TEXAS RACING COMMISSION

Laws and Rules Governing Pari-Mutuel Racing in Texas

List of Replacement Pages

July 1, 2014

The current rulebook of the Texas Racing Commission consists of the Rulebook dated JANUARY 2013 and the following:

- List of Replacement Pages dated 10/1/2013 *(contact info@txrc.texas.gov to request a copy)*
- List of Replacement Pages dated 7/1/2014

Pp. 111 - 113	*Amendment* - Sec. 307.64 Penalties.
Pp. 113 - 114	*Amendment* - Sec. 307.69 Review by Executive Secretary.
Pp. 163 - 166	*Amendment* - Sec. 309.355 Grading System.
Pp. 169 – 170	*Amendment* - Sec. 311.2 Application Procedure.
Pp. 203 - 204	*Amendment* - Sec. 313.103 Eligibility Requirements.
Pg. 204	*Amendment* - Sec. 313.110 Coupled Entries.
Pg. 237	*Amendment* - Sec. 319.3 Medication Restricted.
Pp. 238 - 240	*Amendment* - Sec. 319.5 Report of Treatment by Veterinarians.

To maintain an updated rulebook, the above pages should be replaced. Please note that neither the Chapter Contents nor the Index is updated to reflect the above changes. The Act, the Rules, and revisions are available on the agency's website at www.txrc.state.tx.us. Notification of revisions may be received by providing an email address to info@txrc.texas.gov. Please type **Rulebook Updates** in the subject line.

Important Disclaimer

The information presented here is offered as a convenience to the public and every effort has been made to ensure its accuracy. However, under state law, this does not constitute the official source for the Texas Racing Act or the Texas Racing Commission's rules.

The official source for the Commission's rules is the Texas Administrative Code, compiled and maintained by the Texas Secretary of State's office (www.sos.state.tx.us).

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conducted by the stewards or racing judges must be sworn by the presiding steward or racing judge.

(2) To facilitate participation by licensees, the stewards and racing judges may permit witnesses to testify at a disciplinary hearing via telephone if the stewards or racing judges make reasonable assurances that the person testifying is who he or she purports to be.

(3) The stewards and racing judges shall make a record of a disciplinary hearing.

(4) The stewards and racing judges shall allow a full presentation of evidence and are not bound by the technical rules of evidence. However, the stewards and racing judges may disallow evidence that is irrelevant or unduly repetitive of other evidence. The stewards shall have the authority to determine, in their sole discretion, the weight and credibility of any evidence and/or testimony. The stewards and racing judges may admit hearsay evidence if the stewards and racing judges determine the evidence is of a type that is commonly relied on by reasonably prudent people. The rules of privilege recognized by state law apply in
hearings before the stewards and racing judges. Hearsay evidence that is not otherwise admissible under the exceptions of the Texas Rules of Evidence is an insufficient basis alone for a ruling.

(e) Burden of Proof. The burden of proof is on the person bringing the complaint to show, by a preponderance of the evidence that the licensee has violated or is responsible for a violation of the Act or a Commission rule.

(f) Continuances.

(1) Upon receipt of a notice, a person may request a continuance of the hearing.

(2) For good cause shown, the stewards or racing judges may grant a continuance of any hearing for a reasonable period of time.

(3) The stewards or racing judges may at any time order a continuance on their own motion.

(g) Agreed Settlement. The person who is the subject of the disciplinary hearing may waive the right to a hearing and subsequent appeal and enter into an agreed settlement with the stewards or racing judges.

(h) Failure to Appear. The stewards or racing judges may suspend the license of a person who fails to appear at a disciplinary hearing after receiving written notice of the hearing until the matter is adjudicated.

(i) Summary Suspension. If the stewards or racing judges determine that a licensee's actions constitute an immediate danger to the public health, safety, or welfare, the stewards or racing judges may enter a ruling summarily suspending the license, without a prior hearing. A summary suspension takes effect immediately on issuance of the ruling. If the stewards or racing judges suspend a license under this subsection, the licensee is entitled to a hearing on the suspension not later than three calendar days after the day the license is suspended. The licensee may waive his or her right to a hearing on the summary suspension within the three-day period. (Added eff. 1/1/02; (d) - (i) amended eff 3/25/11)

Sec. 307.63. Ruling.

(a) The issues at a disciplinary hearing shall be decided by a majority vote of the stewards or racing judges. If the vote is not unanimous, the dissenting steward or judge shall include with the record of the hearing a written statement of the reasons for the dissent and sign the statement.

(b) A ruling by the stewards or racing judges must be on a form prescribed by the executive secretary and include:

(1) the full name, license type, and license number of the person who is the subject of the hearing;

(2) a statement of the allegations against the person, including a reference to the specific section of the Act or Rule;

(3) the date the ruling was issued;

(4) the penalty imposed;

(5) any changes in the order of finish or prize distribution; and

(6) other information required by the executive secretary.

(c) A ruling must be signed by a majority of the stewards or racing judges.

(d) At the time the stewards or racing judges inform a person who is the subject of a disciplinary hearing of the ruling issued for the proceeding, the stewards or racing judges shall inform the person of the person's right to appeal the ruling to the Commission. (Added eff. 1/1/02)

Sec. 307.64. Penalties.

(a) For each violation of the Act or a Rule, the stewards and racing judges may:

(1) impose a fine of not more than $25,000; and

(2) suspend an occupational license for not more than five years.

(b) A person against whom the stewards or racing judges have imposed a fine shall pay the fine to the Commission not later than 5:00 p.m. of the third calendar day after the day the person is informed of the ruling that imposed the fine. (Added eff. 1/1/02; (a) amended eff. 1/1/14)

Sec. 307.65. Reciprocity.

The stewards and racing judges shall honor the rulings issued by other pari-mutuel racing commissions. (Added eff. 1/1/02, amended eff. 7/1/03)

Sec. 307.66. Applicability of Rules and Rulings.

(a) Rules pertaining to a licensee and rulings against a licensee apply to another person if continued participation in an activity by the other person would circumvent the intent of a Rule or ruling by permitting the person to serve, in essence, as a substitute for the ineligible licensee because:

(1) the other person is legally liable for the conduct that violated the Rule or is the subject of the ruling; or

(2) the other person benefited financially from that conduct.

