization to represent horse  
22 owners and trainers on matters relating to the conduct of live  
23 racing and simulcasting at Texas racetracks.

24 (b) (No change.)

25 (c) Authority and Responsibilities.

26 (1) An organization recognized under this section shall  
27 negotiate with each association regarding the association's  
28 [~~live~~] racing program, including but not limited to the  
29 allocation of purse money to various live races, the exporting

**CHAPTER 309. RACETRACK LICENSES AND OPERATIONS**

**SUBCHAPTER C. HORSE RACETRACKS**

**DIVISION 4. OPERATIONS**

1 of simulcast signals, [~~issues related to historical racing,~~] and  
2 the importing of simulcast signals during live race meetings.

3 (2) - (6) (No change.)

CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER D. GREYHOUND RACETRACKS

DIVISION 2. OPERATIONS

1 **Sec. 309.361. Greyhound Purse Account and Kennel Account.**

2 (a) Greyhound Purse Account.

3 (1) All money required to be set aside for purses, whether  
4 from wagering on live races or simulcast races, are trust funds  
5 held by an association as custodial trustee for the benefit of  
6 kennel owners and greyhound owners. No more than three business  
7 days after the end of each week's wagering, the association  
8 shall deposit the amount set aside for purses into a greyhound  
9 purse account maintained in a federally or privately insured  
10 depository.

11 (2) (No change.)

12 (b) (No change.)

13 (c) The Texas Greyhound Association ("TGA") shall negotiate with  
14 each association regarding the association's live racing  
15 program, including but not limited to the allocation of purse  
16 money to various live races, the exporting of simulcast signals,  
17 [~~issues related to historical racing,~~] and the importing of  
18 simulcast signals during live race meetings.

19 (d) - (f) (No change.)

**CHAPTER 321. PARI-MUTUEL WAGERING**

**SUBCHAPTER A. MUTUEL OPERATIONS**

**DIVISION 1. GENERAL PROVISIONS**

1 **Sec. 321.5. Pari-mutuel Auditor.**

2 (a) (No change.)

3 (b) The pari-mutuel auditor shall verify the wagering pool  
4 totals for each live and simulcast performance [~~and any~~  
5 ~~historical racing pools~~]. The pari-mutuel auditor's verification  
6 of the pool totals is the basis for computing the amount of  
7 money to be set aside from each pool for the following:

8 (1) - (6) (No change.)

9 (c) (No change.)

10

11 **Sec. 321.12. Time Synchronization.**

12 (a) Display and verification of the accurate off time and start  
13 of a [~~live or simuleast~~] race is critical. To ensure accurate  
14 verification of off time with the close of betting on all [~~live~~  
15 ~~and simuleast~~] races, the association shall ensure:

16 (1) - (3) (No change.)

17 (b) (No change.)

18

19 **Sec. 321.13. Pari-mutuel Track Report.**

20 (a) Daily Pari-Mutuel Summary Report.

21 (1) - (3) (No change.)

22 (4) The report must contain, by each live and simulcast  
23 performance[~~, and for each day historical racing is conducted~~],  
24 the following:

25 (A) - (D) (No change.)

26 (E) all purses earned, broken out by source, such as  
27 live, [~~historical racing,~~] simulcast, cross species, and  
28 export;

29 (F) - (H) (No change.)

30 (b) (No change.)

CHAPTER 321. PARI-MUTUEL WAGERING

SUBCHAPTER A. MUTUEL OPERATIONS

DIVISION 2. WAGERING INFORMATION AND RESULTS

1 **Sec. 321.23. Wagering Explanations.**

2 (a) (No change.)

3 [~~(b) Historical racing terminals operated by an association must~~  
4 ~~provide:~~]

5 [~~(1) an explanation of the rules of the various types of~~  
6 ~~wagers offered through that terminal; and]~~

7 [~~(2) information about the expiration date of vouchers~~  
8 ~~issued by the terminal, which must be printed on the vouchers.]~~

9 (b) [~~(c)~~] Wagering explanations must be reviewed and approved by  
10 the executive secretary before publication.

11

12 **Sec. 321.25. Wagering Information.**

13 (a) - (c) (No change.)

14 [~~(d) Wagering information for historical racing must be audited~~  
15 ~~by an independent third party approved by the executive~~  
16 ~~secretary before the information is displayed or wagers taken on~~  
17 ~~the associated race.]~~

18

19 **Sec. 321.27. Posting of Race Results.**

20 An association shall submit to the executive secretary for  
21 approval a plan for providing live and simulcast race results to  
22 the wagering public. The plan must include:

23 (1) methods by which the results will be provided;

24 (2) types of results to be provided; and

25 (3) the retention period of the race results.

CHAPTER 321. PARI-MUTUEL WAGERING

1 REPEAL OF THE FOLLOWING SUBCHAPTER AND RULES

2

3 SUBCHAPTER F. REGULATION OF HISTORICAL RACING

4 Sec. 321.701. Purpose

5 Sec. 321.703. Historical Racing

6 Sec. 321.705. Request to Conduct Historical Racing

7 Sec. 321.707. Requirements for Operating a Historical Racing

8 Totalisator System

9 Sec. 321.709. Types of Pari-Mutuel Wagers for Historical Racing

10 Sec. 321.711. Historical Racing Pools; Seed Pools

11 Sec. 321.713. Deductions from Pari-Mutuel Pools

12 Sec. 321.715. Contract Retention, Pari-Mutuel Wagering Record

13 Retention

14 Sec. 321.717. Effect of Conflict

15 Sec. 321.719. Severability

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 4/23/2015

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
8505 Cross Park Drive, Suite 110  
Austin, TX 78754-4552  
Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.state.tx.us](mailto:info@txrc.state.tx.us)

**Contact Information:**

|                  |  |             |              |
|------------------|--|-------------|--------------|
| Name:            | Andrea Young   | Phone(s):   | 281-807-8747 |
| E-mail address:  | <a href="mailto:ayoung@shrp.com">ayoung@shrp.com</a> | Fax number: | 281-807-8777 |
| Mailing address: | 7575 N Sam Houston Parkway W Houston, TX 77064       |             |              |

Check appropriate box(es):

|                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | Personal Submission <i>OR</i>  |
| <input checked="" type="checkbox"/> | Submission on Behalf of <u>Laredo Race Park</u><br><small>(Name of Organization)</small> |

|                                     |                                  |                     |                    |
|-------------------------------------|----------------------------------|---------------------|--------------------|
| <input checked="" type="checkbox"/> | Proposed Change to (if known):   | Chapter: <u>309</u> | Rule: <u>309.8</u> |
| <input type="checkbox"/>            | Proposed Addition to (if known): | Chapter: _____      | Rule: _____        |

Other Rules Affected by Proposal (if any):

|                |             |
|----------------|-------------|
| Chapter: _____ | Rule: _____ |

Statutory Authority for Proposed Change: Sec. 6.0602 (e)

## **A. Brief Description of the Issue**

Currently, inactive racetrack license holders pay the annual license fee in full on September 1 of each year. Requiring the payment to be made in full does place a burden on the financial resources of inactive racetrack license holders by straining liquidity.

## **B. Discussion of the Issue and Problem**

*Provide background on the issue to build context. Address the following:*

- *What specific problems or concerns are involved in this issue?*
- *Who does the issue affect?*
- *What existing model rules relate to this issue?*
- *Provide relevant quantitative or statistical information if possible.*

Allowing regular payments to be made by inactive license holders during the fiscal year could relieve some of the strain caused by paying the annual license in full each year.

