

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

CHAPTER 1 – DEFINITIONS

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S. Section 12-60-505(1), C.R.S.

Basis and Purpose:

To add and modify definitions used within these rules to reflect recent changes in article 12 of title 60, C.R.S. and to conform with other Colorado Racing Commission Rules. Also, to correct typographical errors present in the previous version.

The following definitions have been added, deleted, or modified:

BOARD
DECLARATION
DESIGNATED RACE DAY
ENGAGEMENT
ENTRY, COUPLED
EQUIPMENT
FIELD/MUTUEL FIELD
JUDGES
LEAD-OUT
LEASE AGREEMENT
LESSEE
LESSOR
NOMINATION
NOMINATOR
OBJECTION
PENALTY
PROTEST
RACE WEEK
RACETRACK PREMISES
RESTRICTED AREA
RULE OFF
SUBSCRIPTION

CURRENT RULE

The following definitions are interpretations of racing, pari-mutuel and simulcast wagering terms and are to be considered as part of these rules and regulations.

ABANDON - To abandon means to leave an animal without adequate provisions for the animal's proper care or to forsake the animal entirely.

ADDITIONAL FACILITY - Any in-state wagering facility operated by and the responsibility of a licensed association, not located on the premises of a licensed racetrack site, accepting pari-mutuel wagers on races with the approval of the Commission.

AGE (HORSE) - A horse's age begins on the first of January in the year in which the horse is foaled.

AGE (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

ALLOWANCE - An allowance is a weight allowance or other condition of a race.

ANALGESIC - See STIMULANT

ANESTHETIC - See STIMULANT

ANIMAL - An Animal shall mean a greyhound or horse.

ANIMAL CRUELTY - As defined in C.R.S. § 18-9-202

ASSISTANT TRAINER - An assistant trainer is a person licensed to condition an animal for racing under the authority, supervision, or in conjunction with the trainer of record.

ASSOCIATED PERSON - Associated person means the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person, would give the appearance that such other person or entity would care for or train a horse or perform veterinarian services on a horse for the benefit, credit, reputation, or satisfaction of the inactive person.

ASSOCIATION - An association is anyone conducting a licensed live race meet or approved simulcast race meet in Colorado.

AUTHORIZED AGENT - An Authorized Agent is a person who is authorized in writing to act in behalf of another on specified racing matters.

AUTHORIZED MEDICATION - Any medication in the quantity permitted by the Commission pursuant to the conditions set forth in these Rules and the Law to be possessed by licensees or in pre-race and post-race samples shall be authorized. Any and all other medications are unauthorized.

AUTHORIZED PARI-MUTUEL WAGERING ENTITY - A person in or out-of-state that is duly licensed by the Colorado Racing Commission to conduct pari-mutuel wagering on simulcast racing.

BET SOLICITATION - The term “bet solicitation” in 12-60-507(l)(h), C.R.S., means “touting.”

BETTING INTEREST - A single wager on a runner(s) designated by a single program number.

BLEEDER - A horse which demonstrates visible external evidence of Exercise Induced Pulmonary Hemorrhage (EIPH) or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be authorized by or performed in the presence of a Division veterinarian.

BOARD - The Board shall mean the Board of Judges or the Board of Stewards.

BREEDER (HORSE) - A Breeder is the owner of the horse's dam at the time of foaling for Thoroughbreds. For Quarter Horses, Appaloosas, Arabians, and Paint Horses, the Breeder is the owner of the dam at the time of service, or as defined by each individual Colorado breed association.

BREEDER - (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

CITATION – A complete written notice, issued to a licensee by the division on an approved form and by means of which the division alleges the licensee has violated one or more Colorado racing laws or rules.

CITATION VIOLATION LIST AND SCHEDULE OF PENALTIES — An approved list of those particular violations of Colorado racing laws or rules, together with penalties, set according to the type of violation and, as appropriate, also according to the frequency of violation by a licensee. With the approval of the commission, the director can establish the specific violations on the list together with their associated penalties and can change the violations or penalties on the list.

CLAIM CERTIFICATE - A claim certificate is a form issued by the stewards to a person who desires to claim a horse but has no horses registered to race at the meet.

COGGINS TEST - A test required of horses to determine exposure to Equine Infectious Anemia.

COLORADO BRED (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

COLORADO BRED HORSE - - A Colorado bred horse is a horse which satisfies each of the following criteria:

- 1) A horse which was foaled in the State of Colorado out of a mare that was, itself, at the time of the foal's birth, an accredited Colorado broodmare registered with the relevant official Colorado breed registry; or
- 2) In the case of an embryo recipient, at the time the embryo is taken from the genetic dam, the embryo itself has to come from an accredited Colorado broodmare, and the recipient mare has to be domiciled in Colorado at the time of the foals birth. The foal certificates from breed registries may reflect this position; and
- 3) A horse which has been registered with the relevant official Colorado breed registry.

COMMISSION - See C.R.S. 12-60-102(5).

CROSS SIMULCASTING - See C.R.S. 12-60-102(6).

DAILY DOUBLE - Requires the selection of the first place finisher in each of two consecutive races.

DAY -

RACE DAY - A race day is any twenty-four (24) hour period beginning at midnight during a race meet anytime live racing is conducted.

DARK DAY - A dark day is any twenty-four (24) hour period beginning at midnight during a live race meet when no live racing is conducted or during a simulcast race meet when no simulcast races are received.

SIMULCAST RACE DAY - A simulcast race day is any twenty-four (24) hour period beginning at midnight during a simulcast race meet when simulcast races are received.

CALENDAR DAY - A calendar day is any twenty-four (24) hour period beginning at midnight.

DECEIT IN RACING - See MISREPRESENTATION

DECLARATION - A declaration is the act of withdrawing an entered ANIMAL from a race.

DEPRESSANT - See STIMULANT

DIRECTOR - See C.R.S. 12-60-102(7).

DIVISION - See C.R.S. 12-60-102(8).

DIVISION REPRESENTATIVE - An employee of the Division designated to represent the Division in matters pertaining to the operation of the Division.

ELECTRONIC ACCOUNT WAGER/ACCOUNT WAGER - A wager placed by electronic means, using funds from an electronic wagering account, made by the account holder in person, via telephonic device or through other electronic means.

ELECTRONIC WAGERING ACCOUNT/ACCOUNT - A formal record of all transactions (debits, wagers, deposits, withdrawals and credits) initiated by an account holder in an electronic wagering account with an authorized pari-mutuel wagering entity.

ELECTRONIC WAGERING ACCOUNT ACTIVITY - Any deposit, withdrawal, wager or other transaction made by the account holder.

ELECTRONIC WAGERING ACCOUNT HOLDER/ACCOUNT HOLDER - A natural person, authorized by an authorized pari-mutuel wagering entity, to place wagers via account wagering.

ELECTRONIC WAGERING CENTER - A facility that has the capability of accepting electronic account wagers, utilizing wired or wireless communications devices, including but not limited to, wireline telephones, wireless telephones, and the internet, to electronically transmit the placement of wagers on races and special events.

ELECTRONIC WAGERING DEPOSIT - Pari-mutuel wagering in which an individual deposits money in an account with an authorized pari-mutuel wagering entity, to be used for pari-mutuel wagering authorized by law, to be conducted by the authorized pari-mutuel wagering entity.

EJECTION - An ejection is the act of having a person removed from the premises of a racetrack or simulcast facility.

ENGAGEMENT - An engagement is an obligation of a jockey or an animal to participate in a race.

ENTRY (HORSE) - An entry shall mean according to the requirement of text:

- (1) A horse made eligible to run in a race.
- (2) A horse which has drawn into a race.

ENTRY, COUPLED - Two or more horses which are entered or run in a race owned by the same ownership or interest whether trained by the same trainer or different trainers or any other combination which form a common tie. A wager on one horse in a coupled group shall constitute a wager on all horses in such coupled group. No “coupled entries” shall be allowed in greyhound racing.

ENTRY (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

EQUIPMENT - Equipment shall be any paraphernalia used on or attached to an animal while racing.

EUTHANASIA - Euthanasia means the act or practice of ending the life of an animal.

EXACTA - Requires the selection of the first two finishers, in their exact order, for a single race.

EXCLUSION - An exclusion is the act of prohibiting a person from entering or remaining upon the premises of any or all racetracks and/or simulcast facilities.

FIELD/MUTUEL FIELD - When the number of horses competing in a race exceeds the numbering capacity of the totalisator, some of the horses may be grouped together and designated as the mutuel field. A wager on one horse in such field shall be a wager on all horses in such field. No “mutuel fields” shall be allowed in greyhound racing.

FINANCIAL INTEREST - An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in an animal or business entity, or as a result of salary, gratuity or other compensation or remuneration from any person.

FIREARMS - Any weapon listed under C.R.S. 18-12-101 or any other section of the Colorado Revised Statutes, or any weapon which ejects any type of projectile, including BB guns, air rifles and pellet guns.

FRAUD - See MISREPRESENTATION

GAINFUL EMPLOYMENT - The term “gainful employment” in 12-60-507(1)(v), C.R.S. is interpreted by the Commission to mean “actual employment.”

GREYHOUND - Any greyhound properly tattooed and registered with the registry recognized by the Commission.

GREYHOUND ADOPTION - A process whereby an organization or person assumes the responsibility for a greyhound and, in so doing, permanently transfers all rights and responsibilities from the original owner or owners.

GREYHOUND DISPOSITION - Greyhound Disposition shall mean any one of the following:

- a. transfer to another jurisdiction;
- b. retirement for breeding or convalescence for rehabilitation;
- c. adoption (including release to an animal rescue group or pet animal facility);
- d. euthanasia;
- e. sale or donation (for medical research or other purpose); or,
- f. disposition of any other kind

GREYHOUND RESCUE – Refers to responsive operations for greyhounds that usually involve the saving of life, or prevention of injury during an incident or dangerous situation.

HORSE - Means an equine and includes all equine animals, i.e. filly, mare, colt, horse, gelding, or ridgling.

HOST TRACK - See C.R.S. 12-60-102 (12).

IN-STATE HOST TRACK - See C.R.S. 12-60-102(13) and (14).

OUT-OF-STATE HOST TRACK - See C.R.S. 12-60-102(18) and (19).

HOUSING KENNEL – *(Modified Effective date May 15, 2015)* For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the Division to inspect all kennels in connection with race meet, a housing kennel shall be defined as those buildings and attached turnout pens where one or more greyhounds are kept and exercised. Additionally, where a housing kennel shares a common kitchen, storage or other area with a building housing animals only the common area shall be included in such inspections. If a room or area exists where food for the greyhound is prepared separate from the housing kennel, then that area shall be subject to these inspections.

HOUSING STABLE - For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the Division to inspect all stables in connection with a race meet, a housing stable shall be defined as those buildings or other areas located on the racetrack property, where one or more horses registered to race at the current Colorado race meet, including pony horses, are kept and exercised, including those buildings or other areas that may temporarily house haul-in horses.

HUB OR HUB SYSTEM - An in-state or out-of-state host association, or simulcast facility which receives and/or transmits wagering information and/or calculates the wagering pools on in-state and/or out-of-state races to in-state and/or out-of-state simulcast facilities.

HUMANE MANNER - Humane Manner shall mean, by means of euthanasia by lethal injection, or by such other standard of humane killing as may be established by the American Veterinary Medical Association

ILLEGAL ENTERPRISE - The term “illegal enterprise” in 12-60-507(1)(h), C.R.S., means “a project or undertaking, or a company organized for business purposes, not authorized by Law, that is illicit, unlawful and contrary to the Law itself.”

INACTIVE PERSON – Inactive person is any person whose license has been suspended for more than 14 days; whose license has expired or been revoked; or whose license application has been denied.

INQUIRY - An investigation by the Board of an occurrence(s) in a race prior to declaring the result of said race official.

INTERNET - A computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

JOCKEY - A jockey is a race rider.

JUDGES - The persons employed by the Division and the judge employed by the Association and approved by the Commission for a race meet, collectively to be known as the Board of Judges.

KENNEL –(*Modified Effective date May 15, 2015*) For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the division to inspect all kennels in connection with race meet, a housing kennel shall be defined as those buildings and attached turnout pens where one or more greyhounds are kept or exercised.

KENNEL COMPOUND - A kennel compound comprises the secure and restricted facilities provided by the association for the housing of racing kennels participating in the live racing meet.

KENNEL OPERATOR - a kennel operator is a duly licensed owner of a racing kennel who holds the contract with a racing association to race his/her greyhounds, as well as those leased from other properly licensed owners, during a race meet.

LAW or LAWS - The law or laws shall mean the Colorado Revised Statutes and includes any interpretation, construction or application by Courts of competent jurisdiction.

LEAD-OUT - An attendant who handles the greyhounds in the paddock and on the race course. Also may be referred to as “grooms.”

LEASE AGREEMENT - (*Modified Effective date May 15, 2015*) An agreement between a lessee and lessor to lease an animal.

LESSEE - A lessee is a person who holds a contract (lease) for the racing of an animal in the lessee’s name.

LESSOR - A lessor is a registered owner of an animal who enters into a contract with another for the racing of an animal.

LICENSEE - See C.R.S. 12-60-102(17).

LOCK-OUT KENNEL -- *(Deleted Effective date May 15, 2015)*

LURE - *(Deleted Effective date May 15, 2015)*

MAIDEN (HORSE) - A maiden is a horse which has never won a race on the flat in a state or country where the races are covered by the *Daily Racing Form* or a similar publication approved by the stewards. A maiden which has been disqualified after finishing first is still a maiden. Conditions referring to maidens apply to the status at the time of starting.

MAIDEN (GREYHOUND) – *(Deleted Effective date May 15, 2015)*

MANUAL MERGE - The process used in the event of a totalisator systems or communication failure by which the simulcast facility's mutuel manager transmits to the host track wagering information and information regarding the process by which the host track includes the simulcast facility's wagers in the common pool for that race via facsimile machine. In the event of a facsimile machine malfunction, etc., the tote operator shall request permission from the Division Representative to use a voice communication with a subsequent facsimile verification.

MEDICATION - A medication is a substance, compound, element or combination thereof which is or can be administered to a human, greyhound, horse or other animal for the purpose of preventing, curing or alleviating the effects of any disease, condition, ailment, infirmity or symptom thereof. The term medication shall include but not be limited to all narcotics, stimulants, depressants, analgesics and anesthetics.

MINUS POOL - A minus pool occurs when the total amount of money to be returned to the public exceeds what is in the net pool due to the commissions deducted and the requirement that no winning pari-mutuel tickets shall be paid at less than \$1.10 for \$1.00 wagered.

MISREPRESENTATION - The term “misrepresentation” in 12-60-507(1)(d), C.R.S., which prohibits “fraud, willful misrepresentation, or deceit in racing” prohibits the making of any substantial or willful misrepresentation concerning any aspect of the racing industry including but not limited to making any substantial or willful misrepresentation to a racing official concerning a racing matter. The term “misrepresentation” may include acts of omission as well as acts of commission and may include, unless otherwise stated, behavior which is negligent, reckless or done knowingly. It also includes the giving of false statements and fraudulent documents to Division officials regarding any racing matter.

MONTH - A month is a calendar month.

MUTUEL DEPARTMENT - The entire system and associated areas of a licensed racetrack or approved simulcast wagering facility where wagers are placed and winning tickets are cashed. For the purpose of compliance with these rules, the mutuel department is deemed to include all employees, including the totalisator company and its employees and agents, involved with the operation of pari-mutuel machines and equipment, of all money rooms, accounting rooms, and sellers’ and cashiers’ windows.

MUTUEL MANAGER - A licensed employee of the association, approved by the Commission, who manages the mutuel department at a licensed racetrack or an approved simulcast facility for the association.

NARCOTIC - See STIMULANT

NOMINATION - A nomination is the initial naming of an animal for a stakes race.

NOMINATOR - A nominator is a person in whose name an animal is nominated.

OBJECTION - An Objection is a formal complaint filed with the Board by a jockey and/or an owner or a trainer of an animal in a race objecting to an occurrence in the race or the Board’s decision pertaining to the race.

OFFICIAL WORKOUT - A workout of a horse on the association's racing strip with the official clocker in attendance and in accordance with these Rules. The galloping of horses or ponying of horses for exercise shall not be considered as an official workout.

OFF-TRACK STABLING LOCATION - Any location designated by the Division for the purpose of stabling horses registered with the Racing Secretary and intended to be raced at a racetrack under the jurisdiction of the Commission. The grounds of organization licensees in Colorado and recognized race meets in other jurisdictions shall not be considered off-track stabling locations.

OVERPAYMENT - An overpayment occurs when the payoff to the public is more than is actually due as a result of errors in calculating pools and/or error occurring in the communication of payoffs.

OWNER - An owner is a person in whose name an animal is registered with the official registry designated by the Commission. In the case of a leased animal, both the lessor and the lessee shall be considered as the owners, for the purpose of licensure, and both shall be licensed under these rules. In addition, an owner who is licensed and has fulfilled the requirement of a trainer, can condition animals for racing. But owners, without trainers licenses shall not be the primary person who conditions the animals for racing.