(b) The fraudulent transfer of a race animal to avoid application of a Rule or ruling is prohibited. (Added eff. 1/1/02)

Sec. 307.67. Appeal to the Commission.

(a) Right to Appeal. A person aggrieved by a ruling of the stewards or racing judges may appeal to the Commission. A person who fails to file an appeal by the deadline and in the form required by this section waives the right to appeal the ruling.

(b) Filing Procedure.

(1) An appeal must be in writing in a form prescribed by the executive secretary. An appeal from a ruling of the stewards or racing judges must be filed not later than 5:00 p.m. of the third calendar day after the day the person is informed of the ruling by the stewards or racing judges. An appeal from the modification of a penalty by the executive secretary must be filed not later than 5:00 p.m. of the fifth calendar day after the person is informed of the penalty modification. The appeal must be filed at the main Commission offices in Austin or with the stewards or racing judges at a Texas pari-mutuel racetrack where a live race meet is being conducted. The appeal must be accompanied by a cash bond in the amount of $150, to defray the costs of the court reporter and transcripts required for the appeal. The bond must be in the form of a cashier's check or money order.

(2) Record of Stewards'/Judges' hearing. On notification by the executive secretary that an appeal has been filed, the stewards or racing judges shall forward to the Commission the record of the proceeding being appealed. A person appealing a stewards' or judges' ruling may request a copy of the record of the hearing and the executive secretary may assess the cost of making to the copy to the requestor.

(c) Hearing Procedure. A hearing on an appeal from a ruling by the stewards or racing judges is a contested case and shall be conducted by SOAH in accordance with the Rules regarding contested cases. In an

appeal, the appellant has the burden to prove that the stewards' or racing judges' decision was clearly in error.

(d) Effect of Appeal on Fine Payment. If a person against whom a fine has been assessed appeals the ruling that assesses the fine, the person shall pay the fine in accordance with the Rules. If the appeal is disposed of in favor of the appellant, the Commission shall refund the amount of the fine.

(e) Effect of Appeal on Purse Payment. If a ruling that affects the outcome of a race is appealed, the portion of the purse that is involved in the appeal shall be withheld and not distributed. The stewards or racing judges may distribute the portion of the purse that is not involved in or affected by the outcome of the appeal.

(f) Effect of Appeal on Horse Eligibility. If an appeal involves the official order of finish in a horse race, all horses finishing first or declared to be the winner by the stewards carry all penalties of eligibility until the winner is determined through the final resolution of the appeal. (Added eff. 1/1/02; (b) amended eff. 5/6/12)

Sec. 307.68. Stay.

(a) Contemporaneously with filing an appeal from a stewards' or judges' ruling, a licensee whose license is suspended by the ruling may request a stay of the suspension. The executive secretary may grant a stay of the suspension if the executive secretary determines granting the stay is in the interest of justice. The executive secretary may set the term of the stay and may extend a stay if circumstances warrant.

(b) The fact that a stay is granted is not a presumption that the ruling by the stewards or racing judges is invalid.

(c) The executive secretary may rescind a stay granted under this section if the executive secretary determines the reasons supporting the original issuance of the stay are no longer valid. (Added eff. 1/1/02)

Sec. 307.69. Review by Executive Secretary.

(a) Within fourteen days after a board of stewards or judges issues a written ruling under §307.63 of this title (relating to Ruling), the executive secretary may review the ruling and modify the penalty. A penalty modified by the executive secretary may include a fine not to exceed $100,000, a suspension not to exceed five years, or both a fine and a suspension.

(b) The decision to modify a penalty must be on a form that includes:

(1) the full name, license type, and license number of the person who is the subject of the penalty modification;

(2) the original ruling number and the date the ruling was issued by the stewards or judges;

(3) the date the modified penalty was issued by the executive secretary;

(4) the modified penalty imposed;

(5) a statement of the reason for modifying the penalty; and

(6) a statement informing the person of the person's right to appeal the ruling, with the modified penalty, to the Commission.

(c) In determining whether to modify a penalty, the executive secretary may consider, but is not limited to, the following reasons:

(1) to further the uniform and consistent treatment of similarly situated individuals; and

(2) to remedy rulings where the penalties available to the stewards or judges are insufficient to adequately address the violation.

(d) The decision to modify a penalty must be signed by the executive secretary.

(e) The executive secretary shall provide written notice to each person who is subject to a penalty modification decision under this section by:

(1) sending by certified mail, return receipt requested, a copy of the decision to the person's last known address, as found in the Commission's licensing files; or

(2) personal service by any Commission employee.

(f) An appeal of a ruling whose penalty has been modified under this section must be filed in accordance with §307.67 of this title (relating to Appeal to the Commission). (Amended eff. 5/6/12; (a) amended eff. 1/1/14)

Subchapter D. Rulemaking

Sec. 307.101. Purpose.

As authorized by the Act, §3.02 and other law, the Commission shall adopt rules as authorized and required by law which are necessary for the performance of its duties, to establish standards of conduct for its licensees, to ensure strict compliance with and enforcement of the Act, to ensure uniform practice and procedure, and to provide for public participation, notice of agency actions, and a fair and expeditious determination of matters. (Added eff. 1/1/02)

Sec. 307.102. Rulemaking Procedure.

(a) The executive secretary or a Commissioner may present to the Commission a suggested new rule, amendment to an existing rule, or repeal of a rule.

(b) The executive secretary shall provide a copy of each suggested new rule, amendment to an existing rule, or repeal of a rule to each Commissioner before the Commission meeting at which the rule will be considered.

(c) If the Commission votes to propose a suggested new rule, amendment to an existing rule, or repeal of a rule, the executive secretary shall file the proposal with the Secretary of State for publication in the Texas Register in accordance with the Administrative Procedure Act, Government Code, Chapter 2001.

(d) Contemporaneously with filing with the Texas Register, the executive secretary shall distribute a copy of each proposal to each association. On receipt of a proposal, an association shall promptly post the proposal in a prominent place that will ensure access by interested persons.

(e) The documentation filed with the Secretary of State for publication in the Texas Register and the transcript of the Commission meeting at which a rule is finally adopted constitutes the Commission's order adopting the rule. (Added eff. 1/1/02)

Sec. 307.103. Petition for Adoption of Rules.