## **C. Possible Solutions and Impact**

*Provide possible recommendations to solve the problem. Include details on each proposed solution such as:*

- *What solution does this proposal provide?*
- *How will the solution fix the problem?*
- *How will the change affect any entities or stakeholders?*
- *How will you or your organization be affected by the proposed change?*
- *What are the benefits of the proposed change?*
- *What are the possible drawbacks of the proposed change?*
- *Identify possible fiscal impact of the recommended change.*

A practical solution to the problem imposed by a large license fee due in full at the beginning of each fiscal year is to spread the fee out over a payment schedule during the fiscal year. For example, quarterly payments could help smooth cash flow for inactive racetrack license holders. Quarterly payments made at the beginning of each quarter would also ensure the Commission receives funds in a timely manner to cover associated costs over the next three months.

## **D. Support or Opposition**

*Please identify any affected stakeholder groups that expressed support or opposition. (These stakeholders may include the racetracks, breed registries, owners, kennel owners, trainers, jockeys, veterinarians, or others.)*

- *For those stakeholder groups that have expressed an opinion, please list the points on which they agree or disagree, and the arguments they have expressed.*
- *Are there any affected stakeholder groups that have not been consulted on this proposal?*
- *Please submit any formal letters of support or opposition by stakeholder groups.*

All inactive racetrack license holders are in support of the proposed rule change and the concept of spreading the annual license fee over the course of the fiscal year. I have personally spoken with principals of Laredo Downs, Longhorn Downs, Manor Downs, Saddle Brook Park, and Tesoros Race Park. Each have expressed support of this proposed rule change.

## **E. Proposal**

*Provide rule language you are proposing. If you are proposing that current rule language be eliminated, please strikeout the language to be deleted. Please show new language with underlined text.*

~~“An association that is not conducting live racing or simulcasting shall pay its annual license fee on September 1 in four equal installments on September 1, December 1, March 1 and June 1 of each fiscal year. For the State Fiscal Year that begins on September 1, 2011, the annual license fees shall be paid in two separate payments. The first payment will be of \$100,000 and is due on September 1, 2011. The second payment will be of the remaining unpaid balance and shall be paid on January 1, 2012.”~~

CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER A. RACETRACK LICENSES

DIVISION 1. GENERAL PROVISIONS

1 **Sec. 309.8. Racetrack License Fees**

2 (a) Purpose of Fees. An association shall pay a license fee to  
3 the Commission to pay the Commission's costs to administer and  
4 enforce the Act, and to regulate, oversee, and license live and  
5 simulcast racing [~~and pari-mutuel wagering~~] at racetracks.

6 (b) Annual License Fee.

7 (1) A licensed racing association shall pay an annual  
8 license fee. The annual license fee for each license type is as  
9 follows:

10 (A) for a Class 1 racetrack, \$500,000;

11 (B) for a Class 2 racetrack, \$230,000;

12 (C) for a Class 3 or 4 racetrack, \$70,000; and

13 (D) for a Greyhound racetrack, \$360,000.

14 (2) An association that is conducting live racing[ ~~or~~  
15 ~~historical racing~~] or simulcasting shall pay its annual license  
16 fee by remitting to the Commission 1/12th of the fee on the  
17 first business day of each month. [~~For the State Fiscal Year~~  
18 ~~that begins on September 1, 2011, the monthly remittance shall~~  
19 ~~begin in the month of January.~~]

20 (3) An association that is not conducting live racing[ ~~or~~  
21 ~~historical racing~~] or simulcasting shall pay its annual license  
22 fee in four equal installments on September 1, December 1, March  
23 1, and June 1 [~~on September 1~~] of each fiscal year. [~~For the~~  
24 ~~State Fiscal Year that begins on September 1, 2011, the annual~~  
25 ~~license fees shall be paid in two separate payments. The first~~  
26 ~~payment will be of \$100,000 and is due on September 1, 2011. The~~  
27 ~~second payment will be of the remaining unpaid balance and shall~~  
28 ~~be paid on January 1, 2012.~~]

29 (c) (No change.)

**TEXAS RACING COMMISSION**  
**COMMITTEE ON RULES**

Date of Request: 3/31/2015

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
8505 Cross Park Drive, Suite 110  
Austin, TX 78754-4552  
Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.state.tx.us](mailto:info@txrc.state.tx.us)

**Contact Information:**

|                  |  |             |              |
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| Name:            | Maury Korn                                   | Phone(s):   | 956-364-7200 |
| E-mail address:  |  | Fax number: | 956-428-0163 |
| Mailing address: | 2601 S. Ed Carey Dr., Harlingen, Texas 78552 |             |              |

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Valley Race Park  
(Name of Organization)

Proposed Change to (if known): Chapter: 303 Rule: 102

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Statutory Authority for Proposed Change: Section 6.09(d)

## A. Brief Description of the Issue

Formalize current treatment of greyhound breakage.

## B. Discussion of the Issue and Problem

Section 6.09(d) of the Racing Act only explicitly addresses how 50% of the breakage from a greyhound race is to be allocated, and is silent on the remaining 50%. Under existing Commission practice, the remaining 50% is retained by the association. However, this treatment is not explicit in any existing Commission rule. Making this practice explicit in the Commission rules will give greyhound tracks additional certainty as to how breakage should be allocated.

## C. Possible Solutions and Impact

VRP would propose to adopt a new rule clarifying how the 50% of greyhound breakage that is not explicitly addressed by the statute should be allocated.

## D. Support or Opposition

Greyhound associations generally support the bill because it gives them additional certainty that current practices for allocating greyhound breakage are appropriate and authorized. VRP does not expect any opposition given that the rule does not change the status quo, it just formalizes this practice in the rules. VRP has conferred with the Texas Greyhound Association (TGA) and it is not opposed to the requested change.

## E. Proposal

### **Section 303.102. Greyhound Rules.**

...

#### **(c) Breakage and Stakes Races.**

(1) Pursuant to the Act, §6.09(d) and Tex. AG. Op. No. DM-211, an association shall retain fifty percent of the breakage from greyhound racing, and TGA shall receive the other fifty percent. TGA shall pay one-half of the breakage it receives as additional purse money for stakes races restricted to Texas-bred greyhounds. All registered Texas-bred greyhounds are eligible to participate in a Texas-bred restricted stakes race, subject to the conditions of the race.

(2) TGA shall develop the conditions of each Texas-bred restricted stakes race in cooperation with the racetrack at which the race will be conducted. The conditions of the race are subject to the approval of the executive secretary.

(3) TGA shall pay the allotted additional purse money for the race to the racetrack at which the race will be conducted. The racetrack shall hold the additional purse money received from TGA until the executive secretary advises the association that the race has been cleared for payment.

CHAPTER 303. GENERAL PROVISIONS

SUBCHAPTER D. TEXAS BRED INCENTIVE PROGRAMS

DIVISION 3. PROGRAMS FOR GREYHOUNDS

1 (Proposal by Valley Race Park)

2 **Sec. 303.102. Greyhound Rules**

3 (a)-(b) (No change.)

4 (c) Breakage and Stakes Races.

5 (1) Pursuant to the Act, §6.09(d) and Tex. AG. Op. No. DM-  
6 211, an association shall retain fifty percent of the breakage  
7 from greyhound racing, and TGA shall receive the other fifty  
8 percent. TGA shall pay one-half of the breakage it receives as  
9 additional purse money for stakes races restricted to Texas-bred  
10 greyhounds. All registered Texas-bred greyhounds are eligible to  
11 participate in a Texas-bred restricted stakes race, subject to  
12 the conditions of the race.

13 (2) TGA shall develop the conditions of each Texas-bred  
14 restricted stakes race in cooperation with the racetrack at  
15 which the race will be conducted. The conditions of the race are  
16 subject to the approval of the executive secretary.

17 (3) TGA shall pay the allotted additional purse money for  
18 the race to the racetrack at which the race will be conducted.  
19 The racetrack shall hold the additional purse money received  
20 from TGA until the executive secretary advises the association  
21 that the race has been cleared for payment.