PARI-MUTUEL HANDLE - The total amount wagered for a pool, race or an entire performance.

PARI-MUTUEL WAGERING - See C.R.S. 12-60-102(20.5).

PENALTY - A penalty shall be according to the requirement of the text:

- (1) Action taken against a licensee or animal by a racing official, Division or the Commission.
- (2) The excess weight a horse must carry in a race because of the race conditions.

PERFORMANCE - A licensed or authorized schedule of races conducted on any live and/or simulcast racing day.

PERSON - See C.R.S. 12-60-102(21).

PLACE - Place shall mean a runner(s) to finish either first or second.

PLACE POOL - The total amount of money wagered on all runners to finish either first or second.

POLICY - A Commission statement or order regarding racing or wagering related activities throughout the state which pertain to licensees and patrons, violation of which may result in disciplinary action.

POOL-SELLING - The term “pool-selling” in 12-60-507(l)(h), C.R.S., is interpreted by the Commission to mean “a form of gambling that is not authorized by Law in which chances are sold to individuals who may win a part or all of the pool depending on the outcome of the event for which the pool is made.”

POST POSITION - The post position is the position assigned to an animal for the start of a race.

POST TIME - Post time means the time set for the arrival of the animals at the starting point of a race.

PREPONDERANCE OF EVIDENCE - Greater weight of evidence, or evidence which is more credible.

PROCEDURE - A Commission statement or order regarding the set process to be followed in racing or wagering related activities throughout the state which pertain to licensees and patrons.

PROGRAM - A program is a printed daily schedule of races conducted at a live race meet or simulcast race meet.

PROTEST - (*Modified Effective date May 15, 2015*) A protest is a written complaint filed with the Board at least one hour prior to the running of the first race of the day which protests the participation of a, horse or jockey in a race.

QUINIELA - Requires the selection of the first two finishers, in any order, in a single race.

QUINIELA DOUBLE - Requires the selection of the first two finishers, in any order, in each of two consecutive specified races.

RACE (HORSE) - A race is a contest among horses for a purse, stake or reward contested at a meet. "Race" includes, but is not limited to:

ALLOWANCE - An allowance race is a race where there are both weight allowances and penalties, according to the race conditions, for money or races won.

CLAIMING - A claiming race is a race using monetary value of the horses as the criteria for equalizing the competition.

DERBY - A derby race is a race exclusively for three-year olds.

FUTURITY - A futurity race is a race exclusively for two year olds in which nominations are made in advance of the scheduled race.

HANDICAP - A handicap race is a race in which the weights to be carried by the horses are determined by a handicapper for the purpose of equalizing the competition.

FREE HANDICAP - A free handicap race is a race in which no liability for entrance money is incurred.

INVITATIONAL HANDICAP - An invitational handicap race is a handicap race in which the racing secretary or handicapper has selected the contestants and assigned the weights.

MAIDEN - A maiden race is a race for horses which have never won a race.

MATCH - A match race is a private stakes race between horses which are the property of separate ownership interests.

MATURITY - A maturity race is a stakes race for four year old horses and older.

OPTION CLAIMING - An option claiming race is a race wherein horses are made eligible by previously starting for a certain claiming price and may or may not be eligible to be claimed.

OVERNIGHT - An overnight race is a race for which entries close ninety-six (96) hours, or less, before the scheduled time for the first race of the day on which the race is to be run.

PURSE - A purse race is a race for money or any other prize which the owners of the horses engaged to race do not contribute.

SPLIT - A split race is a race in which there are so many entries that it is divided into more than one division.

STAKES - A stakes race is a race in which nominators of the engaged horses contribute to a purse.

STARTER ALLOWANCE - A starter allowance race is a race based upon a horse having previously started for a specified claiming race.

SUBSTITUTE - A substitute race is a race which may replace a race already carded but abandoned because of insufficient entries or too many scratches.

WALKOVER - A walkover race occurs when only one horse remains eligible for a race.

WEIGHT FOR AGE - A weight for age race is a race wherein the weights are assigned to horses according to their age.

RACE (GREYHOUND) - A race is a contest held on any racetrack for a purse, stakes or entry fees and in the presence of duly appointed racing officials.

OVERNIGHT RACE - An overnight race is a race for which entries close seventy-two (72) hours, or less, before the time set for the first race of the day on which the race is to be run.

PURSE RACE - A purse race is a race for money or any other prize which the owners of the greyhounds engaged to race do not contribute.

STAKES RACE - A stakes race is a race which nominators of the engaged entries may contribute to a purse or where greyhounds are invited or qualify to participate. In addition to the minimum purse funds and any nomination fees paid, the purse may include money or other prizes contributed from other sources, but in no event shall be supplemented by purses from other races.

RACE REVIEW COMMITTEE – *(Modified Effective date May 15, 2015)* “Race Review Committee” shall mean a committee composed of the following members: the general manager of the association with the current race meet or his/her designee, the Division racing coordinator or his/her designee and the executive director of the horsemen or his/her designee that has a contract with the association for the current race meet.

RACETRACK PREMISES - For the purposes of these rules, the premises of a racetrack shall be considered the entire area including but not limited to simulcast facilities, parking lots, out buildings, stable areas or kennel compounds and training facilities located on the racetrack premises or used by a licensed association to conduct a live and/or simulcast race meet in Colorado.

RACING ANIMAL - For the purpose of interpreting and enforcing C.R.S. 12-60-507(1)(o) only which prohibits cruelty to or neglect of a racing animal, a racing animal shall be interpreted to mean any greyhound or horse who has a tattoo number identifying it with the registry recognized by the Commission or is stabled on the premises of a licensed association regardless of whether the greyhound or horse is actively racing, breeding, in training or retired. For the purpose of interpreting and enforcing Commission rules and Colorado statutes other than C.R.S. 12-60-507(1)(o), a racing animal shall be interpreted to mean any animal registered to race or intended to be registered to race with an association in conjunction with a race meet.

RACING CLUB - “Racing Club”: Members of a group who form a partnership for a limited time, for one season claiming horses so they can understand the economics and strategy of ownership. Racing clubs have their own requirements for licensure based on level of participation by its owners.

RACING LAW - Consolidated laws of the State of Colorado pertaining to Racing, and Pari-Mutuel Wagering.

RACING OFFICIAL (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

RACING OFFICIAL (HORSE) - Stewards; placing judge(s); patrol judge(s); paddock judge; identifier; racing secretary; starter; clerk of scales; clocker; jockey room custodian; outrider; stable area superintendent; track superintendent; association veterinarian, horsemen’s bookkeeper; timer, mutuel manager, director of racing, general manager, director of security, Division employees and such other positions as determined by the Commission at the time of approval of each respective race meet application.

RACING STRIP - The racing surface upon which an animal competes in an official race that is

between the inside and outside rail including the chutes.

RANDOM TESTING (HUMAN) - A method or procedure established by the Division and approved by the Commission whereby the selection of individuals to be tested for drug and/or alcohol use is accomplished by chance or by lot, so that the actual identity of the persons tested is not the result of the exercise of discretion by the Division or the associations. A method of selection shall not be considered other than “random” under this rule because it uses or names predetermined groups of licensees from which to randomly select a given individual or individuals to be tested.

REASONABLE CAUSE/REASONABLE SUSPICION TESTING (HUMAN) - A strategy for testing for alcohol or controlled substances based on an official’s having good reason to believe that a licensee has alcohol or controlled substances in his/her system.

REPORT - A summary of wagering activity or other record prepared, pursuant to this sub-chapter.

RESTRICTED AREA - Shall include, but not be limited to, the following: paddock, track area, totalisator room, mutuels area, money room, kennel compound, judges’/stewards’ stand and roof, stable area, jockeys’ room, and test barn.

REVOKED - Revoked is the withdrawal of a privilege or all privileges granted by any Commission through the issuance of a license and results in the cancellation of the license.

RIDING GEAR - “Riding Gear” shall mean all of the following items: clothing, boots, saddle and attachments. “Riding Gear” does not include any of the following items: Equipment worn on the horse’s head, tail, or legs; a channel, breastplate, or running martingale; or any foul-weather gear, which is any additional riding apparel that a jockey chooses to wear due to inclement weather.

RULE OFF - A rule off is the act of barring from a racetrack and denying all racing privileges to any animal.

RULES AND REGULATIONS - The rules are the rules and regulations contained herein and any amendments or additions set forth by the Commission.

RUNNER - (*Modified Effective date May 15, 2015*) A horse entered into a race. Each runner shall be designated by a number.

SCRATCH - A scratch is the act of withdrawing an entered animal from a race after the drawing for post positions.

SCRATCH TIME - The scratch time is the time set by the association after which no animals may be declared or scratched unless done so by the Board or Division veterinarians or as otherwise provided for by these Rules.

SELECT (n) POOL - Requires the selection of the first place finisher in each of four or more consecutive specified races (n), designated by the association with prior approval of the Commission or Director.

SELECT THREE - Requires the selection of the first place finisher in each of three consecutive specified races designated by the association with the prior approval of the Commission or Director.

SET WEIGHT - (*Deleted Effective date May 15, 2015*)

SHOW - Show shall mean a runner(s) to finish first, second or third.

SHOW POOL - The total amount of money wagered on all runners to finish first, second or third.

SIMULCAST RACE MEET - The entire consecutive period for which approval is granted by the Commission to receive and/or transmit a live broadcast at a location within Colorado using the pari-mutuel system of wagering.

SOURCE MARKET FEE - A licensing fee assessed by the Director, pursuant to Section 12-60-202(3)(h), C.R.S., in lieu of taxes and fees otherwise payable by persons outside of Colorado, who conduct pari-mutuel wagering on simulcast races and who accept wagers from Colorado residents at out-of-state simulcast facilities.

STARTER (HORSE) - A horse is a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

STARTER (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

STATE - The State shall mean the State of Colorado.

STEWARDS - The persons employed by the Division and the Steward employed by the Association and approved by the Commission for a meet, collectively to be known as the Board of Stewards.

STIMULANT, DEPRESSANT, ANALGESIC, ANESTHETIC, NARCOTIC - Stimulant, depressant, analgesic, anesthetic and/or narcotic shall mean a substance used by the medical or veterinary professions to produce stimulating, depressing, analgesic, anesthetizing or narcotizing effects, or which is defined as a stimulant, depressant, analgesic, anesthetic or narcotic in an accepted scientific publication.

STORED VALUE INSTRUMENT - Funds or monetary value represented in digital electronic format and stored, or capable of storage, on electronic media, in such a way as to be retrievable and transferable electronically.

SUBSCRIPTION - A subscription is the nominating of an animal to a stakes race.

SUPERFECTA - Requires the selection of the first four finishers, in their exact order, for a single race.

SUSPENDED - The withdrawal of a privilege or all privileges granted by any Commission, racing jurisdiction, or other body empowered to regulate any aspect of racing in a jurisdiction through the issuance of a license or registration for a set period of time.

TIME OF RACE- The time recorded for the first animal to cross the finish line shall be the official time of the race except as provided for in these rules.

TOTALISATOR OR TOTALISATOR SYSTEM - A system or electronic device which accepts and cashes wagers, calculates the odds and prices of such wagers, and records, displays, and stores pari-mutuel wagering information.

TOTALISATOR COMPANY - A company manufacturing, selling, leasing, servicing, maintaining or operating automated electronic computer hardware and software necessary to calculate, record, display, and store pari-mutuel wagering information.

TOTALISATOR STANDARDS - The standards approved by the Commission and implemented by the Division setting forth the internal control standards, policies, and procedures governing the qualification and operations of the totalisator system. An official copy is kept in the Division's main office and is available for inspection during normal business hours.

TOTE BOARD - The board or video monitor used to display to the public the approximate odds and payoffs on runners, and other pertinent wagering information.

TOUTING - The term "touting" in 12-60-507(l)(h), C.R.S., means "soliciting or providing betting tips on animals for a profit in races under the jurisdiction of the Commission, except that this will not apply to authorized tip sheets specified in the rules of racing."

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

TRAINING TRACK - A training track is a public facility approved, inspected and licensed by the Commission which is used for the training of greyhounds or horses.

TRAINER - A trainer is a person licensed to condition animals for racing.

TRIFECTA - Requires the selection of the first three finishers, in their exact order, in a single race.

TRI-SUPERFECTA - Requires the selection of the first three finishers, in exact order, in the first of two designated and Commission approved races; and the first four finishers in exact order in the second of the two designated races. Each winning ticket for the first tri-superfecta race must be exchanged for a free ticket in the second tri-superfecta race to participate in the second-half of the tri-superfecta.

TWIN QUINIELA - Requires the selection of the first two finishers, in any order, in each of two designated and Commission approved races. Each winning ticket for the first twin quiniela race must be exchanged for a free ticket in the second twin quiniela race to participate in the second-half of the twin quiniela.

TWIN SUPERFECTA - Requires the selection of the first four finishers, in exact order, in each of two designated and Commission approved races. Each winning ticket for the first twin superfecta race must be exchanged for a free ticket in the second twin superfecta to participate in the second-half of the twin superfecta.

TWIN TRIFECTA - Requires the selection of the first three finishers, in exact order, in each of two designated and Commission approved races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket in the second-half of the twin trifecta.

UNDERPAYMENT - An underpayment occurs when less money is returned to the public than is actually due, as the result of an error in calculating pools and/or errors in the communication of payoffs.

UNJUSTIFIABLY - The term “unjustifiably” as used in 12-60-507(1)(s), C.R.S. shall include behavior which is negligent, reckless or knowing.

VOUCHER - A computerized ticket acknowledging that a specified dollar amount has been deposited with the association by a patron. A voucher is the same as cash and is not part of any pari-mutuel pool.

WEIGHT-IN - *(Deleted Effective date May 15, 2015)*

WEIGHT LOSER - *(Deleted Effective date May 15, 2015)*

WEIGHT-OUT - *(Deleted Effective date May 15, 2015)*

WHELPED - *(Deleted Effective date May 15, 2015)*

WIN - Win shall mean a runner(s) to finish first.

WIN POOL - The total amount of money wagered on all runners to finish first.

WORKOUT, OFFICIAL - See OFFICIAL WORKOUT

YEAR - A year is a calendar year.

PROPOSED RULE

The following definitions are interpretations of racing, pari-mutuel and simulcast wagering terms and are to be considered as part of these rules and regulations.

ABANDON - To abandon means to leave an animal without adequate provisions for the animal's proper care or to forsake the animal entirely.

ADDITIONAL FACILITY - Any in-state wagering facility operated by and the responsibility of a licensed association, not located on the premises of a licensed racetrack site, accepting pari-mutuel wagers on races with the approval of the Commission.

AGE (HORSE) - A horse's age begins on the first of January in the year in which the horse is foaled.

AGE (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

ALLOWANCE - An allowance is a weight allowance or other condition of a race.

ANALGESIC - See STIMULANT

ANESTHETIC - See STIMULANT

ANIMAL - An Animal shall mean a greyhound or horse.

ANIMAL CRUELTY - As defined in C.R.S. § 18-9-202

ASSISTANT TRAINER - An assistant trainer is a person licensed to condition an animal for racing under the authority, supervision, or in conjunction with the trainer of record.

ASSOCIATED PERSON - Associated person means the spouse of an inactive person, or a companion, family member, employer, employee, agent, partnership, partner, corporation, or other entity whose relationship, whether financial or otherwise, with an inactive person, would give the appearance that such other person or entity would care for or train a horse or perform veterinarian services on a horse for the benefit, credit, reputation, or satisfaction of the inactive person.

ASSOCIATION - An association is anyone conducting a licensed live race meet or approved simulcast race meet in Colorado.

AUTHORIZED AGENT - An Authorized Agent is a person who is authorized in writing to act in behalf of another on specified racing matters.

AUTHORIZED MEDICATION - Any medication in the quantity permitted by the Commission pursuant to the conditions set forth in these Rules and the Law to be possessed by licensees or in pre-race and post-race samples shall be authorized. Any and all other medications are unauthorized.

AUTHORIZED PARI-MUTUEL WAGERING ENTITY - A person in or out-of-state that is duly licensed by the Colorado Racing Commission to conduct pari-mutuel wagering on simulcast racing.

BET SOLICITATION - The term “bet solicitation” in 12-60-507(l)(h), C.R.S., means “touting.”

BETTING INTEREST - A single wager on a runner(s) designated by a single program number.

BLEEDER - A horse which demonstrates visible external evidence of Exercise Induced Pulmonary Hemorrhage (EIPH) or existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination is to be authorized by or performed in the presence of a Division veterinarian.

BOARD - The Board shall mean ~~the Board of Judges or~~ the Board of Stewards.

BREEDER (HORSE) - A Breeder is the owner of the horse's dam at the time of foaling for Thoroughbreds. For Quarter Horses, Appaloosas, Arabians, and Paint Horses, the Breeder is the owner of the dam at the time of service, or as defined by each individual Colorado breed association.