(a) A person may request the Commission to adopt, amend, or repeal a rule by filing the request in writing with the executive secretary.

(b) The request must include:

(1) the full name, address, and telephone number of the person making the request;

(2) the text of the new section or amendment, or a reference to the section proposed for repeal, identified in a manner sufficient to show the context of the new section, amendment, or repeal;

(3) a suggested effective date;

(4) reasons for the proposed action in narrative form in sufficient detail to inform the Commission fully of the facts on which the person relies;

(5) the desired effect of the proposed section, amendment, or repeal;

(6) the fiscal implications of the proposed section, amendment, or repeal to the state, to units of local government, to small businesses, and to individuals, if any; and

(7) the signature of the person or a representative of the person.

(c) The executive secretary shall inform the Chair of the Commission of each petition for rulemaking filed. The Chair shall determine whether to place the petition on the agenda for a Commission meeting for consideration by the Commission.

(d) Not later than the 60th day after the date a petition under this section is submitted, a state agency shall:

(1) deny the petition in writing, stating its reasons for the denial; or

(2) initiate a rulemaking proceeding under

(a),b),(d),(e) amended eff. 11/6/02)

Sec. 309.352. Texas Preference.

(a) In contracting with kennel owners for kennel contracts, an association shall ensure that at least 50 percent of the kennels with whom the association contracts are wholly owned by Texas residents.

(b) In this section, "Texas resident" means an individual who has resided in Texas for the five-year period preceding the date the kennel contract is signed. (Added eff. 10/21/99)

Sec. 309.353. Dismissal of Kennel.

(a) An association may dismiss a kennel only:

(1) on revocation by the Commission of the kennel owner's license;

(2) for repeated violations of the Act or a Rule; or

(3) for poor performance, as provided by subsection (b) of this section.

(b) A contract between an association and a kennel owner must provide a uniform dismissal clause. The clause must state the following:

(1) if a kennel has been continuously booked at the association for more than two years, the association shall dismiss a kennel if the kennel's win record is in the bottom four positions at the end of a race meeting for two of the past three years and the association may not rebook the kennel for a period of five years;

(2) the association may place a kennel on probation by written notice if the kennel's win record is in the lowest three positions during each of the three preceding months;

(3) an association may place a kennel on probation by written notice if the kennel is in breach of the kennel contract in a manner that materially affects the rights or privileges of the association; and

(4) an association may dismiss a kennel on probation if during the three-month period following the beginning of probation, the kennel fails to cure the breach or fails to place higher than at least three other kennels.

(c) A kennel owner may apply to the Commission for an exemption from the operation of the uniform dismissal clause. The kennel owner must demonstrate to the Commission that the kennel's failure to perform as required by the contract was due to a force majeure.

(d) For the five-year period after a kennel is dismissed pursuant to this section, an association may not book another kennel that is owned substantially by the same owners as the dismissed kennel. For purposes of this subsection, "substantially" means more than a 50% ownership interest in the kennel. (Added eff. 10/21/99)

Sec. 309.354. Stakes Entry.

An association shall release a greyhound to participate in stake races. On completion of the stake races, the greyhound must return to the association grounds. (Added eff. 10/21/99)

Sec. 309.355. Grading System.

(a) The racing secretary for an association shall grade the greyhounds for the races in accordance with this section.

(b) Before the first day of a race meeting, the racing secretary shall classify the greyhounds and assign an appropriate grade. In assigning the grades, the secretary shall consider the greyhound's past performances.

(c) The racing secretary shall use seven grades of AA, A, B, C, J, D, and M. Grade M is for maidens of any age and Grade J is for winning maidens.

(d) The racing secretary shall lower a greyhound to the next lower grade, including lowering a grade J to a grade D, if the greyhound:

(1) fails to finish in the top three positions in three consecutive starts;

(2) fails to earn better than one third place finish in four consecutive starts; or

(3) fails, as a Grade J, to finish in the top four positions in four consecutive starts

(e) The racing secretary shall advance a greyhound that wins a race graded A, B, C, J, or D.

(f) The racing secretary shall advance a

greyhound that wins a maiden race to Grade J. The racing secretary shall advance a greyhound that wins a Grade J race to Grade C. On request by a kennel owner or trainer, the racing secretary may regrade a greyhound that finishes second, third, or fourth in a maiden or a Grade J race to Grade D or C. For a greyhound regraded on request under this subsection, an association shall place the letter "M" or "J" after the greyhound's name in the racing program.

(g) A greyhound that fails to finish in the top four positions in four consecutive starts in Grade D may requalify and, at the discretion of the racing secretary, be returned to the active list. If a greyhound fails to finish in the top four positions in four consecutive starts for a second time in the same race meeting, at the discretion of the racing secretary, that greyhound may requalify again; however, when the greyhound returns to the active list, that greyhound has two consecutive starts to finish in the top four positions. If the greyhound fails to do so, then that greyhound shall be dropped from further racing during the current race meeting.

(h) A greyhound that falls in a race is considered a starter in that race and shall comply with the conditions set forth in subsection (d) of this section, unless lowering the greyhound would require the greyhound to be dropped from further racing in that race meeting.

(i) For a greyhound that transfers to the racetrack from another racetrack during a race meeting, the racing secretary shall assign a grade that is appropriate for the greyhound's ability considering the competition at the racetrack and at the racetrack from which the greyhound transfers.

(j) The racing secretary may regrade a greyhound that has not raced for at least 30 days.

(k) During a greyhound's first three starts, the racing secretary may regrade the greyhound only once and only to a next higher or lower grade level.

(l) The racing secretary may schedule up to eight mixed grade races each week. The racing judges may approve additional mixed grade races each week if there will otherwise be an insufficient number of greyhounds on the active list to complete the scheduled performances. A mixed grade race must be designated by the letter "T" in the racing program.

(m) A stake race must be designated by the letter "S" in the racing program.

(n) An association may require a kennel owner to furnish a minimum of 15% of the active list of greyhounds for 660-yard or longer races. The association may reduce the active list and available starts until the kennel complies with the rule.