22 (d) (No change.)

CHAPTER 309. RACETRACK LICENSES AND OPERATIONS

SUBCHAPTER A. RACETRACK LICENSES

DIVISION 1. GENERAL PROVISIONS

1 (Alternative Proposal by Legal Staff)

2 **Sec. 309.365. Breakage**

3 A greyhound racing association shall pay fifty percent of the  
4 breakage from a live pari-mutuel pool or a simulcast pari-mutuel  
5 pool to the Texas Greyhound Association in accordance with §6.09  
6 of the Act and §303.102(c) of this title (relating to Greyhound  
7 Rules). A greyhound racing association shall retain the  
8 remaining fifty percent of the breakage from a live pari-mutuel  
9 pool or a simulcast pari-mutuel pool.

**TÉXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 05/15/15

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
8505 Cross Park Drive, Suite 110  
Austin, TX 78754-4552  
Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.texas.gov](mailto:info@txrc.texas.gov)

**Contact Information:**

|                  |  |             |              |
|------------------|--|-------------|--------------|
| Name:            | Michael Pelletier  | Phone(s):   | 361-728-8675 |
| E-mail address:  | <a href="mailto:Mike.pelletier@txrc.texas.gov">Mike.pelletier@txrc.texas.gov</a> | Fax number: | 409-986-9134 |
| Mailing address: | Gulf Greyhound Park PO Box 488 La Marque, TX 77568-0488                          |             |              |
|                  |  |             |              |

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Board of Judges Gulf Greyhound Park  
(Name of Organization)

Proposed Change to (if known): Chapter: 315 Rule: 315.111

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Statutory Authority for Proposed Change: \_\_\_\_\_

**A. Brief Description of the Issue**

In subsection(b) the rule now says that an official schooling race must be at a distance not less than the distance nearest to 5/16 of a mile in use at the racetrack. We have been running official races over the 330yd distance for almost two years.

**B. Discussion of the Issue and Problem**

When a greyhound grades off or goes off for bad lines in 330yd races it must school at a distance that it is not conditioned to run. It has become very difficult for these greyhounds to requalify. If a greyhound runs most of its races over the 330yd distance it is usually because it can not run a 550yd race.

**C. Possible Solutions and Impact**

If allowed to school at the 330yd distance the greyhound would be running at a distance it can handle and get back on the active list thus helping improve the number of racers at the track and would help the owners who send greyhounds here to run this course.

**D. Support or Opposition**

The General Manager of Gulf Greyhound Park along with The Director of Racing and the Racing Secretary as well as several trainers and kennel owners support this rule change. No opposition to it has been expressed.

**E. Proposal**

Simply change the current language to say an official schooling race must be at a distance not less than the distance nearest the 3/16 mile course in use at the racetrack.

CHAPTER 315. OFFICIALS AND RULES FOR GREYHOUND RACING

SUBCHAPTER B. ENTRIES AND PRE-RACE PROCEDURES

1 **Sec. 315.111. Schooling**

2 (a) (No change.)

3 (b) All schooling races shall be at a distance not less than  
4 three-sixteenths of a mile unless otherwise approved by the  
5 judges. ~~A scratch that occurs as a result of a violation of a~~  
6 ~~racing rule carries a penalty and/or suspension of the greyhound~~  
7 ~~for six race days. The racing judges shall review the cause for~~  
8 ~~a scratch and may take disciplinary action. If a greyhound is~~  
9 ~~scratched because the owner or trainer of the greyhound fails to~~  
10 ~~have the greyhound at the track at the appointed time for~~  
11 ~~weighing in, the racing judges may take disciplinary action~~  
12 ~~against the person responsible.~~

13 (c)-(g) (No change.)

### **ARCI-017-020 Schooling**

- (1) Greyhounds must be properly schooled in the presence of the judges and must, in the opinion of the judges, be sufficiently experienced before they can be entered or started.
- (2) All schooling races shall be at a distance not less than three-sixteenths of a mile unless otherwise approved by the judges.
- (3) Greyhounds which transfer from one racetrack to another, from the same state or jurisdiction need not be officially schooled to qualify if they have raced within ten racing days.
- (4) An official schooling race will ideally feature at least six greyhounds. A minimum of two runners must start.
- (5) No hand schooling will be considered official.
- (6) Any greyhound that has not raced for a period of ten or more racing days must be officially schooled at least once before being eligible for entry. Any greyhound that has not raced for a period of 30 calendar days must be officially schooled before being eligible for entry. The racing jurisdiction's condition book will specify if the greyhound must be schooled more than once.
- (7) All greyhounds in official schooling races must be raced at their established racing weight and started from the box wearing blankets and racing muzzles.
- (8) Any licensed kennel operator, trainer or authorized agent, who permits greyhounds to be schooled on any racetrack in (jurisdiction) or elsewhere, not approved by the Commission, shall be subject to the immediate revocation of his/her license.
- (9) Any greyhound may be ordered on the schooling list for stated reason by the judges at any time. Any greyhound ordered on the schooling list by the judges must be schooled officially and satisfactorily, in the opinion of the judges, before being allowed to enter a race.
- (10) A photo-finish camera in good working order and approved by the Commission, shall be utilized at all official schooling races.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02  
Version 4.5 to 4.6 ARCI Board 7/31/09 amended language

### **ARCI-017-025 Grading**

- (1) The Commission shall approve a grading system to be utilized during the race meeting. When designating the grades of races, letters such as "A", "B", "C", "D", "E", "S", "T", and "M" or some combination thereof will be used. Grad A shall be the highest classification. Grade S indicates special and stakes races. A grade such as T or ST shall indicate a mixed-grade race. Grade M refers to maide classification which indicates greyhounds that have not won an official race.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: May 11, 2015

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
8505 Cross Park Drive, Suite 110  
Austin, TX 78754-4552  
Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.texas.gov](mailto:info@txrc.texas.gov)

**Contact Information:**

|                  |                            |             |                |
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| E-mail address:  | mark.fenner@txrc.texas.gov | Fax number: | (512) 833-6907 |
| Mailing address: |                            |             |                |

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission  
(Name of Organization)

Proposed Change to (if known): Chapter: 319 Rule: 1

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Statutory Authority for Proposed Change: TRA §§ 3.02, 3.16

### **A. Brief Description of the Issue**

As drug testing technologies and skills have improved, racing laboratories have developed the ability to detect when otherwise naturally occurring substances have been administered to race animals in an attempt to influence the outcome of a race. The ARCI model rules have been amended to address this issue, but the Texas rules have not yet been so amended.

### **B. Discussion of the Issue and Problem**

The significance of this issue has been raised recently by the discovery of high levels of cobalt in race horses. Cobalt is a mineral that is essential in all mammals, and is normally ingested as part of Vitamin B12. Administration of bulk cobalt salts to humans and other species has been demonstrated to increase red blood cell production. While there are no published studies available that indicate the plasma concentration of cobalt that produces either an effective or a toxic dose in a horse, there are reportedly cases at the Meadowlands and in Australia where tests have shown high levels of cobalt in horses.

ARCI's Scientific Advisory Group of the Drug Testing Standards and Practices Committee issued a report on cobalt in April 2015. The committee recommended that trainers of horses with a plasma cobalt concentration greater than 25 ppb, but less than 50 ppb, be issued a warning and have the horse placed on the vet's list until the level falls below 25 ppb. The committee recommended that trainers of horses with a plasma cobalt concentration greater than 50 ppb be given a Class B penalty.

Unfortunately, the Commission's rules do not currently include artificially high levels of naturally occurring substances as a "prohibited drug, chemical or other substance." Therefore, it would be difficult to prosecute a trainer for high levels of cobalt or any other natural substance.

### **C. Possible Solutions and Impact**

ARCI's model rules have been amended to include "Substances present in the horse in excess of concentrations at which such substances could occur naturally" as a prohibited substance. The attached proposal would amend Rule 319.1 to include the same language.