BREEDER - (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

CITATION – A complete written notice, issued to a licensee by the division on an approved form and by means of which the division alleges the licensee has violated one or more Colorado racing laws or rules.

CITATION VIOLATION LIST AND SCHEDULE OF PENALTIES — An approved list of those particular violations of Colorado racing laws or rules, together with penalties, set according to the type of violation and, as appropriate, also according to the frequency of violation by a licensee. With the approval of the commission, the director can establish the specific violations on the list together with their associated penalties and can change the violations or penalties on the list.

CLAIM CERTIFICATE - A claim certificate is a form issued by the stewards to a person who desires to claim a horse but has no horses registered to race at the meet.

COGGINS TEST - A test required of horses to determine exposure to Equine Infectious Anemia.

COLORADO BRED (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

COLORADO BRED HORSE - A Colorado bred horse is a horse which satisfies each of the following criteria:

- 1) A horse which was foaled in the State of Colorado out of a mare that was, itself, at the time of the foal's birth, an accredited Colorado broodmare registered with the relevant official Colorado breed registry; or
- 2) In the case of an embryo recipient, at the time the embryo is taken from the genetic dam, the embryo itself has to come from an accredited Colorado broodmare, and the recipient mare has to be domiciled in Colorado at the time of the foals birth. The foal certificates from breed registries may reflect this position; and
- 3) A horse which has been registered with the relevant official Colorado breed registry.

COMMISSION - See C.R.S. 12-60-102(5).

CROSS SIMULCASTING - See C.R.S. 12-60-102(6).

DAILY DOUBLE - Requires the selection of the first place finisher in each of two consecutive races.

DAY -

RACE DAY - A race day is any twenty-four (24) hour period beginning at midnight during a race meet anytime live racing is conducted.

DARK DAY - A dark day is any twenty-four (24) hour period beginning at midnight during a live race meet when no live racing is conducted or during a simulcast race meet when no simulcast races are received.

SIMULCAST RACE DAY - A simulcast race day is any twenty-four (24) hour period beginning at midnight during a simulcast race meet when simulcast races are received.

CALENDAR DAY - A calendar day is any twenty-four (24) hour period beginning at midnight.

DECEIT IN RACING - See MISREPRESENTATION

DECLARATION - A declaration is the act of withdrawing an entered ~~ANIMAL~~ HORSE from a race.

DEPRESSANT - See STIMULANT

DESIGNATED RACE DAY – SHALL MEAN ANY STAKES, FUTURITY OR FUTURITY TRIAL IN ANY STATE.

DIRECTOR - See C.R.S. 12-60-102(7).

DIVISION - See C.R.S. 12-60-102(8).

DIVISION REPRESENTATIVE - An employee of the Division designated to represent the Division in matters pertaining to the operation of the Division.

ELECTRONIC ACCOUNT WAGER/ACCOUNT WAGER - A wager placed by electronic means, using funds from an electronic wagering account, made by the account holder in person, via telephonic device or through other electronic means.

ELECTRONIC WAGERING ACCOUNT/ACCOUNT - A formal record of all transactions (debits, wagers, deposits, withdrawals and credits) initiated by an account holder in an electronic wagering account with an authorized pari-mutuel wagering entity.

ELECTRONIC WAGERING ACCOUNT ACTIVITY - Any deposit, withdrawal, wager or other transaction made by the account holder.

ELECTRONIC WAGERING ACCOUNT HOLDER/ACCOUNT HOLDER - A natural person, authorized by an authorized pari-mutuel wagering entity, to place wagers via account wagering.

ELECTRONIC WAGERING CENTER - A facility that has the capability of accepting electronic account wagers, utilizing wired or wireless communications devices, including but not limited to, wireline telephones, wireless telephones, and the internet, to electronically transmit the placement of wagers on races and special events.

ELECTRONIC WAGERING DEPOSIT - Pari-mutuel wagering in which an individual deposits money in an account with an authorized pari-mutuel wagering entity, to be used for pari-mutuel wagering authorized by law, to be conducted by the authorized pari-mutuel wagering entity.

EJECTION - An ejection is the act of having a person removed from the premises of a racetrack or simulcast facility.

ENGAGEMENT - An engagement is an obligation of a jockey or ~~an animal~~ A HORSE to participate in a race.

ENTRY (HORSE) - An entry shall mean according to the requirement of text:

- (1) A horse made eligible to run in a race.
- (2) A horse which has drawn into a race.

ENTRY, COUPLED - Two or more horses which are entered or run in a race owned by the same ownership or interest whether trained by the same trainer or different trainers or any other combination which form a common tie. A wager on one horse in a coupled group shall constitute a wager on all horses in such coupled group. ~~No “coupled entries” shall be allowed in greyhound racing.~~

ENTRY (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

EQUIPMENT - Equipment shall be any paraphernalia used on or attached to ~~an animal~~ A HORSE while racing.

EUTHANASIA - Euthanasia means the act or practice of ending the life of an animal.

EXACTA - Requires the selection of the first two finishers, in their exact order, for a single race.

EXCLUSION - An exclusion is the act of prohibiting a person from entering or remaining upon the premises of any or all racetracks and/or simulcast facilities.

FIELD/MUTUEL FIELD - When the number of horses competing in a race exceeds the numbering capacity of the totalisator, some of the horses may be grouped together and designated as the mutuel field. A wager on one horse in such field shall be a wager on all horses in such field. ~~No "mutuel fields" shall be allowed in greyhound racing.~~

FINANCIAL INTEREST - An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in an animal or business entity, or as a result of salary, gratuity or other compensation or remuneration from any person.

FIREARMS - Any weapon listed under C.R.S. 18-12-101 or any other section of the Colorado Revised Statutes, or any weapon which ejects any type of projectile, including BB guns, air rifles and pellet guns.

FRAUD - See MISREPRESENTATION

GAINFUL EMPLOYMENT - The term "gainful employment" in 12-60-507(1)(v), C.R.S. is interpreted by the Commission to mean "actual employment."

GREYHOUND - Any greyhound properly tattooed and registered with the registry recognized by the Commission.

GREYHOUND ADOPTION - A process whereby an organization or person assumes the responsibility for a greyhound and, in so doing, permanently transfers all rights and responsibilities from the original owner or owners.

GREYHOUND DISPOSITION - Greyhound Disposition shall mean any one of the following:

- g. transfer to another jurisdiction;
- h. retirement for breeding or convalescence for rehabilitation;
- i. adoption (including release to an animal rescue group or pet animal facility);
- j. euthanasia;
- k. sale or donation (for medical research or other purpose); or,
- l. disposition of any other kind

GREYHOUND RESCUE – Refers to responsive operations for greyhounds that usually involve the saving of life, or prevention of injury during an incident or dangerous situation.

HORSE - Means an equine and includes all equine animals, i.e. filly, mare, colt, horse, gelding, or ridgling.

HOST TRACK - See C.R.S. 12-60-102 (12).

IN-STATE HOST TRACK - See C.R.S. 12-60-102(13) and (14).

OUT-OF-STATE HOST TRACK - See C.R.S. 12-60-102(18) and (19).

HOUSING KENNEL – *(Modified Effective date May 15, 2015)* For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the Division to inspect all kennels in connection with A race meet, a housing kennel shall be defined as those buildings and attached turnout pens where one or more greyhounds are kept and exercised. Additionally, where a housing kennel shares a common kitchen, storage or other area with a building housing animals only the common area shall be included in such inspections. If a room or area exists where food for the greyhound is prepared separate from the housing kennel, then that area shall be subject to these inspections.

HOUSING STABLE - For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the Division to inspect all stables in connection with a race meet, a housing stable shall be defined as those buildings or other areas located on the racetrack property, where one or more horses registered to race at the current Colorado race meet, including pony horses, are kept and exercised, including those buildings or other areas that may temporarily house haul-in horses.

HUB OR HUB SYSTEM - An in-state or out-of-state host association, or simulcast facility which receives and/or transmits wagering information and/or calculates the wagering pools on in-state and/or out-of-state races to in-state and/or out-of-state simulcast facilities.

HUMANE MANNER - Humane Manner shall mean, by means of euthanasia by lethal injection, or by such other standard of humane killing as may be established by the American Veterinary Medical Association

ILLEGAL ENTERPRISE - The term “illegal enterprise” in 12-60-507(1)(h), C.R.S., means “a project or undertaking, or a company organized for business purposes, not authorized by Law, that is illicit, unlawful and contrary to the Law itself.”

INACTIVE PERSON – Inactive person is any person whose license has been suspended for more than 14 days; whose license has expired or been revoked; or whose license application has been denied.

INQUIRY - An investigation by the Board of an occurrence(s) in a race prior to declaring the result of said race official.

INTERNET - A computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

JOCKEY - A jockey is a race rider.

JUDGES - ~~The persons employed by the Division and the judge employed by the Association and approved by the Commission for a race meet, collectively to be known as the Board of Judges.~~

KENNEL –(*Modified Effective date May 15, 2015*) For the purpose of interpreting and enforcing CRS 12-60-501(1)(b) which requires the division to inspect all kennels in connection with race meet, a housing kennel shall be defined as those buildings and attached turnout pens where one or more greyhounds are kept or exercised.

KENNEL COMPOUND - A kennel compound comprises the secure and restricted facilities provided by the association for the housing of racing kennels participating in the live racing meet.

KENNEL OPERATOR - a kennel operator is a duly licensed owner of a racing kennel who holds the contract with a racing association to race his/her greyhounds, as well as those leased from other properly licensed owners, during a race meet.

LAW or LAWS - The law or laws shall mean the Colorado Revised Statutes and includes any interpretation, construction or application by Courts of competent jurisdiction.

LEAD-OUT - ~~An attendant who handles the greyhounds in the paddock and on the race course. Also may be referred to as “grooms.”~~

LEASE AGREEMENT - (*Modified Effective date May 15, 2015*) An agreement between a lessee and lessor to lease ~~an animal~~ A HORSE.

LESSEE - A lessee is a person who holds a contract (lease) for the racing of ~~an animal~~ A HORSE in the lessee’s name.

LESSOR - A lessor is a registered owner of ~~an animal~~ A HORSE who enters into a contract with another for the racing of ~~an animal~~ A HORSE.

LICENSEE - See C.R.S. 12-60-102(17).

LOCK-OUT KENNEL -- *(Deleted Effective date May 15, 2015)*

LURE - *(Deleted Effective date May 15, 2015)*

MAIDEN (HORSE) - A maiden is a horse which has never won a race on the flat in a state or country where the races are covered by the *Daily Racing Form* or a similar publication approved by the stewards. A maiden which has been disqualified after finishing first is still a maiden. Conditions referring to maidens apply to the status at the time of starting.

MAIDEN (GREYHOUND) – *(Deleted Effective date May 15, 2015)*

MANUAL MERGE - The process used in the event of a totalisator systems or communication failure by which the simulcast facility's mutuel manager transmits to the host track wagering information and information regarding the process by which the host track includes the simulcast facility's wagers in the common pool for that race via facsimile machine. In the event of a facsimile machine malfunction, etc., the tote operator shall request permission from the Division Representative to use a voice communication with a subsequent facsimile verification.

MEDICATION - A medication is a substance, compound, element or combination thereof which is or can be administered to a human, greyhound, horse or other animal for the purpose of preventing, curing or alleviating the effects of any disease, condition, ailment, infirmity or symptom thereof. The term medication shall include but not be limited to all narcotics, stimulants, depressants, analgesics and anesthetics.

MINUS POOL - A minus pool occurs when the total amount of money to be returned to the public exceeds what is in the net pool due to the commissions deducted and the requirement that no winning pari-mutuel tickets shall be paid at less than \$1.10 for \$1.00 wagered.

MISREPRESENTATION - The term “misrepresentation” in 12-60-507(1)(d), C.R.S., which prohibits “fraud, willful misrepresentation, or deceit in racing” prohibits the making of any substantial or willful misrepresentation concerning any aspect of the racing industry including but not limited to making any substantial or willful misrepresentation to a racing official concerning a racing matter. The term “misrepresentation” may include acts of omission as well as acts of commission and may include, unless otherwise stated, behavior which is negligent, reckless or done knowingly. It also includes the giving of false statements and fraudulent documents to Division officials regarding any racing matter.

MONTH - A month is a calendar month.

MUTUEL DEPARTMENT - The entire system and associated areas of a licensed racetrack or approved simulcast wagering facility where wagers are placed and winning tickets are cashed. For the purpose of compliance with these rules, the mutuel department is deemed to include all employees, including the totalisator company and its employees and agents, involved with the operation of pari-mutuel machines and equipment, of all money rooms, accounting rooms, and sellers’ and cashiers’ windows.

MUTUEL MANAGER - A licensed employee of the association, approved by the Commission, who manages the mutuel department at a licensed racetrack or an approved simulcast facility for the association.

NARCOTIC - See STIMULANT

NOMINATION - A nomination is the initial naming of ~~an animal~~ A HORSE for a stakes race.

NOMINATOR - A nominator is a person in whose name ~~an animal~~ A HORSE is nominated.

OBJECTION - An Objection is a formal complaint filed with the Board by a jockey and/or an owner or a trainer of ~~an animal~~ A HORSE in a race objecting to an occurrence in the race or the Board's decision pertaining to the race.

OFFICIAL WORKOUT - A workout of a horse on the association's racing strip with the official clocker in attendance and in accordance with these Rules. The galloping of horses or ponying of horses for exercise shall not be considered as an official workout.

OFF-TRACK STABLING LOCATION - Any location designated by the Division for the purpose of stabling horses registered with the Racing Secretary and intended to be raced at a racetrack under the jurisdiction of the Commission. The grounds of organization licensees in Colorado and recognized race meets in other jurisdictions shall not be considered off-track stabling locations.

OVERPAYMENT - An overpayment occurs when the payoff to the public is more than is actually due as a result of errors in calculating pools and/or error occurring in the communication of payoffs.

OWNER - An owner is a person in whose name an animal is registered with the official registry designated by the Commission. In the case of a leased animal, both the lessor and the lessee shall be considered as the owners, for the purpose of licensure, and both shall be licensed under these rules. In addition, an owner who is licensed and has fulfilled the requirement of a trainer, can condition animals for racing. But owners, without trainers licenses shall not be the primary person who conditions the animals for racing.

PARI-MUTUEL HANDLE - The total amount wagered for a pool, race or an entire performance.

PARI-MUTUEL WAGERING - See C.R.S. 12-60-102(20.5).

PENALTY - A penalty shall be according to the requirement of the text:

- (1) Action taken against a licensee or ~~animal~~ HORSE by a racing official, Division or the Commission.
- (2) The excess weight a horse must carry in a race because of the race conditions.

PERFORMANCE - A licensed or authorized schedule of races conducted on any live and/or simulcast racing day.

PERSON - See C.R.S. 12-60-102(21).

PLACE - Place shall mean a runner(s) to finish either first or second.

PLACE POOL - The total amount of money wagered on all runners to finish either first or second.

POLICY - A Commission statement or order regarding racing or wagering related activities throughout the state which pertain to licensees and patrons, violation of which may result in disciplinary action.

POOL-SELLING - The term “pool-selling” in 12-60-507(l)(h), C.R.S., is interpreted by the Commission to mean “a form of gambling that is not authorized by Law in which chances are sold to individuals who may win a part or all of the pool depending on the outcome of the event for which the pool is made.”

POST POSITION - The post position is the position assigned to an animal for the start of a race.

POST TIME - Post time means the time set for the arrival of the animals at the starting point of a race.

PREPONDERANCE OF EVIDENCE - Greater weight of evidence, or evidence which is more credible.

PROCEDURE - A Commission statement or order regarding the set process to be followed in racing or wagering related activities throughout the state which pertain to licensees and patrons.

PROGRAM - A program is a printed daily schedule of races conducted at a live race meet or simulcast race meet.

PROTEST - (*Modified Effective date May 15, 2015*) A protest is a written complaint filed with the Board at least one hour prior to the running of the first race of the day which protests the participation of a horse or jockey in a race.

QUINIELA - Requires the selection of the first two finishers, in any order, in a single race.

QUINIELA DOUBLE - Requires the selection of the first two finishers, in any order, in each of two consecutive specified races.

RACE (HORSE) - A race is a contest among horses for a purse, stake or reward contested at a meet. "Race" includes, but is not limited to:

ALLOWANCE - An allowance race is a race where there are both weight allowances and penalties, according to the race conditions, for money or races won.

CLAIMING - A claiming race is a race using monetary value of the horses as the criteria for equalizing the competition.

DERBY - A derby race is a race exclusively for three-year olds.

FUTURITY - A futurity race is a race exclusively for two year olds in which nominations are made in advance of the scheduled race.

HANDICAP - A handicap race is a race in which the weights to be carried by the horses are determined by a handicapper for the purpose of equalizing the competition.