(o) If a maiden fails to finish in the top four positions in six consecutive starts, the maiden may not race again at the race meeting until it requalifies. If the maiden fails to finish in the top four positions in the two starts after requalifying, the maiden may not race again at the race meeting. (Added eff. 10/21/99; (l) amended eff. 4/1/01; (g) amended eff. 5/6/04; (c), (f) amended eff. 1/5/10; (l) amended eff. 9/19/13; (n) amended eff. 7/7/14)

Sec. 309.356. Draw and Post Position Assignment.

(a) An association shall draw the entries and assign post positions at random.

(b) An association shall adequately post the date and time for drawing entries and assigning post positions to permit the kennel owners or trainers to attend.

(c) An association may not draw the entries and assign post positions unless a kennel owner or trainer and a racing judge are present.

(d) Immediately after drawing the entries for a performance, the association shall publish a list of the greyhounds not drawn. The association shall post the list in a place available for viewing by kennel owners and trainers. In drawing the entries for the next performance, the association shall give priority to the greyhounds on the list. The association shall maintain on the list a balance of greyhounds in different grades. (Added eff. 10/21/99)

Sec. 309.357. Schooling.

(a) An association shall use standard schooling procedures.

(b) An association shall provide:

(1) unlimited unofficial schooling at least two mornings per week; and

(2) unlimited official schooling at least two nights per week.

(c) The association may not conduct an official schooling race unless at least two racing judges are present at least 30 minutes before the start of the race and during the race. (Added eff. 10/21/99)

Sec. 309.358. Racing Restricted.

An association may not permit a greyhound, other than a greyhound entered in a stake race, to race or be schooled on association grounds unless the greyhound is permanently housed on association grounds. (Added eff. 10/21/99)

Sec. 309.359. Use of Lures in Training or Racing.

(a) An association may not permit the use of a live or dead animal or fowl for training or racing purposes on association grounds. This subsection does not apply to the use of a training lure that is made from cured animal hides or pelts and is commercially available to the public.

(b) An association may not permit a greyhound to be kenneled or to race on association grounds if the association knows or can reasonably be expected to know that the greyhound was trained in a state that by statute or rule does not prohibit the knowing use of live lures.

(c) An association may not permit a greyhound to be kenneled or to race on association grounds if the association knows or can reasonably be expected to know that the greyhound has been banned from pari-mutuel racing by any racing jurisdiction. (Added eff. 10/21/99; (a) amended and (c) added eff. 05/30/13)

Sec. 309.360. Marathons.

(a) A race that is more than three-eighths of a mile long is considered a marathon.

(b) An association may schedule a marathon race only when the kennel owners or trainers enter with the racing secretary a sufficient number of greyhounds that are capable of running the distance. (Added eff. 10/21/99)

Sec. 309.361. Greyhound Purse Account and Kennel Account.

(a) Greyhound Purse Account.

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

(2) The funds derived from a simulcast race for purses shall be distributed during the 12-month period immediately following the simulcast.

(b) Kennel Account.

(1) An association shall maintain a separate bank account known as the "kennel account". The association shall maintain in the account at all times a sufficient amount to pay all money owed to kennel owners for purses, stakes, rewards, and deposits.

(2) Except as otherwise provided by these rules, an association shall pay the purse money owed from a purse race to those who are entitled to the money not later than 10 days after the date of the race and from a stakes race to those who are entitled to the money immediately after the executive secretary advises the association that all of the qualifying rounds and the final race have been cleared for payment.

(c) The Texas Greyhound Association ("TGA") shall negotiate with each association regarding the association's live racing program, including but not limited to the allocation of purse money to various live races, the exporting of simulcast signals, and the importing of simulcast signals during live race meetings.

(d) If an association fails to run live races during any calendar year, all money in the greyhound purse account may, at the discretion

of the TGA, be distributed as follows:

(1) first, payment of earned but unpaid purses; and

(2) second, subject to the approval of the TGA, transfer after the above mentioned calendar year period of the balance in the purse account to the purse account for one or more other association.

(e) If an association ceases a live race meet before completion of the live race dates granted by the commission, the funds in and due the greyhound purse account shall be distributed as follows:

(1) first, payment of earned but unpaid purses;

(2) second, retroactive pro rata payments to the kennel owners; and

(3) third, subject to the approval of the TGA, transfer within 120 days after cessation of live racing of the balance in the greyhound purse account to the greyhound purse account for one or more other associations.

(f) Administration of Accounts.

(1) An association shall employ a bookkeeper to maintain records of the greyhound purse account and the kennel account.

(2) The Commission may at any time inspect, review or audit any and all transactions relating to the greyhound purse account and the kennel account. (Added eff. 10/21/99; Repealed and replaced eff. 6/1/00; (b) amended eff. 3/13/02)

Sec. 309.362. Number of Greyhounds.

An association may not permit more than eight greyhounds to start in a race. (Added eff. 10/21/99)

Sec. 309.363. Official Program.

(a) For each race day, an association shall prepare and print an official program. The official program must contain the order of the races on that day, the distance and track record for each race, and the names of the greyhounds scheduled to run in each race, in order of their post positions. The post positions must be designated by numbers placed at the left and in line with the names of the greyhounds.

(b) The official program must contain at least two past performances for each greyhound scheduled to race. The program must also contain, for each greyhound scheduled to race:

(1) the name;

(2) color;

(3) sex;

(4) date of whelping;

(5) breeding;

(6) established racing weight;

(7) number of starts in official races;

(8) number of times finishing first, second, and third;

(9) name of owner and lessee, if applicable;

(10) name of trainer; and

(11) the Texas-bred emblem if the greyhound is an accredited Texas-bred; and

(12) other information to enable the public to properly judge the greyhound's ability.

(c) If the name of a greyhound is changed, the new name, together with the former name, shall be published in the official entries and program until after the greyhound has started six times under the new name. (Added eff. 10/21/99; (b) amended eff. 1/5/10)

Sec. 309.364. Identification System.

(a) An association shall maintain a card index system or identification for each greyhound racing for the association. An association may not permit a greyhound to be housed on association grounds unless the greyhound is identifiably tattooed in each ear.

(b) Each bertillion card must be legible and thoroughly identifiable for each greyhound. The card must show:

(1) the name of the kennel; and

(2) the color, sex, tattoo identifications located in each ear, and characteristic markings, scars, and other identification features of the greyhound.