### **D. Support or Opposition**

Staff is not aware of any opposition to this proposal.

### **E. Proposal**

See next page.

CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

SUBCHAPTER A. GENERAL PROVISIONS

1 **Sec. 319.1. Purpose and Definitions**

2 (a) (No change.)

3 (b) For purposes of this chapter, "prohibited drugs, chemicals,  
4 or other substances" means:

5 (1) any stimulants, depressants, tranquilizers, local  
6 anesthetics, drugs, other drug metabolites which could affect  
7 the health or performance of a race animal, however minimal,  
8 except as expressly permitted by this chapter;

9 (2) a drug permitted by this chapter in excess of the  
10 maximum or other restrictions in this chapter; [~~and~~]

11 (3) a substance present in the race animal in excess of a  
12 concentration at which such a substance could occur naturally;  
13 and

14 (4) [~~+3~~] a drug or substance, regardless of how harmless or  
15 innocuous it might be, which interferes with the detection of  
16 stimulants, depressants, tranquilizers, local anesthetics,  
17 drugs, or drug metabolites which could affect the health or  
18 performance of a race animal, however minimal, or quantitation  
19 of drugs permitted by this chapter.

20

Commission review of the trainer's cumulative points and regulatory record, which may be considered an aggravating factor in a case.

- (j) Any trainer who has received a medication violation may petition the ARCI to expunge the points received for the violation for the purpose of the MMV system only. The points shall be expunged by the ARCI or upon request of the trainer as follows:

| Penalty Classification | Time to Expungement |
|------------------------|---------------------|
| A                      | Permanent           |
| B                      | 3 years             |
| C                      | 2 years             |
| D                      | 1 year              |

**C. Medication Restrictions**

- (1) 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:**
  - (a) Drugs or medications for which no acceptable threshold concentration has been established;
  - (b) Controlled therapeutic medications in excess of established threshold concentrations or administration within the restricted time period as set forth in the ARCI Controlled Therapeutic Medication Schedule, Version \_\_\_\_\_;
  - (c) **Substances present in the horse in excess of concentrations at which such substances could occur naturally; and**
  - (d) Substances foreign to a horse at concentrations that cause interference with testing procedures.
- (2) Except as otherwise provided by this chapter, 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 this chapter during the 24-hour period before post time for the race in which the horse is entered.

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 06/01/2015

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

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Austin, TX 78754-4552  
Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.texas.gov](mailto:info@txrc.texas.gov)

**Contact Information:**

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| E-mail address:  | cathy.cantrell@txrc.texas.gov | Fax number: | 512-833-6907 |
| Mailing address: |                               |             |              |

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission  
(Name of Organization)

Proposed Change to (if known): Chapter: 311 Rule: 216

Proposed Addition to (if known): Chapter: 311 Rule: 218

Chapter: 313 Rule: 405

Chapter: 313 Rule: 406

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Statutory Authority for Proposed Change: TRA § 3.02

### **A. Brief Description of the Issue**

The Texas Rules require that anyone on association grounds who is mounted on a horse or who is holding a horse in a starting date must wear an A.S.T.M. safety helmet. The Texas Rules also require a jockey in a race to wear a vest “designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association.” However, these rules have not been amended in at least ten years and are no longer consistent with ARCI’s model rules.

### **B. Discussion of the Issue and Problem**

ARCI’s model rules recognize alternative safety standards in addition to those of A.S.T.M. Many licensees from other states have safety equipment that meets these other standards, yet if the Commission strictly applies its own rules to these licensees, they would have to purchase new A.S.T.M. equipment that may or may not be as safe as the ARCI-compliant equipment they already own.

In addition, the model rules establish safety standards for reins and require those holding horses in a starting gate to wear safety vests. The Texas Rules do not address either of these issues.

### **C. Possible Solutions and Impact**

This proposal would create new Rule 211.218, Safety Equipment, which directly tracks the language of the model rule on safety helmets and vests in ARCI-008-010. The proposal would also amend existing references to safety equipment in the Texas Rules so that they refer the reader back to new Rule 211.218. The proposal does not address safety reins.

### **D. Support or Opposition**

Commission is not aware of any opposition. The Jockeys’ Guild has written a letter in support of adopting ARCI’s rules that relate to the safety and welfare of the equine and human athletes.

### **E. Proposal**

See next pages.

CHAPTER 311. OTHER LICENSES

SUBCHAPTER C. RESPONSIBILITIES OF INDIVIDUALS

1 **311.216. Conduct in Stable Area**

2 (a)-(b) (No change.)

3 (c) A licensee who is mounted on a horse or stable pony on  
4 association grounds must wear a [~~an A.S.T.M. approved~~] safety  
5 helmet meeting the requirements of §311.218 of this title  
6 (Relating to Safety Equipment) at all times.

7 (d) A licensee may not hold a horse in a starting gate unless  
8 the licensee wears a properly fastened safety helmet meeting the  
9 requirements of §311.218 of this title (Relating to Safety  
10 Equipment.) [~~approved by A.S.T.M.~~]

11 (e) (No change.)

**CHAPTER 311. OTHER LICENSES**

**SUBCHAPTER C. RESPONSIBILITIES OF INDIVIDUALS**

**Sec. 311.218. Safety Equipment**

(a) Helmets. Any licensee 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 this regulation, a member of the starting crew means any person licensed as an assistant starter or any licensee who handles a horse in the starting gate. The helmet must comply with one of the following minimum safety standards or later revisions: American Society for Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015); or, Australian/New Zealand Standard (AS/NZ 3838).

(b) Vests. Any licensee 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 this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any licensee who handles a horse at the starting gate. The safety vest must comply with one of the following minimum standards or later revisions:

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

(2) Euro Norm (EN) 13158:2000 Level 1

(3) American Society for Testing and Materials (ASTM) F2681-08 or F1937.

(4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3

(5) Australian Racing Board (ARB) Standard 1.1998

(c) A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER D. RUNNING OF THE RACE

DIVISION 1. JOCKEYS

Sec. 313.405. Whips and Other Equipment

(a)-(d) (No change.)

(e) A jockey may not ride in a race unless the jockey wears a safety vest meeting the requirements of §311.218 of this title (Relating to Safety Equipment.) A safety vest may weigh no more than two pounds ~~and must be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association.~~

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER D. RUNNING OF THE RACE

DIVISION 1. JOCKEYS

Sec. 313.406. Colors and Number

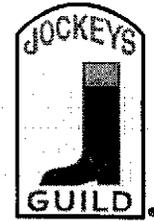
(a) (No change.)

(b) The jockey for a horse starting in a race shall be properly attired for riding in the race and wear:

(1) the racing colors provided by the owner of the horse the jockey is to ride, plus white riding pants, boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth, head number if provided, and in the official program; and

(2) a [an A.S.T.M. approved] safety helmet meeting the requirements of §311.218 of this title (Relating to Safety Equipment.) [~~while mounted on any horse at a licensed racetrack.~~]

(c) (No change.)



May 7, 2015

Mr. Chuck Trout  
Texas Racing Commission  
P.O. Box 12080  
Austin, TX 78711

*Sent via email*

Dear Mr. Trout,

Please accept this letter, along with the presentation by Mindy Coleman on behalf of the Jockeys' Guild during the Texas Racing Commission meeting of February 27, 2014 and the information that was previously submitted, on behalf of the Jockeys' Guild and jockeys who regularly ride in Texas, pertaining to the adoption of language in the ARCI model rules.

Based on the language that was presented, the Guild respectfully requests the changes we have enclosed herein, which incorporates the ARCI Model Rules language pertaining to Jockeys, Apprentice Jockeys and the approved safety equipment as referenced in the proposed language. We are specifically addressing the adoption of the language pertaining to the standards for the helmets and vests that are allowed to be worn.