FREE HANDICAP - A free handicap race is a race in which no liability for entrance money is incurred.

INVITATIONAL HANDICAP - An invitational handicap race is a handicap race in which the racing secretary or handicapper has selected the contestants and assigned the weights.

MAIDEN - A maiden race is a race for horses which have never won a race.

MATCH - A match race is a private stakes race between horses which are the property of separate ownership interests.

MATURITY - A maturity race is a stakes race for four year old horses and older.

OPTION CLAIMING - An option claiming race is a race wherein horses are made eligible by previously starting for a certain claiming price and may or may not be eligible to be claimed.

OVERNIGHT - An overnight race is a race for which entries close ninety-six (96) hours, or less, before the scheduled time for the first race of the day on which the race is to be run.

PURSE - A purse race is a race for money or any other prize which the owners of the horses engaged to race do not contribute.

SPLIT - A split race is a race in which there are so many entries that it is divided into more than one division.

STAKES - A stakes race is a race in which nominators of the engaged horses contribute to a purse.

STARTER ALLOWANCE - A starter allowance race is a race based upon a horse having previously started for a specified claiming race.

SUBSTITUTE - A substitute race is a race which may replace a race already carded but abandoned because of insufficient entries or too many scratches.

WALKOVER - A walkover race occurs when only one horse remains eligible for a race.

WEIGHT FOR AGE - A weight for age race is a race wherein the weights are assigned to horses according to their age.

RACE (GREYHOUND) - A race is a contest held on any racetrack for a purse, stakes or entry fees and in the presence of duly appointed racing officials.

OVERNIGHT RACE - An overnight race is a race for which entries close seventy-two (72) hours, or less, before the time set for the first race of the day on which the race is to be run.

PURSE RACE - A purse race is a race for money or any other prize which the owners of the greyhounds engaged to race do not contribute.

STAKES RACE - A stakes race is a race which nominators of the engaged entries may contribute to a purse or where greyhounds are invited or qualify to participate. In addition to the minimum purse funds and any nomination fees paid, the purse may include money or other prizes contributed from other sources, but in no event shall be supplemented by purses from other races.

RACE REVIEW COMMITTEE – *(Modified Effective date May 15, 2015)* “Race Review Committee” shall mean a committee composed of the following members: the general manager of the association with the current race meet or his/her designee, the Division racing coordinator

or his/her designee and the executive director of the horsemen or his/her designee that has a contract with the association for the current race meet.

RACE WEEK – THE RACE WEEK BEGINS ON WEDNESDAY OF ANY GIVEN WEEK AND RUNS THROUGH THE END OF BUSINESS ON TUESDAY.

RACETRACK PREMISES - For the purposes of these rules, the premises of a racetrack shall be considered the entire area including but not limited to simulcast facilities, parking lots, out buildings, stable areas ~~or kennel compounds~~ and training facilities located on the racetrack premises or used by a licensed association to conduct a live and/or simulcast race meet in Colorado.

RACING ANIMAL - For the purpose of interpreting and enforcing C.R.S. 12-60-507(1)(o) only which prohibits cruelty to or neglect of a racing animal, a racing animal shall be interpreted to mean any greyhound or horse who has a tattoo number identifying it with the registry recognized by the Commission or is stabled on the premises of a licensed association regardless of whether the greyhound or horse is actively racing, breeding, in training or retired. For the purpose of interpreting and enforcing Commission rules and Colorado statutes other than C.R.S. 12-60-507(1)(o), a racing animal shall be interpreted to mean any animal registered to race or intended to be registered to race with an association in conjunction with a race meet.

RACING CLUB - “Racing Club”: Members of a group who form a partnership for a limited time, for one season claiming horses so they can understand the economics and strategy of ownership. Racing clubs have their own requirements for licensure based on level of participation by its owners.

RACING LAW - Consolidated laws of the State of Colorado pertaining to Racing, and Pari-Mutuel Wagering.

RACING OFFICIAL (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

RACING OFFICIAL (HORSE) - Stewards; placing judge(s); patrol judge(s); paddock judge; identifier; racing secretary; starter; clerk of scales; clocker; jockey room custodian; outrider; stable

area superintendent; track superintendent; association veterinarian, horsemen's bookkeeper; timer, mutuel manager, director of racing, general manager, director of security, Division employees and such other positions as determined by the Commission at the time of approval of each respective race meet application.

RACING STRIP - The racing surface upon which an animal competes in an official race that is between the inside and outside rail including the chutes.

RANDOM TESTING (HUMAN) - A method or procedure established by the Division and approved by the Commission whereby the selection of individuals to be tested for drug and/or alcohol use is accomplished by chance or by lot, so that the actual identity of the persons tested is not the result of the exercise of discretion by the Division or the associations. A method of selection shall not be considered other than "random" under this rule because it uses or names predetermined groups of licensees from which to randomly select a given individual or individuals to be tested.

REASONABLE CAUSE/REASONABLE SUSPICION TESTING (HUMAN) - A strategy for testing for alcohol or controlled substances based on an official's having good reason to believe that a licensee has alcohol or controlled substances in his/her system.

REPORT - A summary of wagering activity or other record prepared, pursuant to this sub-chapter.

RESTRICTED AREA - Shall include, but not be limited to, the following: paddock, track area, totalisator room, mutuels area, money room, ~~kennel compound, judges' /stewards' stand and roof,~~ stable area, jockeys' room, and test barn.

REVOKED - Revoked is the withdrawal of a privilege or all privileges granted by any Commission through the issuance of a license and results in the cancellation of the license.

RIDING GEAR - "Riding Gear" shall mean all of the following items: clothing, boots, saddle and attachments. "Riding Gear" does not include any of the following items: Equipment worn on the horse's head, tail, or legs; a channel, breastplate, or running martingale; or any foul-weather gear, which is any additional riding apparel that a jockey chooses to wear due to inclement weather.

RULE OFF - A rule off is the act of barring from a racetrack and denying all racing privileges to any ~~animal~~ HORSE.

RULES AND REGULATIONS - The rules are the rules and regulations contained herein and any amendments or additions set forth by the Commission.

RUNNER - (*Modified Effective date May 15, 2015*) A horse entered into a race. Each runner shall be designated by a number.

SCRATCH - A scratch is the act of withdrawing an entered animal from a race after the drawing for post positions.

SCRATCH TIME - The scratch time is the time set by the association after which no animals may be declared or scratched unless done so by the Board or Division veterinarians or as otherwise provided for by these Rules.

SELECT (n) POOL - Requires the selection of the first place finisher in each of four or more consecutive specified races (n), designated by the association with prior approval of the Commission or Director.

SELECT THREE - Requires the selection of the first place finisher in each of three consecutive specified races designated by the association with the prior approval of the Commission or Director.

SET WEIGHT - (*Deleted Effective date May 15, 2015*)

SHOW - Show shall mean a runner(s) to finish first, second or third.

SHOW POOL - The total amount of money wagered on all runners to finish first, second or third.

SIMULCAST RACE MEET - The entire consecutive period for which approval is granted by the Commission to receive and/or transmit a live broadcast at a location within Colorado using the pari-mutuel system of wagering.

SOURCE MARKET FEE - A licensing fee assessed by the Director, pursuant to Section 12-60-202(3)(h), C.R.S., in lieu of taxes and fees otherwise payable by persons outside of Colorado, who conduct pari-mutuel wagering on simulcast races and who accept wagers from Colorado residents at out-of-state simulcast facilities.

STARTER (HORSE) - A horse is a starter when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses.

STARTER (GREYHOUND) - *(Deleted Effective date May 15, 2015)*

STATE - The State shall mean the State of Colorado.

STEWARDS - The persons employed by the Division and the Steward employed by the Association and approved by the Commission for a meet, collectively to be known as the Board of Stewards.

STIMULANT, DEPRESSANT, ANALGESIC, ANESTHETIC, NARCOTIC - Stimulant, depressant, analgesic, anesthetic and/or narcotic shall mean a substance used by the medical or veterinary professions to produce stimulating, depressing, analgesic, anesthetizing or narcotizing effects, or which is defined as a stimulant, depressant, analgesic, anesthetic or narcotic in an accepted scientific publication.

STORED VALUE INSTRUMENT - Funds or monetary value represented in digital electronic format and stored, or capable of storage, on electronic media, in such a way as to be retrievable and transferable electronically.

SUBSCRIPTION - A subscription is the nominating of ~~an animal~~ A HORSE to a stakes race.

SUPERFECTA - Requires the selection of the first four finishers, in their exact order, for a single race.

SUSPENDED - The withdrawal of a privilege or all privileges granted by any Commission, racing jurisdiction, or other body empowered to regulate any aspect of racing in a jurisdiction through the issuance of a license or registration for a set period of time.

TIME OF RACE- The time recorded for the first animal to cross the finish line shall be the official time of the race except as provided for in these rules.

TOTALISATOR OR TOTALISATOR SYSTEM - A system or electronic device which accepts and cashes wagers, calculates the odds and prices of such wagers, and records, displays, and stores pari-mutuel wagering information.

TOTALISATOR COMPANY - A company manufacturing, selling, leasing, servicing, maintaining or operating automated electronic computer hardware and software necessary to calculate, record, display, and store pari-mutuel wagering information.

TOTALISATOR STANDARDS - The standards approved by the Commission and implemented by the Division setting forth the internal control standards, policies, and procedures governing the qualification and operations of the totalisator system. An official copy is kept in the Division's main office and is available for inspection during normal business hours.

TOTE BOARD - The board or video monitor used to display to the public the approximate odds and payoffs on runners, and other pertinent wagering information.

TOUTING - The term “touting” in 12-60-507(1)(h), C.R.S., means “soliciting or providing betting tips on animals for a profit in races under the jurisdiction of the Commission, except that this will not apply to authorized tip sheets specified in the rules of racing.”

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

TRAINING TRACK - A training track is a public facility approved, inspected and licensed by the Commission which is used for the training of greyhounds or horses.

TRAINER - A trainer is a person licensed to condition animals for racing.

TRIFECTA - Requires the selection of the first three finishers, in their exact order, in a single race.

TRI-SUPERFECTA - Requires the selection of the first three finishers, in exact order, in the first of two designated and Commission approved races; and the first four finishers in exact order in the second of the two designated races. Each winning ticket for the first tri-superfecta race must be exchanged for a free ticket in the second tri-superfecta race to participate in the second-half of the tri-superfecta.

TWIN QUINIELA - Requires the selection of the first two finishers, in any order, in each of two designated and Commission approved races. Each winning ticket for the first twin quiniela race must be exchanged for a free ticket in the second twin quiniela race to participate in the second-half of the twin quiniela.

TWIN SUPERFECTA - Requires the selection of the first four finishers, in exact order, in each of two designated and Commission approved races. Each winning ticket for the first twin superfecta race must be exchanged for a free ticket in the second twin superfecta to participate in the second-half of the twin superfecta.

TWIN TRIFECTA - Requires the selection of the first three finishers, in exact order, in each of two designated and Commission approved races. Each winning ticket for the first twin trifecta race must be exchanged for a free ticket in the second-half of the twin trifecta.

UNDERPAYMENT - An underpayment occurs when less money is returned to the public than is actually due, as the result of an error in calculating pools and/or errors in the communication of payoffs.

UNJUSTIFIABLY - The term “unjustifiably” as used in 12-60-507(1)(s), C.R.S. shall include behavior which is negligent, reckless or knowing.

VOUCHER - A computerized ticket acknowledging that a specified dollar amount has been deposited with the association by a patron. A voucher is the same as cash and is not part of any pari-mutuel pool.

WEIGHT-IN - *(Deleted Effective date May 15, 2015)*

WEIGHT LOSER - *(Deleted Effective date May 15, 2015)*

WEIGHT-OUT - *(Deleted Effective date May 15, 2015)*

WHELPED - *(Deleted Effective date May 15, 2015)*

WIN - Win shall mean a runner(s) to finish first.

WIN POOL - The total amount of money wagered on all runners to finish first.

WORKOUT, OFFICIAL - See OFFICIAL WORKOUT

YEAR - A year is a calendar year.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #3.402

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S. Section 12-60-505(1), C.R.S.

Basis and Purpose:

To further define the safety equipment requirements for an Association Valet to protect the individual during training and racing.

CURRENT RULE

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 gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The helmet must comply with one of the following minimum safety standards:

- (a) American Society for Testing and Materials (ASTM 1163);
- (b) UK Standards (EN-1384 and PAS-015); or,
- (c) Australian/New Zealand Standard (AS/NZ 3838).

Any person mounted on a horse or stable pony on the association grounds must wear a 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:

- (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;
or,

(e) Australian Racing Board (ARB) Standard 1.1998.

And all jockeys shall wear a safety vest of the type approved by the Commission, when they are performing their duties on a horse racetrack.

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

The Commission adopts as part of Rule 3.402 of the Colorado Racing Commission rules certain industry standards referred to in this Rule 3.402. Such industry standards are published by the American Society for Testing and Materials, British Equestrian Trade Association, Shoe and Allied Trade Research Association (SATRA), or Australian Racing Board (ARB) Standard. These industry standards were promulgated pursuant to the bodies, boards or committees or sub-committees with body protection expertise. This rule incorporates these industry standards as they existed on March 15, 2010. This rule does not include amendments to or later editions of the incorporated industry standards.

Certified copies of the complete text of the material incorporated are maintained at the Colorado Department of Revenue Division of Racings Events, 1881 Pierce Street, Room 108, Lakewood, Colorado 80214-1494, and may be inspected by contacting the Rule Coordinator at that address during normal business hours. The incorporated material may also be examined at any state publications depository library. Certified copies shall be provided at cost upon request.

PROPOSED AMENDMENT

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 **AND ASSOCIATION VALETS** 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 gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate. The helmet must comply with one of the following minimum safety standards:

(a) American Society for Testing and Materials (ASTM 1163);

(b) UK Standards (EN-1384 ~~and~~ OR PAS-015); or,

(c) Australian/New Zealand ~~Standard~~ Standards (AS/NZ 3838) **OR ARB HS 2012); OR SNELL EQUESTRIAN STANDARD 2001.**

Any person mounted on a horse or stable pony on the association grounds must wear a safety vest at all times. Additionally, all members of the starting gate crew **AND ASSOCIATION VALETS** 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:

- (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;
or,
- (e) Australian Racing Board (ARB) Standard 1.1998.

And all jockeys shall wear a safety vest of the type approved by the Commission, when they are performing their duties on a horse racetrack.

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**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #3.502

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To amend the rule to eliminate greyhound references and to make the rule more reader friendly.

CURRENT RULE

The Board must be immediately notified by the owner or kennel operator if any trainer change is made and for horses a trainer transfer must be filed by the former trainer with the stewards.

PROPOSED AMENDMENT

~~The Board must be immediately notified by the owner or kennel operator if any trainer change is made and for horses a trainer transfer must be filed by the former trainer with the stewards.~~ **NO TRANSFER OF A HORSE TO A NEW TRAINER SHALL BE MADE UNLESS THE APPROPRIATE DIVISION-APPROVED FORM HAS BEEN SUBMITTED AND APPROVED BY THE BOARD OF STEWARDS.**

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #3.506

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To amend the rule to align the Colorado rule with the national trend, in that persons applying for trainer's licenses are no longer required to submit letters of support from other trainers or from an owner as a prerequisite to licensure.

CURRENT RULE

An applicant for the occupations of trainer or assistant trainer, if not so previously licensed, or if previously licensed and said license has been expired for more than three years, shall be given an examination, oral or written, by a Division Representative, who will administer a test to determine the applicant's qualifications. This will include a practical component given by the Stewards, and/or a Division Representative.

(1) Eligibility for applicants for license as a trainer:

(A) Shall be at least 18 years of age, and;

(B) Shall, in the case of not being previously licensed, be qualified, as determined by the Stewards or other Commission designee, by reason of:

(i) At least 2 years of experience as a licensed assistant trainer, or comparable experience in other equine disciplines, or college-level education in equine science and/or horsemanship.

(ii) Submission of two written statements from trainers currently licensed in that jurisdiction as to character and qualifications of the applicant, and one written statement from a currently licensed owner stating intent to place one or more horses with the applicant, when licensed.

(iii) Shall be required to pass a written examination, oral interviews with the Stewards and regulatory Veterinarian; and demonstrate practical skills.

(2) A trainer licensed and in good standing in another jurisdiction, having been issued within a period as determined by the Commission, may be accepted if evidence of experience and qualifications are provided. Evidence of qualifications shall require passing one or more of the following:

- (A) A written examination;
- (B) A demonstration of practical skills; and
- (C) An interview with the Stewards.

(3) An applicant may submit a request to the Stewards due to disability or other factors affecting the applicant's ability to effectively complete the trainer's test (such as illiteracy or language barriers), reasonable accommodations may be made for the applicant including, but not limited to oral administration of the examination, use of a pre-approved translator, and aid from pre-approved assistant where deemed appropriate by the Stewards administering the examination.