(c) The paddock judge shall maintain the bertillion cards. For each greyhound removed from association grounds, the paddock judge shall maintain the bertillion card for the greyhound in an inactive file for the six-month period after the date of the greyhound's removal. (Added eff. 10/21/99)

CHAPTER 311. OTHER LICENSES

Subchapter A. Licensing Provisions

Division 1. Occupational Licenses

Sec. 311.1. Occupational Licenses.

(a) License Required.

(1) A person other than a patron may not participate in racing at which pari-mutuel wagering is conducted unless the person has a valid license issued by the Commission. Any individual who enters an animal is deemed to be a participant in racing

(2) A licensee may not employ a person to work at a racetrack at which pari-mutuel wagering is conducted unless the person has a valid license issued by the Commission.

(3) An association may not employ a person who works in an occupation that affords the employee an opportunity to influence racing with pari-mutuel wagering, or who will likely have significant access to the backside or restricted areas of a racetrack, unless the person has a valid license issued by the Commission.

(b) Duration of License.

(1) Except as provided in paragraph (2) of this subsection, an occupational license expires one year after the last day of the month in which the license was issued.

(2) An applicant for the following occupational license types may choose to have a multi-year license which expires on the last day of the month two years or three years after the month in which the license was issued; kennel owner, kennel owner/owner, kennel owner/owner/trainer, kennel owner/trainer, owner, owner/trainer, trainer, veterinarian, jockey, or multiple owner/stable/farm registration license.

(3) A training facility license expires on December 31 of the year for which it was issued.

(c) License Conditions.

(1) Except as otherwise provided by this section, a license issued by the Commission is a privilege, not a right, and is conditioned on the licensee's compliance with the Act and the Rules.

(2) If the Act or a rule is amended, the continued holding of a license is conditioned on the licensee's compliance with the Act or rule as amended.

(d) Effect of Acceptance. By accepting a license issued by the Commission, a person consents to:

(1) a search by the Commission of the person and the person's possessions at a racetrack to check for violations of the Act or the Rules;

(2) seizure of contraband; and

(3) testing for alcohol and controlled substances in accordance with Subchapter D of this chapter. (Added eff. 10/21/99; (b) amended eff. 1/8/04; (a) amended eff. 3/20/08; (a), (b) amended eff. 1/10/13)

Sec. 311.2. Application Procedure.

(a) General Requirements. To request a license from the Commission, a person must apply to the Commission on forms prescribed by the executive secretary.

(b) Application Site.

(1) Except as provided in paragraphs (2) and (3) of this subsection, an applicant for an occupational license must file the appropriate application form and related documents at the licensing office at a licensed racetrack.

(2) An applicant for the following occupational license types may file the appropriate application form and related documents by mail to the main office of the Commission in Austin; kennel owner, kennel owner/owner, kennel owner/owner/trainer, kennel owner/trainer, owner, owner/trainer, trainer, multiple owner/stable/farm registration, training facility employee, and training facility general manager/CEO.

(3) An applicant for an occupational license that is available through the Texas OnLine portal may submit the required application information through the Texas OnLine portal.

(c) Examinations. The Commission may require the applicant for an occupational license to demonstrate the applicant's knowledge, qualifications, and proficiency for the license applied for by an examination prescribed by the Commission

(d) Issuance of License.

(1) The stewards or racing judges may review any application for an occupational license and deny a license if the stewards or racing judges determine:

(A) grounds for denial of the license exist under §311.6 of this title (relating to Denial, Suspension, and Revocation of Licenses; or

(B) if the applicant or a member of the applicant's family or household currently holds a Commission license, after considering the nature of the licenses sought or held by the applicant, issuing a license to the applicant would create a conflict of interest that might affect the integrity of pari-mutuel racing.

(2) An occupational licensee may not act in any capacity other than that for which he or she is licensed.

(3) The stewards or racing judges may issue a license subject to the applicant satisfying one or more conditions, as specified by the stewards or racing judges, which reasonably relate to the applicant's qualifications or fitness to perform the duties of the license sought.

(e) License Badge.

(1) The Commission shall issue a certificate identification card in the form of a license badge to each individual licensed under this subchapter.

(2) The badge must bear the seal of the Commission.

(3) The badge must contain:

(A) the licensee's full name;

(B) the licensee's photograph;

(C) the category of license;

(D) the month and year in which the license expires;

(E) a color code that designates whether the licensee has access to the stable or kennel area; and

(F) the license number assigned by the Commission.

(4) If a badge issued under this section is lost or stolen, the licensee shall immediately notify the Commission and may apply for a duplicate badge with the same terms as the original badge. To apply for a duplicate badge, the licensee must:

(A) file a sworn affidavit stating that the badge was lost, stolen, or destroyed;

(B) surrender any remaining portion of the badge; and

(C) pay a duplicate badge fee in an amount set by the Commission.

(f) Credit for Military Service. Military service members and military veterans, as defined in Texas Occupations Code, Chapter 55, will receive credit toward any experience requirements for a license as appropriate for the particular license type and the specific experience of the military service member or veteran. (Added eff. 10/21/99; (d) amended eff. 1/8/04; (b) amended eff. 10/25/04; (b) amended eff. 1/10/13; (f) added eff. 7/7/14)

Sec. 311.3. Information for Background Investigation.

(a) Fingerprint Requirements and Procedure.

(1) Except as otherwise provided by this section, an applicant for a license or license renewal must submit with the application documents a set of the applicant's fingerprints in a form prescribed by the Department of Public Safety. If the applicant is not an individual, the applicant must submit a set of fingerprints on the above-referenced forms for each individual who:

(A) serves as a director, officer, or partner of the applicant;

(B) holds a beneficial ownership interest in the applicant of 5.0% or more; or

(C) owns any interest in the applicant, if requested by the Department of Public Safety.

(2) The fingerprints must be taken by a peace officer or a person authorized by the Commission.

(3) Not later than 10 business days after the day the Commission receives the sets of fingerprints under this section, the Commission shall forward the fingerprints to the Department of Public Safety.