Currently the Texas rule only allows for the ASTM helmet and the British Equestrian Trade Association (BETA 5) vest. The ARCI model rule allows for additional approved helmets and vests. By expanding the rule to allow helmets and vests that are more protective will help ensure riders will have plenty of options for purchase and be allowed to use helmets and vests that are safer than the minimum standards, many of which incorporate new technology that offers better protection to the head and spinal cord. The options should be expanded and afforded to those that choose to wear the best and newest in protective gear.

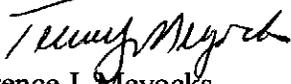
In addition to the safety equipment, we also have a concern about the following items: properly equipped ambulances with paramedics and medical procedures; Eligibility standards of the Jockeys and Apprentice Jockeys; Physical inspection of a horse including pre-race veterinarian inspections; the Weighing Out and Weighing In procedures; as well as the notice to the betting public about the safety equipment and the allowance for inclement weather gear. For purposes of comparison, I have attached the current Texas rules along with the language of the ARCI Model Rules.

We would respectfully request the adoption of the all of the ARCI Model Rules regarding all aspects of general rules and flat racing that pertain to the safety and welfare of the equine and human athletes. We feel that the safety of both our human and equine athletes should be paramount at all times, and the ARCI Model Rules focus on those issues. Obtaining uniform rules in all racing jurisdictions is something we have been working on with many others in the industry. We think adoption of the model rules is the easiest and proper way to achieve it.

Furthermore, the Guild strongly believes that the adoption of the ARCI models and the uniformity of regulations is in the best interest of racing, not only for the safety of its participants, both human and equine, but also for the integrity of our sport. These above mentioned rule changes will also benefit the racetracks, owners, trainers, and patrons at the track by improving the safety for the horse and jockeys

We would like to work with the Texas Racing Commission to get as many, if not all, of the model rules adopted. The Guild sincerely appreciates the Commission's consideration regarding these issues. If there are any additional questions or concerns that we can address, please feel free to contact myself or Mindy Coleman in the Guild office at (859) 523-5625 or John Beech at (512) 826-3344.

Sincerely,



Terence J. Meyocks  
National Manager

Attachment

Cc: Joel Speight, Texas Racing Commission, Deputy Executive Director  
Fred Winch, Texas Racing Commission, Chief State Steward  
Ricky Walker, Texas Racing Commission  
John Beech, Jockeys' Guild, Regional Manager  
Mindy L. Coleman, Jockeys' Guild, Counsel

# **Texas Rules vs. ARCI Model Rules (May 2015)**

## **ON-TRACK AMBULANCE**

### **RACETRACK LICENSES AND OPERATIONS**

#### **16 Tex. Admin. Code § 309.117. FIRST AID**

(b) During a live race meeting, a horse racing association shall provide a properly equipped and staffed ambulance for humans and the services of a certified paramedic at any time that the racetrack is open for racing or exercising. At a Class 1 or 2 racetrack, the ambulance must be a Mobile Intensive Care Unit (MICU) certified by the Department of State Health Services. If the MICU ambulance is used to transport an individual, the association may not conduct a race until the ambulance returns or is replaced by a properly equipped, staffed, and certified MICU ambulance. The ambulance must be parked at the entrance to the racing strip when not being used to transport an individual.

### **ARCI MODEL RULE**

#### **DUTIES AND REQUIREMENTS OF ASSOCIATIONS (RACE MEET LICENSEES) - CHAPTER 7**

##### ***ARCI-007-020 Facilities And Equipment***

#### **A. Facilities for Patrons and Licensees**

- (5) During a race performance, the association shall provide:
  - (a) a first aid room equipped with at least two beds and other appropriate equipment; and
  - (b) the services of at least one physician, a nurse practitioner or paramedic.
- (6) An association shall provide a properly equipped to transport ambulance, staffed with at least one certified paramedic during training and two certified paramedics during racing hours. If the ambulance is being used to transport an individual, the association may not conduct a race, or allow horses with riders on the racetrack, until the ambulance is replaced.
- (7) An association shall provide mandatory orientation of racing emergency procedures for all emergency response personnel employed by or assigned as a result of a contract to the association grounds
- (8) Unless otherwise approved by the Commission or the stewards, an ambulance shall follow the field at a safe distance during the running of races.
- (9) The ambulance must be parked at an entrance to the racing strip except when the ambulance is being used to transport an individual or when it is following the field during the running of a race.

## **FULL DISCLOSURE OF WEIGHTS CARRIED**

### **RACETRACK LICENSES AND OPERATIONS**

#### **16 ex. Admin. Code § 309.296 OFFICIAL PROGRAM**

- (a) For each race day, an association shall prepare an official program. The official program must contain the order of the races on that day and:
- (1) for each race:
    - (A) the names of the horses in the race and their program number;
    - (B) the conditions of the race;
    - (C) the distance of the race;
    - (D) the probable odds on each horse;
    - (E) the value of the race;
    - (F) the claiming prices, if applicable; and
    - (G) the types of wagers to be offered for that race; and
  - (2) for each horse listed in the program:
    - (A) the post position;
    - (B) the age, color, sex, and breeding;
    - (C) the jockey, trainer, owner or stable name, and racing colors;
    - (D) the weight carried; and
    - (E) if the horse is eligible for participation in the Texas Bred Incentive Program, the name or logo of the appropriate official breed registry;
    - (F) if the horse is a leased animal, the names of the lessee and lessor must appear on the program; and
    - (G) the city and state of the owner or the designated representative.
- (b) The official program must contain the names of the officials serving on that day, the names of the association's management personnel, and any other information required by the executive secretary.
- (c) Except as otherwise provided by this subsection, for each horse that is racing with furosemide the official program shall indicate that fact by including the symbol "L" after the horse's name. For each horse that is racing with furosemide for the first time or for each horse racing with furosemide that last raced without furosemide, the official program shall indicate that fact by including the symbol "L1" after the horse's name. For each horse that is racing without furosemide for the first time after having been admitted to the furosemide program in this state and for each horse that is racing without furosemide in this state whose most recent start was with furosemide in another racing jurisdiction, the official program shall indicate that fact by including the symbol "Lx" after the horse's name.

### **ARCI MODEL RULE**

#### **FLAT RACING OFFICIALS - CHAPTER 6**

##### **ARCI-006-020 Racing Secretary**

###### **I. Daily Program**

The racing secretary shall publish the official daily program, ensuring the accuracy therein of the following information:

- (1) sequence of races to be run and post time for the first race;
- (2) purse, conditions and distance for each race, and current track record for such distance;

- (3) the name of licensed owners of each horse, indicated as leased, if applicable, and description of racing colors to be carried;
- (4) the name of the trainer and the name of the jockey named for each horse together with the weight to be carried;
- (5) the post position and saddle cloth number or designation for each horse if there is a variance with the saddle cloth designation;
- (6) identification of each horse by name, color, sex, age, sire and dam
- (7) A notice shall be included in the daily program that all jockeys will carry approximately three (3) pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in required weighing out procedures. Additionally the jockeys may weigh in with an additional (3) pounds for inclement weather gear when approved by the stewards, and;
- (8) such other information as may be requested by the association or the Commission.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

~~Version 4.6 to 4.7 ARCI Board 12/6/09: Amended Added Program Notice of Weight~~

## **JOCKEY ELIGIBILITY**

### **16 Tex. Admin. Code § 311.105. JOCKEYS**

#### **(a) License.**

- (1) To be licensed as a jockey or apprentice jockey, an individual must be at least 16 years of age and provide proof of a satisfactory physical examination as described in subsection (b) of this section.
- (2) An individual licensed as a jockey or apprentice jockey may not be licensed in another capacity.
- (3) To be licensed as a jockey or apprentice jockey, an individual must have a certificate of proficiency issued by a starter licensed in this state or be currently licensed in another state as a jockey or apprentice jockey.