(4) In order to maintain a current license, trainers must complete at least four (4) hours per calendar year of continuing education courses approved by the Commission or the ARCI. However, the Commission may waive this requirement if no continuing education course is available that meets the approval of the Commission.

PROPOSED AMENDMENT

An applicant for the occupations of trainer or assistant trainer, if not so previously licensed, or if previously licensed and said license has been expired for more than three years, shall be given an examination, oral or written, by a Division Representative, who will administer a test to determine the applicant's qualifications. This will include a practical component given by the Stewards, and/or a Division Representative.

(1) Eligibility for applicants for license as a trainer:

- (A) Shall be at least 18 years of age, and;
- (B) Shall, in the case of not being previously licensed, be qualified, as determined by the Stewards or other Commission designee, by reason of:

~~(i) At~~ **(i)** At least 2 years of experience as a licensed assistant trainer, or comparable experience in **RACING OR** other equine disciplines, or college-level education in equine science and/or horsemanship.

~~(ii) Submission of two written statements from trainers currently licensed in that jurisdiction as to character and qualifications of the applicant, and one written statement from a currently licensed owner stating intent to place one or more horses with the applicant, when licensed.~~

(C) Shall be required to pass a written examination, oral interviews with the Stewards and regulatory Veterinarian; and demonstrate practical skills.

(2) A trainer licensed and in good standing in another jurisdiction, having been issued within a period as determined by the Commission, may be accepted if evidence of experience and qualifications are provided. Evidence of qualifications shall require passing one or more of the following:

(A) A written examination;

(B) A demonstration of practical skills; and

(C) An interview with the Stewards.

(3) An applicant may submit a request to the Stewards due to disability or other factors affecting the applicant's ability to effectively complete the trainer's test (such as illiteracy or language barriers), reasonable accommodations may be made for the applicant including, but not limited to oral administration of the examination, use of a pre-approved translator, and aid from pre-approved assistant where deemed appropriate by the Stewards administering the examination.

(4) In order to maintain a current license, trainers must complete at least four (4) hours per calendar year of continuing education courses approved by the Commission or the ARCI. However, the Commission may waive this requirement if no continuing education course is available that meets the approval of the Commission.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #3.522

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To remove greyhound racing references and update rule to reflect changes in article 60 of title 12.

CURRENT RULE

A trainer who is absent from his/her kennel or stable or the grounds where his/her animals are racing, and whose animals are entered or are to be entered, shall provide a licensed assistant trainer to assume the training duties for the animals which are entered or are to be entered or running. The trainer and the assistant trainer shall sign in the presence of the Board a form provided by the Division acknowledging that both the trainer and the assistant trainer may be held liable for the condition of the animals at all times. The program shall carry the name of the trainer and the horse program shall also carry the name of the assistant trainer.

PROPOSED AMENDMENT

A trainer who is absent from his/her ~~kennel or stable~~ or the grounds where his/her ~~animals~~ **HORSES** are racing, and whose ~~animals~~ **HORSES** are entered or are to be entered, shall provide a licensed assistant trainer to assume the training duties for the ~~animals~~ **HORSES** which are entered or are to be entered or running. The trainer and the assistant trainer shall sign in the presence of the Board a form provided by the Division acknowledging that both the trainer and the assistant trainer may be held liable for the condition of the ~~animals~~ **HORSES** at all times. The program shall carry the name of the trainer and the horse program shall also carry the name of the assistant trainer.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #3.524

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To remove greyhound racing references and update rule to reflect changes in article 60 of title 12.

CURRENT RULE

An absentee trainer shall have a licensed assistant trainer conducting business for them. A trainer who has no assistant trainer and is absent from his/her kennel or stable or the grounds where his/her animals are racing for more than five consecutive days or on a day in which the trainer has an animal in a race, and whose animals are entered or are to be entered, shall assign a licensed trainer to assume complete responsibility for the animals being entered or running. Such licensed trainer shall sign in the presence of the Board a form furnished by the Racing Commission accepting complete responsibility for the animals being entered or running, including the training and conditioning of the animals.

PROPOSED AMENDMENT

An absentee trainer shall have a licensed assistant trainer conducting business for them. A trainer who has no assistant trainer and is absent from his/her ~~kennel or~~ stable or the grounds where his/her ~~animals~~ **HORSES** are racing for more than five consecutive days or on a day in which the trainer has an ~~animal~~ **HORSE** in a race, and whose ~~animals~~ **HORSES** are entered or are to be entered, shall assign a licensed trainer to assume complete responsibility for the ~~animals~~ **HORSES** being entered or running. Such licensed trainer shall sign in the presence of the Board a form furnished by the Racing Commission accepting complete responsibility for the ~~animals~~ **HORSES** being entered or running, including the training and conditioning of the ~~animals~~ **HORSES**.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #3.808

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To correct typographical errors in previous version.

CURRENT RULE

Kennel operations at which racing greyhounds are bred, housed, or must be licensed and approved by the Division, unless otherwise licensed by the Colorado Department of Agriculture. Kennels license by the Division shall be subject to inspection.

PROPOSED AMENDMENT

Kennel operations at which racing greyhounds are bred; OR housed, ~~or~~ must be licensed and approved by the Division, unless otherwise licensed by the Colorado Department of Agriculture. Kennels ~~license~~ LICENSED by the Division shall be subject to inspection.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #4.106

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To remove greyhound racing references and update rule to reflect changes in the article 12 of title 60, C.R.S.

CURRENT RULE

No one interested in the result of a race either because of ownership of any animal entered, or of its sire or bitch/dam or because of bets or otherwise, shall act as a racing official.

PROPOSED AMENDMENT

No one interested in the result of a race either because of ownership of any ~~animal~~ HORSE entered, or of its sire or ~~bitch~~/dam or because of bets or otherwise, shall act as a racing official.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #4.214

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S., Section 12-60-604, C.R.S.

Basis and Purpose:

To repeal a rule pertaining to greyhound racing, due to the prohibition of live greyhound meets in Colorado by § 12-60-604, C.R.S.

CURRENT RULE

The judges shall closely observe the operation of the lure and hold the lure operator to strict accountability for any inconsistency of operation.

PROPOSED AMENDMENT

~~The judges shall closely observe the operation of the lure and hold the lure operator to strict accountability for any inconsistency of operation.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #4.240

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To amend the rule to conform with current racetrack practice, as well as modify language to clarify the intent of the rule.

CURRENT RULE

The Board shall promptly display the number of the first three (3) animals in each race in order of their finish. Whenever it is considered advisable to consult a picture from the photo finish camera, the Board may post without waiting for a picture the placements as are in their opinion unquestionable and after consulting the picture make the other placements. If the Board differs in its placement, the majority shall prevail.

PROPOSED AMENDMENT

The Board shall promptly display the number of the first ~~three (3)~~ FOUR (4) animals in each race in order of their finish. Whenever it is considered advisable to consult a picture from the photo finish camera, the Board may post ~~without waiting for a picture~~ the placements as are in ~~their~~ THE BOARD'S opinion unquestionable ~~WITHOUT WAITING FOR A PICTURE~~ ~~and~~ ~~after consulting the picture make the other placements~~. If the Board differs in its placement, the majority shall prevail.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #4.495

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To repeal a rule pertaining to greyhound racing, due to the prohibition of live greyhound meets in Colorado by § 12-60-604, C.R.S.

CURRENT RULE

The Racing Secretary shall use his/her best efforts to ensure that each registration paper received carries a current vaccination certificate verified by a Division Veterinarian, and if leased, a lease agreement.

PROPOSED AMENDMENT

~~The Racing Secretary shall use his/her best efforts to ensure that each registration paper received carries a current vaccination certificate verified by a Division Veterinarian, and if leased, a lease agreement.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #4.500

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To repeal a rule pertaining to greyhound racing, due to the prohibition of live greyhound meets in Colorado by § 12-60-604, C.R.S.

CURRENT RULE

The racing secretary shall each day, as soon as the entries have closed and have been compiled and the declarations have been made, post in a conspicuous place a list thereof. Any newspaper desiring the list shall also be furnished a copy.

PROPOSED AMENDMENT

~~The racing secretary shall each day, as soon as the entries have closed and have been compiled and the declarations have been made, post in a conspicuous place a list thereof. Any newspaper desiring the list shall also be furnished a copy.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #4.630

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To amend the rule to reinforce that standard accounting practice shall be exercised in the execution of bookkeepers' duties. Also, to create responsibilities and enable administrative action in the event of violation of the rule.

CURRENT RULE

Monies may not be deducted from a horseman's account by any person other than the owner, the owner's authorized agent or other duly authorized person with a notarized document setting forth the amount to be withdrawn, except an association may withhold any amount due the association for jockey fees, pony fees, starting fees, nomination fees or monies due the association or the State or as otherwise provided by Law.

PROPOSED AMENDMENT

Monies may not be deducted from a horseman's account by any person other than the owner, the owner's authorized agent or other duly authorized person with a notarized document setting forth the amount to be withdrawn, except an association may withhold any amount due the association for jockey fees, pony fees, starting fees, nomination fees or monies due the association or the State or as otherwise provided by Law. **RECORDS OF ALL TRANSACTIONS IN A HORSEMAN'S ACCOUNT SHALL BE MADE IN ACCORDANCE WITH STANDARD ACCOUNTING PRACTICE. ANY SUSPICIOUS ACCOUNT ACTIVITY MUST BE REPORTED TO A DIVISION INVESTIGATOR.**

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #4.632

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S., Section 12-60-704, C.R.S.

Basis and Purpose:

To include a rule to assist in the closing out of accounts prior to end of year.

PROPOSED RULE

ALL MONIES REMAINING IN THE BOOKKEEPER ACCOUNT, EXCEPT THOSE HELD FOR ADMINISTRATIVE PURPOSES BY THE COMMISSION, SHALL REVERT TO THE PURSE ACCOUNT ON DECEMBER 31 OF THAT SAME YEAR. THE ASSOCIATION OR THE BOOKKEEPER SHALL INFORM THE ACCOUNT HOLDER OF THIS CONDITION UPON THE OPENING OF THE ACCOUNT OR AT THE BEGINNING OF THE RACE MEET.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #4.716

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To amend the rule to ensure that the proper party clears a horse off of that party's respective list (Veterinarian's List, Stewards' List, Starter's List, etc.) prior to the use of the "Override" function in Encompass.

CURRENT RULE

The racing secretary shall not accept the entry of a horse that has been placed on the veterinarian's, steward's or starter's list.

PROPOSED AMENDMENT

The racing secretary shall not accept the entry of a horse that has been placed on the veterinarian's, steward's or starter's list. **NEITHER THE RACING SECRETARY NOR THE RACING CLERK SHALL HAVE THE POWER TO OVERRIDE THE LISTS UNTIL THAT ENTRY HAS BEEN CONFIRMED AS CLEARED FROM THE LIST.**

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.208

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1), C.R.S.

Basis and Purpose:

To amend the rule to eliminate the requirement that the Division Veterinarian is the appropriate party to inspect stables / kennels, and instead allow any authorized Division representative to conduct inspections in alignment with current Division practice.

CURRENT RULE

The Division veterinarian shall insure that horses are stabled in individual box stalls and that greyhounds are housed in individual crates with separate feeding and watering facilities and that stables and kennels and immediate surrounding areas are maintained in an approved sanitary condition at all times, and that satisfactory drainage is provided; also, that manure and other refuse is promptly and properly removed.

PROPOSED AMENDMENT

The Division REPRESENTATIVE ~~veterinarian~~ shall insure that horses are stabled in individual box stalls and that greyhounds are housed in individual crates with separate feeding and watering facilities and that stables and kennels and immediate surrounding areas are maintained in an approved sanitary condition at all times, and that satisfactory drainage is provided; also, that manure and other refuse is promptly and properly removed.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.214

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1)..

Basis and Purpose:

To remove greyhound racing references and update rule to reflect changes in the article 12 of title 60, C.R.S.

CURRENT RULE

Any horse or greyhound coming to a Colorado track from another track where a contagious disease is confirmed and present, must be approved for entry to the stables or kennels by the Division veterinarian. Requirements for entry may include, but not be limited to, the following: proof of vaccination, health certificate, proof of certain laboratory tests.

PROPOSED AMENDMENT

Any horse ~~or greyhound~~ coming to a Colorado track from another track where a contagious disease is confirmed and present, must be approved for entry to the stables ~~or kennels~~ by the Division veterinarian. Requirements for entry may include, but not be limited to, the following: proof of vaccination, health certificate, proof of certain laboratory tests.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.317

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to update furosemide (Lasix) standards in this jurisdiction.

CURRENT RULE

Furosemide shall be the only authorized bleeder medication. Furosemide may be administered by authorized persons only, intravenously or intramuscularly to a horse, which is entered to compete in a race or to facilitate the collection of a post-race urine sample. In order for a horse to be allowed to participate in a race on Furosemide, the following process must be followed:

- 1: A horse shall be entered properly to participate on Furosemide and then such horse will be automatically added by the Division veterinarian to the Division test barn medication database for the current race meet. All first time usage of Furosemide by horses participating in a race, shall be designated properly in the official program. The Division veterinarian and the board of stewards shall monitor the usage and discontinuance of the administration of Furosemide during the current race meet for all non-bleeders.
- 2: Furosemide shall be administered only on Association grounds.
- 3: Upon the request of the Division representative, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

PROPOSED AMENDMENT

Furosemide shall be the only authorized bleeder medication. Furosemide may be administered by authorized persons only, intravenously or intramuscularly to a horse, which is entered to compete in a race or to facilitate the collection of a post-race urine sample. In order for a horse to be allowed to participate in a race on Furosemide, the following process must be followed:

- 1: A horse shall be entered properly to participate on Furosemide and then such horse will be automatically added by the Division veterinarian to the Division test barn medication database for the current race meet. All first time **OR ANY CHANGE TO THE** usage of Furosemide by horses participating in a race, shall be designated properly in the official program. The Division veterinarian ~~and the board of stewards~~ shall monitor the usage and discontinuance of the administration of Furosemide during the current race meet for all non-bleeders.

2: Furosemide shall be administered only on Association grounds.

3: Upon the request of the Division representative, the veterinarian administering the authorized bleeder medication shall surrender the syringe used to administer such medication, which may then be submitted for testing.

Statement of Authority, Basis, and Purpose

of Amendment of Regulation

1 CCR 208-1

Rule #5.320

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend to delete conflicting language arising from new definitions.

CURRENT RULE

All practicing Veterinarian s at horse racetracks shall complete, sign, and deliver to the Veterinarian representing the Division of Racing Events at the time designated by the Division Veterinarian but by no later than 2:00 p.m. on a form provided by the Division indicating all furosemide treatments anticipated for the following day's races. The Veterinarian, or other persons so designated by the Director, representing the Division of Racing Events shall ensure that enough furosemide and syringes are provided to or by the practicing Veterinarian. Additionally, the Division designee will schedule a Division representative that shall accompany each practicing Veterinarian, as required, while in the restricted barn area on race days. The syringe for the furosemide shall be prepared by the Division representative or by the practicing Veterinarian. All preparation and administration of any race day's medication shall be in view of and witnessed by the Division representative. The syringes used in all administrations shall be returned to the test barn by the Division representative. In addition, the trainer or his authorized representative must be present when the furosemide is administered and sign the above-mentioned form indicating they witnessed the furosemide injection. If the trainer or their authorized representative is not present and on time for the Lasix injection, the horse will not receive Lasix and may be scratched the same race week and placed on the stewards list. The race week ends Sunday after the last race. Once the dosage has been administered to a horse that is scheduled to race that day, the practicing Veterinarian shall leave the stall, and that stall shall be designated as containing an "in today" horse. The administering authority or association may assess a fee on licensed owners of treated horses to recoup the reasonable cost of the furosemide injection in these rules.

PROPOSED AMENDMENT

All practicing Veterinarian s at horse racetracks shall complete, sign, and deliver to the Veterinarian representing the Division of Racing Events at the time designated by the Division Veterinarian but by no later than 2:00 p.m. on a form provided by the Division indicating all furosemide treatments anticipated for the following day's races. The Veterinarian, or other persons so designated by the Director, representing the Division of Racing Events shall ensure

that enough furosemide and syringes are provided to or by the practicing Veterinarian. Additionally, the Division designee will schedule a Division representative that shall accompany each practicing Veterinarian, as required, while in the restricted barn area on race days. The syringe for the furosemide shall be prepared by the Division representative or by the practicing Veterinarian. All preparation and administration of any race day's medication shall be in view of and witnessed by the Division representative. The syringes used in all administrations shall be returned to the test barn by the Division representative. In addition, the trainer or his authorized representative must be present when the furosemide is administered and sign the above-mentioned form indicating they witnessed the furosemide injection. If the trainer or their authorized representative is not present and on time for the Lasix injection, the horse will not receive Lasix and may be scratched the same race week and placed on the stewards list. ~~The race week ends Sunday after the last race.~~ Once the dosage has been administered to a horse that is scheduled to race that day, the practicing Veterinarian shall leave the stall, and that stall shall be designated as containing an "in today" horse. The administering authority or association may assess a fee on licensed owners of treated horses to recoup the reasonable cost of the furosemide injection in these rules.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.322

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To repeal a rule due to obsolescence and to align with current racetrack practice.