(4) A person who desires to renew an occupational license must:

(A) have submitted a set of fingerprints pursuant to this section within the

(3) if the horse is to start for the first time:

(A) be approved by a licensed starter for proficiency in the starting gate within 90 days of the race entered; and

(B) have two published workouts, one within 90 days and one within 60 days of the race entered.

(b) A horse that has been barred in any racing jurisdiction is ineligible to start or be entered in a race without the approval of the stewards.

(c) To be eligible to enter a Texas-Bred race, the horse must be an accredited Texas-bred horse and be registered with the appropriate breed registry.

(d) A horse may not be entered in more than one race scheduled for one race day, unless at least one of the races is a stakes race.

(e) A horse may not start in a stakes race unless:

(1)the nominating, sustaining, entry, and starting fees have been paid in full by cash, cashier's check, certified check, or money order on or before the time specified in the conditions of the race; or

(2) the amount of the applicable fees are on account with the horsemen's bookkeeper at the time the fees are due as specified by the conditions of the race.

(f) Except as otherwise provided by this section for first-time starters, to be eligible to start in a race, a horse must have either started in a race or had a published workout in the 60-day period preceding a race.

(g) To be entered in a race around a turn for the first time, a quarter horse, paint horse, or appaloosa must:

(1) have a published workout around a turn at a minimum distance of 660 yards in the 60-day period preceding the race; and

(2) be approved by the clocker, the outrider and, if the horse is worked from the gate, the starter.

(h) To be eligible to start in a race, a horse must be properly tattooed and the horse's registration certificate, or certificates if dually registered, showing the tattoo number of the horse must be on file with the racing secretary before scratch time for the race, unless the stewards authorize the certificate or certificates to be filed at a later time. (Added eff. 8/30/89; (a) amended eff. 1/10/90; (f) added eff. 1/10/90; (a), (b), (d) amended eff. 10/11/90; (e) added eff. 10/11/90; (a), (f) amended eff. 8/3/92; (g) added 8/3/92; (f) amended eff. 9/1/93; (g) amended eff. 11/1/93; (g) amended eff. 11/1/94; (a) amended eff. 6/1/95; (h) added eff. 6/1/95; (f) amended eff. 2/4/97; (a),(f),(g),(i) amended eff. 10/30/00; (a), (f), (g), (h) amended eff. 7/12/12; 3/6/14; (g) amended eff. 3/6/14)

Sec. 313.104. Registration Certificates.

(a) A certificate of registration or eligibility certificate filed with an association to establish eligibility of a horse to be entered in a race must accurately reflect the correct and true ownership of the horse. The stewards may authorize the entry of a horse with a pending transfer.

(b) The name of the owner printed on the program must conform to the ownership declared on the certificate of registration or eligibility certificate, unless a stable name has been registered for the owner.

(c) An individual may not alter or forge a certificate of registration, certificate of eligibility, or other document relating to ownership or registration.

(d) The racing secretary shall ensure that registration certificates are secured in a manner that prevents access by unauthorized individuals.

(e) Not later than 24 hours after a trainer brings a horse on to association grounds, the trainer shall register the horse with the racing secretary.

(f) If a horse is dually registered and entered in a claiming race, both certificates of registration must be in the racing secretary's office. (Added eff. 8/30/89; (a) amended eff. 6/15/97; (a) amended eff. 10/30/00; (f) added eff. 7/12/12)

Sec. 313.105. Changes in Ownership.

(a) All entries and rights of entry survive when a horse is sold with engagements duly transferred. If a horse is sold with engagements, the seller may not strike the horse out of the engagements.

(b) An entry or right of entry remains valid on the death of the nominator unless the conditions of the race state otherwise. (Added eff. 8/30/89)

Sec. 313.106. Closing Entries.

(a) The racing secretary shall close entries at the advertised time and may not accept any entries after that time. The racing secretary may postpone the closing of overnight races.

(b) After entries are closed, an entry may not be altered, other than to correct an error.

(c) If the number of entries exceeds the number of horses that may start in a race, due to track limitations, the racing secretary may split the race and the starters will be determined by lot.

(d) If a race is canceled because of insufficient entries, the racing secretary may split any overnight race or write a substitute race in place of the canceled race. Where an overnight race is split, forming two or more separate races, the racing secretary shall give notice of not less than 15 minutes before such races are closed to grant time for making additional entries to such split races.

(e) The owner or trainer of a horse that has been entered in a race who does not wish the horse to participate in the race must withdraw the horse from the race before entries are closed. (Added eff. 8/30/89; (d) amended eff. 6/15/97; (d) amended eff. 10/30/00; (d) amended eff. 1/5/10)

Sec. 313.107. Draw for Post Position.

(a) After the entries are closed, the racing secretary shall designate two people who are owners, trainers, or racing officials to draw the entry sheets and post position numbers.

(b) The draw shall be held in public. A horse drawn is entitled to a position at the post corresponding to the number drawn.

(c) No later than scratch time or at the draw if there is no scratch time, the owner or trainer of the horse shall designate the jockey who will ride the horse in the race. (Added eff. 8/30/89; (a) amended eff. 10/11/90; (c) amended eff. 9/30/91; (b) amended eff. 10/30/00)

Sec. 313.108. Preferred List.

(a) The racing secretary shall maintain a preferred list of entered horses eliminated from starting by a surplus of entries.

(b) The racing secretary shall update daily the preference designation for each horse, based on the races for which the horse has been entered, started, or scratched. A trainer or owner may file a claim of error in the preferred list with the racing secretary.

(c) The racing secretary may not use the "star system" of recording preferences.

(d) An "in today" horse has least preference. (Added eff. 8/30/89; (b) amended eff. 10/11/90; (b) amended eff. 10/30/00; (d) added 4/4/05)

Sec. 313.109. Change in Conditions.

After the racing secretary has received an entry to a race for which conditions have been published, the secretary may not change or supplement the conditions for the race. (Added eff. 8/30/89)

Sec. 313.110. Coupled Entries.

(a) Not more than two horses that have common interests through ownership, training, or lease may be entered in an overnight race, unless the race is divided.

(b) Except as provided by subsection (c), if two horses entered in a race are owned in whole or in part by the same individual or entity, the entry shall be coupled as a single wagering interest.