#### **(b) Physical Examination.**

- (1) To be eligible to ride in a race, a jockey or apprentice jockey must have on file with the Commission proof of a satisfactory physical examination conducted during the 12-month period preceding the date of the race.
- (2) An examination required by this section must be performed by a licensed physician and include tests for visual acuity and hearing.
- (3) The Commission or the stewards may require a jockey or apprentice jockey to be reexamined at any time and may refuse to permit a jockey or apprentice jockey to ride until proof of a satisfactory examination is submitted.

#### **(c) Apprentice Jockeys.**

- (1) An apprentice jockey is a rider of thoroughbreds who:
  - (A) is permitted to ride with the apprentice weight allowance in accordance with Chapter 313 of this title (relating to Officials and Rules of Horse Racing); and
  - (B) is otherwise qualified to be licensed as a jockey.
- (2) The Rules relating to a jockey apply to apprentice jockeys.

#### **(d) Jockey Conduct.**

- (1) A jockey may not ride under an assumed name.
- (2) A jockey may not use an attendant on a race day other than one supplied by the association.
- (3) A jockey may not smoke in public while wearing racing colors

### **ARCI MODEL RULE**

#### **FLAT RACING LICENSING AND DUTIES OF LICENSEES - CHAPTER 8**

##### ***ARCI-008-030 Jockeys***

#### **A. Eligibility**

- (1) No person under 18 years of age shall be licensed by the Commission as a jockey, except persons who have been licensed by this Commission prior to the date of adoption of this rule.
- (2) A jockey shall pass a physical examination given within the previous twelve 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.
- (3) 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:

- (a) Breaking with a horse in company from the starting gate;
  - (b) Working a horse in company around the turn and down the stretch;
  - (c) Switching the riding crop from one hand to the other while maintaining control of the horse in a stretch drive;
  - (d) Causing a horse to switch leads coming out of the turn.
- (4) A jockey shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding.
- (5) A person whose weight exceeds 130 pounds at the time of application shall not be licensed as a jockey.

## **PRE-RACE EXAMS**

### **VETERINARY PRACTICES AND DRUG TESTING TREATMENT OF HORSES**

#### **16 ex. Admin. Code § 319.101 Pre-Race Examination**

- (a) A commission veterinarian shall examine each horse entered in a race on the day it is to race to determine the horse's health and soundness for racing.
- (b) The examination may include any practice or procedure which the commission veterinarian considers necessary to determine the health and soundness of the horse for racing. The examination may be conducted at any time before the actual start of the race.

**Source Note:** The provisions of this §319.101 adopted to be effective August 14, 1989, 14 TexReg 3804; amended to be effective October 11, 1990, 15 TexReg 5713; amended to be effective November 1, 1998, 23 TexReg 10638

#### **ARCI MODEL RULE**

#### **EQUINE VETERINARY PRACTICES, HEALTH AND MEDICATION - CHAPTER 11**

#### ***ARCI-011-030 Physical Inspection of Horses***

##### **A. Assessment of Racing Condition**

- (1) Every horse entered to participate in an official race shall be subjected to a veterinary inspection prior to starting in the race for which it is entered.
- (2) The inspection shall be conducted by the official veterinarian or the racing veterinarian.
- (3) The agency or the association employing the examining veterinarian(s) should provide a staffing level of not less than 2 veterinarians.
- (4) 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.
- (5) The assessment of a horse's racing condition shall include:
  - (a) Proper identification of each horse inspected;
  - (b) Observation of each horse in motion;
  - (c) Manual palpation and passive flexion of both forelimbs;
  - (d) Visual inspection of the entire horse and assessment of overall condition;
  - (e) 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,
  - (f) Any other inspection deemed necessary by the official veterinarian and/or the racing veterinarian.
- (6) The official veterinarian and/or the racing veterinarian shall maintain a permanent continuing health and racing soundness record of each horse inspected.

- (7) The official veterinarian and/or the racing veterinarian are authorized access to any and all horses housed on association grounds regardless of entry status.
- (8) 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.
- (9) Horses scratched upon the recommendation of the official veterinarian and/or the racing veterinarian are to be placed on the Veterinarian's List.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

Version 2.1 to 3.0 ARCI 4/3/04 NAPRA 4/3/04: Modify rule language

Version 4.4 to 4.5 ARCI 4/23/09 Amend language

Version 4.6 to 4.7 ARCI Board 12/6/09 Amended Postmortem Examination

## **WEIGHING OUT**

### **16 ex. Admin. Code §313.402. Weighing Out.**

(a) A jockey engaged to ride in a race must report to the clerk of scales for weighing-out not more than 30 minutes before post time for the first race, if the jockey is riding in that race, and not sooner than the running of the preceding race, if the jockey is riding in any other race.

(b) The clerk of scales shall have the overweight or change of jockeys posted immediately and announced over the public address system.

(c) A jockey who weighs out seven pounds or more than the appropriate weight shall be taken off the mount. (Added eff. 8/30/89; (c) amended eff. 4/2/90; (a) amended eff. 10/11/90)

### **16 ex. Admin. Code §313.404. Items Included in Weight.**

A jockey's weight includes the riding clothing, boots, saddle, and pad, but excludes the whip, bridle, bit or reins, safety helmet, safety vest, blinkers, goggles, and number cloth. (Added eff. 8/30/89; amended eff. 10/11/90; amended eff. 9/1/93)

## **ARCI MODEL RULE**

### **FLAT RACING RULES OF THE RACE - CHAPTER 10**

#### ***ARCI-010-035 Running of the Race***

#### **C. Jockey Requirements**

(1) A jockey must wear a safety vest when riding in any official race. The safety vest shall meet one of the standards for safety vests outlined in ARCI-008010(Z)(2).

#### **(2) Weighing Out**

(a) A jockey's weight shall include his/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 (3) pounds more than published weights to account for inclement weather clothing and equipment.

## **SAFETY EQUIPMENT**

### **16 ex. Admin. Code §313.405. Whips and Other Equipment.**

(e) A jockey may not ride in a race unless the jockey wears a safety vest. A safety vest may weigh no more than two pounds and must be designed to provide shock absorbing protection to the upper body of at least a rating of five, as defined by the British Equestrian Trade Association.

### **16 ex. Admin. Code §313.406. Colors and Number.**

(b) The jockey for a horse starting in a race shall be properly attired for riding in the race and wear:  
(2) an A.S.T.M. approved safety helmet while mounted on any horse at a licensed racetrack.

## **ARCI MODEL RULE**

### **FLAT RACING LICENSING AND DUTIES OF LICENSEES - CHAPTER 8**

#### ***ARCI-008-010 General Provisions***

#### **Z. Safety Equipment**

##### **(1) Helmets**

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 this regulation, a member of the starting crew means any person licensed as an assistant starter or any person who handles a horse in the starting gate. The helmet must comply with one of the following minimum safety standards or later revisions: American Society for Testing and Materials (ASTM 1163); UK Standards (EN-1384 and PAS-015); or, Australian/New Zealand Standard (AS/NZ 3838).

##### **(2) Vests**

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 this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The safety vest must comply with one of the following minimum standards or later revisions:

(a) British Equestrian Trade Association (BETA):2000 Level 1

(b) Euro Norm (EN) 13158:2000 Level 1

(c) American Society for Testing and Materials (ASTM) F2681-08 or F1937.

(d) Shoe and Allied Trade Research Association (SATRA) Jockey Vest Document M6 Issue 3

(e) Australian Racing Board (ARB) Standard 1.1998

(3) A safety helmet or a safety vest shall not be altered in any manner nor shall the product marking be removed or defaced.