CURRENT RULE

A bleeder stamp shall be attached to the foal certificate in the racing secretary's office. The Division veterinarian may accept other documentation of certification of a bleeder.

PROPOSED AMENDMENT

~~A bleeder stamp shall be attached to the foal certificate in the racing secretary's office. The Division veterinarian may accept other documentation of certification of a bleeder.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.324

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to allow trainers to decide whether or not a horse should race on Lasix upon the condition that the horse has not exhibited signs of EIPH during the current race meet. Included in this modification is the creation of the responsibility of the trainer to note the change in the administration of Lasix on the entry card.

CURRENT RULE

The veterinarian representing the Division of Racing Events and/or stewards may require that a suspected bleeder come to the test barn after a race or workout for confirmation that bleeding did occur. A horse exhibiting EIPH must be certified as a bleeder by the Division veterinarian before it can be entered to run on furosemide. Only the Division veterinarian after consultation with the practicing veterinarian may remove a horse from the bleeder list.

A horse may be removed from the bleeder list prior to its first start at a given meet in Colorado if it meets the following criteria:

- (A) It has only bled one time in the past; and
- (B) It has not participated in an official race at any track during the previous six (6) months or it has raced officially in the previous six (6) months and finished 5th or worse the majority of times that it ran on furosemide according to *The Daily Racing Form*.

If a horse qualifies to be removed from the bleeder list according to the criteria above, and it subsequently bleeds, it will be considered a first time bleeder for the purposes of the veterinarian's list. Once the horse is placed on the bleeder list a second time, the horse will be considered a bleeder for its lifetime in Colorado and may not be removed from the list again for any reason.

PROPOSED AMENDMENT

The veterinarian representing the Division or Association and/or stewards may require that a suspected bleeder come to the test barn after a race or workout for confirmation that bleeding did occur. ~~A horse exhibiting EIPH must be certified as a bleeder by the Division veterinarian before it can be entered to run on furosemide.~~ **IF, AFTER CONFIRMATION, A HORSE IS PLACED ON THE BLEEDER LIST,** ~~Only~~ **ONLY** the Division veterinarian, after

consultation with the practicing veterinarian, may remove a **THAT** horse from the bleeder list **DURING THE CURRENT RACE MEET.**

A ~~horse may be removed~~ **TRAINER MAY REMOVE A HORSE** from the bleeder list prior to its first start at a given meet in Colorado if it meets the following criteria:

(A) ~~It has only bled one time in the past; and~~

(B) ~~It has not participated in an official race at any track during the previous six (6) months or it has raced officially in the previous six (6) months and finished 5th or worse the majority of times that it ran on furosemide according to *The Daily Racing Form*.~~

OR ANY SUBSEQUENT START, SO LONG AS THE HORSE HAS NOT BLED DURING THE CURRENT RACE MEET. REMOVAL FROM THE LIST BY THE TRAINER MUST BE EXECUTED AT TIME OF ENTRY AND THE TRAINER SHALL ENSURE THAT THE CHANGE IS NOTED ON THE ENTRY CARD.

If a horse ~~qualifies to be~~ **HAS BEEN** removed from the bleeder list ~~according to the criteria above,~~ and it subsequently bleeds, it will be considered a first time bleeder for the purposes of the veterinarian's list. ~~Once the horse is placed on the bleeder list a second time, the horse will be considered a bleeder for its lifetime in Colorado and may not be removed from the list again for any reason~~ **AND MAY NOT BE REMOVED FROM THE BLEEDER LIST FOR THE REMAINDER OF THE RACE MEET, EXCEPT BY THE DIVISION VETERINARIAN.**

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.425

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to include language which provides a contingency plan in the event of no secondary testing facility being able or willing to provide laboratory services for the testing of split samples.

CURRENT RULE

The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the Division veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the Division representative shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the Commission, and arrangements for payment satisfactory to the split sample laboratory. If a reference laboratory will accept split samples, that laboratory must be included among the laboratories approved for split sample testing.

PROPOSED AMENDMENT

The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the Division veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the Division representative shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the Commission, and arrangements for payment satisfactory to the split sample laboratory. If a reference laboratory will accept split samples, that laboratory must be included among the laboratories approved for split sample testing.

IN THE EVENT THAT NO VERIFYING LABORATORY HAS RESPONDED TO THE DIVISION REQUEST AND / OR NO LABORATORY IS ABLE TO ACCEPT THE SPLIT SAMPLE, THE SPLIT SAMPLE SHALL BE SENT TO THE COMMISSION'S PRIMARY TESTING LABORATORY FOR VERIFICATION SHOULD THE TRAINER REQUEST. TO PRESERVE ANONYMITY THE SPLIT SAMPLE SHALL BE PACKAGED WITH TEST SAMPLES FROM THE NEXT RACE DAY, AS IF IT HAD BEEN A SAMPLE DRAWN FROM A HORSE DURING THAT DAY'S RACES. THE

SAMPLE WILL ACCOMPANY THE OTHER REGULAR SAMPLES TO THE TESTING FACILITY AND SHALL BEAR NO INDICATION AS TO ITS STATUS AS A SPLIT SAMPLE. THE LICENSEE IS RESPONSIBLE FOR PAYMENT OF THE SPLIT SAMPLE TESTING, BUT PAYMENT SHALL BE MADE DIRECTLY TO THE DIVISION.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.433

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to enable the Commission to adopt dosing guidelines and a regulatory limit list at the recommendation of the Division.

CURRENT RULE

The Commission may adopt, as part of the animal welfare and medication policy, a therapeutic medication list that contains medications deemed to have therapeutic properties on racehorses. Such published list shall give acceptable withdrawal times that should be allowed under normal circumstances. This rule shall only pertain to drugs that are mass-produced in a regulated drug manufacturing facility and does not pertain to compounded drugs which are individually prepared and tailored to the needs of a specific patient. During the course of a race meet, the Division Director, given good cause and in consultation with the State's primary testing laboratory, and/or the Division veterinarian and the Colorado Racing Commission veterinarian, may change the recommended detection time in order to better inform the owners, trainers and veterinarians to avoid violations.

PROPOSED AMENDMENT

The Commission may adopt, as part of the animal welfare and medication policy, a therapeutic medication list that contains medications deemed to have therapeutic properties on racehorses. Such published list shall give acceptable withdrawal times that should be allowed under normal circumstances. **ADDITIONALLY, SUCH LIST MAY CONTAIN DOSING SPECIFICATIONS AND REGULATORY LIMITS. THE COMMISSION MAY, IN COMPILING THIS LIST, USE CURRENT ACCEPTED INDUSTRY MEDICATION STANDARDS. IN THE ABSENCE OF A COMMISSION-APPROVED AND PUBLISHED REGULATORY LIMIT, ALL SUBSTANCES INCLUDED ON THE THERAPEUTIC MEDICATION LIST SHALL BE PROHIBITED IN ANY CONCENTRATION.** This rule shall only pertain to drugs that are mass-produced in a regulated drug manufacturing facility and does not pertain to compounded drugs which are individually prepared and tailored to the needs of a specific patient. During the course of a race meet, the Division Director, given good cause and in consultation with the State's primary testing laboratory, and/or the Division veterinarian and the Colorado Racing Commission veterinarian, may change the recommended detection time in order to better inform the owners, trainers and veterinarians to avoid violations.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.441

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to reflect the current Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances version. Also, to correct typographical errors present in previous version.

CURRENT RULE

- (1) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (2) The Stewards, Hearing Officers, or the Commission shall use the *Penalty Guideline Listing* as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the *Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances*, available at 1881 Pierce Street, Room 108, Lakewood CO 80214-1494 during normal business hours.
- (3) If a licensed Veterinarian is administering or prescribing a drug not listed in the RCI *Uniform Classification Guide lines for Foreign Substance* or shown in the *Penalty Guideline Listing* (provided below), the identity of the drug shall be forwarded to the official Veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (4) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the most current RCI *Uniform Classification Guidelines for Foreign Substances* shall be assumed to be a RCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.

- (5) The penalty categories and their related schedules, if applicable, shall be on the following criteria:
- (a) Whether the drug is approved by the U.S. Food and Drug Administration for use in the horse;
 - (b) Whether the drug is approved by the U.S. Food and Drug Administration for use in any species;
 - (c) Whether the drug has any legitimate therapeutic application in the equine athlete;
 - (d) Whether the drug was identified as “necessary” by the RMTC Veterinary Advisory Committee;
 - (e) Whether legitimate, recognized therapeutic alternatives exist,
 - (f) The current RCI Classification of the drug, and;
 - (g) Whether there are Multiple Medication Violations in accordance with the ARCI-011-0020 Medications and Prohibited Substances Penalties for Multiple Medication Violations (MMV), from the Association of Racing Commissioners International (provided below).

PENALTY GUIDELINE LISTING

The penalty categories “A”, “B” and “C” and their related schedules for Trainers and Owners are shown in the following tables.

The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty and for violations of ARCI-011-015: Prohibited Practices:

LICENSED TRAINER:		
1st offense	2nd LIFETIME offense in any jurisdiction	3rd LIFETIME offense in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum one-year suspension absent mitigating Circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p style="text-align: center;">and</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two). <p>and</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. <p style="text-align: center;">and</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% of purse (greater of the two). <p style="text-align: center;">and</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period. <p style="text-align: center;">and</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two). <p style="text-align: center;">and</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		

1st offense	2nd LIFETIME offense in owner's stable in any jurisdiction	3rd LIFETIME offense in owner's stable in any jurisdiction
<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse and \$50,000 fine. <p>AND</p> <ul style="list-style-type: none"> ◦ Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.
horse		
1st offense	2nd LIFETIME offense in owner's stable in any jurisdiction	3rd LIFETIME offense in owner's stable in any jurisdiction
<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 120 days and must pass a Commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 180 days and must pass a Commission-approved examination before becoming eligible to be entered.

PENALTY GUIDELINE LISTING

The following are recommended penalties for violations due to the presence of a drug carrying Category “B” penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020 E.(1)(c) and for violations of the established levels for total carbon dioxide. Except for those violations specified in 5.441(2)(a):*

LICENSED TRAINER:		
1st offense	2nd offense (365-day period) in any jurisdiction	3rd offense (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$1,000. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug is detected.</p>	<ul style="list-style-type: none"> ◦ Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$2,500. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug is detected.</p>	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% of purse (greater of the two). <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug is detected.</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		

1st offense	2nd offense in stable (365-day period) in any jurisdiction	3rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.

HORSE:

1st offense	2nd offense in stable (365-day period) in any jurisdiction	3rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian’s list for 45 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs, will require a horse to be placed on the Veterinarian’s list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian’s list for 60 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs, will require a horse to be placed on the Veterinarian’s list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian’s list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs, will require a horse to be placed on the Veterinarian’s list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>

PROPOSED AMENDMENT TO 5.441 CATEGORY C CHART

The following are recommended penalties for violations due to the presence of a drug carrying a Category “C” penalty and overages for permitted NSAIDs and furoseimide: (All concentrations are for measurements in serum or plasma.)

LICENSED TRAINER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furoseimide (>100 ng/ml) and no furoseimide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Minimum fine of \$250 absent mitigating circumstances.	Minimum fine of \$1000 absent mitigating circumstances.
2 nd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 absent mitigating circumstances.	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances.
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances.	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances.
LICENSED OWNER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furoseimide (>100 ng/ml) and no furoseimide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Horse must pass commission-approved examination before being eligible to run.	Loss of purse. Horse must pass Commission-approved examination before being eligible to run.
2 nd Offense (365-day period) in any jurisdiction	Loss of purse. If same horse, placed on Veterinarian’s list for 45 days, and then must pass Commission-approved examination before being eligible to run.	Loss of purse. If same horse, placed on Veterinarian’s list for 45 days, must pass Commission-approved examination before being eligible to run.
3 rd Offense (365-day period) in	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian’s list for 60 days, and	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian’s list for 60 days, must

any jurisdiction	then must pass Commission-approved examination before being eligible to run.	pass Commission-approved examination before being eligible to run.
HORSE	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1st Offense (365-day period) in any jurisdiction	In accordance with CRCR 5.612, horse required to pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, horse will be placed on Veterinarian's list for 30 days, and then must pass Commission-approved examination before being
2nd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.
3rd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.

*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml, absent of aggravating factors. After a two year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0 – 5.0 category will be expunged from the licensee's record for penalty purposes.

Penalties

Multiple Medication Violations (MMV)

(A) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the ARCI Uniform Classification for Foreign Substances shall be assigned points based upon the medication's penalty guideline as follows:

Penalty Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A1	N/A	6
Class B	2	4
Class C	1	2
Class D	½	1

- (b) The points assigned to a medication violation shall be included in the Stewards' or Commission Ruling. Such Ruling shall be included in the ARCI official database and the ARCI shall assign points consistent with section (A) for advisory purposes for medication violations where points have not been assigned by regulatory action. Points assigned by such regulatory ruling or by the ARCI shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they shall thereafter constitute a single violation. Points will be assessed after a ruling is rendered, and penalty enhancement shall be applied to future violations. The Stewards' or Commission Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.
- (c) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.

- (d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation.
- (e) The official ARCI record shall constitute prima facie evidence of a trainer's past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.
- (f) The Stewards or Commission shall include all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.
- (g) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in days
3-5.5	30
6-8.5	60
9-10.5	180
11 or more	360

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

- (i) Has more than one violation for the relevant time period, and
- (ii) Exceeds the permissible number of points.

(h) The suspension periods as provided above, shall run consecutive to any suspension imposed for the underlying offense.

(i) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and the enhancement based upon the trainer's cumulative points.

(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 as follows:

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

- (6) The recommended penalty for a violation involving a drug that carries a Category "D" penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspensions.
- (7) On Multiple Medication Violation (MMV) offenses, the Division, Board of Stewards, and Hearing Officer shall consider points given in all other States, regardless of whether they have formally adopted the ARCI-001-020 Medications and Prohibited Substances Penalty Chart for Multiple Medication Violations (MMV). The Division shall consider all cumulative points, and such enhanced penalty shall run consecutive to the Colorado penalty assessment.
- (8) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

- (9) The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.

- (10) Any veterinarian found to be involved in the administration of any drug carrying the penalty category of “A” shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the Stewards or the Commission.

- (11) Any person who the Stewards or the Commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the Stewards or the Commission in no way prohibits a prosecution for criminal acts committed.

A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

The Commission hereby cites the following sources:

(1) Version 8.00 December 2014 of the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances;

by the Association of Racing Commissioners International, 1510 Newtown Pike, Suite 210, Lexington, Kentucky, USA 40511. This rule does not include any later Amendments or Editions of the *ARCI Uniform Classification Guidelines for Foreign Substances*

Certified copies of the complete text of the referenced materials are maintained at the Colorado Department of Revenue Division of Racing Events, 1881 Pierce Street, Room 108, Lakewood Colorado 80214-1494, and may be inspected at that address during normal business hours. Certified copies shall be provided at requestors cost.

PROPOSED AMENDMENT

- (1) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (2) The Stewards, Hearing Officers, or the Commission shall use the *Penalty Guideline Listing* as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the *Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances*, available at 1881 Pierce Street, Room 108, Lakewood CO 80214-1494 during normal business hours.
- (3) If a licensed Veterinarian is administering or prescribing a drug not listed in the RCI *Uniform Classification Guide lines for Foreign Substance* or shown in the *Penalty Guideline Listing* (provided below), the identity of the drug shall be forwarded to the official Veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (4) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the most current RCI *Uniform Classification Guidelines for Foreign Substances* shall be assumed to be a RCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule “A” unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.
- (5) The penalty categories and their related schedules, if applicable, shall be on the following criteria:
 - (a) Whether the drug is approved by the U.S. Food and Drug Administration for use in the horse;
 - (b) Whether the drug is approved by the U.S. Food and Drug Administration for use in any species;
 - (c) Whether the drug has any legitimate therapeutic application in the equine athlete;
 - (d) Whether the drug was identified as “necessary” by the RMTC Veterinary Advisory Committee;
 - (e) Whether legitimate, recognized therapeutic alternatives exist,
 - (f) The current RCI Classification of the drug, and;

(g) Whether there are Multiple Medication Violations in accordance with the ARCI-011-0020 Medications and Prohibited Substances Penalties for Multiple Medication Violations (MMV), from the Association of Racing Commissioners International (provided below).

PENALTY GUIDELINE LISTING

The penalty categories “A”, “B” and “C” and their related schedules for Trainers and Owners are shown in the following tables.