(c) In stakes races with a purse of at least $50,000, the stewards may allow two or more horses owned in whole or in part by the same individual or entity to race as separate wagering interests. (Added eff. 8/30/89; (a), (b), (c) amended eff. 10/11/90; (a), (b) amended eff. 10/30/00; (b) amended eff. 4/4/05; (b) amended eff. 6/12/11); (b) amended eff. 6/12/11; (c) added eff. 7/7/14)

Sec. 313.111. Age Restrictions.

(a) A yearling is not eligible to start in a race.

(b) A two-year old horse may not start in a pari-mutuel race in Texas before March 1.

(c) A racing secretary may not schedule:

(1) a race for two-year old quarter horses longer than 350 yards before May 1 or longer than 400 yards before August 1; or

(2) a race for two-year old thoroughbreds longer than 4 1/2 furlongs before May 1 or at one

CHAPTER 319. VETERINARY PRACTICES AND DRUG TESTING

Subchapter A. General Provisions

Sec. 319.1. Purpose and Definitions.

(a) The purpose of this chapter is to protect the integrity of horse and greyhound racing, to ensure the health of race animals, and to safeguard the interests of the public and the participants in racing through the prohibition and control of all prohibited drugs, chemicals, and other substances.

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

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

(2) a drug permitted by this chapter in excess of the maximum or other restrictions in this chapter; and

(3) drug or substance, regardless of how harmless or innocuous it might be, which interferes with the detection of stimulants, depressants, tranquilizers, local anesthetics, drugs, or drug metabolites which could affect the health or performance of a race animal, however minimal, or quantitation of drugs permitted by this chapter. (Added eff. 8/14/89; (b) added eff. 11/1/98)

Sec. 319.2. Treatment Restricted.

(a) Except as otherwise provided by this section, a person other than a veterinarian licensed by the commission may not administer a medication to a race animal that is entered in a race or that is located on an association's grounds.

(b) This section does not apply to the administration of:

(1) a recognized nutritional supplement or other substance approved by the commission veterinarian; or

(2) a noninjectable substance on the direction or by prescription of a licensed veterinarian. (Added eff. 8/14/89; (a), (b) amended eff. 11/29/90; (a), (b) amended eff. 5/7/91; (b) amended eff. 11/1/98)

Sec. 319.3. Medication Restricted.

(a) Except as otherwise provided by this section, a horse or greyhound participating in a race may not carry in its body a prohibited drug, chemical, or other substance.

(b) Furosemide at or below the approved tolerance level in a horse that has been admitted to the furosemide program is permissible. The approved tolerance level shall be published on the list of therapeutic drugs posted under subsection (c) of this section.

(c) Levels of drugs which are therapeutic and necessary for treatment of illness or injury in race animals are permissible, provided:

(1) the therapeutic drug is on a written list approved by the executive secretary, maintained by the commission veterinarian, and posted in the commission veterinarians' office; and

(2) the maximum permissible urine or blood concentration of the drug does not exceed the published limit, if any, on the written list of therapeutic drugs.

(d) Except as otherwise provided by this chapter, a person may not administer or cause to be administered to a horse or greyhound a prohibited drug, chemical, or other substance, by injection, by oral or topical administration, by rectal infusion or suppository, by nasogastric intubation, or by inhalation, and any other means during the 24-hour period before the post time for the race in which the animal is entered.

(e) A positive finding by a chemist of a prohibited drug, chemical, or other substance in a test specimen of a horse or greyhound collected before or after the running of a race, subject to the rules of the commission relating to split specimens, is prima facie evidence that the prohibited drug, chemical, or other substance was administered to the animal and was carried in the body of the animal while participating in a race. (Added eff. 8/14/89; (a), (f), (g) amended eff. 11/29/90; (h) added eff. 11/29/90; (b) amended 4/3/91; (h) deleted eff. 11/22/91; (d), (f) amended eff. 8/3/92; amended eff. 11/1/98; (c) amended eff. 11/1/01; (b) amended eff. 12/8/11; (b) deleted, previous (c) & (d) amended and renumbered, previous (e) & (f) renumbered, eff. 1/1/14)

Sec. 319.4. Veterinarians.

(a) A greyhound racetrack shall employ at least one association veterinarian to perform the duties described by this section.

(b) The commission shall employ at least one veterinarian at each greyhound racetrack and at least two veterinarians at each horse racetrack.

(c) The commission veterinarians shall oversee the association veterinarian and all the veterinarians practicing at a racetrack and may:

(1) observe any of a veterinarian's practices at the racetrack; and

(2) require a veterinarian to report at any time regarding the veterinarian's practices at the racetrack.

(d) The commission and association veterinarians shall report to the stewards or racing judges an alleged violation of the Act or a rule of the commission by a veterinarian.

(e) The association veterinarians must be licensed by the Texas State Board of Veterinary Medical Examiners.

(f) The commission veterinarians shall advise the stewards or racing judges on all veterinary matters and shall:

(1) maintain the veterinarian's list as required by these rules;

(2) conduct pre-race examinations as required by these rules;

(3) attend to the race animals in the paddock, on the track, at the starting gate and during the running of the race at a horse racetrack;

(4) supervise the operation of the test barn or test area and the collection of specimens for testing;

(5) maintain the list of permissible trace levels of drugs which are therapeutic and necessary for the treatment of illness or injury in race animals;

(6) conduct stable area and kennel inspections to ensure that race animals are housed in a safe, humane, and sanitary environment;

(7) maintain a database of all racing-related injuries incurred at the track; and

(8) perform any other duties imposed on the commission veterinarian by these rules, the commission, or the executive secretary.

(g) An association veterinarian shall:

(1) be present at each official schooling and each official race performance;

(2) provide emergency care to greyhounds acutely injured or stressed while at the racetrack; and

(3) perform any other duties imposed on the association veterinarian by these rules, the commission, or the executive secretary.

(h) During the term of an association veterinarian's employment, it is not a conflict of interest for the veterinarian to:

(1) dispense or administer medications or biologicals sold only by veterinary suppliers to licensed veterinarians;

(2) provide emergency medical treatment to injured greyhounds at no cost; or

(3) charge a fee for veterinary services performed, other than emergency services.