##### **(4) Reins**

All horses with a jockey or exercise rider mounted that are racing, parading or warming up prior to racing; or jogging or exercising at any time must be equipped with a type of safety reins approved by

the commission. Reins to be approved must be originally designed and constructed to provide a secure secondary attachment to the bit that is secured to a reinforcement material to prevent failure due to breakage of the rein, or breakage or inadvertent loss of the primary connection to the bit.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

Version 3.1 to 3.2 ARCI 12/9/04 NAPRA 12/9/04: Amended new rule and language added

Version 4.0 to 4.1 ARCI 4/26/07: Added new rule language

~~Version 4.3 to 4.4 ARCI 12/10/08: Updated helmet standards~~

Version 4.4 to 4.5 ARCI 4/23/09 Amended language Relationships with Inactive Persons Prohibited

~~Version 4.5 to 4.6 ARCI 7/31/09 Amended language Safety Vest Standards~~

~~Version 4.8 to 4.9 ARCI Board 7/27/11 Added language prohibiting altering safety helmets and vests~~

~~Version 5.1 to 5.2 ARCI Board 7/25/12 Added language regarding Gate crew to Helmets and amended language for safety vests~~

## **RIDING CROPS**

### **16 ex. Admin. Code § Sec. 313.405. Whips and Other Equipment.**

- (a) The use of a whip is not required and a jockey who uses a whip during a race may do so only in a manner consistent with using the jockey's best efforts to win. The correct uses of a whip include:
- (1) showing the whip to the horse before hitting the horse;
  - (2) using the whip in rhythm to the horse's stride; and
  - (3) using the whip as an aid to keep a horse running straight.
- (b) A whip used in races must be at least ¼-inch in diameter and have a looped leather "popper" affixed to one end. The whip must have at least three rows of leather feathers above the popper and each feather must be at least one inch long. The popper must be at least 1¼ inch wide and three inches long. A whip may not exceed one pound in weight or 31 inches in length, including the popper.
- (c) If a jockey is to ride without a whip, the stewards shall ensure that fact is announced over the public address system.
- (d) A jockey may not whip a horse:
- (1) on the head, flanks, or on any part of the horse's body other than the shoulders or hind quarters;
  - (2) excessively or brutally causing welts or breaks in the skin;
  - (3) in the post parade except when necessary to control the horse;
  - (4) when the horse is clearly out of the race or has obtained its maximum placing; or
  - (5) persistently, if the horse is not responding to the whip.

## **ARCI MODEL RULE**

### **FLAT RACING RULES OF THE RACE - CHAPTER 10**

#### ***ARCI-010-035 Running of the Race***

##### **A. Equipment**

- (1) All riding crops are subject to inspection and approval by the stewards and the clerk of scales.
  1. Riding crops shall have a shaft and a flap and will be allowed in flat racing including training, only as follows.
    - (A) Maximum weight of eight ounces;
    - (B) Maximum length, including flap of 30 inches
    - (C) Minimum diameter of the shaft of three-eighths inch; and
    - (D) 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.
  2. The flap is the only allowable attachment to the shaft and must meet these specifications:
    - (A) Length beyond the end of the shaft a maximum of one inch;
    - (B) Width a minimum of 0.8 inch and a maximum of 1.6 inches;
    - (C) No reinforcements or additions beyond the end of the shaft;
    - (D) No binding within seven inches of the end of the shaft; and
    - (E) Shock absorbing characteristics similar to those the contact area of the shaft.

## **WEIGHING IN**

### **16 ex. Admin. Code §Sec. 313.445. Weigh In.**

- (a) On weighing in, a jockey may not weigh less than one pound under the jockey's proper weight nor weigh more than two pounds over the jockey's proper weight.
- (b) The stewards may disqualify a horse whose jockey weighs in at a weight in violation of this section and may discipline a person responsible for the weight violation. In determining a violation under this subsection, the stewards shall take into account any excess weight due to rain or mud.
- (c) The stewards may excuse a jockey from weighing in if the jockey is unable to weigh in due to accident, injury, or other good cause. (Added eff. 8/30/89)

### **ARCI MODEL RULE**

### **FLAT RACING RULES OF THE RACE - CHAPTER 10**

### ***ARCI-010-035 Running of the Race***

#### **D. Post to Finish**

#### **11. Weighing In**

- a. A jockey shall weigh in at no less than the same weight at which he/she weighed out, and if under that weight, and after consideration of mitigating circumstances by the board of stewards, his/her mount may 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 clothing, boots, saddle and its attachments and any other equipment except the bridle, bit, blinkers, number cloth and over-girth, reins and breast collar.
- d. Upon approval of the stewards, the jockeys may be allowed up to three (3) 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.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

Version 2.1 to 3.0 ARCI 4/3/04 NAPRA 4/3/04: Amended new rule language

Version 4.1 to 4.2 ARCI 3/26/08; Amended language to include multiple disqualifications

Version 4.3 to 4.4 ARCI Board 12/10/08: Amended riding crop and jockey weight language

Version 4.6 to 4.7 ARCI Board 12/6/09: Amended language safety vest standard, weigh out and weigh in

Version 4.8 to 4.9 ARCI Board 3/ /11: Amended riding crop diameter

Version 4.8 to 4.9 ARCI Board 7/27/11 Amended to include False start alternative actions

Version 5.0 to 5.1 ARCI Board 4/27/2012 Added Cheek Pieces

## **POSTING OF JOCKEY INSURANCE**

### **TEXAS HAS NO RULE ON POSTING OF JOCKEY INSURANCE**

#### **ARCI MODEL RULE**

#### **DUTIES AND REQUIREMENTS OF ASSOCIATIONS (RACE MEET LICENSEES) - CHAPTER 7**

#### ***ARCI-007-025 Operations***

#### **H. Posting of Jockey Insurance Coverage**

- (1) An association shall have on file with the commission a copy of the actual policy and post in the jockeys' quarters a summary of the association's insurance coverage for jockeys who are injured while on the grounds of the association and shall, upon the request of any licensed jockey who is participating in the race meeting, provide a copy of the policy of such insurance. Such request shall be made in writing to a racing official designated by the association in the notice to respond to such requests.
- (2) In the event that the insurance policy is changed during the race meeting the association shall promptly notify the commission and post a notice of any such changes.

Adopted in Version 1.4 ARCI 8/27/02 NAPRA 10/2/02

Version 3.1 to 3.2 ARCI 12/9/04 NAPRA 12/9/04: Amended new rule and language added

~~Version 4.9 to 5.0 ARCI Board 12/9/11: Added Posting of Jockey Insurance Coverage~~

Version 5.1 to 5.2 ARCI Board 7/25/12: Added language to Security

Version 5.3 to 5.4 ARCI Board 4/25/13: Added language to Security

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 06/01/2015

***Request for Proposed Change to an Existing Rule or  
Addition of a New Rule to the Rules of Racing***

Please submit this information to the attention of the Executive Director *at least 14 days* in advance of the next scheduled Committee on Rules meeting. An electronic form is available to assist in your submission or feel free to add additional pages as necessary in order to provide as much detail as possible. Filing this request does not guarantee that your proposal will be considered by the Committee on Rules.

Texas Racing Commission  
8505 Cross Park Drive, Suite 110  
Austin, TX 78754-4552  
Phone: 512/833-6699 Fax: 512-833-6907  
email: [info@txrc.texas.gov](mailto:info@txrc.texas.gov)

**Contact Information:**

|                  |                               |             |              |
|------------------|-------------------------------|-------------|--------------|
| Name:            | Staff - Racing                | Phone(s):   | 512-833-6699 |
| E-mail address:  | cathy.cantrell@txrc.texas.gov | Fax number: | 512-833-6907 |
| Mailing address: |                               |             |              |

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission  
(Name of Organization)

Proposed Change to (if known): Chapter: 313 Rule: 406

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Statutory Authority for Proposed Change: TRA § 3.02

**A. Brief Description of the Issue**

The current rule provides that Quarter Horses, Paints, and Appaloosas shall wear head numbers that correspond to their numbers in the official program, but provides only that Thoroughbreds and Arabians may wear such head numbers.