The following are recommended penalties for violations due to the presence of a drug carrying a Category “A” penalty and for violations of ARCI-011-015: Prohibited Practices:

LICENSED TRAINER:		
1st offense	2nd LIFETIME offense in any jurisdiction	3rd LIFETIME offense in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum one-year suspension absent mitigating Circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p align="center">and</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two). <p>and</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. <p align="center">and</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% of purse (greater of the two). <p align="center">and</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period. <p align="center">and</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two). <p align="center">and</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		

1st offense	2nd LIFETIME offense in owner's stable in any jurisdiction	3rd LIFETIME offense in owner's stable in any jurisdiction
<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse and \$50,000 fine. <p>AND</p> <ul style="list-style-type: none"> ◦ Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.
horse		
1st offense	2nd LIFETIME offense in owner's stable in any jurisdiction	3rd LIFETIME offense in owner's stable in any jurisdiction
<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 120 days and must pass a Commission-approved examination before becoming eligible to be entered. 	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 180 days and must pass a Commission-approved examination before becoming eligible to be entered.

PENALTY GUIDELINE LISTING

The following are recommended penalties for violations due to the presence of a drug carrying Category “B” penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020 E.(1)(c) and for violations of the established levels for total carbon dioxide. Except for those violations specified in 5.441(2)(a):*

LICENSED TRAINER:		
1st offense	2nd offense (365-day period) in any jurisdiction	3rd offense (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$1,000. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug is detected.</p>	<ul style="list-style-type: none"> ◦ Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$2,500. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug is detected.</p>	<ul style="list-style-type: none"> ◦ Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% of purse (greater of the two). <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug is detected.</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		

1st offense	2nd offense in stable (365-day period) in any jurisdiction	3rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse. 	<ul style="list-style-type: none"> ◦ Loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.

HORSE:

1st offense	2nd offense in stable (365-day period) in any jurisdiction	3rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian’s list for 45 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs, will require a horse to be placed on the Veterinarian’s list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian’s list for 60 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs, will require a horse to be placed on the Veterinarian’s list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<ul style="list-style-type: none"> ◦ Disqualification. <p style="text-align: center;">AND</p> <ul style="list-style-type: none"> ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian’s list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered. <p>*Prohibited use of Nerve blocking drugs, will require a horse to be placed on the Veterinarian’s list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>

~~PROPOSED AMENDMENT TO 5.441 CATEGORY C CHART~~

The following are recommended penalties for violations due to the presence of a drug carrying a Category “C” penalty and overages for permitted NSAIDs and furoseimide: (All concentrations are for measurements in serum or plasma.)

LICENSED TRAINER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furoseimide (>100 ng/ml) and no furoseimide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Minimum fine of \$250 absent mitigating circumstances.	Minimum fine of \$1000 absent mitigating circumstances.
2 nd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 absent mitigating circumstances.	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances.
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances.	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances.
LICENSED OWNER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furoseimide (>100 ng/ml) and no furoseimide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Horse must pass commission-approved examination before being eligible to run.	Loss of purse. Horse must pass Commission-approved examination before being eligible to run.
2 nd Offense (365-day period) in any jurisdiction	Loss of purse. If same horse, placed on Veterinarian’s list for 45 days, and then must pass Commission-approved examination before being eligible to run.	Loss of purse. If same horse, placed on Veterinarian’s list for 45 days, must pass Commission-approved examination before being eligible to run.
3 rd Offense (365-day period) in	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian’s list for 60 days, and	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian’s list for 60 days, must

any jurisdiction	then must pass Commission-approved examination before being eligible to run.	pass Commission-approved examination before being eligible to run.
HORSE	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1st Offense (365-day period) in any jurisdiction	In accordance with CRCR 5.612, horse required to pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, horse will be placed on Veterinarian's list for 30 days, and then must pass Commission-approved examination before being
2nd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.
3rd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.

*If the trainer has not had more than one violation within the previous two years, the Stewards/Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml, absent of aggravating factors. After a two year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0 – 5.0 category will be expunged from the licensee's record for penalty purposes.

Penalties

Multiple Medication Violations (MMV)

(H) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the ARCI Uniform Classification for Foreign Substances shall be assigned points based upon the medication's penalty guideline as follows:

Penalty Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A1	N/A	6
Class B	2	4
Class C	1	2
Class D	½	2

- (i) The points assigned to a medication violation shall be included in the Stewards' or Commission Ruling. Such Ruling shall be included in the ARCI official database and the ARCI shall assign points consistent with section (A) for advisory purposes for medication violations where points have not been assigned by regulatory action. Points assigned by such regulatory ruling or by the ARCI shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they shall thereafter constitute a single violation. Points will be assessed after a ruling is rendered, and penalty enhancement shall be applied to future violations. The Stewards' or Commission Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.
- (j) A trainer's cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer's official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.

- (k) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation.
- (l) The official ARCI record shall constitute prima facie evidence of a trainer's past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a licensed trainer the right to appeal a violation for which all remedies have been exhausted or for which the appeal time has expired as provided by applicable law.
- (m) The Stewards or Commission shall include all points for violations in all racing jurisdictions as contained in the trainer's official ARCI record when determining whether the mandatory enhancements provided in this regulation shall be imposed.
- (n) In addition to the penalty for the underlying offense, the following enhancements shall be imposed upon a licensed trainer based upon the cumulative points contained in his/her official ARCI record:

Points	Suspension in days
3-5.5	30
6-8.5	60
9-10.5	180
11 or more	360

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

- (i) Has more than one violation for the relevant time period, and
- (ii) Exceeds the permissible number of points.

(h) The suspension periods as provided above, shall run consecutive to any suspension imposed for the underlying offense.

(i) The Stewards' or Commission Ruling shall distinguish between the penalty for the underlying offense and the enhancement based upon the trainer's cumulative points.

(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 as follows:

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

- (6) The recommended penalty for a violation involving a drug that carries a Category "D" penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspensions.
- (7) On Multiple Medication Violation (MMV) offenses, the Division, Board of Stewards, and Hearing Officer shall consider points given in all other States, regardless of whether they have formally adopted the ARCI-001-020 Medications and Prohibited Substances Penalty Chart for Multiple Medication Violations (MMV). The Division shall consider all cumulative points, and such enhanced penalty shall run consecutive to the Colorado penalty assessment.
- (8) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.

- (9) The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.
- (10) Any veterinarian found to be involved in the administration of any drug carrying the penalty category of "A" shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the Stewards or the Commission.
- (11) Any person who the Stewards or the Commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the Stewards or the Commission in no way prohibits a prosecution for criminal acts committed.

A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

The Commission hereby cites the following sources:

(1) Version ~~8.00 December 2014~~ **10.0 JULY 2015** of the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances; by the Association of Racing Commissioners International, 1510 Newtown Pike, Suite 210, Lexington, Kentucky, USA 40511. This rule does not include any later Amendments or Editions of the *ARCI Uniform Classification Guidelines for Foreign Substances*

Certified copies of the complete text of the referenced materials are maintained at the Colorado Department of Revenue Division of Racing Events, 1881 Pierce Street, Room 108, Lakewood Colorado 80214-1494, and may be inspected at that address during normal business hours. Certified copies shall be provided at requestors cost.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #5.502

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to correct improper capitalization of some words. Also, to remove greyhound references.

CURRENT RULE

The trainer shall be responsible for and the absolute insurer of the condition of the animals entered for his or her kennel/stable regardless of the acts of third parties except as provided in these rules. If the chemical analysis of a sample indicates the presence of an unauthorized drug or medication regardless of the effect on the racing condition or the performance of an animal in a race, the trainer of the animal and any other person shown to have care or attendance of the animal or shown to have administered or conspired to have administered the drug are subject to disciplinary action. The owner of the animal shall not participate in the purse distribution of that race, a redistribution of that purse shall be ordered, and the animal shall be declared unplaced for every purpose except for pari-mutuel wagering and the grading system as it pertains to greyhound racing. "Unplaced for every purpose" means any placement based upon the race would be declared invalid and the purse or prize for any such race would be returned. "Unplaced for every purpose" includes, but is not limited to, any placement, purses or prizes that an owner may have earned in subsequent RACES, FOR which the horse would not have been QUALIFIED DUE to the presence of an unauthorized medication found in a previous race. A trophy received by the owner of the animal shall be returned.

PROPOSED AMENDMENT

The trainer shall be responsible for and the absolute insurer of the condition of the animals entered for his or her ~~kennel~~/stable regardless of the acts of third parties except as provided in these rules. If the chemical analysis of a sample indicates the presence of an unauthorized drug or medication regardless of the effect on the racing condition or the performance of ~~an animal~~ A HORSE in a race, the trainer of the ~~animal~~ HORSE and any other person shown to have care or attendance of the ~~animal~~ HORSE or shown to have administered or conspired to have administered the drug are subject to disciplinary action. The owner of the ~~animal~~ HORSE shall not participate in the purse distribution of that race, a redistribution of that purse shall be ordered, and the ~~animal~~ HORSE shall be declared unplaced for every purpose except for pari-mutuel

wagering and the grading system as it pertains to greyhound racing. “Unplaced for every purpose” means any placement based upon the race would be declared invalid and the purse or prize for any such race would be returned. “Unplaced for every purpose” includes, but is not limited to, any placement, purses or prizes that an owner may have earned in subsequent RACES, FOR races, for which the horse would not have been QUALIFIED DUE qualified due to the presence of an unauthorized medication found in a previous race. A trophy received by the owner of the animal HORSE shall be returned.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #6.122

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to clarify the intent of the Commission in enacting the Summary Suspension rule.

CURRENT RULE

The Board or a hearing officer has authority to summarily suspend a licensee for fourteen (14) days or less without holding a hearing, where the Board or hearing officer has reasonable cause to believe and makes a finding that the licensee has been guilty of a deliberate or willful violation or that the public health, safety or welfare imperatively requires the emergency action, incorporates the findings in their order, and promptly institutes disciplinary proceedings.

PROPOSED AMENDMENT

The Board or a hearing officer has authority to summarily suspend a licensee ~~for fourteen (14) days or less without holding a hearing,~~ where the Board or hearing officer has reasonable cause to believe and makes a finding **UPON FULL INVESTIGATION** that the licensee has ~~been guilty of~~ a **ENGAGED IN** deliberate or willful violation or that the public health, safety or welfare imperatively requires the emergency action, incorporates the findings in their order, and promptly institutes disciplinary proceedings. **FOR PURPOSES OF THIS RULE, “FULL INVESTIGATION” MEANS A REASONABLE ASCERTAINMENT OF THE UNDERLYING FACTS ON WHICH THE SUMMARY SUSPENSION IS BASED.**

IF THE BOARD OR HEARING OFFICER SUMMARILY SUSPENDS A LICENSEE, THE BOARD OR HEARING OFFICER SHALL SET A HEARING TO BE HELD WITHIN FOURTEEN (14) DAYS OF THE SUMMARY SUSPENSION. THE LICENSEE MAY REQUEST A CONTINUANCE OF THE HEARING, HOWEVER NO SUMMARY SUSPENSION IMPOSED UNDER THIS RULE SHALL BE LIFTED UNTIL A HEARING IS HELD OR UNTIL THE CASE IS DISMISSED.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #6.202

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To remove greyhound references and update rule to reflect changes in the article 12 of title 60, C.R.S. Also, to align the rule's language to Attorney General's Office request.

CURRENT RULE

All protests must be filed not later than one (1) hour before post time. Protests must be made to the Board in writing and signed by the complainant. The written protest must include the grounds of the protest. However, the Board may scratch an ineligible greyhound, horse or remove a jockey at any time.

PROPOSED AMENDMENT

All protests ~~must~~ **SHALL** be filed not later than one (1) hour before post time. Protests ~~must~~ **SHALL** be made to the Board in writing and signed by the complainant. The written protest must include the grounds of the protest. However, the Board may scratch an ineligible ~~greyhound~~, horse or remove a jockey at any time.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.207

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to update furosemide (Lasix) standards in this jurisdiction.

CURRENT RULE

At the time of a horse's first entry for the current race meet any person authorized to enter a horse shall be responsible to enter the horse with the correct weight and with all of the horse's medications, pursuant to Colorado Racing Commission Rules concerning authorized medications, and all of the published equipment to be used for the current race meet. Any changes in medication or equipment from the horse's first entry for the current race meet shall be the responsibility of any person authorized to enter a horse and must be approved by the stewards, the Division veterinarian or a racing official designee.

PROPOSED AMENDMENT

At the time of a horse's ~~first entry for the current race meet~~ any person authorized to enter a horse shall be responsible to enter the horse with the correct weight and with all of the horse's medications, pursuant to Colorado Racing Commission Rules concerning authorized medications, and all of the published equipment to be used ~~for the current race meet~~. Any changes in medication or equipment ~~from the horse's first entry for the current race meet~~ shall be the responsibility of any person authorized to enter a horse and must be **INCLUDED ON THE ENTRY CARD. HORSES THAT HAVE CHANGES TO MEDICATION PURSUANT TO RULE 5.324 SHALL BE** approved by ~~the stewards, the Division veterinarian or a racing official designee~~.

THE RACING SECRETARY SHALL BE RESPONSIBLE FOR ENSURING THAT ALL CHANGES HAVE BEEN PUBLISHED IN THE DAILY RACING PROGRAM.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.411

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To protect the health, safety and welfare of horses that have been scratched.

PROPOSED RULE

IF A HORSE IS SCRATCHED FOR FAILURE TO FULFILL AN ENTRY, FOR ANY REASON, THE HORSE SHALL BE INELIGIBLE FOR ANY RACES THE SAME RACE WEEK, INELIGIBLE FOR ENTRY IN THE NEXT RACE WEEK AND PLACED ON THE STEWARDS' LIST.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.602

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To repeal rule to allow trainers greater control over their horse's use of blinkers.

CURRENT RULE

Before a horse can race in blinkers it must work out with blinkers to the starter's satisfaction. Once racing with blinkers it must work out to the starter's satisfaction without blinkers before it is permitted to race without them. The public shall be notified of any change in the use of blinkers.

PROPOSED AMENDMENT

~~Before a horse can race in blinkers it must work out with blinkers to the starter's satisfaction. Once racing with blinkers it must work out to the starter's satisfaction without blinkers before it is permitted to race without them. The public shall be notified of any change in the use of blinkers.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.606

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To repeal rule to allow trainers greater control over their horse's use of blinkers or their jockey's use of a whip.

CURRENT RULE

Whips and/or blinkers may be used on two-year olds and other first time starters if they are schooled before the starter with that equipment, and approved by the starter and the stewards, before time of entry.

PROPOSED AMENDMENT

~~Whips and/or blinkers may be used on two-year olds and other first time starters if they are schooled before the starter with that equipment, and approved by the starter and the stewards, before time of entry.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.510

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To clarify differences between objections and protests under the meaning of the rules.

PROPOSED RULE

**CLAIM OF A WEIGHT ALLOWANCE TO WHICH A HORSE IS NOT ENTITLED
WILL NOT DISQUALIFY SAID HORSE UNLESS A TIMELY PROTEST AS
REQUIRED BY RULE 6.202 IS MADE IN WRITING AND LODGED WITH THE
STEWARDS AT LEAST SIXTY (60) MINUTES BEFORE POST TIME OF THE RACE
IN QUESTION.**

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #7.633

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To repeal a rule that is no longer in the ARCI model rules and/or enforced by the stewards.

CURRENT RULE

A jockey or apprentice jockey shall maintain a minimum body fat content of not less than 5.0% of total body mass. Every jockey or apprentice jockey engaged to ride shall report to the scale room at the time required and shall have their body fat content measured by the clerk of scales on a body fat scale. A jockey or apprentice jockey whose body fat measures below 5.0% but greater than 4.0% of total body mass shall be placed on warning by the stewards, and shall be suspended from riding if this minimum standard of 5.0% is not met within three (3) calendar days of the warning. A jockey or apprentice jockey whose body fat content measures below 4.0% of total body mass shall be disqualified from riding in any race until such time as the jockey's or apprentice jockey's body mass measures 5.0% or greater. Compliance with this rule is optional for any jockey or apprentice jockey licensed in the United States before December 31, 2003.

PROPOSED AMENDMENT

~~A jockey or apprentice jockey shall maintain a minimum body fat content of not less than 5.0% of total body mass. Every jockey or apprentice jockey engaged to ride shall report to the scale room at the time required and shall have their body fat content measured by the clerk of scales on a body fat scale. A jockey or apprentice jockey whose body fat measures below 5.0% but greater than 4.0% of total body mass shall be placed on warning by the stewards, and shall be suspended from riding if this minimum standard of 5.0% is not met within three (3) calendar days of the warning. A jockey or apprentice jockey whose body fat content measures below 4.0% of total body mass shall be disqualified from riding in any race until such time as the jockey's or apprentice jockey's body mass measures 5.0% or greater. Compliance with this rule is optional for any jockey or apprentice jockey licensed in the United States before December 31, 2003.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #8.101

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To amend the rule to give a claimant for a horse from a claiming race the ability to request that the horse to be claimed be tested for prohibited substances, prior to the transfer being effective.