(Added eff. 8/14/89; (e) added eff. 1/10/90; (c), (d), (e), (f), (h) amended eff. 10/11/90; (a), (b), (g), (i) added eff. 10/11/90; amended eff. 11/1/98)

Sec. 319.5. Report of Treatment by Veterinarians.

(a) Veterinarians who treat race animals shall maintain reports of the treatment in strict compliance with the requirements of the Texas State Board of Veterinary Medical Examiners. Veterinarians shall make the report available to a steward, judge or Commission veterinarian within 24 hours of a request.

(b) A report of treatment provided to the stewards, racing judges or a Commission veterinarian pursuant to subsection (a) of this section becomes part of the confidential investigatory files of the Commission. (Added eff. 8/14/89; (a) amended eff. 10/11/90; (a), (b), (c) amended eff. 8/3/92; (d) added eff. 8/3/92; amended eff. 11/1/98; (a), (b) amended eff. 10/31/13)

Sec. 319.6. Access to Pre-race and Test Areas Restricted.

To ensure the safety and security of the race animals, an individual or race animal may not enter the pre-race holding area, the lockout kennel, or the test area unless:

(1) the race animal is participating in a race, being schooled, or being tested; and

(2) the individual is required for the attendance of a race animal. (Added eff. 8/14/89; amended eff. 3/1/03)

Sec. 319.7. Labeling Requirements.

(a) A person may not possess on association grounds a drug, medication, chemical, foreign substance or other substance that is prohibited in a race animal on a race day unless the product is labeled in accordance with this section.

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

(1) the name of the product;

(2) the name, address, and telephone number of the veterinarian prescribing or dispensing the product;

(3) the name of each patient (race animal) for whom the product is intended/prescribed;

(4) the dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

(5) the name of the person (trainer) to whom the product was dispensed.

(c) A veterinarian may not possess, dispense, or sell on association grounds a product that is intended for compounding, dispensation, or sale unless the product is labeled in accordance with all applicable labeling requirements in federal or state law.

(d) The commission or its agents may seize a product possessed on association grounds to determine whether the product is labeled in accordance with this section. It is considered a violation of this section if subsequent analysis of or investigation regarding a product reveals that any of the information on the product's label is inaccurate or untruthful. (Added eff. 8/14/89; (c) added eff. 8/15/95; (b) amended eff. 1/3/96; amended eff. 4/1/97)

Sec. 319.8. Submission Required.

On request by the executive secretary, the owner or trainer of a race animal shall:

(1) permit the commission veterinarian or association veterinarian to examine the animal; or

(2) permit the commission veterinarian to conduct tests on the animal to determine the state of the animal's health. (Added eff. 8/14/89; amended eff. 11/29/90)

Sec. 319.9. Witnesses Required.

If the commission veterinarian orders an examination or test to be performed on a race animal, the owner, trainer, or a person designated by the owner or trainer and a person designated by the commission is entitled to witness the examination or test. (Added eff. 8/14/89)

Sec. 319.10. Devices and Substances Prohibited.

(a) Except as otherwise provided by this section, a person in a restricted area on association grounds during a live race meeting may not possess:

(1) an injectable container of a prohibited drug, chemical, or other substance; or

(2) a parenteral administration device, such as a hypodermic syringe, hypodermic needle, fluid administration set, or other device for making injections into a race animal.

(b) This section does not apply to an individual who has a valid prescription from a

physician for an injectable medication for the individual's own use, provided the individual has notified the stewards or racing judges and has received their approval in writing on a form prescribed by the Commission.

(c) This section does not apply to a veterinarian licensed by the commission or a veterinary technician licensed by the commission acting under the direct supervision of a veterinarian licensed by the commission.

(d) For purposes of this section, "restricted area" means:

(1) the paddock;

(2) the stable or kennel area; and

(3) any area on association grounds that may be entered only on display of a valid license badge or other pass issued by the commission or the association. (Added eff. 8/14/89;amended eff. 11/29/90; (d), (e) amended eff. 4/3/91; (c) added eff. 4/3/91; (a) amended eff. 11/22/91; (a) - (d) amended eff. 1/1/98; (a), (c) amended eff. 11/1/98)

Sec. 319.11. Powers of Inspection, Examination, and Search and Seizure.

(a) A peace officer, including a peace officer commissioned by the commission, or a commissioned officer of the Department of Public Safety who is assigned to work on racing investigations may enter an office, a racetrack, any area on association grounds, or any similar area or other place of business of an association at any time to inspect, examine, or search an individual's person and possessions in that area and to seize any contraband or other item that is found, which may be evidence of a rule violation or a criminal offense. A search of dormitory rooms where participants of racing actually reside will be conducted pursuant to a validly obtained warrant to search, or without a warrant if consent is obtained or exigent circumstances exist.

(b) A person conducting a search authorized by this section may obtain the assistance of a commission employee or an employee of another local, state, or federal governmental entity.

(c) By applying for, accepting, or holding a license under the Act, an individual licensee consents to an inspection, examination, or search conducted under this section of the licensee's person and possessions while on premises covered by this section and to the seizure of any contraband or other item that is found which may be evidence of a rule violation or a criminal offense. Consent described in this subsection:

(1) is not effective for a search outside the premises covered by this section;

(2) is not effective for a search conducted at a time when no valid license was in effect, unless at the time of the search the licensee who was searched claimed the existence of a valid license as authority to enter or remain in an area covered by this section;

(3) is not limited in effect to a prerace or postrace search or a search on a race day; and

(4) is not limited in effect to a search based on reasonable cause, reasonable suspicion, reasonable grounds, probable cause, or any similar legal standard.

(d) By applying for, accepting, or holding a temporary pass to enter or remain on any restricted area of association grounds, an individual who is not a licensee consents to a search conducted under this section of the individual's person or possessions in that area and to the seizure of any contraband or other item that is found which may be evidence of a rule violation or a criminal offense. Consent described in this subsection:

(1) is not effective for a search outside the restricted area covered by this subsection;

(2) is not effective for a search conducted at a time when no temporary pass was in effect, unless at the time of the search the individual who was searched claimed the existence of a valid pass as authority to enter or remain in the restricted area covered by this subsection;

(3) is not limited in effect to a prerace or postrace search or a search on a race day; and

(4) is not limited in effect to a search based on reasonable cause, reasonable suspicion,