**B. Discussion of the Issue and Problem**

On occasions, a head number will fall off during the post parade due to equipment failure and the association will not have a ready supply of extras. On other occasions, a particular horse may have a strong aversion to wearing a head number. On these occasions, the stewards do not have the authority to waive the head number requirement for Quarter Horses, Paints, and Appaloosas.

**C. Possible Solutions and Impact**

The proposed change would provide the stewards with the authority to waive the head number requirement in the case of equipment failure, missing equipment, or in the interest of safety.

**D. Support or Opposition**

Commission is not aware of any opposition.

**E. Proposal**

See next page.

CHAPTER 313. OFFICIALS AND RULES OF HORSE RACING

SUBCHAPTER D. RUNNING OF THE RACE

DIVISION 1. JOCKEYS

1 **Sec. 313.406. Colors and Number**

2 (a) A horse starting in a race must carry a conspicuous saddle  
3 cloth number corresponding to its number in the official  
4 program. Quarter Horses, Paints, and Appaloosas shall, and  
5 Thoroughbreds and Arabians may, wear head numbers that  
6 correspond to their numbers in the official program. The  
7 Stewards may waive the requirement for a horse to wear a head  
8 number in the interest of safety or in the case of missing or  
9 damaged equipment.

10 (b)-(c) (No change.)

**TEXAS RACING COMMISSION  
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| Mailing address: |                               |             |              |

Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission  
(Name of Organization)

Proposed Change to (if known): Chapter: 311 Rule: 101(a)(1)

Proposed Addition to (if known): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Other Rules Affected by Proposal (if any): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Statutory Authority for Proposed Change: TRA §§ 3.02, 7.02

### **A. Brief Description of the Issue**

To be licensed as an Owner, Owner/Trainer, or Owner/Assistant Trainer, a person must be the owner of record of a properly registered horse that the person intends to race in Texas. This restriction does not take into consideration that trainers and assistant trainers often buy and sell horses over the timeframe of licensure and therefore may not own a horse at the time of applying for a license or for some period of time while the license is active

### **B. Discussion of the Issue and Problem**

The rule restricts owners' licenses to those who actually own a race horse in order to prevent individuals from obtaining an Owner's license in order to improperly gain its associated privileges, such as unrestricted access to the backside. Associations sometimes offer additional benefits to those holding an owner's license such as free admission, free parking, designated seating areas, and other optional perks.

Under the current rule, when the applicant for an Owner/Trainer type license cannot show proof of horse ownership, the agency issues a Trainer's license only rather than an Owner/Trainer. Then, if and when the Trainer/Assistant Trainer becomes an owner of a properly registered horse, he/she must reapply for an Owner/Trainer license, and again pay the license fee. This can result in paying the \$100 license fee twice over the same timeframe.

### **C. Possible Solutions and Impact**

Allow an applicant for a Trainer's or Assistant Trainer's license to also obtain an Owner's license if the person states an intention to own horses during the term of the license. Since trainers and assistant trainers must meet a higher standard for licensure than an owner and already have the privileges offered to owners, the proposed change does not compromise the purpose of requiring owners to demonstrate actual horse ownership. The proposed revision will also simplify the licensing process for trainers and assistant trainers and avoid imposing unnecessary expenses on them.

### **D. Support or Opposition**

The Commission is not aware of any opposition.

### **E. Proposal**

See next page.

**CHAPTER 311. OTHER LICENSES**

**SUBCHAPTER B. SPECIFIC LICENSES**

1 **Sec. 311.101. Horse Owners**

2 (a) General Provisions.

3 (1) The owner of a horse, as listed on the animal's  
4 registration paper, must obtain an owner's license from the  
5 Commission. Except as otherwise provided by §313.301(a)(2) of  
6 this title (relating to Officials and Rules of Horse Racing), a  
7 person may not be licensed as an owner if the person is not the  
8 owner of record of a properly registered horse that the person  
9 intends to race in Texas. A person who meets the qualifications  
10 for a trainer or assistant trainer's license may also be  
11 licensed as an owner if the person intends to be the owner of  
12 record of a properly registered horse during the time of  
13 licensure. Except as otherwise provided by this subsection, the  
14 owner must be licensed one hour prior to the post time of the  
15 first race of the day in which the owner intends to race the  
16 animal.

17 (2)-(5) (No change.)

18 (b)-(g) (No change.)

**TEXAS RACING COMMISSION  
COMMITTEE ON RULES**

Date of Request: 06/01/2015

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Check appropriate box(es):

Personal Submission *OR*

Submission on Behalf of Texas Racing Commission  
(Name of Organization)

Proposed Change to (if known): Chapter: 311 Rule: 101

Proposed Addition to (if known): Chapter: 311 Rule: 102

Other Rules Affected by Proposal (if any): Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Chapter: \_\_\_\_\_ Rule: \_\_\_\_\_

Statutory Authority for Proposed Change: TRA §§ 3.02, 7.01

### **A. Brief Description of the Issue**

If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer may apply for an emergency license on behalf of the absent owner. Currently the trainer must submit at least the following information: the owner's full name, home or business address, telephone number, and social security number. Sometimes the trainer cannot get in touch with the owner to obtain the social security number and sometimes the owner is reluctant to provide this personal information to the trainer.

### **B. Discussion of the Issue and Problem**

Aware of the tremendous increase in identity theft, staff has determined that the social security number is not crucial to the issuance of the emergency license, especially since the owner must provide all of the required licensing information, including the social security number, within 21 days of issuance of the emergency license.

### **C. Possible Solutions and Impact.**

The proposed rule amendment would allow the emergency licensing process to proceed without the social security number. Allowing the owner to provide the social security number directly to the Commission instead of asking the trainer to relay it as part of the emergency licensing process would also reduce the possibility that the owner's personally identifying information would be compromised.

### **D. Support or Opposition**

The Commission is not aware of any opposition.

### **E. Proposal**

There are separate rules for horse owners (Rule 311.101) and greyhound owners (Rule 311.102). The relevant portions of the emergency licensing provisions for both rules are identical, therefore staff recommends making the same amendment to both rules. See next two pages for the specific language.

**CHAPTER 311. OTHER LICENSES**

**SUBCHAPTER B. SPECIFIC LICENSES**

1 **Sec. 311.101. Horse Owners**

2 (a)-(f) (No change.)

3 (g) Emergency License.

4 (1)-(2) (No change.)

5 (3) The trainer applying for an emergency owner's license  
6 must submit at least the following information: the owner's full  
7 name, home or business address, and telephone number [~~, and~~  
8 ~~social security number~~]. At the time of application, the  
9 appropriate licensing fee must be paid to the Commission.  
10 Failure to provide all of the foregoing information is grounds  
11 for denial of an emergency owner's license.

12 (4)-(6) (No change.)

13

**CHAPTER 311. OTHER LICENSES**

**SUBCHAPTER B. SPECIFIC LICENSES**

1 **Sec. 311.102. Greyhound Owners**

2 (a)-(b) (No change.)

3 (c) Emergency License.

4 (1)-(2) (No change.)

5 (3) The trainer applying for an emergency owner's license  
6 must submit at least the following information: the owner's full  
7 name, home or business address, and telephone number [~~, and~~  
8 ~~social security number~~]. At the time of application, the  
9 appropriate licensing fee must be paid to the Commission.  
10 Failure to provide all of the foregoing information is grounds  
11 for denial of an emergency owner's license.

12 (4)-(6) (No change.)

13 (d) (No change.)