CURRENT RULE

Title to a claimed horse shall be vested in the successful claimant from the time the horse steps onto the racetrack for its designated race and the successful claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race, or after it.

PROPOSED AMENDMENT

Subject to Rule 8.109, title to a claimed horse vests in the successful claimant from the time the horse steps onto the racetrack for its ~~its~~ **ITS** designated race and the successful claimant is the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race, or after it. **AT THE TIME OF FILING THE CLAIM FORM CLAIMANTS MAY ON THE DESIGNATED CLAIM FORM REQUEST A POST-RACE TEST OF THE CLAIMED HORSE FOR PROHIBITED SUBSTANCES PER CRC GUIDELINES.**

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #8.109

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To outline the procedure available to horsemen for post-race testing of claimed horses.

PROPOSED RULE

IN THE EVENT A REQUEST IS MADE FOR A POST-RACE TEST, THE CLAIMED HORSE SHALL BE TAKEN TO THE TEST BARN IMMEDIATELY AFTER THE RACE, A BLOOD SAMPLE SHALL BE DRAWN BY THE COMMISSION VETERINARIAN, AND THE SAMPLE SUBMITTED TO THE COMMISSION'S PRIMARY TESTING LABORATORY.

THE SUCCESSFUL CLAIMANT SHALL BE RESPONSIBLE FOR PAYING THE COST FOR THE TEST. THE HORSE SHALL NOT BE TESTED UNLESS PAYMENT ACCOMPANIES THE CLAIM CARD AND THE REQUEST FOR POST-RACE TESTING IS CLEARLY MARKED ON THE CLAIM CARD.

THE SUCCESSFUL CLAIMANT SHALL HAVE THE RIGHT TO VOID THE CLAIM IF THE POST-RACE TEST IS POSITIVE FOR A PROHIBITED SUBSTANCE. IN THE EVENT OF A POSITIVE TEST, THE ORIGINAL TRAINER OF THE HORSE MAY BE SUBJECT TO DISCIPLINARY ACTION.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #8.208

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To address options available to horsemen for the post-race testing of claimed horses, and to clarify that the horse is ineligible to be drawn pending the outcome of the test.

PROPOSED RULE

THE SUCCESSFUL CLAIMANT SHALL HAVE FORTY-EIGHT (48) HOURS TO EXERCISE HIS OR HER RIGHT TO VOID THE CLAIM FOLLOWING A POSITIVE TEST.

THE SUCCESSFUL CLAIMANT SHALL BE RESPONSIBLE FOR ALL EXPENSES FOR THE CARE AND MAINTENANCE OF THE HORSE FROM THE TIME THE HORSE IS TRANSFERRED TO THE CLAIMANT UNTIL THE TIME THE HORSE IS RETURNED TO THE PRIOR OWNER FOLLOWING AVOIDANCE OF THE CLAIM. FURTHER, THE HORSE SHALL BE DESIGNATED AS INELIGIBLE TO BE DRAWN UNTIL THE TEST RESULTS ARE RETURNED.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #9.410

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To remove greyhound racing references and update rule to reflect changes in the article 12 of title 60, C.R.S.

CURRENT RULE

At least once a year, during its regularly scheduled meeting, the Commission shall entertain requests for distribution of the monies deposited in the purse trust fund pursuant to sections 12-60-701 (2)(a)(II)(B) and 12-60-702 (1)(e)(II) C.R.S, using the following guidelines for distribution:

:1 – At the request of the licensed association scheduled to conduct a live greyhound race meet in the upcoming year, the Commission may direct all monies to remain in trust to be paid as purses for that meet; or

:2 – If there is no live greyhound racing or no request is made and granted by the Commission that the money stay in escrow for purses, the Commission may accept requests for reimbursement. Requests shall be filed with the division 30 days prior to the scheduled meeting. The division director shall review all requests and forward those requests that meet all requirements to the Commission, with a recommendation for disbursement based on funds available at the time and best use of the funds for overall greyhound welfare. All requests must be from: greyhound welfare and adoption organizations. In order to request reimbursement, the entity or organization must meet the following:

A: - Must be a licensee in good standing and subject to all the rules and regulations of the Commission, and

B: - Must be on a form approved by the Commission, and

C: - Must be an entity or organization that does not act in the opposition of greyhound racing.

PROPOSED AMENDMENT

At least once a year, during its regularly scheduled meeting, the Commission shall entertain requests for distribution of the monies deposited in the purse trust fund pursuant to sections 12-60-701 (2)(a)(II)(B) and 12-60-702 (1)(e)(II) C.R.S., ~~using the following guidelines for distribution:~~

~~:1— At the request of the licensed association scheduled to conduct a live greyhound race meet in the upcoming year, the Commission may direct all monies to remain in trust to be paid as purses for that meet; or .~~

~~:2— If there is no live greyhound racing or no request is made and granted by the Commission that the money stay in escrow for purses, the~~ THE Commission may accept requests for reimbursement. Requests shall be filed with the division 30 days prior to the scheduled meeting. The division director shall review all requests and forward those requests that meet all requirements to the Commission, with a recommendation for disbursement based on funds available at the time and best use of the funds for overall greyhound welfare. All requests must be from: greyhound welfare and adoption organizations. In order to request reimbursement, the entity or organization must meet the following:

A: - Must be a licensee in good standing and subject to all the rules and regulations of the Commission, and

B: - Must be on a form approved by the Commission, and

C: - Must be an entity or organization that does not act in the opposition of greyhound racing.

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #11.226

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To repeal a rule pertaining to greyhound racing, due to the prohibition of live greyhound meets in Colorado by § 12-60-604, C.R.S.

CURRENT RULE

Each association must provide the Division a copy of their current condition sheet at least twenty (20) days prior to the opening of their greyhound live race meet. After the start of a greyhound live race meet, any alteration of a provision listed in the association's condition sheet must be approved by the Division. A condition sheet shall contain but not be limited to the following information relating to the individual track's requirements concerning race matters - unofficial schooling, official schooling, grading and qualifying rules, maiden entries, papers turned in and exchange policy, bertillons, purse information and point system, weekly racing schedule, weights, judges' schooling comments and bad lines.

PROPOSED AMENDMENT

~~Each association must provide the Division a copy of their current condition sheet at least twenty (20) days prior to the opening of their greyhound live race meet. After the start of a greyhound live race meet, any alteration of a provision listed in the association's condition sheet must be approved by the Division. A condition sheet shall contain but not be limited to the following information relating to the individual track's requirements concerning race matters - unofficial schooling, official schooling, grading and qualifying rules, maiden entries, papers turned in and exchange policy, bertillons, purse information and point system, weekly racing schedule, weights, judges' schooling comments and bad lines.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #11.558

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To remove greyhound racing references and to update rule to reflect changes in the article 12 of title 60, C.R.S. Also, to delete an obsolete provision of rule pertaining to remedial repairs and improvements to out-of-compliance kenneling buildings.

CURRENT RULE

All kennel facilities under the jurisdiction of the Division and Commission shall be subjected to inspections by representatives of the Division/ Commission. Failure to permit inspection may result in administrative license sanctions including fines, license suspension or revocation.

Kennel Standards

:1 - The purpose of the kennel facility standards is to provide minimum guidelines to ensure the health, safety, and general well-being for the racing greyhound.

:2 - Housing facilities must be designed and constructed so that they are structurally sound, kept in good repair and protect the animals housed in such facilities from injury. The association and/or public housing kennel facilities, which shall mean any facility where other greyhounds besides those owned or trained by the owner of the facility are kenneled, must include the following, unless otherwise approved in advance by the Commission. These standards will also apply to a kennel located on a farm housing racing greyhounds whether or not these racing greyhounds are currently active.

- a) Locks to protect against illegal entry into a kennel including those for medicine cabinets and grain storage areas. When kennels are unattended by authorized personnel, all doors must be locked, including medicine cabinets and food refrigerators.
- b) Climate control system to regulate temperature between 68 degrees and 85 degrees.
 1. Each building in addition shall have windows that can be opened with screens and screen doors.

- c) A trainer must thoroughly inspect the housing kennels before leaving the kennel and immediately upon return to determine if unauthorized persons have entered the kennel.
- d) Before a trainer uses run-out pens these pens must be inspected for any foreign matter or for any signs of unauthorized entry.
- e) Should an unauthorized entry into a kennel be detected, a report of the entry shall immediately be made to the Division so that an investigation may be initiated and samples may be taken from all greyhounds before they are permitted to race.
- f) Housing kennel areas must be equipped with sufficient lighting.
 - 1. Electrical outlets with coverplates, electrical wiring and lights shall be recessed into the walls or surrounding structures or otherwise to protect against damage by or to the greyhound.
 - 2. Electrical devices in use shall be connected directly to an electrical outlet and/ or one device connected to an extension cord placed not more than 50 feet long.
- g) All outer perimeter fences for kennels and open exercise areas constructed or reconstructed after July 1, 1998 shall be a minimum of 5' high. All run-out pens, enclosure gates and open exercise area gates are to be fitted with ample locking devices. All run-out pen fences shall be a minimum of 5' high. Materials used for fencing shall be such that the health and safety of the greyhounds are not endangered. Fences must be maintained in satisfactory repair. Fences must have Division approval with regard to the standards set forth in these Rules.
 - 1. Each kennel building shall have adequate turnout pens a minimum of 1000 square feet with interconnecting gates.
 - 2. Each turnout pen shall have a minimum of three (3) to four (4) inches of sand with a base that has been routinely aerated to provide an adequate drainage system to minimize areas of standing water.
 - 3. Each turn out pen must have a gate a minimum of 36 inches wide for easy access to conduct maintenance routines.
 - 4. Kennels and immediate surrounding area shall be free of sharp or protruding objects and kept clean and reasonably uncluttered at all times. All manure must be picked up and removed from the kennel area daily. Manure buckets must have lids, and the lids kept over manure buckets except when in use.

- h) Floors impervious to moisture and easily cleanable waterproof walls high enough to clean around the crates and kitchens with splashguards.
- i) Partitioned kitchens and crate areas with hot and cold running water and easily accessible outside water faucets.
- j) All housing kennels must have at least two (2) fire extinguishers, which are in working order. In addition, temperature detectors, and alarm with outside warning lights must be attached to each building.
- k) Maximum of 60 crates in each kennel building with crates located on the ground level if possible.
 - 1. Crates should be constructed of metal or fiberglass with removable wood floors and castors, for easier moving to clean under and behind such structures.
 - 2. Minimum crate dimensions shall be 29 inches by 40 inches by 29 inches.
 - 3. Only one greyhound per inside crate will be allowed.
- l) Food and bedding storage shall be in a manner that protects from spoilage, contamination and vermin infestation.
 - 1. The food and bedding supplies must be stored off the floor and away from walls for easy cleaning around the area.
 - 2. Food requiring refrigeration must be stored accordingly to prevent contamination and deterioration.
 - 3. All open food and bedding supplies must be kept in leak proof containers.
- m) All openings must be screened with ordinary fly screen and covered with mesh wire.

- n) Each kennel building not in compliance as of January 1, 2002, shall submit a plan to the Division that will bring the facility into compliance by December 31, 2004. Said plan must include an equal work plan for each successive year.

PROPOSED AMENDMENT

All kennel facilities under the jurisdiction of the Division and Commission shall be subjected to inspections by representatives of the Division/ Commission. Failure to permit inspection may result in administrative license sanctions including fines, license suspension or revocation.

Kennel Standards

:1 - The purpose of the kennel facility standards is to provide minimum guidelines to ensure the health, safety, and general well-being for the racing greyhound.

:2 - Housing facilities must be designed and constructed so that they are structurally sound, kept in good repair and protect the animals housed in such facilities from injury. The association and/or public housing kennel facilities, which shall mean any facility where other greyhounds besides those owned or trained by the owner of the facility are kenneled, must include the following, unless otherwise approved in advance by the Commission. These standards will also apply to a kennel located on a farm housing racing greyhounds whether or not these racing greyhounds are currently active.

- a) Locks to protect against illegal entry into a kennel including those for medicine cabinets and grain storage areas. When kennels are unattended by authorized personnel, all doors must be locked, including medicine cabinets and food refrigerators.
- b) Climate control system to regulate temperature between 68 degrees and 85 degrees.
 - 1. Each building in addition shall have windows that can be opened with screens and screen doors.
- c) A trainer must thoroughly inspect the housing kennels before leaving the kennel and immediately upon return to determine if unauthorized persons have entered the kennel.
- d) Before a trainer uses run-out pens these pens must be inspected for any foreign matter or for any signs of unauthorized entry.
- e) Should an unauthorized entry into a kennel be detected, a report of the entry shall immediately be made to the Division so that an investigation may be initiated and samples may be taken from all greyhounds ~~before they are permitted to race.~~

- f) Housing kennel areas must be equipped with sufficient lighting.
 - 1. Electrical outlets with coverplates, electrical wiring and lights shall be recessed into the walls or surrounding structures or otherwise to protect against damage by or to the greyhound.
 - 2. Electrical devices in use shall be connected directly to an electrical outlet and/ or one device connected to an extension cord placed not more than 50 feet long.

- g) All outer perimeter fences for kennels and open exercise areas constructed or reconstructed after July 1, 1998 shall be a minimum of 5' high. All run-out pens, enclosure gates and open exercise area gates are to be fitted with ample locking devices. All run-out pen fences shall be a minimum of 5' high. Materials used for fencing shall be such that the health and safety of the greyhounds are not endangered. Fences must be maintained in satisfactory repair. Fences must have Division approval with regard to the standards set forth in these Rules.
 - 1. Each kennel building shall have adequate turnout pens a minimum of 1000 square feet with interconnecting gates.
 - 2. Each turnout pen shall have a minimum of three (3) to four (4) inches of sand with a base that has been routinely aerated to provide an adequate drainage system to minimize areas of standing water.
 - 3. Each turn out pen must have a gate a minimum of 36 inches wide for easy access to conduct maintenance routines.
 - 4. Kennels and immediate surrounding area shall be free of sharp or protruding objects and kept clean and reasonably uncluttered at all times. All manure must be picked up and removed from the kennel area daily. Manure buckets must have lids, and the lids kept over manure buckets except when in use.

- h) Floors impervious to moisture and easily cleanable waterproof walls high enough to clean around the crates and kitchens with splashguards.

- i) Partitioned kitchens and crate areas with hot and cold running water and easily accessible outside water faucets.

- j) All housing kennels must have at least two (2) fire extinguishers, which are in working order. In addition, temperature detectors, and alarm with outside warning lights must be attached to each building.

k) Maximum of 60 crates in each kennel building with crates located on the ground level if possible.

1. Crates should be constructed of metal or fiberglass with removable wood floors and castors, for easier moving to clean under and behind such structures.
2. Minimum crate dimensions shall be 29 inches by 40 inches by 29 inches.
3. Only one greyhound per inside crate will be allowed.

l) Food and bedding storage shall be in a manner that protects from spoilage, contamination and vermin infestation.

1. The food and bedding supplies must be stored off the floor and away from walls for easy cleaning around the area.
2. Food requiring refrigeration must be stored accordingly to prevent contamination and deterioration.
3. All open food and bedding supplies must be kept in leak proof containers.

m) All openings must be screened with ordinary fly screen and covered with mesh wire.

~~n) Each kennel building not in compliance as of January 1, 2002, shall submit a plan to the Division that will bring the facility into compliance by December 31, 2004. Said plan must include an equal work plan for each successive year.~~

**Statement of Authority, Basis, and Purpose
of Amendment of Regulation**

1 CCR 208-1

Rule #12.320

Statutory Authority:

Section 12-60-201(1), C.R.S., Section 12-60-501, C.R.S., Section 12-60-505(1).

Basis and Purpose:

To remove greyhound racing references and update rule to reflect changes in the article 12 of title 60, C.R.S.

CURRENT RULE

The means of obtaining consent for the location of additional wagering facilities within fifty (50) miles of any class b horse track or greyhound track operated by another licensee, which has held, within the previous twelve (12) months, or is licensed and scheduled to hold within the next twelve (12) months, a qualifying race meet, shall be as follows:

- :1 - Such consent shall be reduced to writing and authorized by the appropriate management of the racetrack;
- :2 - Such consent shall be filed with the Commission, and shall state the expiration date of the consent given;
- :3 - Such consent shall remain valid as to the successor owners for the period of time stated in the consent.

PROPOSED AMENDMENT

The means of obtaining consent for the location of additional wagering facilities within fifty (50) miles of any class b horse track ~~or greyhound track~~ operated by another licensee, which has held, within the previous twelve (12) months, or is licensed and scheduled to hold within the next twelve (12) months, a qualifying race meet, shall be as follows:

- :1 - Such consent shall be reduced to writing and authorized by the appropriate management of the racetrack;
- :2 - Such consent shall be filed with the Commission, and shall state the expiration date of the consent given;

:3 - Such consent shall remain valid as to the successor owners for the period of time stated in the consent.